Cost of Advertising

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BEFORE INC

IN RE: PETITION SPECIAL HEARING SW/S of Yorkway, 332' NW of Leeway (2522 Yorkway) -ZONING COMMISSIONER

12th Election District

276

OF BALTIMORE COUNTY Audra Urtes, Case No. 86-414-SPH

Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of a nonconforming use for a multi-family dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Chris Lucas, a long-time resident of Dundalk who is intimately familiar with Yorkway, testified on her behalf. The Reverend Eva O'Diam, Dundalk Church of the Brethren, and Beverly Klein, Dundalk Community Council, appeared as observers. There were no Protestants.

Testimony indicated that a four-apartment dwelling was constructed on the subject property, 2522 Yorkway, zoned D.R.10.5, during World War II. Mr. Lucas testified that he remembers when the dwellings on Yorkway were constructed and that they were constructed as four-unit dwellings. The Petitioner purchased the property in 1960, and at that time, it had five apartments, including a basement apartment. By an uncontradicted affidavit from Mrs. Theo McKinney, whose family owned this property prior to its sale to the Ret lioner, the basement apartment was added in 1949 or 1950. Mrs. McKinney and the Petitioner stated that the five units have been in existence continuously since 1949 without interruption.

The Petitioner seeks relief from Section 104.1, Baltimore County Zoning Registions (BCZR).

The following is a Deed description on the 2522 Yorkway property:

BEGINNING for the same at a point on the southwesterly line of Yorkway as now laid out distant 332.42 feet northwesterly, measured along the said southwesterly line of Yorkway from the northwesterly line of Leeway as laid out 60 feet wide, all as shown on said "Plat No. 4 of Dundalk" and running thence south 35 degrees 53 mintues 53 seconds west 116.45 feet, part of which distance is intended to be along the center line of a party wall there situate to intersect the northeasterly line of a 14 foot alley there situate as shown on said plat; thence binding on the northeasterly line of said alky, north 51 degrees 6 minutes 49 seconds west, 49.07 feet, thence north 35 degrees 53 minutes 53 seconds east 113.73, part of which distance is intended to be along the center line of a party wall there situate to intersect the said southwesterly line of Yorkway; thence southeasterly binding on the said southwesterly line of Yorkway on a curve to the right with a radius of 14,254.91 feet for a distance of 49 feet to the place of beginning. The improvements thereon being known as No. 2522 Yorkway. approximately 5714 square feet in the 12th Election District.

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PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER SE/S Yorkway, 332' NW of Leeway (2522 Yorkway) OF BALTIMORE COUNTY 12th District

AUDRA URTES, Petitioner(s) Case No. 86-414-STH

: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 (301) 494 - 2188

I HEREBY CERTIFY that on this 26th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Michael I. Gilbert, Esquire, 1121 Merritt Blvd., Baltimore, MD 21222, Petitioner's Attorney.

The use described here predates the establishment of the first zoning regulations in 1945 and, therefore, is clearly nonconforming inasmuch as such a multi-family dwelling would not be permitted as of right in a D.R.10.5 Zone, which was created by the adoption of the 1955 zoning regulations. The lot area is not sufficient to permit such a use. However, pursuant to the 1945 regulations, inasmuch as the expansion of the building to include the fifth apartment occurred in 1949 or 1950, a nonconforming use was permitted to be expanded "to an extent not more than once again the area of the land used in the original nonconforming use". Section XI, 1945 BCZR.

The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption as a five-apartment dwelling since 1949. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the approval prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of June, 1986, that a nonconforming use as a fiveapartment dwelling be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

- 2 -

Michael I. Gilbert, Esquire

The Reverend Eva O'Diam

is. Beverly Klein

People's Counsel

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PETITION FOR SPECIAL HEARING 12th Election District

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Southwest Side of Yorkway, 332 feet Northwest of Leeway (2522 Yorkway)

DATE AND TIME: Tuesday, April 15, 1986, at 10:00 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing for a nonconforming use of a multiple family dwelling (5 apartments)

Being the property of Andra Urtes plan filed with the Zoning Office. as shown on plat

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

00 BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353

ARNOLD JABLON ZONING COMMISSIONER JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

April 9, 1986

Michael I. Gilbert, Esquire 1121 Merritt Boulevard Baltimore, Maryland 21222

> RE: PETITION FOR SPECIAL HEARING SW/S Yorkway, 332' NW of Leeway (2522 Yorkway) 12th Election District Audra Urtes - Petitioner Case No. 86-414-SPH

Dear Mr. Gilbert:

This is to advise you that <u>\$65.80</u> is due for advertising and posting of the above property. This fee must be paid before an

THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND hilding, Towson, Maryland

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 4/15/85 signal post to be RETURNED Advertising & Posting re Case \$36-414-SP!!

