

IN THE MATTER OF
THOMAS HINKEY - PETITIONER
FOR THE PROPERTY LOCATED AT
629 PLYMOUTH ROAD

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 21-270-SPH

* * * * *

OPINION

This matter comes before the County Board of Appeals on a limited appeal of an Opinion and Order of the Administrative Law Judge dated December 17, 2021 granting special hearing relief for a non-conforming use of 629 Plymouth Road (the "Property") as six (6) dwelling units, subject to conditions.

The Petitioner, through its agent and real estate broker Benedict Frederick, III, appealed the imposition of the third condition in the Opinion and Order, which requires tenants of the Property to park in the garage attached to the rear of the building and not park on the public street.

A virtual public hearing was held on June 2, 2022. In addition to Mr. Frederick, attendees included Thomas Hinkey, Petitioner and former owner, and neighbors David Beall and Steven Stormont.

Mr. Frederick presented Petitioner's case, asserting that the use, first established in 1925, is a valid non-conforming use predating zoning in Baltimore County is not subject to the parking requirements of the Section 409 of the Baltimore County Zoning Regulations; in the alternative, if those regulations were deemed to apply, the Board should permit the existing parking arrangement under BCZR §409.12.B as a modified parking plan. Mr. Frederick also testified that the condition – requiring tenants to do or not do something – was beyond the landlord's ability to enforce.

As part of his presentation, Mr. Frederick introduced a location survey and a garage parking plan. The survey showed that the garage portion of the building occupies the entire rear yard, and that the garage could at most accommodate four parking spaces.

Upon questions from the Board, Mr. Frederick testified that the garage spaces are not rented to any outside third parties. Mr. Frederick testified that since the filing of the Petition, the Property has otherwise been brought into compliance with current Baltimore County Code requirements to be lead paint free and licensed as rental property.

Neighbor David Beall, who resides at 637 Plymouth Road, inquired of Mr. Frederick whether the garage is being rented to parties who do not reside at the Property, which Mr. Frederick indicated it was not.

The original Petitioner, Thomas Hinkey testified in support. Upon questioning by the Board, Mr. Hinkey told the Board that although his family has owned the property since the early twentieth century, he is no longer in title. In fact, he sold the Property in January, 2022, to Eligio Velez, an investor, who did not attend the hearing before the Board.

Mr. Beall also testified to his concerns regarding parking and the use of the garage, namely that it not be used by non-tenants of the Property. Also testifying was Mr. Stormont, who resides at 632 Plymouth Road, who expressed his concerns about the scarcity of parking. Mr. Stormont told the Board that there are various housing types on Plymouth Road, including single family, duplex and some multi-family dwellings. There is parking on both sides of the street.

The Board held a public deliberation immediately following the hearing.

While the Board members were sympathetic to the neighbors' concerns, the members agreed that the condition imposed by the Administrative Law Judge ("ALJ"), while aspirational,

is unenforceable and could not be maintained. The Board expressed the view that the Property owner should encourage use of the garage by tenants and not allow others to park there.

The fact that Petitioner was not represented by counsel created factual and procedural issues which complicated the case in deliberation.

First, the appeal, while timely filed and received by Baltimore County, was directed to the State Office of Administrative Hearings on Gilroy Road.

The current owner was not a party to the proceedings and not disclosed to the Board, raising a question of his standing to pursue the appeal. The Board heard the matter by allowing Mr. Frederick to act in representative capacity for the current owner. The alternative was to dismiss the appeal for lack of standing and have the condition remain as ordered by the ALJ.¹

The parking issue was never addressed in the petition, nor was any relief from the BCZR parking requirements requested as it should have been. Off-street parking is a separate requirement under the regulations. The better and correct procedure and the one favored by the law would be to seek a variance from the parking requirements to permit the existing on-site parking in lieu of that required under current regulations.

The Board finds the condition regarding parking untenable and will affirm the decision of the ALJ, removing the third condition requiring tenants to park in the garage and not on the street.

¹ The Board discussed the issue of enforcement regarding parking. In the view of the Board, the area residents may be more successful by pursuing relief under BCC §18-2-402 to create an area where residential parking permits are required for on-street parking. Under that provision, there is an enforcement mechanism.

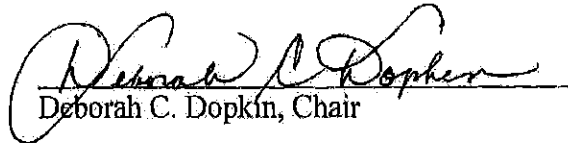
ORDER

THEREFORE, IT IS this 20th day of September, 2022, by the Board of Appeals for Baltimore County,

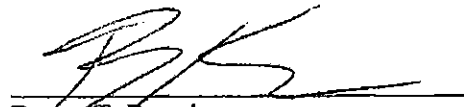
ORDERED, that the Petition for Special Hearing to continue to use the premises as six (6) dwelling units, two dwelling units on the first floor, two dwelling units on the second floor and two dwelling units on the third floor as a legal non-conforming use is hereby GRANTED, subject to the compliance by the Property Owner with the requirements of the Baltimore County Fire Prevention Code (County Council Bill No. 14-21), Baltimore County Code Article 35 Title 5 (Livability Code Subtitle 2 (Rental Housing), and Title 6 (Rental Housing Licenses).

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*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Deborah C. Dopkin, Chair


Adam T. Sampson


Bryan T. Pennington



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

September 20, 2022

Benedict J. Frederick III, CCIM
Ben Frederick Realty Inc.
3121 Saint Paul Street, Suite 26
Baltimore, Maryland 21218

RE: In the Matter of: *Thomas Hinkey – Petitioner*
Case No.: 21-270-SPH

Dear Mr. Frederick:

Enclosed please find a copy of the final Opinion and Order 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,

A handwritten signature in cursive script that reads "Sunny Cannington Hay".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Thomas Hinkey
David M. Beall
Steven Stormont
Office of People's Counsel
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

Address List

Petitioner/Appellant:

Thomas Hinkey
42 Dunvegan Road
Baltimore, MD 21228-3408
hinkey@verizon.net
Legal Owner

Benedict J. Frederick III, CCIM
Will A. Cannon III
Ben Frederick Realty Inc.
3121 Saint Paul Street, Suite 26
Baltimore, MD 21218
410-235-9500
ben@benfrederick.com
will@benfrederick.com

Protestant:

David M. Beall
637 Plymouth Road
Baltimore, MD 21229
410-707-0820
lilbic1964@gmailcom
lilbic0604@comcast.net

Steven Stormont
632 Plymouth Road
Baltimore, MD 21229

Interoffice:

Office of People's Counsel
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



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

March 4, 2022

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Thomas Hinkey – Legal Owner
629 Plymouth Road
21-270-SPH 1st Election District; 1st Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to continue to use the premises as 6 dwelling units, 2 units on the first floor, 2 units on the second floor, and 2 units on the third floor.

12/17/21 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, subject to conditions.

ASSIGNED FOR: JUNE 2, 2022, 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/departments/appeals 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

Notice of Assignment
In the matter of: Thomas Hinkey
Case number: 21-270-SPH
March 4, 2022
Page 2

c.	Representatives for Legal Owner	: Benedict J. Frederick, III, CCIM
		Ben Frederick Realty, Inc.
	Legal Owner/Petitioners, <i>pro se</i>	: Thomas Hinkey
	Protestants, <i>pro se</i>	: David Beall

Office of People's Counsel
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



JOHN A. OLSZEWSKI, JR.
County Executive

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

January 13, 2022

Thomas Hinkey – hinkey@verizon.net

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2021-0270-SPH
Property: 629 Plymouth Road



Dear Mr. Hinkey:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 12, 2022. 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,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Attachment

C: William A. Cannon, II – will@benfrederick.com
David M. Beall – lilbic0604@comcast.net
Board of Appeals
People's Counsel

APPEAL

Petition for Special Hearing

Case No.: 2021-00270-SPH

629 Plymouth Road

1st Election District, 1st Council District

Petition for Special Hearing –9/17/21

Zoning Description of Property (1 page)

Notice of Zoning Hearing – 11/17/2021

Certification of Publication – *The Daily Record* newspaper – 11/19/21

Certification of Posting by Linda O’Keefe – first posting 11/20/21 second posting 12/5/21

Entry of Appearance by People’s Counsel – 9/27/21

Attendance Report: (4 sheets)

Zoning Advisory Committee Comments: DOP 10/12/21; Fire Marshal 10/6/21, DEPS 9/28/21;
DPR 11/11/21

Petitioner’s Exhibits:

Exhibit A- Petition

Exhibit B - Location Survey

Exhibit C - Street Scene Photo

Exhibit D - Photo of Property Exhibit

E - Title History

Exhibit F - List of Other Multi-Family Properties on Plymouth Road

Exhibit G - Property Photos

Miscellaneous

Cover Letter and Administrative Law Judge’s Opinion and Order – December 17, 2021
(GRANTED WITH CONDITIONS)

Notice of Appeal & Check #10014 for \$300 - Received on January 12, 2022 –filed by Ben
Frederick Realty, Inc.

Cashier’s Receipt #203920 – \$300 fee for Special Hearing

Donna Mignon

From: Administrative Hearings
Sent: Thursday, January 13, 2022 7:45 AM
To: Will Cannon III
Cc: Debra Wiley; Donna Mignon
Subject: Case No: 2021-0270-SPH 629 Plymouth Road
Attachments: Appeal receipt - 2021-0270-SPH.pdf

Dear Mr. Cannon:

Please find a copy of your receipt and a date stamped copy of your letter in regard to the above.

The file will be now be prepared to be sent up to the Board of Appeals. You will receive a letter once the file has been prepared and sent up.

Thank you. Have a good day.

Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Monday, January 3, 2022 1:22 PM
To: 'will@benfrederick.com'
Cc: Debra Wiley
Subject: RE: Case No: 2021-0270-SPH - 629 Plymouth Road

Good Afternoon,

You would make the check payable to Baltimore County, Maryland.

In the letter, please direct it to the Office of Administrative Hearings, put the case number and property address on your letter, please state that you wish to appeal the opinion and order issued by Judge Mayhew.

Once we receive the check and letter, we will prepare the file to go up to the Board of Appeals. The Board of Appeals will then schedule this case before the Board. I am not sure how long it is taking the Board to hear the cases but you can contact them at 410-887-3180.

I hope this helps, if you have any other questions, please let me know. Have a good day.

From: will@benfrederick.com <will@benfrederick.com>
Sent: Monday, January 3, 2022 1:15 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: Case No: 2021-0270-SPH - 629 Plymouth Road

CAUTION: This message from will@benfrederick.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Donna,

Thanks for getting back to me regarding appeal process. I got your voicemail.

A couple of questions about the process:

Who is the check made out to?

Is there a form that is used to submit the request for an appeal?

If just a letter, what should the letter include?

Who are we appealing this to? Is it the same judge or a different court?

Thank you for your help!

Best,

Will

--

Will A. Cannon, III
Realtor® / Principal
Ben Frederick Realty, Inc.
3121 St. Paul St., Suite 26, Baltimore MD 21218
Mobile: 410-916-3331
Office: 410-235-9500

Ben Frederick III, CCIM, Broker, Maryland Real Estate Broker License #1566, direct line: 410-752-6400 http://secure-web.cisco.com/1FZ7Jdyd298ipNXnn5IY41Bb1_CxLXVJVgCLT69SpbFkxTcn6hoq8806gLZc4zc0tJpeQiTeEkhsjfAsriCazJzo_55V-krHs8xw_rpiyu8srkuc9qIWpN5ncz60h2x4lckfEFfsAeenNVP8RwyZQDDxI5zz1SQtatMZD_QWCNKRM_vGz9M5pFx65fhJmUzMJRS5SSF_exo43koLsOHpCNQNA1ZsGgxQZVmAltCcJqipmsAKLyDCKXthMBN65jBlXkZf8Er-Qwxoc78cBfpQ8vx_XibVlsYPRSlxMINcD7D2rWEocSgciwlzr4NuqJHEjxGg6rOJ4Xy94WloLaGEgrzowq_o48jZCmWBff8VjzzY3f3NPVt7xgME6UG11MZU4-EZtJ6WZC4WZ7zVbR7uyZ5_I0dyHclwjFXvN8Wikz008iFqNwh6UvB8svDzQ65JMnV0SWJ-LeOS4CcRZ3dRgw/http%3A%2F%2FBenFrederick.com
Video: "What others say about Ben Frederick"
<https://youtu.be/Tk3HoP6s5Ow>

From: Donna Mignon <dmignon@baltimorecountymd.gov>

Sent: Friday, December 17, 2021 2:10 PM

To: hinkey@verizon.net

Cc: will@benfrederick.com; lilbic0604@comcast.net; Debra Wiley <dwiley@baltimorecountymd.gov>; County Council <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>

Subject: Case No: 2021-0270-SPH - 629 Plymouth Road

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



[Get your COVID-19 vaccine today.](#)

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Friday, December 17, 2021 2:10 PM
To: 'hinkey@verizon.net'
Cc: 'will@benfrederick.com'; 'lilbic0604@comcast.net'; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; Jeffery Livingston (jlivingston@baltimorecountymd.gov); Jenifer G. Nugent; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2021-0270-SPH - 629 Plymouth Road
Attachments: 2021-0270-SPH.pdf

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(629 Plymouth Road)		
1 st Election District	*	OFFICE OF
1st Council District		
Thomas Hinkey	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No: 2021-0270-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by the Petitioner Thomas Hinkey for property located at 629 Plymouth Road. The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) § 500.7 to continue to use the premises as 6 (six) dwelling units, 2 (two) units on the first floor, 2 (two) units on the second floor and 2 (two) units on the third floor.

