

IN RE: PETITION FOR SPECIAL HEARING
W/S Yorkway, 496.52' S of the
c/l of Dunmanway
(2942 Yorkway)
12th Election District
7th Councilmanic District

John W. McCall
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-203-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2942 Yorkway, located in the vicinity of Dunmanway and Dundalk Avenue in Dundalk. The Petition was filed by the owner of the property, John W. McCall. The Petitioner seeks approval of the use of the subject property as a legal, nonconforming three apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John W. McCall, property owner, and Bruce E. Doak, Professional Engineer. Numerous residents from the surrounding community appeared in opposition to the request, all of whom signed the Protestants' Sign-In Sheet.

Testimony and evidence offered revealed that the subject property consists of 3,530.40 sq.ft., zoned D.R. 10.5, and is improved with a two-story, end-of-group townhouse dwelling containing three apartments. Mr. McCall testified that he purchased the subject property in 1953 at which time the three apartments existed in the dwelling. He testified that he was told by the Realtor at that time that the three apartments had existed since prior to 1945. Mr. McCall testified that all three apartments have been continuously occupied since his purchase of the property.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Mr. McCall further testified that there are other houses in the surrounding community which contain three apartments therein and offered photographs of same.

As noted above, numerous residents from the surrounding community appeared in opposition to the Petitioner's request. Seated at the trial table on behalf of these residents was Mr. George Hammel and Ms. Mary Donofrio. Testimony indicated that all of the Protestants who attended the hearing were long time residents of the Yorkway community. In fact, Ms. Donofrio and Ms. Simmons have resided in this community since 1948 and Ms. Harris has resided in the community for the past 28 years. Mr. Hammel, who is a resident of a neighboring Dundalk community, owns rental houses in the Yorkway area and has tremendous knowledge about the subject property and the community of Yorkway. The testimony offered by Ms. Simmons and Ms. Donofrio was that the subject property was built as a two-apartment dwelling. They testified that all of the houses in this area were constructed as two-apartment dwellings and that the Petitioner arranged for the basement of the subject dwelling to be converted to a third apartment dwelling, some time after he took ownership in 1953. Furthermore, the Protestants who reside in this block of Yorkway testified that there was a period of about 10 years where the basement apartment was abandoned and not rented. Ms. Harris testified that approximately ten years ago, one of the residents who resided in the subject dwelling complained to her that he was losing his storage space in the house by virtue of the basement being converted to a third apartment.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In

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Date

By

essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for a three apartment use and 1955 for a two apartment use.

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 nonconforming 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 nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

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Date 11/2/76
By [Signature]

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use for same. However, the relief requested for a three-apartment dwelling must be denied. The Petitioner was unable to prove that the subject property existed as a three apartment dwelling prior to 1945. Furthermore, it was established by the testimony of the Protestants that there was an abandonment of the basement apartment for a period of 10 years. In fact, the testimony of the Protestants was that this third apartment did not exist until approximately 10 years ago. Thus, given this testimony, the Petitioner has failed to establish that the subject property enjoys a legal nonconforming use as three apartments.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of January 1996 that the Petition for Special Hearing seeking approval of the use of the subject property as a

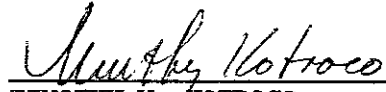
ORDER RECEIVED FOR FILING

Date

By

legal, nonconforming three apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the property is limited to a nonconforming use as a two-apartment dwelling, only.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 2, 1996

Mr. John W. McCall
2907 Taylor Avenue
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
W/S Yorkway, 496.52' S of the c/l of Dunmanway
(2942 Yorkway)
12th Election District - 7th Councilmanic District
John W. McCall - Petitioner
Case No. 96-203-SPH

Dear Mr. McCall:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel,
320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286

Ms. Mary D'Onofrio, 2952 Yorkway, Baltimore, Md. 21222
Ms. Mary Simmons, 2949 Yorkway, Baltimore, Md. 21222
Mr. George Hamel, 2 Seabright Avenue, Baltimore, Md. 21222

People's Counsel

File



Petition for Special Hearing

96-203-SFH

to the Zoning Commissioner of Baltimore County

for the property located at 2942 YORKWAY, DUNDALK, MD 21222
which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A CONFIRMATION OF THE LEGAL NON-CONFORMING USE OF THREE
RENTAL APARTMENTS IN A RESIDENTIAL ZONE.

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

I, or we, agree to pay expenses of 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/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/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

JOHN W. McCALL
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

2907 TAYLOR AVENUE 529-1747
Address Phone No

(Type or Print Name)

BALTIMORE MARYLAND 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Name SUITE 100 320 E. TOWSONTOWN BLVD.
TOWSON MARYLAND 21286
Address Phone No

623-4470

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: 207K DATE 11/8/95

ORDER RECEIVED FOR FILING

Date

By



GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

198
96-203-SP4
EMERITUS

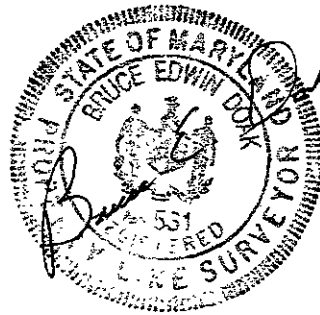
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

October 26, 1995

**ZONING DESCRIPTION
2942 YORK WAY**

Beginning at a point on the western right-of-way line of York Way (50 feet wide) and southerly 496.52 feet from the centerline of Dunman Way, thence with the western right-of-way line of York Way: 1) South 20 degrees 22 minutes East 29.42 feet, thence leaving York Way and through the center of a partition wall after 25 feet and leaving said wall after an additional 33 feet, 2) South 69 degrees 38 minutes West 120.00 feet to the eastern right-of-way line of a 14 foot wide alley, thence with the eastern right-of-way line, 3) North 20 degrees 22 minutes West 29.42 feet, thence leaving the 14 foot wide alley, 4) North 69 degrees 38 minutes East 120.00 feet to the place of beginning.

Containing 3530.40 square feet, more or less.



This description is not for conveyance purposes and does not meet the requirements of Section .08, Subtitle 13, Title 09 of the Annotated Code of Maryland; it only fulfills the requirements of the Baltimore County Office of Zoning.

10/26/95

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-203-5A4

District 12th Date of Posting 12/2/95

Posted for: Special Hearing

Petitioner: John W. McCall

Location of property: 29412 Ventnor

Location of Sign: Facing roadway on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 12/15/95

Number of Signs: 1

96-203-5A4

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 108 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-203-SPH
(Item 183)
2942 Yorkway
W/S York Way, 498.82' S of
of Durman Way
12th Election District

7th Councilmanic
Legal Owner(s):
John W. McCall

Hearing: Tuesday, December
18, 1995 at 9:00 a.m. in Rm.
118, Old Courthouse.
Special Hearing: to approve
a confirmation of the legal
non-conforming use of three
rental apartments in a residen-
tial zone.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

11/26/92 Nov. 30, 019894

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 11/30, 1995.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 11/8/95 Mitch ACCOUNT 01-625
Item: 198 96-203-SPT
By: MDK AMOUNT \$ 285.00

RECEIVED FROM: McCall, John - 2942 York Way
040- Sp Harvey - Comm - \$250.00
060- 1st St - \$ 35.00
FOR: \$ 285.00

31461#00111474PC \$285.00
BA 0097#17A11-08-95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 198 Petitioner: John W McCall

Location: 2942 York Way

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John W. McCall

ADDRESS: 2907 Taylor Avenue

Ba 1to. MD. 21234

PHONE NUMBER: 529-1747





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-203-SPH (Item 198)
2942 Yorkway
W/S York Way, 496.52' S of c/l Dunman Way
12th Election District - 7th Councilmanic
Legal Owner: John W. McCall

Special Hearing to approve a confirmation of the legal non-conforming use of three rental apartments in a residential zone.

HEARING: TUESDAY, DECEMBER 19, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John W. McCall
Bruce E. Doak

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 14, 1995

John W. McCall
2907 Taylor Avenue
Baltimore, MD 21234

RE: Item No.: 198
Case No.: 96-203-SPH
Petitioner: J. W. McCall

Dear Mr. McCall:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 29, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 27, 1995
Item No. 198

The Development Plans Review Division has reviewed the subject zoning item. Adequate onsite parking should be provided.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 17, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 197, 198, 199, 200, 201, 203 and 204

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 887-3480.

Prepared by:

Jeffrey Long

Division Chief:

Carol L. Kins

PK/JL



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-22-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 198 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOHN W. MC CALL

LOCATION: W/S YORK WAY, 496.52' S OF CENTERLINE DUNMAN WAY (2942 YORKWAY)

Item No.: 198

Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

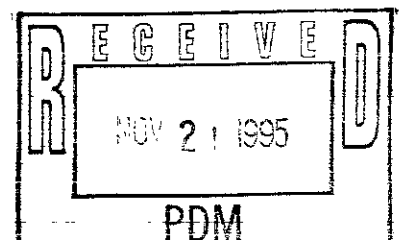
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



RE: PETITION FOR SPECIAL HEARING
2942 Yorkway, W/S Yorkway, 496.52' S of
c/l Dunmanway, 12th Election District
7th Councilmanic

John W. McCall
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-203-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioner.

