

COUNTY COMMISSIONERS OF
BALTIMORE COUNTY,
a municipal corporation
vs.
CHARLES O. SMICK
109 Chesley Avenue
Overlea 6, Maryland

REPORT

The above entitled case having come on for hearing, the papers having been read, and considered, testimony having been taken in open Court and counsel for the respective parties heard, it is thereupon this 28th day of June, 1949, by the Circuit Court for Baltimore County, in Equity, ORDERED and DECREED that the Defendant, Charles O. Smick, be and he is hereby permanently restrained and enjoined from conducting or operating a commercial taxiway business or any other commercial enterprise on the premises on the southwest side of Chesley Avenue, approximately 850 feet northwest of Spruce Street, at Overlea, in the Fourteenth Election District of Baltimore County, said premises being known and designated as 109 Chesley Avenue.

And it is further ORDERED and DECREED that the Defendant pay the costs of this proceeding.

Judge

COUNTY COMMISSIONERS OF
BALTIMORE COUNTY, a
municipal corporation,
Plaintiff
vs.
CHARLES O. SMICK
109 Chesley Ave.
Overlea,
Baltimore 6, Maryland,
Defendant

The Answer of Charles O. Smick to the Bill of Complaint heretofore filed against him in the above entitled case, respectfully shows:

1. He admits the allegations in Paragraph 1 of said Bill of Complaint.

2. He admits the allegations in Paragraph 2 of said Bill of Complaint.

3. Answering Paragraph 3 of said Bill of Complaint, the Defendant says that he made no application to enlarge the building which he was using for a Taxiway Shop.

4. He admits the allegations in Paragraph 4 of said Bill of Complaint.

5. Answering Paragraph 5 of said Bill of Complaint, the Defendant admits that he has continued to operate a Taxiway Shop on said premises.

6. And further answering said Bill of Complaint, the Defendant alleges that since the month of July, 1948, he has continuously operated Taxiway Shop on said premises, and he is advised and therefore avers that, since said shop was being operated before January 2, 1948, he is legally entitled to continue to operate said Taxiway Shop on said premises.

And now, having fully answered the said Bill of Complaint, the Defendant prays to be dismissed with his proper costs.

Charles O. Smick, Defendant

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
I HEREBY CERTIFY that on this 28th day of June, 1949, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Charles O. Smick, Defendant, and he made oath in due form of law that the matters and facts set forth in the foregoing Answer to the Bill of Complaint filed against him are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

County Commissioners of Baltimore
County, a municipal corporation
Plaintiff
vs.
Charles O. Smick
109 Chesley Avenue
Overlea
Baltimore 6, Maryland
Defendant

IN THE HONORABLE JUDGE OF SAID COURT,

The Bill of Complaint of the County Commissioners of Baltimore County, a municipal corporation, respectfully shows:

1. That pursuant to the authority conferred upon them by the General Assembly of Maryland, the County Commissioners of Baltimore County on January 2, 1947, adopted a comprehensive zoning plan and Regulations for Baltimore County.

2. That by said plan and Regulations, the property of the Defendant, which is located on the southwest side of Chesley Avenue, approximately 850 feet northwest of Spruce Street, at Overlea, in the Fourteenth Election District of Baltimore County, was designated as an "R" Residence Zone, in which the conduct of any type of commercial business was prohibited.

3. That on November 15, 1947, the Defendant, Charles O. Smick, filed a petition with the Zoning Commissioner of Baltimore County asking that he determine the question as to whether or not he had a right to operate a commercial taxiway shop on said premises by reason of the existence of a non-conforming use, in that said petitioner alleged that he was operating such business on said premises upon the date of the adoption of said zoning regulations.

4. That a public hearing upon said petition was held before the Zoning Commissioner of Baltimore County on November 18, 1947, on the nineteenth day of November, 1947, the Zoning Commissioner of Baltimore County signed an

order determining that the said Defendant had no right to continue to operate a Taxiway Shop on said premises, and further ordered that the operation of the same be discontinued.

5. That the Defendant, in spite of said decision of the Zoning Commissioner, and in direct violation of the zoning Regulations of Baltimore County, have continuously since said hearing operated on said premises a commercial taxiway shop, and are now operating said commercial business.

WHEREFORE, YOUR COMPLAINANTS PRAY:

1. That the Defendant may be permanently enjoined from conducting a commercial Taxiway business or any other commercial enterprise on said premises.

