

COUNTY COMMISSIONERS OF
BALTIMORE COUNTY, a
municipal corporation, Petitioner

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

VS.
LEROY DANIELS, Defendant
Case No. 35865

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of the County Commissioners of Baltimore County to the Petition of Leroy Daniels for release from the County Jail respectfully shows:

Your Respondent admits that said Leroy Daniels has purged himself of contempt of this Honorable Court by the removal of all automobiles, trucks, parts, etc., used in connection with the operation of his automobile junk yard and dismantling business from his property in Block 6 of Catonsville Manor, with the exception of the 12,000 square foot shaded area shown on the Replat Plat filed with said Petition, *which should have been the subject of said Petition* AND AS IN DUTY BOUND, etc.

Assistant County Solicitor

LEROY DANIELS, and
MARGARET DANIELS, his wife
Petitioners

IN THE
CIRCUIT COURT FOR BALTIMORE COUNTY
At Law

VS.
H. OUY CAMPBELL, DANIEL U. HUBERS
and CARL F. VOHLEN, being and
constituting the Board of Zoning
Appeals of Baltimore County
Defendants

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Leroy Daniels and Margaret Daniels, his wife, by John R. Howe and Harold M. Vink, their attorneys, respectfully represents unto your Honor:-

1. That your Petitioners are property owners and taxpayers of Baltimore County, and are engaged in the business of buying and selling used cars, dismantling used cars, and selling parts, accessories and tin and steel scrap recovered therefrom.

2. That in the prosecution of this business in which they have been engaged since 1936 and prior thereto they have continuously used the property which is the subject of these proceedings, all of which is located in Block 6, Catonsville Manor, plat of which is on file in the Office of the Clerk of the Circuit Court for Baltimore County, and in particular lots 13 to 24, inclusive and lots 49 to 64 inclusive of Block 6 aforesaid.

3. That on or about February 20, 1952, Leroy Daniels, one of your Petitioners, pursuant to a summons issued by the Zoning Commissioner of Baltimore County, appeared before said officer and was examined on the question of whether or not he was violating the zoning law of Baltimore County by using his property in a manner not conforming to said zoning law and in violation of said law.

4. That your Petitioner was called upon and required by the Zoning Commissioner at the hearing on February 20, 1952 to establish the fact that

he had the right to use the subject property in a manner not conforming to said zoning law.

5. That following said hearing an Order was passed by the Zoning Commissioner of Baltimore County dated June 11, 1952, finding that a lawful non-conforming use of the subject property existed as to Lots Nos. 23, 24, 25, 26, 27 and 28 of Block 6 of Catonsville Manor, but that no non-conforming use existed as to any other lots in Block 6, and ordered all lots except the aforesaid Nos. 23 - 28, inclusive, to be cleared within sixty days of said order.

6. That your Petitioners feeling aggrieved at the passage of said order by the Zoning Commissioner of Baltimore County entered an appeal to the Board of Zoning Appeals from said order, excepting therefore that part of said order applying to Lots Nos. 23 - 28, inclusive, of Block 6, Catonsville Manor.

7. That a hearing before the Board of Zoning Appeals was held on September 25, 1952, and thereafter by Order, dated October 17, 1952, the said Board of Zoning Appeals affirmed the Order of the Zoning Commissioner of Baltimore County, in general, but reduced the area of the lawful non-conforming use as found by the Zoning Commissioner of Baltimore County to extend, to the rear 50 ft. portions of Lots Nos. 23 to 28, inclusive, of Block 6.

8. That your Petitioners are aggrieved by the decision of the Board of Zoning Appeals of Baltimore County and aver that such decision is illegal and should be reversed, set aside and annulled by this Honorable Court for the following reasons:-

(a) That said Order of the Board of Zoning Appeals of Baltimore County constitutes an arbitrary and capricious act and a gross abuse of administrative discretion.

