

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Simmers Construction Co., legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve additional zoning in a residential zone.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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 County.

By Simmers Construction Corporation
Contract Purchaser
By Ralph W. Simmers, Jr. Legal Owner
Address 6700 Lech Avenue, Boulevard - 21212
By Joseph K. Polansky Esquire
Petitioner's Attorney
Address 308 Madison Building - 21204
By _____
Protestant's Attorney
Address _____

ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of April, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of June, 1972, at 10:00 o'clock P.M.



Oliver L. Myers
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Attn: Oliver L. Myers
FROM: Michael S. Flanagan
SUBJECT: Item 173 - ZAC - April 18, 1972
Property Owner: Simmers Construction Company
Oak Forest Drive SE of Harford Road
Special hearing for off street parking in a residential zone - District 14

Oak Forest Drive should be improved to 36 feet wide on a 50 foot right of way with 30 foot radii at its intersection with Harford Road. The driveways to this site should be located as near as possible opposite one another.

Michael S. Flanagan
Traffic Engineer Associate

MSF:mr

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX 16828, TOWSON, MD. 21204

February 29, 1972

Description to Accompany
Special Hearing to Permit
Commercial Parking in an
Existing D.R. 5.5 Zone
Harford Road and Oak Forest Drive.

Beginning for the same on the southwest side of Oak Forest Drive, 40 feet wide, at the distance of 152 feet southeasterly from the southeast side of Harford Road, 60 feet wide, said point of beginning being on the division line between existing zoning areas D.L.-C.C.C. and D.R. 5.5, said division line being distant 180 feet southeasterly from the centerline of Harford Road, running thence from said point of beginning binding on the southwest side of said Oak Forest Drive (1) South 44° 45' East 68.45 feet, thence leaving said Oak Forest Drive the four following courses, viz: (2) South 45° 15' West 100.77 feet, (3) North 44° 45' West 36.80 feet, (4) North 45° 15' East 18.00 feet, and (5) North 44° 45' West 12 feet more or less to intersect the above mentioned division line between zoning areas D.L.-C.C.C. and D.R. 5.5, thence binding on said division line concentric with and distant 180 feet southeasterly from the centerline of said Harford Road (6) along a curve to the right with a radius of 2100 feet, a distance of 85 feet more or less to the place of beginning.

Containing 0.13 acres of land more or less.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: June 21, 1972
FROM: Norman E. Gerber, Office of Planning
SUBJECT: Petition 172-296-SPH Southwest side of Oak Forest Drive 152 feet Southeast of Harford Road.
Petition for Special Hearing for Off-Street Parking in a residential zone.
Simmers Construction Corporation - Petitioner
14th District
HEARING: Thursday, June 22, 1972 (1:00 P.M.)

The Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer:

The staff raises no objections to the granting of this request. However, we recommend that the light standards be limited to 8 feet in height.

Any future construction should be conditioned to conform to an approved site plan.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 15, 1972

Joseph K. Polansky, Esq.,
405 Jefferson Building
Towson, Maryland 21204

RE: Special Hearing
Item 173
Petitioners: Simmers Construction Corp.

Dear Mr. Polansky:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The attached comments are a result of this review and inspection.

The subject property is located on the southwest side of Oak Forest Drive, 152 feet southeast of Harford Road, in the 14th District of Baltimore County. The property in question is zoned D.R. 5.5 and is part of a larger tract that is zoned B.U. All of which is undeveloped at this time. There are existing residences along Oak Forest Drive and are in a good and well maintained condition. There is curb and gutter existing along Oak Forest Drive at this location.

This petition is accepted for filing, however, revised plans must be submitted prior to the hearing that indicate those items requested by the Bureau of Engineering and the State Highway Administration.

Very truly yours,

Oliver L. Myers
Oliver L. Myers, Chairman

John J. Dillon, Jr., Zoning Tech. II

OLM:JO

Enc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Attn: Oliver L. Myers
FROM: Ellsworth N. Dwyer, P.E.
SUBJECT: Item 173 (1971-1972)
Property Owner: Simmers Construction Company
5/48 Oak Forest Drive, 152' S/E of Harford Road
Present Zoning: D.R. 5.5
Proposed Zoning: Special Hearing for off-street parking in a residential zone
District: 14th
No. Acres: 0.13 acres

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Harford Road (Md. 147) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Oak Forest Drive, an existing County street, is proposed to be improved in the future along the frontage of this property as a 36-foot closed-type roadway cross-section on a proposed 50-foot right-of-way, reducing to the existing 24-foot closed-type roadway cross-section at the easterly end of this property on the existing 40-foot right-of-way.

Highway improvements, including highway right-of-way widening contingent upon State Highway Administration requirements consisting of fillet areas for right distance at the northeast and southeast corners of the Harford Road and Oak Forest Drive intersection, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Item #173 (1971-1972)
Property Owner: Simmers Construction Company
Page 2
May 8, 1972

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Harford Road (Md. 147) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Storm drainage facilities which exist within the northeasternmost site must be extended, and of adequate approved design capacity.

In accordance with the drainage policy for this type development, the petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The petitioner's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - including the leading in fee to the County of the rights-of-way. Preparation of all construction, right-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the petitioner.

The plan must be revised to indicate the existing storm drain and easement, and the proposed storm drain construction to drain each of these sites together with the necessary utility easements.

No encroachment by construction of any structure, including footings will be permitted within the utility easements, existing or proposed. During the course of grading or construction on this property, protection must be afforded by the contractor to prevent damage to the existing and proposed public storm drainage facilities. The protection of the drains and any damage sustained would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve these sites.

