

IN RE: PETITION FOR SPECIAL HEARING  
 NE/S Taylor Avenue, 592' SE  
 of the c/l of Harford Road  
 (3016 Taylor Avenue)  
 14th Election District  
 6th Councilmanic District  
 Gary N. Collins, et ux  
 Petitioners

\* BEFORE THE  
 \* DEPUTY ZONING COMMISSIONER  
 \* OF BALTIMORE COUNTY  
 \* Case No. 90-209-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property; as a two family dwelling as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Gary Collins, appeared, testified and was represented by John J. Carlin, Esquire. Also appearing on behalf of the Petition were Frank and Lola Szalkowski. There were no Protestants.

Testimony indicated that the subject property, known as 3016 Taylor Avenue, consists of 7,334.04 sq.ft. zoned D.R. 16 and is improved with a two and one-half story dwelling. Mr. Collins testified he filed the instant Petition as a result of a complaint filed with the Zoning Office concerning his use of the subject property as a two family dwelling. He testified the Zoning Office advised him to file the instant Petition to establish a nonconforming use of the subject property.

By letter dated April 24, 1989 from Gerald R. Ackerman, evidence presented indicated that at the time of construction, the subject dwelling was built for use as a two family dwelling and was used continuously and without interruption as a two family dwelling until 1970. Mr. Ackerman indicated the subject property was built in approximately 1925 by and for Mr. & Mrs. Claude Sarabury. Evidence presented indicated that at the time of construction, the house was built for use as two apartments. Testimony

indicated that the property was conveyed in 1970 to Mr. & Mrs. Edwin Dilworth. By letter dated June 2, 1989, the Dilworths stated the subject property was used as a two family dwelling from the time of their purchase in 1970 to the sale of the property in 1989 to Petitioners. Evidence indicated that the dwelling was used continuously and without interruption as a two family dwelling. Mr. Collins described the physical layout of the house as a two family dwelling and testified that since his purchase of the property, the property has been used continuously and without interruption as a two family dwelling. Subsequent to the hearing Petitioners' Counsel submitted the notarized affidavits of Gerald R. Ackerman and Mr. & Mrs. Edwin Dilworth.

r. & Mrs. Szalkowski, who reside two doors down from the subject property, testified that they have been residents of the area for the past 17 years. They testified as to their knowledge of the subject property being used as a two family dwelling.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. In this instance, the undisputed evidence indicates that the house was built as a two family dwelling in 1925.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-con-

forming. See *McKeny v. Baltimore County, Md.*, 39 Md. App. 257, 385 A.2d. 96 (1978). In this instance, the testimony presented indicates that there has been no change or interruption in the use of the house as a two family dwelling.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, it appears that the subject property has been used continuously and without interruption as a two family dwelling unit since prior to the effective date of the zoning regulations and as such, a legal 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 relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of January, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two family dwelling unit, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21284  
 (301) 887-3333  
 J. Robert Haines  
 Zoning Commissioner

January 12, 1990



Dennis F. Karaman  
 County Executive

John J. Carlin, Esquire  
 6 East 39th Street  
 Baltimore, Maryland 21218

RE: PETITION FOR SPECIAL HEARING  
 NE/S Taylor Avenue, 592' SE of the c/l of Harford Road  
 (3016 Taylor Avenue)  
 14th Election District - 6th Councilmanic District  
 Gary N. Collins, et ux - Petitioners  
 Case No. 90-209-SPH

Dear Mr. Carlin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

AMN:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date By

ORDER RECEIVED FOR FILING

Date By

ORDER RECEIVED FOR FILING

Date By

PETITION FOR SPECIAL HEARING  
 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a variance from the Zoning Regulations for the use of the property as a two family dwelling.

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

I or we, agree to pay expenses of the above Special Hearing 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.