(b) That both the Zoning Commissioner and the Board of Zoning Appeals required your Petitioner, Leroy Daniels, to establish by a preponderance of

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evidence - (1) that he was the owner of all of the lots then being used by him for his business, and (2) that he had been using all of these lots for his business purposes prior to and on January 2, 1945, (the effective date of the Zoning Law of Baltimore County), which was without legal authority and contrary to the constitutional rights of your Petitioners.

(c) That your Petitioner, Leroy Daniels, as will appear from the records of the Zoning Board, hereinafter prayed to be filed in this case, was not charged with a violation of the Zoning Law, but appeared in response to a summons issued by the Zoning Commissioner that he did appear and although he was not charged with a violation of the Zoning Law was ordered to establish the existence of a lawful non-conforming use of the subject property, which action, both by the Zoning Commissioner and the Board of Zoning Appeals, was arbitrary, illegal and unconstitutional.

(d) That your Petitioner ^{4/11/53} and therefore avers that the burden of proof beyond a reasonable doubt of any violation of the Zoning Law was upon the Commissioner and/or the Board of Zoning Appeals, and the testimony and records, hereinafter prayed to be filed in this case, clearly establish that your Petitioner, Leroy Daniels, was required to prove by a preponderance of positive testimony, through himself and disinterested witnesses, that he was not violating the Zoning Law, and as against this positive evidence the only other testimony offered was the negative testimony of certain residents that no use was made by your Petitioner of the subject property, except on Lots Nos. 23 - 28, inclusive, prior to January 2, 1945.

(e) That there was no substantial evidence before the Zoning Commissioner or the Board of Zoning Appeals of Baltimore County in these proceedings to justify and support the Orders of June 11, 1952 and October 17, 1952, respectively.

(f) That the Order of the Zoning Commissioner of Baltimore County dated June 11, 1952 and the Order of the Board of Zoning Appeals of Baltimore County dated October 17, 1952, constitute an attempted unlawful and unconstitutional exercise of authority.

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(g) And for such other and further reasons that may be shown at the hearing hereof.

TO THE HONORABLE:-

That a Writ of Certiorari be granted by this Honorable Court directed against said defendants, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and order of said Board of October 17, 1952 in this proceeding and prescribing therein the time in which a return thereto shall be made and served upon the Attorney for the defendants.

That said Board of Zoning Appeals of Baltimore County may be required to return to this Honorable Court the original papers acted upon by it, or certified copies thereof, together with a copy of all records in said proceeding and a transcript of all testimony taken before said Board in connection with said proceedings, as well as a copy of the Order entered by said Board and a copy of any and all rules and regulations pursuant to which said Order was entered and said Board purported to act.

That this Honorable Court may permit your Petitioner to take such other and further testimony as may be necessary for the proper disposition of this matter.

That this Honorable Court may reverse, set aside, annul and declare void and of no effect the decision and order of the Board of Zoning Appeals for Baltimore County of October 17, 1952.

And for such other and further relief as the nature of their case may require,

AND AS IN DUTY BOUND, etc.

John R. Howe

Harold M. Vink

Attorneys for Petitioners

STATE OF MARYLAND to wit
CITY OF BALTIMORE

I HEREBY CERTIFY, That on this _____ day of November, 1952, before me the undersigned, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared LEROY DANIELS, one of the Petitioners in the above case, and made oath in due form of law that the matters and facts contained in the foregoing Petition are true to the best of his information, knowledge and belief.

