

LAURET D. KUTAS, et al
Complainants
vs.
ANDREW AMORIN, et al
Defendants
BALTIMORE COUNTY

THE above captioned cases coming on for hearing on the Bill of
Complaint and Answer heretofore filed in the above captioned cases, testimony
was adduced in open Court, Counsel for the respective parties were heard and the
proceedings read and considered by the Court.

IT IS THEREFORE, this
day of May, by the Circuit
Court for Baltimore County, in Court,

ORDERED AND ADJUDGED that the Respondents, ANDREW AMORIN, et al.,
ANDREW F. AMORIN, ANDREW J. AMORIN, ROBERT J. AMORIN, EDWARD AMORIN
and DANIEL VANDER, co-partners, trading as A. AMORIN & COMPANY, be and they are
herby permanently enjoined, restrained and prohibited from using the whole, or
any part or portion of the tract or parcel of land, situate at the intersection
of the southeast side of Belair Road and southwest side of Overton Avenue, Balti-
more County, Maryland, having a frontage on the southeast side of Belair Road of
approximately 350 feet, more or less, with a depth on the southwest side of Overton
Avenue of 263 feet and 10 inches, more or less, and before known and designated
as Lots Nos. 1 and 2 as shown on the Plat of Overton, within Plat 1 recorded
among the Plat Records of Baltimore County in Plat Liber D. C. 2, No. 2, Folio
771, and/or the building and improvements situate thereon, or any part or portion
thereof (being the subject matter of these premises) for manufacturing pur-
poses of any kind or character whatsoever, effective as of this date; AND
IT IS FURTHER ORDERED AND ADJUDGED, that said Respondents, ANDREW
AMORIN, et al., ANDREW F. AMORIN, ANDREW J. AMORIN, ROBERT J. AMORIN, EDWARD
AMORIN and DANIEL VANDER, co-partners, trading as A. AMORIN & COMPANY, pay
the costs of these proceedings.

2408

LAURET D. KUTAS and
ANNE E. KUTAS, his wife,
HENRY HAJEK and
WILMA F. HAJEK, his wife,
WALTER G. HIRAGA and
MARGARET M. HIRAGA, his wife,
JOSE M. DRIVER and
ELLA C. DRIVER, his wife,
RAYMOND F. LLOYD and
LILLIAN M. LLOYD, his wife,
MARTIN RUPPERT and
GEORGE L. RUPPERT,
Complainants
vs.
ANDREW AMORIN, et al.,
ANDREW F. AMORIN,
ANDREW J. AMORIN,
ROBERT J. AMORIN,
EDWARD AMORIN and
DANIEL VANDER, Co-Partners
Trading as A. AMORIN & CO.,
Defendants
BALTIMORE COUNTY

CHARLES H. DOING, Zoning
Commissioner of Baltimore
County, and
ROLAND S. FIEL, Building
Engineer of Baltimore County
Respondents

IN EQUITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come Charles H. Doing, Zoning Commissioner of
Baltimore County and Roland S. Fiel, Building Engineer of
Baltimore County, two of the Respondents in the above entitled
cause and in answer to the Bill of Complaint herein filed
against them say:

1. That said Respondents neither admit nor deny
the allegations contained in Paragraph 1 of said Bill of
Complaint, but demand strict proof of same.

2. The said Respondents neither admit nor deny
the allegations contained in Paragraph 2 of said Bill of
Complaint.

Circuit Court for Baltimore County

EQUITY PURPOSES. March
306.90
File No. 51
Docket. 132

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
To: Roland S. Fiel,
Building Engineer of Baltimore County,
Respondent.

GREETING:
We command and enjoin you, within fifteen (15) days from the first Monday of
next, to answer or make other defense to the Complaint of
Lauret D. Kutras et al.

exhibited against you in the Circuit Court for Baltimore County. Your failure to answer or file such
other defense within the time named will be at your peril and Complainants may thereupon obtain
a Decree Pro Confesso against you which, upon proper proof, may be converted to a final Decree for the
relief requested. PERSONAL APPEARANCE IN COURT ON THE DAY NAMED IS NOT
NECESSARY.

Whereas the HONORABLE CLARENCE G. GRAYSON, Chief Judge of the Third Judicial Circuit of Mary-
land, this 3rd day of January 1949
do hereby certify that the within
is a true and correct copy of the
original filed in the
Circuit Court for Baltimore County,
Baltimore City,
Maryland, this 1st day of January, 1949.

True Copy Test
J. Gordon White
Clerk

RECEIPT'S RETURN:

Returned this day of 1949.

