

IN THE MATTER OF PETITION FOR SPECIAL HEARING - Property 801 S. of Joppa Road at and of a 20' R/W (Said R/W being 100' W. Sims Ave., 5th Dist., Lyle Grant and Frank B. Kerst, Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY No. 64-4SPH

The petitioners requesting a special hearing in the above entitled matter asked that the Zoning Commission decide the following:

Lyle Grant and Frank B. Kerst, by their attorney, M. Michael Neelan, hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the operation of a manufacturing plant for the manufacture of cement and concrete products and the storage of dry cement violates the special permit granted to Ark Read Mix Concrete Corporation on or about the 18th day of June, 1952.

Examination of the files in this matter discloses that the Zoning Commission on January 26, 1952 decided that the parcels of the subject property, known as No. 1 and 2, had a legal nonconforming use. The County Board of Appeals on April 10, 1953 decided that only parcel No. 1 had a legal nonconforming use.

The record before the County Board of Appeals had all reviewed and it is apparent that the County Board of Appeals had all necessary facts before them to decide the matter and that no definite act of facts is now before the Zoning Commission. The proper remedy would have been for the petitioners in the matter before the County Board of Appeals, Case No. 551-27, to appeal to the Circuit Court for Baltimore County.

The matter, therefore, heretofore referred to in petition of Lyle Grant is a matter previously decided by the County Board of Appeals and cannot now be considered by the Zoning Commission since the Order of the County Board of Appeals is final.

MICROFILMED

IN THE MATTER OF THE PETITION OF Lyle Grant 3503 East Joppa Road Baltimore 34, Maryland and Frank B. Kerst 3615 East Joppa Road Baltimore 34, Maryland

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR A SPECIAL HEARING

To the Zoning Commissioner of Baltimore County:

Lyle Grant and Frank B. Kerst, by their attorney, M. Michael Neelan, hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the operation of a manufacturing plant for the manufacture of cement and concrete products and the storage of dry cement violates the special permit granted to Ark Read Mix Concrete Corporation on or about the 18th day of June, 1952.

Location of Property:

All that parcel of land beginning 824 feet south of Joppa Road at the end of a 20 ft. right of way (said right of way being 400' west of Sims Ave.) thence running the following courses and distances, north 55° 40' west 379.4 ft. thence south 29° 14' west 100 ft. thence south 49° 35' east 459.07 ft., thence north 80° 20' east 200 feet to place of beginning.

Lyle Grant, Petitioner 3503 East Joppa Road (34)

Frank B. Kerst, Petitioner 3615 East Joppa Road (34)

M. Michael Neelan, Attorney for Petitioners 2137 Dundalk Avenue, Baltimore 22, Maryland Afters 2-2700



10.00A M 1/16/64

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 4th Date of Posting: 12/2/63
Posted for: Hanging Tree, Inc. 12/2/63
Petitioner: Lyle Grant and Frank B. Kerst
Location of property: 3503 East Joppa Road, Baltimore 34, Maryland
Location of signs: 3503 East Joppa Road, Baltimore 34, Maryland
Remarks: Petition for Special Hearing
Posted by: [Signature] Date of return: 12/10/63

MICROFILMED

M. Michael Neelan, Esq. 2137 Dundalk Avenue, Dundalk, Maryland 21222

Re: Zoning File 64-4-SPH Lyle Grant and Frank B. Kerst, Petitioners

Dear Mr. Neelan:

Enclosed herewith is a copy of the Order of Dismissal passed by the County Board of Appeals today in the above entitled case.

Very truly yours,

Edith J. Hinchey, Secretary

cc: Joseph E. Faherty, Esq. Mr. John G. Ross Mr. Geo. E. Gervais Office of Law

MICROFILMED

PETITION FOR A SPECIAL HEARING 9th District

IN THE MATTER OF THE PETITION OF Lyle Grant 3503 East Joppa Road Baltimore 34, Maryland and Frank B. Kerst 3615 East Joppa Road Baltimore 34, Maryland

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR A SPECIAL HEARING

To the Zoning Commissioner of Baltimore County: Lyle Grant and Frank B. Kerst, by their attorney, M. Michael Neelan, hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the operation of a manufacturing plant for the manufacture of cement and concrete products and the storage of dry cement violates the special permit granted to Ark Read Mix Concrete Corporation on or about the 18th day of June, 1952.