Notary Public

Upon the foregoing Petition and Affidavit, it is this _____ day of November, 1952, by the Circuit Court for Baltimore County,

ORDERED that a Writ of Certiorari be issued to H. Ouy Campbell, Daniel U. Hubers and Carl F. Vohlen, constituting the Board of Zoning Appeals of Baltimore County, to review the decision and order of said Board of Zoning Appeals, dated October 17, 1952, and require the said Board to return to this Court all papers, records and proceedings in said matter and a transcript of all testimony presented before the Board in connection with said proceedings and a copy of any and all rules and regulations pursuant to which said order was entered and said Board acted, to enable this Court to review said order and decision of the Board and that a return to this Petition shall be made and served upon the Defendants' Attorney in ten days from the date of this Order, and

IT IS FURTHER ORDERED that the said Board of Zoning Appeals of Baltimore County shall return to this Court all the original papers, or certified or sworn copies thereof and the return shall concisely set forth such other facts as may be pertinent to show the grounds of the decision and order appealed from, together with a transcript of all testimony taken at the hearing and copies of exhibits filed therewith.

True Copy Test

John R. Howe

RE: HEARING TO DETERMINE NON-CONFORMING USE
OF PROPERTY OF LEROY DANIELS -
Catonsville Manor, 1st District of
Baltimore County

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on September 25, 1952, determining a non-conforming use of the property described in said Order; and it appearing from the facts and evidence adduced at the appeal that there is a lawful non-conforming use as to Lots Nos. 23 to 28, inclusive, of Block 6 of Catonsville Manor.

It is this _____ day of October, 1952, ORDERED that said lots shall be recognized as bearing a non-conforming use, but that none of the other of said lots mentioned or described in these proceedings shall bear a non-conforming use for an automobile junkyard or dismantling of automobiles or any other such similar related business; and further, that all lots excepting the rear 50 ft. of Lots Nos. 23 to 28, inclusive, of Block 6 be cleared within sixty (60) days from the date of this Order, with exception of an area of land equal to that of the 50 ft. depth of Lots Nos. 23 to 28, inclusive; and provided further, that said extension shall be adjoining and contiguous to Lots Nos. 23 to 28, inclusive.

Chairman

Board of Zoning Appeals of
Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by LeRoy Daniels from an Order of the Zoning Commissioner of Baltimore County dated June 11, 1952, determining that a non-conforming use is applicable for the operating of an automobile junk yard on Lots Nos. 23, 24, 25, 26, 27, and 28 of Block 6 of Catonsville Manor, under the Zoning Regulations and Restrictions for a non-conforming use, to be extended or enlarged to an extent not more than once again the area of land used in Lots Nos. 23 to 28, inclusive, and that no non-conforming use exists for the use of any other lots in Block 6.

The case came on for hearing before the Board, testimony was taken, and counsel heard.

The property which is the subject of consideration consists of Lots Nos. 9 to 34, inclusive, Block 6 of Catonsville Manor, and Lots Nos. 49 to 64, inclusive, Block 6, Catonsville Manor. These are the lots which are now being used by LeRoy Daniels for the operation of an automobile junk yard. In addition to these lots LeRoy Daniels owns Lots Nos. 39, 40, and 41, Block 6; Lots Nos. 21, 24, 29, 30, 37, 44, 54, 55, 57, and 72 of Block 9. He testified that he has never used Lots Nos. 39, 40, and 41 in Block 6, nor any of the lots in Block 9.

The Board finds from the testimony in this case that LeRoy Daniels was using the rear portions of Lots Nos. 23, 24, 25, 26, 27, and 28 of Block 6 of Catonsville Manor; but that the front portions of these lots along Carroll Street, having a depth of 75 feet from the edge of said street were never used for junking or automobile dismantling because of the house, driveway, and side lawn prior to January 1, 1945.

And, therefore, the Board will pass its Order in accordance with this opinion.

Chairman

Board of Zoning Appeals of
Baltimore County

FILED JUN 20 1952

AUGUSTINE J. MULLER, ZONING COMMISSIONER
VS.
LE ROY DANIELS
Catonsville Manor, 1st District of
Baltimore County, Maryland

June 19, 1952

Mr. Augustine J. Muller
303 Washington Avenue
Towson 4, Maryland

Dear Sir:

LeRoy Daniels feeling aggrieved by the decision of the Zoning Commissioner, represented by a final order dated June 11, 1952, in the above entitled case, hereby enters an appeal to the Board of Zoning Appeals from said final order, except for that part of said final order applying to Lots Nos. 23 to 28, inclusive, of Block 6, of Catonsville Manor.