Peter Max Zimmerman

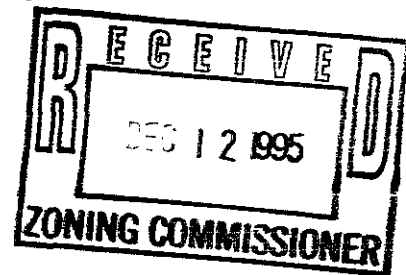
PETER MAX ZIMMERMAN

kg on 12/19

DECEMBER 7, 1995

TIMOTHY H. KOTTOCO
DEPUTY ZONING COMMISSIONER
ROOM 112 COURTHOUSE
400 WASHINGTON AVE
TOWSON, MD 21204

REF: CASE # 96-203SPH
JOHN MCCALL



DEAR SIR:

AS MEMBERS AND OFFICERS OF THE SOLLERS, YORKWAY, CORNWALL IMPROVEMENT ASSOCIATION, WE WISH TO ENTER AN OBJECTION TO THE OPEN ZONING HEARING IN THE ABOVE REFERENCED CASE. OUR NEIGHBORHOOD ASSOCIATION HAS BEEN FIGHTING BLIGHT IN OUR NEIGHBORHOOD FOR MANY YEARS. THIS BLIGHT IS DUE IN LARGE PART TO MANY ABSENTEE LANDLORDS WHO MILK THESE DWELLINGS FOR EVERY PENNY THEY CAN GET WITHOUT PUTTING IN ANY IMPROVEMENTS AND WITHOUT SCREENING THEIR TENNANTS. WE AS NEIGHBORS HAVE TO LIVE WITH THE UNDESIRABLE PEOPLE THEY RENT TO. WE HAVE AN ABUNDANCE OF DRUGS, TRASH AND OVERCROWDING IN OUR AREA. OUR STREETS ARE UNSAFE AND OUR QUALITY OF LIFE IS NONEXISTANT. WE HAVE HAD VERY LITTLE COOPERATION FROM COUNTY AGENCIES AND DO NOT ANTICIPATE THAT THIS WILL EVER IMPROVE. OUR TRASH COLLECTIONS HAVE BEEN CUT TO ONCE A WEEK - I BELIEVE WE ARE THE ONLY AREA IN WHICH THIS HAS BEEN DONE.

EMPTY PARKING SPACES AT THE END OF EACH DAY ARE NON-EXISTENT AND YET WE HAVE LANDLORDS LIKE MR MCCALL WHO WANT TO MAKE 2 APARTMENT DWELLINGS INTO 3 APARTMENT DWELLINGS BY RENTING OUT THE BASEMENTS. WE ALREADY HAVE SEVERAL LANDLORDS WHO ARE CURRENTLY DOING THIS ILLEGALLY AND WE HAVE PETITIONED THE ZONING BOARD TO DO SOMETHING TO STOP THIS PRACTICE. THIS AREA CANNOT TAKE ALL THE ADDITIONAL TRASH, PEOPLE AND CARS THAT THIS WILL CREATE. MR. MCCALL DOES NOT HAVE TO LIVE HERE SO HE DOES NOT CARE. THANK YOU.

OFFICERS AND MEMBERS
SOLLERS, YORKWAY,
CORNWALL IMP. ASSOC.

Marion E. Cherry, Pres.

NAME

ADDRESS

NAME	ADDRESS
Mary P. Spingarn	2949 Yorkway
Mary Hughes	2952 Yorkway
Angie Hammond	2966 Yorkway
James A. Hamme	2966 Yorkway
Reanne Edwards	2964 Yorkway
Suzanne Maguire	2968 Yorkway
Esther L. Loh	2981 YORKWAY
Bertie Hargrett	2953 YORKWAY
Mary V. Thomas	2993 Yorkway
Bertha A. Hubbard	2999 1/2 YORKWAY
Sarah A. Council	2951 Yorkway
Mary Wendt	2958 Yorkway
Tom Wendt	2958 Yorkway
Joseph S. Dydek	2933 Yorkway
Hebra R. Linton	2948 Yorkway

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE DANK GERHOLD CROSS & ETZEL, LTD 320 E. TOWNSHOWN BLVD. TOWSON MD 21286

JOHN W. MCCALL

5012 N.W. FORBES, PERRY HALL MD 21128



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

George Hamel

2 SEABRIGHT AVE

BALTO. MD. 21222

MARY D'ONOFRIO

2952 YORKWAY

BALTO. MD. 21222

Vickie Tingler

2954 Yorkway 1ST FL

Baltimore, MD. 21222

Thany Summiers

2949 Yorkway

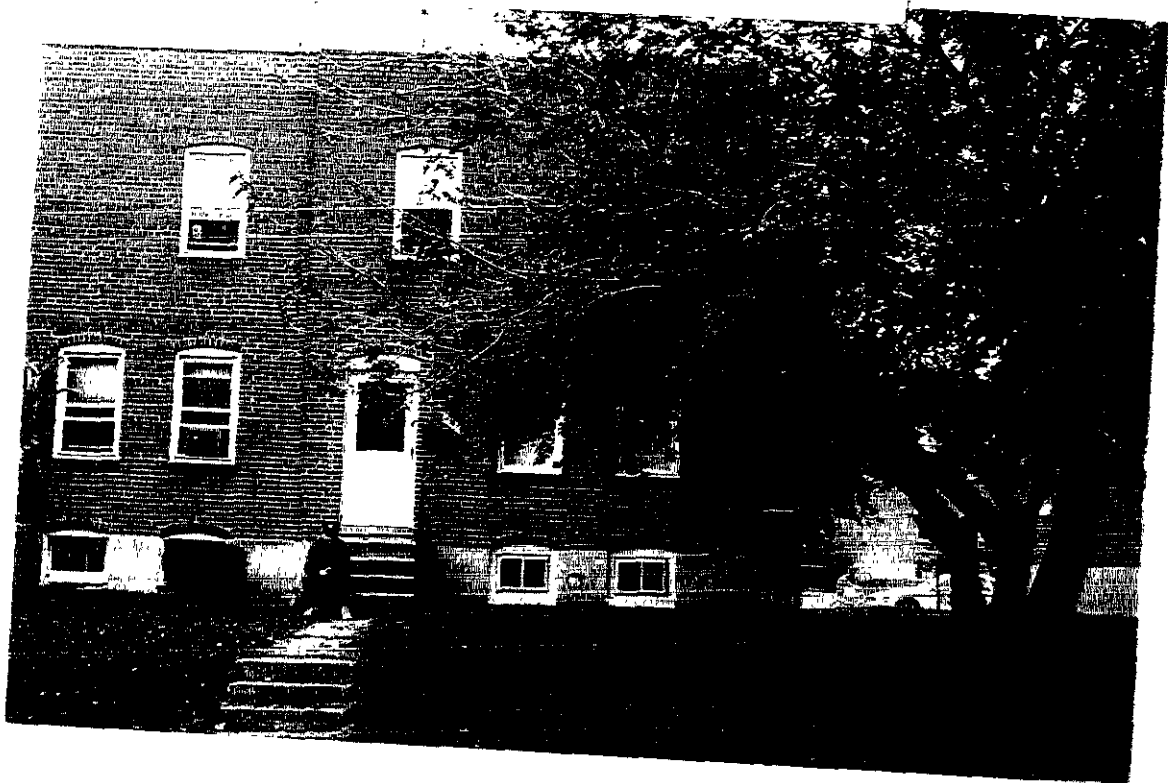
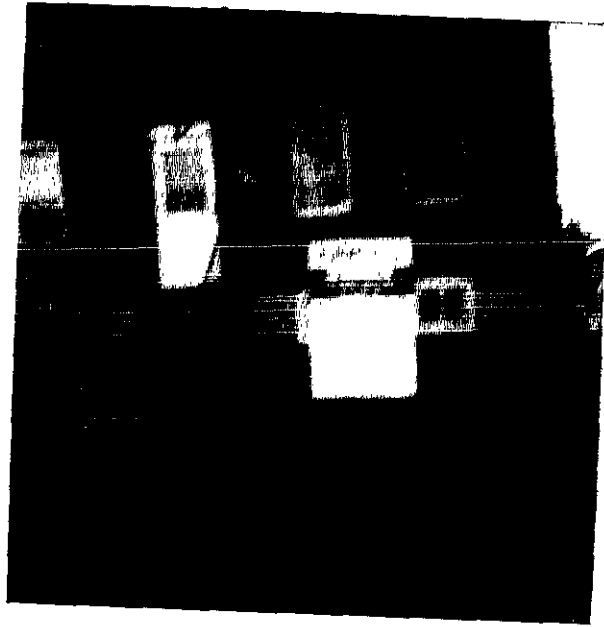
Sandra K. Harris