3. The said Respondents deny that a comprehensive
Zoning Law for Baltimore County was enacted in 1941, inasmuch
as said comprehensive Zoning Law was not effective until
January 2, 1942. The said Respondents admit that Charles H.
Doing is the present Zoning Commissioner of Baltimore County
and further admit that the Zoning Regulations and Restrictions
were adopted by the County Commissioners of Baltimore County
on January 2, 1942.

4. The said Respondents neither admit nor deny the
allegations in Paragraph 4 of said Bill of Complaint but
demand strict proof of same.

5. The said Respondents neither admit nor deny the
allegations in Paragraph 5 of said Bill of Complaint but
demand strict proof of same.

6. The said Respondents neither admit nor deny the
allegations in Paragraph 6 of said Bill of Complaint but
demand strict proof of same.

7. In answer to Paragraph 7 said Respondents deny
that the application mentioned therein was illegally and
erroneously approved by said Respondents. The Respondents
neither admit nor deny any other allegations in said Paragraph
but demand strict proof of same.

8. The said Respondents neither admit nor deny the
allegations in Paragraph 8 of said Bill of Complaint but
demand strict proof of same.

9. The said Respondents neither admit nor deny the
allegations in Paragraph 9 of said Bill of Complaint but
demand strict proof of same.

10. In answer to Paragraph 10 of said Bill of Com-
plaint, said Respondents deny the allegations contained
therein and aver that a nonconforming use exists on the prop-

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Trading as A. AMORIN & COMPANY,
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BALTIMORE COUNTY

CHARLES H. DOING, Zoning
Commissioner of Baltimore County, and
ROLAND S. FIEL, Building
Engineer of Baltimore County,
Respondents
IN EQUITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Now come Charles H. Doing, Zoning Commissioner of Baltimore County and Roland S. Fiel, Building Engineer of Baltimore County, two of the Respondents in the above entitled cause and in answer to the Bill of Complaint herein filed against them say:

1. That said Respondents neither admit nor deny the allegations contained in Paragraph 1 of said Bill of Complaint, but demand strict proof of same.

2. The said Respondents neither admit nor deny the allegations contained in Paragraph 2 of said Bill of Complaint.

3. That said Respondents neither admit nor deny the allegations contained in Paragraph 3 of said Bill of Complaint.

4. That said Respondents neither admit nor deny the allegations contained in Paragraph 4 of said Bill of Complaint.

erty in question and for that reason there is no violation
of the Zoning or Building Regulations of Baltimore County.
Said Respondents neither admit nor deny said allegations in
said Paragraph and demand strict proof of same.

11. Answering Paragraph 11 of said Bill of Complaint
the Respondents deny that the building permit was issued con-
trary to and in violation of the Zoning Laws of Baltimore County.

12. The said Respondents neither admit nor deny the
allegations in Paragraph 12 of said Bill of Complaint but
demand strict proof of same.

13. The said Respondents neither admit nor deny the
allegations in Paragraph 13 of said Bill of Complaint but
demand strict proof of same.

14. The said Respondents neither admit nor deny the
allegations in Paragraph 14 of said Bill of Complaint but
demand strict proof of same.

John J. Swelin, Attorney for
Charles H. Doing, Zoning Commissioner
of Baltimore County, and Roland S.
Fiel, Building Engineer of Balti-
more County, two of the Respondents.

I hereby certify that copy of the
within answer was mailed to
Charles H. Doing, Attorney for
Complainants, and Michael P. Smith,
Attorney for other Respondents in this case, this
day of April, 1949.

John J. Swelin

his wife, are the owners of property known as No. 4212 Overton Avenue; that the
Complainants, Andrew F. Doing and Lillian M. Lloyd, his wife, are the owners of
property known as No. 4220 Overton Avenue; that the Complainants, Mary Dodd,
Martin Ruppert and George L. Ruppert are the owners of property known as No. 4227
Overton Avenue; all of said property referred to being in the Fourthward Election
District of Baltimore County, State of Maryland. That all of the aforesaid Com-
plainants, as owners of their respective properties, are taxpayers of Baltimore
County, State of Maryland.

2. THAT the Respondents, Andrew Amorin, et al., Andrew F. Am-
orin, Andrew J. Amorin, Robert J. Amorin, Edward Amorin and Daniel Vander,
co-partners, trading as A. Amorin & Company, are the present owners of Lots
Nos. 1 and 2 as shown on the Plat of Overton, recorded among the Plat Records of
Baltimore County in Liber J.V.C. No. 2, Folio 771, a tract of land situate at the
intersection of the southeast side of Belair Road and the southwest side of Overton
Avenue, having a frontage on the southeast side of Belair Road of approxi-
mately 350 feet, more or less, and a depth on the southwest side of Overton Avenue of
approximately 263 feet 10 inches, more or less.