Please send all papers to the Board of Zoning Appeals.

Augustine J. Muller
John B. Rowe
Attorneys for LeRoy Daniels

FILED JUN 20 1952
RECEIVED BY THE BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

The property which is the subject of consideration for the establishment of a nonconforming use by LeRoy Daniels consists of Lots Nos. 9 to 34, inclusive, Block 6 of Catonsville Manor, and Lots Nos. 49 to 64, inclusive, Block 6, Catonsville Manor. These are the lots which are now being used by said LeRoy Daniels for the operation of an automobile junk yard. In addition to these lots LeRoy Daniels owns Lots Nos. 39, 40 and 41, Block 6, Lots Nos. 21, 24, 29, 30, 37, 44, 54, 55, 57 and 72 of Block 9.

LeRoy Daniels testified that he has never used Lots Nos. 39, 40 and 41, in Block 6, nor any of the lots recited in Block 9 for the operation of a junk yard and, therefore, these lots will not be considered in this case for LeRoy Daniels admits he has no right of a nonconforming use on these lots.

Lots Nos. 23, 24, 25, 26, 27 and 28, Block 6, were acquired by William Daniels, the father of LeRoy Daniels in 1918. LeRoy Daniels testified that "about 1938 or maybe before" he started the junk business on his father's property. He also testified that in 1940 he started operation on the lots fronting on Queen Anne Avenue in the rear of his father's property. His testimony as to the date and the extent of his operations other than on Lots Nos. 23 to 28 is not clear.

The testimony of Harry F. Edmund, 5950 Queen Anne Avenue, was to the effect that Lots Nos. 23 to 28, inclusive, were used for the junking of cars since 1940. He further testified that no other junking operations were being carried on, on any property in Block 6 in 1940. He also testified that the business started to expand to lots other than Lots Nos. 23 to 28, inclusive, in "about 1947 or 1948".

William Edmund, 5917 Prince George Avenue, testified that he moved to the above address in 1947 and that he could see no cars on the property at that time. It was after this that the cars on the lots fronting on Queen Anne Avenue were constructed and that after this "the cars started to come in".

Irenebeth Sladen, 5212 Queen Anne Avenue testified that she moved to the above address after the fourth of July 1947 and there were not any cars that I could see unless they were on the other side of the house, not even a car in the drive".

Mildred I. Murphy, 1356 Lafayette Avenue, Baltimore 7, Maryland, testified that she inspected the property at the corner of Dorchester and Queen Anne Avenue in July 1947, the property being for sale and there were no cars there at that time.

Mrs. Fritz, 5930 Carroll Avenue, testified that in 1937 and 1938 cars were junked on the father's property on Lots Nos. 23 to 28, inclusive, and that the expansion to other lots took place in 1947.

William Lindesberger, 1120 Dorchester Road, testified that in 1948 when he moved to the above address there were no cars on LeRoy Daniels' property.

From the foregoing testimony it is seen that Lots Nos. 23 to 28, inclusive, were used prior to January 1, 1945 for the operation of an automobile junk yard and that this operation has not been discontinued for a period of one year since that time. It appears also that no other lots in Block 6 were used for the operation of the automobile junk yard prior to January 1, 1945 but that the use of these lots for such purposes commenced in 1947 or 1948.

It is, therefore, the opinion of the Zoning Commissioner of Baltimore County, that a lawful nonconforming use exists for the operation of an automobile junk yard on Lots Nos. 23, 24, 25, 26, 27 and 28 of Block 6 of Catonsville Manor with the right under the Zoning Regulations and Restrictions for this nonconforming use to be extended or enlarged to an extent not more than once again the area of land used in Lots Nos. 23 to 28, inclusive, and that no nonconforming use exists for the use of any other lots in Block 6.