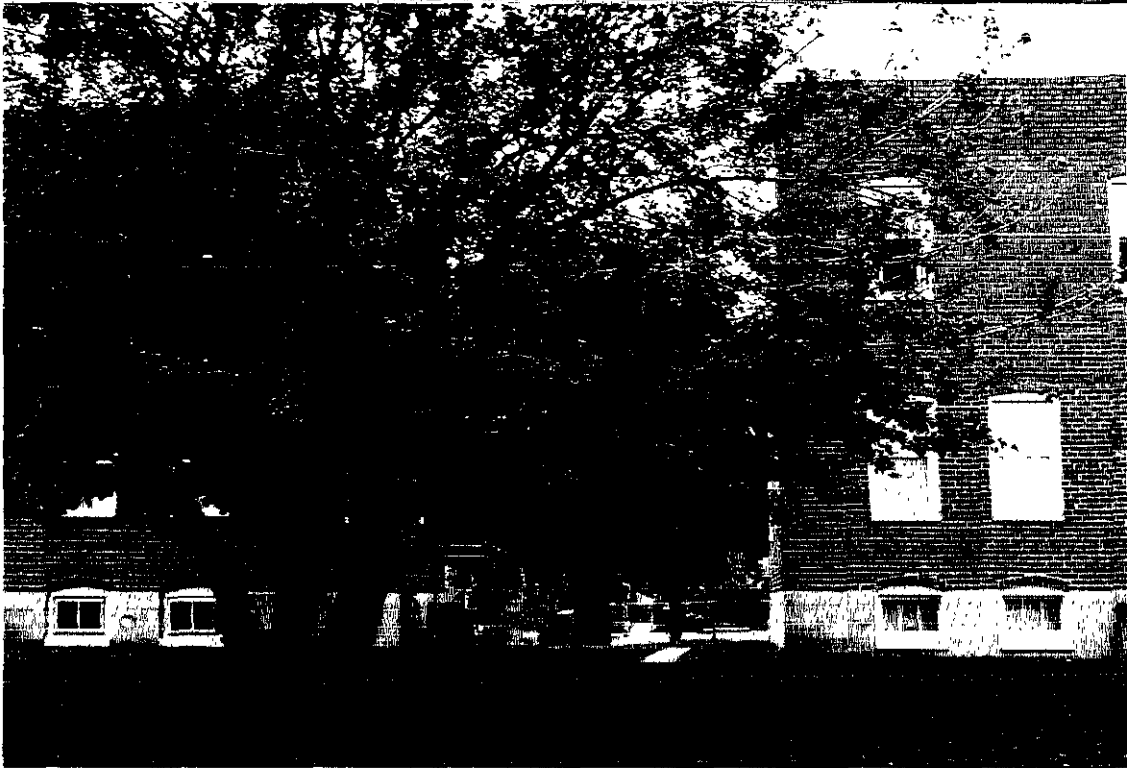
2956 Yorkway

photographs

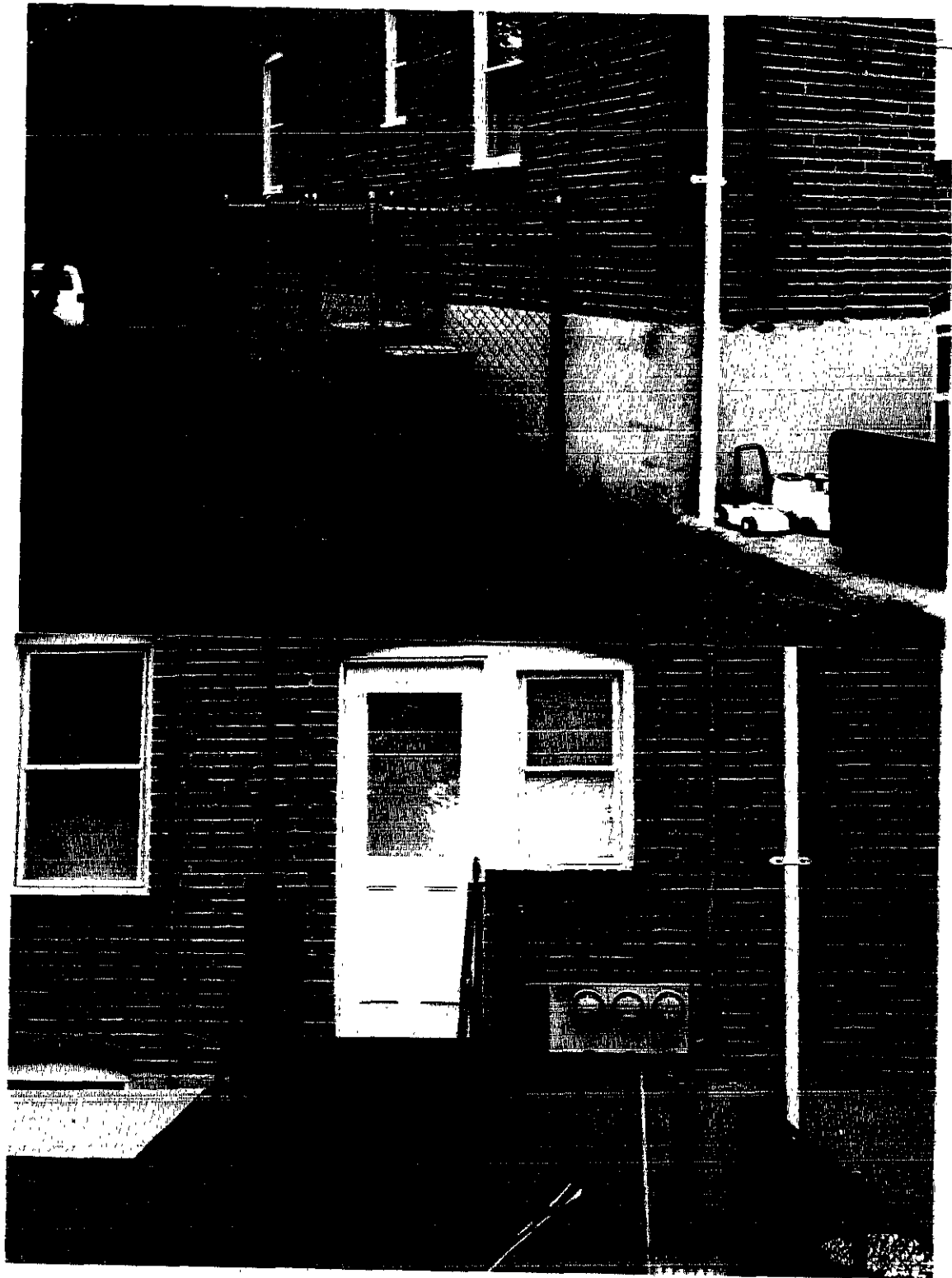
96-203-SPH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

