

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Stonewall Road, 150' W
of centerline of Taunton Avenue
1st Election District
1st Councilmanic District
(116 Stonewall Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-505-A

Mark & Denise Kinney
Petitioners

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Mark & Denise Kinney, property owners, for that property known as 116 Stonewall Road in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection with a sum of side yard setbacks of 32.5 ft. in lieu of the minimum required 45 ft. for a deck. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date

7/22/99

By

R. J. [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of July, 1999 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an open projection with a sum of side yard setbacks of 32.5 ft. in lieu of the minimum required 45 ft. for a deck, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

CASE RECEIVED FOR FILING
Date 7/22/99
By R. G. Jones



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 22, 1999

Mr. & Mrs. Mark W. Kinney
116 Stonewall Road
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 99-505-A
Property: 116 Stonewall Road

Dear Mr. & Mrs. Kinney:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 116 STONEWALL ROAD CATONSVILLE MD
which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s) ~~1B02.3.C.1~~ 301.1

To allow an open projection (deck) with a sum side yard setbacks of 32.5 ft. in lieu of the minimum required 45 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

MARK W KINNEY

Name - Type or Print

Mark W. Kinney

Signature

DENISE D KINNEY

Name - Type or Print

Denise D Kinney

Signature

116 STONEWALL ROAD 410-719-7869

Address

Telephone No.

CATONSVILLE MD 21228

City

State

Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15 day of June that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-505-A

REV 9/15/98

Reviewed By [Signature] Date 6-15-99

Estimated Posting Date 6-27-99

ORDER RECEIVED FOR FILING
7/22/99

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 116 STONEWALL ROAD
Address
NATONSVILLE MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE UNUSUAL ORIENTATION OF THE HOUSE IN RELATIONSHIP TO THE PROPERTY BOUNDARY LINES MINIMIZES THE OPPORTUNITY FOR AN ADDITION ON BOTH SIDES OF THE HOUSE. THE SIDE ENTRANCE, WHICH IS THE ENTRANCE TO THE KITCHEN, IS THE MOST-USED ENTRANCE IN THE HOUSE AS IT IS LOCATED CLOSEST TO THE PARKING AREA. THIS ENTRANCE, HOWEVER, IS UNCOVERED AND EXPOSED TO THE ELEMENTS. IT REPRESENTS A POTENTIAL SAFETY HAZARD, PARTICULARLY DURING INCLEMENT WEATHER INCLUDING RAIN AND SNOW, WHEN BAGS ARE CARRIED INTO THE HOUSE. A COVERED PORCH THAT EXTENDS TO THE MAIN ENTRANCE TO THE HOUSE WOULD ENSURE THAT THE AREA IMMEDIATELY IN FRONT OF THE HOUSE ENTRANCE WOULD REMAIN FREE FROM RAIN, ICE AND SNOW, THEREBY MINIMIZING THE POTENTIAL FOR FALLS DUE TO SLIPPERY CONDITIONS. A COVERED PORCH WOULD BE CONSISTENT WITH THE CURRENT ARCHITECTURE OF THE HOUSE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mark W. Kinney
Signature

MARK W. KINNEY
Name - Type or Print

Denise D. Kinney
Signature

DENISE D. KINNEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Denise D. Kinney & Mark W. Kinney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6-14-99
Date

Joan M. Landon
Notary Public
My Commission Expires 10/01/00

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 116 STONEWALL ROAD
Address
CATONSVILLE MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE UNUSUAL ORIENTATION OF THE HOUSE IN RELATIONSHIP TO THE PROPERTY BOUNDARY LINES MINIMIZES THE OPPORTUNITY FOR AN ADDITION ON BOTH SIDES OF THE HOUSE. THE SIDE ENTRANCE, WHICH IS THE ENTRANCE TO THE KITCHEN, IS THE MOST-USED ENTRANCE IN THE HOUSE AS IT IS LOCATED CLOSEST TO THE PARKING AREA. THIS ENTRANCE, HOWEVER, IS UNCOVERED AND EXPOSED TO THE ELEMENTS. IT REPRESENTS A POTENTIAL SAFETY HAZARD, PARTICULARLY DURING INCLEMENT WEATHER INCLUDING RAIN AND SNOW; WHEN BAGS ARE CARRIED INTO THE HOUSE. A COVERED PORCH THAT EXTENDS TO THE MAIN ENTRANCE TO THE HOUSE WOULD ENSURE THAT THE AREA IMMEDIATELY IN FRONT OF THE HOUSE ENTRANCE WOULD REMAIN FREE FROM RAIN, ICE AND SNOW, THEREBY MINIMIZING THE POTENTIAL FOR FALLS DUE TO SLIPPERY CONDITIONS. A COVERED PORCH WOULD BE CONSISTENT WITH THE CURRENT ARCHITECTURE OF THE HOUSE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mark W. Kinney
Signature

MARK W. KINNEY
Name - Type or Print

Denise D Kinney
Signature

DENISE D KINNEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Denise W & Mark W. Kinney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6-14-99
Date

Joseph W. Sarnow
Notary Public

My Commission Expires 10/01/00



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 116 STONEWALL ROAD CATONSVILLE MD
which is presently zoned DE-1

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s) 1802.3, C.1, 301.1

To allow an open projection (deck) with a sum of sideyard setbacks of 32.5 ft. in lieu of the minimum required 45 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

MARK W. KINNEY

Name - Type or Print

Mark W. Kinney

Signature

DENISE D. KINNEY

Name - Type or Print

Denise D. Kinney

Signature

116 STONEWALL ROAD 410-719-7869

Address Telephone No.

CATONSVILLE MD 21228

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-505-A

REV 9/15/98

Reviewed By [Signature] Date 6-15-99

Estimated Posting Date 6-27-99

ZONING DESCRIPTION FOR
116 STONEWALL ROAD
CATONSVILLE MD 21228

505

Beginning at a point on the North side of Stonewall Road at the distance of 150' $\pm$ West of the nearest improved intersecting street Taunton Avenue thence running West N 10° 15' E 85.34' thence S 81° 45' E 237.25' thence N 81° 45' W 237' $\pm$ to the point of beginning containing 0.5 acres. Also known as 116 Stonewall Road Catonsville Maryland and located in the 1st Election District, 1st Councilmanic District.

99. 505-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. ⁵⁰⁵ 067904

DATE 6-15-99

ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM:

Mr. Kinney

FOR:

Residential Variance (road) Filing Fee
4116 Stone wall Rd.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

99.505-A

CASHIER'S VALIDATION

PAID RECEIPT

PROCESSED ACTION

6/15/1999 6/15/1999 10:20:14

REG 06506 CASHIER NOTE REC. NUMBER

Doc 5 528 ZONING VARIATION

Received 197372

TR NO. 067904

REC'D 101

50.00 OK

Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: CASE # 99-505-A
PETITIONER/DEVELOPER:
(Mark W. Kinney)
DATE OF Closing
(July 12, 1999)

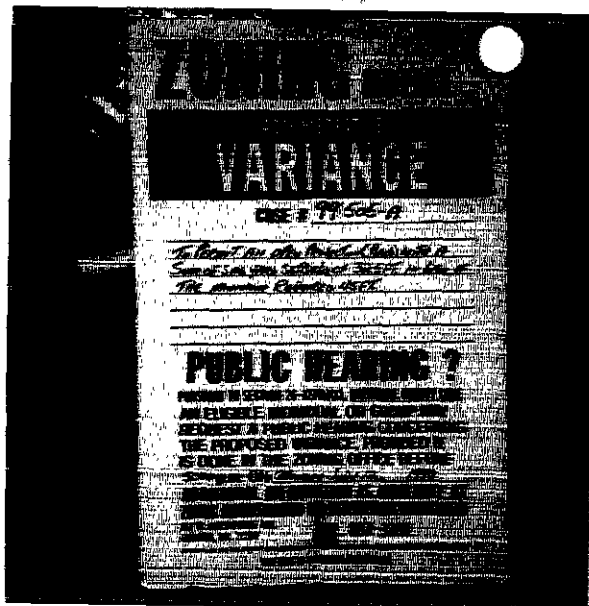
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
116 Stonewall Road Baltimore , Maryland 21228_____

The sign(s) were posted on _____ 6-25-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle Sr.
[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 505 -A Address 116 Stonewall Rd.
Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6-15-99 Posting Date: 6-27-99 Closing Date: 7-12-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 505 -A Address 116 Stonewall Rd.
Petitioner's Name MARK W. Kinney Telephone (410) 719-7869
Posting Date: 6-27-99 Closing Date: 7-12-99
Wording for Sign: To Permit an open projection porch with a sum of
sideyard setbacks of 32.5 ft. in lieu of the minimum required
45 ft.



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 505

Petitioner: MARK Kinney

Location: 116 Stonewall Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARK KINNEY

ADDRESS: 116 STONEWALL ROAD

CATONSVILLE MD 21228

PHONE NUMBER: 410-719-7869

AJ:ggs

(Revised 09/24/96)

99.505.A

BALTIMORE COUNTY, MARYLAND

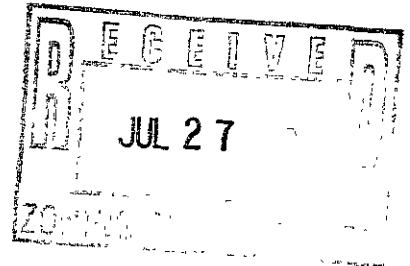
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 26, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions



The Office of Planning has no comment on the following petition(s):
Item No(s): 505

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

☒	Variance	☐	Special Hearing
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see pages 5 & 6 of the CHECKLIST for additional required information