It is this 19th day of June, 1952, ORDERED by the Zoning Commissioner of Baltimore County that all lots reciting Lots Nos. 23 to 28, inclusive, be cleared within sixty (60) days from the date of this Order, with the exception of an area of land equal to that of Lots Nos. 23 to 28, inclusive.

It is further ORDERED that LeRoy Daniels notify this Department in writing of the area of land so to be used in addition to Lots Nos. 23 to 28, said land to be contiguous to Lots Nos. 23 to 28, inclusive.

Augustine J. Muller
Zoning Commissioner
Baltimore County

August 21, 1951

Mr. LeRoy Daniels,
Queen Anne Avenue
Catonsville Manor
Baltimore 7, Maryland

Dear Mr. Daniels:

In connection with the investigation made by this Department as to the junk yard which you are operating in Catonsville Manor, we would like to state as follows:

According to the records in the office of Clerk of the County in Towson, we find that you have on record Lots Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Lots Nos. 21 and 22, Block No. 7, Catonsville Manor, were purchased by William A. Daniels in 1944.

According to the records you, LeRoy Daniels, also own Lots Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833,

you, LeRoy Daniels, Willard E. Daniels or Willard A. Daniels in strict violation of the Zoning Regulations and Restrictions and you are hereby directed to discontinue the use of these lots immediately.

On the lots mentioned above, which bear no date of purchase you are hereby directed that unless you can show proof that these lots were purchased prior to January 2, 1955, this also will prohibit the operation you are now conducting.

If there is any additional information necessary regarding this matter, please advise.

Very truly yours,

Zoning Engineer

cc/ Charles W. Held, Jr., Esq.,
Hedrick Building,
Towson 4, Maryland

September 21, 1951

Charles W. Held, Jr., Esquire,
Hedrick Building,
Towson 4, Maryland

Dear Mr. Held:

On August 21, 1951 a registered letter was mailed to Mr. LeRoy Daniels, Queen Anne Society Catonsville Manor, Catonsville, Maryland, a copy of which was referred to you. At that time Mr. Daniels was instructed that under the Zoning Regulations and Restrictions for Baltimore County, the property he is now using for a junkyard is non-conforming and that the use for the operation of an automobile junkyard was in violation of these Regulations and Restrictions.

We also informed Mr. Daniels at that time that there were certain lots, which apparently were not recorded in the Clerk's Office, for which we asked him to show proof that he owned same prior to January 2, 1955.

In view of the above the only assumption that this Department can make is that this operation commenced after January 2, 1955 only; therefore, the said LeRoy Daniels has no right to a lawful non-conforming use.

We are referring this matter to you for whatever action you may deem necessary.

Very truly yours,

Zoning Engineer

Mr. LeRoy Daniels,
59M Queen Anne Avenue,
Baltimore 7, Maryland

Dear Mr. Daniels:

This Department has from time to time received complaints concerning the operation of your junk yard in Catonsville Manor. Upon investigation of this operation by this Department, it could not be ascertained whether you have a lawful nonconforming use for the operation of this junk yard, and if such a right exists, the extent to which it exists.

This Department has been requested by counsel, representing the proponents to the operation of this junk yard, that a public hearing be held to determine the facts in the case. This hearing will be held on Wednesday, January 20, 1952 at 1:00 P. M. in the Hearing Room, in the basement of the Redwood Building, Towson, Maryland.

It is recommended that you produce at this hearing any records or data which might be of help in determining your right in the operation of this junk yard.