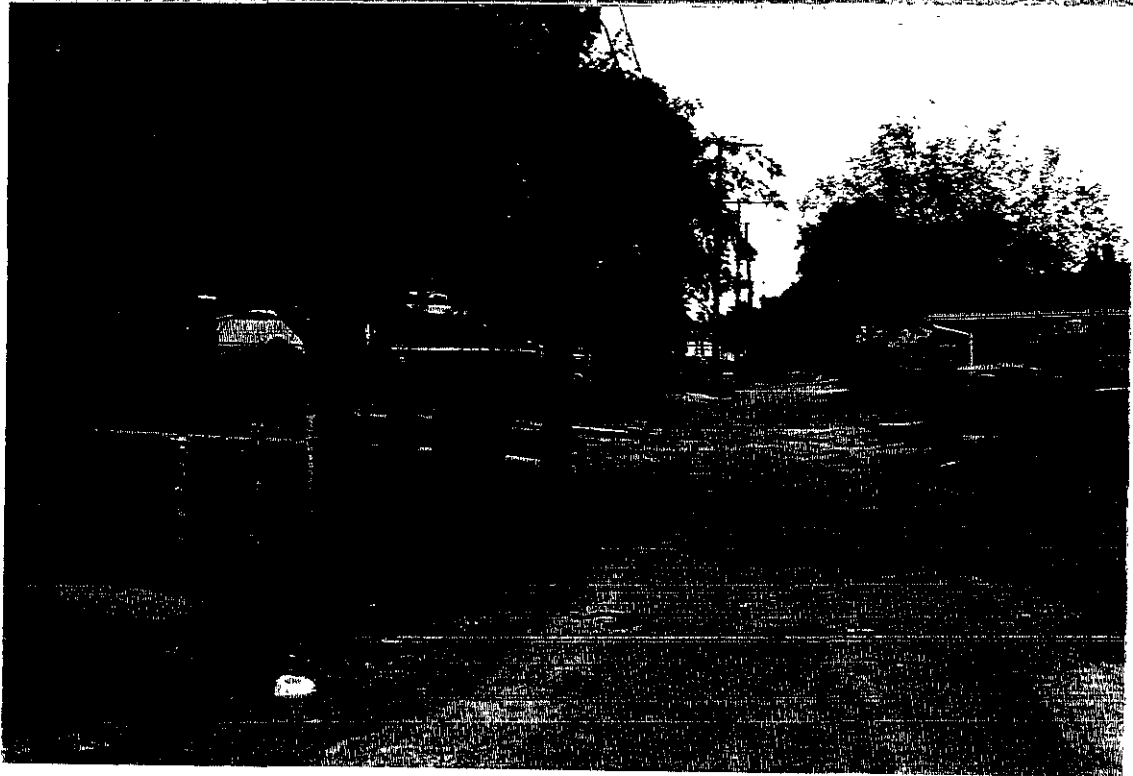


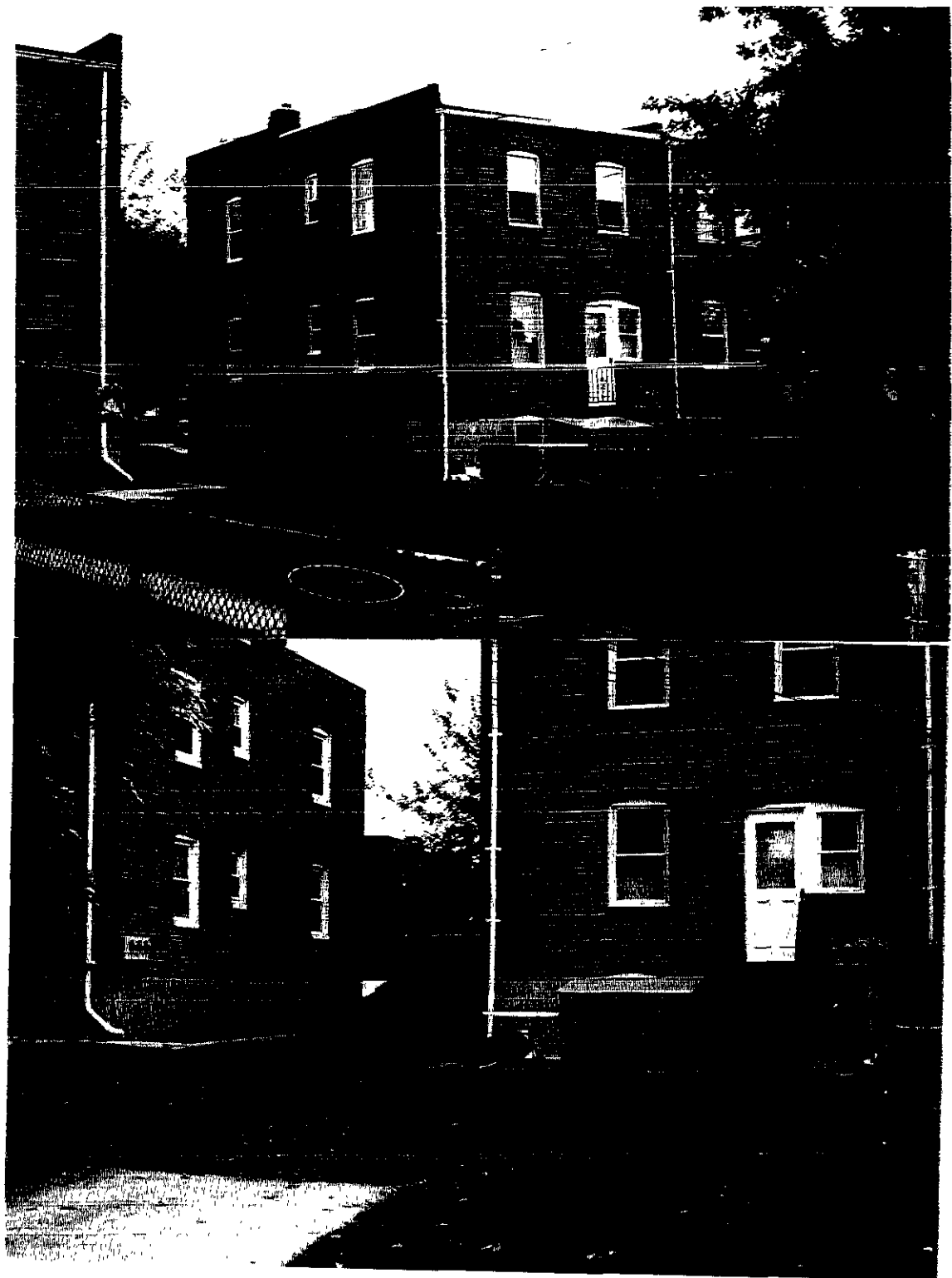


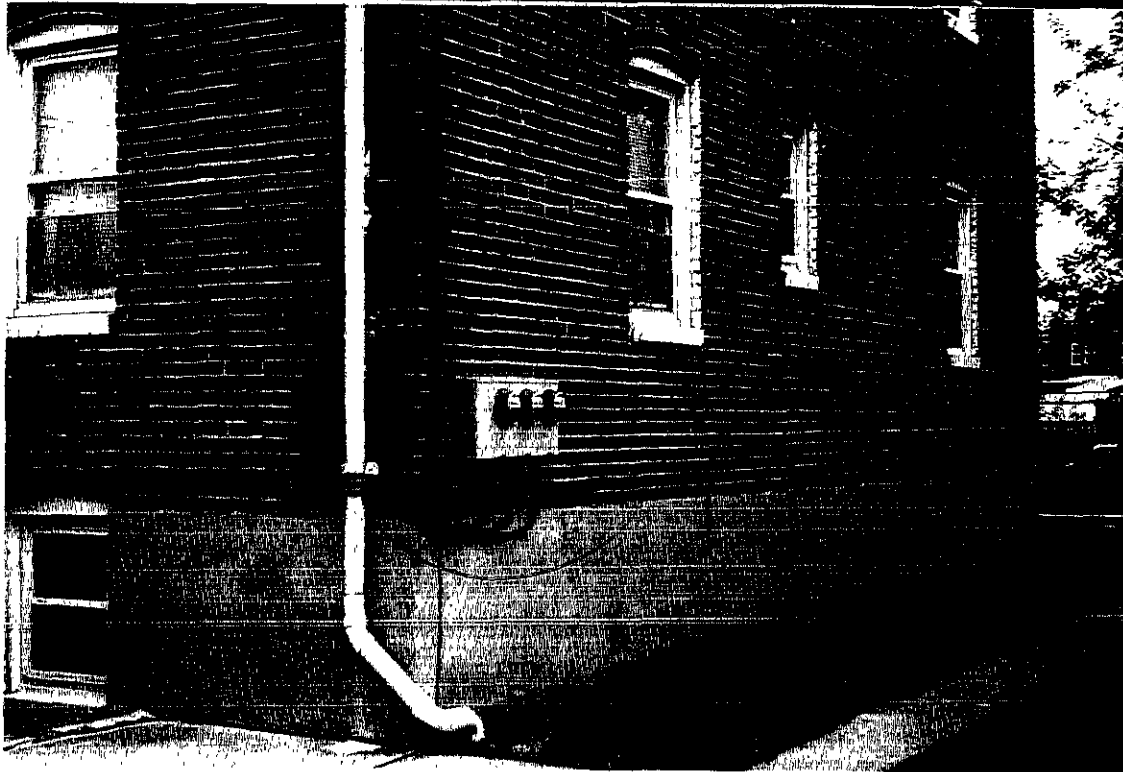
















IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Yorkway, 496.52' S of the * DEPUTY ZONING COMMISSIONER
c/l of Dunmanway (2942 Yorkway) * OF BALTIMORE COUNTY
12th Election District * Case No. 96-203-SPH
7th Councilmanic District
John W. McCall
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2942 Yorkway, located in the vicinity of Dunmanway and Dundalk Avenue in Dundalk. The Petition was filed by the owner of the property, John W. McCall. The Petitioner seeks approval of the use of the subject property as a legal, nonconforming three apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John W. McCall, property owner, and Bruce E. Doak, Professional Engineer. Numerous residents from the surrounding community appeared in opposition to the request, all of whom signed the Protestants' Sign-In Sheet.

Testimony and evidence offered revealed that the subject property consists of 3,530.40 sq.ft., zoned D.R. 10.5, and is improved with a two-story, end-of-group townhouse dwelling containing three apartments. Mr. McCall testified that he purchased the subject property in 1953 at which time the three apartments existed in the dwelling. He testified that he was told by the Realtor at that time that the three apartments had existed since prior to 1945. Mr. McCall testified that all three apartments have been continuously occupied since his purchase of the property.

Mr. McCall further testified that there are other houses in the surrounding community which contain three apartments therein and offered photographs of same.

As noted above, numerous residents from the surrounding community appeared in opposition to the Petitioner's request. Seated at the trial table on behalf of these residents was Mr. George Hammel and Ms. Mary Donofrio. Testimony indicated that all of the Protestants who attended the hearing were long time residents of the Yorkway community. In fact, Ms. Donofrio and Ms. Simmons have resided in this community since 1948 and Ms. Harris has resided in the community for the past 28 years. Mr. Hammel, who is a resident of a neighboring Dundalk community, owns rental houses in the Yorkway area and has tremendous knowledge about the subject property and the community of Yorkway. The testimony offered by Ms. Simmons and Ms. Donofrio was that the subject property was built as a two-apartment dwelling. They testified that all of the houses in this area were constructed as two-apartment dwellings and that the Petitioner arranged for the basement of the subject dwelling to be converted to a third apartment dwelling, some time after he took ownership in 1953. Furthermore, the Protestants who reside in this block of Yorkway testified that there was a period of about 10 years where the basement apartment was abandoned and not rented. Ms. Harris testified that approximately ten years ago, one of the residents who resided in the subject dwelling complained to her that he was losing his storage space in the house by virtue of the basement being converted to a third apartment.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In

essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for a three apartment use and 1955 for a two apartment use.

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 nonconforming 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 nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use for same. However, the relief requested for a three-apartment dwelling must be denied. The Petitioner was unable to prove that the subject property existed as a three apartment dwelling prior to 1945. Furthermore, it was established by the testimony of the Protestants that there was an abandonment of the basement apartment for a period of 10 years. In fact, the testimony of the Protestants was that this third apartment did not exist until approximately 10 years ago. Thus, given this testimony, the Petitioner has failed to establish that the subject property enjoys a legal nonconforming use as three apartments.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of January 1996 that the Petition for Special Hearing seeking approval of the use of the subject property as a

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]

legal, nonconforming three apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the property is limited to a nonconforming use as a two-apartment dwelling, only.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 2, 1996

Mr. John W. McCall
2907 Taylor Avenue
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
W/S Yorkway, 496.52' S of the c/l of Dunmanway
(2942 Yorkway)
12th Election District - 7th Councilmanic District
John W. McCall - Petitioner
Case No. 96-203-SPH

Dear Mr. McCall:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel,
320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286
Ms. Mary D'Onofrio, 2952 Yorkway, Baltimore, Md. 21222
Ms. Mary Simmons, 2949 Yorkway, Baltimore, Md. 21222
Mr. George Hammel, 2 Seabright Avenue, Baltimore, Md. 21222

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 2942 YORKWAY, DUNDALK, MD 21222
which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A CONFIRMATION OF THE LEGAL NON-CONFORMING USE OF THREE RENTAL APARTMENTS IN A RESIDENTIAL ZONE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of 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.

Contract Purchaser(s):

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

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.
(Legal Client(s))

(Type or Print Name)

Signature

(Type or Print Name)

2907 TAYLOR AVENUE 529-1747
Address Phone No.

BALTIMORE MARYLAND 21234
City State Zipcode

Name, Address and phone number of representative to be contacted
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
SUITE 100 320 E. TOWSONTOWN BLVD.
TOWSON MARYLAND 21286

Address Phone No. 823-4470

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING: 1 hr.