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MICROFILMED

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Examination of the files in this matter discloses that the Zoning Commission on January 26, 1952 decided that the parcels of the subject property, known as No. 1 and 2, had a legal nonconforming use. The County Board of Appeals on April 10, 1953 decided that only parcel No. 1 had a legal nonconforming use.

The record before the County Board of Appeals had all reviewed and it is apparent that the County Board of Appeals had all necessary facts before them to decide the matter and that no definite act of facts is now before the Zoning Commission. The proper remedy would have been for the petitioners in the matter before the County Board of Appeals, Case No. 551-27, to appeal to the Circuit Court for Baltimore County.

The matter, therefore, heretofore referred to in petition of Lyle Grant is a matter previously decided by the County Board of Appeals and cannot now be considered by the Zoning Commission since the Order of the County Board of Appeals is final.

Dated: January 15, 1964

Edith J. Hinchey, Secretary

cc: Joseph E. Faherty, Esq. Mr. John G. Ross Mr. Geo. E. Gervais Office of Law

10.00A M 1/16/64

MICROFILMED

IN THE MATTER OF THE PETITION OF Lyle Grant 3503 East Joppa Road Baltimore 34, Maryland and Frank B. Kerst 3615 East Joppa Road Baltimore 34, Maryland

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR A SPECIAL HEARING

To the Zoning Commissioner of Baltimore County: Lyle Grant and Frank B. Kerst, by their attorney, M. Michael Neelan, hereby petition for a Special Hearing, under the Zoning Law and Regulations of Baltimore County, to determine whether or not the operation of a manufacturing plant for the manufacture of cement and concrete products and the storage of dry cement violates the special permit granted to Ark Read Mix Concrete Corporation on or about the 18th day of June, 1952.

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Lyle Grant, Petitioner 3503 East Joppa Road (34)

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M. Michael Neelan, Attorney for Petitioners 2137 Dundalk Avenue, Baltimore 22, Maryland Afters 2-2700

10.00A M 1/16/64

MICROFILMED

IN THE MATTER OF THE PETITION FOR SPECIAL HEARING - Property 801 S. of Joppa Road at and of a 20' R/W (Said R/W being 100' W. Sims Ave., 5th Dist., Lyle Grant and Frank B. Kerst, Petitioners

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Dated: January 15, 1964

Edith J. Hinchey, Secretary

cc: Joseph E. Faherty, Esq. Mr. John G. Ross Mr. Geo. E. Gervais Office of Law

10.00A M 1/16/64

MICROFILMED

RE: PETITION FOR SPECIAL HEARING
to determine whether or not the
operation of a manufacturing plant
for the manufacture of cement and
concrete products and the storage of
dry cement violates the special per-
mit granted to Ark Ready-Mix
Concrete Corporation on or about
the 18th day of June, 1952.
224 South of Joppa Road at end of
a 20' right-of-way (old R/W being
400' West of Simms Avenue)
This District
Lyle Grant and Frank B. Kerst,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 64-4-SPH

The complainants in this matter filed a petition with the Zoning Commissioner
for a SPECIAL HEARING to determine whether or not the operations of the Ark Ready-Mix
Corporation are in violation of the special permit granted to Ark on June 18, 1952. The
Zoning Commissioner, on January 15, 1964, decided that the matter had been previously
decided by the Board of Appeals and denied the request. The complainants appealed from
this ruling.

On April 16, 1963 the Board of Appeals decided that the use of Parcel #1
of the Ark property as a sand and gravel pit, and the right to wash and strain materials, etc.,
the hauling of sand and gravel into the property for washing, loading, mixing, etc. did not,
in the Board's opinion, violate the permit granted Ark in 1952. In the case of Smith vs.
County Board of Appeals, #3405, Misc. Docket #8, Folio 29 in the Circuit Court for Balti-
more County, Judge Jenifer, at page 3 in his opinion, mentioned that the Board had found
in its April 18, 1963 opinion that the hauling of sand and gravel into the property and the
mixing, weighing, etc. thereof was an allowable use under the permit granted Ark.

