LITION FOR ZONING RE-CLASS FICATION AND/OR SPECIAL EXCEPTION

G COMMISSIONER OF BALTIMORE COUNTY

OILBERT K. SMITH and

I, or we, WILDAM M. SMITH and

I, or we, WILDAM M. SMITH and

Int and which is described in the description and plat attached hereto and made a part hereof. etition (1) that the zoning status of the herein described property be re-classif

ing Law of Baltimore County, from an BL

DISTRICT. 1/-13

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

erty 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 n filing of this petition, and further agree to and are to be bound by the soning

. White Marsh, Maryland,

197 ads, that the subject matter of this petition be advertised, as ore County, in two newspapers of general circulation throughaty, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106, County Office Building in Towson, Baltimore

__, 1974_, at 10:00o'clock

3/22/

DESCRIPTION

Beginning for the same at a point in the center of Ebeneser Road at a point distant, South 50 degrees 41 minutes 00 seconds East 141.26 feet from the intersection of centerline of Philadelphia Road and the centerline of Ebenezer Road, thence leaving the centerline of Ebenezer Road and running for lines of division the four following courses and distances: North 39 degrees 55 minutes 09 seconds East 158,50 feet; South 53 degrees 55 minutes 00 seconds Eas. 114.20 feet; South 53 degrees 34 minutes 00 seconds East 138.40 feet; South 43 degrees 11 minutes 00 seconds West 172.10 fest to the center of Ebeneser Road and thence running and binding along the center of Ebenezer Road North 50 degrees 41 minutes 00 seconds West 260 feet more or less to the place of beginning. Saving and excepting that portion which is currently zoned BM.

Containing 1.03 acres of land more or less.



B. D. LYNCH CO., INC. 8203 HARFORD ROAD BALTIMORE, MD. 21234

Date: 9-19-73

BRIEF COMPANYING PETITION FOR ZONING RECLASSIFICATION OF GILBERT K. SMITH AND WILLIAM W. SMITH

The requested change in zoning is the reclassification of the area of the parcel in question now zoned for use as Business, Local (BL) to the classification Eusiness, Major (BM). The basis for this Petition for Reclassification is that there is error in the current zoning. The property immediately surrounding the parcel in question on the north, west and east is zoned BM. The property to the south, across Ebenezer Road, is zoned BL.

Gilbert K. Smith and William W. Smith are the owners of the subject parcel and the land immediately surrounding it as shown on the Plat. These individuals are part owners of the Smith Motor Company and they have plans to construct a new car sales showroom on the subject property. The Smith family has conducted an automobile business at this location for approximately sixty years. The property in question is currently improved by a two story frame dwelling and several outbuildings

It was clearly erroneous to classify the parcel in question BL considering the use of the land on three sides. The area to the west is used as a used car display area, the area to the north is a service garage and the area to the east is used for new car storage. Considering the length of time for which the Smith Motor Company has conducted an automobile business at this location and their past pattern of expansion. it is both logical and reasonable that the parcel in question should be zoned BM.

RE: PETITION FOR RECLASSIFICATION NE/S of Ebenezer Road, 141.26' E of Philadelphia Road - 11th District Gilbert K. Smith, et al - Petitio NO. 74-208-R (Item No. 9)

BEFORE THE DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a Business, Local (B. L.) Zone to a Business, Major (B. M.) Zone for a 1.03 acre parcel of land located on the northeast side of Ebenezer Road, 141.26 feet southeast of the center line of Philadelphia Road, in the Fleventh Election District of Baltimore County

The Petitioners, Mr. Gilbert K. Smith and Mr. William W. Smith together with their father, have operated a new car agency on property surround ing the subject property for approximately 60 years. They have recently purchased the subject property and intend to incorporate it within their existing