Very truly yours,

Zoning Commissioner

February 1, 1952

DATES DANIELS JUNK YARD INSPECTED

Dec 9 1950
April 13, 1951
May 1, 1951
May 5, 1951
May 9, 1951 w/irvin
May 15, 1951 w/irvin
May 17, 1951 w/irvin
May 19, 1951 w/irvin
May 21, 1951 w/irvin
May 22, 1951 w/irvin
May 23, 1951 w/irvin
May 24, 1951 w/irvin
May 25, 1951 w/irvin
May 29, 1951 w/Pittinger
June 1, 1951
June 4, 1951 Met Mr. Hable Atty
June 6, 1951 w/Pittinger
June 7, 1951 w/Pittinger
June 11, 1951
June 13, 1951
June 15, 1951
June 16, 1951 w/Heinmiller
June 20, 1951
June 25, 1951
June 26, 1951
June 29, 1951
July 2, 1951
July 3, 1951
July 4, 1951
July 7, 1951
July 9, 1951
July 16, 1951
July 21, 1951
July 27, 1951
July 28, 1951 w/Heinmiller
July 31, 1951 w/Heinmiller
Aug 1, 1951
Aug 7, 1951
Aug 16, 1951
Aug 23, 1951
Aug 27, 1951
Sept 1, 1951
Sept 25, 1951
Oct 31, 1952

Dec 9/50 - Complaint on Queen Anne Rd Catonsville Manor, Daniels Junk Yard. Was serving & clearing around buildings.

May 10/51 - Talked to Roy Daniels who informed me he would continue to clear & clean Junk Yard as instructed.

June 1/51 - To Daniels Junk Yard to meet with Mr. Hable, Atty for Daniels. To Hable's office, Woodlawn. Meeting with Daniels and Hable also Mr. Harshardt of Haling & Harshardt Assoc. Mr. Hable would not let Mr. Harshardt sit in on meeting.

June 6/51 - Picked up pictures of Junk Yard from Catonsville Police.

June 20/51 - Visited Junk Yard with Mr. Heinmiller of Zoning Dept. Met with Off. Pittinger at Police Dept in connection with Junk Yd.

June 25/51 - To Daniels Junk Yard and Mrs. Scholten's garage - resident complaint.

June 26/51 - Called 11:30 P.M. Central Ave-burning of Junk. Upon arrival found no fire.

July 24/51 - Visited Junk Yd with Mr. Heinmiller of Zoning Dept and Mr. Tuckman of Highway Dept. Checked lots and conditions; also to check if corrections had been made to date. Little had been done as recommended. Albert Daniels was not easy to talk to. Refused to answer questions from Mr. Heinmiller showed badge before he would answer questions for all concerned.

July 31/51 - Worked with Heinmiller and Tuckman checking Daniels ownership of property in transfer office.

Aug 7/51 - To Daniels Junk Yard to see Mrs. Lindenberg, Complaint. Also to Zoning office to see Mr. Heinmiller to go over Daniels Junk Yards plans.

Aug 22/51 - Checked with Mr. Heinmiller about Daniels Junk Yards plans.

X Sep 4/51 - Checked with Zoning Dept. about Daniels Junk Yard.

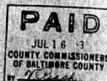
Oct 11/52 - Mr. Heinmiller of Zoning Dept. requested Haisel to check with Lint Knapp of Catonsville P.D. about Daniels Junk Yard and advise him he would be called to swear under oath as to what was said at hearing.

July 16, 1953

\$16.00

RECEIVED of New, Rose & Wick, Attorneys for Willard A. Daniels, the sum of Sixteen (\$16.00) being cost of certified copies of petition and other papers filed in the matter of property in Catonsville Manor, 1st District

Zoning Commissioner

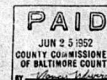


June 21, 1952

\$22.00

RECEIVED of Harold N. Vink, Attorney for LeRoy Daniels, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner rendered in the matter of a nonconforming use of property in Catonsville Manor, 1st District of Baltimore County.

