## PETITION OR ZONING RE-CLA SIFICATION. AND OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we. John J. Germonko legal owner of the property situate in Baltimore 4 - 578 County and which is described in the description and plat attached hereto and made a part hereof, nereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an ... R-A

... zone, for the following reason

a. Change in the neighborhood.

b. Error in the original conine map.

See attached description

and 2) for a Special Exception under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

Property is to be posted and advertised as prescribed by Zoning Regulations I or we, agree to pay expenses of above re-classification and or Special Exception advertising. posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Contract purchaser

Legal Owner

Petitioner's Attorney of Titund Louise

#13

SEC 1 +3#

5W-6-6

EL.

S/S NHOF

614.35

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of July , 196 % , that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general cirout Baitimore County, that property he posted, and that the public hearing be had before the Zoning Commissioner of Baitimore County in Room 106, County Office Building in Towson, Baitimore County, on the ... 955. 



Zoping Commissioner of Baltin

nificance, and although if I had been the one to determine the facts I might have decided otherwise. I cannot say that the County Board of Appeals was arbitrary or capricious in determining that this zoning change does not require reclassification of the subject property. Understandably, the Board could have determined that reclassification of the subject property would constitute spot zoning. The Board could also, with reason, have determined that the proper dividing line between a business zoning on the east and the subject property is the storm drainage reservation in question, which would preserve the residential character of a large part of Research Avenue. Other factors, which are of significance in zoning matters, in my judgment, were that Appellant did not meet his burden to prove that a change in zoning would not create traffic hazards on Hollins Ferry Road. Because of the present construction of Hollins Ferry Road and its proximity to the ramps from and to the Baltimore County Beltway, traffic hazards might well be created by development of this lot for business purposes. However, all I need determine is whether the record discloses that such a development would not create traffic hazards, and the record does not meet that requirement.

For the reasons stated, the order of the County Board of Appeals will be affirmed.

Saption lon 19. 1949.

ZONING FILE #69-57-R

RE: PETITION FOR RECLASSIFICATION :

from an R-6 zone to a B.L. zone, south side of Hollins Ferry Road, 614.35 feet west of Hammonds Ferry

John J. Germenko, Petitioner

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Case No. 4293

Folio 474

.........

OPINION

THE COURT: This is an appeal from the order of the County Board of Appeals, dated July 22, 1969, which affirmed the action of the Zoning Commissioner of Baltimore County in denying the reclassification requested by Germenko (Appellant) of 46-hundredths of an acre of land, located on the south side of Hollins Ferry Road between the Baltimore County Beltway on the west and Hammonds Ferry Road on the east. The zoning reclassification sought was from an R-6 zone (established by the zoning map approved on June 2, 1959) to a B.L. zone.

The opinion of the Board leaves much to be desired. However, the question presented to the Court by this anneal, based upon the record in this case, is did the County Board of Appeals in denying the requested reclassification act in an arbitrary, capricious or illegal manner? There is certainly nothing in the record, in my judgment, to indicat, that the Board acted in an illegal manner. As I understand it, Appellant does not seriously raise this question. The only possible basis for such a contention is that the property cannot be developed conomically under its present classification. However, the evidence proves the contrary. Also Appellant knew of the zoning classification when he purchased the property, at which time it FILED SEP 23 1969

ander

PETITION FOR RECLASSIFICATION South Side of Hollins Ferry Road 614,35 feet West of Hammonds F

CIRCUIT COURT

John J. Germenko Petitioner-Appellant No. 69-57 - R

FOR BAL TIMORE COUNTY

8/474/4293

IN THE

ORDER

The Appeal of the Petitioner-Appellant, John J. Germer for Reclassification from the Orders of the Zonine Commissioner and the County Board of Appeals of Baltimore County having been heard, and after hearing the argument of counsel for both sides and having read the transcript it is this 24 Hday of Alta Lu. 1969, by the Circuit Court for Baltimore County

ORDERED, that the Order of the County Board of Appeals of Baltimore County, denying the reclassification of the subject property, be and is hereby affirmed.