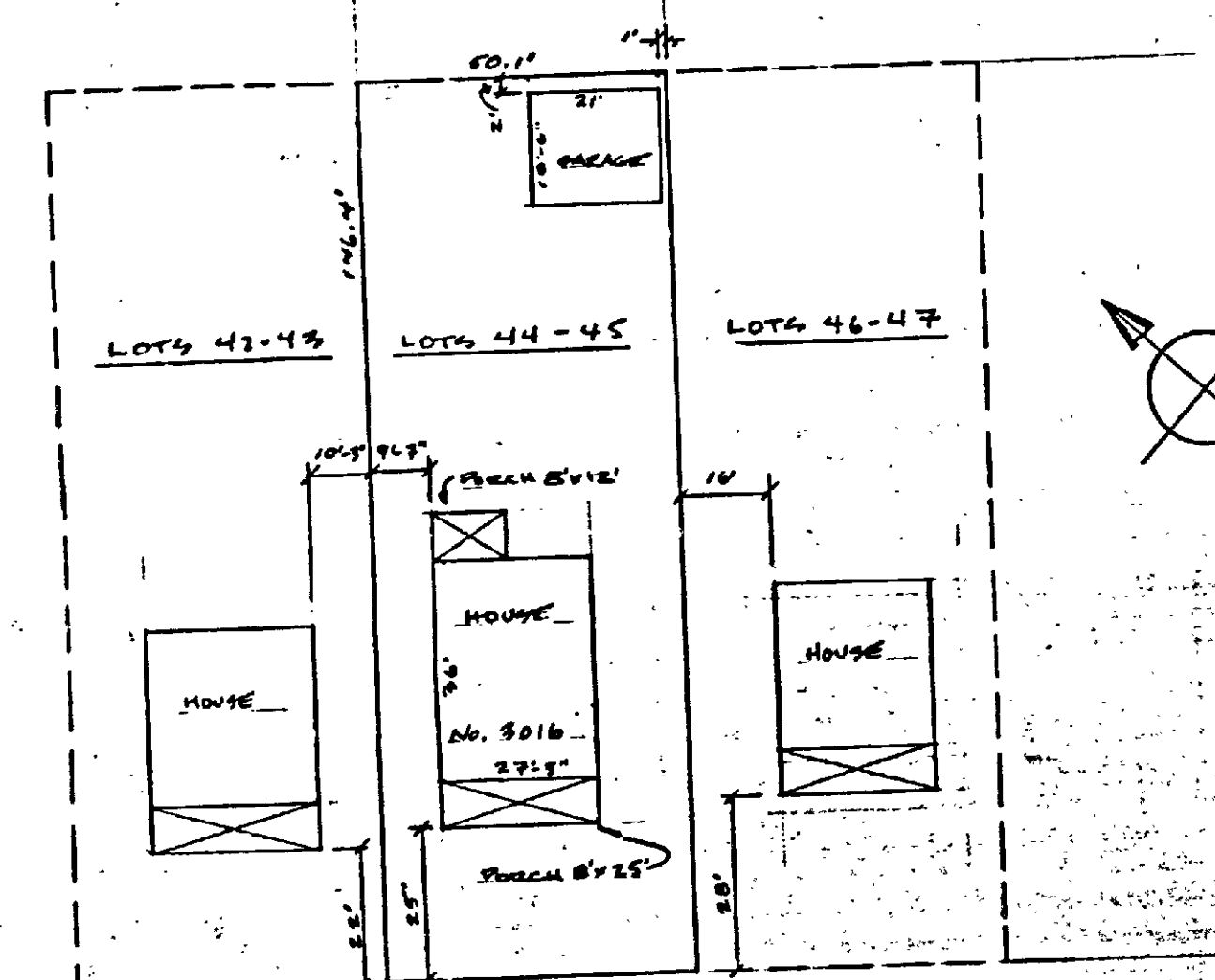
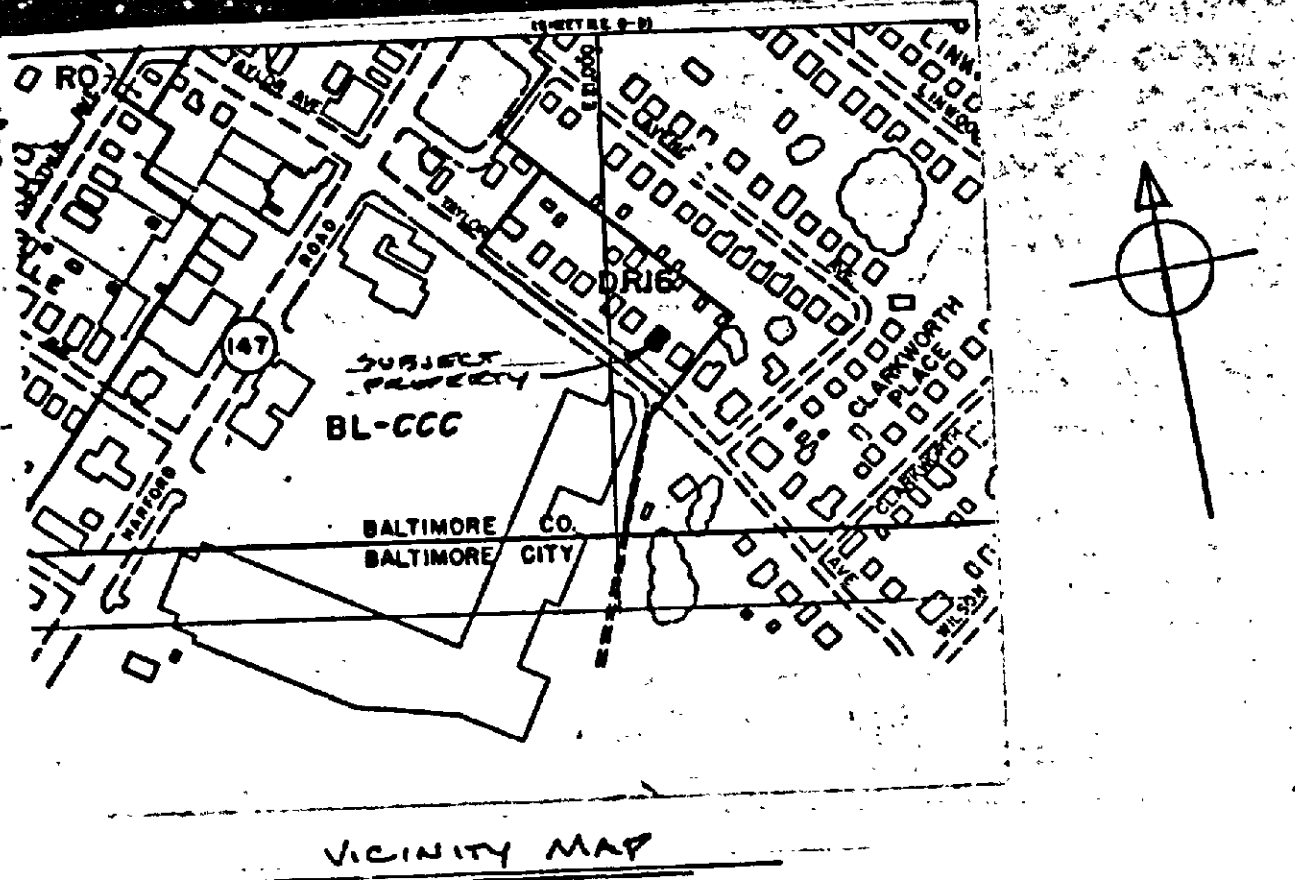
I do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Gary N. Collins  
 Signature: Gary N. Collins  
 Address: 3016 Taylor Avenue, Baltimore, Maryland 21234