Testimony indicated that the B. M. Zone line, as established by the present Comprehensive Zoning Map, did not correctly follow adverse property lines and resulted in two separate zoning categories (B. M. and B. L.) being placed on the property in question. The Petitioners further contend that the subject property, which is bounded on three sides by their new car agency, should have been placed entirely within a zoning category (B. M.) similar to

After reviewing the above testimony and evidence presented in this case. is the opinion of the Deputy Zoning Commissioner that the Petitioners have error and that the subject property should be placed in a zoning classification that is compatible with the predominate surrounding zoning.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 10 day of April, 1974, that the herein des-

The zoning boundaries of the tract bear little relationship to the existing property boundaries or to the existing improvements. This is clearly illustrated by the easterly zoning boundary line which bisects the house. The natural boundary for BM zoning is Ebenezer Road.

This Petition for Reclassification should be granted as there is clear error in the current zoning of the property. The proposed zoning is both reasonable and a melile

cribed property or area should be and the same is hereby Reclassified from a B. L. Zone to a B. M. Zone, from and after the date of this Order. Said granting is subject, however, to an approval of a site plan that correctly indicates the realigment and relocation of Cowenton Avenue and/or Ebenezer Road as it affects this property, and shall also meet the requirements of the State Highway Administration, Department of Public Works, Baltimore County Health Department and the Office of Planning and Zoning.

D.R. 5.5 MLR MH-IM D.R. 2 MH-119 0 0

D.R. 3.5

CEIVED RE

DATE

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 following comments are a result of this review and inspection.

These comments are not intended to indicate

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested

The subject property is located on the northeast side of Ebenezer Road, 141 feet south of the intersection of Philadelphia Road, in the 11th District of Baltimore County.

This property, which is currently zoned Business, Local is requesting a Reclassification to a Business Major zone, and is proposed to be incorporated within the existing Smith Motor Company complex. A new car showroom is indicated on the submitted site plan and the two existing structures that are currently located on this site are to be romoved in conjunction with this development. A complete overall site plan has

It should be noted that curb and gutter does not exist along Ebenezer Road or Philadelphia Road at this location, and, furthermore, that

RE: Reclassification Petition Item 9 6th Zoning Cycle

Gilbert K. and William W. Smith -

Petitioners

W. Miles Cole, Esq., 406 Jefferson Building Towson, Maryland 21204

Dear Mr Cole:

been submitted.

W. Miles Cole, Esq., 406 Jefferson Building Towson, Maryland 21204

RE: 6th Zoning Cycle

the existing service garage does not have an area designated for the storage of damaged and disabled motor vehicles with the proper 8 foot high screen fence erected around same. The potitioners were advised of this in a letter dated September 10th, 1971 and signed by S. Eric DiNenna, Zoning Commissioner.

Commonits from the Dureau of Engineering reveal that the proposed relocation of Comenton Avenue will directly affect the proposed relocation for the Property. A copy of a plat will be proposed to the your engineer so that he may proceed with the cocessary revisions.

This potition for Reclassification is accepted for filing on the date of the enclosed filing certificate. Beautification revisions or corrections to petitions, described by the submitted to this office prior to Monday eshable be submitted to this office prior to Monday may result a 1973 and advertising. Failure to comply may result this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1974 and April 15, 1974 will be forwarded to you well in advance of the date and time.

In OWilland JOHN O. DILLON, R., Chairman Zoning Advisory Committee

JJDJr.:JD Enclosure

cc: B. D. Lynch & Company 8203 Harford Road Baltimore, Maryland 21234

CLUNTY OFFICE BLOG DEPARTMENT OF STATE ROUSE COME NEALTH DEPARTMENT PROJECT PLANNING BUT DING DEPARTMENT SOARC OF EDUCATION ZONING ADMINISTRATIO PLYSLOPHENT

Bultimore County, Maruland Bepartment Of Enblic Morks COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

SWORTH N. DIVER. P. E. CHIE

October 10, 1973

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

> Re: Item #9 (October 1973-April 197k - Cycle VI)
> Property Owner: Gilbert K. and William W. Smith
> N/SS of Ebenezer Rd., 141.26' from the centerline of Philadelphia Rd. Finisting Zoning: B.L. Proposed Zoning: B.M. No. of Acres: 1.03 acres District: 11th

Bear Mr. DiMenna

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.

