

IN RE: PETITION FOR ZONING VARIANCE
SE/cor. McComas Avenue
and Parkwood Avenue
(2601 McComas Avenue)
12th Election District
7th Councilmanic District
Anten R. Selander
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-99-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure, a residential garage, to be located in the side yard in lieu of the required rear one-third yard farthest removed from any street, as more particularly described on the site plan, Petitioner's Exhibit 1.

The Petitioner, Anton R. Selander, appeared and testified. The following neighbors appeared and testified as Protestants: Henry Saltgiver, Joseph Deluca, Basil C. Schoka and Philip Fraley.

Testimony indicated that the subject property is located on the corner of McComas and Parkwood Avenues and zoned DR 5.5. The Petitioner proposes to construct a residential garage in the side yard. There is not enough room in the rear yard as required under the Baltimore County Zoning Regulations (BCZR). The Petitioner introduced as Petitioner's Exhibit 3 a letter signed by the two adjoining property owners indicating they had no objection to the proposed garage. The Petitioner indicated that construction of the garage had commenced earlier in the year, but had stopped pending the outcome of this hearing.

The Protestants testified they had no objection to the construction of a garage, but feared the Petitioner would use the building for commercial use and operation of his plumbing business. The Petitioner assured the Zoning Commissioner that the garage would not be used in any way for the operation of his business or any other commercial use. The Petitioner indicated no loft is being constructed or would be built in the garage.

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The Petitioner testified that he understood that Baltimore County law prevented him from conducting any business operation on this property, and furthermore, that he could be fined for using the property for business purposes. The Petitioner stated that neither he nor his tenants would store business equipment on the property or in the garage. The garage will be used only for the storage of his personal car and not for commercial trucks or equipment. The Petitioner also agreed not to store any building or plumbing supplies on the property. The building supplies on the site are to be used on the garage or removed from the site.

The Petitioner seeks relief from Section 400.1, pursuant to Section 307, of the BCZR. Section 307 of the BCZR grants the Commissioner authority to grant an area variance where strict compliance would result in practical difficulty or unreasonable hardship. It is clear from the testimony that if the variance is not granted, the enforcement of the BCZR would cause a practical difficulty and unreasonable hardship on the Petitioner. The granting of the variance as requested would not be contrary to the spirit and intent of the BCZR nor would it result in substantial injury to the public health, safety and general welfare.

Pursuant to the advertising, posting of the property and public hearing held on this case, after due consideration of the testimony and evidence presented, and for the reasons given above, it appears that strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioner. In the opinion of the Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should, therefore, be granted, subject to restrictions noted below.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of September, 1987, that the Petition for Zoning Variance to permit an accessory structure, a garage/residential, to be located in the side

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yard in lieu of the required rear one-third yard farthest removed from any street, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The residential garage shall not be utilized for any commercial enterprises, including but not limited to operation of the Petitioner's plumbing business.
- 3) The Petitioner shall have construction of the garage completed and have all materials relative to the construction of the garage, and all other debris and miscellaneous items removed from the property by no later than December 1, 1987.
- 4) The granting of this variance in no way condones the use of the property during construction of the garage for the storage of any inoperable or unlicensed vehicles and/or the storage of any building materials on the property.
- 5) The accessory garage shall not contain a loft or in any way be used as habitable space.
- 6) The garage shall not be used for the storage of any materials or equipment for any business, commercial or retail use.

J. Robert Haines
Zoning Commissioner of
Baltimore County

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-3-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
494-3853

J. Robert Haines
Zoning Commissioner

September 15, 1987

Mr. Anton R. Selander
2601 McComas Avenue
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
SE/cor. McComas Avenue and Parkwood Avenue (2601 McComas Avenue)
12th Election District; 7th Councilmanic District
Case No. 88-99-A
Anton R. Selander - Petitioner

Dear Mr. Selander:

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:bjs

Enclosures

cc: Mr. Henry Saltgiver
2600 McComas Avenue, Baltimore, Md. 21222

Mr. Joseph J. DeLuca
2604 McComas Avenue, Baltimore, Md. 21222

Mr. Basil C. Schoka
2608 McComas Avenue, Baltimore, Md. 21222

Mr. Philip C. Fraley
2602 McComas Avenue, Baltimore, Md. 21222

The Honorable Norman R. Stone,
Senate Office Building, Annapolis, Md. 21401

People's Counsel
File

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RE: PETITION FOR VARIANCE
SE/Corner McComas Ave. &
Parkwood Ave. (2601 McComas
Ave.), 12th District
ANTON R. SELANDER, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-99-A

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
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Townson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Anton R. Selander, 2601 McComas Ave., Baltimore, MD 21222, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the reasons following: (Indicate hardship or practical difficulty)

NO OTHER LOCATION ON PROPERTY TO PLACE GARAGE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

ANTON R. SELANDER

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2601 McCOMAS AVE. 282-7547

Address Phone No.

BALTO., MD. 21222

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ANTON R. SELANDER

Name

2601 McCOMAS AVE. 282-7547

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day

of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 2nd day of September, 1987, at 10:30 o'clock.

A.M.

Calvin J. ...
Zoning Commissioner of Baltimore County.

(over)

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Beginning on the southeast corner of Parkwood Avenue (50feetwide) and McComas Avenue, (40 feet wide) Being lots 68-73 section R in the Subdivision of Gray Manor. Book NO. 8 Folio 60-61 .
Also Known as 2601 McComas Ave in the 12th Election District.

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PETITION FOR ZONING VARIANCE

12th Election District - 7th Councilmanic District
Case No. 88-99-A

LOCATION: Southeast Corner McComas Avenue and Parkwood Avenue
(2601 McComas Avenue)

DATE AND TIME: Wednesday, September 2, 1987, at 10:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Townson, 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 Zoning Variance to permit an accessory structure (garage) in the side yard in lieu of the required rear yard.

Being the property of Anton R. Selander, as shown on plat plan filed with the Zoning Office.

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 JARLOW
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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OFFICE COPY

CERTIFICATE OF PUBLICATION
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND
District 12th
Date of Posting 8/2/87
Posted for: Anton R. Selander
Petitioner: Anton R. Selander
Location of property: 2601 McComas Ave. & Parkwood Ave.
Location of Sign: 2601 McComas Ave.
Remarks: on property of P.H. Selander
Posted by: M. Selander
Date of return: 8/1/87
Number of Signs: 1

CERTIFICATE OF PUBLICATION
OFFICE OF
Dundalk Eagle
4 M. Center Place
P.O. Box 8936
Dundalk, Md. 21222
August 13, 1987
THIS IS TO CERTIFY, that the annexed advertisement of
Arnold Jablon in the matter of Zoning Hrgs. - Case
88-99-A - P.O. #90693 - Req. #M05152 - 65 lines
826.00.
was inserted in The Dundalk Eagle a weekly news-
paper published in Baltimore County, Maryland, once a week
for one week before the
14th day of August 1987; that is to say,
the same was inserted in the issues of August 13, 1987
MICROFILMED
Kimbel Publication, Inc.
per Publisher.
By K.C. Belk

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
5/15/87
K-41-115-000
Anton R. Selander
ITEM # 483
Zoning Variance
B 017*****3500a 8156F
MICROFILMED

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
J. ROBERT HAINES
ZONING COMMISSIONER
August 25, 1987
Mr. Anton R. Selander
2601 McComas Avenue
Baltimore, Maryland 21222
RE: PETITION FOR ZONING VARIANCE
SE/cor. McComas Ave. and Parkwood Ave.
(2601 McComas Ave.)
12th Election District - 7th Councilmanic District
Anton R. Selander - Petitioner
Case No. 88-99-A
Dear Mr. Selander:
This is to advise you that \$76.96 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.
THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
Do not remove sign from property from the time it is placed by
this office until the day of the hearing itself.
Please make the check payable to Baltimore County, Maryland, and remit
to Zoning Office, Room 113, County Office Building, Towson, Maryland
21204, before the hearing.
Sincerely,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
JRH:md
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CERTIFICATE OF PUBLICATION
TOWSON, MD. August 13, 1987
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 13, 1987
THE JEFFERSONIAN,
Lester Selander Obrecht
Publisher
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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
20th day of July, 1987.
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Received by: Anton R. Selander
Petitioner's Attorney
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353
9/2/87
SIGN & POST
RETURNED
Mr. Anton R. Selander
26.96
ADVERTISING & POSTING COSTS RE CASE 88-99-A
B 041*****743610 5026F
MICROFILMED