On following date: 1/2/96

ALL OTHER: 11/9/96

REVIEWED BY: [Signature] DATE: 11/9/96

ORDER RECEIVED FOR FILING
Date 1/2/96
By [Signature]

GORDON T. LANGDON
EDWARD F. DEWOLLOH
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

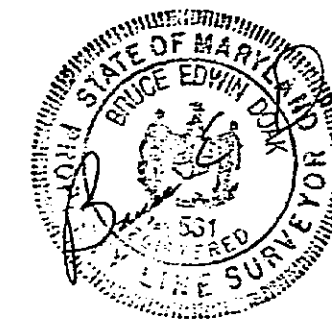
BRUCE E. DOAK
PAUL G. DOLLEBERG
FRED H. DOLLEBERG
CARL L. GERHOLD
PHILIP A. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULDRICH

October 26, 1995

ZONING DESCRIPTION
2942 YORK WAY

Beginning at a point on the western right-of-way line of York Way (50 feet wide) and southerly 496.52 feet from the centerline of Dunman Way, thence with the western right-of-way line of York Way: 1) South 20 degrees 22 minutes East 29.42 feet, thence leaving York Way and through the center of a partition wall after 25 feet and leaving said wall after an additional 33 feet, 2) South 69 degrees 38 minutes West 120.00 feet to the eastern right-of-way line of a 14 foot wide alley, thence with the eastern right-of-way line, 3) North 20 degrees 22 minutes West 29.42 feet, thence leaving the 14 foot wide alley, 4) North 69 degrees 38 minutes East 120.00 feet to the place of beginning.

Containing 3530.40 square feet, more or less.



This description is not for conveyance purposes and does not meet the requirements of Section .08, Subtitle 13, Title 09 of the Annotated Code of Maryland; it only fulfills the requirements of the Baltimore County Office of Zoning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 11/15/95
Posted for: John W. McCall
Petitioner: John W. McCall
Location of property: 2942 York Way
Location of Sign: Lawrence E. Schmitt, on property
Remarks: _____
Posted by: Lawrence E. Schmitt Date of return: 11/15/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/1, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/30, 1995.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case: 96-203-SPH
Item: 198
2942 York Way, 406.52' S of c/l Dunham Way
12th Election District - 7th Councilmanic
Legal Owner: John W. McCall
Hearing: Tuesday, December 19, 1995 at 9:00 a.m. in Room 118, Old Courthouse.
Special Hearing to approve a confirmation of the legal non-conforming use of three rental apartments in a residential zone.
LAWRENCE E. SCHMITT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, contact this office at 887-3391.
11/29/95 Rev. 30-11/94

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005789
DATE: 11/8/95 ACCOUNT: 01-685
Item: 198 96-203-SPH
By: MDK AMOUNT: \$285.00
RECEIVED McCall, John - 2942 York Way
FROM: 040- Sp. Hearing Comm - \$250.00
040- 1st 1st - \$35.00
FOR: 314014001101CHRC \$295.00
24 0009117AH11-08-95
VALIDATION OR SIGNATURE OF CASHIER
FIVE - JUNE YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 198 Petitioner: John W. McCall
Location: 2942 York Way
PLEASE FORWARD ADVERTISING BILL TO:
NAME: John W. McCall
ADDRESS: 2907 Taylor Avenue
Baltimore, MD 21234
PHONE NUMBER: 529-1747

Printed with Soybean Ink
on Recycled Paper

12



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commission 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 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-203-SPH (Item 198)
2942 York Way
W/S York Way, 406.52' S of c/l Dunham Way
12th Election District - 7th Councilmanic
Legal Owner: John W. McCall

Special Hearing to approve a confirmation of the legal non-conforming use of three rental apartments in a residential zone.

HEARING: TUESDAY, DECEMBER 19, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon

Arnold Jablon
Director

cc: John W. McCall
Bruce E. Doak

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 11, 1995

John W. McCall
2907 Taylor Avenue
Baltimore, MD 21234

RE: Item No.: 198
Case No.: 96-203-SPH
Petitioner: J. W. McCall

Dear Mr. McCall:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: Nov. 29, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 27, 1995
Item No. 198

The Development Plans Review Division has reviewed the subject zoning item. Adequate onsite parking should be provided.

RWB:aw

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: November 17, 1995
Permits and Development Management

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 197, 198, 199, 200, 201, 203 and 204

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 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Carol L. Viner*

PK/JL

ITEM 196/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-22-95

Mrs. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 198 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