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~~SECRET~~

ANTON

60731

237'±

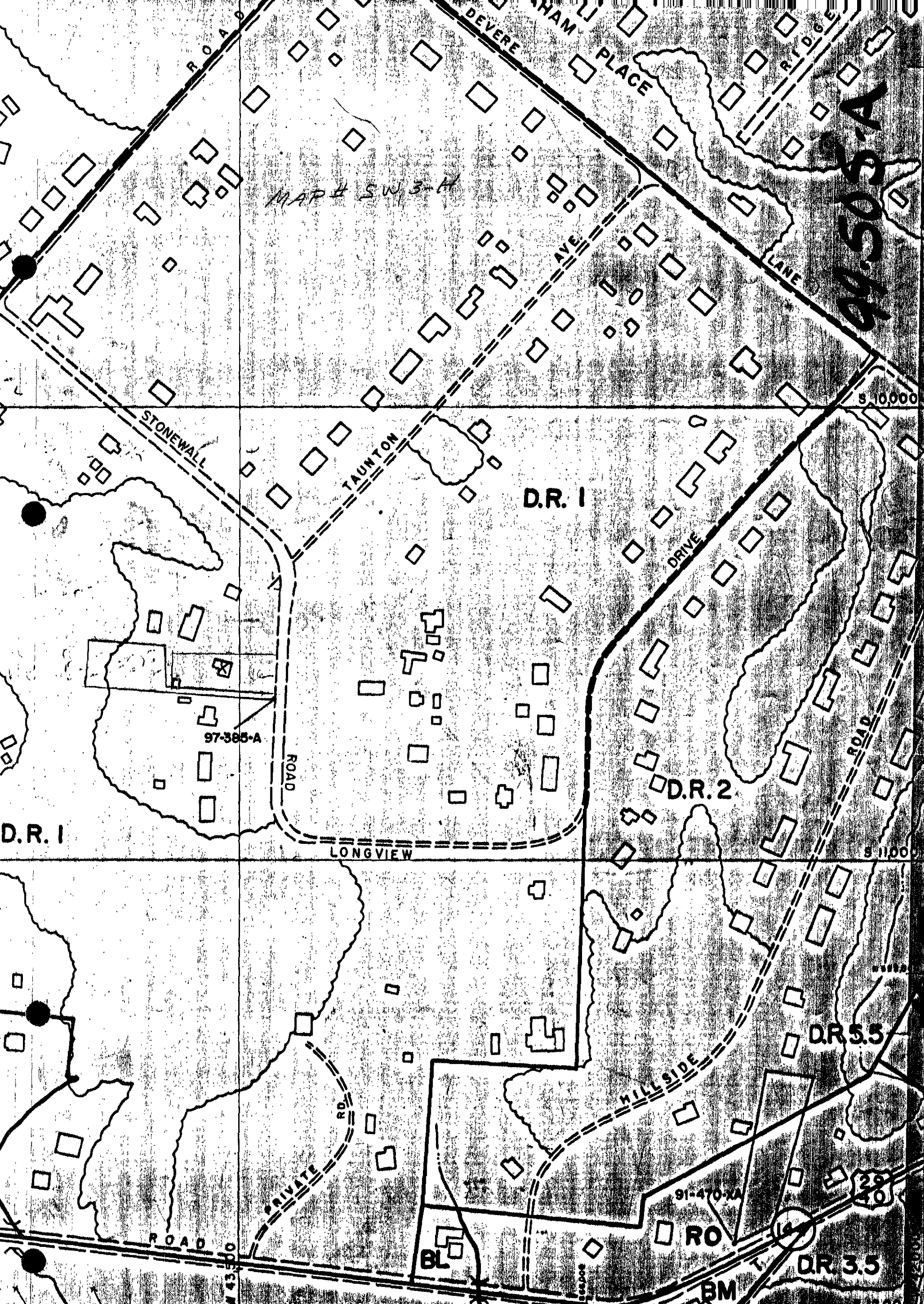
STONEWALL ROAD
40' R/LN

150'± TO
TAUNTON AVE

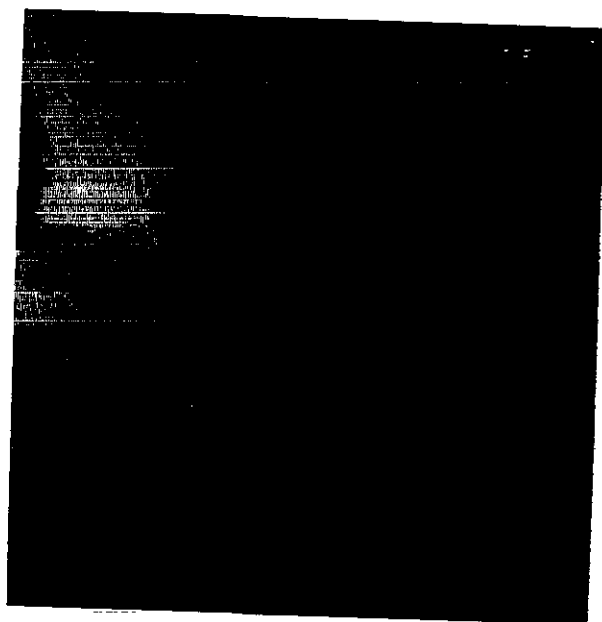


4

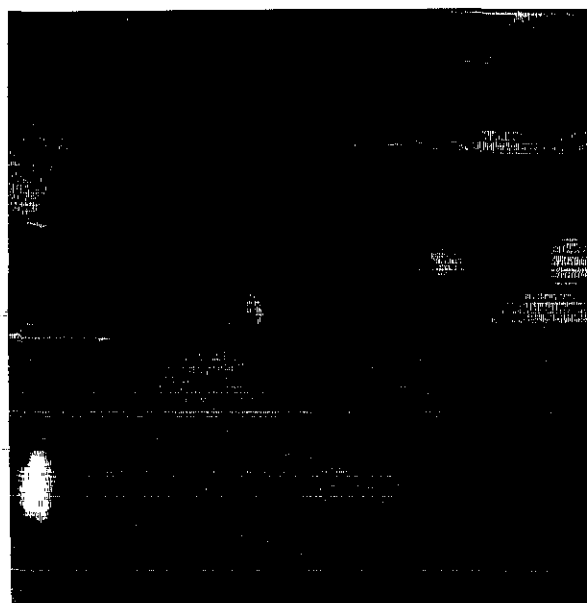
99-505-A



SCALE 1" = 200' ±	LOCATION OELLA	SHEET S.W.
DATE OF PHOTOGRAPHY JANUARY 1986		

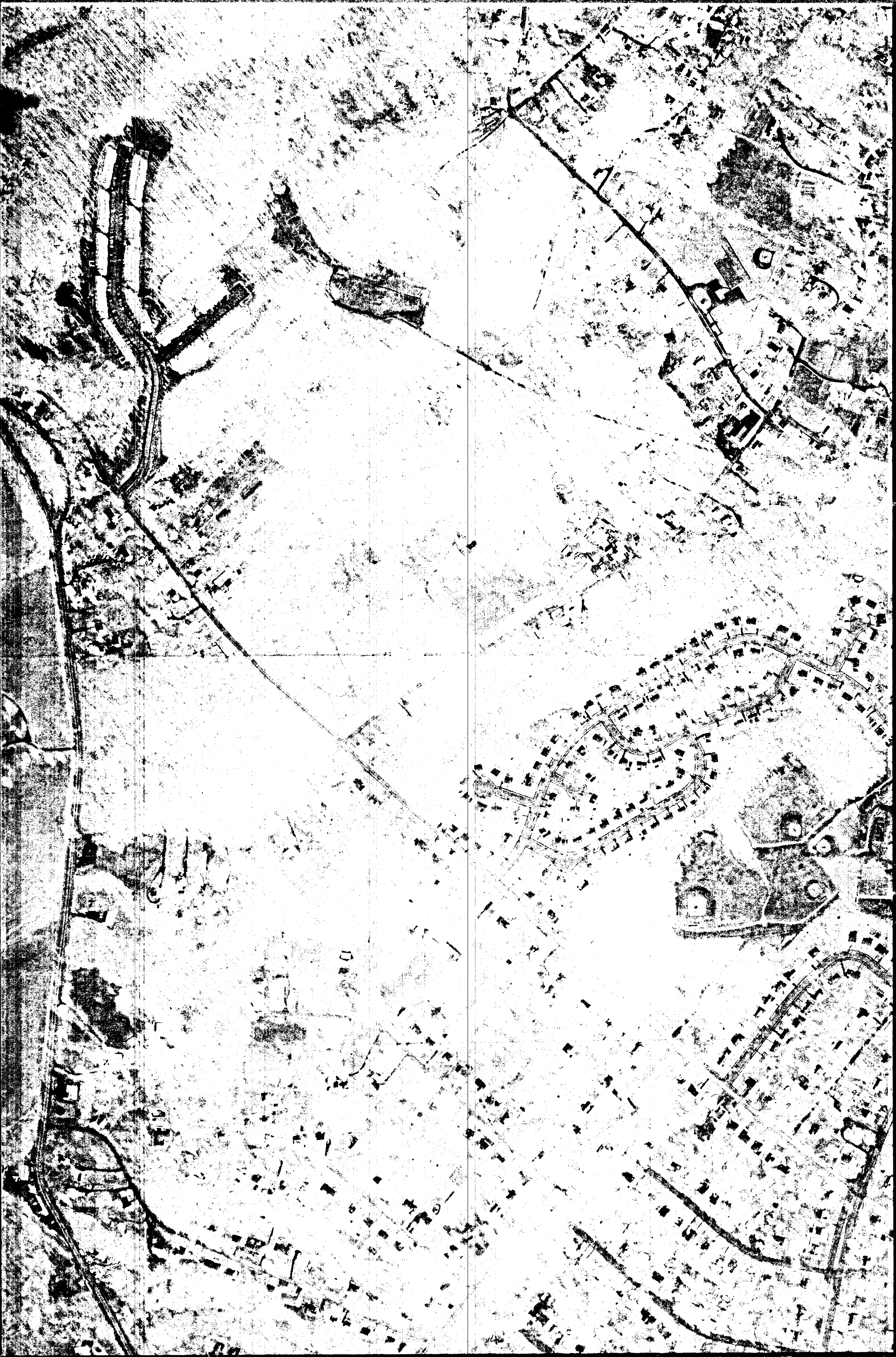


505-



505

99.505-A



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	OELLA	S.W. 34
DATE OF PHOTOGRAPHY JANUARY 1986	99.505.A	

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Burke and Center Avenues
(110 Burke Avenue)
9th Election District
4th Councilmanic District

John B. Magruder, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-506-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, John B. Magruder, Jr., and his wife, Elizabeth F. Magruder, through their attorney, Paul J. Feeley, Esquire. The Petitioners seek approval of the subject property as a legal, nonconforming, five-apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were John and Elizabeth Magruder, property owners, Mary Jayne Jenkins, Mrs. Magruder's sister, and Paul J. Feeley, Esquire, attorney for the Petitioners. Appearing as a Protestant in the matter was Constant J. Georges, adjacent property owner. John M. Pjura III, a representative of the Towson Manor Improvement Association, appeared as an interested person.

An examination of the site plan reveals that the subject property is a corner lot with frontage on both Burke Avenue and Centre Avenue in Towson. The property consists of a gross area of 0.30 acres, more or less, zoned D.R.5.5, and is improved with a two and one-half story dwelling known as 110 Burke Avenue. The Petitioners seek approval of the use of the subject property as a nonconforming, five-apartment dwelling. A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) as, "A legal use that does not conform to a use regulation for the zone in which it is located, or to a special regulation applicable to such

ORDER RECEIVED FOR FILING

Date

By

use." Nonconforming uses are regulated in Section 104. Essentially that Section provides that a nonconforming use may continue, if it is established that the use predates the date of the adoption of the zoning regulation which prohibits such use. Thus, the nonconforming use designation "grandfathers" an otherwise illegal use. Moreover, nonconforming uses may continue only if they have not been abandoned or discontinued for a period of one year or more.