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.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) on October 12, 2021 and the Baltimore County Fire Marshal’s Office dated September 27, 2021, which they did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There were no interested citizens or protestants at the hearing. However, an email was received from one of the neighbors asking that the renters be required to use the garage on the property for parking due to the lack of parking on the street.

Mr. Hinkey appeared in support of the Petition along with Ben Frederick and Will A. Cannon, III of Ben Frederick Realty, brokers and real estate agents, who assisted the Petitioner.

ORDER RECEIVED FOR FILING
Date 12/17/21
By J. Mignon

There were no Protestants or interested citizens at the hearing.

The Property is 11,250 square feet and is zoned density residential (DR 5.5). A location survey dated August 15, 2021, shows a 3-story stucco and frame building with a macadam driveway, attached garage (approximately 1200 sq. ft.) and concrete walkways. (Pet. Ex. B). The building was built in 1927. Photographs of the building and the other homes along Plymouth Rd. were provided revealing fire escapes on either side of the building. (Pet. Exs. C, D, G). Mr. Cannon narrated photographs of the interior which showed 6 mailboxes in the lobby, original architectural details, vintage radiators and hardwood floors, dated block foundation walls, 7 electric meters, 7 gas meters, vintage pantries in each kitchen, and a basement incinerator which has been sealed and is no longer in use. (Pet. Ex. G).

Mr. Hinkey, who is 65 years old, testified that he grew up near the property and during high school used to cut the grass and perform other maintenances. He explained that his grandparents, Harry and Sarah Schneider, bought the Property in 1939, and that his family has owned it ever since and has continuously rented the six apartments out. He displayed a rental receipts ledger book from the 1950s. He testified that he and his wife have been managing the property for his mother, Catherine Hinkey, and that she passed away in 2017. He and his wife intend to sell the property and have already identified a buyer.

Mr. Cannon provided a chain of title showing the ownership of the Property has been in Mr. Kenney's family since 1939. (Pet. Ex. E). The family intends to sell the Property. However, the County has no record of the apartment use or building permits. The apartments have not been registered as rental units with Baltimore County. With this Petition, Mr. Hinkey is hoping to confirm the non-conforming use and thereafter properly inspect and register the apartments units with the County prior to sale.

ORDER RECEIVED FOR FILING
Date 12/17/21
By D Mignar

Importantly, Mr. Hinkey testified that the apartment building use has continued uninterruptedly and was not abandoned or discontinued for a period of one year or more. In fact, he stated that, other than typical lease vacancies, the Property has always been used as a 6 apartment building since it was constructed.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). A valid and lawful nonconforming use is established if the owner can demonstrate that *before and at the time* of the adoption of a new zoning classification/ordinance, the property was being used in a lawful manner that, by later legislation, became non-permitted. *Trip Assoc., Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 569 (2006).

In Baltimore County, the law regarding nonconforming uses is set forth in BCZR, §104.1, provides:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to

continue or resume such nonconforming use shall terminate.

The definition of non-conforming use in BCZR, §101.1 is:

NONCONFORMING USE — A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

The two questions to be resolved in this case are: (1) Whether or not the use of the Property existed prior to the inception of a zoning regulation prohibiting that use; and (2) If so, whether that use continued uninterruptedly and not abandoned or discontinued for a period of one year or more. As to the first, I find the date when the zoning regulation prohibited six (6) dwellings on a lot less than 1 acre in size was 1971, when the countywide zoning map reclassified the Property to DR 5.5. (Bill 100-70). Prior to 1971, there was no evidence that there was any prohibition on the use of the building as an apartment.

Based on the evidence presented, the building was constructed in 1927 and has been used as an apartment building since that time. I find that the photographs corroborate Mr. Hinkey's testimony that the building has continuously and uninterruptedly been used as an apartment building since at least since 1939 when his grandparents bought it, and I find that use has not been abandoned or discontinued for a period of 1 year or more. Specifically, the photographs confirm vintage fixtures such as 7 mailboxes, 7 gas meters and 7 electric meters; there is no need for the aforementioned fixtures if the building was not an apartment use.

Having met the burden of proof required for a non-conforming use, I find that the requested relief is within the spirit and intent of the BCZR and, with the conditions imposed below, will not harm the public health, safety, or welfare.

THEREFORE, ORDERED this 17th day of **December, 2021** by this Administrative Law Judge, that the Petition for Special Hearing to continue to use the premises as six (6) dwelling units, two (2) dwelling units on the first floor, two (2) dwelling units on the second floor, and two (2) dwelling units on the third floor as a legal non-conforming use is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioner must comply with the DOP and Fire Department ZAC comments, copies of which are attached hereto and made a part thereof.
3. The owner of the property shall require their tenants to park in the 1200 sq. ft. garage at the rear of the property and not on the street.

Any appeal of this decision must be made 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

By

12/17/21
Dmighan



JOHN A. OLSZEWSKI, JR.
County Executive

December 17, 2021

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

Thomas Hinkey – hinkey@verizon.net

RE: Petition for Special Hearing
Case No. 2021-0270 SPH
Property: 629 Plymouth Road

Dear Mr. Hinkey:

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,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

Enclosure

c: Will A. Cannon, III – will@benfrederick.com
David M. Beall – lilbic0604@comcast.net



JOHN A. OLSZEWSKI, JR.
County Executive

JOANNE R. RUND, Chief
Fire Department

October 6, 2021

To: Zoning Advisory Committee
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, Maryland 21204
Attention: Zoning Review

Distribution Meeting of: September 27, 2021

Formal or Informal Response Due: October 4, 2021

Item No.:

Special Hearing: 2021-0270-SPH.

Special Exception: 2021-0269-SPHXA, 2021-0273-SPHX.

Special Variance: 2021-0273-SPHX.

Comments:

→ Shall meet the requirements of the Baltimore County Fire Prevention Code, County Bill No. 14-21.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor

ORDER RECEIVED FOR FILING

Date

12/17/21

By

D Mignone

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 10/12/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 21-0270

INFORMATION:

Property Address: 629 Plymouth Road

Petitioner: Thomas Hinkey

Zoning: DR 5.5

Requested Action: Special Hearing



The Department of Planning has reviewed the petition for Special Hearing under BCZR Section 500.7 to determine whether or not the zoning commissioner should approve the non-conforming use to continue to use the premises as six dwelling units, two dwelling units on the first floor, two dwelling units on the second floor and two dwelling units on the third floor.

The site is located in Catonsville, North of Plymouth road. There is an existing three story building on the site containing six dwelling units. The structure was built in 1920s and has been used as rental units ever since the structure was built. The same family has owned the building since 1939 and now wants to sell it. There were 5 units registered with the County that expired in 2020. The 6th unit was used as storage (not occupied) by one of the occupants, therefore the 5 units instead of 6 is being registered. To the west of the subject property, the applicant's family member filed a similar petition requesting approval of non-conforming use (Case Number: 21-0037 # 639 Plymouth Road).

A site visit was conducted on October 1, 2021.

The Department has no objections to granting the petitioned zoning relief upon following conditions:

- 1) Each rental unit should be registered/renewed and comply with County's rental registration once the relief is granted.
- 2) The property owner should comply with BCZR Section 35-5-208 and maintain the exterior of the structure so that the structure does not pose a threat to the health, safety, or welfare of the occupants.

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

Prepared by:

[Handwritten signature]

SL/JGN/KP/

Division Chief

[Handwritten signature]

ORDER RECEIVED FOR FILING

Date *12/17/21*

By *JMugnon*

c: Josephine Selvakumar
Will A. Cannon III
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

12/17/21

By

DR Magoni

ATTENTION: DONNA MIGNON

DATE: 12/5/2021

Case Number: 2021-0270-SPH

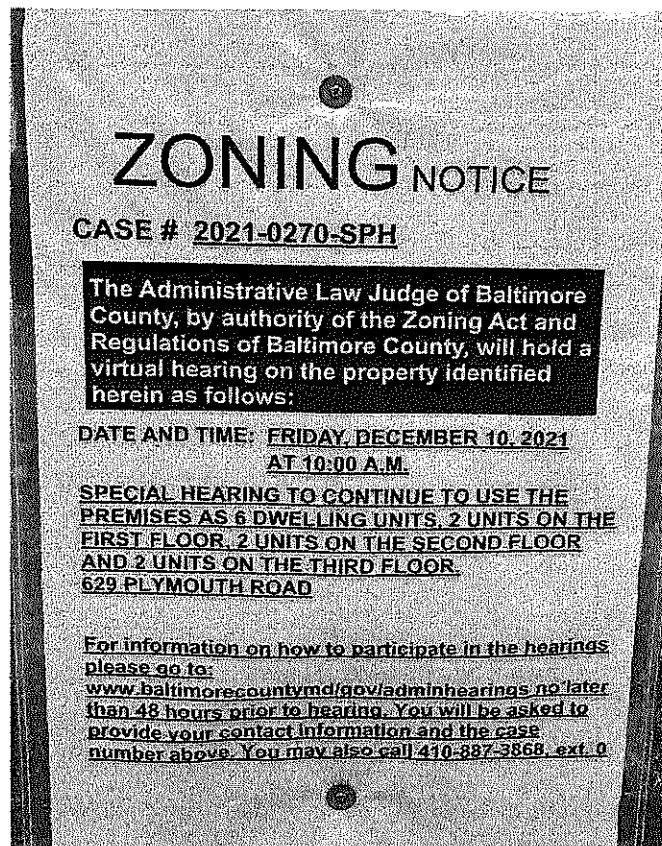
Petitioner / Developer: WILL CANNON III ~ THOMAS HINKEY

Date of Hearing: DECEMBER 10, 2021

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
629 PLYMOUTH ROAD

The sign(s) were posted on: **NOVEMBER 20, 2021**

The sign(s) were re-photographed on: **DECEMBER 5, 2021**



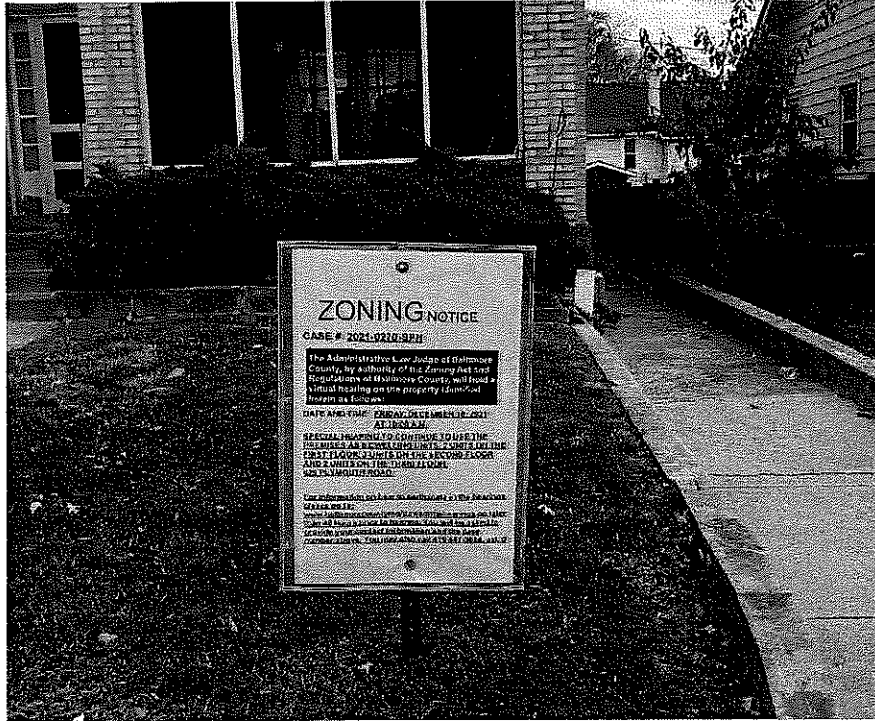
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

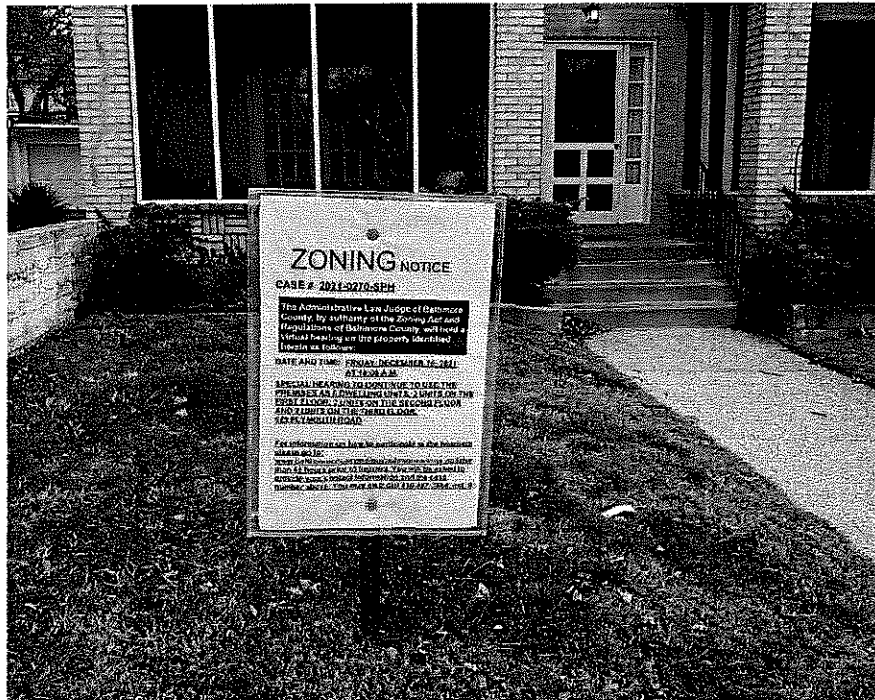
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Re-Photographed 1st Sign @ 629 Plymouth Road ~ 12/5/2021