3. THAT under and by virtue of Chapter 207 of the Acts of 1941
of the General Assembly of Maryland and Amendments thereto, there was provided a
comprehensive zoning law for Baltimore County, covering all property situate
within the territorial limits of Baltimore County. That the Respondent, Charles
H. Doing, is the present Zoning Commissioner of Baltimore County.

That pursuant to the provisions of said Chapter 207 of the Acts
of 1941, and Amendments thereto, said zoning regulations and restrictions were
adopted by the Zoning Commissioners of Baltimore County and the County Commis-
sioners of Baltimore County on January 2, 1942, and, on the same date, prescribed and
enacted the duties and powers of said Zoning Commissioner of Baltimore County and
the Board of Zoning Appeals of Baltimore County.

4. THAT under and by virtue of Chapter 209 of the Acts of 1943
of the General Assembly of Maryland, the County Commissioners of Baltimore County
were authorized and empowered to regulate the erection, construction, repair,
etc., of all buildings and structures or any parts thereof in Baltimore County
and among other things to appoint a Building Engineer for Baltimore County.

That the Respondent, Roland S. Fiel, is the present Building Engineer of Baltimore County.

That pursuant to the provisions of said Chapter 696 of the Acts of 1945, as amended, the then Building Engineer of Baltimore County set up and mounted a Baltimore County Building Code which was duly submitted to and adopted by the County Commissioners of Baltimore County on March 5, 1946, and is now a part of the public local laws of Baltimore County.

5. THAT pursuant to the provisions of the existing zoning regulations and restrictions adopted by the County Commissioners of Baltimore County on January 2, 1945, as aforementioned, Baltimore County was divided into seven zones, viz: "A" Residence (Detached); "B" Residence (Semi-detached); "C" Residence (Apartment); "D" Residence (Group); "E" Commercial; "F" Light Industrial and "G" Heavy Industrial.

That the properties of the Complainants are situated in the "A" Residence Zone (Detached) and the property of the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, with the exception of a portion thereof which has been used for commercial use, as hereinafter mentioned, is situated in the "A" Residence Zone (Detached).

6. THAT on September 19, 1946, Frank J. Kraus and Charles Herman Kraus, his wife, owners, and Earl V. Powers, contract purchaser (purchasers) in title to the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, filed a petition for zoning reclassification with the zoning Commissioner of Baltimore County for the purpose of changing and reclassifying their said property situated "at the southeast corner of Bel Air Road and Overton Ave., at Fullerton, in the 14th Election District of Baltimore County, fronting southerly 150' on the southeast side of Bel Air Road with an average rectangular depth southerly of 237' and backing on Overton Ave. Being lots Nos. 1 and 2 on Plat of "Overton", recorded in Plat Book No. 2, folio 731" as a residential use area to a commercial use area. That thereafter, to wit, on October 20, 1946, after advertisement, posting of property and public hearing, the then zoning Commissioner of Baltimore County, John J. Vinmar, Jr., issued

the following Order, viz:

"IT IS ORDERED by the zoning Commissioner of Baltimore County this 20th day of October, 1946, that, that portion of the property described in this petition, as hereinafter in this Order more particularly described, should be and the same is hereby changed and reclassified, from and after the date of this Order, from a residential use area to a commercial use area, to permit of the erection and use of a Building Contractor's Shop, of the size 40' x 100', and the height and use of buildings and the use of adjacent land to be limited for the purpose only as stated in letter from the Powers Construction Company (contract purchaser), under date of September 19, 1946. That portion of the lot described herein so reclassified as aforesaid being described as follows:

Beginning for the same at a point in the dividing line between lots Nos. 2 and 3 as shown on the Plat of "Overton" recorded among the Land Records of Baltimore County in Plat Book No. 2, folio 731, at the distance of 155.00' measured southerly along said dividing line from the southeast side of Overton Ave. as shown on said plat and running thence and backing on a part of said dividing line 8 1/2' x 227.00' to the end thereof and to a point in the center line of a stream, thence southerly parallel with Overton Ave. and backing on the center line of said stream 171.50'. Thence by a line parallel to Bel Air Road and distant southerly 150.00' at right angles therefrom 8 1/2' x 235.00', more or less, to a point located 125.00' southerly from Overton Ave. and thence parallel with Overton Ave. 8 1/2' x 157.00', more or less, to the place of beginning.

JOHN J. VINMAR,
Zoning Commissioner of Baltimore County

An exact copy of said Petition for zoning reclassification and Order of the zoning Commissioner of Baltimore County is filed herewith marked Complainants' Exhibit "A" and prayed to be taken as a part hereof as if fully incorporated herein.

