ONDER REGENVED FOR FILING

3v

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IN RE: PETITION FOR SPECIAL HEARING

S/S Dunkirk Road, 100' W of the c/l

Pinehurst Avenue (115 Dunkirk Road) 9th Election District 5th Council District

Jennifer Day Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-269-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 owner of the subject property, Jennifer Day. The Petitioner requests a special hearing seeking approval that the use of the subject property as a two-apartment dwelling existed prior to the adoption of Section 103.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, enjoys a nonconforming use, pursuant to Section 104.1 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Jennifer A. Day, property owner, Herbert Burgunder, III, Esquire, attorney for the Petitioner, and Elizabeth Preroff and Jane Gutridge, nearby residents of the area. Appearing as an interested citizen/ Protestant was Donald Gerding, on behalf of the Rodgers Forge Community, Inc. Lavette Street, a Code Enforcement Inspector with the Department of Permits and Development Management (DPDM) was also present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Dunkirk Road, east of Blenheim Road in the community of Rodgers Forge. The property contains a gross area of 2,200 sq.ft., more or less, zoned D.R.10.5, and is improved with a two-story townhouse dwelling unit, which features two apartments. In this regard, the instant Petition was filed to verify the legitimacy of the use of the property as a two-

apartment dwelling. In this regard, testimony indicated that Ms. Day purchased the subject property in January 1999 from the former owner, Marjorie R. Foley, who owned the property for thirty years. The Petitioner submitted documentation marked into evidence as Petitioner's Exhibits 1A through 1D which indicate that a conditional use permit for two apartments was approved by Baltimore County and issued to Ms. Foley in July 1998. Apparently, Ms. Foley had submitted a floor plan (see Petitioner's Exhibit 1A) and two affidavits (see Petitioner's Exhibits 1C and 1D), which indicated that the structure was built as a two-apartment dwelling in approximately 1942 and had been used continuously and without interruption since that time.

Ms. Preroff and Ms. Gutridge, two nearby neighbors, offered testimony in support of the request. Ms. Preroff testified that she grew up immediately next door and has lived in the area for 46 years. She testified that as a child she frequently visited the residents who lived on the property and that the dwelling has always contained two apartments. When she grew older and married, she remained in the neighborhood and now resides in the same block at 201 Dunkirk Road. She testified that the structure continues to be used as a two-apartment dwelling. Similar testimony was received from Ms. Gutridge who has lived here for 34 years. Ms. Gutridge indicated that the property has always been used as a two-apartment dwelling.

Testimony was also received from Ms. Street a Code Enforcement Inspector with Baltimore County's Department of Permits and Development Management. Ms. Street indicated that her office received a complaint regarding the use of the subject property and following an investigation, she determined that the property was being used as two apartments. Although a conditional use permit had been issued in 1999, Ms. Street indicated that she was compelled to instruct the property owner to file the instant Petition seeking a formal nonconforming use status for the subject property.

Mr. Gerding appeared in opposition to the request. Apparently the Rodgers Forge Community does not favor apartment units within the homes in that community.

Section 103.1 of the B.C.Z.R. generally provides that the current regulations apply as of the date of their adoption; however, certain existing structures are subject to regulations that were

in effect at the time they were built. Section 104 of the B.C.Z.R. governs nonconforming uses in Baltimore County. A nonconforming use is defined in Section 101 of the 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 a use." Often, the nonconforming use designation is applied to grandfather an otherwise illegal use. That is, if the Petitioner can establish that the use existed prior to the date of the zoning regulation that prohibited such use, the use may continue with a nonconforming use status.

In this case, the relevant date is March 30, 1955, the date the current B.C.Z.R. were adopted. Based upon the testimony and evidence presented, I am easily persuaded that the subject property is nonconforming. It is clear from the testimony and evidence presented that the dwelling was built in 1942, specifically as two-apartments. Moreover, it is equally clear that the use has not changed, been abandoned or discontinued since that time. Thus, the use may remain.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of February 2004 that the Petition for Special Hearing seeking approval that the use of the subject property as a two-apartment dwelling existed prior to the adoption of Section 103.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and as such, enjoys a nonconforming use, pursuant to Section 104.1 of the B.C.Z.R., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within

thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

OR FILMS

ORDER RE

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

February 25, 2004

Herbert Burgunder, III P.O. Box 227 Stevenson, Maryland 21153

RE: PETITION FOR SPECIAL HEARING
S/S Dunkirk Road, 100' W of the c/l Pinehurst Avenue
(115 Dunkirk Road)
9th Election District — 5th Council District
Jennifer Day - Petitioner
Case No. 04-269-SPH