Ellsworth N. Dwyer, P.E.
Chief, Bureau of Engineering

END:RAM:PMR:as

cc: John Somers

N-SEE Key Sheet

20 & 30 NP 15 Position Sheets
NP 8 D Topo
81 Tax Map



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET
BALTIMORE, MD. 21201

April 20, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Dear Mr. DiNenna:

In reviewing the overall property it was noted that a storm drain structure under Harford Road outfalls into a ditch that traverses the northerly portion of the site. The plan indicates no provision for the drain and it appears that a corner of the proposed building may be in the ditch.

The matter should be clarified and the plan revised accordingly.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

By: John E. Myers
Asst. Development Engineer

CLJ:EMK



MAY 11 1973

ORDER REVIEW OF PETITION

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts, that the public health, safety and general welfare of the locality involved, not being adversely affected, the Special Hearing for Off-street Parking in a Residential Zone in accordance with the plat, dated June 28, 1965, revised February 25, 1972, and approved January 8, 1973, by Albert W. Dwyer, the then Acting Director of the Office of Planning and Zoning for Baltimore County, said plat having been filed as Exhibit "A" in this proceeding and which is incorporated by reference hereto as a part of this Order, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of March, 1967, that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this Order, to permit off-street parking in a Residential Zone, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of March, 1967, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

WITNESS: [Signatures of witnesses for the first case]

THIS AGREEMENT made this 2nd day of February, 1966, by and between Mary E. Simmer, hereinafter referred to as the party of the first part and Barbara Redel, Dino J. Bartoli, Carolyn A. Bartoli, Henry E. Heinze, Mildred E. Heinze, Mary Jane Ireland, Martin Skane, Katherine E. Skane, Joseph J. Svoboda, Mary C. Svoboda, J. Robert Cala, Joan K. Cala, Louis G. Parker, Jr., Jeanne Parker, Earl Gillespie, Simmers, Evelyn S. Simmers, Joseph M. Puleo, Angela P. Puleo, Hattie May Wood, Edward D. Harsley, Marie T. Harsley, Nicholas J. Cogella, Mary J. Cogella, Carl A. Rowens, Mary V. Rowens, John A. Urspruch, Alice E. Urspruch, Charles L. Reeves, Wilbur F. Miller, Theresa F. Miller, William H. Gerstner, Eunice Gerstner, Charles F. Zeiler, Aletha Zeiler, Theresa A. Bethachulte, Ernest F. Bethachulte, A. Herman Rolfe, Anne M. Rolfe, Thomas P. Griffith, Jr., Joan G. Griffith, Joseph A. Beck, Agnes Beck, Albert W. Rubeling, Marge F. Rubeling, John Joseph Connolly, Mary E. Connolly, W. Gordon Ehley, Mildred L. Ehley, Kevin P. Hanel, Hilda J. Hanel, William H. Fritz, Elsie G. Fritz, John C. Hansen, Mary E. Hansen, John Edward Redel, Mary Louise Redel, Louis G. Parker, Sr., Anna M. Parker, Howard H. Henderson, Mildred Henderson, William H. McGuire, Evelyn E. McGuire, Ernest W. Nagle, Blanch W. Nagle, Elmer L. Cunningham, Viola C. Cunningham, Richard Lewis Fowler, Helen E. Fowler, Frederick S. German, Hilda A. German, Frederick B. Landis, Ruth E. Landis, George F. Jacob, Hilda W. Jacob, Ronald M. Davis, Anna Davis, Ivan Jarenske, Margaret Jarenske, Ernest W. Christopher, Gertrude Christopher, James K. Eney, Katherine E. Eney, Mary E. Eney, David V. Irwin, Evelyn L. Irwin, Joseph C. Hoyer, Margaret Hoyer, Katherine Hoyer, Ethel Mae Evans, William E. Ferrell, Joanne K. Ferrell, George J. Wendelker, Jr., Gertrude J. Wendelker, Carroll E. Kreiger, Ethel K. Kreiger, Lawrence W. Evans, Adam P. Sack, Emma R. Sack, hereinafter referred to as the parties of the second part.

WITNESSES: Ralph W. Simmers owned a tract of land in the 14th Election District of Baltimore County, State of Maryland known as Oak Point Drive and recorded among the Land Records of Baltimore County in Plat Book G.W.B. No. 12, page 110.

WITNESSES: Restrictions were placed upon the landsame of which limited the free use of the land.

WITNESSES: Ralph W. Simmers improved and developed by the construction of home sites all of the lots of land set forth on the recorded Plat except and saving lots known as Lots 1, 2, 52, 53, 54, and 55, and lots 1 and 2 being



situate on the Northeast corner of Oak Forest Drive and Harford Road and said Lots 52, 53, and 54 and 55 being situate on the southeast corner of Oak Forest Drive and Harford Road.

WITNESSES: Ralph W. Simmers departed this life on the 23rd day of May, 1951, and the heirs and assigns of Ralph W. Simmers are still seized and possessed of the aforesaid six lots.

WITNESSES: The Heirs and Assigns of Ralph W. Simmers, to wit, Mary E. Simmers, his widow, is desirous of developing the aforesaid six (6) lots according to their present use potential and market value.

WITNESSES: The parties of the second part recognize and understand the present use potential and market value but are desirous of protecting their neighborhood and homes to the highest extent possible under the conditions now and then existing.

NOW THEREFORE, THIS AGREEMENT, WITNESSETH: That in consideration of the payment of Five (\$5.00) dollars, in hand, each to the other paid, and other good and valuable considerations, the party of the first part owns and agrees with the parties of the second part, and the parties of the second part covenant and agree with the party of the first part, that the restrictions running with the Land as contained in the deed dated May 14, 1941, and recorded among the Land Records of Baltimore County in Liber G.W.B. Jr., 1161 folio 290 that limit and restrict the free commercial use of the lots 1, 2, 52, 53, 54, and 55 of Oak Forest Drive, said lots being part of the land development recorded among the Land Records of Baltimore County in Plat Book C.W.B. No. 12 page 110 will not be applicable thereto to the extent that the party of the first part, her heirs and assigns are permitted to build and develop improvements thereon for commercial use; said commercial use to be of the type designated by the Baltimore County Zoning Code as Business Local (BL) except that the following uses will not be permitted:

Convalescent home, tourist home, general public parking, lot where a fee is charged, bowling alley, dress making and millinery shop, drycleaning establishment and electrical contents and repair shop, funeral establishment, garden shop, hand laundry, laundromat, (self-service laundry, pet shop, picnic grounds, public utility service center, shoe repair, social club, swimming pool, tailor shop, tavern, filling station, garage, service station, miniature golf course, hotel, laboratory and wireless transmitting station.

