

IN RE: PETITION FOR SPECIAL HEARING
S/S Old North Point Road, 78.12' E
Centerline of Riddle Avenue
12th Election District
7th Councilmanic District
(6110 Old North Point Road)

Eleanor Taylor
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-496-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing for property located at 610 Old North Point Road in eastern Baltimore County. The petition was filed by Eleanor Taylor, property owner. The special hearing relief is requested from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the continued use of 610 Old North Point Road as 3 separate apartments, as a non-conforming use. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing for this case were Eleanor Taylor, property owner and John Gontrum, her attorney. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of a 30 ft. x 104 ft. rectangular parcel of property, improved with a two-story brick duplex dwelling. The duplex dwelling on the subject lot shares a common wall with the dwelling known as 612 Old North Point Road. The subject property has been in Ms. Taylor's family for many years. Testimony and evidence offered was that Ms. Taylor's father constructed this building in 1944 as a three-apartment unit. Since then it has been so used as three separate apartments. Affidavits from surrounding neighborhood residents were presented at the hearing in support of the three apartment use. There was no evidence or testimony to the contrary offered at the hearing. Additionally, testimony offered at the hearing demonstrated that

COPIES RECEIVED FOR FILING

Date

7/13/00

By

R. J. J. J.

the property located at 612 Old North Point Road is owned by Ms. Taylor's sister and has been used in similar fashion since 1944.

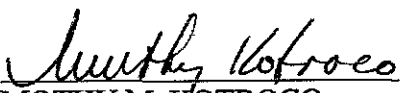
A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations and regulated in Section 104. Essentially, the nonconforming designation is utilized to grandfather an otherwise illegal use. That is, if the use is determined to be nonconforming it may continue, notwithstanding the fact that the same is not permitted under the current Zoning Regulations.

In this case, the uncontradicted testimony was that the property has been used as a nonconforming use continuously and uninterruptedly since 1944. The testimony offered was sufficient to support a finding that the use is nonconforming under law. 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 given above, the special hearing relief shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 2000, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the continued use of 610 Old North Point Road as 3 separate apartments, as a non-conforming use, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

¹³
July 12, 2000

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Hearing
Case No 00-496-SPH
Property: 610 Old North Point Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing 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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Ms. Eleanor Taylor
513 Fairview Avenue
Baltimore, MD 21224

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 610 OLD NORTH POINT ROAD
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

Non-Conforming
continued use of 610 Old North Point Road for 3 apartments.

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:

John B. Contrum, Esq.

Name - Type or Print

Signature

Romacka, Contrum & McLaughlin

Company

814 Eastern Blvd (410) 686-8274

Address

Telephone No.

Baltimore, Maryland 21221

City

State

Zip Code

Legal Owner(s):

ELEANOR TAYLOR

Name - Type or Print

Signature

Name - Type or Print

Signature

513 Fairview Avenue (410) 285-4172

Address

Telephone No.

Baltimore, Maryland 21224

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF

Date 5/24/00

Case No. 00-496-SPH

REU 9/15/98

ORIGINAL RECORD FOR FILING

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Zoning Description

May 9, 2000

#610 Old North Point Road

Baltimore County, Md. - Elect. Dist. No. 12

Beginning for the same at point on the southerly side of Old North Point Road (approximately 40 foot wide), said point of beginning being measured 78.12 feet in a southeasterly direction along said southerly side of Old North Point Road from its intersection with the centerline of Riddel Avenue (36 foot wide), said point of beginning also being the northernmost common corner of Lot 4 and Lot 3 shown on a Plat entitled "East-View" dated August, 1924, recorded among the Land Records of Baltimore County, Maryland in Liber L.McL.M. 9 folio 117, running thence leaving said point of beginning binding on part of said southerly side of Old North Point Road and binding on all of the northern outline of Lot 4 and part of the northern outline of Lot 5, all shown on said Plat of "EAST-VIEW" in all,

1) southeasterly 30.01 feet to a point on the northern outline of said Lot 5, thence leaving said southern side of Old North Point Road, running through said Lot 5 shown on said Plat of "EAST-VIEW",

2) southwesterly 103.30 feet to a point on the southern outline of said Lot 5, running thence binding on part of the southern outline of said Lot 5, and all of the southern outline of said Lot 4, shown on said Plat of "EAST-VIEW" in all

3) northwesterly 30.00 feet to the southernmost common corner of Lot 4 and Lot 3, shown on said Plat of "EAST-VIEW", running thence binding on the common division line of Lot 4 and Lot 3 shown on said Plat of "EAST-VIEW",

4) northeasterly 104.20 feet to the point of beginning.