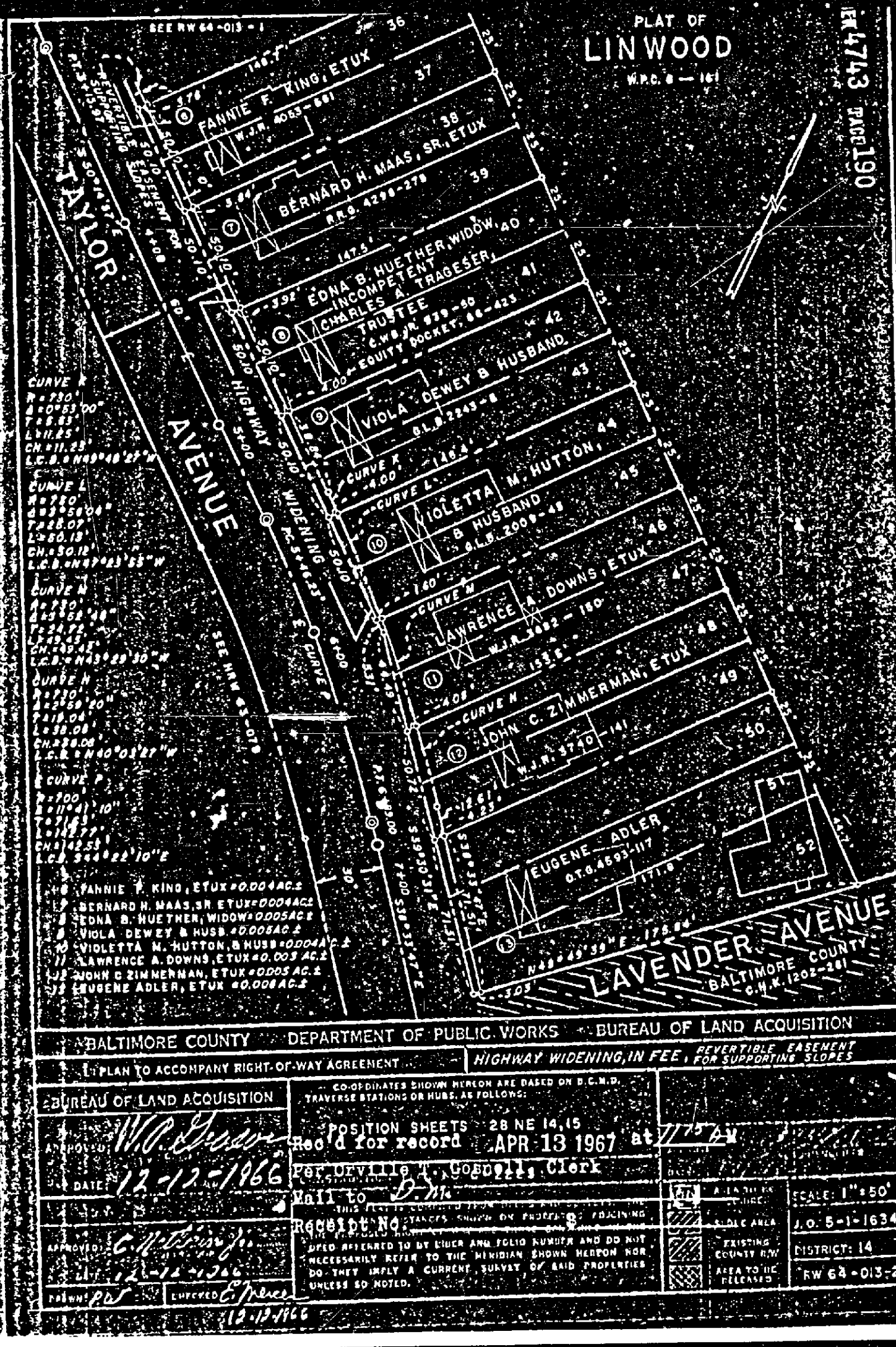
Attorney for Petitioner: John J. Carlin  
 Address: 6 East 39th Street, Baltimore, Maryland 21218  
 Attorney's Telephone No.: 837-2414