THAT developments, construction and erection of improvements thereon will be in accordance with the applicable building Code for Baltimore County then and there in existence and applicable.

WITNESS: [Signatures of witnesses for the second case]

That the parties hereto covenant and agree that twenty (20) years from the date of the signing hereof a review of the terms and conditions set forth herein will be held for the purpose of determining whether or not the uses limited herein can be expanded; that in the event a review is not held, the restrictions running with the land will be deemed to have been waived and extinguished by the parties hereto and their heirs and assigns.

WITNESS THE HANDS AND SEALS OF THE PARTIES: [Signatures of witnesses for the third case]

WITNESS THE HANDS AND SEALS OF THE PARTIES: [Signatures of witnesses for the fourth case]

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT: I HEREBY CERTIFY, that on or before this 5th day of May, 1966, before me the subscriber, a Notary Public, of the State of Maryland, County of Baltimore, aforesaid, personally appeared Mary E. Simmer, and Barbara Redel, Dino J. Bartoli, Carolyn A. Bartoli, Henry E. Heinze, Mildred E. Heinze, Mary Jane Ireland, Martin Skane, Joseph J. Svoboda, Mary C. Svoboda, J. Robert Cala, Joan K. Cala, Louis G. Parker, Jr., Jeanne Parker, Earl Gillespie Simmer, and Evelyn S. Simmer, Joseph M. Puleo, Angela P. Puleo, Hattie May Wood, Edward D. Harsley, Marie T. Harsley, Nicholas J. Cogella, Mary J. Cogella, Carl A. Rowens, Mary V. Rowens, John A. Urspruch, Alice E. Urspruch, Charles L. Reeves, Wilbur F. Miller, Theresa F. Miller, William H. Gerstner, Eunice Gerstner, Charles F. Zeiler, Aletha Zeiler, Theresa A. Bethachulte, Ernest F. Bethachulte, A. Herman Rolfe, Anne M. Rolfe, Thomas P. Griffith, Jr., Joan G. Griffith, Joseph A. Beck, Agnes Beck, Albert W. Rubeling, Marge F. Rubeling.

MARY E. SIMMERS,
Complainant
vs.
BARBARA REDEL
7109 Harford Road
Baltimore, Maryland - 21234
DINO J. BARTOLI
3011 Oak Forest Drive
Baltimore, Maryland - 21234
CAROLYN A. BARTOLI
3011 Oak Forest Drive
Baltimore, Maryland - 21234
HENRY E. HEINZE
3013 Oak Forest Drive
Baltimore, Maryland - 21234
MILDRED E. HEINZE
3013 Oak Forest Drive
Baltimore, Maryland - 21234
MARY JANE IRELAND
3013 Oak Forest Drive
Baltimore, Maryland - 21234
MARTIN SKANE
3015 Oak Forest Drive
Baltimore, Maryland - 21234
KATHERINE E. SKANE
3015 Oak Forest Drive
Baltimore, Maryland - 21234
JULIUS E. PARKEN
2301 Pentland Drive - Apt. 40A
Baltimore, Maryland - 21234
MARY C. PARKEN
2301 Pentland Drive - Apt. 40A
Baltimore, Maryland - 21234
JOSEPH J. SYMONDA
3017 Oak Forest Drive
Baltimore, Maryland - 21234
MARY C. SYMONDA
3017 Oak Forest Drive
Baltimore, Maryland - 21234
J. ROBERT CALA
3019 Oak Forest Drive
Baltimore, Maryland - 21234
JOAN R. CALA
3019 Oak Forest Drive
Baltimore, Maryland - 21234
M. PATRICIA FARLEY
5101 Springlake Way
Baltimore, Maryland - 21234



LOUIS G. PARKER, JR.
3021 Oak Forest Drive
Baltimore, Maryland - 21234
JEANNE PARKER
3021 Oak Forest Drive
Baltimore, Maryland - 21234
KARL BALLHORST
4912 Morelle Road
Baltimore, Maryland - 21214
ANNA BALLHORST
4917 Morelle Road
Baltimore, Maryland - 21214
KARL GILLESPIE SIMMERS
3073 Oak Forest Drive
Baltimore, Maryland - 21234
EVELYN S. SIMMERS
3023 Oak Forest Drive
Baltimore, Maryland - 21234
JOSEPH M. PULEO
3025 Oak Forest Drive
Baltimore, Maryland - 21234
ANGELA P. PULEO
3025 Oak Forest Drive
Baltimore, Maryland - 21234
BETTY MAY WOOD (Mrs. - Widow)
3027 Oak Forest Drive
Baltimore, Maryland - 21234
GEORGE J. WENDELKEN, JR.
3029 Oak Forest Drive
Baltimore, Maryland - 21234
GERTRUDE L. WENDELKEN
3029 Oak Forest Drive
Baltimore, Maryland - 21234
PARKVILLE BAPTIST CHURCH associated with
The Chesapeake Conference Association of Seventh Day Adventists
(Delaware Corporation)
3033 Oak Forest Drive
Baltimore, Maryland - 21234
EDWARD D. HARSLEY
3041 Oak Forest Drive
Baltimore, Maryland - 21234
MARIE T. HARSLEY
3041 Oak Forest Drive
Baltimore, Maryland - 21234
NICHOLAS J. COGELIA
3043 Oak Forest Drive
Baltimore, Maryland - 21234
MARY J. COGELIA
3043 Oak Forest Drive
Baltimore, Maryland - 21234