The counsel for both Ark and the complainants appeared before the Board,
and after a conference between counsel and the Board, counsel for the complainants agreed
to withdraw his appeal in this matter.

MICROFILMED

- 2 -

Lyle Grant and Frank B. Kerst, Petitioners - #64-4-SPH

ORDER

For the reasons set forth above, it is this 8th day of August, 1967
by the County Board of Appeals ORDERED that the appeal is withdrawn and same is
herely dismissed.

Any appeal from this decision must be in accordance with Chapter 1100,
subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Foster

John A. Slowik

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 20, 1963.
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 or about
the 18th day of December, 1963, the 18th publication
appearing on the 20th day of December
1963.

THE JEFFERSONIAN,
Towson, Maryland
Manager.

Cost of Advertisement, \$.....

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 12/20/63
Posted for: Lyle Grant & Frank B. Kerst
Petitioner: Lyle Grant & Frank B. Kerst
Location of property: 224 S. of Joppa Rd. at the end of a 20' R/W
400' West of Simms Ave.
Location of Sign: 224 S. of Joppa Rd. at the end of a 20' R/W
400' West of Simms Ave.
Remarks: [Signature]
Posted by: [Signature] Date of return: 12/20/63

MICROFILMED

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 22077
DATE 12/7/63

TO: Cash
BALDGO Zoning Department of
Baltimore County

QUANTITY: 1
REPORT TO ACCOUNT NO. CL-622
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
Petition for Special Hearing for Ark Ready-Mix Concrete
Folio 29 - Baltimore County, Md. - Office of Finance
12-263 7286 * * * TIL - 25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

MICROFILMED

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 22078
DATE 2/14/64

TO: M. Michael McCurdy, Esq.,
2137 Daniels Avenue,
Dundalk 25, Md.

Office of Planning & Zoning
213 County Office Bldg.,
Towson 4, Maryland

QUANTITY: 1
REPORT TO ACCOUNT NO. CL-622
DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE
Appeal case in matter of property of Lyle Grant and
Frank B. Kerst \$35.00
Cost of postage property 5.00 No. 00
No. 64-4-SPH
2-1764 328 * 22078 * TIL - 40.00
2-1764 328 * 22078 * TIL - 40.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 2/20/64
Posted for: Lyle Grant & Frank B. Kerst
Petitioner: Lyle Grant & Frank B. Kerst
Location of property: 224 S. of Joppa Rd. at the end of a 20' R/W
400' West of Simms Ave.
Location of Sign: 224 S. of Joppa Rd. at the end of a 20' R/W
400' West of Simms Ave.
Remarks: [Signature]
Posted by: [Signature] Date of return: 2/20/64

MICROFILMED

OFFICE OF
THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
Baltimore, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.
December 27, 1963

THIS IS TO CERTIFY that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County
was inserted in THE BALTIMORE COUNTEAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for one week, on or about the 18th day of
December, 1963, that is to say
the same was inserted in the issues of
December 20, 1963.

THE BALTIMORE COUNTEAN

Paul J. Morgan
Editor and Manager

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 20, 1963.
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 or about
the 18th day of December, 1963, the 18th publication
appearing on the 20th day of December
1963.

THE JEFFERSONIAN,
Towson, Maryland
Manager.

Cost of Advertisement, \$.....

MICROFILMED

ROBERT D. HENDERSON
HAROLD L. LEV

ROBERT D. HENDERSON
HAROLD L. LEV
ATTORNEYS AT LAW
307-10 COURT SQUARE BUILDING
BALTIMORE, MD. 21204

TELEPHONE
LEGATION 4-1842

July 16, 1967

County Board of Appeals
Room 301
County Office Building
Towson, Maryland 21204

Re: No. 64-4-SPH
Petition of Lyle Grant
and Frank B. Kerst

Gentlemen:

Please strike my appearance as Counsel of record for
Ark Radi-Mix Concrete Corporation in the above entitled case.