2. And for such other relief as the nature of your Complainants' case may require.

AND as in duty bound, etc.

COUNTY COMMISSIONERS OF BALTIMORE COUNTY

By Christian H. Hall
Christian H. Hall, President

James M. Blevins
John J. Costello
JAMES M. BLEVINS
JOHN J. COSTELLO
JAMES M. BLEVINS
JOHN J. COSTELLO

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 28th day of March, 1949, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Christian H. Hall, President of the Board of County Commissioners of Baltimore County, and he 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 Notarial Seal.

Notary Public

ORDER OF COURT

Upon the foregoing Bill of Complaint and Affidavit, it is this 29th day of March, 1949, by the Circuit Court for Baltimore County, in Equity, ORDERED that the Defendants herein show cause if any they have, on or before the 19th day of April, 1949, why the relief prayed in the foregoing Bill of Complaint should not be granted, provided a copy of this Bill of Complaint and Order be served on the said defendants on or before the 1st day of April, 1949.

Judge
Judge

PETITION FOR SPECIAL HEARING

IN THE MATTER OF
Petition of
Charles O. Smick
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For a Special Hearing

To the Zoning Commissioner of Baltimore County:

Charles O. Smick
Petitioner

herby petition for a Special Hearing, under the zoning Law and Regulations of Baltimore County in order to establish whether or not a legal non-conforming use exists on the heretofore described property for Taxiway Shop

Property located as follows:
Southwest side of Chesley Ave., at Overlea, in the 14th District of Baltimore Co., beginning 850' northwest of Spruce St., thence northwards, on said side of Chesley Ave., 60' with a rectangular depth easterly of 150'.

Engineer Union 150m

MAILED IN U.S.A.
FBI BALTIMORE

Petitioner

Address

ORDERED by the Zoning Commissioner of Baltimore

County, this 28th day of October, 1947, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly of 1947 and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 10th day of November, 1947, at 11:00 o'clock a.m.

Zoning Commissioner
of Baltimore County.

Upon hearing on the within petition for a special hearing to have determined whether a lawful non-conforming use exists to use the premises described in said petition as a commercial taxiway shop, the evidence and data furnished was read and considered and it is hereby held that no lawful nonconforming use exists in accordance with the zoning Regulations, therefore:

It is this 28th day of November, 1947, determined by the Zoning Commissioner of Baltimore County, that the petitioner, his agents or assigns have no right to continue to operate a Taxiway Shop on said premises; and it is hereby ordered that the operation of said Taxiway Shop be discontinued from and after the date of this Order.

Zoning Commissioner
of Baltimore County.

March 1, 1943

George Berry, Esquire
Acting Counsel To The Zoning Dept. of Balto. Co.
Towson-4, Maryland

Dear Mr. Berry:

On October 23, 1947, Mr. Charles C. Smick, 109 Chesley Avenue, Baltimore County, Maryland, filed with the Zoning Commissioner a petition for a Special Hearing to have determined whether or not a non-conforming use exists for a taxidermy shop in the property located on the south-east side of Chesley Avenue, at Overlea, in the 14th District of Baltimore County, beginning 200' northwest of Spruce Street and running thence northwest on said side of Chesley Avenue 50' with a rectangular depth southwest of 150'.

After due advertisement and posting of the property a hearing was held on the 10th day of November, 1947, and on the 19th day of November, 1947, the Zoning Commissioner passed an Order holding that no lawful non-conforming use exists in said property, in accordance with the Zoning Regulations, and the said applicant was notified to cease the use of said property for said purpose.

Said use was not discontinued and on January 27, 1948, the Zoning Commissioner wrote to said applicant giving him one month to terminate the use of said property for said purpose. However, this has not been terminated but is in violation of the Zoning Regulations. Therefore, in submitting the matter to you for such legal action as you may determine right and proper to terminate the unlawful use of said property as aforesaid.

Very truly yours,

Zoning Commissioner.

CHD:J

October 21, 1947

\$13.00 ✓

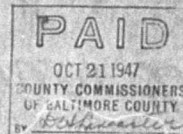
RECEIVED of Chas. C. Smick, the sum of Thirteen (\$13.00) Dollars, being cost of petition for special hearing, advertising and posting of property, south-east side of Chesley Avenue, 200' northwest of Spruce St., 14th District of Baltimore County.

Zoning Commissioner

Hearing:

Monday, Nov. 10, 1947

at 11:00 o'clock a.m.



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NO PLAT
IN
THIS FOLDER