LIFERRY CERTIES that on this '969. a conv of the above Order was mailed to J. Francis Ford, Esc. 496 Blaustein Building, Baltimore, Maryland, 21201, Counsel for Petitioner,

CHAYMOND E. PRVON

FILED SEY 24 1969

was exactly as it is today. Caveat emptor: He does contend, owever, that the decision of the Board is not supported by substantial evidence; that the evidence proves either error in the original map or that there have been changes of substance in the mediate area since the adoption of the map.

First, was there any evidence of error in the ap? The evidence discloses that Research Avenue, located to the south of the subject property, has been developed for a number of ears with neat, moderate priced residences - probably prior to the adoption of the present zoning map in 1959. Although Holling Ferry Road was improved fairly recently - I believe the record in icates in 1968 - the record does not show in what way it was im proved, other than the construction of a median strip in the of the road in front of the subject property. The record oes not disclose what the width of Hollins Ferry Road was prior improvement, nor what the grade of Hollins Ferry Road was oning map in June 1959, whether the right-of-way was finally es tablished by that date. The development of the land southerly from Hollins Ferry Road and westerly from Hammonds Ferry Road, prior to the adoptio, of the zoning map, was residential in character for families of moderate incomes. The Court cannot

Second, Appellant contends that there is in the ecord evidence of changes of substance in the immediate area of the subject property, which would require the reclassification in this case. The changes referred to in the testimony are six in

-2-

from the subject property, and two are at a substantially greater Although the zoning classification of each of the four has been changed since June 1959, the record discloses that no de velopment in accordance with the new zoning classification has taken place on any of the four properties, although one was rezoned in January, 1964, and a second zoned the same date: the third was zoned in May, 1965, and the fourth in June, 1966. The two other changes involved property at the intersection of Hollin Ferry and Hammonds Ferry Roads. One of these is located at the northeast corner of that intersection, and was reclassified to business local with a special exception for a filling station. That property has since been improved by the erection of a Farm Store and an "sso filling station. It is approximately 250 to 300 feet from the subject property (from the plats in evidence),

Of the six, two are located at least a block and a half

Finally, is the reclassification of property at the southwest corner of Hammonds Ferry and Hollins Ferry Roads, which has since been improved by the erection of a Shell filling station. This is adjacent to the subject property but is separated from it by a storm drainage reservation, which would appear to the Court to vary in width from 50 to 55 feet at the south edge of Hollins Ferry Road (extension of front line of subject property) to something in excess of a hundred feet along the rear lot lines of properties fronting on Research Avenue (extension of the rear lot line of subject property).

and is on the far side of Hanmonds Ferry Road. This change does

not, in my judgment, constitute the kind which would warrant re-

zoning of the subject property.

Although this change is unquestionably of sig-

-3-

entA

IN THE PETITION FOR RECLASSIFICATION from an R-6 to a 3 L ron CIRCUIT COURT South Side of Holling Ferry Road 614. 15 feet West of Hammends Perry Road 13th District BALTIMORE COUNTY John J. Germenko

Petitioner-Appellant No. 69 - 57 - R

8/474/4293

ORDER OF APPEAL

Please enter an Appeal on behalf of John J. Germenko from the judgment in the above entitled case to the Court of Appeals of Maryland

J. FRANCIS PORD 1012 Bloostein Building Baltimore, Maryland 21201 539-7261

Attorner for John J. Gencen's

THIS IS TO CERTIFY that on this Chief day of detailer, 1969, copy of the aforegoing Order of Appeal was marted to Especial E. Pryoc, Esquire, 16 Foultable Building, Baitimore, Maryland 21202.

J. Follow In Follow

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING COUNTY OFFICE SULLDING TOUSON, MARYLAND 21204

Reclessification from an R-6 zone to an BL zone for John J. Garmanke, located \$7.3 of Hollins Farry Road 618.35' M. of Hemmands Farry Road 13th District (Itom 28, July 30th, 1968)

Dear Stra

The Zening Advisory Committee has reviewed the subject patition and has the following commants to offers

button of inclusions where in helling force, no. 4.