Being part of Lot 5 and all of Lot 4 shown on a Plat entitled "East-View" dated August, 1924, recorded among the Land Records of Baltimore County, Maryland in Liber L.McL.M. 9 folio 117.

NOTE: The above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



H96

00-496-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **081405**

DATE 5-24-00

ACCOUNT R-001-6150

AMOUNT \$ 250.00

RECEIVED Eleanor G. Taylor
 FROM: 610 Old North Point Rd.
 FOR: 040 SM ITEM # 496
Taken by: JRF

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTION TIME
 5/24/2000 5/24/2000 11:06:20
 REC NO: 081405 CASHIER BKA BRU DRWBY
 DEPT 5 528 ZOMBIE CERTIFICATION
 RECEIPT # 137401
 CR NO. 081405
 Receipt for 250.00
 250.00 OK .00 OK
 Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE #00-496-SPH
PETITIONER/DEVELOPER
(Eleanor Taylor)
DATE OF Hearing
(7-7-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

610 Old North Point Road Baltimore, Maryland 21224_____

THE SIGN(S) WERE POSTED ON_____ **6-22-00** _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____
(TELEPHONE NUMBER)

NOTICE OF ZONING HEARING

The Zoning Commission 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: #00-498-SPH
610 Old North Point Road
S/S of Old North Point
Road, 78.12 feet E of S/L of
Middle Avenue
12th Election District
7th Councilmanic District
Legal Owner(s):
Eleanor Taylor

Hearing: Friday, July 7,
2000 at 8:00 a.m. in Room
1087, County Office Building,
111 W. Chesapeake
Avenue, Towson, MD
21204.

Special Hearing: to permit
continued, non-conforming
use of 610 Old North Point
Road for 3 apartments.

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/6/886 June 20 C399404

CERTIFICATE OF PUBLICATION

TOWSON, MD, 6/22/, 2000

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 6/20/, 2000.

S. Williams
THE JEFFERSONIAN,

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
610 Old North Point Road, S/S Old North Point Rd,
78.12' E of c/l Riddle Ave
12th Election District, 7th Councilmanic

Legal Owner: Eleanor Taylor
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-496-SPH

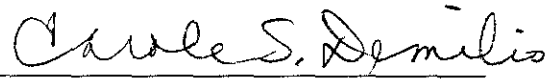
* * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

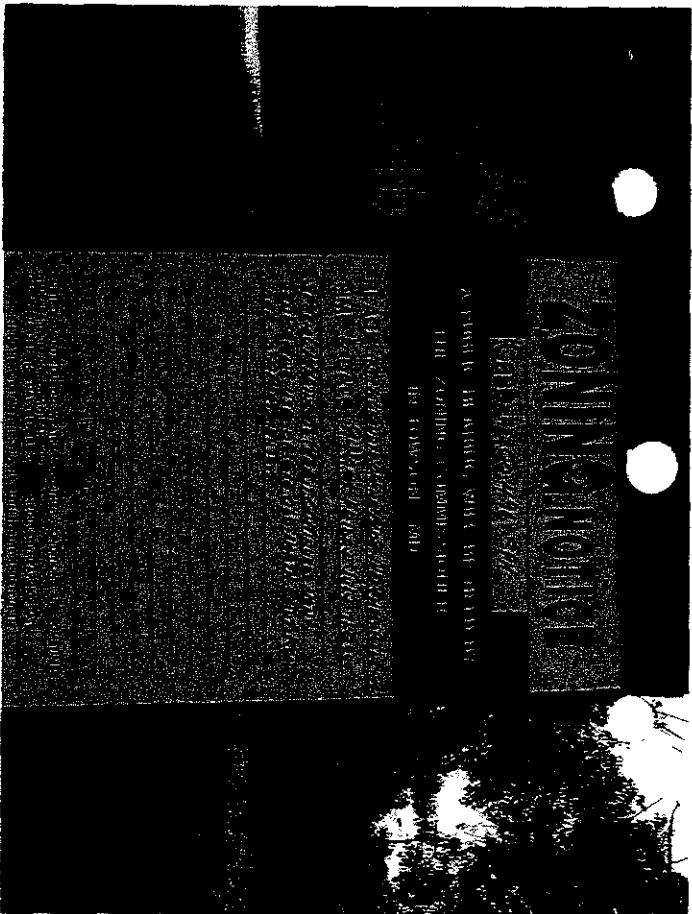

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 12th day of June, 2000 a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Posted at 610 Old North Point Rd.