As noted above, the subject property is zoned D.R.5.5. That zoning classification does not permit five apartment dwellings. Thus, the use is illegal and cannot continue unless legitimized by designation as a nonconforming use through the instant Petition.

Testifying in support of the request were the owners of the property, John B. Magruder and his wife, Elizabeth Magruder. Mrs. Magruder testified that her parents, Daniel R. and Elizabeth M. Finn, acquired the property in 1929. Mrs. Magruder testified that she was born in 1926 and resided on the subject property when she was a young girl. At that time the property was used as a single family dwelling. However, she indicated that she and her family moved from the house in or about 1937, at which time the building was converted to five apartments. After the conversion, the Finn family moved back into the unit, using two of the apartments for their family and leasing the other three apartments. Mrs. Magruder testified that the subject dwelling has been used as a five apartment building without interruption since that time.

Her testimony was corroborated by her husband, John B. Magruder. Mr. Magruder testified that he has been familiar with the property since approximately 1943 when he was in high school. He indicated that the building has not been materially altered since that time. He described the five apartment units which presently exist in the structure, including their entrances, access to utilities, etc. Mr. Magruder testified that the property has been used as a five apartment dwelling since his first knowledge of same in 1943. He testified that he and his wife acquired the property following the death of Mr. and Mrs. Finn. Specifically, the property was bequeathed to Mrs. Magruder and her sister, Mrs. Jenkins, and the Magruder's purchased Mrs. Jenkin's interest in the property in 1980. Mr. Magruder indicated that although tenants have come and gone and there have been short periods of vacancy, the use has been consistent throughout the years.

Mrs. Mary Jayne Jenkins, the sister of Elizabeth Magruder, also testified. She corroborated the testimony offered by Mr. & Mrs. Magruder and indicated that the use of the building as five apartments has been consistent since the mid to late 1930s.

The Petitioners also submitted a series of affidavits from individuals familiar with the house to corroborate the nonconforming use of the property as a five-apartment dwelling. Additionally, photographs of the site were provided. Two of the photographs submitted show the property in the late 1930s with a sign posted in front identifying the property as the "Burkshire Apartments".

Mr. Georges appeared and testified in opposition to the request. He raised certain issues regarding the use of the property and described what he perceived to be the detrimental impacts on the surrounding neighborhood caused by such use. He voiced concerns over traffic, pollution, etc. Unfortunately, these concerns are not germane in that the sole decision to be rendered in this case is whether the use is nonconforming. However, Mr. Georges did offer relevant testimony regarding the use of the property in the mid 1980s. He indicated that the apartments were vacant during that time and as such, the property is no longer nonconforming, pursuant to Section 104 of the B.C.Z.R.

Nonconforming uses are not favored by law (See McKemy v. Baltimore County, 39 Md. App. 257 (1978). Nonetheless, they are allowed to continue if the regulatory criteria set out in Section 104 of the B.C.Z.R. are satisfied.

This case turns largely on the credibility of the witnesses. Members of the family who have owned this property on a continuous basis for over 70 years testified persuasively that the property is nonconforming. Although acknowledging that there have been short-term vacancies over the years when tenants left the premises, the Petitioners offered sworn testimony that the use has been continuous and uninterrupted. Moreover, I easily find that the property was converted to an apartment use prior to the date the first zoning regulations came to Baltimore County in 1945. The testimony of the witnesses as well as the photographs submitted are persuasive to a finding

that the conversion of the building into a five-apartment dwelling unit occurred in the mid to late 1930s.

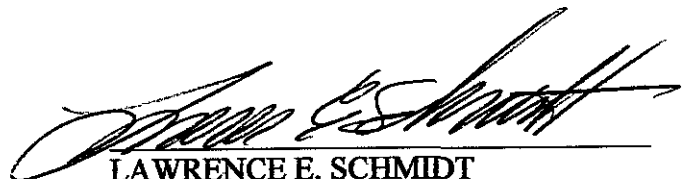
Although I believe that Mr. George's testimony was sincere, he clearly does not have access to the property to the same degree as did the Magruders and Mrs. Jenkins. Although he opined that certain of the apartments were vacant for periods in the 1980s, there was no evidence other than his oral testimony that was fact. With multiple apartments, a quiet tenant might easily be mistaken for a vacant unit.

Based upon the cumulative testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In my judgment, the Petitioners have satisfied the criteria set out in Section 104 of the B.C.Z.R. and the evidence presented is sufficient to support a finding that the use of the subject property as a five-apartment dwelling is nonconforming under Section 104 of the B.C.Z.R. Thus, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August, 1999 that the Petition for Special Hearing seeking approval of the subject property as a nonconforming, five-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

CORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 10, 1999

Paul J. Feeley, Esquire
207 Courtland Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Burke and Centre Avenues
(110 Burke Avenue)
9th Election District – 4th Councilmanic District
John B. Magruder, Jr., et ux - Petitioners
Case No. 99-506-SPH

Dear Mr. Feeley:

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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. John B. Magruder, Jr.
616 Charles Street Avenue, Towson, Md. 21204
Mr. Constant J. Georges
112 Burke Avenue, Towson, Md. 21286
Mr. John M. Pjura, III
107 Linden Terrace, Towson, Md. 21286
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 110 Burke Ave, Towson.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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 Property 110 Burke Avenue, Towson, Maryland as a non-conforming use. the property was converted into five (5) apartments in the late 1930's and has been continuously occupied as five (5) apartments up until the present time.

The property is now owned by the daughter of the 1930 owners and her husband.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print PAUL J. FEELEY
Signature Paul J. Feeley
Company _____
Address 207 Courtland Ave Telephone No. _____
City Towson, Md 21204 State _____ Zip Code 21204

Legal Owner(s):

Name - Type or Print JOHN B. MAGRUDER JR
Signature John B Magruder Jr
Name - Type or Print ELIZABETH F. MAGRUDER
Signature Elizabeth F. Magruder
Address 110 BURKE AVE Telephone No. 410 825 7685
City TOWSON, MARYLAND State MD Zip Code 21204

Representative to be Contacted:

Name JOHN B. MAGRUDER JR
Address 616 CHARLES ST. AVE Telephone No. 410 825 7685
City TOWSON MARYLAND State MD Zip Code 21204-3806

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 6/16/99

ORDER RECEIVED FOR FILING

Case No. 99-506-SPH

Date _____
By _____
R20 9/15/98

ZONING DESCRIPTION
FOR
110 BURKE AVENUE

BEGINNING for the same at the corner formed by the intersection of the north side of Burke Avenue and the west side of Centre Avenue; and running thence westerly on the north side of Burke Avenue fifty feet; thence northerly parallel with Centre Avenue one hundred and fifty feet to the north line of Lot No.5 on the plat hereinafter mentioned; thence easterly binding on the north line of said Lot No.5 fifty feet to the west side of Centre Avenue; and thence southerly binding on the west side of Centre Avenue one hundred and fifty feet to the place of beginning. Being the premises known as No. 110 Burke Avenue.

BEING ALSO known and designated as Lots Nos. 3 and 4, and the easterly one-half of Lot No. 5, as shown on the Plat of Towson Manor, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 79, as recorded in Deed Liber 6218, Folio 330 of the Land Records of Baltimore County.



506

99.506-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 6/16/99 ACCOUNT 506 No. 069880

AMOUNT \$ 250.00

RECEIVED FROM: Verma MacRuder

FOR: Comm SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

49-506-SPH

PAID RECEIPT

PROCESS ACTUAL

TIME

6/16/1999 6/16/1999 09:22:21

REG 4902 CASHIER LSH LKS DRAWER 2

Dept 5 528 ZONING VERIFICATION

Receipt # 096573

CR NL 069880

Receipt Tot 250.00

250.00 BK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-506-SPH
110 Burke Avenue
NWC Burke and Center Aves.
9th Election District
4th Councilmanic District
Legal Owner(s):
Elizabeth F. Magruder &
John B. Magruder, Jr.

Special Hearing: to approve a non-conforming use for 5 apartments.

Hearing: Wednesday, August 4, 1999 at 18:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/601 July 20 C326877

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/22/, 1999

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 7/20/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

Case # 22-56-212

A PUBLIC HEARING WILL BE HELD --
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE NAME, ADDRESS, CITY, STATE, ZIP
TIME & DATE: 1/1/84 10:10 AM

ADVANCEE DAN MANHATTAN, NEW YORK

CERTIFICATE OF POSTING

RE: CASE # 99-506-SPH
PETITIONER/DEVELOPER:
(Elizabeth F. Magruder)
DATE OF Hearing
(Aug. 4, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
110 Burke Avenue Baltimore , Maryland 21286_____

The sign(s) were posted on _____ 7-17-99 _____
[Month, Day, Year]

Sincerely,

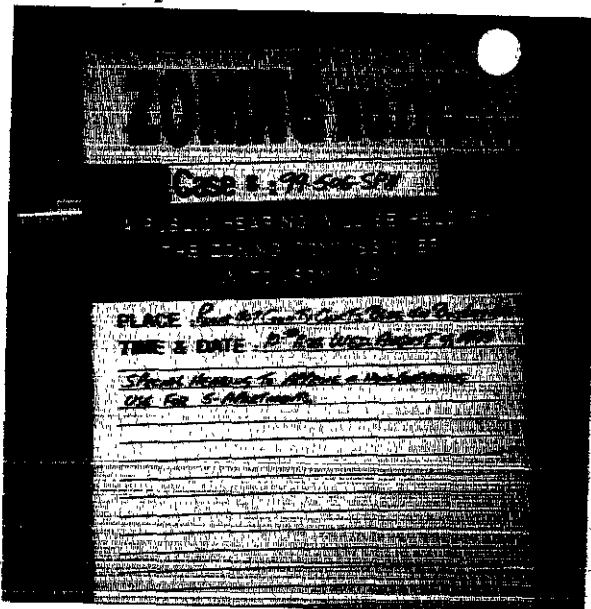

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 8, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-506-SPH
110 Burke Avenue
NWC Burke and Centre Avenues
9th Election District – 4th Councilmanic District
Legal Owner: Elizabeth F. Magruder & John B. Magruder, Jr.

Special Hearing to approve a non-conforming use for 5 apartments.

HEARING: Wednesday, August 4, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "501" written below it.

