

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
AND ALLEGED ZONING VIOLATION : ZONING COMMISSIONER
NW/corner of Oakleigh Road and :
Forrest Avenue - 9th Election Dis- :
trict :
Howard Plumbing Company, Inc. - :
Petitioner :
Meredith R. Howard - Defendant :
NOS. 76-200-SPH (Item No. 157) :
and 76-207-V, C-76-295 : BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition filed by Howard Plumbing Company, Inc., for a Special Hearing to approve the expansion of an existing nonconforming use at 1756 Forrest Avenue, and, additionally, as a result of a complaint filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations at the above location with reference to the operation of a commercial business in a residential zone.

The following Baltimore County Zoning Regulations are involved:

Section 102.1 - "No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

Section 104.1 - "A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Both of the aforementioned cases were consolidated into one hearing, and a copy of this Order shall appear in both case files.

Without reviewing the evidence in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the expansion of an existing nonconforming use should not be approved.

In reference to the alleged zoning violation, i.e., an operation of a commercial business (plumbing and heating) in a residential zone, a review of the facts is necessary.

By Order of the Deputy Zoning Commissioner on December 14, 1970, under Case No. 71-80-V, it was found that there is no apparent violation of the Baltimore County Zoning Regulations in that the owner of the property is conducting a plumbing business on the subject property and the same is considered a nonconforming use. This was a finding of fact based on the testimony presented at the time of that hearing.

As a result of subsequent evidence presented at the initial and continued hearings (Case Nos. 76-200-SPH and 76-207-V), and after reviewing the additional facts and accepting additional evidence, it is the opinion of the Zoning Commissioner that the subject property does not, in fact, enjoy a nonconforming use. Testimony by Mr. Meredith R. Howard, Petitioner-Defendant, and owner of the property, basically alleged that he began operating a business on the subject sites, i.e., 7714 Oakleigh Road and 7716 Oakleigh Road, in approximately 1944-1945. He built a house on 7714 Oakleigh Road in 1948, acquiring the additional property in that same year. The improvement was not expanded to 7716 Oakleigh Road until 1951 or 1952. The majority of the business is conducted at 7716 Oakleigh Road.

Testimony on behalf of the Protestants-Complainants, indicated that the subject properties were never used prior to 1946 or 1947 and that Mr. Howard commenced using the property for commercial reasons in 1948 to 1949, after he had built his house. The residents of the neighborhood never filed any type of complaint with reference to a commercial endeavor in a residential neighborhood because of Mr. Howard personally. At this time, it seems there has

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been an increase in business or uses of the property, therefore, resulting in the subject complaint being filed.

A witness on behalf of the Petitioner, Mr. William J. Marsden, indicated that some trucks were stored on the subject properties prior to 1945; however, Mr. Howard, in cross-examination testimony, indicated that no commercial use of 7714 took place until after his house was built. He indicated that property lying to the north of 7714 was used for storing of plumbing trucks and material. He further testified that the building, now located on 7716 Oakleigh Road, was formally a gas station, moved from the intersection of Loch Raven Boulevard and Taylor Avenue, and that said business is presently being operated out of that location.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, considering all the facts presented at both hearings, the subject property does not enjoy a nonconforming use for a plumbing business or any type of business. The Zoning Commissioner has the right to overrule a previous decision if the present day facts are not substantially the same state of facts and same law applicable at the time of the initial hearing in 1970. Under this circumstance, it is obvious that more facts were presented at the present hearings to establish that the property does not enjoy a nonconforming use.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of August, 1976, that the Special Hearing to approve the expansion of an existing nonconforming use at 1756 Forrest Avenue should be and the same is hereby DENIED.

It is further ORDERED that the Defendant is guilty in violating the Baltimore County Zoning Regulations in that he is operating a business in a Density, Residential (D, R. 5.5) Zone, which does not enjoy a nonconforming use. It is the Opinion of the Zoning Commissioner that an ample period of time should be given the property owner to move or relocate, inasmuch as the business has

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been conducted on the subject property for some 25 to 27 years. It would be a difficulty and quite a hardship upon the Defendant to relocate immediately.

It is further ORDERED that he relocate and cease and desist the use of the property as a business by April 4, 1977.

[Signature]
Zoning Commissioner of
Baltimore County

PROPERTY DESCRIPTION

For Proposed Rezoning of the Howard
Property

Point of beginning for the first at a point made by the intersection of the northwest side of Oakleigh Road (40 feet in width) and the North side of Forrest Avenue (40 feet in width), thence N 83 degrees 48 minutes W 172.91', thence N 6 degrees 12 minutes E 289.94', thence N 82 degrees 10 degrees 10 seconds E 204.06', thence S 8 degrees 47 minutes 30 seconds W 165.0', thence S 57 degrees 07 minutes E 130.0', thence N 32 degrees 53 minutes W 150.0' to the point of beginning.

I HEREBY CERTIFY, That on this 23rd day of September, 1948, before me, the undersigned, a Notary Public of said State, in and for the City of Baltimore, aforesaid, personally appeared Eugene E. Kelly, the vice-President of said body corporate, defendant, and acknowledged the said Deed of Partial Release to be the act of the said body corporate.