MAP 21670
B.D.
BATT.
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3000
30000

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PLAT FOR NON-CONFORMING USE  
 OWNER - PAMELA AND GARY COLLINS  
 DISTRICT 14, SUBDIVISION D.C. 16  
 SUBDIVISION LINWOOD  
 LOT 44-45 - BOOK NO. 6 - FOLIO 161  
 LOT 46-47 - 7334.04 SQ. FT. - 1488500 ACRES  
 EXISTING UTILITIES IN TAYLOR AVE  
 SCALE: 1"=50'



DESCRIPTION OF 3016 TAYLOR AVENUE

The property is described as Lot 44 and Lot 45 on the Plat of the Lands of Wagner, known as "Linwood", recorded in Plat Book W.P.C. No. 6, folio 161 of the land records of Baltimore County, excepting a strip of land of irregular dimensions across the front said lots on Taylor Avenue, which was conveyed in fee to Baltimore County by deed dated April 5, 1967 and recorded in Liber 4743, folio 188, et seq., said strip containing 0.0004 acres more or less, for use in widening Taylor Avenue, all as shown on the attached Baltimore County Bureau of Land Acquisition Drawing No. RW 64-013-2. (taken from Plat Book W.P.C. No. 3, folio 161)

EXPLANATORY STATEMENT

The applicants for a variance purchased the property in April, 1989 with the understanding that it was legally a two apartment dwelling, as shown by the attached copies of the realtors' listing and floor plan sketched by the lender.

Also attached are copies of letters from a foster child in the family of the original owners, Gerald & Myrman, and from the subsequent purchasers, Virginia and Edwin Dilworth, who sold to the applicants in April of 1989. These attest to the continued use of the property, since it was first built.