Dear Mr. Burgunder:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Jennifer Day

115 Dunkirk Road, Baltimore, Md. 21212

Ms. Elizabeth Preroff, 201 Dunkirk Road, Baltimore, Md. 21212

Ms. Jane Gutridge, 111 Dunkirk Road, Baltimore, Md. 21212

Mr. Donald Gerding, 3\(\beta\)5 Old Trail, Baltimore, Md. 21212

People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 115 DUNKING	21212
which is presently zoned DR-10.5	

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

the use of 115 Dunkirk Road as two apartments because the use existed prior to the adoption of the zoning regulations (103.1) and as a permitted non-conforming use (104.1).

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:	Legal Owner(s):
	Jenn-fer DAY
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	Address Durukirk Kd 4104403261 Telephone No.
Herbert Burgunder III	BALTO Nd 21212
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	<u>Herbert Burgunder III</u> Name
P.O. Box 227 410-653-7172 Address Telephone No.	P.O.Box 227 410-653-7172
Stevenson, MD 21153	Address Telephone No. Stevenson MD 21153
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Tase No. 04-269 - 58/4	UNAVAILABLE FOR HEARING
	Reviewed By BR Date 12/3/03
H	

Agnesallary Conroy Sisters original owners converted Doyles moved in 1963

Bruse Herschhower - New roof 124 Dunkink
Blue door - Mrz Mrs. Praigeroff 201 Dunkuk

ZONING DESCRIPTION

Zoning Description For 115 Dunkirk Road

Beginning at a point on the south side of Dunkirk Road which is 50 feet wide at the distance of 100 feet west of the centerline of the nearest improved intersecting street Pinehurst Lane which is 50 feet wide. Being Lot # 115, Block 10 in the subdivision of Rogers Forge as recorded in Baltimore County Plat Book # 12, Folio 102, containing 2,200 square feet. Also known as 115 Dunkirk Road and located in the 9th Election District, 5th Councilmanic District.

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DATE /2		ACCOUNT \$	600		167) WA KIII LETPT 4 167) 159 5 928 71111	IRIC JAR 12/03/2004
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FOR						

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: #04-269-SPH
115 Dunkirk Road
S/side of Dunkirk Road, 100 feet west of centerline of Pinehurst Avenue
9th Election District — 5th Councilmanic District
Legal Owner(s): Jennifer Day
Special Hearing: to permit the use as two non-conforming apartments because the use existed prior to the adoption of the zoning regulations and as a permitted non-conforming use.
Hearing: Tuesday, February 10, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

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 1/772 Jan. 27.

C646769

CERTIFICATE OF PUBLICATION

130,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 127,20 <u>04.</u>
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: January 29,2004

RE:	Case Nu Petitione Date of I	mber <u>04-26</u> r/Developer: <u>JENNIFE</u> Hearing/Closing: <u>FEB</u>	89-SPI RUARY L	ERBERT BURGUNDER III ETAC 0,2004
were	This is to posted co	certify under the penaltic onspicuously on the prope	es of perjury the	at the necessary sign(s) required by law 115 Dunkirk Road
	The sig	n(s) were posted on	Jan	man 25, 2004 (Month (Day, Year)
	;		÷ -)	(Signature of Sign Poster)
			in R.	LINDA O KEEFE (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster)
			j 15 Dunk	HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)
				(Telephone Number of Sign Poster)

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr., County Executive Timothy M Kotroco, Director

December 26, 2003

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: 04-269-SPH

115 Dunkirk Road
S/side of Dunkirk Road, 100 feet west of centerline of Pinehurst Avenue
9th Election District – 5th Councilmanic District
Legal Owner: Jennifer Day

Special Hearing to permit the use as two non-conforming apartments because the use existed prior to the adoption of the zoning regulations and as a permitted non-conforming use.