Maker - Estating 200 maker in helling force, no. 4.

Famor - Estating 120 senitary samer in easement as shown on the submitted plan.

Adopacts of estating utilities to be determined by developer or his angineer.

Read - Nelling forcy Mg. is an existing improved road to which further improvements

util met be required.

Estate Steff - The developer shall be responsible for determining the Speer Flood

liefts of the existing stream along the east property line prior to issuance of a building newest.

STATE ROADS COMMISSIONS
There is an existing curb depression in the vicinity of the proposed entrince but it is not directly opposite the median crossover; therefore, the curb depressed must be relocated as indicated on the plan. However, the entrance must be of a depressed curb type with 30° transitions and a contract agram must extend from the curb to

The entrance will be subject to State Reads Commission approval and permit

SUREAU OF TRAFFIC ENGINEERING: This office will review and submit any necessary comments at a later date.

NEALTH DEPARTMENT:
Frior to approve of building application for this food service facility, complete
plans and specifications for both the building and equipment must be submitted to
the Division of Food Central, Beltimere County Department of Health, for review and

ZOM,NG ADMINISTRATION DIVISION:
If the petition is granted, no octupency may be unde until such time as plans-have been substited and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requestor, but to essure that all parties are made sware of plans problems that may have a bearing on this case. The Birector and/or the Bapty Director of the Office of Planning and Zening will subsit recommendations on the appropriateness of the requested zoning 10 days before the Zening Commissioner's

The following members had no comment to offers

Project Planning Division; Suilding Engineer; Board of Education; Industrial Covelegment. Wery truly yours.

MRES E. DYER. Zoning Supervises

JED:JO

Anna E, wran,

cci Carlyle Brown-Bur. of Engr.;

John Mayers-State Boods Comm.; C. Richard Moore-Bur. of Traffic Engr.;

Villam Greenwell-Mealth Dept.

-4-

RE: PETITION FOR RECLASSIFICATION from an R-6 zone to B.L. zone South Side of Hollins Ferry Road 614.35 feet West of Ho Ferry Road 13th District

John J. Germenko Petitioner

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 69-57-R

### . . . . . OPINION

This appeal by the Petitioner comes to this Board from a denial by the Deputy Zoning Commissioner. The Petitioner in this case requests reclassification of a small (0.46 acres, more or less) tract of ground on the south side of Hallins Ferry Road 614.35 feet west of Hammonds Ferry Road, in the 13th Election District of Baltimore County, from R-6 zone to 3.L. zone.

The parcel is wedge-shaped, and is situated less than 200 feet east of the on and off ramps of the Baltimore Beltway. The Petitioner, if successful, proposes to construct on the subject property a small carry-out restaurant apprus mately 40 x SO feet.

A real estate expert familiar with the area testified to various changes within the general neighborhood, including changes to M.L., R.A. and B.L. In addition, a qualified civil engineer testified in behalf of the Petitioner, citing that some difficulty would be experienced in developing this parcel for any use, residential or other use. However, on cross-examination he stated that the cost of developing these lots residentially would be approximately the same as any other R-6 lots.

A neignborhood resident protested this case, describing to this Board the residential properties abutting the south boundary of the subject property and the residential character of the small area which lies between Hammonds Ferry Road and the Baltimore Beltway. In addition, the Protestant described the traffic patterns immediately affecting the subject property, including the traffic entering and exiting the Beltway, as

John J. Germenko - #69-57-R

well as the median strip dividing Hollies Ferry Road in front of the subject property.

While carefully considering the testimony regarding neighborhood changes, it is the judgment of this Board that same does not directly relate to the subject parcel, nor are they sufficient in character to justify the reclassification sought in this Equally impressive to the Board is the evidence that indicates that the subject property is so located that the commercial use of this parcel may seriously impair the Beltway access road traffic patterns

Without going into further detail, it is the judgment of this Board that the Petitioner has failed to show evidence of error in the original use map, or changes in the character of the neighborhood that warrant the granting of this petition.