Property across the street from 3013 Taylor Avenue, went to Harford Road, in Baltimore City, is devoted to commercial use, i.e. a supermarket, parking lot, etc.

ORDER RECEIVED FOR FILING

Date By

ESTIMATED LENGTH OF HEARING - 45 min.  
 (over)  
 ALL NON-CONFORMING USES MUST BE RECORDED  
 REVIEWED BY: DMK DATE: 8/3/89

J. Robert Haines  
 Zoning Commissioner of Baltimore County

Petitioner's Exhibit 1

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

November 20, 1989

John J. Carlin, Esquire  
6 East 39th Street  
Baltimore, MD 21218

RE: Item No. 50, Case No. 90-209-SPH  
Petitioner: Gary N. Collins, et ux  
Petition for Special Hearing

Dear Mr. Carlin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are intended to indicate the appropriateness of the zoning petition requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. 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 Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures  
cc: Mr. & Mrs. Gary M. Collins  
3016 Taylor Avenue  
Baltimore, MD 21234

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

August 25, 1989

Your petition has been received and accepted for filing this 15th day of September, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Gary N. Collins, et ux  
Petitioner's Attorney: John J. Carlin

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Townson, Maryland 21284  
(301) 887-3334

RECEIVED  
AUG 31 1989  
ZONING OFFICE

August 25, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Townson, Maryland 21284

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 550, 56, 57, 59, 60, 61, 62, 63, 64, and 569.

Very truly yours,  
*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSF/lvw

Baltimore County  
Fire Department  
Townson, Maryland 21284-2566  
494-4500  
Paul H. Reincke  
Chief

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Townson, Maryland 21284

Re: Property Owners: Gary N. Collins, et ux  
Location: NE/8 of Taylor Avenue, 592' SE centerline of Hartford Road  
Item No.: 50  
Zoning Agenda: August 22, 1989

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 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.

NOTED & APPROVED:  
*Capt. Tom Bradley*  
Fire Prevention Bureau

REVIEWED: *Capt. Tom Bradley*  
Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner  
DATE: November 29, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-209-SPH, Item 50  
Gary M. Collins, et ux

The Petitioners request a special hearing to approve a nonconforming use for a two family dwelling.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

RECEIVED  
DEC 1 1989  
ZONING OFFICE

PK:CR:gl  
90209SPH/ZAC1

GERALD R. ACKERMAN  
MINISTER

TELEPHONE (302) 645-7263  
10 SABRINA DRIVE  
MIDWAY ESTATES  
REHOBOTH BEACH, DEL. 19071  
april 24, 1989

Mrs. Edward Dilworth,  
3016 Taylor Ave.,  
Baltimore, Maryland 21234

Dear Mrs. Dilworth,

As per your phone call as of a few days ago, I am making this statement concerning the house known as 3016 Taylor Ave., Baltimore County of Maryland.

TO WHOM IT MAY CONCERN:

This statement relates to the house and property known as 3016 Taylor Ave., Baltimore, Maryland 21234 (Lots 44-45 Flat of Wagner's known as Linwood as recorded in Plat Book W.P.C. No. 6, folio 161, etc.)

This house was built approx. 1925 by and for Mr. and Mrs. Claude Sansbury. At this time the house was built from 1st very beginning for the purpose of using two apartments. The Sansburys - the owners - occupied the lower apartment until Mrs. Sansbury until her death Jan. 1951.

At the beginning of the house was built, the second apartment by and for use William H. and Violetta Sansbury Hutton and their young foster child, Gerald R. Ackerman, myself. When the Huttons left out of the apartment for the purpose of obtaining a home of their own, their use of the house of Sansbury's continued rent to various families until the Sansburys died.

At his point the house inherited to the Huttons but they did not desire to occupy them personally so the two apartments were rented to various tenants until the last owners of this house - Mr. Violetta Sansbury and Gerald R. Ackerman sold the house to Mr. and Mrs. Edward Dilworth.

This should attest to the fact that this house has from its very beginning and thru the house was taken over by the Dilworths there was never a single family house.

This is to my best of knowledge as of this date,  
*Gerald R. Ackerman*  
Gerald R. Ackerman

I hope this will help you to understand your situation regarding your home and whatever your plans may desire to make the future.