Fillsdelphia Head is a State Boad; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction or the Naryland Highery Administration. Any utility construction within the State Food Fight-of-way will be subject to the standards, specifications and approved of the State in addition to those of Saltimore County.

In improved alignment is required for the Shenever Boad Gowenton Avenue inter-section with Hilladelphia Road. It is recommended that their centerlines be unified by compounding 1000° redit curve to intereset 52.8° south of the present contriline of Cownton Avenue and 52.8° now the of the actual contriline of Bhenever Road at the conteiline of Philadelphia Boad. It has been determined that a 50° curve and great cross-section shall utilizately or required on a 70-lost right-of-way for the Debmarar Foad-Cownton Avenue errory. See attached print of Putilizarer shall

Rights-of-way are being reserved for a future industrial highway north of Econear Read on an alignment approximating the south 13° 11' 00" west property line of the subject property. The proposed alignment is shown on the attached print of the Reitlioner's plat.

It is recommended that the Petitioner's submittal be revised to establish a plan of development compatible with the needs for highway improvements in this area.

Property Owner: Page 2 October 10, 1973

The Petitioner must provide mesonary drainage facilities (temporary or permanent) to prevent eventing any mulaneous or desages to adjacent proporties, especially by the concentration of murface waters. Correction of any problem with eye result, due to improper grading or improper installation of drainage facilities, would be the full pasponsibility of the Petitions.

Water and Sanitary Sewer:

Public water and manitary newerage are not available in this neighborhood. Private well and soptic tank installations will be subject to the requirements of the Baltimore County Houself Department.

Dounts Rie

END-EAM-OUTLES

TRAFFIC ENGINEERING

FUREAU OF PROJECT PLANSAGE BOARD OF EDUCATION ZONING ADMINISTRATION PARTITIONAL DESCRIPTIONS

BALTIMORE COUNTY TONING ADVISORY COMMITTEE February 21, 1974

> W. Miles Cole, Esq., 406 Jefferson Building Towson, Maryland 2120

> > RE:Reclassification Petition Item 9 - 6th Zoning Cycle Gilbert K. and William W. Smith -

Ben

I am in receipt of additional or revised comments from the enclosed Zoning Advisory
Committee member(s) with regard to your
petition. Please read and add these comments petition. Please read and add these comments to those previously sent to you. Should revised site plans be required as a result of these comments, please endeavor to have them filed prior to the hearing.

> Very truly yours, John & Bellon G JOHN J. DILLON, JR., Chairman

TIDIE .ID (Enclosure(s)

ec:B. D. Lynch & Company 8203 Harford Road Baltimore, Maryland 21234

Baltimore County, Maryland Bepartment Of Dubite Borke

COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Barous of Engineering ELLSWOATH N. DIVER, P. E. CHIEF

February 5, 1974

Mr. S. Eric DiNemna Zoning Commissioner County Office Building Towson, Maryland 2320h

Item #9 (October 1973-April 1974 - Cycle VI) Property Owner: Gilbert K. and William W. Smith N/ES of Ebenser Road, Mal.26' from the centerline of Fmiladelphia Road Existing Zoning: B.L.
Proposed Zoning: B.M.
No. of Acres: 1.03 Acres District: 11th

Dear Mr. DiNenna

The following comments are furnished in regard to the revised plat submitted to this office. These comments supplement the comments furnished under date of Cetober 10, 1973.