Very truly yours,

Harold Lev
HAROLD LEV

HL/mw

MICROFILMED

Rec'd 7/20/67
4. De a 11

ROBERT D. HENDERSON
HAROLD L. LEV

ROBERT D. HENDERSON
HAROLD L. LEV
ATTORNEYS AT LAW
307-10 COURT SQUARE BUILDING
BALTIMORE, MD. 21204

TELEPHONE
LEGATION 4-1842

November 17, 1965

Mrs. Edith T. Eisenhart, Secretary
County Board of Appeals
Room 301 County Office Building
Towson, Maryland 21204

Re: 64-4-SPH
Petition of Lyle Grant and Frank
B. Kerst

Dear Mrs. Eisenhart:

I would appreciate a postponement of the above entitled case
scheduled for trial on Tuesday, December 7, 1965, at 10:00 A.M.,
in as much as I have a prior commitment for a jury trial scheduled
for Monday, December 6, 1965 which will take several days to try.

Very truly yours,

Harold Lev
HAROLD LEV

HLrmb

cc: M. Michael Maslan, Esquire
Miss M. Jacqueline McCurdy

MICROFILMED

Rec'd 11-18-65
9:00 am

JOHN J. BISHOP, JR.
ATTORNEY AT LAW
833 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204
VALLEY 3-4321

June 22, 1965

County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Ark-Radi Mix Concrete
Corporation
Zoning File No. 64-4-SPH

Gentlemen:

Please strike my appearance as attorney for Ark-Radi Mix
Concrete Corporation.

Very truly yours,

John J. Bishop, Jr.
John J. Bishop, Jr.

JJB:ldp

cc: C. M. Zacharski, Jr., Esquire
c/o O'Connor and Sweeney
One Charles Center
Baltimore, Maryland 21201

MICROFILMED

Rec'd 6-23-65
8:30 am

LAW OFFICES OF
O'CONNOR & SWEENEY
ONE CHESAPEAKE CENTER
BALTIMORE, MARYLAND 21201

June 17, 1965

NOTE 1219
MILBURY 2-1141

Hon. William S. Baldwin, Chairman
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning File No. 64-4-SPH
Lyle Grant & Frank B. Kerst

Dear Sir:

In reply to your letter of May 27, 1965, I no longer
represent Trustees of Ark Radi-Mix Concrete Corporation in con-
nection with the captioned appeal and assume that current counsel
will furnish you with the information you requested.

Very truly yours,

C. M. Zacharski, Jr.
C. M. Zacharski, Jr.

CM2:hh

cc: Mr. Albert N. Gillett
Harold W. Lev, Esq.
Mr. Edward Welsch

MICROFILMED

Rec'd 6-23-65
9:30 am

December 8, 1964

Harold Lev, Esq.
307-10 Court Square Building
Baltimore, Maryland 21202

Re: Petition for Special Hearing - E24'S. of
Joppa Road at end of a 20' R/W - Pk Dist.
Lyle Grant & Frank B. Kerst, Petitioners
File 64-4-SPH

Dear Mr. Lev:

In reply to your letter of December 3rd, the appeal hearing on
the above case scheduled for Thursday, January 7, 1965 at 11:00 a.m., has been
postponed by the Board.

You will be duly notified of the rescheduling of this case at a
later date.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Secretary

cc: Mr. Michael Maslan, Esq.
Miss M. Jacqueline McCurdy
John J. Bishop, Jr., Esq.
C. M. Zacharski, Esq.
Edward Welsch
Mr. Pauline
Mr. Ross
Mr. Chevrolet
Baltimore
Mr. H. B. Stubb

MICROFILMED

ROBERT D. HENDERSON
HAROLD L. LEV

ROBERT D. HENDERSON
HAROLD L. LEV
ATTORNEYS AT LAW
307-10 COURT SQUARE BUILDING
BALTIMORE, MD. 21204

TELEPHONE
LEGATION 4-1842

December 3, 1964

Mrs. Edith T. Eisenhart
County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing - E24'S. of
Joppa Road at end of a 20' R/W - Pk Dist.
Lyle Grant & Frank B. Kerst, Petitioners
File 64-4-SPH

Dear Mrs. Eisenhart:

I received your notification of the above entitled case
being set for trial on January 7, 1965.