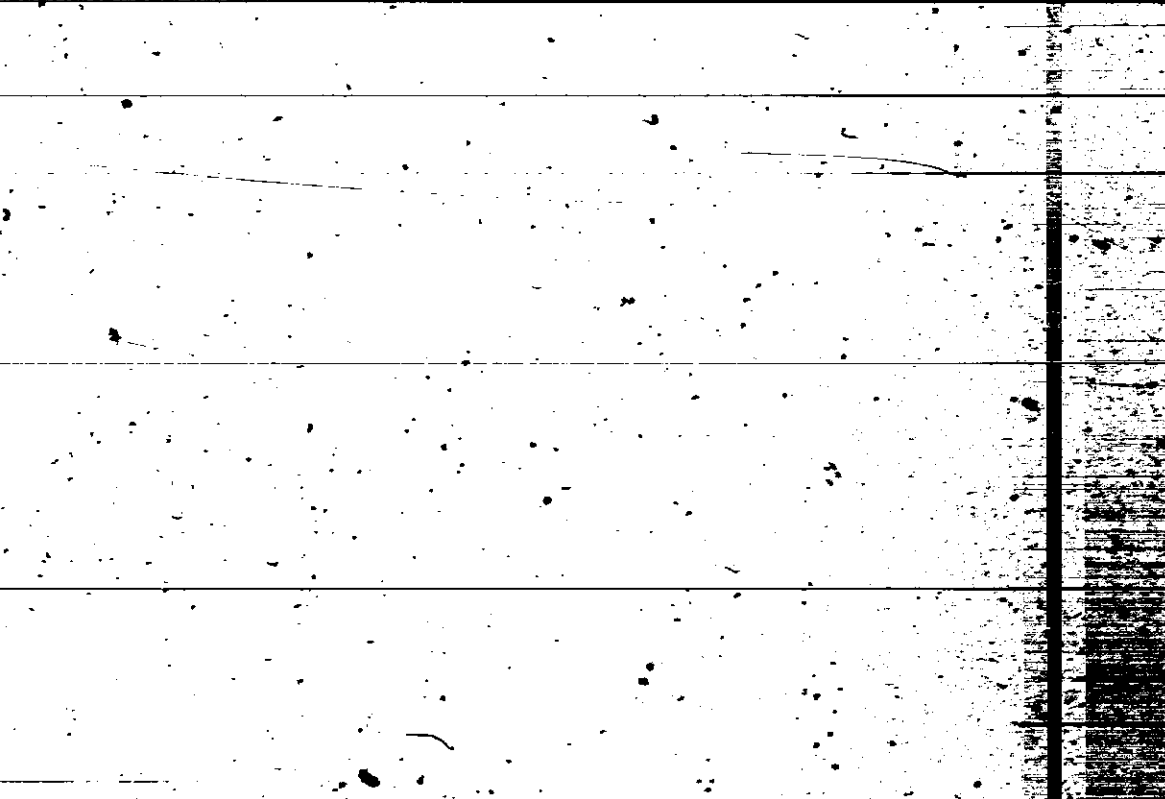
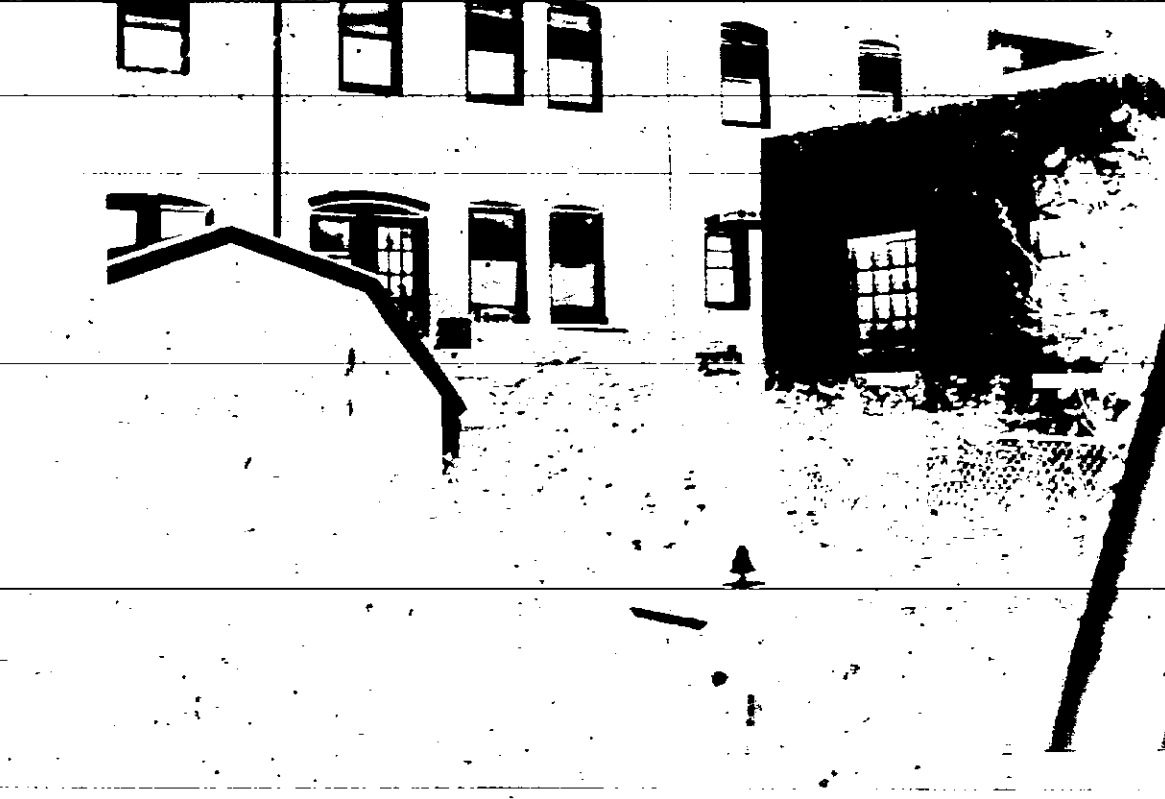
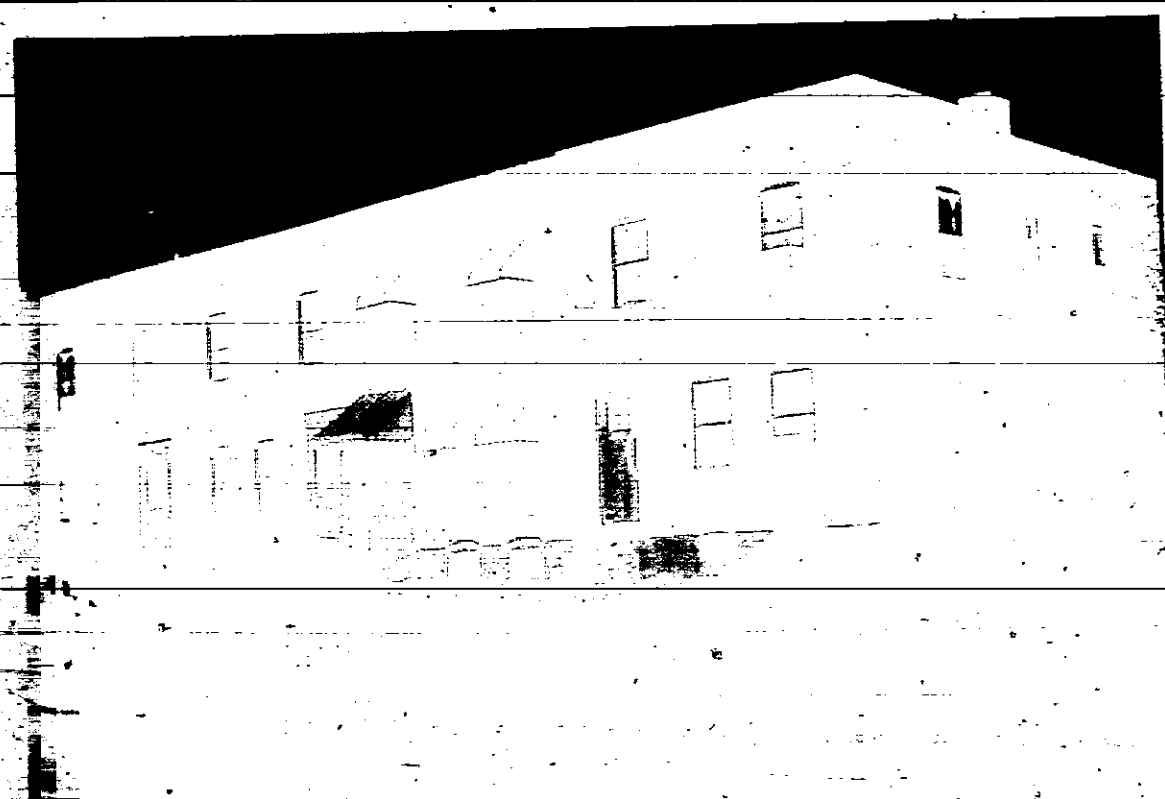
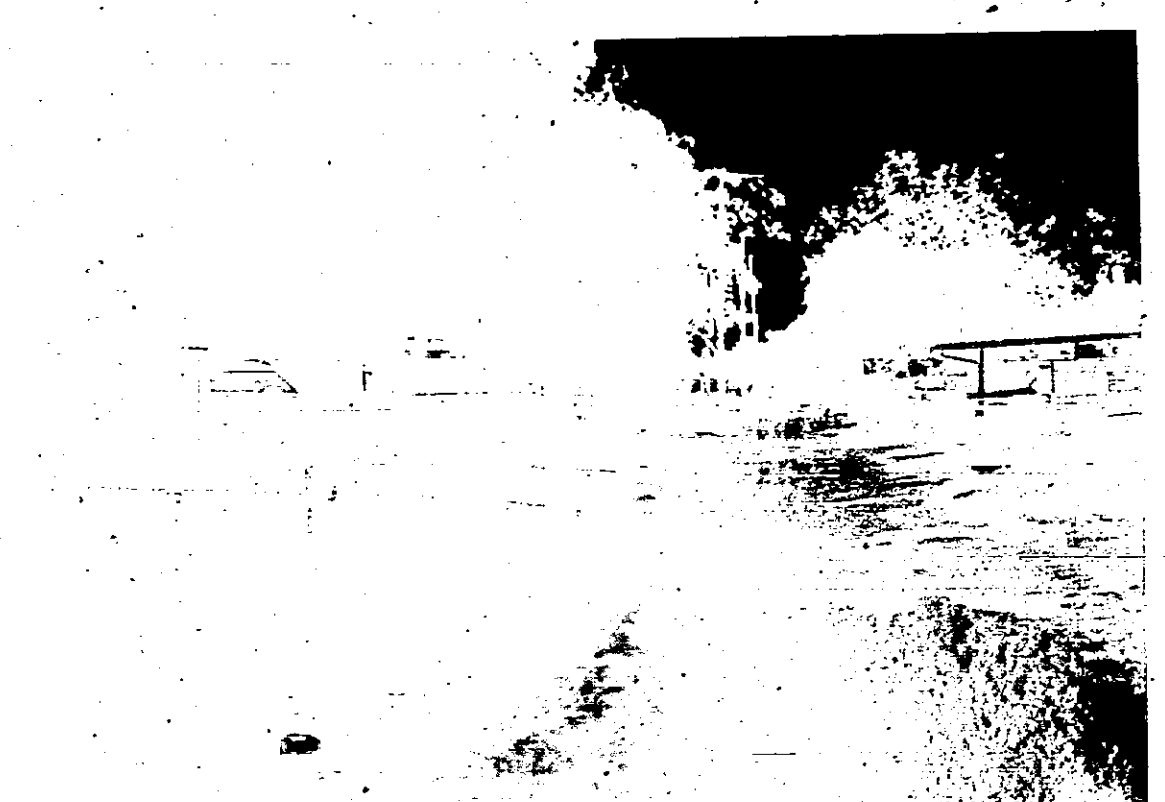
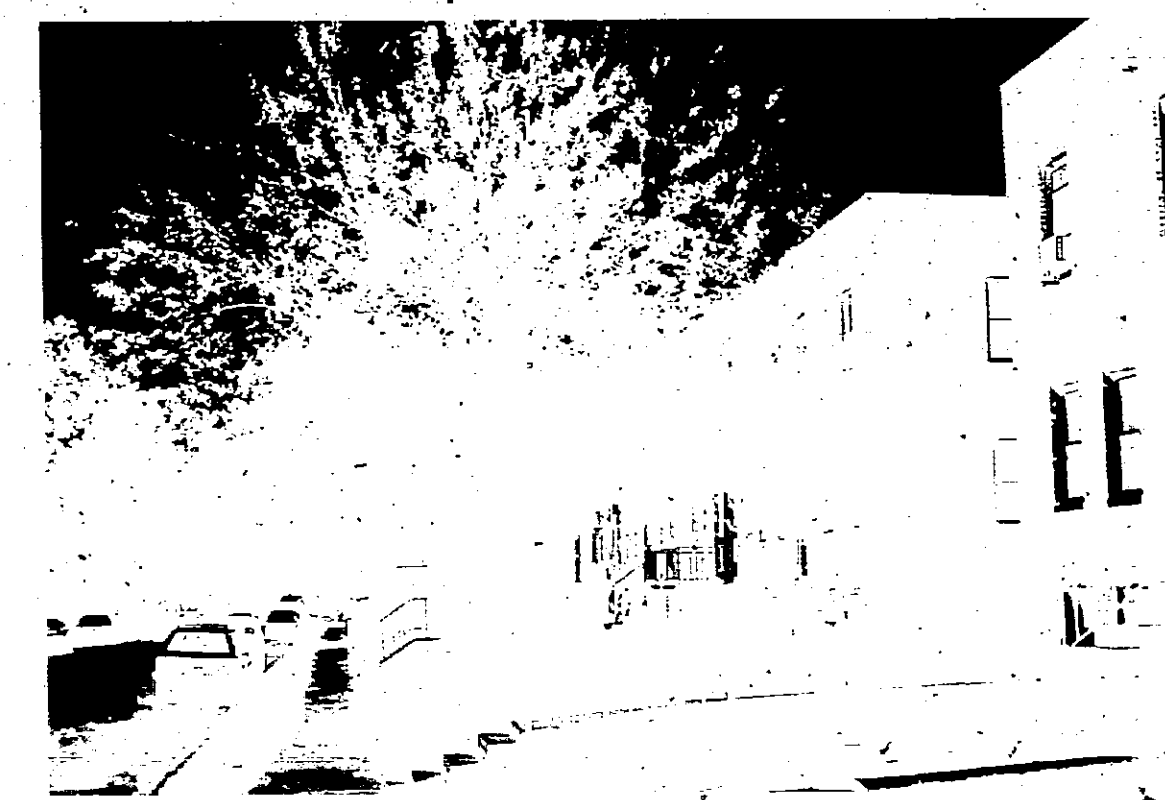
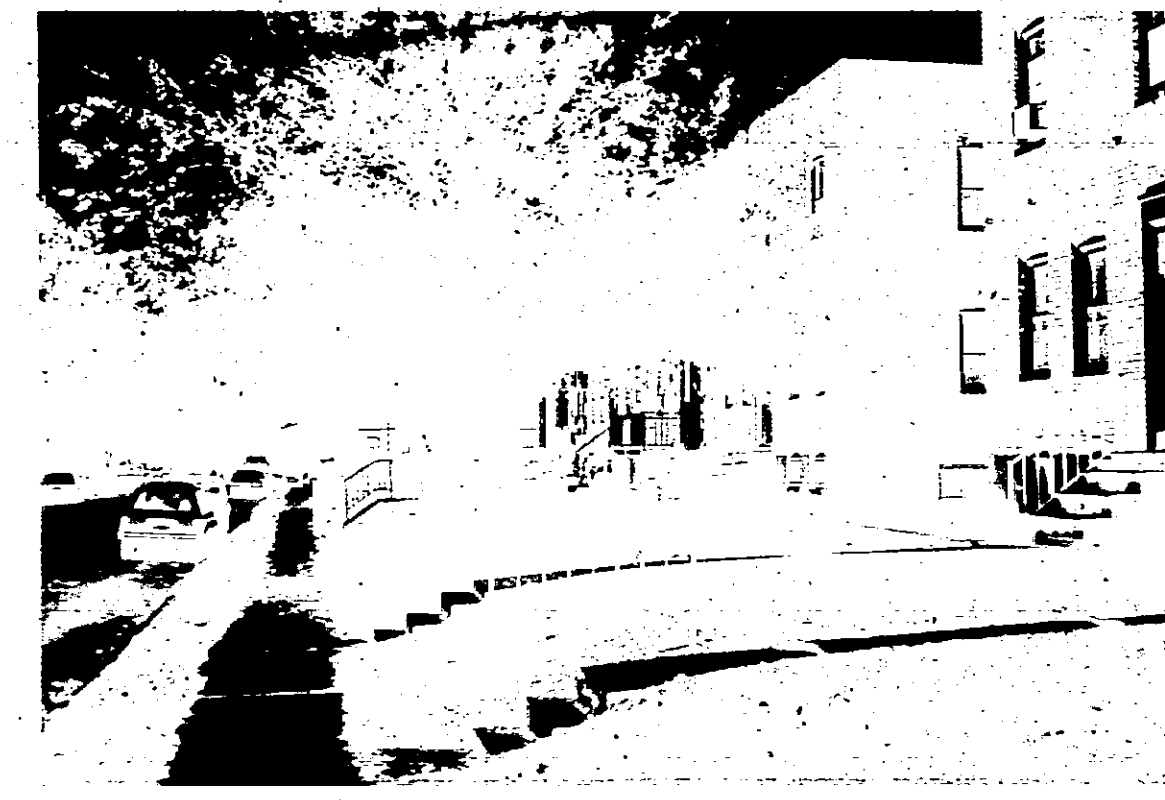
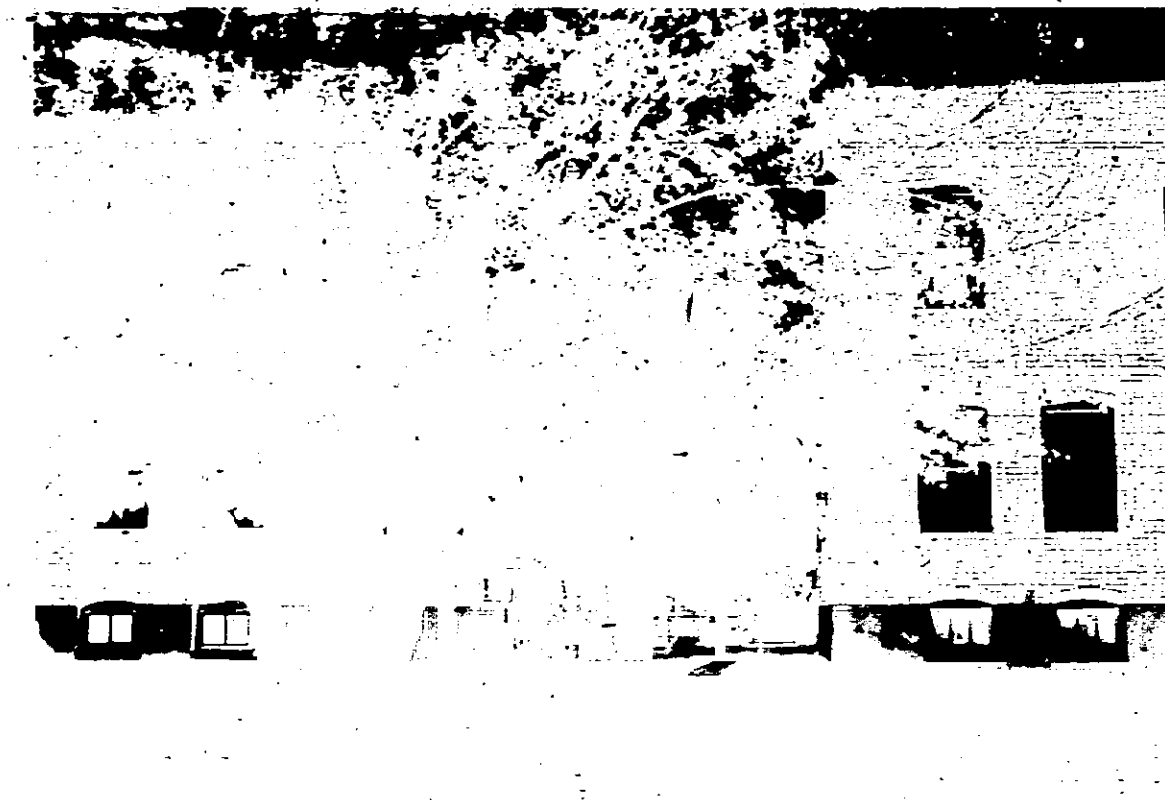
My telephone number is _____