An exact copy of the letter from Powers Construction Company to the zoning Commissioner of Baltimore County, dated September 19, 1946, is also attached hereto marked Complainants' Exhibit "B" and prayed to be taken as a part hereof as if fully incorporated herein.

7. THAT by means conveyed to the aforementioned property and improvements situated thereon have been conveyed to the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company. That Elmer Amerelha, one of said Respondents, on November 26, 1946, in violation of the zoning laws of Baltimore County, filed an application with the Respondent, Roland S. Fiel, Building Engineer of Baltimore County, being Application No. 13216, for a permit to construct a building 50 feet by 55 feet of 14 feet on the aforesaid land immediately adjacent to and as a part of the present building to be used for "light manufacturing." That said application was illegally and erroneously

ly approved by the Respondent, Charles E. Seig, zoning Commissioner of Baltimore County, and all the concerned and related departments of Baltimore County, and a building permit issued to the Respondent, Elmer Amerelha, on December 8, 1946. An exact copy of said Application No. 13216 is attached hereto marked Complainants' Exhibit "C" and prayed to be taken as a part hereof as if fully incorporated herein.

That pursuant to said application, illegally and improperly approved as aforesaid, the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, are now actually constructing a building on their said land to be used for light manufacturing, as aforementioned, as an adjunct or addition to the building now situate thereon, which structure is being used by the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, for light manufacturing purposes. That the use of the proposed building for light manufacturing purposes and the erection of the addition thereto for the same or similar use is in direct violation of the zoning laws of Baltimore County with respect to the use of the land in question which has been used for commercial use only.

8. THAT your Complainants aver and therefore allege that the first time your Complainants knew of any building permit having been granted by the Respondent, Roland S. Fiel, Building Engineer of Baltimore County, to the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, for the construction of an additional building for light manufacturing on said property was when the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, began the present actual construction of said addition on the land presently used for commercial use, as aforesaid.

9. THAT the duties and powers delegated to and conferred upon the zoning Commissioner of Baltimore County by the County Commissioners of Baltimore County provide, in part, as follows:

"1. All applications to the Building Engineer for building permit shall be submitted to the zoning Commissioner for approval by him before any permit shall be issued. Before approving any such application, the zoning Commissioner shall satisfy himself that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure, complies in all respects with the regulations then in effect with respect to zoning.

2. In cases in which the permit applicant shall be for a use not permitted under regulations then in effect, the zoning Commissioner may authorize a petition for the reclassification of such property. Such petition shall be filed by the local owner of such property on forms adopted by the zoning Commissioner. Upon filing of such petition, the zoning Commissioner shall set a time for public hearing thereon and shall give notice of the time and place of such hearing by advertisement in a newspaper of general circulation in Baltimore County for at least fifteen days prior to the date of such hearing, and shall cause the property sought to be reclassified to be posted with an appropriate notice of such petition and the time and place of such hearing, such notice shall be displayed in a prominent location on such property for at least ten days prior to the date of such hearing."

That under the terms and provisions of the Building Code of Baltimore County and the zoning regulations of Baltimore County, no permit for any proposed new building can be granted by the Building Engineer of Baltimore County unless and until such application is first approved by the zoning Commissioner of Baltimore County as to compliance "in all respects with the regulations then in effect with respect to zoning."

10. THAT your Complainants aver and therefore allege that either through inadvertence or oversight on the part of the Respondents, the zoning Commissioner of Baltimore County and the Building Engineer of Baltimore County, the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, did not comply with the said zoning regulations of Baltimore County respecting the aforementioned building application No. 13216, because all of the Respondents failed and neglected to comply with the terms of the rules and regulations referred to in the preceding paragraph of this Bill of Complaint.

Your Complainants allege that the new building now being erected on the land in question will be used in accordance with the application of the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, for light manufacturing purposes, a use which is in direct violation of the laws permitted in the "A" Commercial zone in which the land

is question is situate and, as such, said use for light manufacturing will be contrary to and in violation of the zoning laws of Baltimore County and in violation of the rights of your Complainants with respect to the use and enjoyment of their own residential property, all of which will be directly and necessarily affected in depreciated values by virtue of the unlawful and illegal use of said property by the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company.

11. THAT your Complainants aver and therefore allege that the aforesaid building permit issued to the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, on December 8, 1946, was issued contrary to and in violation of the zoning laws of Baltimore County and is therefore null, void and of no effect.