Hearing: Tuesday, February 10, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco Director

TK:klm

C: Herbert Burgunder, III, P.O. Box 227, Stevenson 21153 Jennifer Day, 115 Dunkirk Rd., Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 26, 2004.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 27, 2004 Issue - Jeffersonian

Please forward billing to:

Herbert Burgunder, III P.O. Box 227

Stevenson, MD 21153

410-653-7172

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: 04-269-SPH

115 Dunkirk Road

S/side of Dunkirk Road, 100 feet west of centerline of Pinehurst Avenue

9th Election District – 5th Councilmanic District

Legal Owner: Jennifer Day

Special Hearing to permit the use as two non-conforming apartments because the use existed prior to the adoption of the zoning regulations and as a permitted non-conforming use.

Hearing: Tuesday, February 10, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

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 <u>Baltimore County Zoning Regulations</u> (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: <u> </u>
Petitioner: Jenniter A. Day
Address or Location: IIS Dunwir he Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: through Burguage B.
Address: P. 9. Bar 227
Stevenson MD 21153
Telephone Number: <u> </u>

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 5, 2004

Herbert Burgunder, III P.O. Box 227 Stevenson, MD 21153

Dear Mr. Burgunder:

RE: Case Number: 04-269-SPH, 115 Dunkirk Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 3, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

U. Callabal)

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Jennifer Day, 115 Dunkirk Road, Baltimore 21212



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.16.63

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

RE:

Baltimore County

Item No. 269

BPR

Dear, Ms. Hart:

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,

A

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

DATE: December 23, 2003

RECEIVED

DEC 2 9 2003

IG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

115 Dunkirk Road

INFORMATION:

Item Number:

04-269

Petitioner:

Jennifer Day

Zoning:

DR 10.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided it can be demonstrated that all covenant agreement and deed restrictions are currently being adhered to, and will be in the future.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 29, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM: /

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 22, 2003 Item Nos. 267 (269, 270, 271, 272, 273, 274, 275, 279, and 283

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING

115 Dunkirk Road; S/side Dunkirk Rd, 100'

W c/line Pinehurst Road

9th Election & 5th Councilmanic Districts

Legal Owner(s): Jennifer Day

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

-

FOR

BALTIMORE COUNTY

04-269-SPH

* * * * * * * *

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

RECEIVED

DEC 17 2003

Per....

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 17 day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to Herbert Burgunder, III, Esquire, P.O. Box 227, Stevenson, MD 21153, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE:

•

4106597

PETITION FOR

115 Dunkirk Road Case Number 04-269-SPH Owner: Jennifer A. Day

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

SUBPOENA

CT:

Jane F. Gutridge 111 Dunkirk Road Baltimore, Maryland 21212

You are hereby summoned and com	ណាម្ការព្ធទទ	i to	pe e	nd'j e	ppear	person	ally
before the Zoning Commissioner/De	eputy.	Zoning	Com	tsäin	oner o	: Balti	#CT
County in Room 407 County Courts	Build:	ing. 4	01 Bc	sley	Avent	<u> </u>	L
Towson, Maryland 21204 at 11:00 a	<u> </u>		•	, 1	†	<u>. </u>	ı
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on the 10th day of February	2004 XXX	regar	ding	the	evods	capti	oneđ
case, for the purpose of testifying	at the	reque	st of		•		
Jennifer A. Day	:			; ,	ı		
	: .			: - 1	•		
	P.	rbert O. Bo:	x 227	·		# ************************************	

Mr. Sheriff/Private Process Server:

Please process in accordance, with Zoning Commissioner's Rule 2 (C).

Zoning Commissioner/Deputy

Zoning Commissioner for Baltimore County

Teaupit :

1/28/64

Sincerely,

Tripp Burgunder

LAW OFFICES OF HERBERT BURGUNDER III

P.O. Box 227

Stevenson, Maryland 21153-0227

410-653-7172

410-653-7597 (fax)

burgunder@comcast.net

юм: Herbert Burgunder III	
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The information contained in this fax is intended only for the personal and confidential use me the designated resipient or recipients. This message may be subject to attorney-client privilege. If you are not the intended recipient or an agent responsible for delivering this fax to the intended recipient, then you should notify us immediately and teturn this fax to us.