Re-Photographed 2nd Sign @ 629 Plymouth Road ~ 12/5/2021
CASE # 2021-0270-SPH

Donna Mignon

From: Donna Mignon
Sent: Monday, November 29, 2021 11:13 AM
To: 'will@benfrederick.com'; 'ben@benfrederick.com'
Cc: Debra Wiley; 'hinkey@verizon.net'
Subject: Case No: 2021-0270-SPH 629 Plymouth Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for December 10, 2021 at 10:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about November 17, 2021.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 0119072200		
Owner Information		
Owner Name:	HINKEY THOMAS F	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	42 DUNVEGAN RD BALTIMORE MD 21228-3408	Deed Reference: /40328/ 00357
Location & Structure Information		
Premises Address:	629 PLYMOUTH RD BALTIMORE 21228-4079	Legal Description: LT 99B PL 2 SD 629 PLYMOUTH RD MERRIDALE LITTLE FARMS
Map:	Grid:	Parcel:
0095	0021	0219
Neighborhood:	Subdivision:	Section:
1060100.04	0000	
Block:	Lot:	Assessment Year:
	99B	2022
Plat No:	Plat Ref:	
2	0006/ 0076	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1925	6,264 SF	
Property Land Area	County Use	
5,450 SF	04	
Stories	Basement	Type
3	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	6 full
Garage	Last Notice of Major Improvements	
1 Detached		
Value Information		
	Base Value	Value
		As of
		01/01/2019
Land:	80,400	80,400
Improvements	327,400	327,400
Total:	407,800	407,800
Preferential Land:	0	
		Phase-in Assessments
		As of
		07/01/2021
		As of
		07/01/2022
Transfer Information		
Seller: HINKEY CATHERINE S	Date: 06/07/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40328/ 00357	Deed2:
Seller: SCHNEIDER SARAH K	Date: 11/08/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22866/ 00462	Deed2:
Seller: SCHNEIDER HARRY F	Date: 10/08/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08934/ 00174	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2021
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:		

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/20/2021

Case Number: 2021-0270-SPH

Petitioner / Developer: WILL CANNON III ~ THOMAS HINKEY

Date of Hearing: DECEMBER 10, 2021

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
629 PLYMOUTH ROAD

The sign(s) were posted on: NOVEMBER 20, 2021

ZONING NOTICE

CASE # 2021-0270-SPH

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:

DATE AND TIME: FRIDAY, DECEMBER 10, 2021
AT 10:00 A.M.

SPECIAL HEARING TO CONTINUE TO USE THE PREMISES AS 6 DWELLING UNITS, 2 UNITS ON THE FIRST FLOOR, 2 UNITS ON THE SECOND FLOOR AND 2 UNITS ON THE THIRD FLOOR.
629 PLYMOUTH ROAD

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

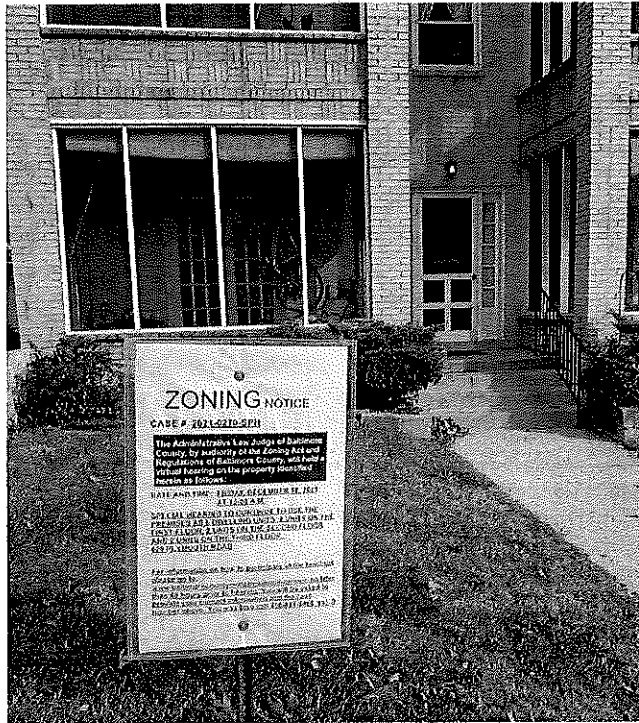
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

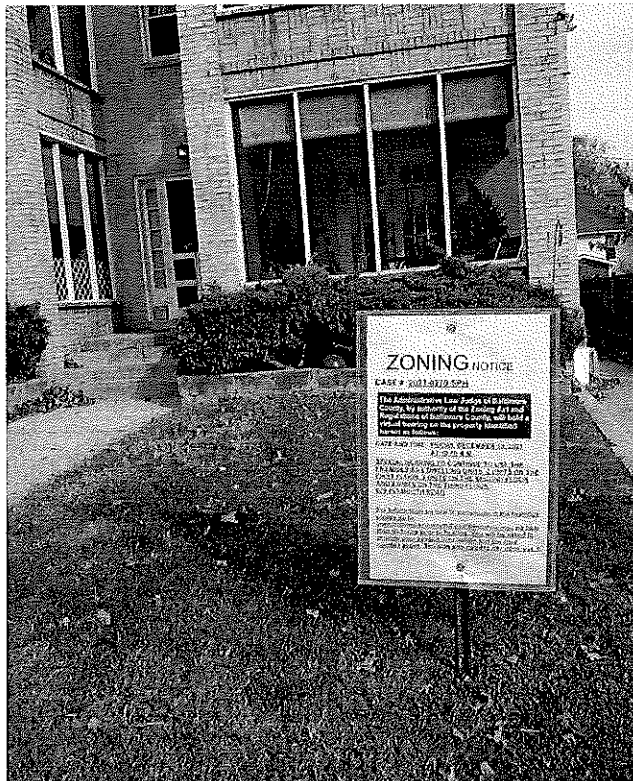
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 629 Plymouth Road ~ 11/20/2021



Background Photo 2nd Sign @ 629 Plymouth Road ~ 11/29/2021
CASE # 2021-0270-SPH

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 12054821
 Case #: 2021-0270-SPH
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
 2021-0270-SPH

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:

11/19/2021



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 on the property identified herein as follows:	
CASE NUMBER: 2021-0270-SPH	
629 Plymouth Road	
Northeast side of Plymouth Road, 1,030 southwest of Edmondson Road	
1st Election District - 1st Councilmanic District	
Legal Owners: Thomas Hinkey	
Special Hearing to continue to use the premises as 6 dwelling units, 2 units on the first floor, 2 units on the second floor and 2 units on the third floor.	
Hearing Friday, December 10, 2021 at 10:00 a.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 410-837-3868, ext. 0.	
Pete Gutwald Director of Permits, Approvals and Inspections for Baltimore County	
n19	

RE: PETITION FOR SPECIAL HEARING
629 Plymouth Road; NE/side Plymouth,
1,030' SW of Edmondson Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Thomas F. Hinkey
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2021-270-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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2021, a copy of the foregoing Entry of Appearance was mailed to Will A. Cannon, III, 3121 St. Paul Suite #26, Baltimore, Maryland 21218, Will@BenFrederick.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Case Number: 2021-0270-SPH **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Thomas Hinkey
Contract Purchaser: No Contract Purchaser was set.

RECEIVED
SEP 24 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 629 PLYMOUTH RD

Location: Property located at Northeast side of Plymouth, 1,030 Southwest of Edmondson Ave.

Existing Zoning: DR 5.5

Area: 5,450 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To continue to use the premises as 6 (six) dwelling units, 2 (two) units on the first floor, 2 (two) units on the second floor and 2 (two) units on the third floor.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2021-0270-SPH
Property Address: 629 PLYMOUTH ROAD
Property Description: DISTANCE OF 1,030 FEET WEST OF EDMONDSON
AVENUE
Legal Owners (Petitioners): THOMAS HINDKEY
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Will Cannon
Company/Firm (if applicable): BEN FREDERICK REALTY
Address: 3121 ST PAUL ST SUITE 26
BALTIMORE, MD 21218
Telephone Number: 410-916-3331

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 0119072200		
Owner Information		
Owner Name:	HINKEY THOMAS F	Use: RESIDENTIAL
Mailing Address:	42 DUNVEGAN RD BALTIMORE MD 21228-3408	Principal Residence: NO Deed Reference: /40328/ 00357
Location & Structure Information		
Premises Address:	629 PLYMOUTH RD BALTIMORE 21228-4079	Legal Description: LT 99B PL 2 SD 629 PLYMOUTH RD MERRIDALE LITTLE FARMS
Map: 0095	Grid: 0021	Parcel: 0219
Neighborhood: 1060100.04	Subdivision: 0000	Block: 99B
Assessment Year: 2022	Plat No: 2	Plat Ref: 0006/ 0076
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1925	6,264 SF	5,450 SF
Property Land Area	County Use	
04		
Stories	Basement	Type
3	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	6 full
Garage	Last Notice of Major Improvements	
1 Detached		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2019	07/01/2021
Land:	80,400	80,400
Improvements	327,400	327,400
Total:	407,800	407,800
Preferential Land:	0	
Transfer Information		
Seller: HINKEY CATHERINE S	Date: 06/07/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40328/ 00357	Deed2:
Seller: SCHNEIDER SARAH K	Date: 11/08/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22866/ 00462	Deed2:
Seller: SCHNEIDER HARRY F	Date: 10/08/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08934/ 00174	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2021
County:	000	0.00
State:	000	0.00
Municipal:	000	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:		

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

2021-0270-SPHA

Property Description

629 Plymouth Road

Thomas F. Hinkey

(Owners)

Beginning at the Northeast side of Plymouth, which is 25 feet in width at a distance about 1,030 feet Southwest of Edmondson Ave, which is 50 feet in width.



**BEN
FREDERICK
REALTY**

BALTIMORE'S APARTMENT
PROPERTY SPECIALIST

Zoning Office
Baltimore County, Maryland
111 W Chesapeake Ave, Room 105
Towson MD 21204

629 Plymouth Road, Baltimore MD 21229

Tax account #: 01-19-072200

To Whom it May Concern:

Before we list this 6-unit apartment building for sale, we want to take whatever steps are necessary to make sure it is properly zoned, licensed, and in compliance with all applicable codes.

The property was built in 1925, per SDAT. William Marling held the property from 1927 until 1939 when it was sold to Harry and Sarah Schneider. Mr. Schneider died in 1959 and his wife continued to own the property. Sarah's daughter, Catherine S. Hinkey, joined on the title in 1986. Sarah died in 1990, leaving the property to Catherine, who has operated it until she granted it to her son Thomas F. Hinkey on October 19th, 2017

As one might imagine, Sarah, Catherine and Thomas are not sophisticated landlords and probably were not aware of the need to register the property when the 2011 rental registration and inspection law went into place.

We have inspected the property. Several features suggest that the property was built as a 6-unit apartment building. We do not see any evidence that the physical layout or use has changed.

The seller, now 60+ years old, has told us they visited the property as young children. Their testimony would be that the use of the property, as 6 dwelling units, has not changed since 1960.

Attached are photos showing the property as a 6-unit apartment building, with two apartments on the first floor, two apartments on the second floor, and two apartments on the third floor. There are 7 electric meters and 7 gas meters (one for each apartment and one public service meter). The building has a trash chute inside each apartment that used to accumulate into an incinerator in the basement. The hatches to all of the chutes have since been bolted closed, but indicative of the property's age and use.

Would you please let me know if this property is shown on your records as an authorized 6-unit apartment building and, if not, what steps need to be taken so that the County documents reflect the actual use of the property as 6 apartments?

Best Regards,

Will Cannon III,
Advisor/ Principal

8/6/2021

Ben Frederick Realty Inc.
3121 Saint Paul Street ♦ Baltimore MD 21218 ♦ 410-235-9600
MJ@BenFrederick.com ♦ www.BenFrederick.com

Page 1 of 1

2021-02-20-SPH

September 17, 2021

629 Plymouth Road- Subject Property
Baltimore County, MD 21229

Title History

May 9th, 1927

Irene T. Freburger to William Edgar Marling and Lillian B. Marling, his wife
640/406

September 26th, 1927, William Edgar Marling and Lillian B. Marling, his wife to Meridale Apartments Incorporated (William Marling is president of this corporation)
649/300

October 26th, 1939

Meridale Apartments Incorporated (William Marling, President) to Harry F. Schneider and Sarah K. Schneider, his wife
1078/307

April 16th, 1986

Sarah K. Schneider, widow (Harry died November 4th, 1959) to Sarah K. Schneider and Catherine S. Hinkey(daughter), joint tenants
8934/174

November 8th, 2005

Catherine S. Hinkey (surviving joint tenant of Sarah K. Schneider- Sarah died June 13th, 1990) to Catherine S. Hinkey
22866/0462

October 19th, 2017

Catherine S. Hinkey to Thomas F. Hinkey (adult son of Catherine)
40328/357

Prepared by: Meskerem "MJ" Strama, Property Manager and Transaction Specialist as researched on MDLANDREC.net

629 Plymouth Road Apartment Rent Roll

Unit A1

Lease Start Date: June, 2020
Term of Lease: 1-year, monthly renewal
Security Deposit: \$1200
Monthly Rent: \$1200

Unit A2

Lease Start Date: August, 2009
Term of Lease: No written lease (Entered unit when my mother managed Apt)
Security Deposit: None
Monthly Rent: \$950

Unit B1

Lease Start Date: May, 2018
Term of Lease: 1-year, monthly renewal
Security Deposit: \$1100
Monthly Rent: \$1100

Unit B2

Lease Start Date: June, 2019
Term of Lease: 1-year, monthly renewal
Security Deposit: None
Monthly Rent: \$1100

Unit C1

Lease Start Date: August, 2020
Term of Lease: 1-year, monthly renewal
Security Deposit: \$1200
Monthly Rent: \$1200

Unit C2

Lease Start Date: April, 2021
Term of Lease: 1-year, monthly renewal
Security Deposit: \$1200
Monthly Rent: \$1200

NO TITLE SEARCH - NO CONSIDERATION

Tax ID Number: 01-0119072200

Maryland General Warranty Deed Reserving Life Estate With Powers

This Deed, made this 19th day of October, 2017, by and between **Catherine S. Hinkey, Grantor** and **Thomas F. Hinkey, Grantee**.