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

June 14, 2000

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: 00-496-SPH
610 Old North Point Road
S/S of Old North Point Road, 78.12 feet E of c/l of Riddle Avenue
12th Election District – 7th Councilmanic District
Legal Owner(s): Eleanor Taylor

HEARING: Friday, July 7, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

Special Hearing to permit continued non-conforming use of 610 Old North Point Road for 3 apartments.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Eleanor Taylor, 513 Fairview Avenue, Baltimore, MD 21224
John Gontrum, Esq., 814 Eastern Blvd., Baltimore, MD 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY**
- (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.**



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

TO: PATUXENT PUBLISHING COMPANY
June 20, 2000 Issue – Jeffersonian

Please forward billing to:
Ms. Eleanor Taylor
513 Fairview Avenue
Baltimore, MD 21224
410-285-4172

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: 00-496-SPH
610 Old North Point Road
S/S of Old North Point Road, 78.12 feet E of c/l of Riddle Avenue
12th Election District – 7th Councilmanic District
Legal Owner(s): Eleanor Taylor

HEARING: Friday, July 7, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

Special Hearing to permit continued non-conforming use of 610 Old North Point Road for 3 apartments.

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: 496

Petitioner: Bleason TAYLOR

Address or Location: 610 OLD NORTH POINT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Bleason TAYLOR

Address: 513 FAIRVIEW AVE.

BALTIMORE, MD. 21224

Telephone Number: 410-285-4172

Revised 2/20/98 - SCJ

00-496-SPH



Baltimore County
Department of Permits and
Development Management

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

June 30, 2000

Mr. John Gontrum
Romadka, Gontrum & McLaughlin
814 Eastern Blvd
Baltimore MD 21221

Dear Mr. Gontrum:

RE: Case Number 00-496-SPH , 610 Old North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 05/24/00.

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 this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosure

c: Eleanor Taylor



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** July 14, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2000
Item No. 496

The Bureau of Development Plans Review has reviewed the subject zoning item. This issue of parking shall be addressed. Please contact Rahee Famili at 410-887-3751 for review of the parking layout.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: July 17, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of June 5, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
489	1100 Sparks Road
491	3510 Loganview Drive
492	17441 Troyer Road
493	10 Marks Manor Court
494	1424 Armacost Road
495	1306 Old Eastern Avenue
496	610 Old North Point Boulevard
497	7373 Edsworth Road
498	7206 Denberg Road
499	230 Pidco Road
500	1009 Malvern Avenue
501	2205-2207 Frederick Road

June
7/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 5, 2000

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

JUN - 5

SUBJECT: Zoning Advisory Petition(s): Case 496

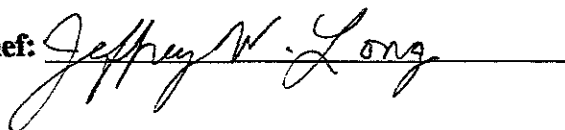
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6. 8. 00

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

RE: Baltimore County
Item No. 496 JRF

Dear Ms. Jackson:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at lgredlein@sha.state.md.us.

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

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

Case Number 00-456

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]



Baltimore County
Zoning Commissioner

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

April 14, 1999

John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Hearing
Case No. 99-335-SPH
Property: 612 Old North Point Road
Petitioner: Mary A. Wheatley

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached 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 AC-410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy:
Ms. Mary A. Wheatley
8830 Walther Boulevard
Chesapeake #4101
Parkville, Maryland 21234



IN RE: PETITION FOR SPECIAL HEARING
S/S Old Northpoint Road, 108.13 ft. E
Of c/l of Riddell Avenue
612 Old North Point Road
12th Election District
7th Councilmanic District
Mary A. Wheatley
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-335-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 612 Old North Point Road in eastern Baltimore County. The Petition was filed by Mary A. Wheatley, property owner. Special Hearing relief is requested to permit the continued use of 612 Old North Point Road as three apartments (a nonconforming use). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were Mary A. Wheatley, property owner, and Lois K. Howard, her daughter. The Petitioner was represented by John Gontrum, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented in support of the Petition was that the subject property is a rectangularly shaped property, approximately 30 ft. wide and 102 ft. deep. It is improved by a two story brick duplex dwelling known as 612 Old North Point Road. The duplex building on the subject lot shares a common wall with the dwelling known as 610 Old North Point Road.