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CASE NAME CASE NUMBER DATE

PETITIONER'S SIGNIN SHEET

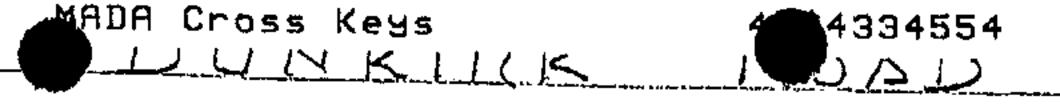
E- MAIL													
CITY, STATE, ZIP	Stemmen MO 21153	Bethrem no reer											
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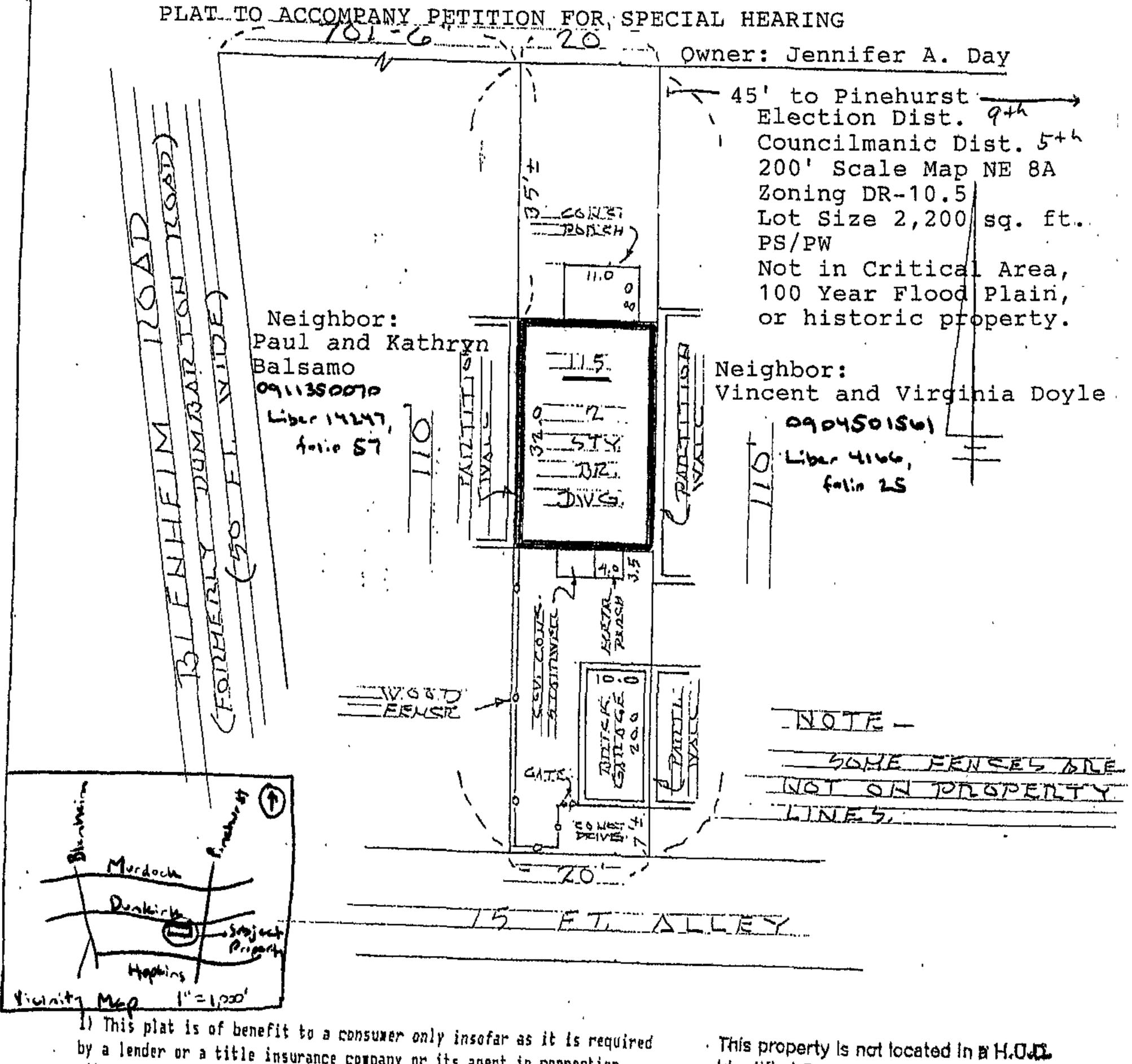
PLEASE PRINT CLEARLY

CASE NAME O4-269-5PM CASE NUMBER DATE Z-10-04

CITIZEN'S SIGN-IN SHEET

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NAME	i [\$						- ;	





1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing,

2) This plat is not to be relied upon for the establishment or location

of fences, garages, buildings, or other existing or future improvements. 3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum

Standards of Practice of the State of Maryland.