Arnold Jablon
Director

c: Paul J. Feeley, Esquire
Elizabeth & John Magruder, Jr.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 20, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 20, 1999 Issue— Jeffersonian

Please forward billing to:

Mr. & Mrs. John B. Magruder, Jr. 410-825-7685
616 Charles Street Avenue
Towson, MD 21204-3806

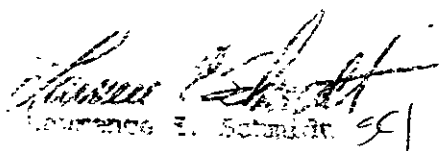
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-506-SPH
110 Burke Avenue
NWC Burke and Centre Avenues
9th Election District – 4th Councilmanic District
Legal Owner: Elizabeth F. Magruder & John B. Magruder, Jr.

Special Hearing to approve a non-conforming use for 5 apartments.

HEARING: Wednesday, August 4, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 506
Petitioner: MR & MRS JOHN B. MAGRUDER, JR
Address or Location: 110 BURKE AVE TOWSON MD
21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR & MRS JOHN B. MAGRUDER JR
Address: 1616 CHARLES STREET AVENUE
TOWSON MD 21204-3806
Telephone Number: 410-825-7685

Revised 2/20/98 - SCJ

99.506-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 30, 1999

Paul J. Feeley, Esquire
207 Courtland Avenue
Towson, MD 21204

Dear Mr. Feeley:

RE: Case Number 99-506-SPH, 110 Burke Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM).

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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 the case. All comments 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.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized "scj" monogram at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

C: Elizabeth & John Magruder, Jr.

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on Recycled Paper



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 10, 1999

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

RE: Property Owner: SEE ITEM NUMBERS BELOW

Location: DISTRIBUTION MEETING OF JULY 6, 1999

Item No.: 506, 503, 517, 521, AND 522 Zoning Agenda:

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.

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 837-4861, MS-1102F

cc: File

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fwp
8/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 28, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 506 and 519

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: July 13, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for July 12, 1999
 Item No. 506

The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of parking shall be clearly addressed.

RWB:jrb

cc: File

ZAC07129.506

RE: PETITION FOR SPECIAL HEARING
110 Burke Avenue, NWC Burke and Centre Avenues
9th Election District, 4th Councilmanic

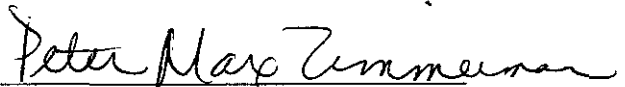
Legal Owner: John B. & Elizabeth F. Magruder, Jr.
Petitioner(s)

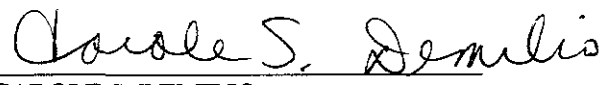
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-506-SPH

* * * * *

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
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to Paul J. Feeley, Esq., 207 Courtland Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mr CONSTANT J. GEORGES

112 Burke Ave. TOWSON 21284



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ELIZABETH F. MAGRUDER

616 CHARLES ST. AVE. TOWSON MD
21204

M. J. JENKINS

1508 CRANWELL RD

Lutherville 21093

John B. Magruder Jr

616 CHARLES ST. AVE.
TOWSON MD 21204

John M. Pjura ^{Jr} TMU

107 Linden Ter. 21288

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

J. Calvin Jenkins Sr.
AFFIANT (Handwritten Signature)

J. CALVIN JENKINS SR.
AFFIANT (Printed Name)

818 HATHERLEIGH RD.
ADDRESS (Printed) BALTO. MD. 21212

410-823-3072
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE. TOWSON, MD. has been occupied as a MULTI apartment dwelling since JULY, 1941? YES
(month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JULY, 1941? YES
(month) (year) (answer)

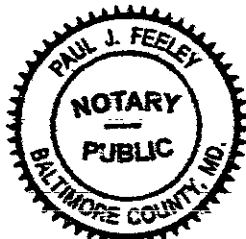
3. Will you realize any gain from the sale of this property? NO
(answer)

**If the answer is yes, this form cannot be approved*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 14th day of JUNE, 1999 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared J. CALVIN JENKINS SR., the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 6/5/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Sally B. Jenkins
AFFIANT (Handwritten Signature)

Sally B. Jenkins
AFFIANT (Printed Name)

8187 Hatherleigh Rd.
ADDRESS (Printed)

410-823-3072
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Burke Ave, town (address) has been occupied as a multi apartment (2, etc.) dwelling since June (month), 1943 (year)? yes (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since June (month), 1943 (year)? yes (answer)

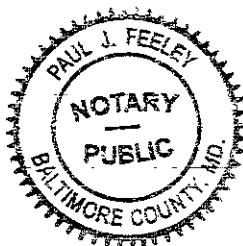
3. Will you realize any gain from the sale of this property? no (answer) *

*If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 14th day of JUNE, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared SALLY B. JENKINS, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 6/15/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Jaqueline M. Funk
AFFIANT (Handwritten Signature)

Jacqueline M. Funk
AFFIANT (Printed Name)

7 Elphira Court #202
ADDRESS (Printed)

410-561-8833
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

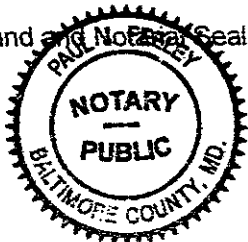
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 114 Burke Ave, Towson, MD has been occupied as apartment apartment dwelling since 1941? YES
(address) (month) (year) (2, etc.) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1941? THIS IS WHAT I HAVE BEEN ADVISED BY THE OWNERS
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? NO *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 19th day of MAY, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Jacqueline M. Funk, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notary Seal.



Paul J. Kelley
NOTARY PUBLIC
My Commission Expires 6/2/00

**CONDITIONAL USE PERMIT
FOR
TWO APARTMENTS**

This use permit for two apartments at _____
(address)

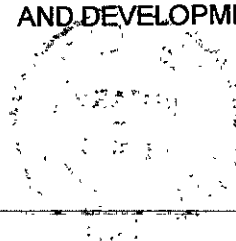
is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

DATE: _____

APPROVED BY: _____

DIRECTOR, DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT

Revised 9/5/95



AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Mary C. Donovan
AFFIANT (Handwritten Signature)
501 W. University Pkwy
Baltimore, Md. 21210
ADDRESS (Printed)

Mary C. Donovan
AFFIANT (Printed Name)
(410) 366-5185
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

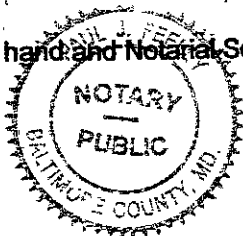
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Burke Ave, Towson, MD has been occupied as 2 apartment-^s dwelling since 1941? YES
(address) (month) (year) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1941? THIS IS WHAT I HAVE BEEN ADVISED BY THE OWNERS
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? NO
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 19 day of MAY, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared MARY C. DONOVAN the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 6/2/00

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

John J. Sweeney, Jr.
AFFIANT (Handwritten Signature)

JOHN J. SWEENEY, JR
AFFIANT (Printed Name)

547 PURLINGTON CDB, BALTO
ADDRESS (Printed) 21212

410-433-6504
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Burke Ave. Towson, MD (address) has been occupied as a 1 apartment (2, etc.) dwelling since _____ (month) 1940 (year) YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since _____ (month) 1940 (year) I HAVE BEEN SO ADVISED BY THE OWNERS (answer)

3. Will you realize any gain from the sale of this property? NO (answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 29th day of MAY, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOHN J. SWEENEY, JR the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Lawrence
NOTARY PUBLIC
My Commission Expires 4/2/90

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Charles W. Beeler Jr
AFFIANT (Handwritten Signature)

CHARLES W. BEELER JR
AFFIANT (Printed Name)

608 STACY CT
ADDRESS (Printed)
TOWSON 21286

410-823-5255
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

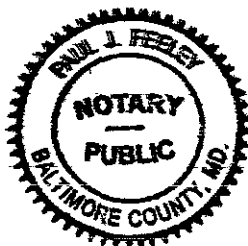
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE. TOWSON (address) has been occupied as a 5 (2, etc.) apartment dwelling since BEFORE (month), 1939 (year)? YES (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since BEFORE (month), 1939 (year)? YES (answer)
3. Will you realize any gain from the sale of this property? NO (answer)

**If the answer is yes, this form cannot be approved*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 9th day of JUNE, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Charles W. Beeler Jr, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Paul J. Feeley
NOTARY PUBLIC
My Commission Expires 6/15/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Joseph W. Watson
AFFIANT (Handwritten Signature)

JOSEPH W. WATSON
AFFIANT (Printed Name)

710 Milledam Rd V1286
ADDRESS (Printed)

410 337 7079
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Burke Ave has been occupied as a 5 apartment dwelling since prior to 1940? yes
(address) (month) (year) (2, etc.) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since prior to 1940? yes
(month) (year) (answer)

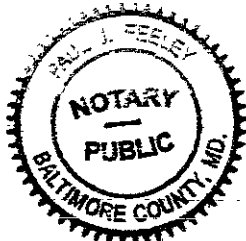
3. Will you realize any gain from the sale of this property? no*
(answer)

*If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 9th day of JUNE, 1999 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOSEPH W. WATSON, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Paul J. Feeley
NOTARY PUBLIC
My Commission Expires 6/8/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Robert C. Watson
AFFIANT (Handwritten Signature)

ROBERT C. WATSON
AFFIANT (Printed Name)

8209 WHITE MANOR DR
ADDRESS (Printed)

410-823-2280
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Burke Ave has been occupied as a 5 apartment dwelling since Prior to 1943? YES
(address) (month) (year) (2, etc.) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since Prior to 1943? yes
(month) (year) (answer)

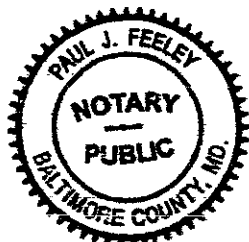
3. Will you realize any gain from the sale of this property? NO *
(answer)

*If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 9th day of JUNE, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ROBERT C. WATSON, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Paul J. Feeley
NOTARY PUBLIC
My Commission Expires 6/5/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Maurice Lee Watson
AFFIANT (Handwritten Signature)

415 LINKS VIEW DR.
HAGERSTOWN, MD 21740
ADDRESS (Printed)

MAURICE LEE WATSON
AFFIANT (Printed Name)

301-733-7733
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AV. TOWSON 4, MD (address) has been occupied as a 5 (2, etc.) apartment dwelling since JUNE (month), 1941 (year)? YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JUNE (month), 1941 (year)? YES (answer)

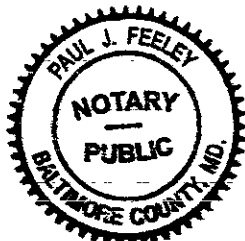
3. Will you realize any gain from the sale of this property? NO (answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 9th day of JUNE, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared MAURICE LEE WATSON, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 4/30/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Ann B. Haviland
AFFIANT (Handwritten Signature)