#### ORDER

For the reasons set forth in the aforegoing Opinion, it is this 22nd day of July, 1969, by the County Board of Appeals ORDERED, that the reclassification petitioned for be and the same is hereby DENJED.

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

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

PETITION FOR RECLASSIFICATION S/S of Hollins Ferry Road, 614 95W



BALTIMORE COUNTY

#### NOTICE OF APPEAL

Please enter an Appeal in the above entitled case on behalf of the Petitioner, John J. Cermenko, to the County Board of Appeals from the decision of the Deputy Zoning Commissioner of Baltimore County, in the above entitled case.

> - James Jos J. FRANCIS FORD 406 Blaustein Building Baltimore, Maryland 2J201 539-7244

Attorney for the Petitioner

RE: PETITION FOR REGLASSIFICATION S/S of Hollins Ferry Road, 614.15' W of Hammonds Ferry Road - 13th District John J. Germenko - Petitioner

NO. 69-57-P

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

BEFORE THE

... ... ...

The Petitioner has requested a reclassification of his proper ty, consisting of 0,46 of an acre, from a R-6 zone to a BL zone. Plans call for the operation of a carry out-restaurant.

Without reviewing the evidence in detail, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has failed to show either error in the original zoning map or such substantial changes in the character of the neighborhood justifying the rezoning sought.

For the aforegoing reasons. IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 26 day of November, 1968, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a R-6 zone.

MONFRED & LENTZ 30-38 EQUITABLE BUILDING

MULEERRY 8-6716 MULEERRY 8-6716

March 18, 1969

County Board of Appeals County Office Building Towson, Maryland 21204

Re: John J. Germenko, Petitione:

Please eater my appearance in the above entitled case on behalf of the protestant Mr. R. H. Glensky, Sr.

Thank you for your cooperation in this matter.

Joseph F. Lentz, Jr.

Very truly yours,

Description for Zoning

BATE 6/2/58

1 or 1 3 -

All that piece or percel of land situate, lying and being in the Thirteenth Election District, Baltimore County, State of handled and described as follows, to wit:

as follows, to with

HENTHUME for the game at a moint on the southwest right of way line of
Holline Perry Rond as shown on State Bonds Consisting of Paryland Mat No. 1972a,
at the distance of Chi.35 feet measured westerly from the intersection of maid
southwest right of way line of Holline Perry Rond with the westers take of
Hawmonds Perry Rond, and worth of Holline Perry Rond with the westers take of
Hawmonds Perry Rond, and worth of Holline Restrict Line of Lot 22 of the Flat of
Concrevals as recorded among the Land Ronds of Nathernor County in Flat Book
No. 1 folio 120, and running themse binding on the division line between Lot 22
and Lot 29, (1) South 9 5% Fast A.B.D. Gets to the northwest course of the Flat
of Hawmonds Manor as recorded among the aforesaid Land Records in Plat Book No.
20 folio 6% themes with the northwest outline of maid Last mentioned plat,
(2) Houth 892 15 Land 333.25 feet to the division line between Lot No. 22 and
10 Lot No. 21 or Said plat of outcomes, only 10.20 feet to intermeet and southment
of the Court Line of Holling Perry Rond, thenes binding thereon (b) by a line
counting to the No. 10 th a radius of 3700.72 feet and a chird bearing South No.
59.20 feet to the point of Degluming.

CONTAINING O. h6 Acres of land more or less.

HEIR: all of the second parcel of land which by a deed dated January 26, 1261 and recorded among the Land Records of Baltimore County in Liber V.J.E. No. 3506 follo 377 was conveyed by Certrade Beigle, et al., be Alton Openh Scyder.

SUBJECT to the easements for slope and drainage as shown on State-Roads Commission Plat No. 1072h.



BALTIMORE COUNTY, MARY

INTER-OFFICE CORRESPONDENCE

TO ... Mr. John G. Rose, Zoning Commissioner Date ... August 29, 1968 FROM Leslie H. Groef, Deputy Director of Planning

SURJECT: Petition \*69-57: R. Reclassification from R-6 to B.L. Zone. South side of Hollins Ferry Road 614.35 feet west of Hammonds Ferry Road. John J. Germenko, Petitioner.