ALL SETBACK DIMENSIONS ARE ± ONE FOOT UNLESS OTHERWISE NOTED.

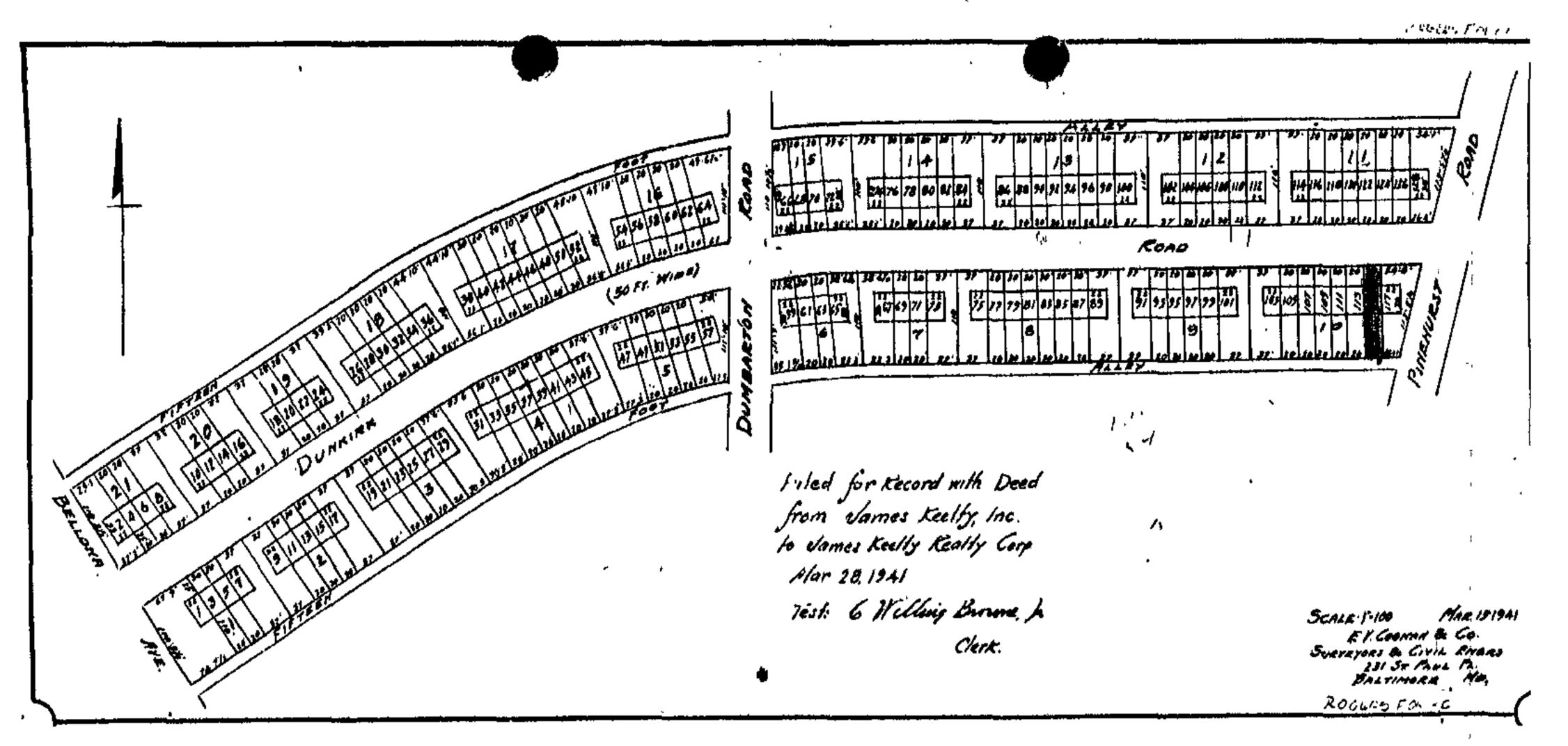
Identified Special Flood Hazard Area.

believed accurate is not guaranteed.