CARL A. ROWENS
3045 Oak Forest Drive
Baltimore, Maryland - 21234
MARY V. ROWENS
3045 Oak Forest Drive
Baltimore, Maryland - 21234
ROSE M. ROWENS
3045 Oak Forest Drive
Baltimore, Maryland - 21234
JOHN A. URSPRUCH
3047 Oak Forest Drive
Baltimore, Maryland - 21234
ALICE E. URSPRUCH
3047 Oak Forest Drive
Baltimore, Maryland - 21234
CHARLES L. REEVES
3049 Oak Forest Drive
Baltimore, Maryland - 21234
MABEL L. REEVES
3049 Oak Forest Drive
Baltimore, Maryland - 21234
BEVERLY HILLS BUILDING & LOAN ASSN.
2917 E. Cold Spring Lane
Baltimore, Maryland - 21214
WILSON P. MILLER
3051 Oak Forest Drive
Baltimore, Maryland - 21234
THERESA F. MILLER
3051 Oak Forest Drive
Baltimore, Maryland - 21234
WILLIAM H. GERSTNER
3053 Oak Forest Drive
Baltimore, Maryland - 21234
EUNICE GERSTNER
3053 Oak Forest Drive
Baltimore, Maryland - 21234
CHARLES P. ZEILER
3055 Oak Forest Drive
Baltimore, Maryland - 21234
ALTHEA ZEILER
3055 Oak Forest Drive
Baltimore, Maryland - 21234
THERESA A. RETSCHULTE
3057 Oak Forest Drive
Baltimore, Maryland - 21234
Ernest A. RETSCHULTE
3057 Oak Forest Drive
Baltimore, Maryland - 21234
ELLSWORTH L. MCCASLIN
3061 Oak Forest Drive
Baltimore, Maryland - 21234

ESTHER K. MCCASLIN
3061 Oak Forest Drive
Baltimore, Maryland - 21234
A. HERMAN ROLPES
7824 Wilson Avenue
Baltimore, Maryland - 21234
ANNE M. ROLPES
7824 Wilson Avenue
Baltimore, Maryland - 21234
THOMAS F. GRIFFITH, JR.
7824 Wilson Avenue
Baltimore, Maryland - 21234
JOAN C. GRIFFITH
7824 Wilson Avenue
Baltimore, Maryland - 21234
J. RICHARD LAMB
3058 Oak Forest Drive
Baltimore, Maryland - 21234
BEULAH LAMB
3058 Oak Forest Drive
Baltimore, Maryland - 21234
PROVIDENT SAVINGS BANK
Howard & Saratoga Streets
Baltimore, Maryland - 21201
JOSEPH A. BECK
3056 Oak Forest Drive
Baltimore, Maryland - 21234
AGNES BECK
3056 Oak Forest Drive
Baltimore, Maryland - 21234
ALBERT W. RUEBELING
3054 Oak Forest Drive
Baltimore, Maryland - 21234
MARGE K. RUEBELING
3054 Oak Forest Drive
Baltimore, Maryland - 21234
JOHN JOSEPH CONNELLY
3052 Oak Forest Drive
Baltimore, Maryland - 21234
MARY E. CONNELLY
3052 Oak Forest Drive
Baltimore, Maryland - 21234
M. GORDON EBLEY
3050 Oak Forest Drive
Baltimore, Maryland - 21234
MILDRED I. EBLEY
3050 Oak Forest Drive
Baltimore, Maryland - 21234
ERWIN F. HAMEL
3048 Oak Forest Drive
Baltimore, Maryland - 21234

HILDA J. GEMAN
3048 Oak Forest Drive
Baltimore, Maryland - 21234
WILLIAM H. PRITZ
3046 Oak Forest Drive
Baltimore, Maryland - 21234
ELITE G. PRITZ
3046 Oak Forest Drive
Baltimore, Maryland - 21234
JOHN C. HAMMEN
3044 Oak Forest Drive
Baltimore, Maryland - 21234
MARY E. HAMMEN
3044 Oak Forest Drive
Baltimore, Maryland - 21234
OTTO HENDRICK
3042 Oak Forest Drive
Baltimore, Maryland - 21234
WILHELM T. HENDRICK
3042 Oak Forest Drive
Baltimore, Maryland - 21234
JOHN EDWARD REDEL
3040 Oak Forest Drive
Baltimore, Maryland - 21234
MARY LOUISE REDEL
3040 Oak Forest Drive
Baltimore, Maryland - 21234
LOUIS G. PARKER, SR.
3036 Oak Forest Drive
Baltimore, Maryland - 21234
ANNA M. PARKER
3036 Oak Forest Drive
Baltimore, Maryland - 21234
HOWARD B. HENDERSON
3038 Oak Forest Drive
Baltimore, Maryland - 21234
MILDRED HENDERSON
3038 Oak Forest Drive
Baltimore, Maryland - 21234
WILLIAM B. MCGUIRE
3034 Oak Forest Drive
Baltimore, Maryland - 21234
EVELYN E. MCGUIRE
3034 Oak Forest Drive
Baltimore, Maryland - 21234
ERNEST W. NAGLE
3032 Oak Forest Drive
Baltimore, Maryland - 21234
BLANCH V. NAGLE
3032 Oak Forest Drive
Baltimore, Maryland - 21234