12. THAT the Respondents, the zoning Commissioner of Baltimore County and the Building Engineer of Baltimore County, are both administrative officers bound to follow the regulations adopted by them pursuant to the delegated legislative power. The fact that the zoning Commissioner of Baltimore County, as administrative agent, might have reversed the area in question upon due notice and after hearing, does not alter his obligation to adhere to existing regulations enacted by him as zoning Commissioner, and adopted by the County Commissioners of Baltimore County, and his failure to adhere to existing regulations and the violation by him of his obligation to do so is not only illegal, improper, void and of no effect, but the same is also a destruction of and establishment of property rights, necessarily resulting in irreparable damages to the Complainants as property owners.

13. THAT because of the improper, illegal and unauthorized actions of the Respondents, the zoning Commissioner of Baltimore County and the Building Engineer of Baltimore County, to erroneously, improperly, illegally and arbitrarily approving and issuing a building permit to the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, as aforesaid, contrary to their obligation to adhere to existing regulations,

your Complainants have been deprived of and denied the right permitted them to appeal therefrom, in accordance with said regulations and statutes, since they were not apprised of any hearing respecting the application for said building permit of the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, or otherwise informed thereof in any manner whatsoever, and the said building permit having been granted erroneously, improperly, illegally and without warrant of law, without any notice, without any hearing, without any trial and without knowledge to your Complainants or any other interested or affected property owner, your Complainants, in fact and in law, have been caused to lose valuable property rights and denied the right to appeal therefrom in accordance with the zoning laws, because when the facts herein set forth were, for the first time, brought to the attention of your Complainants, that is, when the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, began the actual erection and construction of said building for light manufacturing purposes, the time for the taking of an appeal had already passed and there is, therefore, no warrant or authority in the zoning regulations and statute whereby your Complainants can protect their property rights, as herein set forth, except by their filing this Bill of Complaint in this Honorable Court to prevent the infliction upon your Complainants of damages resulting from said illegal, unlawful and improper actions of all of said Respondents. That, unless this Honorable Court takes jurisdiction herein to prevent the infliction of this unconscionable wrong and damage to the property rights of your Complainants, legally and practically your Complainants are and will be without any remedy whatever in the premises.

14. THAT your Complainants aver and therefore allege that the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, have already begun work pursuant to the illegal and void permit issued, as aforesaid, and unless this Honorable Court promptly and immediately interposed to save, safeguard and protect the rights of your Complainants and for the proper enforcement of the zoning laws of Baltimore County, irrepara-

ble loss, damage and injury will accrue to your Complainants as property owners, as well as a public flocking and disregard of the zoning laws of Baltimore County.

IN THE CIRCUIT COURT FOR THE CITY AND COUNTY OF BALTIMORE

1. That the writ of Injunction of this Honorable Court may be issued

(a) Restraining and enjoining the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, from proceeding with the construction and erection of the aforementioned building to be used for light manufacturing purposes on their said situate, lying and being at the intersection of the southeast side of Belair Road and the southeast side of Overton Avenue, Baltimore County, Maryland;

(b) Restraining and enjoining said Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, from exercising any and all rights whatsoever under the building permit issued by the Building Engineer of Baltimore County, as aforesaid;

(c) Permanently restraining and enjoining said Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, from using their said property for manufacturing purposes.

2. That the Respondent, Roland S. Fiel, Building Engineer of Baltimore County, be and he is hereby directed and required to revoke and/or cancel the building permit issued to said Elmer Amerelha on December 8, 1946, respecting the erection of a building on the land of the Respondents, Andrew Amerelha, Sr., Andrew F. Amerelha, August R. Amerelha, Henry J. Amerelha, Elmer Amerelha and Harold Fastio, Co-Partners, Trading as A. Amerelha & Company, situate at the intersection of the southeast side of Belair Road and the southeast side of Overton Avenue, for light manufacturing purposes.

3. That the Respondent, Charles E. Seig, zoning Commissioner of Baltimore County, be and he is hereby directed to rescind his approval of said building permit erroneously and illegally issued, as aforementioned.

4. And for such other and further relief as the nature of the Complainants' case may require.

AND AS IN WRIT DEMAND, etc.

Complainant
(By his own behalf and all other Complainants herein)

Baltimore for Complainants

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
I, HENRY J. SEIG, Clerk of the Court of Baltimore County, do hereby certify that the within Bill of Complaint, as filed by the Complainants, personally appeared Charles E. Seig, one of the Complainants herein, and made oath in due form of law that the matters and facts set forth in the foregoing Bill of Complaint are true to the best of his knowledge, information and belief.

AS WITNESS my hand and official Seal.