B B D 6 D *** * 1 6 5 8 C 1 8 1 5 4 F

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Do not remove sign from property the time it is placed by

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON

pore County, Maryland, and remit

CERTIFICATE OF PUBLICATION BATIMORE COUNTY, MARPLAND PETITION FOR SPECIAL HEARING 4 12th Election District LOCATION: Southwest side of York-OFFICE OF INTER-OFFICE CORRESPONDENCE way, 352 feet Northwest of Leeway Dundalk Eagle BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE (2522 Yorkwarh DATE A:D TIME: Tuesday, April 15, TO Arnold Jablon, 1986, at 10:00 a.m.
PUBLIC HEARING: Room 106, March 25, 1986 March 21, 1986 Zoning Commissioner County Office Building, 117 % Chesa-peake Avenue. Towson, Mary 3 The Zoring Commissioner of Balti-more County, by authority of the Zori-38 N. Dundaik Ave. 23- g. j. Dundalk, Md. 21222 1986 FROM Norman F. Gerber, Director
Office of Planning & Zoning COUNTY OFFICE BLDG. Michael I. Gilbert, Esquire ing Act and Regulations of Baltimore 1121 Merritt Boulevard SUBJECT Zoning Petition Nos. 86-409-SpH, 86-412-SpH, 86-413-SpH, 86-414-SpH County, will hold a public hearing: Baltimore, Maryland 21222 THIS IS TO CERTIFY, that the annexed advertisement of Petition for Special hearing for a eligible as a multiple Arnold Jablon in the matter of Zoning Hrgs. - P.O. # 75299 - Req. #L87648 - 72 lines @ \$28.80. RE: Item No. 276 - Case No. 86-414-SPH April 23, 1950 family dwetting (5 apartments) Being the property of Audra Urtes, as shown on plat plan filed with the Audra Urtes - Petitioner In view of the subject of this petition, this office offers no comment. was inserted in The Dundalk Eagle a weekly news-Special Hearing Petition Zoning Office.

In the event that this Petition(s) is MEMBERS paper published in Baltimore County, Maryland, once a week Dear Mr. Gilbert: granted, a building permit may be is-Ms. Bev Klein sued within the thirty (30) day appeal 2032 Cimond Road Engineering period. The Zoning Commissioner will, The Zoning Plans Advisory Committee has reviewed the plans subxuxxxxxxxxxxx before the Dundalk, Md. 21222 however, entertain any request for a Department of mitted with the above-referenced petition. The following comments are Traffic Engineering stay of the issuance of said permit not intended to indicate the appropriateness of the zoning action re-28th day of NORMAN E. GERBER, AICP, Director 1986; that is to say, he: Zoning for 2515 Yorkway, 2522 Yorkway, during this period for good cause State Roads Commissio quested, but to assure that all parties are made aware of plans or Office of Planning & Zoning shown. Such request must be reand 2523 Yorkway the same was inserted in the issues of March 27, 1986 problems with regard to the development plans that may have a bearing ceived in writing by the date of the Bureau of hearing aet above or made at the NEG/JGH/dmi on this case. The Director of Planning may file a written report with Dear Ms. Klein: the Zoning Commissioner with recommendations as to the suitability of Health Department · BY ORDER OF the requested zoning. ARNOLD JABLON This letter confirms that I advised you that the hearing for zoning Project Planning ZONING COMMISSIONER
OF BALTIMORE COUNTY petitions on the above matters would be at 9:30a.m. on June 2, 1986 in Form Building Department Enclosed are all comments submitted from the members of the Com-100 of the Paltimore County Office Building and that you have advised me that the above time and date is exceeable: mittee at this time that offer or request information on your peti-Board of Education tion. If similar comments from the remaining members are received, I Kimbel Publication, Inc. Zoning Administration will forward them to you. Otherwise, any comment that is not informa-Industrial tive will be placed in the hearing file. This petition was accepted Very truly yours, Development for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours, Michael I. Gilbert cc: Baltimore County Zonin; Comm. AMES E. DYER Zoning Plans Advisory Committee 00 00 JED:nr Enclosures CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY cc: Silbermann & Associates 86-414 584 1703 East Joppa Road Baltimore, Maryland 21234 District 12 Th Posted for: Special Hearing Petitioner: Hudra Urtos Location of property: SW/s fortway, 332' NW/Loowoy Location of Signs: Facing yorkway, eporox 15 Fr. You Iway, on property The Children 00 00 DALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
(494-3391) 00 K28 25 DALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204
494-J211 JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER ARNOLD JABLON ZONING COMMISSIONER NORMAN E. GERDER DIRECTOR The had DEPARTHERIN Michael I. Gilbert, Esquire March 14, 1986 April 23, 1986 1121 Merritt Boulevard Baltimore, Maryland 21222 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 2120 April 23, 1986 MARCH 24, 1986 Michael I. Gilbert, Esquire 1121 Merritt Boulevard NOTICE OF HEARING Baltimore, Maryland 21222 Re: Zoning Advisory Meeting of FEBRUARY 11, 1986