ELMER L. CUNNINGHAM
3030 Oak Forest Drive
Baltimore, Maryland - 21234
VIOLA G. CUNNINGHAM
3030 Oak Forest Drive
Baltimore, Maryland - 21234
RICHARD LEWIS FOWLER
3028 Oak Forest Drive
Baltimore, Maryland - 21234
HELEN E. FOWLER
3028 Oak Forest Drive
Baltimore, Maryland - 21234
AMERICAN NATIONAL BUILDING & LOAN
Lexington & Liberty Streets
Baltimore, Maryland - 21201
HELEN HUNT
175 W. 12th Street
New York 11, New York
FREDERICK S. GERMAN
3024 Oak Forest Drive
Baltimore, Maryland - 21234
HILDA A. GERMAN
3024 Oak Forest Drive
Baltimore, Maryland - 21234
FREDERICK B. LANDIS
3022 Oak Forest Drive
Baltimore, Maryland - 21234
RUTH E. LANDIS
3022 Oak Forest Drive
Baltimore, Maryland - 21234
GEORGE F. JACOB
3020 Oak Forest Drive
Baltimore, Maryland - 21234
HILDA W. JACOB
3020 Oak Forest Drive
Baltimore, Maryland - 21234
RONALD M. DAVIS
3018 Oak Forest Drive
Baltimore, Maryland - 21234
ANNA DAVIS
3018 Oak Forest Drive
Baltimore, Maryland - 21234
IWAN JARENSE
3016 Oak Forest Drive
Baltimore, Maryland - 21234
MARGARET JARENSE
3016 Oak Forest Drive
Baltimore, Maryland - 21234
EDNA H. WINTERSTEIN
8512 David Avenue
Baltimore, Maryland - 21234

ADAM M. SACK
3014 Oak Forest Drive
Baltimore, Maryland - 21234
EDNA R. SACK
3014 Oak Forest Drive
Baltimore, Maryland - 21234
ERNEST W. CHRISTOPHER
3012 Oak Forest Drive
Baltimore, Maryland - 21234
GERTRUDE CHRISTOPHER
3012 Oak Forest Drive
Baltimore, Maryland - 21234
JAMES E. ENY
3010 Oak Forest Drive
Baltimore, Maryland - 21234
KATHERINE E. ENY
3010 Oak Forest Drive
Baltimore, Maryland - 21234
MARY E. ENY
3010 Oak Forest Drive
Baltimore, Maryland - 21234
DAVID V. IRWIN
3008 Oak Forest Drive
Baltimore, Maryland - 21234
EVELYN L. IRWIN
3008 Oak Forest Drive
Baltimore, Maryland - 21234
JOSEPH C. HOFER
3006 Oak Forest Drive
Baltimore, Maryland - 21234
MARGARET HOFER
3006 Oak Forest Drive
Baltimore, Maryland - 21234
KATHERINE HOFER
3006 Oak Forest Drive
Baltimore, Maryland - 21234
ETHEL MAE EVANS
3004 Oak Forest Drive
Baltimore, Maryland - 21234
CARROLL KRIEGER
3059 Oak Forest Drive
Baltimore, Maryland - 21234
ETHEL KRIEGER
3059 Oak Forest Drive
Baltimore, Maryland - 21234

AETNA LIFE INSURANCE COMPANY
19 South Street
Baltimore, Maryland - 21202
ROYD ROEMER SAVINGS & LOAN, INC.
2412 Monument Street
Baltimore, Maryland - 21205
BRADFORD SAVINGS & LOAN ASSN.
Payette & Luzerne Avenue
Baltimore, Maryland - 21224
CALVERT SAVINGS & LOAN ASSN.
6500 Loch Raven Blvd.
Baltimore, Maryland - 21204
FILLETON PERMANENT LOAN ASSOCIATION
7527 Belair Road
Baltimore, Maryland - 21234
GOLDEN RING PERMANENT LAND & LOAN ASSN.
Hidge & Philadelphia Roads
Baltimore, Maryland - 21206
HAMILTON FEDERAL SAVINGS & LOAN ASSN.
5600 Harford Road
Baltimore, Maryland - 21214
LIBERTY FEDERAL SAVINGS & LOAN ASSN.
401 N. Howard Street
Baltimore, Maryland - 21201
METROPOLITAN LIFE INSURANCE COMPANY
100 St. Paul Street
Baltimore, Maryland - 21201
PROVIDENT SAVINGS BANK
Howard & Saratoga Streets
Baltimore, Maryland - 21201
WINGS BANK OF BALTIMORE
Baltimore & Charles Streets
Baltimore, Maryland - 21201
SQUARE DEAL BUILDING & LOAN ASSN.
134 S. Eaton Street
Baltimore, Maryland - 21224
SUN LIFE INSURANCE COMPANY OF AMERICA
109 E. Redwood Street
Baltimore, Maryland - 21202
VERMONT FEDERAL SAVINGS & LOAN ASSN.
Payette & Hanover Sts.
Baltimore, Maryland - 21201

BILL OF COMPLAINT FOR DECLARATORY DECREE

FOR THE TERMINATION OF RESTRICTIONS ON THE USE OF LAND

FOR LOTS #1, #2, #52, #53, A & B AND #55, ON THE PLAT OF OAK FOREST

The Bill of Complaint of Mary E. Simmers, Complainant, respectfully represents unto Your Honor:

FIRST: That the Complainant is seized and possessed of the properties of Lots 1, 2, 52, 53, 54 and 55 outlined in red and listed on the Plat of Oak Forest, which Plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B. No. 12, page 110; and a copy of the said plat as marked is attached hereto as Complainant's Exhibit No. 1, and is prayed to be taken as a part hereof.

SECOND: That the Defendants are seized and possessed of the properties outlined in blue and listed on the said plat of Oak Forest.

THIRD: That all of the properties as shown on said plats of Oak Forest were made subject to restrictions as set forth in Deed dated May 15, 1941, and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr., 1161, folio 290, and others, which certain of said restrictions are quoted herein for this Honorable Court's convenience as follows:

(a) No structure shall be erected, altered, placed or permitted to remain on any building lot other than one detached single family dwelling, not to exceed two and one half stories in height and a private garage for not more than two cars.