Witnesseth, that for no consideration and for love and affection only, but subject to the reservations set forth below, the Grantor does grant and convey to the Grantee (who is the Grantor's adult child), and the Grantee's personal representatives, heirs and assigns, all that lot of ground situate in the County of Baltimore, State of Maryland, described and being known as:

Lot No. 99-B as the same is delineated on the Plat of Maridale Little Farms, which Plat is duly recorded among the Land Records of Baltimore County, Maryland in Plat Book WPC No. 6, folio 76, the said property having a front on Plymouth Road of fifty feet with regular depth of one hundred nine feet; being the same property as was granted to the Grantor herein by Deed dated October 26, 2005, and recorded among the Land Records of Baltimore County, Maryland at Liber 22866, folio 462, and being known by street address as 629 Plymouth Road, Baltimore, Maryland 21228.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining, subject to any ground rents, easements, covenants, liens, restrictions or other interests that may be of record.

To have and to hold the property hereby conveyed unto the Grantee, his personal representatives, heirs and assigns, in fee simple, forever, but reserving unto the Grantor a life estate in the property for her life, without liability for waste. The Grantor also reserves, for her life, the full power and authority during her life to sell, convey and dispose of the property (but not to devise the property) in fee simple, and to retain absolutely as her own all of the proceeds thereof, thereby divesting the remainder granted by this deed. The Grantor also reserves for her life the right to mortgage the entire fee simple estate in the property, including the remainder granted herein, and to retain absolutely as her own all of the proceeds thereof.

TAX NOT REQUIRED

Director of Budget and Finance

BALTIMORE COUNTY, MARYLAND

COUNTY TRANSFER TAX JS

ART 11 TITLE 3 SUBTITLE 2, 11-3-202

RECORDATION TAX JS

T.P.ART 12-108 Date 06-07-2018

Baltimore County Cir Crt

IMP FD SURE \$40.00

RECORDING FEE \$20.00

TOTAL \$60.00

JLE LAL

Jun 07, 2018 12:03 pm

2021-0270-5111

And the said Grantor hereby covenants that the Grantor has not done or suffered to be done any act, matter of thing whatsoever, to encumber the property hereby conveyed; that the Grantor will warrant generally the property hereby conveyed; and that the Grantor will execute such further assurances of the same as may be requisite.

The undersigned Grantor does certify under the penalties of perjury that to the best of the Grantor's information, knowledge and belief that the Total Payment for this transaction as defined for purposes of the Maryland Withholding Law (section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland) is zero dollars (\$0).

Witness the hand and seal of the Grantor.

Sharon A. Hinkey
Witness

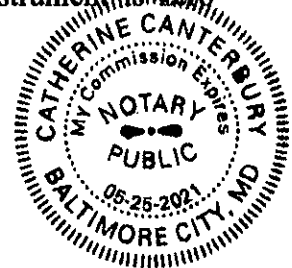
Catherine S. Hinkey (SEAL)
Catherine S. Hinkey

Acknowledgement and Affidavit of Consideration

State of Maryland,
County of Baltimore, to wit:

I hereby certify that on this 19 day of October, 2017, before me, the subscriber, a Notary Public in the state aforesaid, personally appeared Catherine S. Hinkey, to me known (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes contained therein, and that the actual consideration for the within instrument is zero dollars, and in my presence she signed and sealed the within instrument.

Catherine Canterbury
Notary Public
My commission expires



This is to certify that the within instrument has been prepared by an attorney who is admitted to the practice of law before the Court of Appeals of Maryland.

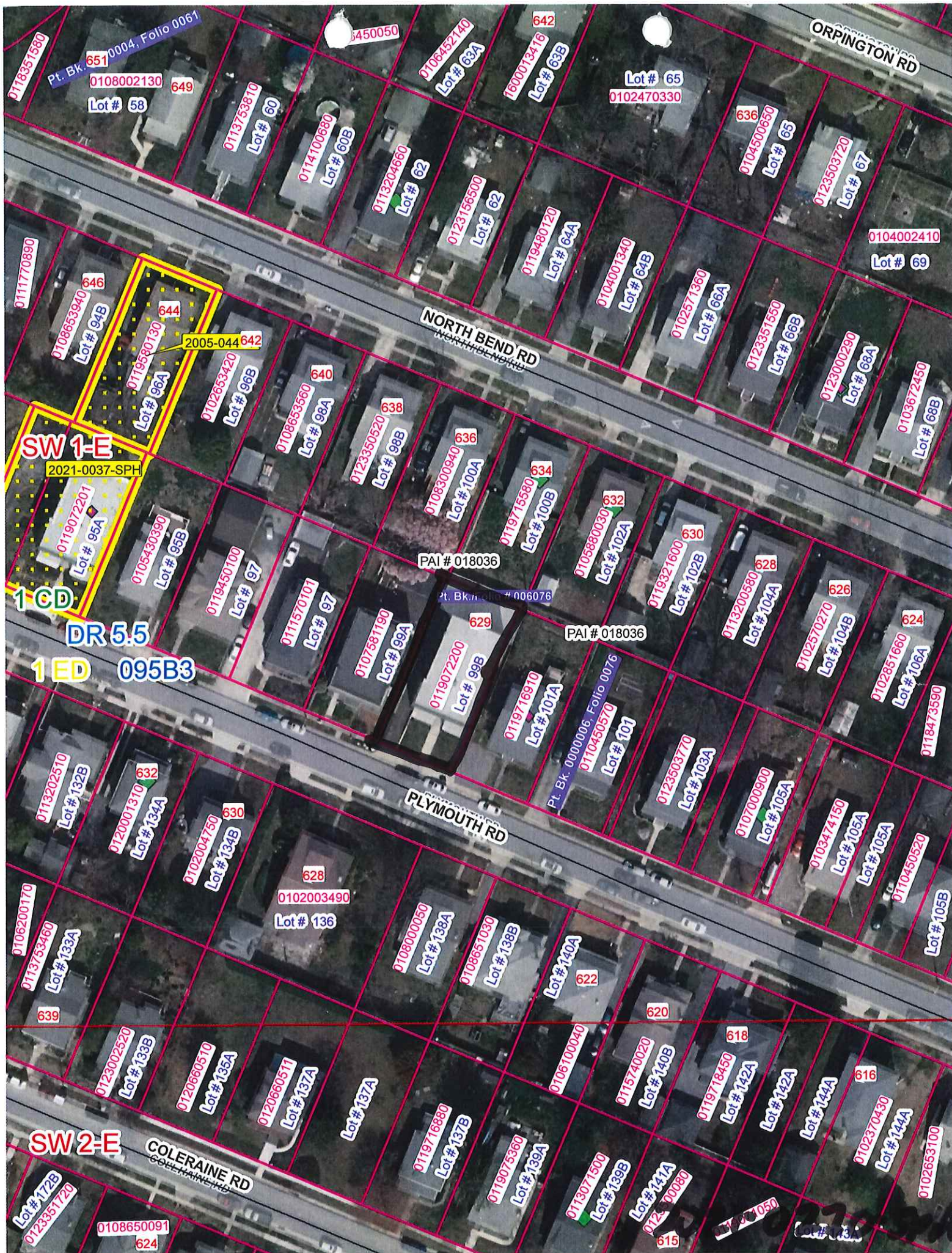
H. Mark Bobotek
H. Mark Bobotek, Esq.

H. Mark Bobotek, Esq.
Golden Oak Elder Law, P.C.
P.O. Box 66, Ellicott City MD 21041
410-964-9700

BALTIMORE COUNTY CIRCUIT COURT (Land Records) FILE 40328, p. 0359, NSA_CES2_40145, Date available 06/08/2018, Printed 08/16/2021.

State of Maryland and Instrument Intake Sheet		BOOK: 40328 PAGE: 359	
☐ Baltimore City ☒ County: BALTIMORE			
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)			
1	Type(s) of Instruments	(Check Box if addendum Intake Form is Attached.)	
	☒ Deed ☐ Deed of Trust ☐ Mortgage Lease ☐ Other ☐ Other		
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☒ Not an Arms-Length Sale [9]	
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation PARENT TO CHILD - NO CONSIDERATION State Transfer PARENT TO CHILD - NO CONSIDERATION County Transfer PARENT TO CHILD - NO CONSIDERATION	
4	Consideration and Tax Calculations	Consideration Amount	
		Purchase Price/Consideration \$ 0.00 Any New Mortgage \$ 0.00 Balance of Existing Mortgage \$ 0.00 Other: \$ Other: \$ Full Cash Value: \$	
		Finance Office Use Only Transfer and Recordation Tax Consideration	
		Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$	
5	Fees	Amount of Fees	
		Doc. 1 Doc. 2	
		Recording Charge \$ 20.00 \$ Surcharge \$ 40.00 \$ State Recordation Tax \$ \$ State Transfer Tax \$ \$ County Transfer Tax \$ \$ Other \$ \$ Other \$ \$	
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District Property Tax ID No. (1) Grantor Liber/Folio Map Parcel No. Var. LOG	
		01 01-0119072200 22866/462 0095 0219 (5) Subdivision Name Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. SqFt/Acreage (4) MERRIDALE LITTLE FARMS 99-B Location/Address of Property Being Conveyed (2) LT 99B 2 SD 629 PLYMOUTH RD MERRIDALE LITTLE FARMS Other Property Identifiers (if applicable) Water Meter Account No. Residential ☒ or Non-Residential Fee Simple ☒ or Ground Rent Amount: Partial Conveyance? Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: If Partial Conveyance, List Improvements Conveyed: Doc. 1 – Grantor(s) Name(s) Doc. 2 – Grantor(s) Name(s) CATHERINE S. HINKEY Doc. 1 – Owner(s) of Record, if Different from Grantor(s) Doc. 2 – Owner(s) of Record, if Different from Grantor(s) Doc. 1 – Grantee(s) Name(s) Doc. 2 – Grantee(s) Name(s) THOMAS F. HINKEY New Owner's (Grantee) Mailing Address 42 DUNVEGAN RD., CATONSVILLE MD 21228 Doc. 1 – Additional Names to be Indexed (Optional) Doc. 2 – Additional Names to be Indexed (Optional)	
7	Transferred From		
8	Transferred To		
9	Other Names to Be Indexed		
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: SAM BOBOTEK ☒ Return to Contact Person Firm GOLDEN OAK ELDER LAW ☐ Hold for Pickup Address: PO BOX 66, ELLICOTT CITY MD 21041 ☐ Return Address Provided Phone: ()	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER		
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence? Yes ☒ No Does transfer include personal property? If yes, identify: Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	
	Assessment Use Only – Do Not Write Below This Line		
	Terminal Verification	Agricultural Verification	Whole Part Tran. Process Verification
	Transfer Number	Date Received:	Deed Reference: Assigned Property No.:
	Year 20	20	Geo. Map Sub Block
	Land		Zoning Grid Plat Lot
	Buildings		Use Parcel Section Occ. Cd.
	Total		Town Cd. Ex. St. Ex. Cd.
	REMARKS:		