13th District

HEARING: Monday, September 9, 1958 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

- The petitioner's plan appears to indicate that the use of the subject property would be a driver-in restourant as defined in the Zoning Regulations. A special exception would be required for this use.
- In any case, the property's use commercially as proposed would seriously
  complicate the Beltway access road traffic pattern (on Hallins Ferry Road.)
- Further there is a question about the proposed use not ac equately accommodating the flood water flow via the stream channel on the eastern edge of the property.

LHG:ba



CERTIFICATE OF PUBLICATION

TOWSON, MD. AUG 22

THIS IS TO CERTIFY, that the annexed advertisement was to THE JEFFERSONIAN, a weekly newspaper printed hed in Towson, Baltimore County, Md., once in each . 19.68., the feet publication appearing on the ... 22nd day of Angust

THE JEFFERSON, AN,

Cost of Advertisement, 8 ...

Bood alielas

#### IN THE COURT OF APPEALS OF MARYLAND

No. 325

September Term, 1969

JOHN J. GERMENKO

COUNTY BOARD OF APPEALS OF

69-57-R

Hammond, C.J. Barnes McWilliams Finan Singley,

JJ.

Opinion by Singley, J.

Filed: May 6, 1970

Germenko is the owner of an unimproved wedge-shaped half acre lot in Baitimore County, having a frontage of some 300 feet on the south side of Hollins Ferry Road with a depth of about 110 feet on its easternmost boundary and of about 20 feet on its westernmost boundary. When zoning map 2A for the Lansdowne-Arbutus area of the County was adopted on 2 June 1959, the lot was classified R-6 (one family residential, minimum lot size 6,000

Because he believed the development of the lot for residential purposes was not economically feasible, Germenko filed with the Baltimore County Zoning Commissioner an application for the reclassification of the lot as B-L (business, local) so that it could be used as a site for a small carry-out restaurant. The application was denied by the Zoning Commissioner and the denial was affirmed by the County's Board of Appeals. This appeal is from an order of the Circuit Court for Baltimore County affirming the action of the Board of Appeals.

Germenko pins his hopes on the change-mistake rule in support of the relief which he seeks. We said of piecemeal zoning in Wells v. Pierpont, 253 Md. 554, 557, 253 A.2d 749 (1959):

"It is now firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive resoning, and that to sustain a piecemeal change therefrom there must be produced strong evidence of mistake in the original zoning or comprehensive rezoning or else evidence of substantial change in the character of the neighborhood [citing cases]. And, of course, the burden of proof facing one seeking a zoning reclassification is quite onerous.

2.

At the hearing before the Board, Germenko's expert witness testified about changes in the area. The Germenko property lies about 600 feet west of the intersection of Hollins Ferry Road and Hammonds Ferry Road. The witness testified that in November of 1964, a lot in the southwest quadrant of the intersection, zoned R-6, was reclassified B-L (business, local) with a special exception for an automobile service station. A part of this property is now improved by a filling station; the rest is vacant. While this lot is adjacent to Germenko's, it is separated from it by a storm drainage reservation, about 50 feet wide at Hollins Ferry Road and 100 feet at the rear lot line.

There was further testimony that in May of 1955 a lot in the northeast quadrant of the intersection, zoned R-G, had been reclassified B-L, with a special exception for an automobile service station. It is now the site of a filling station and a

Four other changes relied on by Germenko's witness involved reclassification of properties from one and one-half to three blocks distant from Germenko's. The first two, in January, 1964, involved a reclassification from R-6 to B-L and R-A (residence, apartments). Two others in 1965 and 1966 reclassified R-6 property us R-A in one instance, and as M-L

(manufacturing, light) in the other. None of these four properties had been improved at the time of the hearing before the Board.

The Weakness of Germenko's reliance on change is that while changes in conditions may justify a reclassification, they do not necessarily compel tr, <u>Skipjack Cove Marina</u>, <u>Inc. v.</u>

<u>County Comm'rs for Geoil County</u>, 252 Md. 440, 453, 250 A.2d 260 (1959) and cases there cited, nor does the resoning of abutting property always warrant the resoning of adjacent property.