Apparently, the property has been owned by Ms. Wheatley and her family for many years. Testimony and evidence offered was that Ms. Wheatley's father constructed the building in 1944 as a 3 apartment unit. Since then, it has been so used. Three affidavits from neighbors within the community were presented at the hearing. Those affidavits all stated that the duplex dwelling has been used as a three apartment unit on a continuous and uninterrupted basis since 1944. There were no Protestants present to contradict or question

this testimony. Moreover, a copy of Ms. Wheatley's father's Last Will and Testament was submitted. That document was probated in the early 1960s and described the premises at that time as a three apartment unit. Additionally, testimony was that the adjacent unit at 610 Old North Point Road is owned by Ms. Wheatley's sister and has been similarly used.

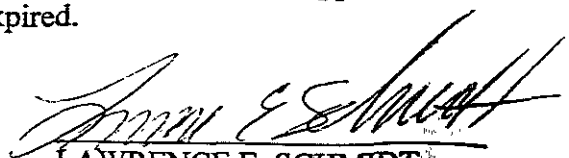
A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) and regulated in Section 104. Essentially, the nonconforming designation is utilized to grandfather an otherwise illegal use. That is, if the use is determined to be nonconforming, it may continue, notwithstanding the fact that same is not permitted under the current zoning regulations.

In this case, the uncontradicted testimony was that the property is used as a nonconforming use continuously since 1944. The testimony offered was sufficient to support a finding that the use is nonconforming, under law. Thus, the Petition for Special Hearing shall be granted.

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

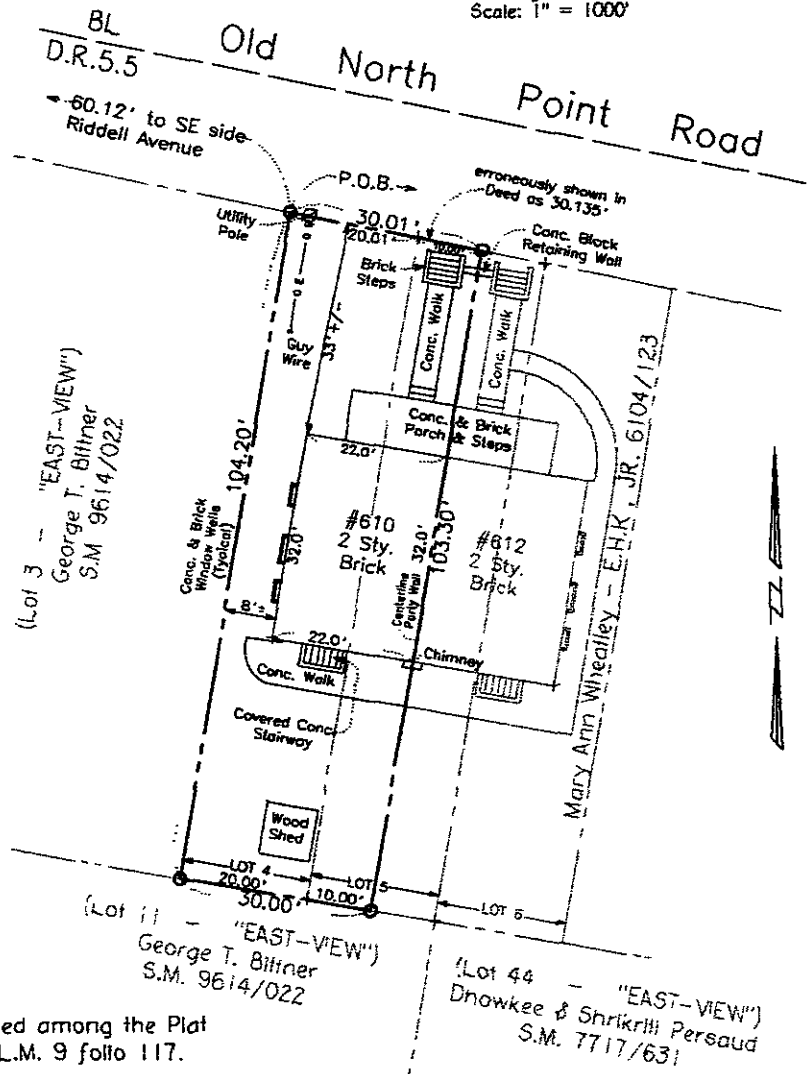
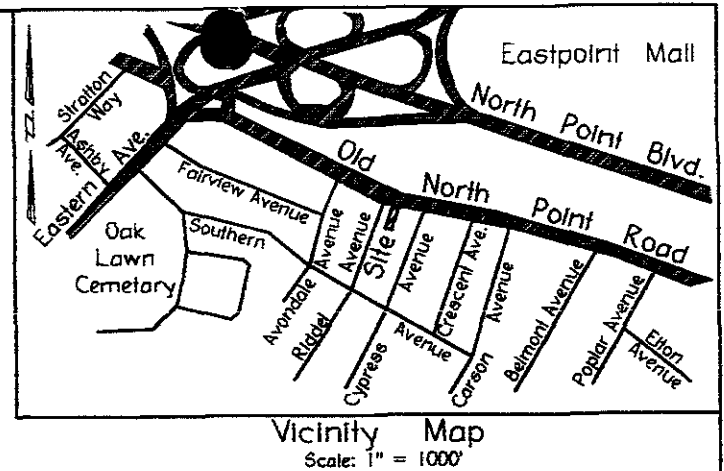
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of April, 1999 that, pursuant to the Petition for Special Hearing, approval of the continued use of 612 Old North Point Road as three apartments, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