Sincerely,  
*Gerald R. Ackerman*  
Gerald R. Ackerman  
MEMBER  
BALTIMORE ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH

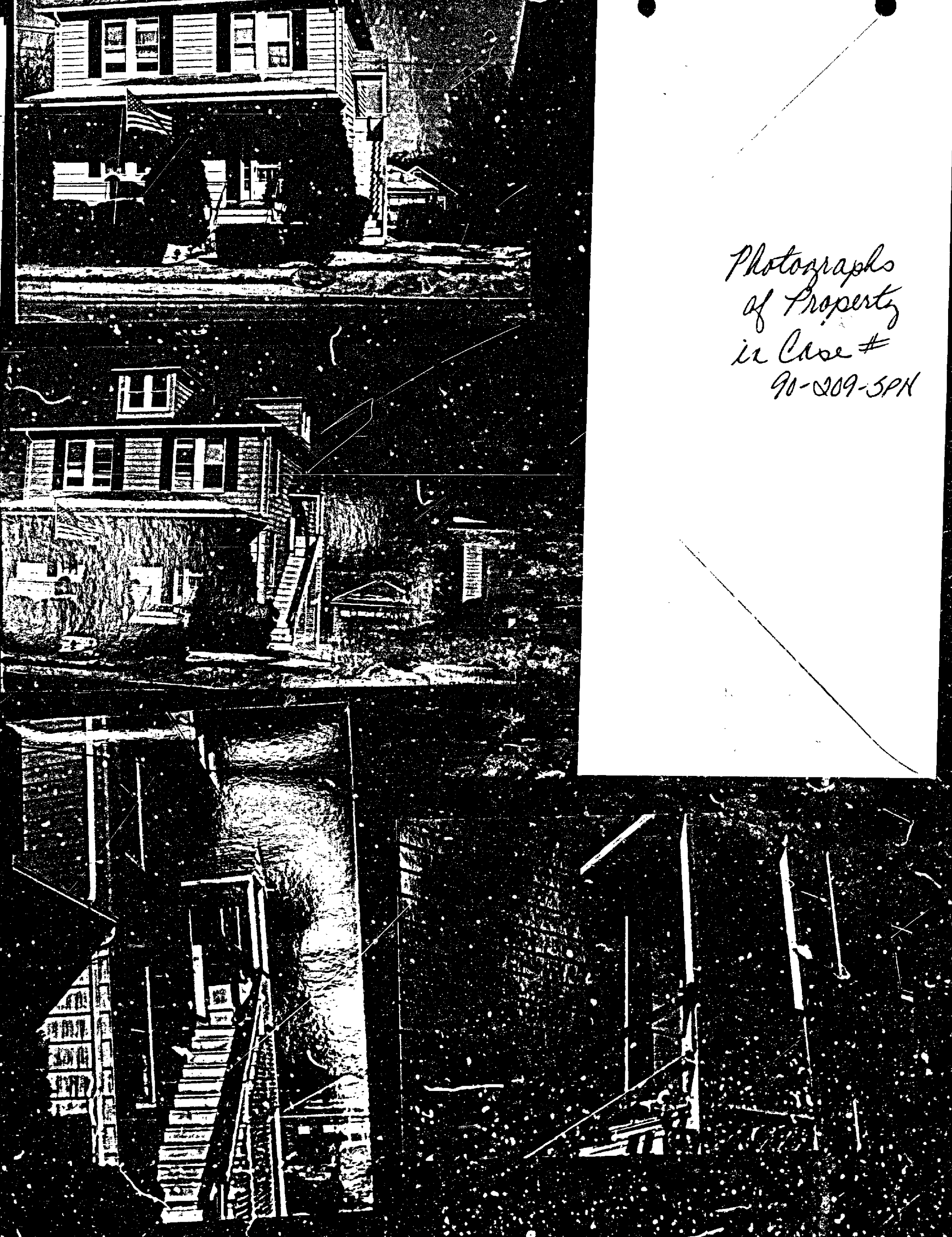
June 2, 1989

*Mr. John J. Carlin  
Attorney at Law  
6 East 39th St  
Baltimore, Md 21218*

*Re: Per your letter of May 31, 1989  
In Re: Item 50, Zoning Petition*

*This statement relates to the house and property known as 3016 Taylor Ave. Baltimore, Md 21234 (Lots 44-45 Flat of Wagner's known as Linwood as recorded in Plat Book W.P.C. No. 6, folio 161, etc.)*