Item + 276

Property Owner: AUDRA URTES

Location: SE/S YORKWAY, 332 NW RE: SW/S Yorkway, 503.87' NW of Leeway RE: PETITION FOR SPECIAL HEARING SW/S Yorkway, 332' NW of Leeway (2516 Yorkway) Rev. Eva O'Diam The Eundalk Church of the Brathren Anita Cavoures - Petitioner (2522 Yorkway) Dear Mr. Jablon: OF LEEWAY Case No. 86-412-SPH Yorkway & Shirway 86-412-5PA 12th Election District The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are Dundalk, Md. 21222 Audra Urtes - Petitioner ANITA CAVOURES NE/S Yorkway, 165.23' NW of Leeway Case No. 86-414-SPH 4493 -5PH Zoning for 2516 Yorkway, 2522 Youkway, There are no site planning factors requiring comment.

A County Review Group Meeting is required.
A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.

To issuance of a building permit.

The access is not satisfactory.

The parking arrangement is not satisfactory. (2525 Yorkway) 10:00 a.m. ANITA CAVOUESS Anita Cavoures - Petitioner and 2525 Horkway 86-414-614 Case No. 86-413-SPH Tuesday, April 15, 1986 AUDRA ORTES Bear Pev. C'Dian: SW/S Yorkway, 332' NW of Leeway This letter contimes that I advised you that the hearing for zoning patitions on the above matterpold be at 9:30a.m. on June 2, 1986 in Noom PLACE: Room 106, County Office Building, 111 West Chesapeake (2522 Yorkway) Audra Urtes - Petitioner 106 of the Baltimore County Circa Fullding and that you have advised me that Case No. 86-414-SPH Avenue, Towson, Maryland the above time and date is The circulation on this site is not satisfactory.
The parking arrangement is not satisfactory.
Parking calculations must be shown on the plan.
This property contains soils which are defined as wetlands, and development on these soils is prohibited.
Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Dear Mr. Gilbert: very truly yours, Pursuant to our telephone conversation of April 22nd, this letter is to confirm the fact that the above-captioned cases have under the provisions of Section 22-95 of the Development.

Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Board. been rescheduled for hearing before Commissioner Jablon on Monday, Michael I. Gilbert June 2, 1986, at the below-listed times: 86-412-SPH 9:30 a.m. On

)Langscaping: Must comply with delitimore County Langscape Manual.

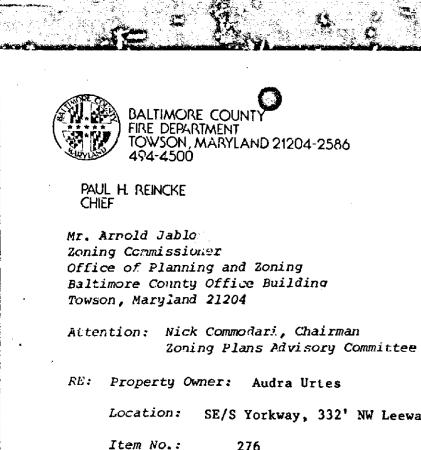
)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve ec: Paltimore County Zoning Comm. 86-413-SPH 10:00 a.m. 10:30 a.m. 86-414-SPH Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "D" level intersection as defined by Sill 173-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas Very truly yours, mmissioner are re-evaluated annually by the County Council. BALTIMORE COUNTY, MARYLAND No. 018339 Margaret E. du Bois WEICE OF FINANCE - REVENUE DIVISION Zoning Office ISCELLANEOUS CASH RECEIPT 01-615-000 AMOUNT \$ 100,00 Eugene A. Bober cc: James Hoswell Chist, Current Planning and Development

92340000106001a 5318F

2522 Yorkway VALIDATION OR SIGNATURE OF CASHIER

and the dri

Mariana



Location: SE/S Yorkway, 332' NW Leeway

Zoning Agenda: Meeting of 2-11-86

February 2C, 1986

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior wo occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy. Bedroom & living room windows shall be in accordance with Sec. 22-2.2.1
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no commen(ts) at this time

REVIEWER: Call Joseph J. 2-21-16 Approved: Planning Group

Special Inspection Division

L. ire Prevention Bureau

February 11, 1986

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610 TED ZALESKI, JR.

DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and 7 ming Towson, Maryland 21204

SE/S Yorkway, 332 feet NW of Leeway 12th.