(b) No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing by a majority of a committee composed of Ralph W. Simmers, Ernest G. Cooper and Samuel Harbach or their authorized representative for conformity and harmony of external design and existing structures in the subdivision and as to location of the building with respect to property and building set back lines. In the case of the death of any member or members of said committee, the surviving member or members shall have authority to approve or disapprove such design and location. If the aforesaid committee or their authorized representatives

fail to approve or disapprove such design and location within 30 days after plans have been submitted to it or if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required. Said committee or their authorized representative shall act without compensation, said committee shall act and serve until January 1, 1947 at which time the then record owners of a majority of the lots which are subject to the covenants herein set forth may designate in writing duly recorded among the land records their authorized representative who thereafter shall have all of the powers subject to the same limitations as were previously delegated herein to the aforesaid committee.

(c) No building shall be located nearer to the front lot line or to the side street line than the building set back lines shown on the recorded plat. In any event, no building shall be erected on any lot nearer than 25 feet from the front lot line nor nearer than 15 feet to any side street line. No building except a detached garage or other out building located 75 feet or more from the front line shall be nearer than 2 feet to any side line. No residence or attached appurtenances shall be erected on any lot farther than 30 feet from the front lot line.

(d) No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(e) No trailer, basement, tent, shack, garage, barn or other out building erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any structure of a temporary character be used as a residence.

(f) No dwelling costing less than \$3,000.00 shall be permitted on any lot in the tract. The ground floor area of the main structure exclusive of one story open porch and garages shall not be less than 700 square feet in the case of a one story structure nor less than 500 square feet in the case of one and one-half, two or two and one-half story structure.

(g) An easement is reserved over the rear five feet of each lot for utility installation and maintenance.

(h) No persons of any race, other than the white race shall use or occupy any building or any lot except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

FOURTH: That there are two parcels of land marked "Parcel A" and "Parcel B" outlined in red on the Complainant's Exhibit #1 attached hereto and designated as follows:

FIFTH: That Parcel A consists of Lots #55, 54, 53 and 52 and are situated on the Southeastern corner of the intersection of Oak Forest Drive with Harford Road with an overall frontage on Oak Forest Drive of two hundred twenty and forty-five hundredths (220.45) feet more or less, and a depth of eighty-five (85) feet more or less.

SIXTH: That Parcel B consists of Lots #1 and #2 and are situated on the Northeastern corner of the intersection of Oak Forest Drive of One Hundred Four and eighty-five hundredths (104.85) feet more or less and a depth of one hundred (100.00) feet more or less.

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SEVENTH: That all of Lots #1 and #2 of Parcel B and all of Lots #55 and #54 and part of Lot #53 of Parcel A are zoned B-1 on the official Baltimore County Zoning Plat for the fourteenth (14th) Election District of Baltimore County.

EIGHTH: That a fee simple title to the said properties is now vested in Mary E. Simmers, Widow, in that Lots #55, #54 and #53 of Parcel A, being the same lots conveyed by George Sack and Son to Ralph W. Simmers by deed dated May 15, 1941 and recorded in the Land Records of Baltimore County in Liber C.W.B. Jr., 1161, folio 291, Ralph W. Simmers having departed this life on the 23rd day of May, 1951, and Mary E. Simmers, his Widow and Executrix, by deed dated June 15, 1956, conveyed said lots to Ralph W. Simmers, Jr., said conveyance being duly recorded in the Land Records of Baltimore County in Liber G.L.B. 2959, folio 275, and said lots conveyed by Ralph W. Simmers, Jr. and Jean H. Simmers, his wife, to Mary E. Simmers, Widow, by deed dated June 18, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2959, folio 277.

NINTH: That all of Lot #52, saving that portion of Lot #52 conveyed by Deed dated April 20, 1942, by Michael A. Keimlein, et al, to Peter Redel (now deceased) and Barbara Redel, his wife, and recorded in the Land Records of Baltimore County in Liber C.N.K. 1217, folio 253, was conveyed by Earle Gillespie Simmers and Evelyn A. Simmers, his wife, to Ralph W. Simmers and Mary E. Simmers, his wife, by deed dated April 30, 1949 and recorded in the Land Records of Baltimore County in Liber T.B.S. 1745, folio 485.

TENTH: That the said restriction requiring that no structure other than one detached single family dwelling, not to exceed two and one-half stories in height was imposed in 1941 and since that date much time has elapsed and the neighborhood has changed such as a change from residential use to commercial use; greater density of homes in the area as well as the increased traffic on Harford Road.

ELEVENTH: That the said restriction requiring that no structure shall be erected until the plans, specifications and plot plan showing the location have been approved by a committee for conformity and harmony of external design and existing structure in the subdivision and as to location of building as to setback lines, said committee to serve until January 1, 1947, at which time the then record owners may designate their authorized representatives to have the same powers as the original committee, said persons to be designated in writing and said writing duly

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recorded among the Land Records of Baltimore County, that the said restriction was imposed in 1941 and since that date much time has elapsed, the neighborhood has changed, such as changed from residential use to commercial use, greater density of homes in the area as well as increased traffic on Harford Road, that the above named committee never had an occasion to function as a committee and that there never was a successor committee designated and recorded among the Land Records of Baltimore County.

TWELFTH: That the said restriction requiring that no building shall be located nearer to the front lot line or to the side street line than the building set back lines shown on the recorded plat and that in any event no building shall be erected on any lot nearer than 25 feet from the front lot line nor nearer than 15 feet to any side street line, and that no building except a detached garage or other out building located 75 feet or more from the front line shall be nearer than 2 feet to any side line and that no residence or attached appurtenance shall be erected on any lot further than 30 feet from the front lot line, that all of the said restrictions with regard to the front set back lines are reported to have been established for the benefit of the owners of adjacent property to provide a uniformity of set back, that by the terms of the restriction a dwelling can be placed from any distance from the front lot line beginning at 25 feet to any distance from the front lot line ending at 30 feet, that by the terms of the restriction there is non-uniformity, that said restriction was imposed in 1941 and that the changing character of the neighborhood and the subsequent commercialization thereto has caused the said restriction to be of a useless purpose.