ANN B. HAVILAND
AFFIANT (Printed Name)

515 W. Joppa Rd
ADDRESS (Printed)
21204

410-825-6381
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

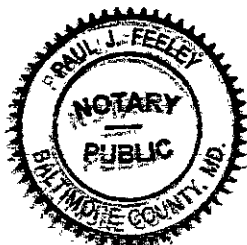
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE - Towson has been occupied as a 5 apartment dwelling since PRIOR to 1941? Yes
(address) (month) (year) (2, etc.) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since PRIOR to 1941? Yes
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? No
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 12th day of JUNE, 1999 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ANN B. HAVILAND, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 6/30/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

* [Handwritten Signature]
AFFIANT (Handwritten Signature)

DR. DONALD D. COOPER
AFFIANT (Printed Name)

601 HILLEN RD. TOWSON, MD. 410-828-1125
ADDRESS (Printed) TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE, TOWSON, MD has been occupied as a SEVERAL apartment(s) dwelling since 1940 (month) ? (year) YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1940 (month) ? (year) THIS IS WHAT I HAVE BEEN TOLD BY THE OWNERS. (answer)

3. Will you realize any gain from the sale of this property? NO (answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 11 day of JUNE, 1999 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DR. DONALD D. COOPER, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Handwritten Signature]
NOTARY PUBLIC
My Commission Expires 6/5/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

in photo at sign:

Helen M Patterson
AFFIANT (Handwritten Signature)

Helen M Patterson
AFFIANT (Printed Name)

37 Theo Lane Towson 21204
ADDRESS (Printed) md.

410-825-6317
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

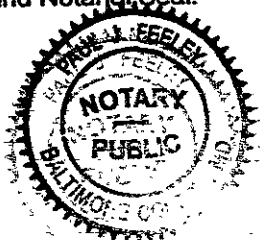
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 Beebe Ave (address) has been occupied as a 5 (2, etc.) apartment dwelling since Prior to 1938 (month) (year)? yes (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since Prior to 1938 (month) (year)? yes (answer)
3. Will you realize any gain from the sale of this property? no (answer)

**If the answer is yes, this form cannot be approved.*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 11 day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Helen M Patterson, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



[Signature]
NOTARY PUBLIC
My Commission Expires 6/5/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Joseph L. Radabaugh Sr.
AFFIANT (Handwritten Signature)

JOSEPH L. RADEBAUGH SR
AFFIANT (Printed Name)

119 LINDEN TERRACE
ADDRESS (Printed)

825 4929
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE TOWSON, MD (address) has been occupied as a MMV (2, etc.) apartment dwelling since 1940? (month) (year) YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1940? (month) (year) I HAVE BEEN SO ADVISED BY THE OWNERS (answer)

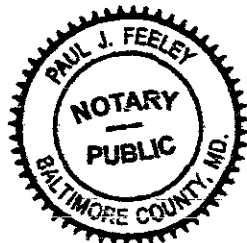
3. Will you realize any gain from the sale of this property? NO (answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 11 day of JUNE, 19 99, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared JOSEPH L. RADEBAUGH SR the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Paul J. Feeley
NOTARY PUBLIC
My Commission Expires 6/5/02

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Bernard J. Schoeps
AFFIANT (Handwritten Signature)

Bernard J. Schoeps
AFFIANT (Printed Name)

80 Greenway Blvd.
ADDRESS (Printed) Churchville,
New York - 14428

716-293-1709
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 110 BURKE AVE ~ TOWSON has been occupied as a 5 apartment dwelling since January, 1945? Rented for 9 months in 1945 while in service serving in Baltimore area.
(address) (month) (year) (answer) (2, etc.)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since January, 1945? visited Mr. & Mrs. Finn about 1952 or 1953 and it was still an apartment complex.
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? -NO-
(answer)

**If the answer is yes, this form cannot be approved*

New York monroe
STATE OF ~~MARYLAND~~, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY this 7th day of June, 1999, before me, a Notary Public of the State of

New York Maryland, in and for the County aforesaid, personally appeared Bernard J. Schoeps, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

JEAN E. OTT
NOTARY PUBLIC
My Commission Expires 8/31/99

State of Maryland City of Baltimore to wit:

I Heresby Certify that on this 5th day of September in the year nineteen hundred and twenty-nine before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared George W Tugwell and Jennie B Tugwell his wife the mortgagors named in the foregoing mortgage and acknowledged the same to be their act and at the same time also appeared O Herbert Boehm Vice President of the Provident Savings Bank of Baltimore the within named mortgagee and acting for and on behalf of the said mortgagee made oath in due form of law that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth

Witness my hand and notarial seal the day and year last above written

(Notarial Seal)

Otto V Yursik

Notary Public

Recorded Sept 5 1929 at 12 M and Examined per

Louis McL Merryman Clerk

For value received the Provident Savings Bank of Baltimore hereby releases the within mortgage Witness the signature of its Vice President Otto Yursik and its corporate seal attested by its treasurer this 51st day of May 1940

Witness

F Howard Pemberton

Otto Yursik

Vice President

Attest

U Sidney Weber

Ass't Treasurer

(Corporate seal)

Recorded June 1 1940 at 11.30 A M & Exd per C Willing Browns Jr

Ref No 1

4384

George W Tugwell and Jennie B Tugwell

Do hereby release

the within mortgage

part

This Deed Made this 5th day of August in the year

one thousand nine hundred and twenty-nine by and between George W White and Helen E White his wife of Baltimore City State of Maryland parties of the first part and Daniel R Finn and Elizabeth M Finn his wife of the same place parties of the second part

Witnesseth that in consideration of the sum of Five Dollars and other valuable considerations this day paid the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said parties of the second part as tenants by the entireties the survivor of them their assigns and the heirs and assigns of the survivor in fee simple all that lot of ground situate in Baltimore County in the State of Maryland and described as follows that is to say

Beginning for the same at the corner formed by the intersection of the north side of Burke Avenue and the west side of Centre Avenue and running thence westerly binding on the north side of Burke Avenue fifty feet thence northerly parallel with Centre Avenue one hundred and fifty feet to the north line of Lot No 5 on the plat hereinafter mentioned thence easterly binding on the north line of said Lot No 5 fifty feet to the west side of Centre Avenue and thence southerly binding on the west side of Centre Avenue one hundred and fifty feet to the

place of beginning Being the premises known as No 106 Burke Avenue

Being and comprising Lots Nos 3 and 4 and the easternmost one-half of Lot No 5 of Townson
Mauor as shown on a plat filed among the Land Records of Baltimore County in Plat Book
W-P C No 5 folio 79

Being the same lot of ground which by deed dated September 16 1927 and recorded among the
Land Records of Baltimore County in Liber C W C No 649 folio 143 was granted and conveyed
by Charles C Freeland and wife to the said parties of the first part hereto in fee simple
together with the buildings and improvements thereupon and the rights alleys ways waters
privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the said lot of ground and premises unto and to the use of the said
Daniel R Finn and Elizabeth M Finn his wife as tenants by the entireties the survivor of them
their assigns and the heirs and assigns of the survivor in fee simple

And the said parties of the first part covenant that they will warrant specially the prop-
erty hereby granted and conveyed and that they will execute such further assurances of the
said land as may be requisite

Witness the hands and seals of the said grantors

Witness

George W White (Seal)

Adam J Geyer

Helen E White (Seal)

State of Maryland Baltimore City to wit:

I Heraby Certify that on this 2nd day of August in the year one thousand nine hundred
and twenty-nine before me the subscriber a notary public of the State of Maryland in and
for Baltimore City aforesaid personally appeared George W White and Helen E White his wife
the within named grantors and severally acknowledged the foregoing deed to be their res-
pective act

In Testimony Whereof I hereunto set my hand and affix my notarial seal
(Notarial Seal) Adam J Geyer Notary Public

Recorded Aug 5 1929 at 11 A M and Examined per Louis Mol Merryman Clerk

4565

Daniel R Finn and wife
Mortgage To
Sun Life Insurance Co

This Mortgage made this 2nd day of August in the
year one thousand nine hundred and twenty-nine by and between
Daniel R Finn and Elizabeth M Finn his wife of Baltimore City
State of Maryland parties of the first part mortgagors and
Sun Life Insurance Company of America a body corporate party

of the second part mortgagee

Whereas the said mortgagors are justly indebted unto the said mortgagee in the full sum
of Sixty-five Hundred Dollars for money this day loaned and advanced to be applied in pay-
ment of the purchase money of the property hereinafter described which said sum the said
mortgagors have jointly and severally covenanted and agreed to repay unto the said mortgagee
as follows Three Hundred and Twenty-five Dollars one year from the date hereof Three Hundred
and Twenty-five Dollars two years from the date hereof and the balance of Five Thousand
Eight Hundred and Fifty Dollars three years from the date hereof together with interest
thereon at the rate of five per centum per annum payable quarterly both principal and inter-
est being payable in gold coin of the United States of the present standard of weight and
fineness

The mortgagors further covenant that they will pay the annual premium of one hundred and
eighty-eight (\$188) Dollars upon Policy No 1025092-A issued to Daniel R Finn by the mortgagee
when due and payable during the existence of this mortgage or any extension or renewal

This Deed, Made this 28th day of FEBRUARY,

in the year one thousand nine hundred and sixty-six, by and between ELIZABETH F. MAGRUDER & JOHN H. MAGRUDER, JR., Husband and MARY JAYNE JENKINS & W. ARMOUR JENKINS, III, Husband

of BALTIMORE COUNTY in the State of Maryland, of the first part, and

LINDA DARLENE PERRY

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration the said parties of the first part

do grant and convey unto the said party of the second part her

heirs and assigns, in fee simple, all that lot of the ground, situate, lying and being in BALTIMORE COUNTY, STATE OF MARYLAND, aforesaid, and described as follows, that is to say:—

Beginning for the same at the corner formed by the intersection of the north side of Burke Avenue and the west side of Centre Avenue; and running thence westerly binding on the north side of Burke Avenue fifty feet; thence northerly parallel with Centre Avenue one hundred and fifty feet to the north line of Lot No. 5 on the plat hereinafter mentioned; thence easterly binding on the north line of said Lot No. 5 fifty feet to the west side of Centre Avenue; and thence southerly binding on the west side of Centre Avenue one hundred and fifty feet to the place of beginning. Being the premises now known as No. 110 Burke Avenue.