NOTICE OF HEARING
TIME: 10:00 A.M.
DATE: August 13, 1987
PLACE: Room 104, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland
Zoning Commissioner
of Baltimore County
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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
August 25, 1987
Mr. Anton R. Selander
2601 McComas Avenue
Baltimore, Maryland 21222
RE: Item No. 483 - Case No. 88-99-A
Petitioner: Anton R. Selander
Petition for Zoning Variance
Dear Mr. Selander:
The Zoning Plans Advisory Committee has reviewed the plans submit-
ted with the above-referenced petition. The following comments
are not intended to indicate the appropriateness of the zoning ac-
tion requested, but to assure that all parties are made aware of
plans or problems with regard to the development plans that may
have a bearing on this case. The Director of Planning may file a
written report with the Zoning Commissioner with recommendations
as to the suitability of the requested zoning.
Enclosed are all comments submitted from the members of the Com-
mittee at this time that offer or request information on your
petition. If similar comments from the remaining members are re-
ceived, I will forward them to you. Otherwise, any comment that
is not informative will be placed in the hearing file. This peti-
tion was accepted for filing on the date of the enclosed filing
certificate and a hearing scheduled accordingly.
Very truly yours,
James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee
JED:bjs
Enclosures
cc: File
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BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
C. Richard Moore
Acting Director
June 10, 1987
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Dear Mr. Jablon:
The Department of Traffic Engineering has no comments for items
number 469, 471, 474, 475, 476, 480, 481, 483, 470, 472, and 479.
Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II
MSF:11
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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
Mr. J. Robert Haines, Zoning Commissioner
TO: Zoning Administration
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
SUBJECT: Zoning Petition 88-99-A
Date: August 20, 1987
There are no comprehensive planning factors requiring comment on this
petition.
Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director
NEG:KAK:dmc
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File
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Baltimore County
Fire Department
Town, Maryland 21204-5506
494-4500
May 28, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Anton R. Selander
Location: SE/C Parkwood Avenue and McComas Avenue
Item No.: 483
Zoning Agenda: Meeting of 5/26/87

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 of _____ 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 to 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.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *Carl J. Kelly* 5/28/87
Special Inspection Division

Noted and

Approved: *John F. O'Neill*
Fire Prevention Bureau

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VIOLATION ASSIGNMENT SHEET

CASE NO. *06-1473*

VIOLATION DISTRICT *15*

LOCATION *2601 McComas Ave.*

ALLEGED VIOLATION *Bus/Residence;*

Conf. Storage

SEND ACKNOWLEDGMENT () PICK-UP () POLICE ()

Councilman O'Rourke

ASSIGN TO:

- | | |
|--------------|-----------------|
| () H. FLORA | () J. LONG |
| () G. FREED | () J. PERLOW |
| () D. GREEN | () J. SULLIVAN |
| () | () |

REFER TO:

- | | |
|------------------------|-----------------------|
| () BUILDINGS ENGINEER | () HEALTH DEPARTMENT |
| () FIRE DEPARTMENT | () DOG LICENSES |
| () POLICE DEPARTMENT | () OTHER |

COMMENTS:

chk. for Prior Cases

16-00-001207

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*6-17-86 White van on block tires removed
no more of Brown
or Castrol*

ZONING VIOLATION INSPECTION RECORD	
Date: <i>6-17-86</i>	Inspector: <i>Freund</i>
Zone: <i>085.6</i>	Location: <i>2601 McComas Ave.</i>
District: <i>15</i>	Int./Landmark:
Source: In-Person ☒	Structure: Apartment ☐
Letter ☐	Dwelling ☒
Pick-Up ☐	Other ☐
() Complainant: <i>Balto. Co.</i>	Phone:
Address:	
() Attorney:	Phone:
Address:	
() Occupant:	Phone:
Address:	
() Owner: <i>Anton R. Selander</i>	Phone:
Address: <i>2601 McComas Ave.</i>	
<i>Baltimore, Md. 21222</i>	
() Attorney:	Phone:
Address:	
DETAILS OF COMPLAINT: <i>See file</i>	