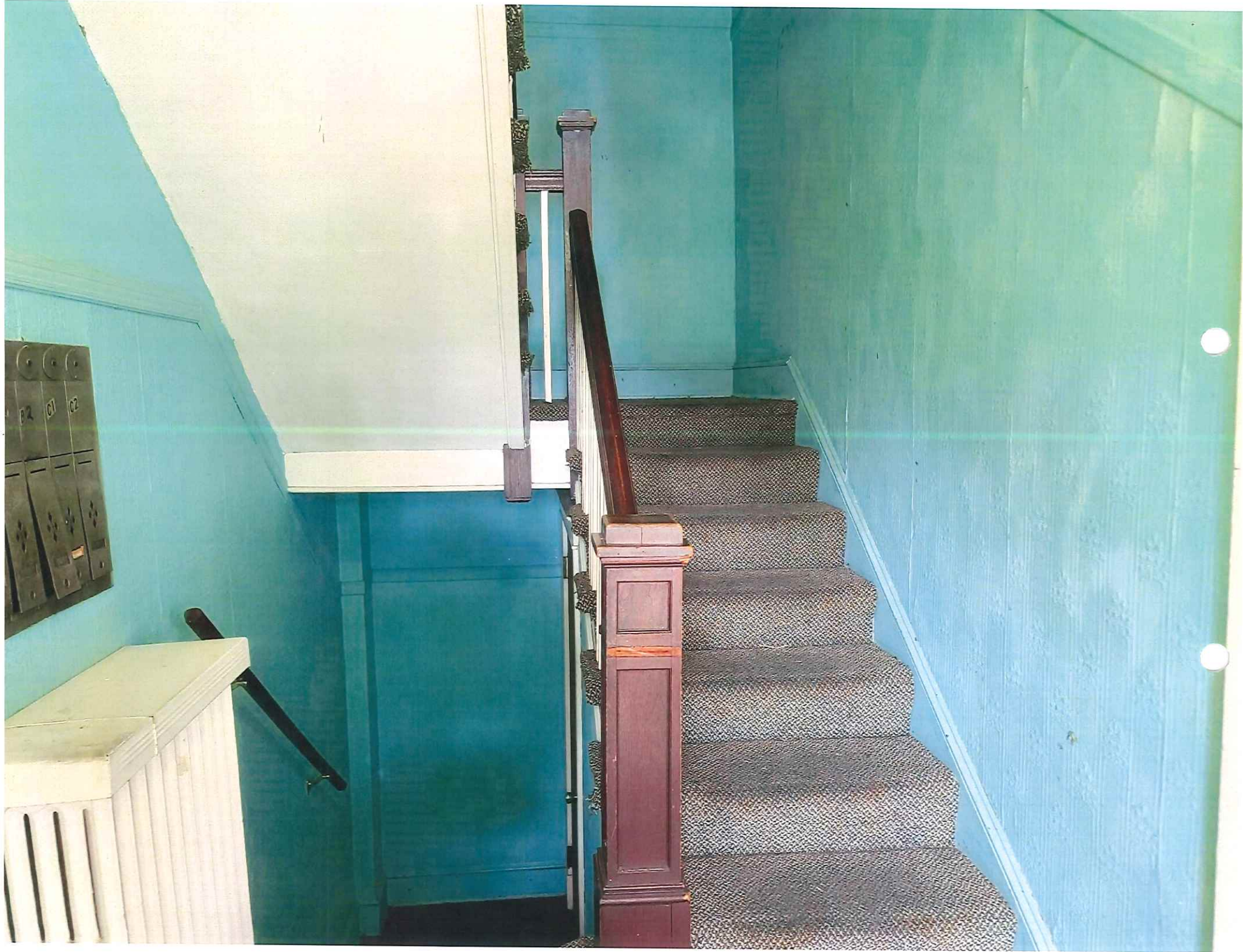
Space Reserved for County Validation



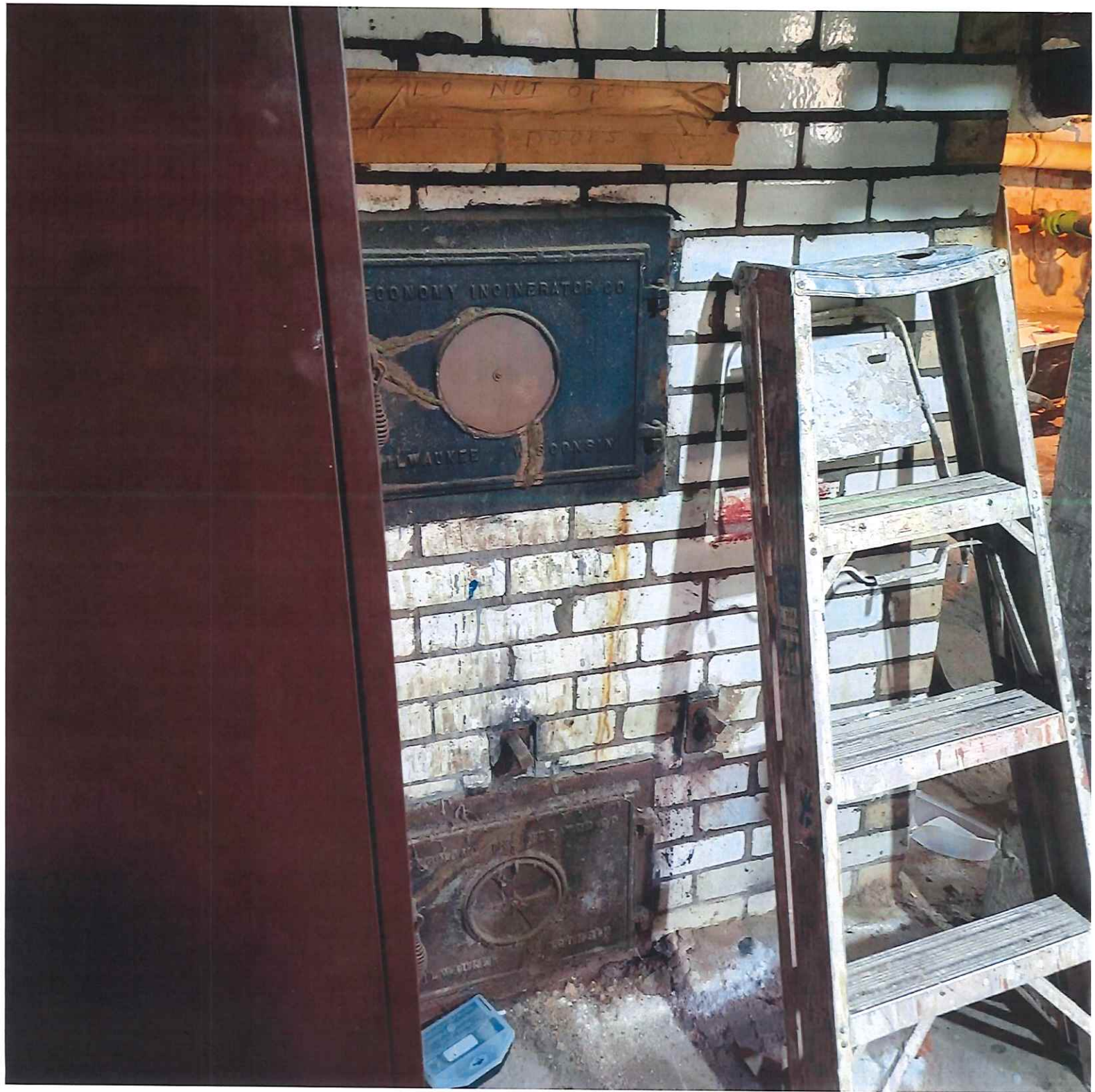


2021-0270-S41A

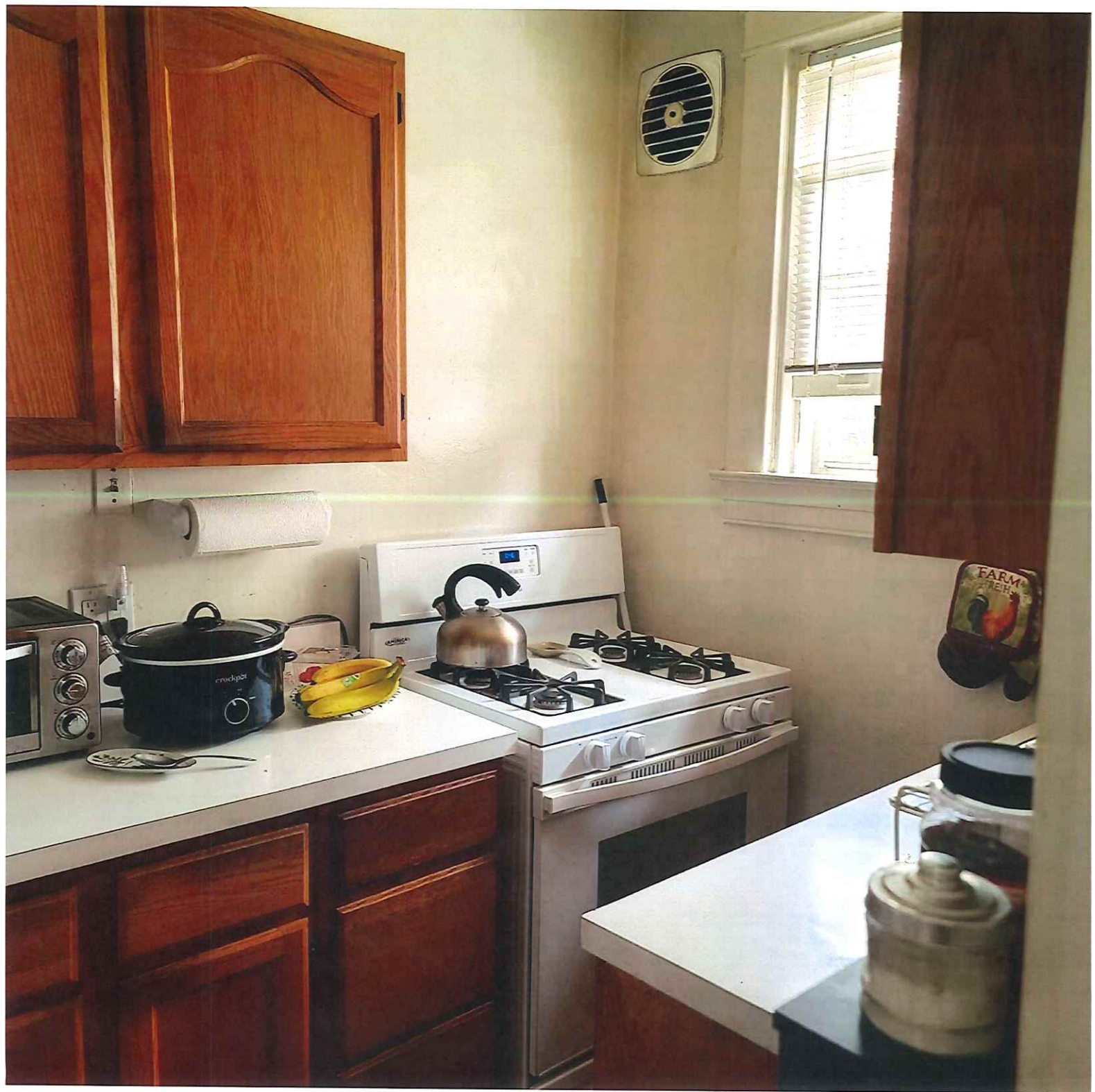












ECONOMY INCINERATOR

Built at the base of the chimney.

IMPORTANT INSTRUCTIONS

Garbage must be thoroughly drained and wrapped in paper.

All papers, cans, bottles, rags and other household refuse should be wrapped into tight bundles before placing in hopper door.

Large bundles must not be forced into the flue. They will expand and choke it.

ECONOMY INCINERATOR CO.

MILWAUKEE, WIS.

PATENTED





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 629 Plymouth Rd which is presently zoned DR 5.5

Deed References: 40328 / 357 10 Digit Tax Account # 04010119072200

Property Owner(s) Printed Name(s) Thomas F Hinkey

(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 to continue to use the Premises as Six (6) Dwelling Units, two (2) dwelling units on the first floor, two (2) dwelling units on the second floor, and two (2) dwelling unit on the third floor.
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s) a non-conforming use

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

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

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

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

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Thomas F Hinkey
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Thomas F Hinkey Signature #2 _____
42 Dunvegan Rd Baltimore MD
Mailing Address _____ City _____ State _____
21228 / 443-838-4359 / Hinkey@verizon.net
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Will A. Cannon III
Name - Type or Print _____
Signature _____
3121 St Paul St. #26, Baltimore MD
Mailing Address _____ City _____ State _____
21218 / 410-916-3331 / Will@BenFrederick.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER _____ Filing Date ____/____/____ Do Not Schedule Dates: _____ Reviewer _____

Attendance Program N:	Event Name	Event Start Date	Event Start Time
1	Zoning Hearing - Case No: 2021-0270-SPH - €	December 10, 2021 New York Time	10:00 am New York Time
2	Zoning Hearing - Case No: 2021-0270-SPH - €	December 10, 2021 New York Time	10:00 am New York Time
3	Zoning Hearing - Case No: 2021-0270-SPH - €	December 10, 2021 New York Time	10:00 am New York Time
4	Zoning Hearing - Case No: 2021-0270-SPH - €	December 10, 2021 New York Time	10:00 am New York Time

FirstName	LastName	Company	Email	Join Time
Paul	Mayhew		pmayhew@baltimorecountymd.gov	10:03 am New York Time
will	cannon		will@benfrederick.com	10:00 am New York Time
Tom	Hinkey		hinkey@verizon.net	10:01 am New York Time
Donna	Mignon		dmignon@baltimorecountymd.gov	9:44 am New York Time

Leave Time	Attendance Duration	Chat	Chat sent a Question	Question s	Question s	Priority	Answer	Answer ser
10:27 am New York Tim	24.0 mins	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10:27 am New York Tim	27.0 mins	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10:27 am New York Tim	25.0 mins	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10:27 am New York Tim	43.0 mins	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Answered | Responded to

N/A N/A

N/A N/A

N/A N/A

N/A N/A

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Sunday, November 28, 2021 12:12 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	David
Last Name	Beall
Email	Lilbic1964@gmail.com
Phone	4438332587
Address	637 Plymouth rd
City	Baltimore
State	Maryland
ZIP Code	21229
Case Number	2021-0270-SPH
Scheduled Hearing Date	December 10, 2021

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
☐	<u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u> (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Thomas Hinkey</u>	hinkey@verizon.net	1-	English	New York Time	U.S.
☐	<u>Will A. Cannon III</u>	will@benfrederick.com	1-	English	New York Time	U.S.
☒	<u>David Beall</u>	lilbic1964@gmail.com	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 Number (with area/city code)

Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼

Language: English ▼

Locale: U.S. ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, November 17, 2021 9:33 AM
To: Donna Mignon; Debra Wiley
Subject: Webex 2021-0270-SPH

Good morning,

Below is a new case needing a webex link created. Thank you.