Zoning Commissioner

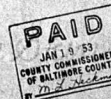


January 16, 1953

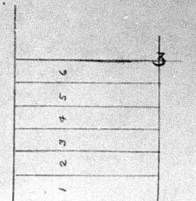
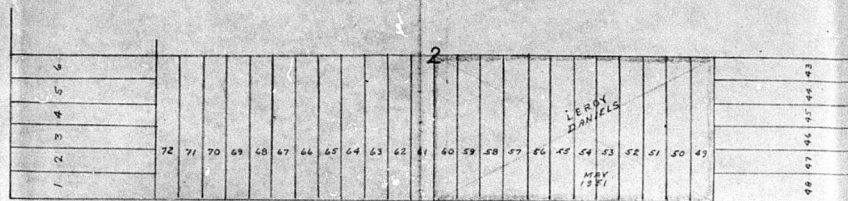
\$5.00

RECEIVED of Harold H. Vink, the sum of Five (\$5.00) Dollars, being cost of certified copies of papers filed in the matter of non-conforming use of property of LeRoy Daniels, Catonsville Manor, First District.

Zoning Commissioner

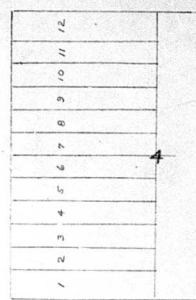
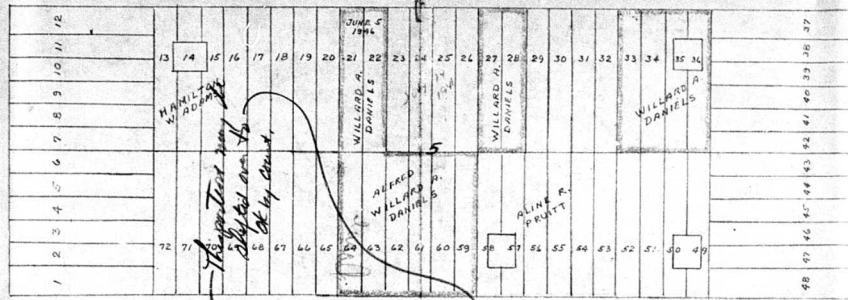


PRINCE GEORGE ST.



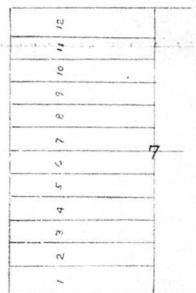
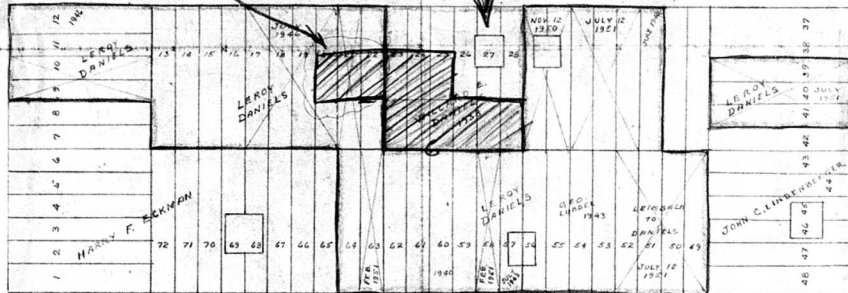
ST. MARY'S STREET

STREET



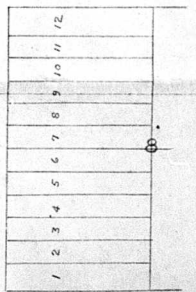
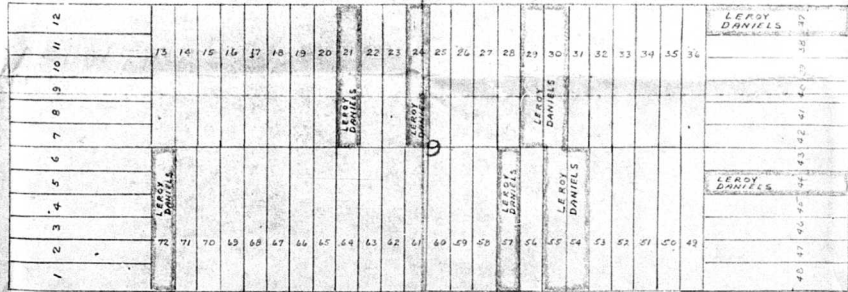
CARROLL STREET