THIRTEENTH: That the said restriction requiring that no noxious or offensive trade be carried on which would be an annoyance or nuisance to the neighborhood is too general and arbitrary, there having not been established standards governing trades that would be deemed an annoyance or a nuisance to the neighborhood, that since the establishment of the said restriction various businesses have been carried on the site Parcel A and B, such as, but not limited to, miniature golf, Christmas tree sales and advertising signs, that said restriction has been violated many times in the past and that the changing character of the neighborhood and the subsequent commercialization thereto has caused the said restrictions to be of a useless purpose and against the free use of land.

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FOURTEENTH: That the said restrictions requiring that no out building or temporary building shall be used as a residence nor the restriction requiring that no dwelling shall cost less than \$3,000.00 shall be permitted on any lot and the restrictions pertaining to ground floor area are not applicable and repugnant to the free use of land.

FIFTEENTH: That the said restrictions requiring an easement over the rear five feet of each lot for utility installation and maintenance was imposed in 1941 when Oak Forest was developed, but since that time, Parcel A and Parcel B have not been developed, and the establishment of the easement was for the benefit of utilities which may or may not wish to establish service of the rear five feet but some other portion of said Parcel.

SIXTEENTH: That the said restriction prohibiting the occupation and use of any building by persons other than the white race has been declared unconstitutional by the Supreme Court of the United States.

SEVENTEENTH: That it would be in the best interest of the owner as well as the other Respondents in this proceeding having an interest in the Lots of Parcels A and B on the said marked plat of Oak Forest if the said restrictions referred to hereinabove were terminated and declared unenforceable.

EIGHTEENTH: That the said restrictions on the said properties as contained in deed by Ralph W. Simmers and Mary E. Simmers, his wife, to George Sack and dated May 15, 1941 and recorded in the Land Records of Baltimore County in Liber C.W.B. Jr., 1161, folio 290, were imposed in the year 1941 and since that date much time has elapsed there having been many changes in the immediate neighborhood such as changes from residential use to commercial use, greater density of homes in the area, as well as increased traffic on Harford Road.

NINETEENTH: That this Bill of Complaint joins all parties affected by the said restrictions, including all property owners as shown on the said plat of Oak Forest and all other parties of interest.

TWENTIETH: That the Complainant believes and therefore avers, that the termination of the said restrictions on the lots set forth as Parcels A and B would be in the best interest of all parties for future improvements to be placed on the said lots set forth as Parcels A and B and for other reasons to be more fully set forth at the time of the hearing in this matter, and that the termination of the said restrictions would not adversely affect the other property owners as shown on the said plat of Oak Forest Drive.

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WHEREFORE, Your Complainant prays:

- That the restrictions for Lots 1, 2, 52, 53, 54 and 55 as shown on the Plat of Oak Forest be declared terminated by this Honorable Court.
- That the said restrictions for Lots 1, 2, 52, 53, 54, and 55 as shown on the Plat of Oak Forest be declared unenforceable.
- That the building line as pertaining to Lots 1, 2, 52, 53, 54 and 55 on the Plat of Oak Forest be declared void and unenforceable as an undue restriction against the use of land.
- That a decree be passed relieving Lots 1, 2, 52, 53, 54 and 55 on the Plat of Oak Forest of any restrictions which would impair the land from the free commercial use thereof.
- And that the Complainant may have such other and further relief as the nature of her cause may require.

AND, AS IN DUTY BOUND, ETC.

Joseph K. Pokorny
Joseph K. Pokorny
406 Jefferson Building
Towson 4, Maryland
Attorneys for Complainant

James E. Simmers
Complainant

NOTICE TO THE DEFENDANT

TAKE NOTICE. That after receipt of service of process you have 15 days from the first Monday in May to enter an answer or a defense on your behalf. If you fail to answer or assert a defense within the time allowed, the Plaintiff may obtain a decree granting the relief prayed.

Joseph K. Pokorny
Joseph K. Pokorny
Attorneys for Complainant

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
April 24, 1972
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 173, Zoning Advisory Committee Meeting, April 18, 1972, are as follows:

Property Owner: Simmers Construction Company
Location: S/W/S Oak Forest Drive, 152' S/E of Harford Road
Present Zoning: D.R. 5-5
Proposed Zoning: Special hearing for off street parking in a residential zone.

District: 14
No. Acres: 0.13

Metropolitan water and sewer are available to the site, therefore no health hazards are anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

JS:nn

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204
821-7310
April 31, 1972

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
ATT: Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee

RE: Property Owner: Simmers Construction Company

Location: S/W/S Oak Forest Drive, 152' S/E of Harford Road
Item No. 173 Zoning Agenda 4/18/72

Gentlemen:

Pursuant to your request, the referenced property have been surveyed by this Bureau and the comments below marked with an "x" are amicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at _____
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code" 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John H. Devlin* Deputy Chief
Social Inspection Division Fire Prevention Bureau
on 4/17/72

MAY 11 1972

June 5 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
L. Eric Blumens
Zoning Commissioner of Baltimore County
was inserted in **ESSEX TIMES** a weekly news-
paper published in Baltimore County, Maryland, once a week
for one ~~consecutive~~ weeks before the
5th day of June 1972; that is to say,
the same was inserted in the issues of June 1, 1972.

Publisher.

By Lucy Morgan

TOWSON, MD.,.....June 1....., 1972

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each~~ at one time ~~on the~~ two weeks before the 22nd day of June 19 72, the first publication appearing on the 1st day of June 19 72.