Flood Hazard Map Interpretation though

PEG. NO. 8675

LOCATION DRAWING BCALE 15 DUNKITUR MOND, BALTO, SO, MO.



CONDITIONAL USE PERMIT FOR TWO APARTMENTS

Ch 1A

This use permit for two apartments at

(address)

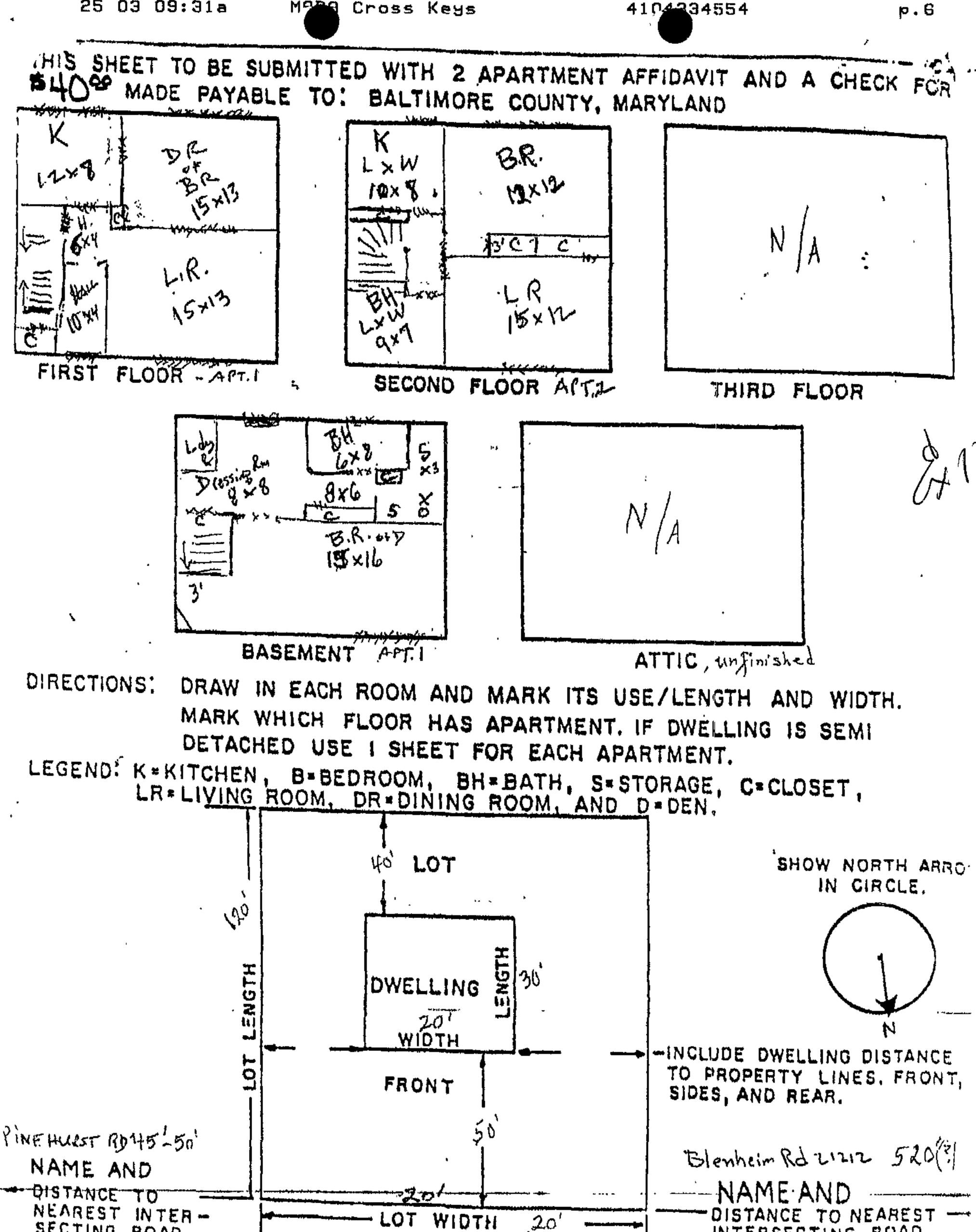
is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval 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: 7/28/48