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

B) A building and other miscellaneous permits shall be required before the start of any/construction. C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

For any alteration that may be required to comply with the Code,

Commonweller Three sets of construction drawings second and signed by a registered in Maryland Architect
or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior wells closer than 6'-0 to an interior lot line. R-4 Use Groupe require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a firs or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department

The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct clavations above sea level for the lot and the finish floor levels including basement.

comply with the Code. If additional rental units are being created a separate permit shall be required. If the structure was not listed as an apartment building, a change of occupancy may also be required. See Section 103.1 amended, Table 401 amended, Article 7, Section 809.4 bedroom windows/ emergency

Charles & Sunham w. Chesapeaks Avenue, Towson, Maryland 21204.

BY: C. E. Burnham, Chief Building Plans Review

CC: Capt. J. Kelly

AFFIDAVIT

I, THEO MC MINNEY, being duly sworn, depose and say:

- 1. I am of the age of majority, I have personal k. wledge of the facts stated in this Affidavit, and I am competent to testify to that facts stated in this Affidavit.
- The apartment building commonly known as 2522 Yorkway, Baltimore County, Maryland 21222 previously was owned by my sister-in-law Mary Katherine McMinney.
- 3. In 1949 or 1950, a basement apartment was built at 2522 Yorkway, and Ella Mae Arnold moved into the basement apartment and lived there until the building was sold to Mr. and Mrs. Hans Urtes in approximately 1960.
- During the period that the building was owned by my sister-in-law Mary Katherine Mckinney, the building was used as an apartment house, with apartments on the first floor, second floor, and the above mentioned basement apartment.

I DO SOLEMNLY DUCLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FACTS AND STATEMENTS IN THE ABOVE AFFIDAVIT ARE TRUE AND CORRECT.

Case No. 86-414-SPE BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this the day of March, 1986.

Zoning Commissioner Received by

Petitioner Audra Urtes Petitioner's

Attorney

Michael I. Gilbert, Esquire

Chairman, Zoning Plans (m) Advisory Committee

NO. 2316 TOTAL SO FOOTAGE PLOG : SO'X 4 0'(0.PM) RESIDENCES EXISTING ● 2ND FLOOR : 1.211 4 No. 2522 • 15T FLOOPS : 1,211 4 TOTAL SO. FOOTAGE BLDG. 30'x 10' (0.PIM.) ●BASEMENT : 755,00 \$ ●2ND FLOOR: 1,211 \$ TOTAL: 3,155.00 # ●15T FLOOK: 1,211中 ●BASLMENT: 658 🕈 TOTAL: 3,0804 (P) ALLEY 1 (5 31.20'55 W. 111.85' 1 655 55 55 44. 116.45 (10'21'54-78.91' 1 N 51°06' 10" W. 10.07" 3 N 32 46'40'E . 110.20' 3 N35°53'53'E-113.73' SELY. R. 2,000' · L. Gl. 92' TO P.A.D. 1 @ Sily. R-12152.01-1-40 70 100. m 2516 2518 331.11 TO LIEWAY _ 21'ASPIJALT PAYLMENT *NOTE: NA 2516 \$ 2521 ARE USED AS APARTMENTS OFF STREET PARKING DATA . PLAT TOR: ZONING SPICIAL HEARING DLPG. NO. 2512 • OCVINER: 2516: ANITA CAVOLIRES - 2522: ALIPRA LIRTIS - LIFE JENANT SA BLDG. NO. 2510 . BASEMENT: . BASLMENT : • ZON3: DR 10.5 . PISTRICT - 12 2 No. of UNITS. . . O SUBDISIONS "PLAT NA & AT PUNDALK" NO OF UNITS.... NO OF SPACES NEED. * NO. OF SPACES NEED. • PATE : JAN. 28, 1986 NO. OF SPACES PROVIDED. NO. OF SPACES PROVIDED..... · EXISTING UTILITIES IN YORKSYAY ·FIRST FLOOR: ofinst floor: OSCALL: 1. 50 2 No. of UNITS NC. OF LINITS ... • PKVG. BY: CAMPBLL NO. OF ENCIS NAP. * NAOTSPACES READ ... NO OF SPACES PROVIDED NO. OF SPICES PROVIDED * ASTERIN' NON CONFURMING LISE •SECOND FLOOR: . SLCOND FLOOR: SILBERMANN & ASSOCIATES ENGINEERS, PLANNERS • SURVEYORS 1703 EAST JOPPA ROAD LISE ... APT NA OF LINITS NO OF UNITS..... BALTIMORE, MARYLAND 21234 Naot SPACIS RIGID * NA OF SPACES READ..... NA OF SPACES PROVIDED. NO. OF SOLCES PROVIDED... TOTAL READ: * TOTAL PROV. TOTAL READ: * TOTAL PROV.