Henry J. Seig

7. THAT by some convergence the aforementioned property and improvements situate thereon have been conveyed to the Respondents, Andre Amador, Jr., Andrew F. Amador, August A. Amador, Henry F. Amador, "Cesar Amador and David Tustin, Co-venturers, Trading as A. Amador & Company. That these Amador, one of said Respondents, on November 20, 1940, in violation of the zoning laws of Holmdel Township, filed an application with the Respondent, Island S. I. I., Building Department of Holmdel Township, being application No. 1314, for a permit to construct a building 30 feet by 55 feet by a height of 14 feet on the aforesaid land immediately adjacent to and as a part of the present building to be used for "radio communication;" that said application was illegally and erroneously

ly approved by the Respondent, Charles H. Deing, Senior Commissioner of Baltimore County, and all the concerned and related departments of Baltimore County, and a building permit issued to the Respondents, Elmer Amerethin, on December 8, 1946. An exact copy of said Application No. 12316 is attached hereto marked "Exhibit A" and placed to be taken as a part hereof as if fully incorporated herein.

That pursuant to said application, illegally and improperly approved as aforesaid, the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, are now actually constructing a building on their said land to be used for light manufacturing, as aforesaid, as an adjunct or addition to the building now situated thereon, which addition is as the need by the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, for light manufacturing purposes. That the use of the present building for light manufacturing purposes and the erection of the addition thereto for the same or similar use is in direct violation of the zoning laws of Baltimore County with respect to the use of the land in question which has been zoned for commercial use only.

8. THAT your Complainers aver and therefore allege that the first time your Complainers knew of any building permit having been granted by the Respondent, Roland S. Fiel, Buildings Engineer of Baltimore County, to the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, for the construction of an additional building for light manufacturing on said property was when the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, began the present actual construction of said addition on the land presently zoned for commercial use as aforesaid.

9. THAT the duties and powers delegated to and conferred upon the Zoning Commissioner of Baltimore County by the County Commissioners of Baltimore County provide, in part, as follows:

1. All applications to the Zoning Commissioner for approval by him of any permit shall be submitted to the Zoning Commissioner for approval by him before any permit shall be issued. Before approving any such application, the Zoning Commissioner shall satisfy himself that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure, complies in all respects with the regulations then in effect with respect to zoning.

2. In cases in which the permit applied for shall be for a use not permitted under regulations then in effect, the Zoning Commissioner shall not be required to issue the permit. Before approving any such application, the Zoning Commissioner shall satisfy himself that the application is in proper form and contains all necessary information, and that the proposed building or use of land, building or structure, complies in all respects with the regulations then in effect with respect to zoning.

That under the terms and provisions of the Building Code of Baltimore County and the Zoning Regulations of Baltimore County, no permit for any proposed new building can be granted by the Buildings Engineer of Baltimore County unless and until such application is first approved by the Zoning Commissioner of Baltimore County as "compliance" in all respects with the regulations then in effect with respect to zoning.

10. THAT your Complainers aver and therefore allege that either through inadvertence or oversight on the part of the Respondents, the Zoning Commissioner of Baltimore County and the Buildings Engineer of Baltimore County, the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, did not comply with the said zoning regulations of Baltimore County respecting the aforesaid building application No. 12316, because all of the Respondents failed and neglected to comply with the terms of the rules and regulations referred to in the preceding paragraph of this Bill of Complaint.

Your Complainers allege that the new building now being erected on the land in question will be used in accordance with the application of the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, for light manufacturing purposes, a use which is in direct violation of the uses permitted in the "C-2" General Area zone in which the land

in question is situated and, as such, used for light manufacturing will be contrary to and in violation of the zoning laws of Baltimore County and in violation of the rights of your Complainers with respect to the use and enjoyment of their own residential property, all of which will be directly and necessarily affected in depreciated values by virtue of the unlawful and illegal use of said property by the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company.

11. THAT your Complainers aver and therefore allege that the aforesaid building permit issued to the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, on December 8, 1946, was issued contrary to and in violation of the zoning laws of Baltimore County and is therefore null, void and of no effect.

12. THAT the Respondents, the Zoning Commissioner of Baltimore County and the Buildings Engineer of Baltimore County, are both administrative officers bound to follow the regulations adopted by them pursuant to the delegated legislative power. The fact that the Zoning Commissioner of Baltimore County, an administrative agent, might have re-zoned the area in question upon due notice and after hearing, does not alter his obligation to adhere to existing regulations enacted by him as Zoning Commissioner, and adopted by the County Commissioners of Baltimore County, and his failure to adhere to existing regulations and the violation by him of his obligation so to do is not only illegal, improper, void and of no effect, but it is also a destruction of and destabilization of property rights, necessarily resulting in irreparable damages to the Complainers as property owners.