THE JEFFERSONIAN.

THE JEFFERSONIAN,
L. Leach, Jr.
Manager.

Cost of Advertisement, \$.....

#72-296-SFM

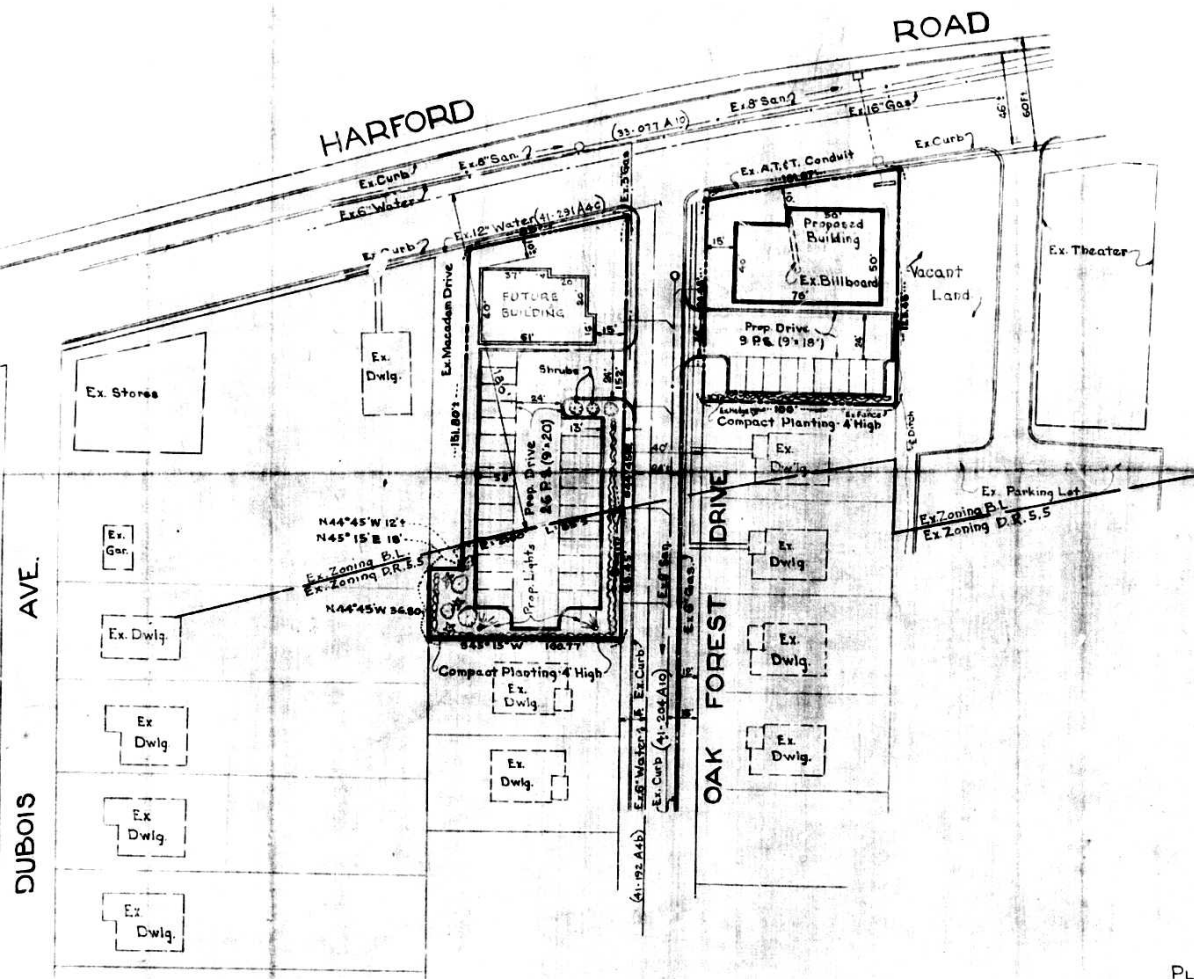
District 14th Date of Posting June 1st 72
 Posted for Heavy, thru June 22, 1972 G. Lee P.M.
 Postmaster Summers Const. Corp.
 Location of property 5415 1/2 Oak Forest Ave 15th St. E. of Highway 16
 Location of Sign: 1 sign posted on Highway Rd.
 Remarks: _____
 Posted by Paul H. Hess Date of return June 8, 72

#72-296-371 7F JUN 16 5 3.75 HSO

NOTES RELATIVE TO THAT PORTION OF
PARKING AREA WITHIN DR 5.5 ZONE
SECTION 409.4

- The area is across the street from business involved.
- Only passenger vehicles excluding buses may use the area.
- No loading, service, or any use other than parking shall be permitted.
- Lighting shall be installed so that glare is directed away from residences.
- Parking area shall be screened from residential properties by dense planting (4 ft min height).
- Area shall be paved and properly drained.
- Parking arrangement and individual areas shall be as shown on plan.
- Hours of operation shall be from 9 AM to 9 PM.

Exhibit "A"



TABULATION

Area of property	
Within BL CCC Zone	0.53 AC
Within DR 5.5 Zone	0.13 AC
Total	0.66 AC
Existing Zoning	BL CCC & DR 5.5
Existing Use	Vacant
Proposed Use	Offices
Floor area of buildings	
Proposed bldg (2 floors)	1240 sq ft.
Future bldg (1 floor)	2264 sq ft.
Total	3504 sq ft.
Parking required @ 1/300	32 spaces
Parking provided	35 spaces

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

PARKING IN RESIDENTIAL ZONE

VICINITY

HARFORD ROAD & OAK FOREST DRIVE

BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Elect District #14

June 25, 1965

Revised: Feb. 25, 1972.

PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY: *W. J. Gumbly*

DATE: 1/8/73

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE
TOWSON 4, MARYLAND



PN 0241