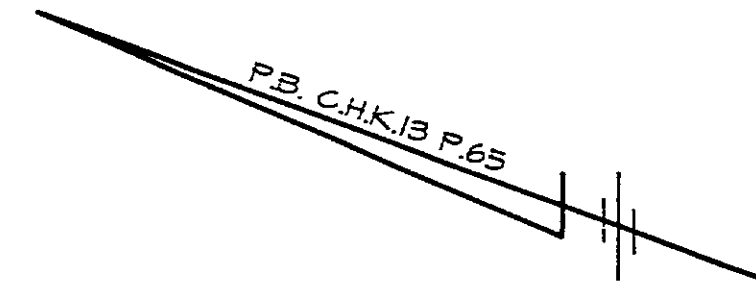
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

 Printed with Soybean Ink on Recycled Paper

photographs
96-263-SPH





LOT No.21 -- #2940 YORK WAY
THOMAS & LOIS MITCHEL
DEED REFERENCE -- E.H.K.Jr. No.5203 folio 636
1 LIBERTY PARKWAY
BALTIMORE, MARYLAND 21222

Scale: 1" = 20' OCTOBER 24, 1995

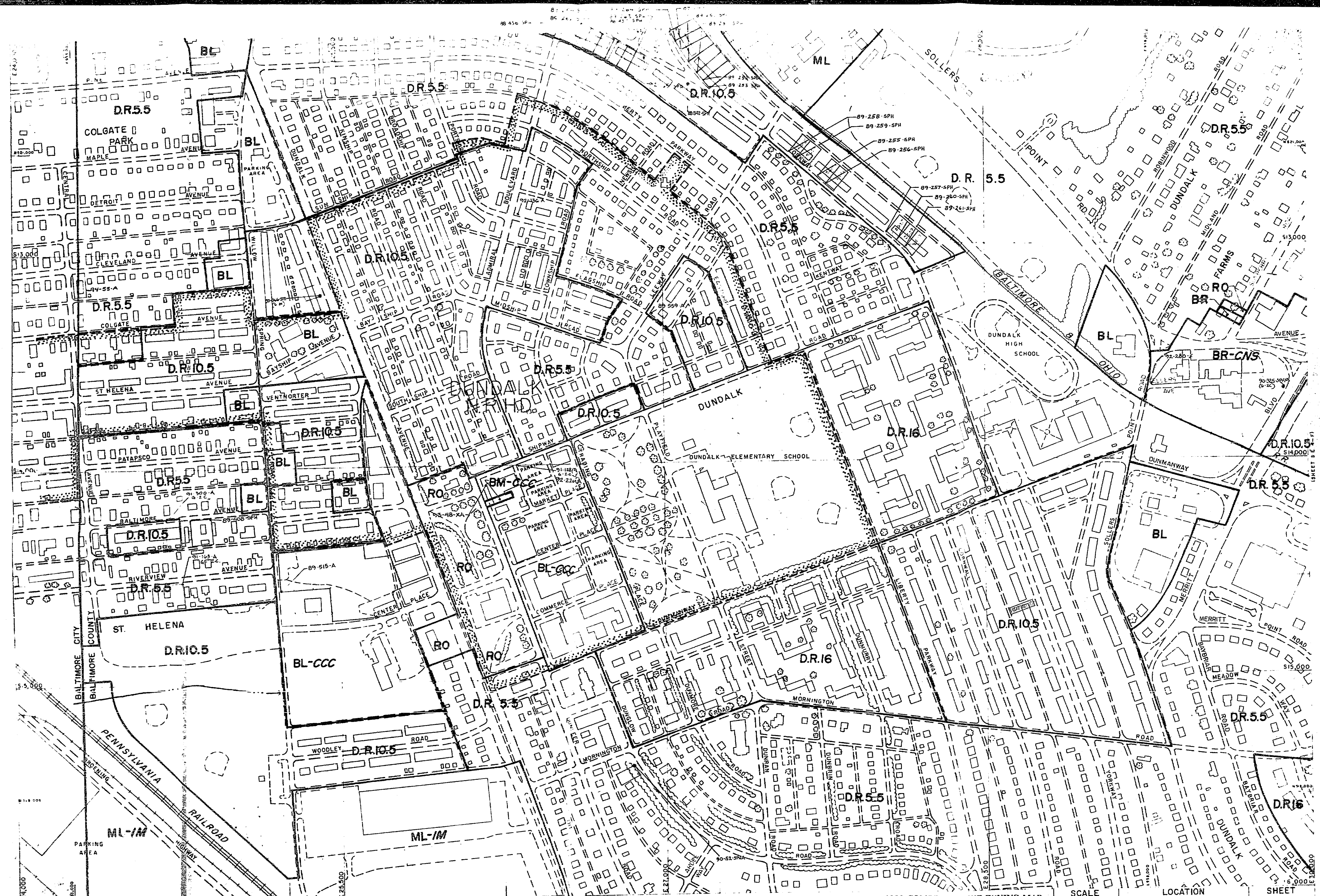
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