BEING the same lot of ground which by Deed dated August 2, 1929, and recorded among the Land Records of Baltimore County in Liber L.McL.M.832, Folio 56 was conveyed by George W. White and wife unto Daniel R. Finn and Elizabeth M. Finn, his wife. The said Daniel R. Finn predeceased his wife. The said Elizabeth M. Finn died intestate on January 20, 1966, leaving surviving her as her only heirs and next-of-kin two daughters, the said Elizabeth F. Magruder and Mary Jayne Jenkins.

TRANSFER TAX NOT REQUIRED

3-16-66

Norman W. Wood

Director of

Per: Alma M. Dreller

Authorized Signature

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

LINDA DARLENE PERRY, her

heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

TEST:

[Signature]

Elizabeth F. Magruder (SEAL)
ELIZABETH F. MAGRUDER
John B. Magruder, Jr. (SEAL)
JOHN B. MAGRUDER, JR.
Mary Jayne Jenkins (SEAL)
MARY JAYNE JENKINS
W. Armour Jenkins, III (SEAL)
W. ARMOUR JENKINS, III

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 28th day of FEBRUARY, in the year one thousand nine hundred and sixty-six, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared ELIZABETH F. MAGRUDER & JOHN B. MAGRUDER, JR., & MARY JAYNE JENKINS & W. ARMOUR JENKINS, III

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

[Signature]
Notary Public.

Rec'd for record MAR 16 1966 at 12:46 P
Per Orville T. Connell, Clerk
Mail to *Paul J. Feeley*
Receipt No. 39842 652

39,840.80
S. 195.50
S.T.T. 195.80

330 ①

DEED
b1
FROM

W. ARMOUR JENKINS, III and

MARY JAYNE JENKINS, his wife

TO

JOHN B. MACGRUDER, JR. and

ELIZABETH F. MACGRUDER, his wife,

TRANSFERRED

Block No.

Received for Record, _____, 19____

at _____ o'clock _____ M. Same day recorded

in Liber _____ No. _____ Folio _____ &c.,

one of the Land Records of _____

_____, and examined per _____

_____, Clerk

Cost of Record, \$ 10.80

COLONIAL TITLE COMPANY, INC.
658 KENILWORTH DRIVE
BALTIMORE, MARYLAND 21204

THE DAILY RECORD CO., BALTIMORE, MD. 21202

RECEIVED & RECORDED
IN _____

SEP 17 A 9:50

LIBER 6848

330

110 Burke Ave.

0913-208960

Ref No 3

CTC 16699

This Deed, MADE THIS *14th* day of *October*

in the year one thousand nine hundred and eighty by and between

W. ARMOUR JENKINS, III and MARY JAYNE JENKINS, his wife,

of Baltimore County, State of Maryland, of the first part, and

JOHN B. MAGRUDER, JR. and ELIZABETH F. MAGRUDER, his wife, of County and State aforesaid,

of the second part.

LOT 17-80 232731# ***380.50
LOT 17-80 232731C# ***175.50
LOT 17-80 232730C# ***195.00
LOT 17-80 232729C# ****10.00

WITNESSETH, That in consideration of the sum of Thirty Nine Thousand Dollars (\$39,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

do grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives/~~successors~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County

and described as follows, that is to say:

BEGINNING for the same at the corner formed by the intersection of the north side of Burke Avenue and the west side of Centre Avenue; and running thence westerly binding on the north side of Burke Avenue fifty feet; thence northerly parallel with Centre Avenue one hundred and fifty feet to the north line of Lot No. 5 on the plat hereinafter mentioned; thence easterly binding on the north line of said Lot No. 5 fifty feet to the west side of Centre Avenue; and thence southerly binding on the west side of Centre Avenue one hundred and fifty feet to the place of beginning. Being the premises now known as No. 110 Burke Avenue.

BEING ALSO known and designated as Lots Nos. 3 and 4, and the easterly one-half of Lot No. 5, as shown on the Plat of Towson Manor, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 79.

BEING the same property described in a deed dated February 28, 1966 and recorded among the Land Records of Baltimore County in Liber OTG No. 4592 folio 67 which was granted and conveyed by Linda Darlene Perry unto W. Armour Jenkins, III and Mary Jayne Jenkins, his wife, as to an undivided one-half interest.

As recorded in deed Liber 6218, Folio 330 of the Land Records of Baltimore County

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the survivor's

personal representatives ~~XXXXXX~~

and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Test:

Barbara J. Lee

W. Armour Jenkins III (SEAL)
W. ARMOUR JENKINS, III

Mary Jayne Jenkins (SEAL)
MARY JAYNE JENKINS

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

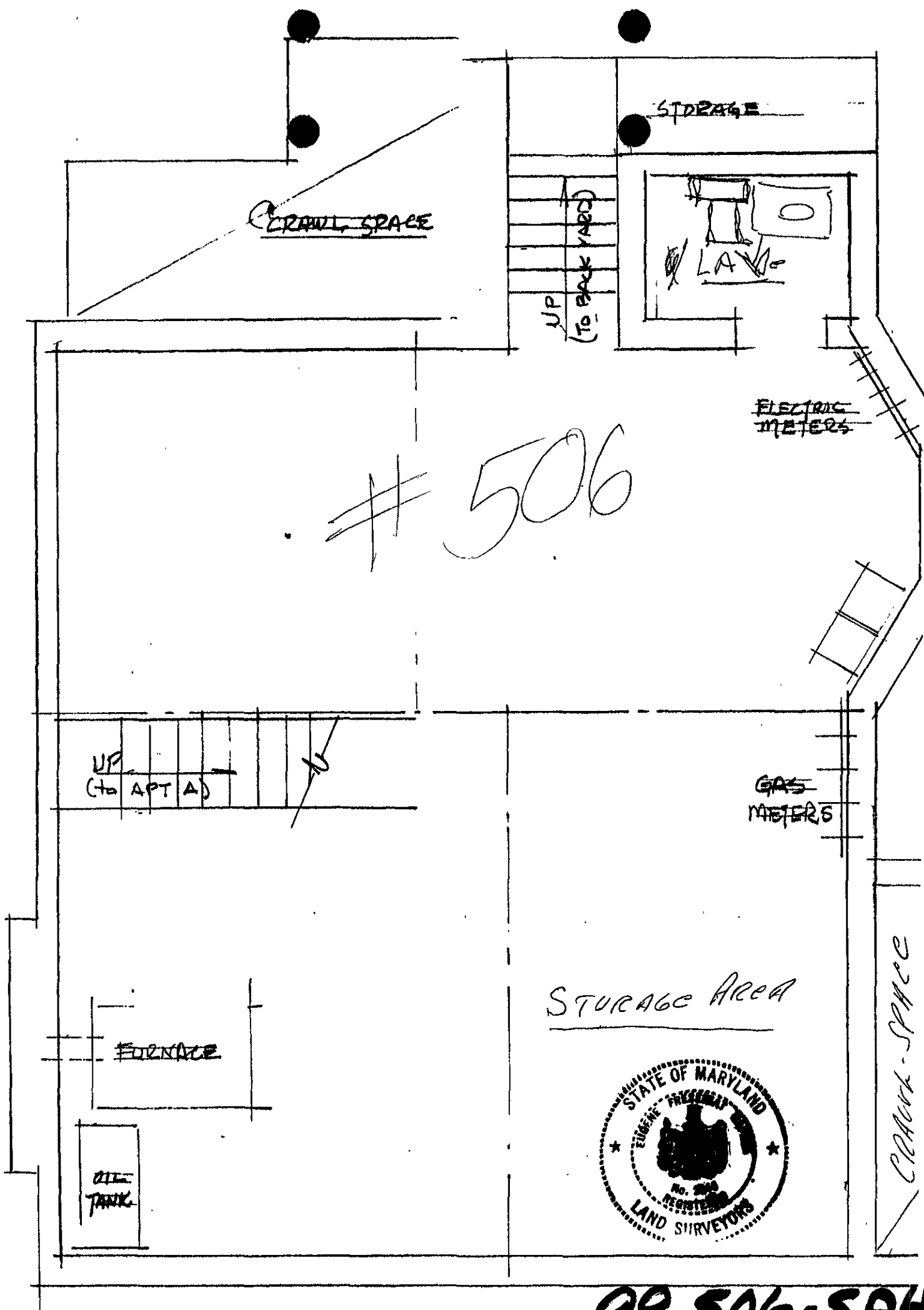
I HEREBY CERTIFY, That on this 10th day of October, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared W. Armour Jenkins, III and Mary Jayne Jenkins, his wife, known to me (or satisfactorily proven) to be the persons whose names ~~is~~ are subscribed to the within instrument, and acknowledged that they executed the same for the purposes contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Barbara J. Lee
Notary Public

July 1, 1982

Rec'd for record OCT. 17 1980 at 950
Per Elmer H. Kahline, Jr., Clerk
Mail to COLONIAL TITLE CO., INC.
Receipt No. ✓ 10.00



SCALE 1/2" = 1'-0"