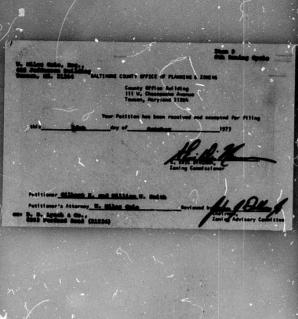
The right-of-way shown for Ebenezer Road is acceptable to this office. The entrances and proposed curb and gutter as shown within this right-of-way conflict entranced, with the moreosary injuryay improvements and are not acceptable. The print of the conflicts to indicate the compatibility of the proceed onsite improvement with its necessary implay improvement for Ebenezer Road.

The right-of-way being reserved for a future industrial highway north of Schemezer Road is adequately shown. The use of this area for access as reasonable, however, its use in computing parking requirements and failure to indicate the 8-foot setback for onsite parking is questioned.

Very truly yours,

FLISWORTH N. DIVER, P.E. Chief, Pureau of Engineering

END:EAM:CMK:ss



Item #9 (October 1973-April 1974 - Cycle VI)

EUGENE J. CLIPPORD. P.F.

WM. T. MELEER

October 24, 1973

Mr. S. Eric DiMenna County Office Building Towson, Maryland 21204

Re: Item 9 - October 1973 to April 1974 - Cycle Zoning VI Property Owner: Gilbert K. Smith, et al Northeast side of Ebenezer Road, 141,26 feet east of Philadelphia Road B.H. Cistrict II

Dear Mr. DiNenna:

The subject petition should not create any major change in trip density.

Very truly yours. Child M.

C. Richard Moore Assistant Traffic Engineer

Mr. S. Eric Di Nenna Zoning Commissioner County Office Building Towson, Maryland 2120h

Attention: Mr. John J. Dillon

RE: Baltimore County
Sixth Zoning Cyple, Oct. 1973
Property Owner: Gilbert K. &
William W. Saith
Location: N. E./S of Ebeneser Read,
Lil.26 ft. from the Centerline of
Philadelphia Road (CFE 7)
Existing zoning: B. L.
Proposed Zening: B. M.
No. C. Acres: L. OJ Acres
District: 11 th

Dear Mr. Di Menna:

The Philadelphia fload frontage of the subject site is presently unisproved. Although the autosobile dealership has access from Philadelphia Road, the entrances are not in conformance with current standards. It is our opinion that the plan about he revised to insufficient the conformance with current standards of the conformance with current standards. The plan about he revised to insufficient purposes and highway laprovement to Philadelphia Dan Bagiway Theorems should be made in conjunction with the proposed additions to the site.

The 1972 average daily traffic court on this section of Philadelphia Read is 4,025 vahicles.

Very truly yo'rs,

October 9, 1973

CL: JEM: AG

Charles Lee, chief Bureau of Engineering Access Permits 18 mayers By: J. E. Meyers

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



November 5, 1973

Mr. S. Eric DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building

Comments on Item #9 , VI Zoning Cycle, October 1973, to April 1974, are as follows:

Property Owner. Gilbert K. and William W. Smith Location: N/E/s of Ebenezer Road, 141.26 ft. from the centerline of Philadelphia Road Existing Zedings B. M No. of Acres: 1.03 acres District: 11

The site plan as submitted is not acceptable to this office as there appears to be no circulation with the existing buildings, penking or storage areas. Before any further comments are made by this office an overell site plan of the entire property must be submitted to this office.

John SWanting John L. Wimbley

Very trul: yours,

Planning Specialist !! Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 105 WEST CHESAPEAKE AVENUE

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 18, 1973

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 2120h

Z.A.C. Meeting of: "Cycle 6"

Property Orner: Gilbert K. & William W. Chith Location: N.E./S. of Ebenszer Rd, 181...6 ft. from Centerline of Philadelphia Rd. Proposed Zoning: B.L. Proposed Zoning: B.M.

District: No. Acres: 11th

Dear Mr. DiNenna:

No bearing on student population.