Unfortunately, I have a prior case scheduled for trial
on the same date.

I would, therefore, appreciate having the matter post-
poned.

Very truly yours,

Harold Lev
HAROLD LEV

HL:sup

MICROFILMED

Rec'd 12-4-64
2:30 PM

January 15, 1965

Mr. Michael Maslan, Esq.
217 Dundalk Avenue
Baltimore 22, Maryland

Re: Petition for Special Hearing
Lyle Grant and Frank B. Kerst
Baltimore - Case No. 64-4-SPH

Dear Mr. Maslan:

I have today rendered my decision in the
above matter in accordance with the attached copy of same.

Very truly yours,

John J. Bishop, Jr.
John J. Bishop, Jr.

cc: John J. Bishop, Esq.
217 Dundalk Avenue
Towson 4, Maryland

C. M. Zacharski, Esq.
1 Charles Center
Baltimore 1, Md.

Harold W. Lev, Esq.
307-10 Court Square Building
Baltimore 4, Maryland

Miss M. Jacqueline McCurdy
203 W. Chesapeake Avenue
Towson 4, Maryland

MICROFILMED

Mr. MICHAEL MASLAN
ATTORNEY AT LAW
217 DUNDALK AVENUE
BALTIMORE 22, MD.
February 12, 1964

REC'D
ZONING DEPARTMENT

Honorable John D. Rose,
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Re: Petition for Special Hearing
Lyle Grant and Frank B. Kerst
Petitioners - Case No. 64-4-SPH

ORDER TO ENTER APPEAL

Dear Mr. Rose:

Please enter an appeal from the decision in the above
entitled case to the Baltimore County Board of Zoning Appeals.

A check in the amount of \$40.00 is enclosed herewith
to cover the costs of same.

Very truly yours,

Mr. Michael Maslan
Mr. Michael Maslan

MM:slj

cc: Harold W. Lev, Esquire
307-10 Court Square Building (2)
Miss M. Jacqueline McCurdy
203 W. Chesapeake Avenue
Towson 4, Maryland

MICROFILMED

IN THE MATTER OF
THE PETITION OF

Lyle Grant
3603 East Joppa Road
Baltimore 34, Maryland

and

Frank B. Kerst
3615 East Joppa Road
Baltimore 34, Maryland

ZONING COMMISSIONER
OF BALTIMORE COUNTY

64-4SPH

.....
PETITION FOR A SPECIAL HEARING

To The Zoning Commissioner of Baltimore County:

X Lyle Grant and Frank B. Kerst, by their attorney, M. Michael Maslan,
hereby petition for a Special Hearing, under the Zoning Law and Regulations of
Baltimore County, to determine whether or not the operation of a manufacturing
plant for the manufacture of cement and concrete products and the storage of
dry cement violates the special permit granted to Ark Read Mix Concrete
Corporation on or about the 18th day of June, 1952."

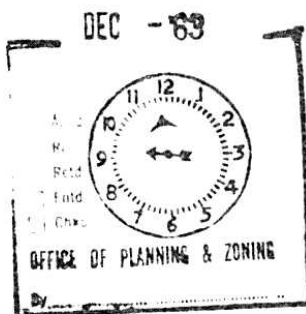
Location of Property: X

All that parcel of land beginning 824 feet south of Joppa Road at the end of a
20 ft. right of way (said right of way being 400' west of Simms Ave.) thence
running the following courses and distances, north 55° 40' west 379.4 ft. thence
south 25° 14' west 100 ft. thence south 45° 35' east 459.07 ft., thence north
8° 20' east 200 feet to place of beginning.

Lyle Grant
Lyle Grant, Petitioner
3603 East Joppa Road (34)

Frank B. Kerst
Frank B. Kerst, Petitioner
3615 East Joppa Road (34)

M. Michael Maslan
M. Michael Maslan,
Attorney for Petitioners
2137 Dundalk Avenue,
Baltimore 22, Maryland
Atwater 2-2700



1000A 71
1/7/64
12500
MICROFILMED