Case 2021-0270-SPH
629 Plymouth Road
Owners: Thomas Hinkey – hinkey@verizon.net
Will Cannon – Will@BenFrederick.com
Ben – Ben@BenFrederick.com
12/10/2021 at 10:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Administrative Hearings
Sent: Wednesday, November 17, 2021 9:46 AM
To: Kristen L Lewis; Debra Wiley
Subject: LINK - RE: Webex 2021-0270-SPH

Top of Form

Event Information

Event: Zoning Hearing - Case No: 2021-0270-SPH - 675 Plymouth Road - Owners: T
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Date and time: Friday, December 10, 2021 10:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2021-0270-SPH
Address: 629 Plymouth Road
Owner: Thomas F. Hinkey
Event number: 2303 394 6273
Event password: 1234
Host key: 747511
Alternate Host: Deb Wiley, Maureen Murphy, Paul Mayhew
Panelist Info:
Panelist password:
Panelist numeric password: 426799
Video Address: 23033946273@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: 2303 394 6273
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:

Bottom of Form
Top of Form

Bottom of Form

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, November 17, 2021 9:33 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Webex 2021-0270-SPH

Good morning,

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629 Plymouth Road
Owners: Thomas Hinkey – hinkey@verizon.net
Will Cannon – Will@BenFrederick.com
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12/10/2021 at 10:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Event Information



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Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eef5924a6f4f370bd28bf7af152506c4d>
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Audio conference: US Toll
 +1-415-655-0001
[Show all global call-in numbers](#)
 Access code: 2303 394 6273
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 Event Now

You can start the event by clicking Start Now.

[Start Now](#)

Send Event Emails

You can send event emails by clicking Send Emails.

[Send Emails](#)
[Manage Registrations](#)
[Delete Event](#)
[Edit Event](#)



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 629 Plymouth Rd which is presently zoned DR 5.5

Deed References: 40328 / 357 10 Digit Tax Account # 04010119072200

Property Owner(s) Printed Name(s) Thomas F Hinkey

(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. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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)

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Thomas F Hinkey

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

42 Dunvegan Rd Baltimore MD

Mailing Address

City

State

21228
Zip Code

443-838-4359
Telephone #

Hinkey@verizon.net
Email Address

Representative to be contacted:

Will A. Cannon III

Name - Type or Print

Signature

3121 St Paul St. #26, Baltimore MD

Mailing Address

City

State

21218
Zip Code

410-916-3331
Telephone #

Will@BenFrederick.com
Email Address

CASE NUMBER 2621 0220 SPH Filing Date 9/12/21

Do Not Schedule Dates: _____ Reviewer SC

Special Hearing Non-Conforming Use

Thomas F. Hinkey (Owner)

629 Plymouth (property)

Special Hearing Relief:

Non-Conforming Use: to continue to use the Premises as Six (6) Dwelling Units, two (2) dwelling units on the first floor, two (2) dwelling units on the second floor, and two (2) dwelling units on the third floor. Pursuant to BCZR Section 500.7

Debra Wiley

From: Com Cast <lilbic0604@comcast.net>
Sent: Sunday, November 28, 2021 12:20 PM
To: Administrative Hearings
Subject: Zoning hearing

CAUTION: This message from lilbic0604@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Case# 2021-0270-SPH DATE 12/10/2021
629 Plymouth rd 21229.

Have no problem with it staying apartments ,with the exception that owner provide off street parking . Theirs not enough room on our for parking now. Current owners rent garage to people that do not live in apartments. Or even on our street .

Thanks David M Beall
637 Plymouth rd
4107070820.

Sent from my iPad



JOHN A. OLSZEWSKI, JR.
County Executive

JOANNE R. RUND, Chief
Fire Department

October 6, 2021

To: Zoning Advisory Committee
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 123
Towson, Maryland 21204
Attention: Zoning Review

Distribution Meeting of: September 27, 2021

Formal or Informal Response Due: October 4, 2021

Item No.:

Special Hearing: 2021-0270-SPH.

Special Exception: 2021-0269-SPHXA, 2021-0273-SPHX.

Special Variance: 2021-0273-SPHX.

Comments:

→ Shall meet the requirements of the Baltimore County Fire Prevention Code, County Bill No. 14-21.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor

BALTIMORE COUNTY, MARYLAND

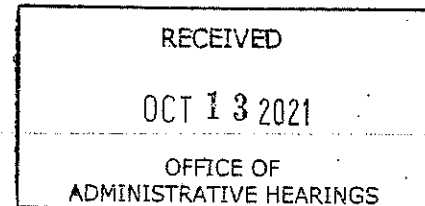
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 10/12/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 21-0270



INFORMATION:

Property Address: 629 Plymouth Road
Petitioner: Thomas Hinkey
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for Special Hearing under BCZR Section 500.7 to determine whether or not the zoning commissioner should approve the non-conforming use to continue to use the premises as six dwelling units, two dwelling units on the first floor, two dwelling units on the second floor and two dwelling units on the third floor.

The site is located in Catonsville, North of Plymouth road. There is an existing three story building on the site containing six dwelling units. The structure was built in 1920s and has been used as rental units ever since the structure was built. The same family has owned the building since 1939 and now wants to sell it. There were 5 units registered with the County that expired in 2020. The 6th unit was used as storage (not occupied) by one of the occupants, therefore the 5 units instead of 6 is being registered. To the west of the subject property, the applicant's family member filed a similar petition requesting approval of non-conforming use (Case Number: 21-0037 # 639 Plymouth Road).

A site visit was conducted on October 1, 2021.

The Department has no objections to granting the petitioned zoning relief upon following conditions:

- 1) Each rental unit should be registered/renewed and comply with County's rental registration once the relief is granted.
- 2) The property owner should comply with BCZR Section 35-5-208 and maintain the exterior of the structure so that the structure does not pose a threat to the health, safety, or welfare of the occupants.

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

Prepared by:

Kyle R. K.

Division Chief

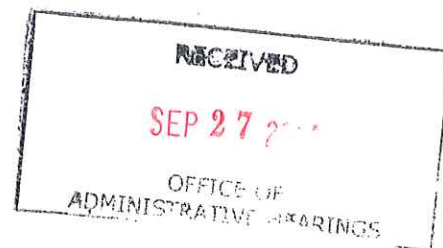
Josephine Selvakumar

SL/JGN/KP/

c: Josephine Selvakumar
Will A. Cannon III
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: September 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2021-0270-SPH
Address 629 Plymouth Road
(Thomas Hinkey Property)

Zoning Advisory Committee Meeting of **October 04, 2021**.

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

Reviewer: Joyce Redman EIR 410-887-2764

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
DATE: Nov. 11, 2021

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 27, 2021
Item No. 2021-0268-A, 0270-SPH, 0272-A, 0275-A & 0276-A

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

*

*

*

*

*

VKD: cen
cc: file

December 7, 2021

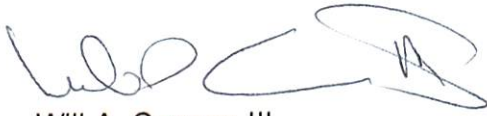
Baltimore County Zoning Administrative Hearings
Case #2021-0270-SPH

List of Exhibits

Exhibit A – Petition
Exhibit B – Location Survey
Exhibit C – Street Scene Photo
Exhibit D – Photo of Property
Exhibit E – Title History
Exhibit F – List of Other Multi-Family Properties on Plymouth Road
Exhibit G – Property Photos

Respectfully Submitted,


Benedict J. Frederick III, CCIM
President


Will A. Cannon III
Partner/ Advisor



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 629 Plymouth Rd which is presently zoned DR 5.5

Deed References: 40328 / 357 10 Digit Tax Account # 04010119072200

Property Owner(s) Printed Name(s) Thomas F Hinkey

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

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

3. _____ a **Varlance** 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)

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Thomas F Hinkey

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

42 Dunvegan Rd Baltimore MD

Mailing Address City State

21228 / 443-838-4359 / Hnkey@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

Will A. Cannon III

Name - Type or Print

Signature

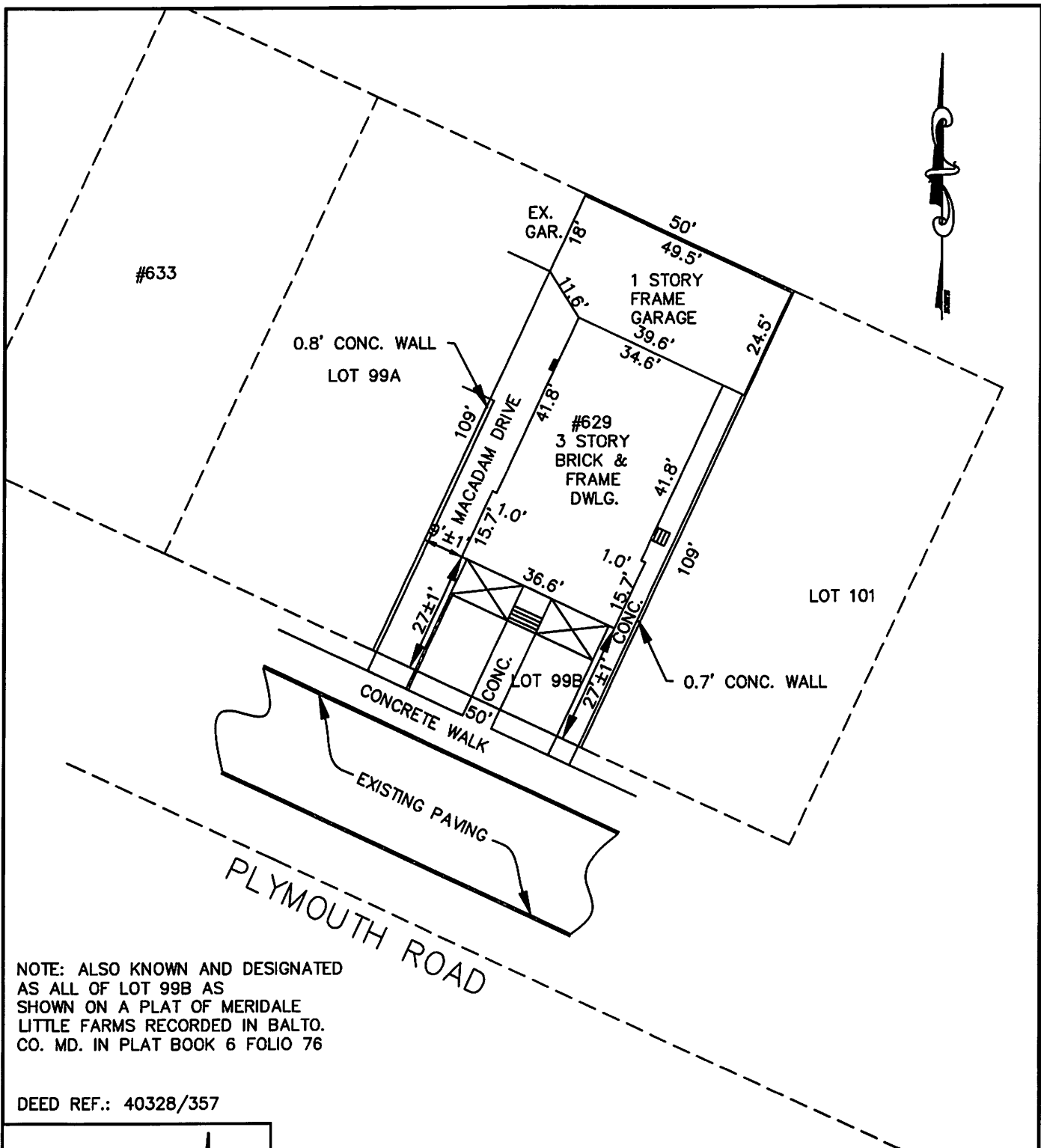
3121 Saint Paul St. Suite 26, Baltimore, MD

Mailing Address City State

21218 / 410-916-3331 / will@benfredenck.com

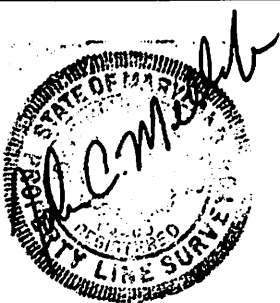
Zip Code Telephone # Email Address

CASE NUMBER _____ Filing Date ____ / ____ / ____ Do Not Schedule Dates: _____ Reviewer _____



NOTE: ALSO KNOWN AND DESIGNATED
AS ALL OF LOT 99B AS
SHOWN ON A PLAT OF MERIDALE
LITTLE FARMS RECORDED IN BALTO.
CO. MD. IN PLAT BOOK 6 FOLIO 76

DEED REF.: 40328/357



LOCATION SURVEY

#629 PLYMOUTH ROAD BALTIMORE COUNTY MARYLAND

JOHN C. MELLEMA SR., INC.