13. THAT because of the improper, illegal and unwarranted actions of the Respondents, the Zoning Commissioner of Baltimore County and the Buildings Engineer of Baltimore County, in erroneously, improperly, illegally and arbitrarily approving and issuing a building permit to the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, as aforesaid, contrary to their obligation to adhere to existing regulations,

Your Complainers have been deprived of and denied the right permitted them to appeal therefrom, in accordance with said regulations and statutes, when they were not apprised of any hearing respecting the application for said building permit of the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, or otherwise informed thereof in any manner whatsoever, and the said building permit having been granted erroneously, improperly, illegally and without warrant of law, without any notice, without any hearing, without any trial and without knowledge to your Complainers or any other interested or affected property owner, your Complainers, in fact and in law, have been caused to lose valuable property rights and denied the right to appeal therefrom in accordance with the zoning laws, because when the facts herein set forth were, for the first time, brought to the attention of your Complainers, that is, when the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, began the actual erection and construction of said building for light manufacturing purposes, the time for the taking of an appeal had already passed and there is, therefore, no warrant or authority in the zoning regulations and statute whereby your Complainers can protect their property rights, as herein set forth, except by their filing this Bill of Complaint in this Honorable Court to prevent the infliction upon your Complainers of damages resulting from said illegal, unlawful and improper actions of all of said Respondents. That, unless this Honorable Court takes jurisdiction herein to prevent the infliction of this unconscionable wrong and damage to the property rights of your Complainers, legally and practically your Complainers are and will be without any remedy whatsoever in the premises.

14. THAT your Complainers aver and therefore allege that the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, have already begun work pursuant to the illegal and void permit issued, as aforesaid, and unless this Honorable Court promptly and immediately interposes to save, safeguard and protect the rights of your Complainers and for the proper enforcement of the zoning laws of Baltimore County, irreparable

able loss, damage and injury will accrue to your Complainers as property owners, as well as a public flooding and disregard of the zoning laws of Baltimore County. TO THE END, THEREFORE:

1. That the writ of Injunction of this Honorable Court may be issued:

(a) Restraining and enjoining the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, from proceeding with the construction and erection of the aforesaid building to be used for light manufacturing purposes on their land situated, lying and being at the intersection of the southeast side of Balduf Road and the southwest side of Overton Avenue, Baltimore County, Maryland;

(b) Restraining and enjoining said Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, from exercising any and all rights whatsoever under the building permit issued by the Buildings Engineer of Baltimore County, as aforesaid;

(c) Permanently restraining and enjoining said Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, from using their said property for manufacturing purposes.

2. That the Respondent, Roland S. Fiel, Buildings Engineer of Baltimore County, be and he is hereby directed and required to revoke and/or amend the building permit issued to said Elmer Amerethin on December 8, 1946, respecting the erection of a building on the land of the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, situated at the intersection of the southeast side of Balduf Road and the southwest side of Overton Avenue, for light manufacturing purposes.

3. That the Respondent, Charles H. Deing, Senior Commissioner of Baltimore County, be and he is hereby directed to rescind his approval of said building permit erroneously and illegally issued, as aforesaid.

4. And for such other and further relief as the nature of the Complainers' case may require.

AND AS IN DEED SOWN, etc.

Complainant
(On his own behalf and all other complainers herein)

Solicitors for Complainers

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this day of February, 1949, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Lambert H. Kotman, one of the Complainers herein, and made oath in due form of law that the matters and facts set forth in the foregoing Bill of Complaint are true to the best of his knowledge, information and belief.

AT WITNESS my hand and Notarial Seal.

Notary Public

VERIFICATION

Under the foregoing Bill of Complaint, Affidavit and Exhibits, it is this day of February, 1949, by the Circuit Court for Baltimore County, in Equity.

ORDERED, that the Respondents show cause on or before the day of February, 1949, why the relief prayed for in the foregoing Bill of Complaint should not be granted, provided a copy of said Bill of Complaint and of this Order be served on each of said Respondents on or before the day of February, 1949; and

It is FURTHER ORDERED AND DECREED that in the meantime, pending a final determination of these proceedings, the Respondents, Andrew Amerethin, Sr., Andrew F. Amerethin, August M. Amerethin, Henry J. Amerethin, Elmer Amerethin and Harold Vastle, Co-Partners, Trading as A. Amerethin & Company, be and they are hereby temporarily restrained from proceeding with any work whatsoever under Building Permit No. 12316 heretofore issued to said Respondents by the Buildings Engineer of Baltimore County, with the right on the part of the Respondents to move for a rescission of this Injunction at any time upon five days' notice.