INSPECTOR'S REPORT	
INITIAL INSPECTION Day:	Date: <i>6-17-86</i> Time:
Probable Violation: Yes ☐ No ☒ Section(s):	
Non-Conforming Use Claimed: Yes ☐ No ☒ Year:	
<i>Long found imp. van on block several vehicles on site notably. not sure but not suggest to change violation.</i>	
Send Day Card - Correction:	No. Photos:
RE-INSPECTION Day:	Date: <i>7-23-86</i> Time:
<i>Long found imp. van on block several vehicles on site notably. not sure but not suggest to change violation.</i>	
Close Case ()	No. Photos:
Set for Hearing ()	
RE-INSPECTION Day:	Date: <i>12-3-86</i> Time:
<i>Stat offend accepted by Defendant Mr. Selander</i>	
No. Photos:	
RE-INSPECTION Day:	Date:
Time:	
No. Photos:	
Inspector: <i>GLP</i>	

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PETITIONER(S) SIGN-IN SHEET

NAME *Anton R. Selander*

Anton R. Selander

ADDRESS *2601 McComas Ave*

Baltimore Md 21222

2908 Page Rd

Balto Md 21222

PROTESTANT(S) SIGN-IN SHEET

NAME *Harvey Galtier*

Joseph J. Wilson

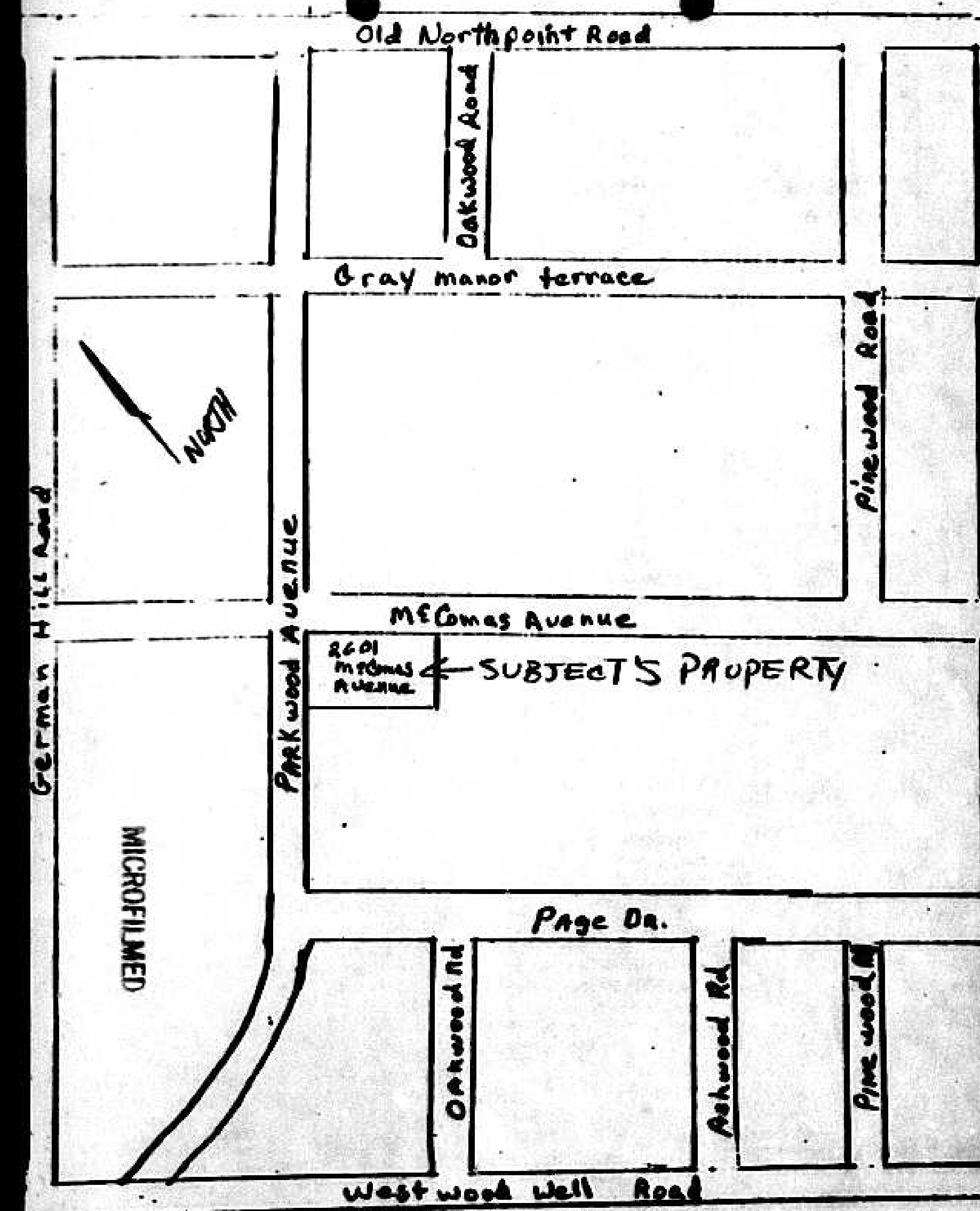
Philip C. Fralby

ADDRESS *2600 McComas Ave*

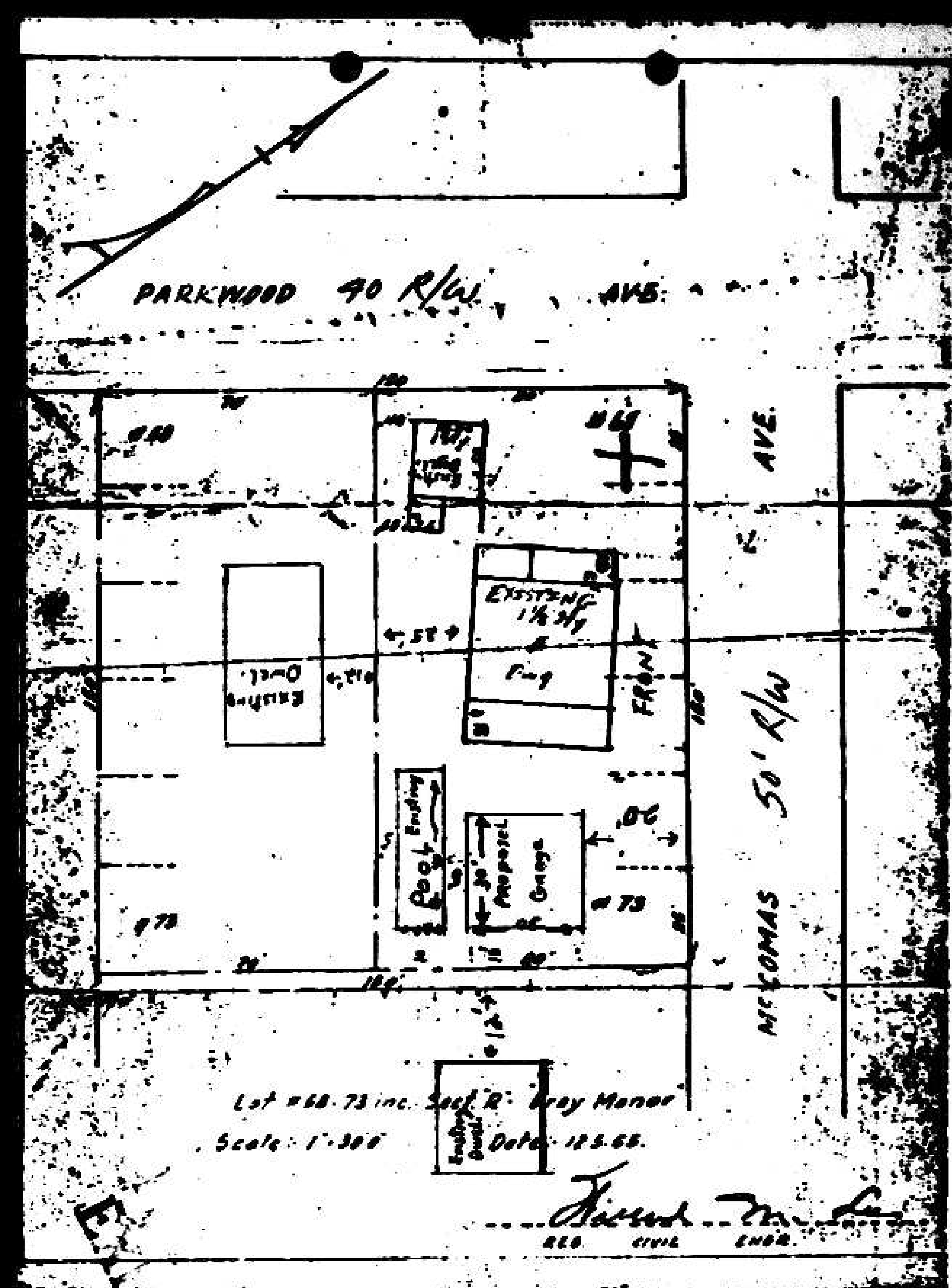
2604 McComas Ave

2605 McComas Ave

2602 McComas Ave



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PLAT FOR ZONING VARIANCE
 OWNER: ANTON R. SELANDER 483
 ELECTION DISTRICT: 12TH
 ZONING DISTRICT: DR59
 SUBDIVISION: GRAYMANOR BOOK NO. 8
 TOLSO: 60-61 SECTION R 88-99-A
 LOT NUMBERS 68-73
 LOT SIZE: 12,400 SQ. FT. / .275 ACRES

Jan 4 1969

2609 McComas Ave.,
 Balto. Md. 21222

To The Balto. Co. Zoning Dept.,
 I have discussed the location of the garage which I intend to build at 2601 McComas Ave., with both of my neighbors on both sides of my property. It is alright with both neighbors to build the garage in the location shown on the building permit application.

THANK YOU,
 Anton R. Selander
 Henry L. Selander

110 Parkwood Rd.,
 James R. Cammarata

2609 McComas Ave.,
 Frank Madelony

PETITIONER'S EXHIBIT 3

part # D-069-87

O.K. ☒ ZONING PROVISIONALLY APPROVES THIS PERMIT. IT IS
 CONDITIONED ON THE GRANT OF THE VARIANCE REQUESTED.
 IF DENIED, THIS APPROVAL IS VOID AND THE PROPERTY
 MUST BE REPAIRED TO ITS ORIGINAL CONDITION.

RECEIVED
 MAY 25 1968
 ZONING OFFICE

OFFICE COPY

WE THE UNDERSIGNED ARE PROTESTING THE BUILDING UNDER CONSTRUCTION AT 2601 MCCOMAS AVENUE. THIS BUILDING IS A DOWNGRADE OF OUR NEIGHBORHOOD. ALSO WE FEEL THAT THE ZONING OF THIS BUILDING IS NOT ALLOWED IN A RESIDENTIAL NEIGHBORHOOD.