NOTES:

- 1) Site is currently Zoned D.R.5.5 shown on Baltimore County 1996 Comprehensive Zoning Map Sheet S.E. 1-E.
- 2) Current Use:
- 3) County Council District: 7
- 4) This Plat is representative of a Location Drawing prepared in accordance with The State Board for Professional Land Surveyors Minimum Standards of Practice. This Plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements and does not provide for the accurate identification of property boundary lines. The dimensions shown hereon are within a tolerance of one foot.



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
Robert P. Henry, Jr.
ASSOCIATE
10856 5/9/2000
REG. NO. DATE



REFERENCE:

Plat entitled "EAST-VIEW" dated August, 1924, recorded among the Plat Records of Baltimore County, Maryland in Plat Book L.McL.M. 9 folio 117.

FOR TITLE SEE:

Deed dated December 23, 1961 between Eleanor L. Trainum et al and Jane Lowell, recorded among the Land Records of Baltimore County, Maryland in Liber W.J.R. 3954 folio 087.

Plan to Accompany Zoning Hearing
#610 Old North Point Road

Fee Simple Title vested in:
Jane Lowell

00-496-SPH

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS,
LAND PLANNERS, LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21206
(410) 825-8120



Baltimore County, Maryland
Scale: 1" = 30'

Elect. Dist. No. 12
Date: May 9, 2000

496

Peter #1

AFFIDAVIT

Pet Ex #2

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), 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 hereto.

Mary Jean Perzynski
AFFIANT (Handwritten Signature)

MARY JEAN PERZYNSKI
AFFIANT (Printed Name)

707 NORTH PT ROAD
ADDRESS (Printed)

410-285-4488
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 610 Old North Point Rd. (address) has been occupied as a 3 (2, etc.) apartment dwelling since May or June (month) 1944? (year) Yes (answer)

Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since May or June (month) 1944? (year) Yes (answer)

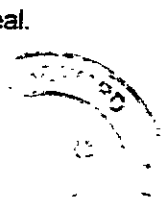
Will you realize any gain from the sale of this property? No. (answer) *

*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 APRIL, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mary Jean Perzynski, 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 1 March 2001

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), 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.

William Gattus
AFFIANT (Handwritten Signature)

WILLIAM GATTUS
AFFIANT (Printed Name)

7407 Poplar Ave
ADDRESS (Printed) BALTIMORE

410-285-0008
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 610 OLD NORTH POINT RD has been occupied as a 3 apartment dwelling since JUNE 1944? 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 JUNE 1944? YES
(month) (year) (answer)

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 APRIL, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared William Gattus, 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 4-17, MARCH 2001

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), 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.