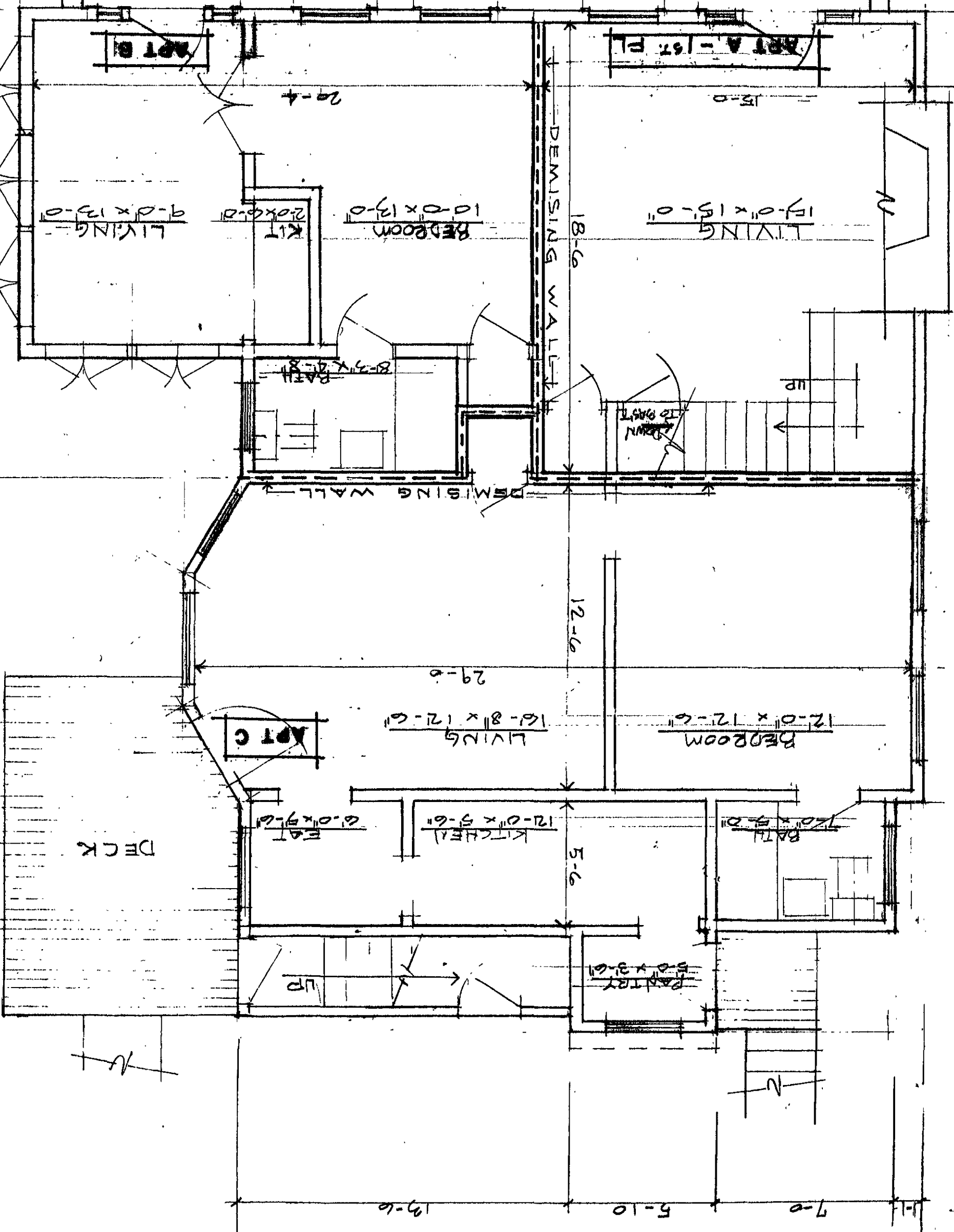
**99.506-SPH
BASEMENT**

SCALE 1/4" = 1'-0"

FIRST FLOOR

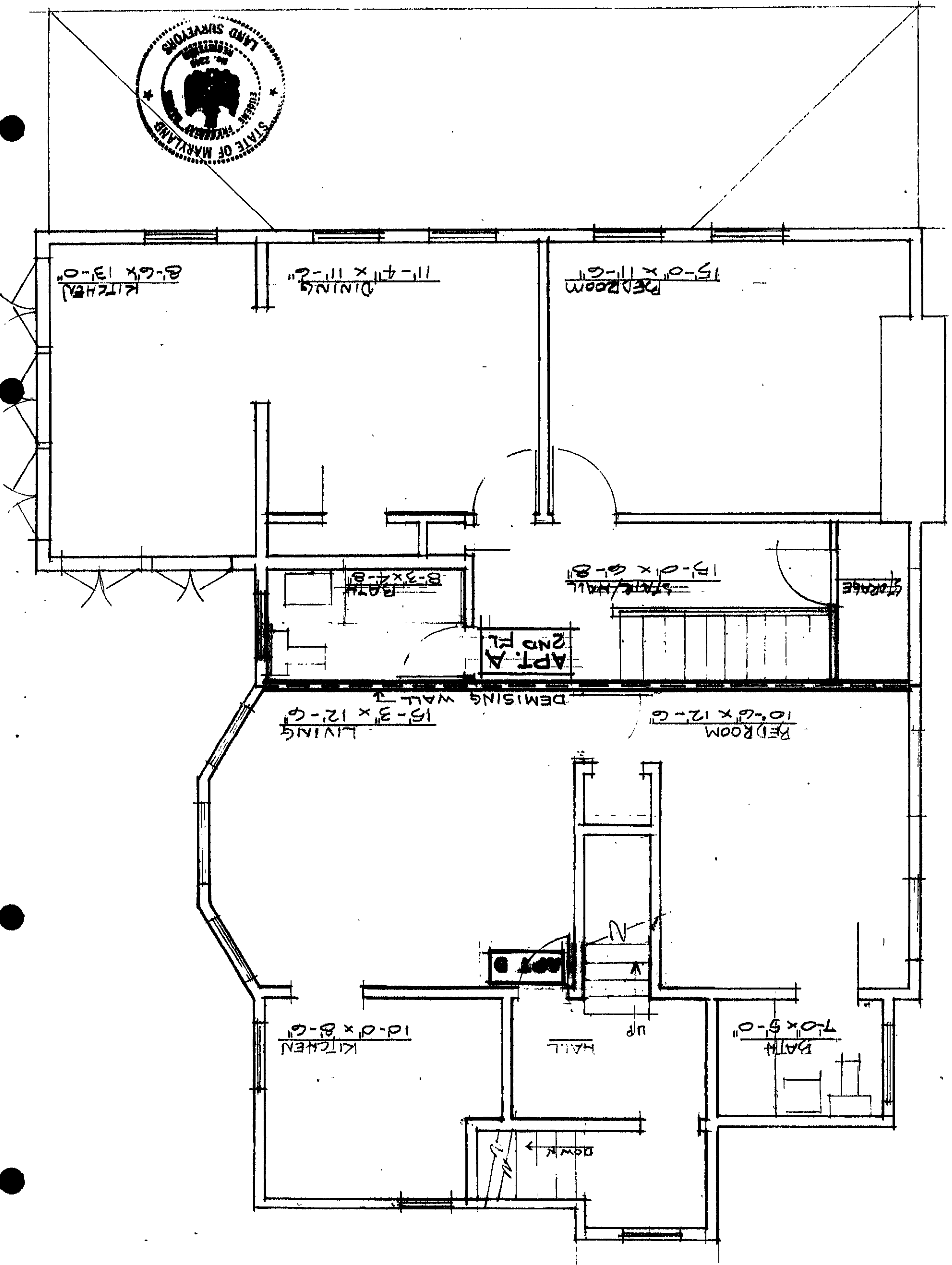


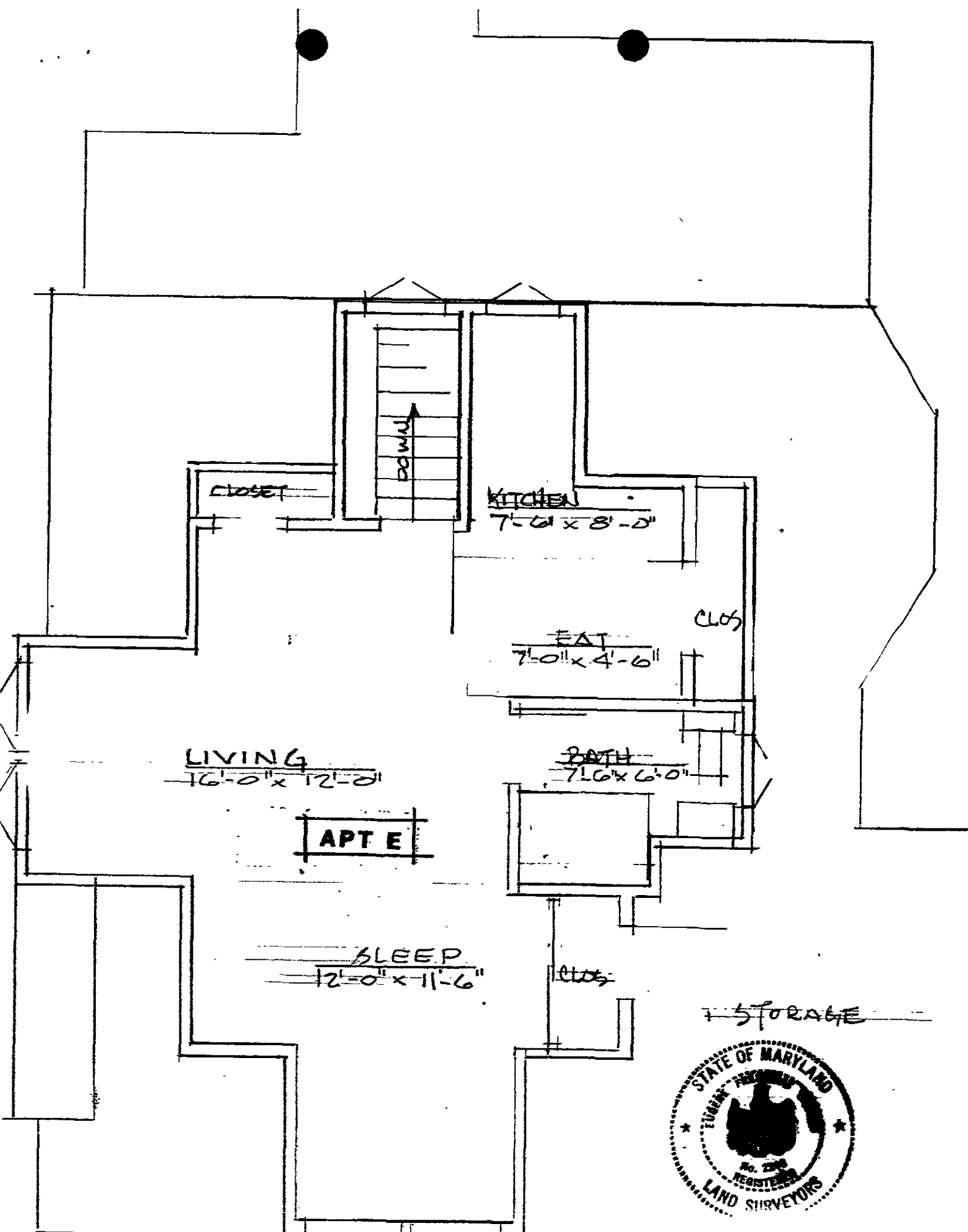
COVERED PORCH



SECOND FLOOR

SCALE 1/4" = 1'-0"



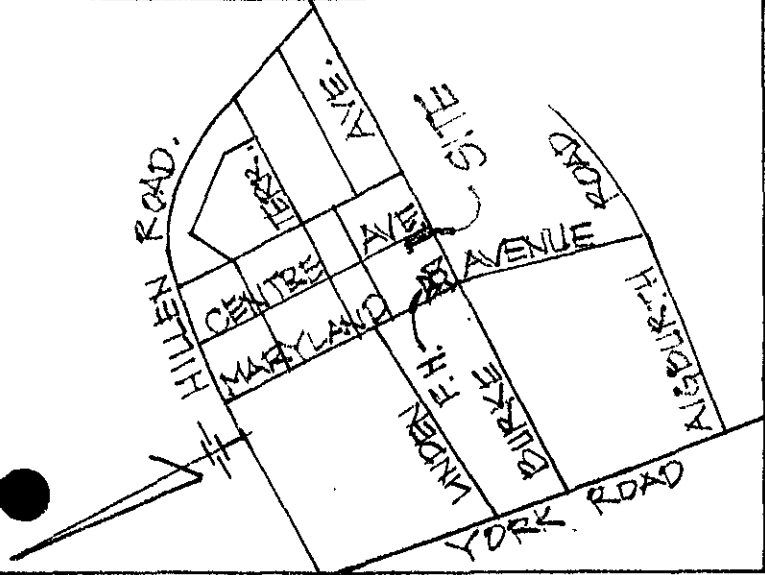


SCALE 1/4" = 1'-0"

THIRD FLOOR



TAX ACCOUNT # 0913200000
NOTE: NOT IN 100 YR. FLOOD PLAIN



VICINITY MAP

SCALE 1" = 1000'

700 SCALE ZONING MAP

N.E. 9-A

TAX MAP 70, GRID 14, P. 722

GENERAL NOTES

- 1) EXISTING ZONING DR. 5.5
- 2) GROSS AREA OF PROPERTY 0.30 ACRES ±
- 3) NET AREA OF PROPERTY 0.17 ACRES ±
- 4) PUBLIC WATER & SEWER TO SERVE THIS PROPERTY
- 5) 4TH COUNCILMANIC DIST., CENSUS TRACT #4900, PLANNING DISTRICT #315B

PETITION FOR SPECIAL HEARING UNDER SECTION 500.7 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE THE USE OF THE PROPERTY FOR THE PURPOSE OF APARTMENTS, PERMITTED AS NON-CONFORMING USE IN A DR. 5.5 ZONE UNDER THE BALTIMORE COUNTY ZONING REGULATIONS.