*From the time we bought this property from Mrs. Violetta Sansbury and Gerald R. Ackerman in May, 1975 until it was sold to Mrs. and Mrs. Collins in April of 1989, it was a multi-family dwelling. The land in one apt. and rented the other one until 1975. At that time we bought property at 3033 Taylor Ave and moved there. Therefore, we rented both apt. until we sold to Mrs. and Mrs. Collins in April, 1989. Therefore the house was never a single family dwelling. We never had any*





**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1444 Date of Posting: 11/12/89  
 Posted for: Special Hearing  
 Petitioner: Gary M. Collins, et al.  
 Location of property: 3016 Taylor Ave, 14th Election District, Baltimore, MD 21224  
 Location of Sign: 3016 Taylor Ave, 14th Election District, Baltimore, MD 21224  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 11/18/89  
 Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 837-3353

J. Robert Haines  
Zoning Commissioner

DATE: 11/28/89

Mr. & Mrs. Gary M. Collins  
3016 Taylor Avenue  
Baltimore, Maryland 21224

Re: Petition For Special Hearing  
CASE NUMBER: 89-209-SPH  
14th Election District - Six Condo Units  
Petitioner(s): Gary M. Collins, et al.  
HEARING: FRIDAY, DECEMBER 1, 1989 at 9:30 a.m.

Dennis F. Rasmussen  
County Executive

Please be advised that \$ 111.09 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-209-SPH  
14th Election District - Six Condo Units  
Petitioner(s): Gary M. Collins, et al.  
HEARING: FRIDAY, DECEMBER 1, 1989 at 9:30 a.m.

Special Hearing to approve a non-conforming use for a two-family dwelling.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:  
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mr. & Mrs. Collins

ZONING ENFORCEMENT SECTION

\*\*\*\*\* CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION \*\*\*\*\*

CASE NUMBER C- 89-1620 ELECTION DISTRICT: 14  
 LOCATION: 3016 Taylor Ave 21224  
Pamela & Gary Collins

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.

THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

Stop having an illegally converted Single Family Dwelling  
Reconvert back to a single family dwelling or file for a VARIANCE hearing regarding the front lot width.  
If you have any questions please call us. 887-3681

FAILURE TO COMPLY BY May 15, 1989, WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

INSPECTOR: Wasikowski DATE: April 1989

COPIES: WHITE - Defendant Original  
 GREEN - Defendant Duplicate  
 YELLOW - Complainant  
 PINK - File  
 GOLD - Inspection Report

**MINNICH APPRAISAL GROUP INC**  
Real Estate Appraisers

**IMPROVEMENTS COMMENTS:**

Subject is in overall average-good condition with some minor repairs needed; exterior rear window trim needs painting; ceiling in forest has had some work done but needs finishing; 1st floor bath needs floor covering and suspended tile replaced on ceiling; evidence of possible water problem in basement. Third floor is finished with paneling and carpeting; however, there is no heat to this floor, therefore, it was not calculated in the total square footage.

**RECONCILIATION:**

Most weight was given to the Value Per Unit and Value Per Square Foot as these typically are the parameters that investors look for when purchasing income properties. Due to the fact that comparables #1 & 3 are occupied either by the owner or owner's relative, the Gross Monthly Rents shown for both comparables are not true indicators of total income for such properties in the area. For the Gross Monthly Rent Multiplier's good indicators since the rents are 100%. As previously stated, it is common for the 2 apartment dwellings in the area to be owner occupied, making the available units most desirable because of the favorable conditions of such properties. Most consideration was given to comparable #2 as it is the most similar to the subject.

**receipt**

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Account: R0016190  
Number: 540  
Date: 12/01/89 #P9000174

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
060 - POSTING SIGNS / ADVERTISING 1 X		\$111.09
LAST NAME OF OWNER: COLLINS		TOTAL: \$111.09

8 8 C17\*\*\*\*\*111297a 0015F  
 Counter Voucher: Please make checks payable to Baltimore County

**BALTIMORE COUNTY, MARYLAND**

INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor Date: August 18, 1989

FROM: James Thompson  
Zoning Enforcement Coordinator

Item No.: 50 (if known)  
 SUBJECT: Petitioner: Collin (if known)

VIOLATION CASE #C-89-1620  
 LOCATION OF VIOLATION: 3016 Taylor Avenue 3016 Taylor Avenue  
 DEFENDANT: Gary M. & Pamela J. Collins ADDRESS: Baltimore, MD 21224

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.