WNP/ml

Very truly yours Which fetward W. Nick Petrovich Field Representative

H EMSLIE PARKS, PARKET EUGENÉ G. PTSS, PAG MOS AGGERT L. BERNEY MARCUS M. BOTSABIS JOSEPH N. MICOWAN

RICHARD W. TRACEY, V.M.D. MRS. BICHARD K. AUCHTE

Baltimore County Fire Department

J. Austin Deitz



Towson. Maryland 21204

Office of Planning and Zoning Battimore County Office Building Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Cwner: Gilbert K. & William W. Smith

Location: NE/S of Ebenezer Rd., 141.26 ft. from the Centerline of Philadelphia Road Item No. 9 Zoning Agenda Tuesday, October 2, 1973

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

(xx) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Matthione County Standards as published by the Department of Public Words A second means of which cacces is required for the site.

() 2. A second means of which cacces is required for the site.

() 3. The vehicle dead-end condition shown at

EXCLESS the venicle usen-end consiston snown at

EXCLESS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the of the control of the control

D.R. 5.5

MLR.

0

Reviewer: AT June X Wited and Approved: Planning Group Special Inspection Division

D.R. 3.5

D.R. 16

ML

D.R. 2

Deputy Chief Fire Prevention Bureau

OFFICE COPY

ML

ML

B-BL

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ML-CS-1

D.R. 2

mls 4/16/73

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Mr. S. Eric DiNenna, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

-BALTIMORE COUNTY, MARYLAND

October 23, 1973

Dear Mr. DiNenna:

HVB:mn6 cc: W.L. Phillips

Comments on Reclassification, Zoning Advisory Committee Meeting, October 2, 1973, are as follows:

Property Owner: Gilbert K. and William W. Smith Location: NE/S Ebenezor Rd.,141.26 from C/L Phila.Rd. Passent Zonings B.L. No. Acres: 0.00 Joseph E. D. M. No. Acres: 0.00 Joseph E. D. M.

Complete soil evaluation must be conducted and approved and drilled water well approved, prior to issuance of building

<u>Air Pollution Comments</u>: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning equipment and processing equipment. Addi-tional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltisore County Department of Health.

Vater Resources Administration Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Admin. requirements.

Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

Item # 9 OFFICE COPY MARSH 00 D.R OI 0 0 0 0 8 0 30 50 m 0 Ü 0 0 280 Z

DONALD J. ROOP, M.D., M.P.H.

DEPARTMENT OF HEALTH-

Very truly yours.

MAY 29 1974

TOTAL PARTY OF THE	CERTIFICATE OF PUBLICATION
LOCATION: Northwest skip of Streets Steel 145.25 Foot Shell of Philadelphia Steel.	ROSEDALE, MD., March 1 19 74
DATE & TIME: FRIDAY, MARCH IS, 1870 at 1960 A.M. PUBLIC BEARING: Room MR. County Office Building, 131 W.	THIS IS TO CERTIFY, that the annexed advertisement was published in THE OBSERVER, a weekly newspaper published
Change Aven, Trees,	in Rosedale, Baltimore County, Md.,
of the Reality Art and	22nd day of March 1974, the publication
ord half a public hearing: Present Seeing R.L.	appearing on the 284 day of February 1974.
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E. Smith and William W. Smith. or above on plot plon Shel with the Louing Deposits VI.	
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BALTHOORE COUNTY	

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CERTIFICATE OF PUBLICATION

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and publishe	ed in Towson, Baltimore County, Md., cases in sent
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appearing on	the 28th day of February
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	THE JEFFERSONIAN
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BALTIMORE (COUNTY OFFI	CE OF PLANI	NING AND	ZONIN

County Office Building

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CERTIFICATE OF POSTING

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BALTIMORE COUNTY, MARYLAND	Ma 13160
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DATE March 21, 1974 ACCOUNT 01-6	···
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Advertising and posting of prope	rty for Gilbert V
Smith, et al 9 2 10 2 21	
#74-208-# 21	11926 HSC