99.506-SPH

PLAN TO ACCOMPANY SPECIAL HEARING

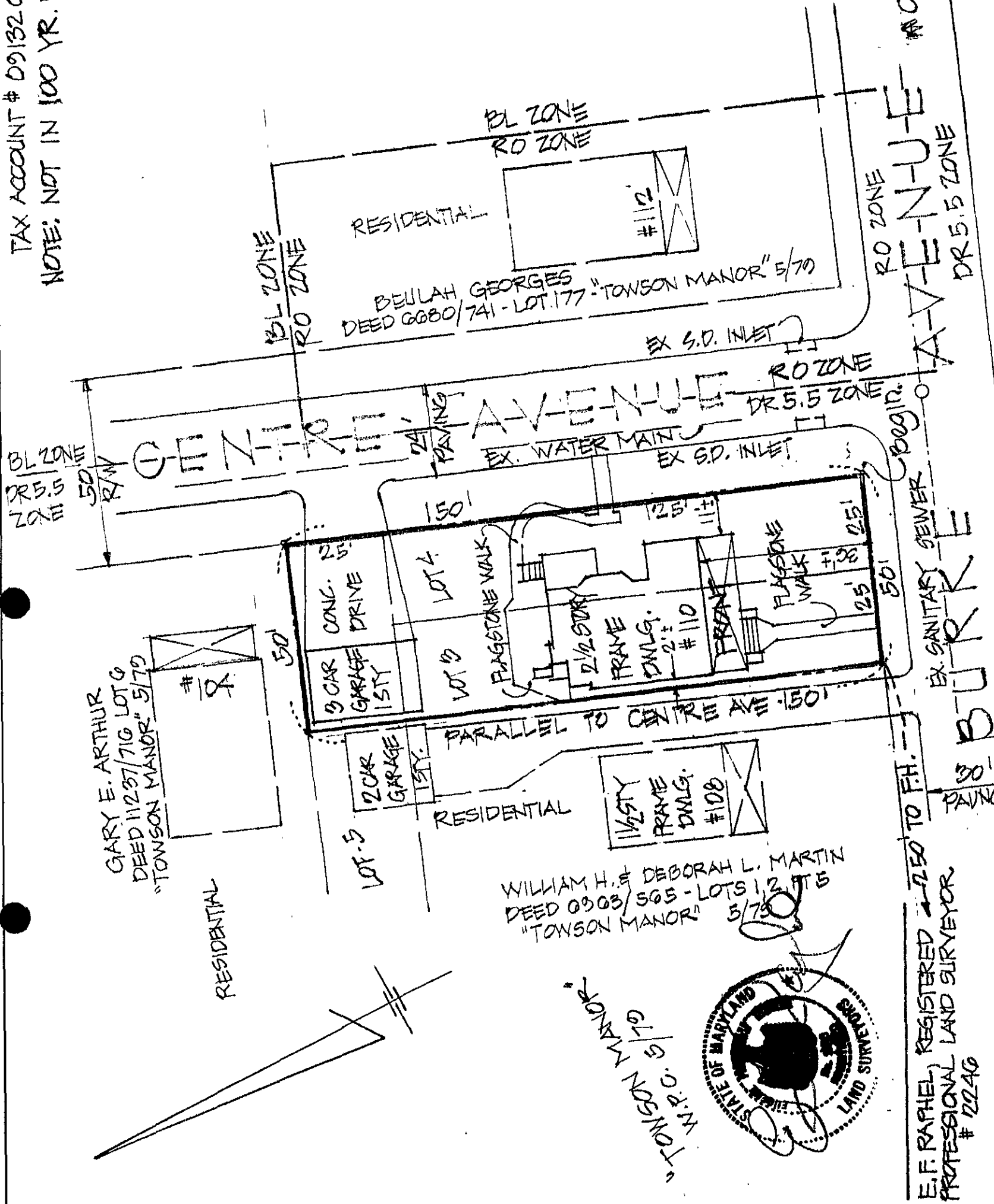
110 BURKE AVENUE / PROPERTY OF

JOHN B. & ELIZABETH F. MAGRUDER, JR.

ELECT. DIST. 9-C4, BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 80'

DATE: JUNE 10, 1993

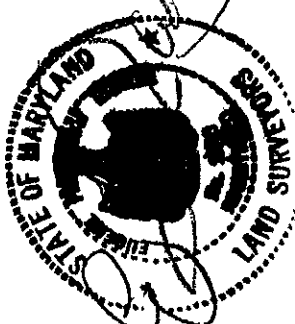


OWNER:
JOHN B. & ELIZABETH F. MAGRUDER
DEED 0218/330 LOTS 3, 4, PT. 5
"TOWSON MANOR" 5/79

CONTACT:
JOHN B. MAGRUDER, JR.
616 CHARLES STREET AVE
TOWSON, MD 21204-3806

PREPARED BY:
E.F. RAPHEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYOR
205 COURTLAND AVENUE, TOWSON, MD 21204
PHONE: 410-825-3008

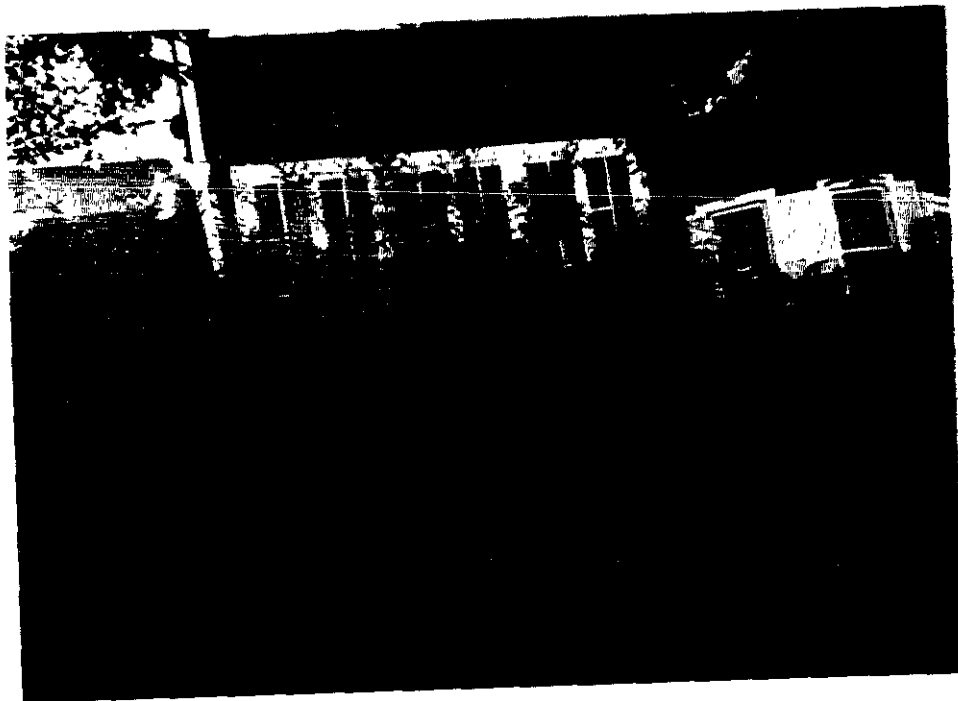
E.F. RAPHEL, REGISTERED PROFESSIONAL LAND SURVEYOR
2246



WILLIAM H. & DEBORAH L. MARTIN
DEED 0903/565 - LOTS 1, 2, PT. 5
"TOWSON MANOR" 5/79

"TOWSON MANOR"
N.E. 9-A
5/79

photographs
99-506-5PH







Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 116 STONEWALL ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: STONEWALL PARK

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: MARK + DENISE KINNEY

EXISTING DWELLING

+1
40' NORRINE WEBER

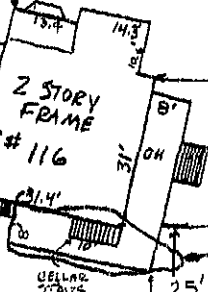
LOT 31

N 81° 45' W

237' ±

RESIDUE LOT 30

107' ±



PROPOSED ADDITION
8' x 28' OPEN PORCH

MACADAM D.WAY

S 81° 45' E

237.25'

ALAN + KIM KLEINBERG

STONE D.WAY

PARCEL 2 4189/427

P.O.B.
PARCEL 2 L 4189/427

LOT 29

EXISTING DWELLING



North

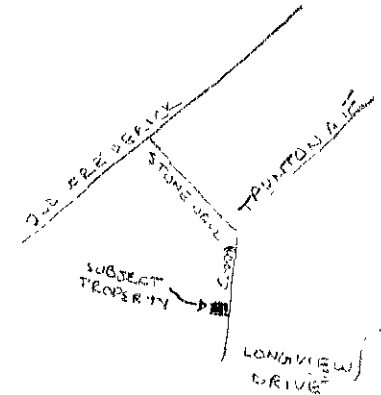
date: 4/7/99

prepared by: MWK

Scale of Drawing: 1" = 30'

150' ± TO
TAUNTON AVE

STONEWALL ROAD
40' R/W



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 1ST

Councillmanic District: 1ST

1" = 200' scale map#: SW, 3- H

Zoning: DR-1

Lot size: 5 acreage 21000 square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

[Signature]

505

99.505-A