APPROVED BY:

DIRECTOR, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

SECTING ROAD



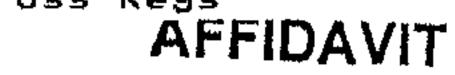
NAME OF STREET FRONTING PROPERTY marjane R. Fishy (IF A CORNER LOT NAME SIDE STREET) OWNERS

ADDRESS: 1/5 DUNKIRK ROAD

20'

NTERSECTING HUAD

400 FOX CHAPPEDAILE ZIME





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.

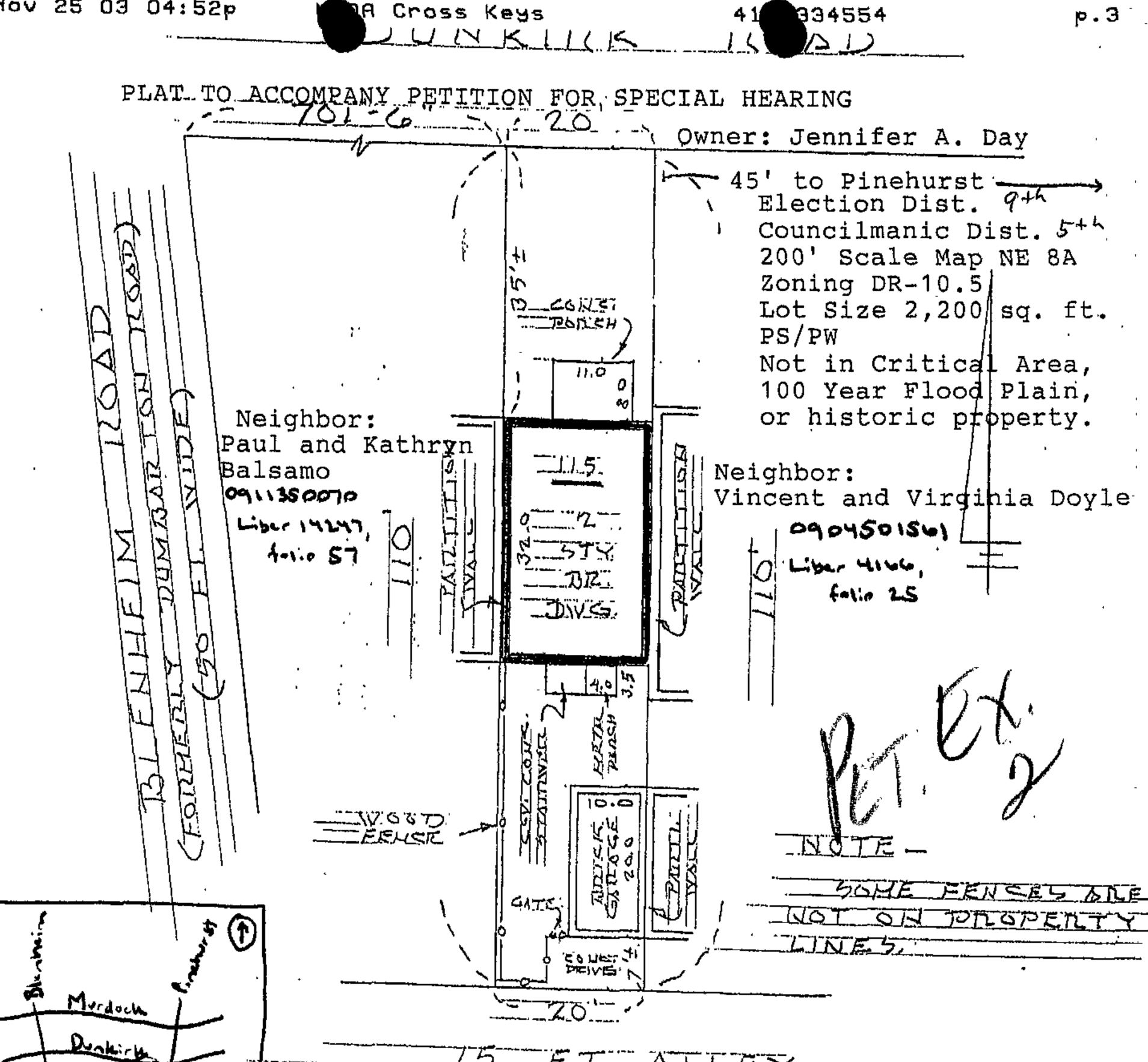
AFFIANT (Handwritten Signature) 473 Hollow Tree (Printed Name) AFFIANT (Printed Name) TELEPHONE NUMBER Batto County BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:
THE FOLLOWING: U.A. INDIVILEDGE, PLEASE ANSWER THE FOLLOWING:
$^{\prime\prime}$
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at
> The court, if necessary, that the home located at
115. c/ 11 in brown by P. J. Kop Pt. C. make
15. Dunkick Rd. Batto County has been occupied as a a partment dwelling since where completed at a larger than the dwelling since where completed as a larger than the larger
dwelling since when constructed 1943 (answer) apartment (year)
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2. Can you also yorifu and tanks is
2. Can you also verify and testify, if necessary, that said apartments have been occupied by
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(month) (year) (answer)
3. Will you realize any goin from the same transfer of the same transfer
3. Will you realize any gain from the sale of this property? Tur- *
(2000 - 1000)
M. Lamoay Belley. "If the answer is yes, this form cannot be approved.
(
STATE OF MARYLAND, COUNTY OF BALTIMODE IN WITH
/ / WITH THE PARTY OF THE PAR
I HEREBY CERTIFY this Lith day of Auly 1978, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared N- AMSAY SPLL , the Affiant matters and facts berein also satisfactorily identified to me as such Affiant, and made oath in due form of law that the
herein personally Islands for the County aforesaid, personally appeared N. AMSAY AND A Notary Fublic of the State of
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.
TO THE TOTAL PROPERTY OF THE P
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a. Eallen Som
NOTARY PURITIC
My Commission Expires 10-01-01