LAND SURVEYORS

5409 EAST DRIVE BALTIMORE, MARYLAND 21227 (410)247-7488

SCALE:

1"=30'

DATE:

8-25-21

JOB NO:

21692

Street Scene





629 Plymouth Rd
Subject Property



December 7, 2021

629 Plymouth Road- Subject Property
Baltimore County, MD 21229

Title History

May 9th, 1927

Irene T. Freburger to William Edgar Marling and Lillian B. Marling, his wife
640/406

September 26th, 1927, William Edgar Marling and Lillian B. Marling, his wife to Meridale Apartments Incorporated (William Marling is president of this corporation)
649/300

October 26th, 1939

Meridale Apartments Incorporated (William Marling, President) to Harry F. Schneider and Sarah K. Schneider, his wife
1078/307

April 16th, 1986

Sarah K. Schneider, widow (Harry died November 4th, 1959) to Sarah K. Schneider and Catherine S. Hinkey(daughter), joint tenants
8934/174

November 8th, 2005

Catherine S. Hinkey (surviving joint tenant of Sarah K. Schneider- Sarah died June 13th, 1990) to Catherine S. Hinkey
22866/0462

October 19th, 2017

Catherine S. Hinkey to Thomas F. Hinkey (adult son of Catherine)
40328/357

Prepared by: Meskerem "MJ" Strama, Property Manager and Transaction Specialist as researched on MDLANDREC.net



Of the 49 homes on the 600 block of Plymouth Road, 8 are multi-family properties, so it is not out of character for multi-family homes to exist on this block: Subject property – 629 Plymouth – 6 units

613 Plymouth Rd – 2 units

616 Plymouth Rd – 2 units

639 Plymouth Rd – 6 units

631 Plymouth Rd – 5 units

636 Plymouth Rd – 4 units

638 Plymouth Rd – 2 units

639 Plymouth Rd – 6 units

641 Plymouth Rd – 4 units

Subject Property - 629 Plymouth Rd

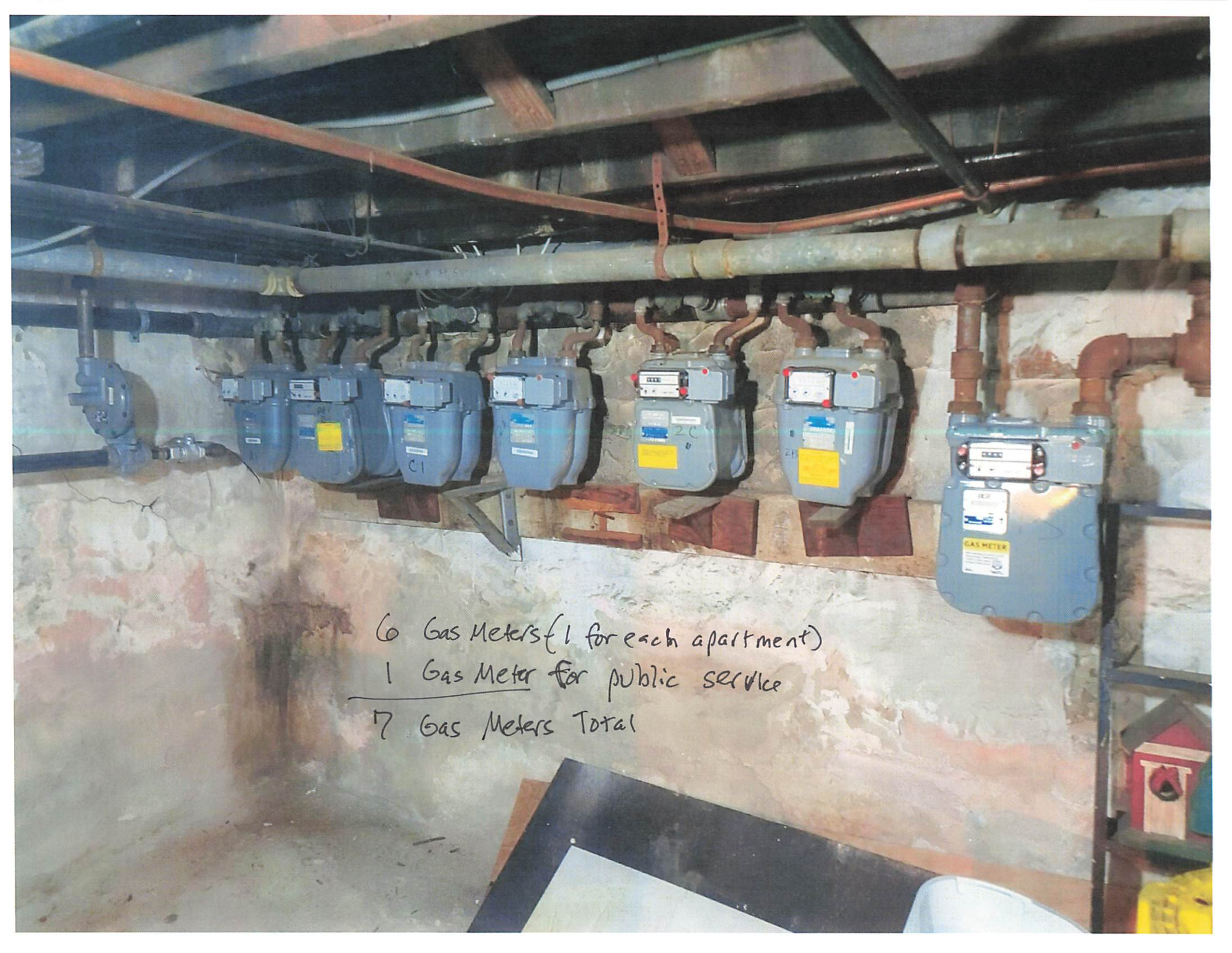


EXHIBIT 6



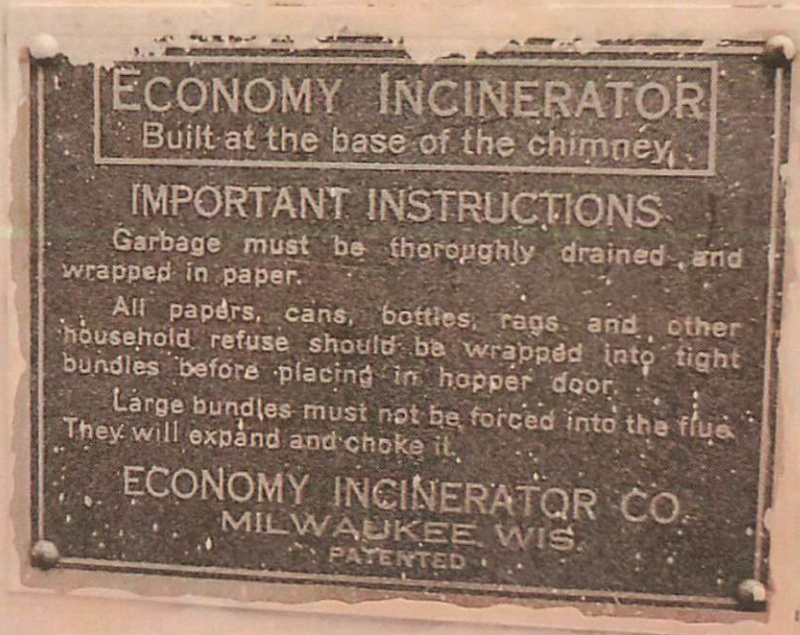
Electric Meters: 6 Apartments
1 Public Service

7 meters total



6 Gas Meters (1 for each apartment)
1 Gas Meter for public service

7 Gas Meters Total



ECONOMY INCINERATOR

Built at the base of the chimney.

IMPORTANT INSTRUCTIONS

Garbage must be thoroughly drained and wrapped in paper.

All papers, cans, bottles, rags and other household refuse should be wrapped into tight bundles before placing in hopper door.

Large bundles must not be forced into the flue. They will expand and choke it.

ECONOMY INCINERATOR CO.

MILWAUKEE, WIS.

PATENTED

sealed incinerator in the public hallway
629 Plymouth Rd



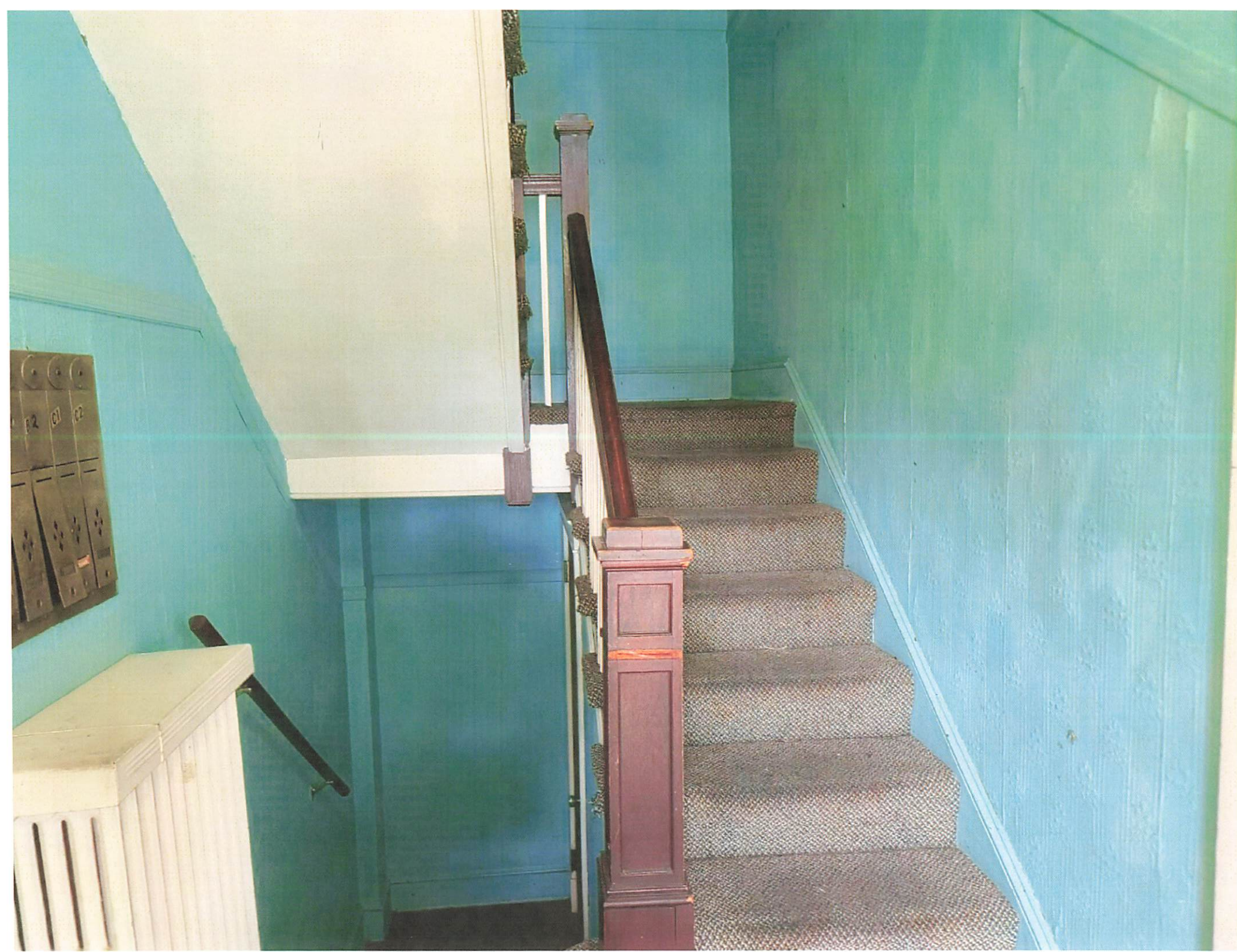
629
Plymouth Rd
Base of
old
incinerator
in the
basement.











January 10, 2022

Office of Administrative Hearings
Baltimore County
11101 Gilroy Rd
Hunt Valley, MD 21031



RE: 2021-0270-SPH
629 Plymouth Road, Baltimore County, Maryland 21229

Dear Sir/Madam:

On December 10, 2021, The Honorable Paul M. Mayhew heard the above referenced Special Hearing for a petition to continue to use the subject property, 629 Plymouth Rd, Baltimore County, Maryland 21229, as six (6) Dwelling Units.

On December 17, 2021, Judge Mayhew issued his opinion in which he granted and approved of the continued use of the Property as six (6) Dwelling Units subject to three conditions; namely,

1. Apply for a rental housing license,
2. Comply with DOP and Fire Department comments, and,
3. Require the tenants to park in the 1,200 sq.ft. garage at the rear of the property and not on the street.

The purpose of this letter is to appeal the third condition; the requirement for all tenants to park in the garage and not on the public street.

It is our understanding that the purpose of this Hearing was to establish that the current use (a six dwelling unit apartment building) existed continuously since before the current zoning code was put in place (which occurred in 1971). Once so established, the use would be recognized as a legal non-conforming use by Baltimore County and that the use would be allowed to continue indefinitely into the future so long as the use was continuous.

Testimony and evidence presented at the hearing was sufficient to meet the criteria of establishing continued use since before 1971. Testimony also indicated that no changes, modifications, additions, or construction was occurring at the Property, or contemplated in the near future. The purpose of the hearing was simply to establish the existing use as being authorized to continue into the future as a non-conforming use.

Our objection to Condition #3 is:

A. The property has been used as 6 dwelling units since 1927. Ever since 1927, some tenants have parked in the driveway and in the garage, and many tenants have parked vehicles on the public street. Since the density of the property has not changed, there is no need to restrict parking to be only within the property lines.