<u>Wahler v. Montgomery County Council</u>, 249 Md. 62, 67, 238 A.2d 256 (1958); <u>Baker v. Montgomery County Council</u>, 241 Md. 178, 185, 215 A.2d 331 (1956). See also <u>Brown v. Wimpress</u>, 250 Md. 200, 242 A.2d 157 (1958). The issue was a debatable one, within the province of the Board.

The property owner's second argument, that his lot was mistakenly zoned R-6, because it cannot be economically developed for residential purposes, is even less persuasive. Germenko's rear lot line abuts on the rear lot line of houses on Research Avenue, some 100 feet to the south. These are relatively now (one witness said that he had purchased his house new in 1955), well maintained, single family residences which sell for about \$10,000. Whether all of them had been built at the time of the adoption of the 1959 zoning map is not clear from the record, but what is clear is that the neighborhood from south of Research

Avenue northeast to the Baltimore City line was predominantly residential at that time.

Germenko makes much of the fact that the physical characteristics of his lot make it unsuitable for residential development. That it is not an attractive location cannot be denied. Hollins Ferry Road is a dual highway, 120 feet wide, used daily by 7,000 cars, and access to the Germenko lot can only be had from the eastbound lane. The terrain of Germenko's property is rough, and lies below the level of Hollins Ferry Road - at the west end, some three feet; at the east end, some seven feet below - so that considerable filling (one witness estimated that 3,000 cubic yards would bring the lot within two feet of the grade of the road; would be required. Across Hollins Ferry Road from Germenko's lot is a trailer park. There is more than a suggestion in the record that Hollins Ferry Road may have been rebuilt or extended at some time in the recent past, but before Germenko purchased the property, possibly to provide access to Exit 9 of the Baltimore Beltway, which crosses Hollins Ferry Road about 230 feet to the east of the Germenko property. xxx This may well account for the shape and level of the lot.

But the contention that it was not economically feasible to develop the property for residential purposes was laid to rest by Germenko's own expert witness, James S. Spamer, a civil engineer, who testified on redirect examination: "Q. Mr. Spamer, in your opinion, if this property were to be used for residential purposes in view of the cost of fill, and one thing or another, would it be practical to erect residential properties on there? A. With the cost of the Fublic Works Agreement in the A. With the cost of the Fublic Works Agreement in the cost of the possible two-lot yield.

"What I am saying is this, this tract can and will only yield two, - R-6 lots.

"Q. The \$2,000 that you speak of is over and above the land cost? A. Oh, yes, this would be strictly engineering responsibility, under a Public Works Agreement.

"Q. \$2,000 a lot? A. Yes, sir.

"Q. (By Mr. Slowik) [Acting Chairman of the Board of Appenla] What-would be a normal development cost for developing an R-6 lot? \$2,000 is certainly not exceesive, is it? A. No, for an R-5 lot, even though water and sever would be immediately available, \$2,000 is about the

"Q. (By Mr. Ford) Over and above the land cost?
A. Over and above the land cost, yes, sir. That would be Public Works cost."

In our view, it was this testimony which disposed of the contention that the existing classification deprived Germenko of all reasonable use of his property, compare City of Baltimore v. Cohn, 204 Md. 523, 530, 105 A.2d 482 (1954). We have repeatedly stated that it is not the function of the courts to zone or rezone, and that courts will not substitute their judgment for the expertise of zoning officials. Only when there is no room for reasonable debate or where the record is devoid of

substantial supporting facts are the courts justified in reversing a decision of an administrative body or in declaring its action arbitrary, capricious or illegal. Minor v. Shifflett, 252 Md. 155, 249 A.2d 159 (1969); France v. Shapiro, 228 Md. 335, 236 A.2d 726 (1968); The Johar Corp. v. Rodgers Forse Community Assin, 236 Md. 106, 120, 202 A.2d 612 (1964).