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.

	Togal
AFFIANT (Handwritten Signature)	Dancera Z. Facini
	AFFIANT (Printed Name)
ADDRESS (Printed) 21212	(410)-821-7604 TELEPHONE NUMBER
BASED UPON YOUR PERSONAL KNOWLED(3E, PLEASE ANSWER THE FOLLOWING:
1. Can you verify by this affidavit and/or testify	y in court, if necessary, that the home located at
115 DUNKIRK KOAD	
dwelling since built	has been occupied as a 2 apartment 942?
(month)	year) (answer)
2. Can you also verify and testify, if necessary	, that said apartments have been occupied by
renters every year since July	1974 ? Yes
(month)	(year) (answer)
. Will vou realize severie see u	•
Will you realize any gain from the sale of this	s property? // // (answer)
	*If the answer is <u>yes</u> , this form cannot be approved.
TATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	•
I HEREBY CERTIFY this 25 day of	1998 hofore ma a Naton Dublin Au
laryland, in and for the County aforesaid personally appear	A first transfer of the second
AS WITNESS my hand and Notarial Seal.	
• • • • • • • • • • • • • • • • • • •	- 6/ Wat I will the that
•	My Commission Expires De Doro



iwaita Mea 1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

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l" = 1,000°

Hopeins

2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum

Standards of Practice of the State of Maryland.

ALL SETBACK DIMENSIONS ARE + ONE FOOT UNLESS OTHERWISE NOTED.

· This property is not located in a H.O.C.

Identified Special Flood Hazard Area.

believed accurate is not guaranteed.

Flood Hazard Map Interpretation though

REG. NO. 8675

LOCATION DRAWING SCALE 5 DUNKITZIK MOAD, BALTO. SO, MD

DATE BR # 269 CASQHALL OGE

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE BALTIMORE, MD. 21212

January 29, 2004

To the Parties Who May Be Interested;

Mr. Donald Gerding may represent The Rodgers Forge Community Association, Inc. in opposition to the zoning variance requested for 115 Dunkirk Road, Baltimore, Maryland.

Sincerely,

Melissa M. Tillman, President,

RFCA, Inc.

Respond to:

DONALD GERDING BOARD HEMBER 335 OLD TRAIL BALTIMORE, MD 21212 410-825-0894