John L. Finkbeiner
Judge

True Copy Test
J.B. Shaw, Clerk

LAMBERT H. KOTMAN, et al	1	BY THE CLERK OF COURT
Complainers	1	
vs.	1	FOR BALTIMORE COUNTY
ANDREW AMERETHIN, SR., et al	1	
Respondents	1	IN EQUITY

ORDER

THE above captioned cause coming on for hearing on Demurrers to the Bill of Complaint heretofore filed in the above captioned cause, Counsel for the respective parties were heard, and the proceedings were read and considered by the Court.

IT IS THEREFORE, this day of March, 1949, by the Circuit Court for Baltimore County, in Equity.

ORDERED that the Demurrers filed by the Respondents in the above captioned cause be and the same are hereby overruled.

W. JAMES H. GIBSON
JUDGE

COPY

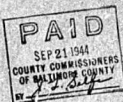
\$8.00

Sept. 19, 1944.

RECEIVED of Earl W. Powers, (Cont. Pur.) the sum of Eight (\$8.00) Dollars being cost of advertisement and posting of property, 14th Corner Bel Air Road and Gwynn Ave., 14th district of Baltimore County, pursuant to petition being filed for re-classification.

Zoning Commission.

Hearings
Oct. 9, 1944,
at 2:00 o'clock p.m.



ZONING DEPARTMENT-BALTIMORE COUNTY, MD.

Certificate of Posting of Re-Classification Notice

391

District 14 Date of Return Sept. 22, 1944
Date of Posting Property Sept. 2, 1944
Location of Sign on Property 1 feet from front Street or Road.
Location of property Southwest corner of Bel Air Road & Gwynn Ave.
Re-Classification Petitioned for Building, Contr. on
Petition by Frank J. Powers, Jr. & Son
Remarks Reclassified to R-1
Inspector making return H.C. Anttila

NOTICE OF PETITION
FOR RE-CLASSIFICATION OF
PROPERTY
Baltimore County, Maryland
The following is a copy of the petition for re-classification of property filed with the Zoning Department of Baltimore County, Maryland, on September 2, 1944.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept. 22, 1944
THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each Monday day of September, 1944, the first publication appearing on the 22nd day of September, 1944.
THE JEFFERSONIAN,
Manager.
Cost of Advertisement, \$ 8.00

LANDREY D. KOTRAS et al.

Complainants

IN THE CIRCUIT COURT

vs.

FOR BALTIMORE COUNTY

ANDREW AMERLIN, JR.,

ANDREW A. AMERLIN

ANDREW F. AMERLIN

ANDREW J. AMERLIN

ANDREW K. AMERLIN

ANDREW L. AMERLIN

ANDREW M. AMERLIN

ANDREW N. AMERLIN

ANDREW O. AMERLIN

ANDREW P. AMERLIN

ANDREW Q. AMERLIN

ANDREW R. AMERLIN

ANDREW S. AMERLIN

ANDREW T. AMERLIN

ANDREW U. AMERLIN

ANDREW V. AMERLIN

ANDREW W. AMERLIN

ANDREW X. AMERLIN

ANDREW Y. AMERLIN

ANDREW Z. AMERLIN

ANDREW AA. AMERLIN

ANDREW AB. AMERLIN

ANDREW AC. AMERLIN

ANDREW AD. AMERLIN

ANDREW AE. AMERLIN

ANDREW AF. AMERLIN

ANDREW AG. AMERLIN

ANDREW AH. AMERLIN

ANDREW AI. AMERLIN

ANDREW AJ. AMERLIN

ANDREW AK. AMERLIN

ANDREW AL. AMERLIN

ANDREW AM. AMERLIN

ANDREW AN. AMERLIN

ANDREW AO. AMERLIN

ANDREW AP. AMERLIN

ANDREW AQ. AMERLIN

ANDREW AR. AMERLIN

ANDREW AS. AMERLIN

ANDREW AT. AMERLIN

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ANDREW BI. AMERLIN

ANDREW BJ. AMERLIN

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ANDREW BL. AMERLIN

ANDREW BM. AMERLIN

ANDREW BN. AMERLIN

ANDREW BO. AMERLIN

ANDREW BP. AMERLIN

ANDREW BQ. AMERLIN

ANDREW BR. AMERLIN

ANDREW BS. AMERLIN

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ANDREW BU. AMERLIN

ANDREW BV. AMERLIN

ANDREW BW. AMERLIN

ANDREW BX. AMERLIN

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ANDREW CK. AMERLIN

ANDREW CL. AMERLIN

ANDREW CM. AMERLIN

ANDREW CN. AMERLIN

ANDREW CO. AMERLIN

ANDREW CP. AMERLIN

ANDREW CQ. AMERLIN

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ANDREW CY. AMERLIN

ANDREW CZ. AMERLIN

ANDREW DA. AMERLIN

ANDREW DB. AMERLIN

ANDREW DC. AMERLIN

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