Germenko testified that he had purchased the property three years before the zoning case, knowing that it was classified R-6; that he was a real estate investor, specializing in "commercial free-standing locations"; and that he had bought with the idea of having it rezoned. That he will not be able to achieve this is unfortunate, but we have repeatedly held that neither the fact that rezoning may result in a more profitable use of land nor that hardship may follow the retention of an existing classification is sufficient justification for rezoning. Brenbrook Constr. Co. v. Dahne, 25% Md. 483, 450, 255 A.2d 32 (1969); Helfrich v. Mongelli, 248 Md. 498, 502-03, 237 A.2d 45% (1968).

ORDER AFFIRMED, COSTS TO BE PAID BY APPELIANT. Carlo Control Control

# CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD, September 4 19 68

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of One recentive weeks before the 9th and of September 1988, the first publication

day of September 1988, the first publicappearing on the 22nd day of August

THE TIMES

John M. Martin et of Advertisement 29.75

Cost of Advertisement 29.75 Purchase order F 408 Requisition No. 2 5016

TELEPHONI 823-3000 EXT. 387	BALTI OFF	RE COUNTY, MAR ICE OF FINAN Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	Y ND	7823 . m/69
	John J. Germenks c/o J. Francis Fer 406 Biesstein Bull Beltimire, Md. 21 01.712	d, Eq. ding 201	County Soard of Appeal (Zoning)	TOTAL AMOUNT \$ 8.00
QUANTITY	Cost of certified decuments -	Case No. 69-57-R	HIS PORTION FOR YOUR RECORDS	\$8.00
11 459		John J. Germenko S/S Hollins Ferry Road 614.35° W. of Hammonds Ferry Road 13th District		
BLOCKE	4			

BALLINORE COUNTY, MARY AND	56225 . 16, 1968
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	
	SOAT
Position for Auclaselfication for John J. Germaning #9-57-1	50.00
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	BALT FORE COUNTY, MARTLAND OFFICE OF FINANCE Dirition of California Recipit COUNTY HOUSE TOWSON, MARYLAND 21204 Office of Planning & 2		/69 Zorling	
		FORTION WITH YOUR HEMITTANCE	\$75.00	
QUANTITY	DETACH ALONG PERFORATION AND KEEP	THIS PORTION FOR YOUR RECORDS	COST	
- %				
	Cost of appeal - Property of John J. Germenko	\$70.00		
· ·	No. 69-57-R   1 algo	5,00	\$75.00	
75,00 mc	4			

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

		OFFICE OF FINANCE Division of Collection and Receips COURT HOUSE TOWSON, MARYLAND 21204		. 9, 19
To:	Coath	Zaming Dapt. o	f Balto. Co.	
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PATTINA	· ·	DETACH ALONG PERFORATION AND REEP THIS PORTION FO	OR YOUR RECORDS	COST
0	Advertisia #69-57-R	ng and posting of property for John J. Gornes	•	41,25
61125%	4		<b>×</b>	
	-6,			

Freek E. Claene, Esq., lat Hetlanel Bank Bull Taxeen, Maryland 21294	Count	FICE OF PLANNING AND ZONING by Office Building I. Chesapeake Avenue III, Maryland 21204	
	Your Petition has	been received and accepted for i	filing this
	10th day of	<b>Auly</b> , 1968.	
		JOHN G. ROSE, Zening Commission	oner .
Petitioner John	J. Gerando		

1 Sign

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for Restrissation from	Date of Posting 8-22-68
Petitioner: Lohn L. Jeracht	1
•	14 Rd-614 Woof Species weds Fingl
Location of Signs: 650' - Wel Horomore	de long let in 4s of thellows lover Pet
Remarks	
Posted by Alland	Date of return: 8-29-65

1 81911 69-57-1

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Tourson, Maryland

Toutan, marylane
Posteriot 13 the Dote of Footing 1-9-69.  Posted for Appen 1 J. Sermense D. Location of property 5/5 of He Ilins Ferry 15th 614 West Hemanimaters
Location of Signs 650 that Hammonds Ferry Rden Spaffelling
Remarks: Posted by Allack Date of return 1-23-69.