Mrs. Mamie
AFFIANT (Handwritten Signature)

MAMIE K. FAIR
AFFIANT (Printed Name)

1600 L. Express Ave
ADDRESS (Printed)
Baltimore Md 21224

285-4259
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 610 Old North Point Rd. has been occupied as a 3 apartment dwelling since May or June 1944? Yes
(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 May or June 1944? Yes
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? No.
(answer)

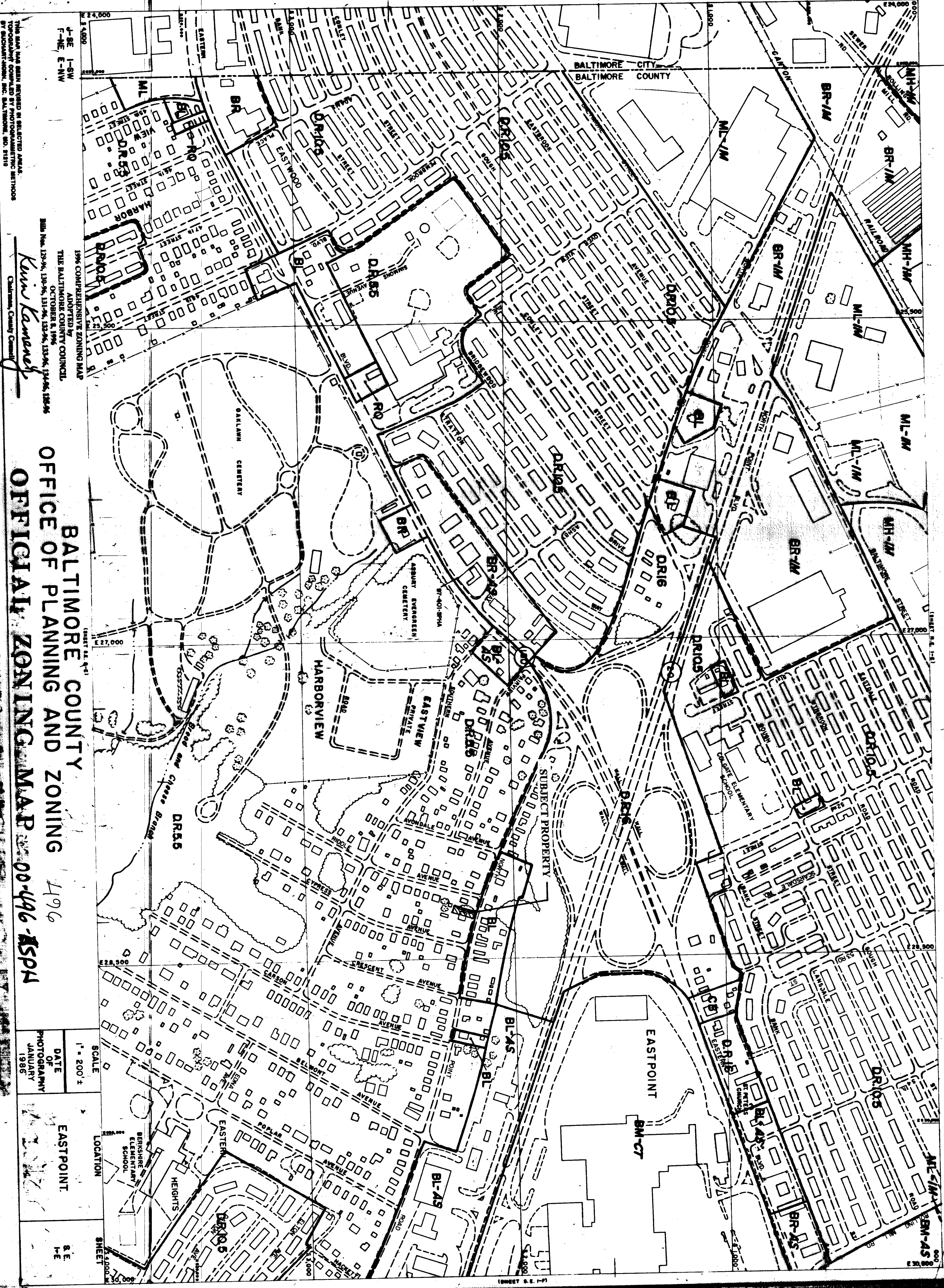
*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 4th day of April, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mamie Fair, 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.

Oliver C. Howard
NOTARY PUBLIC
My Commission Expires 1 March 2001



THIS MAP WAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY CONTROLLED BY PHOTOGRAPHIC METHODS
BY BALTIMORE COUNTY, INC. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL NO. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Karin Kaminsky
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP 00-496-RSP4
496

SCALE	DATE OF PHOTOGRAPHY	LOCATION	SHEET
1" = 200'	JANUARY 1986	EASTPOINT.	S.E. 1-E

SE 1-E