STREET



QUEEN ANNE STREET

STREET



TALBOTT STREET

STREET

SCALE 1" = 50'

*Leroy Daniels
5931 Canal Ave*

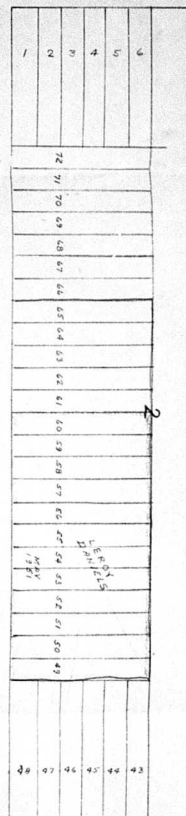
*Leroy
defunct
Harry*

Angus

Plot

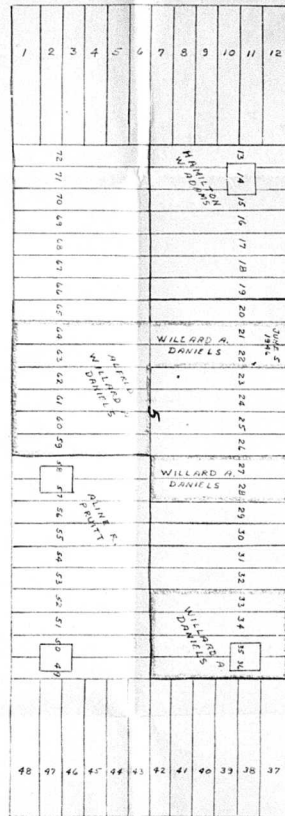
PRINCE GEORGE ST.

Lot 100
St. Mary's
St. Paul's



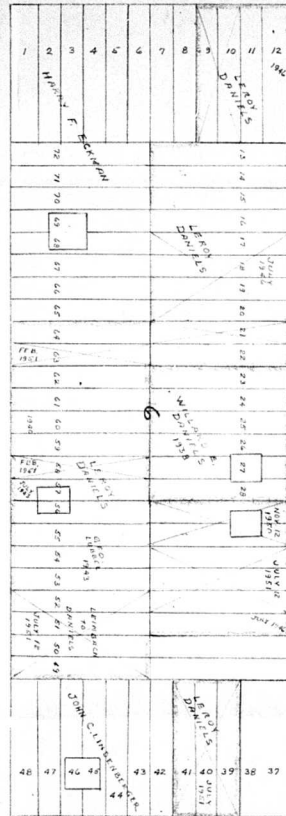
ST. MARY'S

STREET



CARROLL

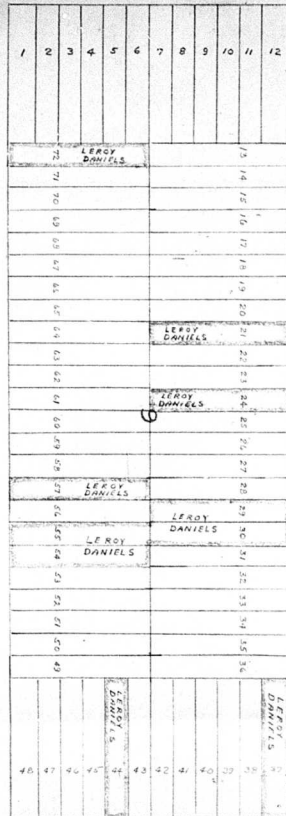
STREET



QUEEN

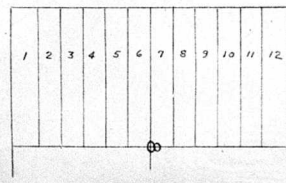
ANNE

STREET



TALBOT

STREET



DORCHESTER

AVENUE

SCALE
1" = 50'