OCTOBER 24, 1995

REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

#198



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

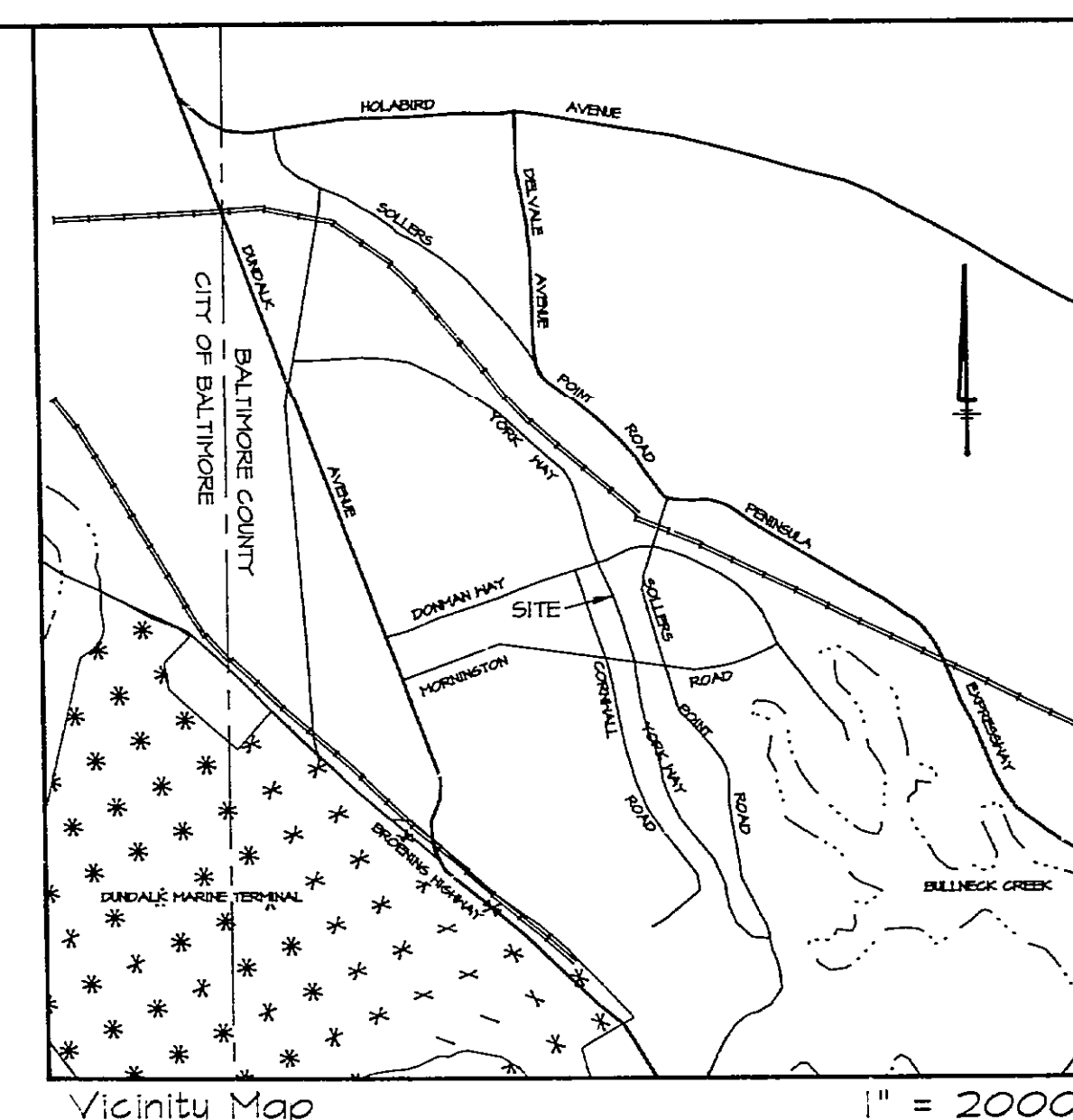
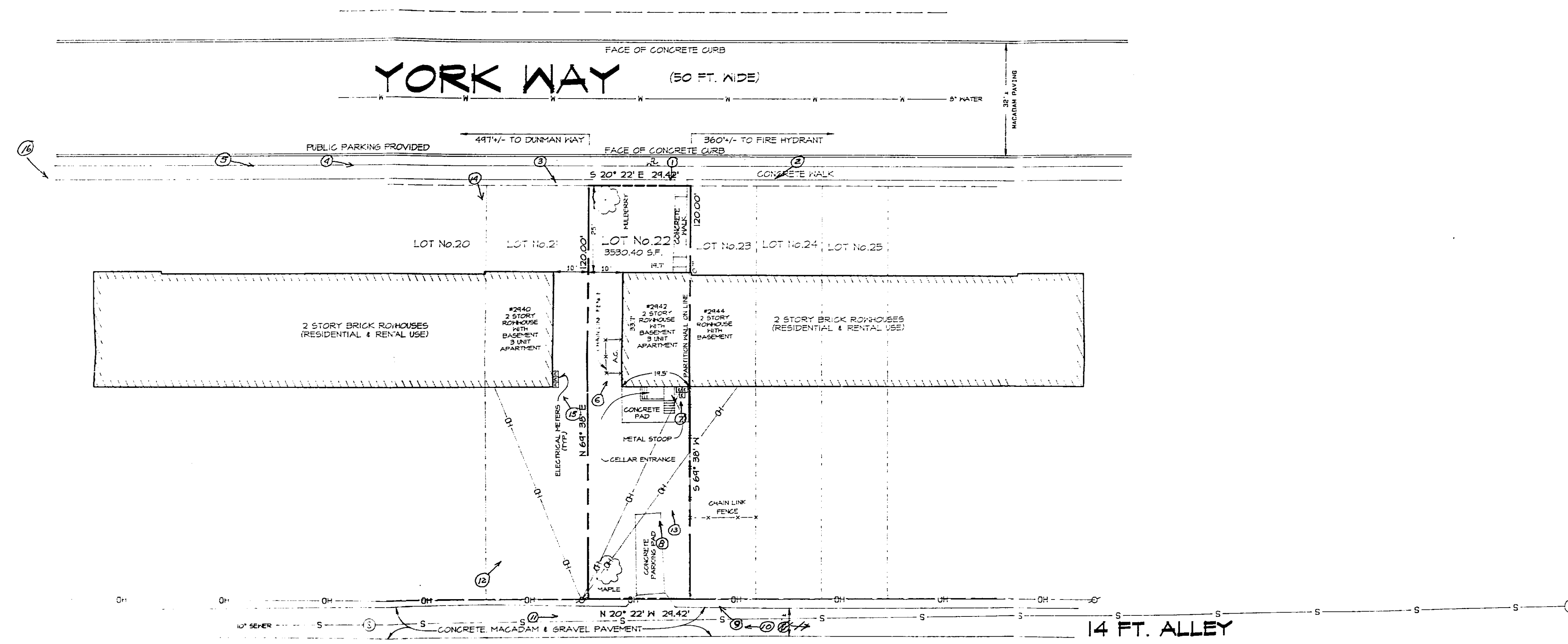
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 1, 1992

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY

LOCATION
DUNDALK
SHEET
SE
4-E

William Howard
PLANNING
2



GENERAL NOTES

OWNER:
JOHN W. McCALL
2907 TAYLOR AVENUE
BALTIMORE, MARYLAND 21234

PREMISE ADDRESS:
2942 YORK WAY
DUNDALK, MARYLAND 21222

DEED REFERENCE: G.L.B. No. 2379 folio 243
TAX ACCOUNT No. 12-13-001311
TAX MAP 103, GRID 22, PARCEL 503, LOT 22

PLAT REFERENCE: "SUBDIVISION OF PLAT No. 3-C
DUNDALK," P.B. C.H.K. No. 13 P. 65.

ZONED D.R. 10.5, MAP SE 4E
FLOOR AREA RATIO: 660.5 sf per FLOOR x 3 FLOORS = 1981.5 sf
1981.5 ÷ 4266 sf (GROSS AREA) = 0.46

CURRENT ZONING SETBACKS FOR D.R. 10.5:
SIDEYARD 10'
FRONT YARD 10'
REAR-YARD 50'
LOT WIDTH 20'

PROPERTY SHOWN HEREON IS NOT WITHIN
THE CHESAPEAKE BAY CRITICAL AREA

ADJOINER OWNERSHIP INFORMATION:
LOT No. 23 -- #2944 YORK WAY
GEORGE W. & NORMA J. HAMEL
DEED REFERENCE -- E.H.K., Jr. No. 6705 folio 720
2 SEABRIGHT AVENUE
BALTIMORE, MARYLAND 21222

LOT No. 21 -- #2940 YORK WAY
THOMAS & LOIS MITCHEL
DEED REFERENCE -- E.H.K., Jr. No. 5283 folio 696
1 LIBERTY PARKWAY
BALTIMORE, MARYLAND 21222

PETITIONER'S EXHIBIT 3

PLAN TO ACCOMPANY PHOTOGRAPHS

"PLAN TO ACCOMPANY A SPECIAL
HEARING TO CONFIRM A NON-
CONFORMING RESIDENTIAL USE"

McCALL PROPERTY
12th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 20' OCTOBER 24, 1995

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

DATE REVISION