B. It is impossible to meet this requirement. Petitioner's Exhibit B is a Location Survey of the Property (see below). The garage is shown as being 49.5' by 24.5' or about 1,200 sq.ft. At one

From: ben@benfrederick.com
To: [Krysundra Cannington](#)
Cc: will@benfrederick.com
Subject: Exhibits for Case 2021-270-SPH
Date: Thursday, June 2, 2022 10:47:40 AM
Attachments: [Location Survey.pdf](#)
[parking plan.pdf](#)

CAUTION: This message from ben@benfrederick.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms. Cannington,

Attached please find the 2 exhibits presented at this morning's hearing.

Please let me know if you have any questions or need any additional information.

Sincerely Yours

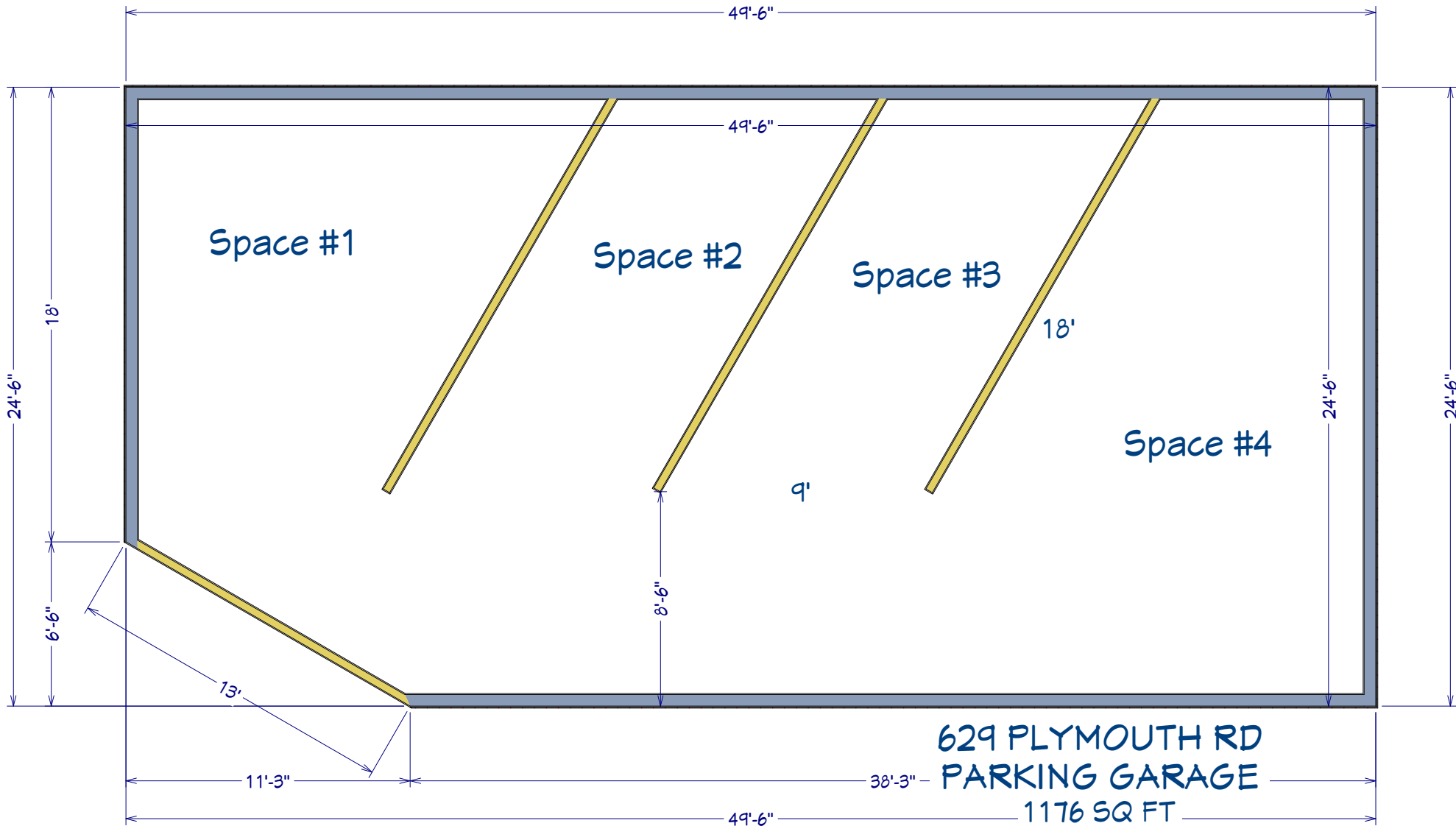
Ben Frederick III, CCIM
410-752-6400

Broker, [Ben Frederick Realty, Inc.](#) "Baltimore's Apartment Property Specialist"

3121 Saint Paul St, Suite 26, Baltimore MD 21218

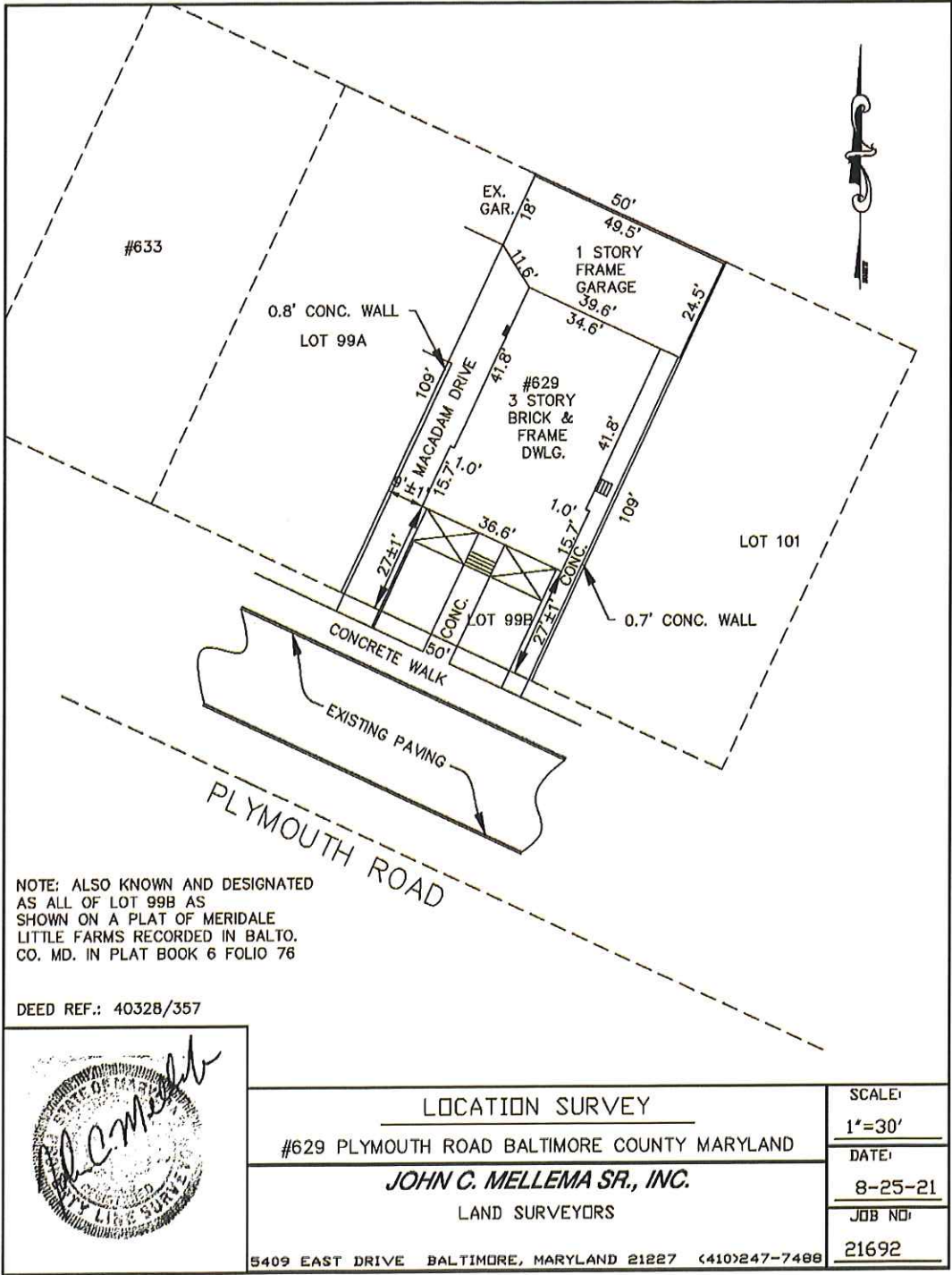
Click here for video: ["What others say about Ben Frederick"](#)

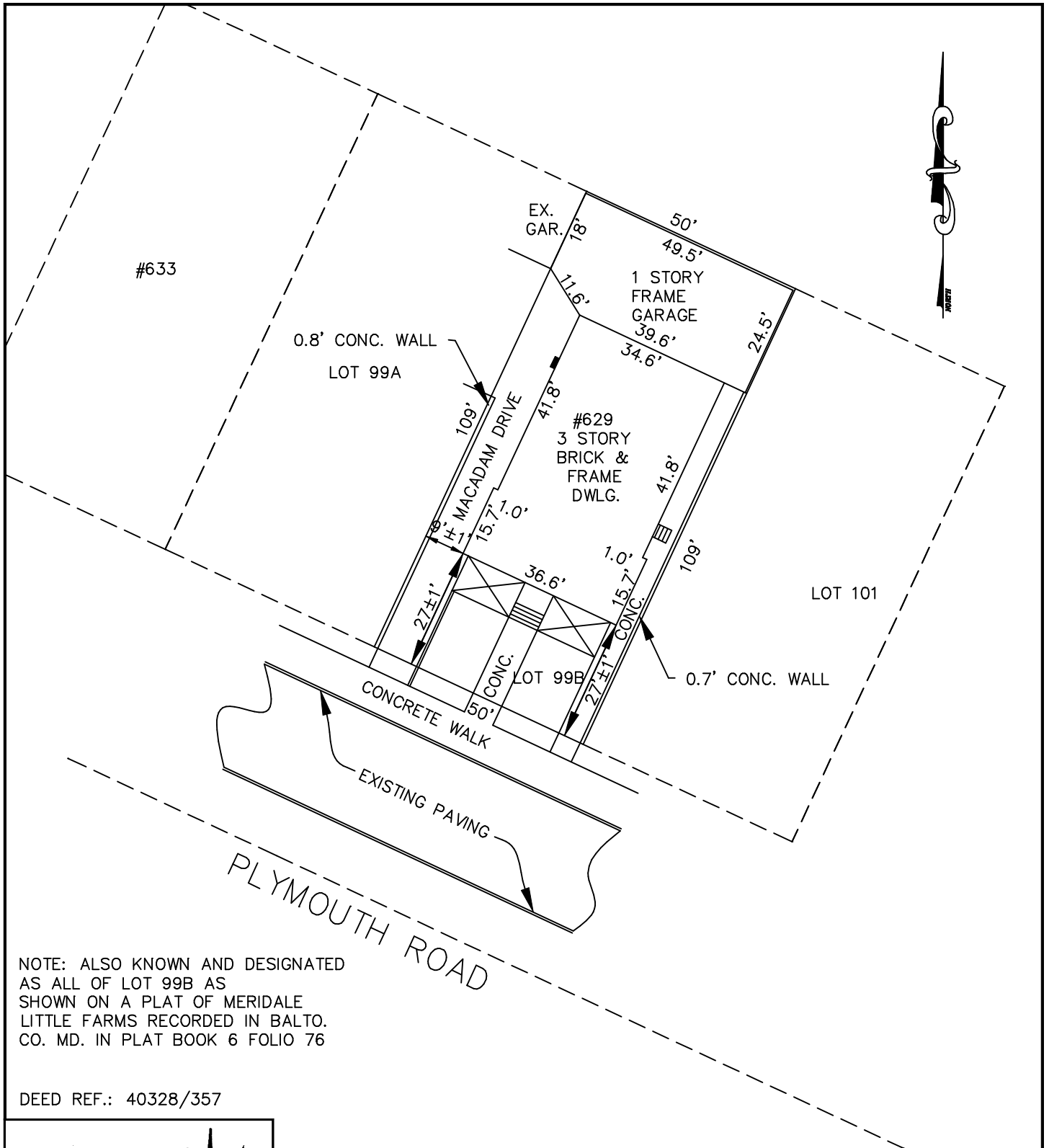




end of the garage, there is a single eleven foot wide opening. Baltimore County Zoning Regulations (§409.4) with regard to parking requires a 12' drive lane for one-way drive lane plus 16' wide to create 60 degree parking bays for a total of 28' width versus the actual width of 24' present in the garage. Even if we modified these requirements and squeezed in as many parking spaces as possible, it is not possible to have space for more than 4 vehicles. (see parking plan)

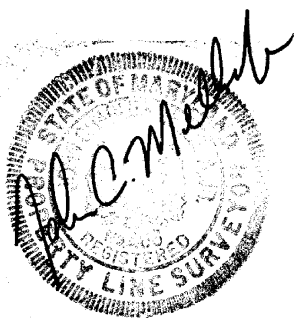
Petitioner's Exhibit B – Location Survey:





NOTE: ALSO KNOWN AND DESIGNATED
AS ALL OF LOT 99B AS
SHOWN ON A PLAT OF MERIDALE
LITTLE FARMS RECORDED IN BALTO.
CO. MD. IN PLAT BOOK 6 FOLIO 76

DEED REF.: 40328/357



LOCATION SURVEY

#629 PLYMOUTH ROAD BALTIMORE COUNTY MARYLAND

JOHN C. MELLEMA SR., INC.

LAND SURVEYORS

5409 EAST DRIVE BALTIMORE, MARYLAND 21227 (410)247-7488

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