Mr. & Mrs. Edward P. Benke Jr.
 2606 McComas Ave
 Balto Md 21222

Basil C. Schoba
 2605 McComas Ave.
 Balt 21222

Joseph Ball
 2611 McComas Ave.
 Balt 21222

Dorothy Palket
 2611 McComas Ave.
 Balt. Md. 21222

Frank Madelony
 2609 McComas Ave

Philip Frady
 2602 McComas

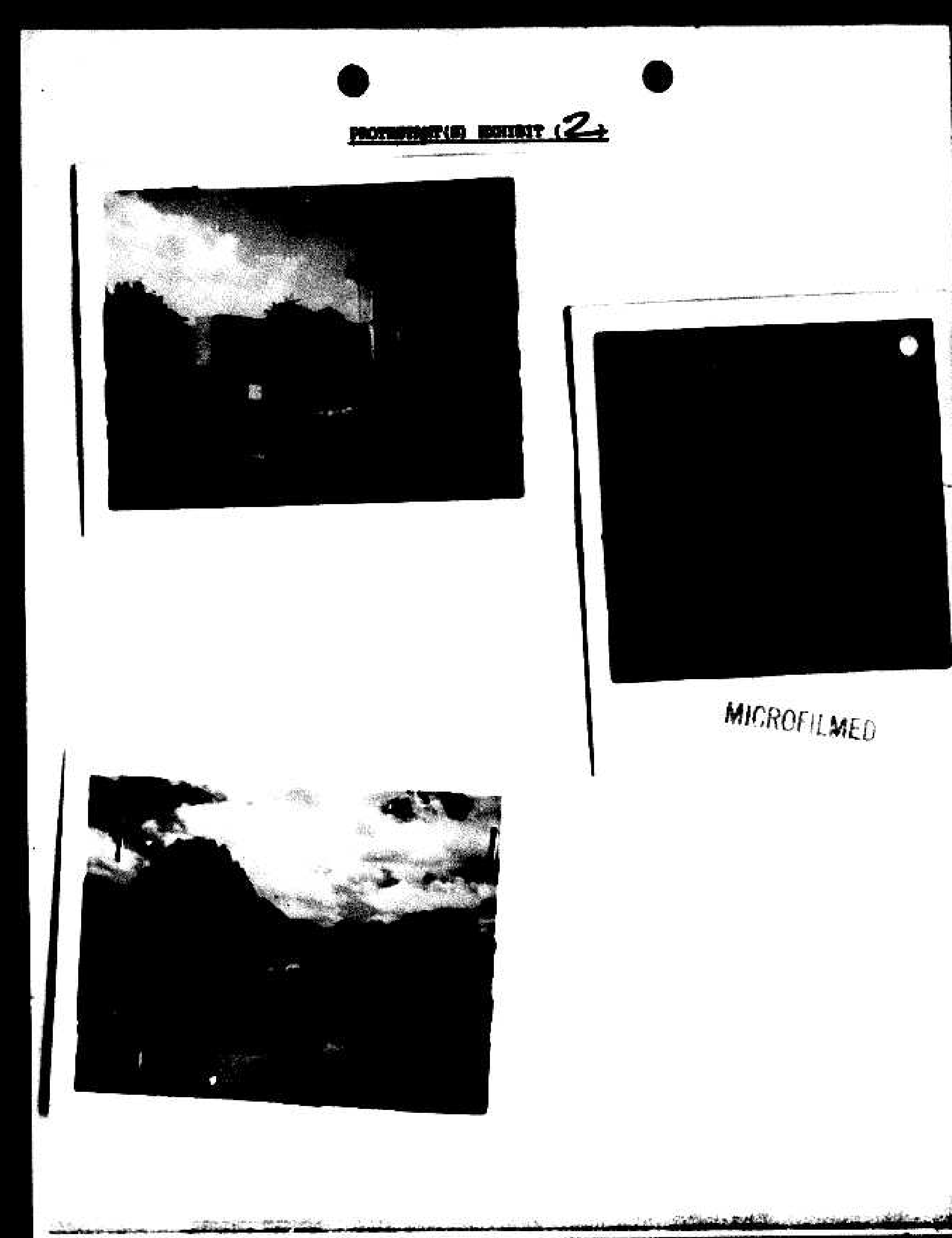
John & Clara Knorr
 2610 McComas Ave

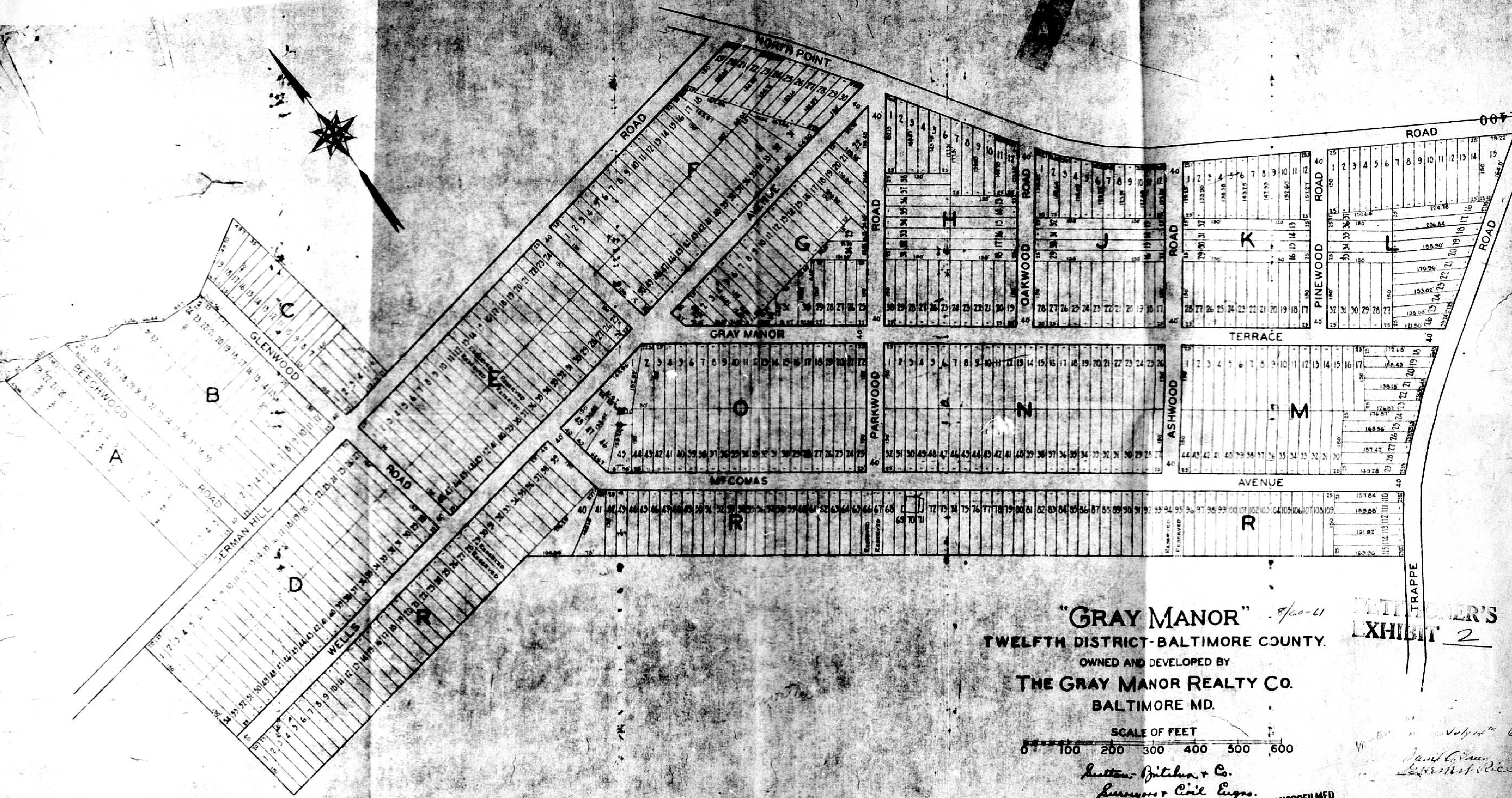
Jim Kinn
 2613 9th Comp Ave
 Mr & Mrs James Cornett
 2700 McComas Ave.

EXHIBIT 4

MACROFILMED

OVER





"GRAY MANOR" 8/20-61
 TWELFTH DISTRICT-BALTIMORE COUNTY.
 OWNED AND DEVELOPED BY
 THE GRAY MANOR REALTY CO.
 BALTIMORE MD.

SCALE OF FEET
 0 100 200 300 400 500 600

Sutton-Britcher & Co.
 Surveyors & Civil Engrs.
 Balt. July 8-1926

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TRAPPE
 EXHIBIT 2

July 14th '6
 Daniel C. [unclear]
 [unclear]