Witness my hand and Notarial Seal.
(Notarial Seal) Shirley Sutton
Shirley Sutton Notary Public.
Recorded Sep 29 1948 at 12:10 PM & exd per T Braden Silcott-Clerk (red by MDM)
END BY 20445

70716 Dorothy V. Buckholz Cresser et al. : THIS DEED, Made this twenty-eight day of September, Deed to Meredith R. Howard et al. : In the year one thousand nine hundred and forty-
US\$ \$1.65 SS \$1.65 : eight, by and between Dorothy V. Buckholz Cresser

and William Cresser, her husband, of :
in the State of Maryland, of the first part, Grantors, and Meredith R. Howard and Catherine M. Howard, his wife, of Baltimore County, State of Maryland, of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors, do grant and convey unto the said Meredith R. Howard and Catherine M. Howard, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor of them in fee simple, all those two (2) lots of ground, situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:-

BEING all those two (2) lots of ground situate, lying and being in Baltimore County, State of Maryland, which are designated as Lots Nos. 375 and 376 on the Plat of the tract of land known as Hillendale Park No. 3, and recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No. 12, folio 12; and being the same two (2) lots of ground which by deed dated February 4, 1948, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1643, folio 485, were granted and conveyed by The Moreland Real Estate Company, Incorporated, to the said Dorothy V. Buckholz, who has since married the said William Cresser.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Meredith R. Howard and Catherine M. Howard, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor of them, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seal of said grantors.
TEST: Dorothy V. Buckholz Cresser (SEAL)
George R. Make
Dorothy V. Buckholz Cresser
William Cresser (SEAL)
George R. Make
William Cresser

I HEREBY CERTIFY, That on this 25th day of September, in the year one thousand nine hundred and forty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Dorothy V. Buckholz Cresser and William Cresser, her husband, the above named grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESSED my hand and Notarial Seal.
(Notarial Seal) George R. Make
George R. Make Notary Public.
Recorded Sep 29 1948 at 12:10 PM & exd per T Braden Silcott-Clerk (red by MDM)
END BY 20445

70717 Walter F. Oliff et al. : THIS DEED, Made this 28th day of September in the year Aught to Lillian Reichert et al. : one thousand nine hundred and forty-eight between Walter US\$ 310.45 SS \$10.45 : F. Oliff and Elizabeth M. Oliff, his wife, of Baltimore

County in the State of Maryland of the first part, and Lillian Reichert and Blanche Reay, her mother, of the same County and State of the second part, witnesseth:

That in consideration of the sum of Five Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Walter F. Oliff and Elizabeth M. Oliff, his wife, do grant and convey unto the said William Reichert and Blanche Reay, as joint tenants and not as tenants in common, their assigns, the survivor of them, her personal representatives and assigns all that lot of ground situate lying and being in Baltimore County, State of Maryland, the improvements thereon being now known as Number 12 E. Maple Avenue and described as follows, that is to say:

BEGINNING FOR THE SAME on the northeast side of Maple Avenue at the distance of two hundred feet northwesterly from the corner formed by the intersection of the northeast side of Maple Avenue and the northwest side of Linden Avenue, whither place of beginning is also designated to be at the southwest corner of lot number six hundred thirty-two (632) as shown on the plat of addition to Overlea, which plat is recorded among the plat records of Baltimore County in Liber V.P.C. No. 2, folio 194; and running thence northeasterly along the division line between lots numbers six hundred thirty-one (631) and six hundred thirty-two (632), a distance of one hundred forty-five feet to the southwest side of a ten foot alley there situate; thence northwesterly along the southwest side of said ten foot alley together with the use thereof in common with others forty feet to the division line between lots numbers six hundred thirty (630) and six hundred thirty-three (633); and running thence southwesterly along said division line a distance of one hundred forty-five feet to the northeast side of Maple Avenue; thence southeasterly binding on the northeast side of Maple Avenue forty feet to the place of beginning. Being known as lot number six hundred thirty-two (632) on the plat of the addition to Overlea.

BEING the same lot of ground as that described in a deed from the Frankford Real Estate Company to the said Walter F. Oliff and wife, dated July 11, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1474, folio 391.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said Lillian Reichert and Blanche Reay, as joint tenants and not as tenants in common, their assigns, the survivor of them, her personal representatives and assigns, for all the

CHIAPPARELLI AND BRESCHI
Attorneys at Law
SUITE 418
MERCANTILE - TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
301-296-6870



August 27, 1976

The Honorable Zoning Commissioner
of Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: N/W corner of Oakleigh Road and
Forrest Avenue - 9th Election District
Howard Plumbing Company, Inc. -
Petitioner
Meredith R. Howard, Sr. - Defendant
7714 & 7716 Oakleigh Road
Nos. 76-200-SPH (Item No. 157) and
76-207-V, C-76-295

Dear Mr. Commissioner:

To clarify my letter of August 25, 1976, a copy of which is attached hereto, please be advised that it is our intention to not only appeal your determination as to a violation of the Zoning Regulations, but also to appeal your denial of the Special Hearing to approve the expansion of an existing nonconforming use at 1756 Forrest Avenue.

Thank you for your kind attention.

Very truly yours,

[Signature]
GEORGE A. BRESCHI

GAB:cm
Encl.

cc: Michael A. Pretl, Esquire
Smith, Somerville & Case
cc: Mr. William G. Wood, President
Towson-Loch Raven Community Council, Inc.

CHIAPPARELLI AND BRESCHI
Sole Agents of Law
SUITE 418
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
301-286-8820

GEORGE A. BRESCHI
CHARLES A. CHIAPPARELLI
ROBERT A. BRESCHI

August 25, 1976

The Honorable Zoning Commissioner
of Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: N/W corner of Oakleigh Road and
Forrest Avenue - 9th Election District
Howard Plumbing Company, Inc. -
Petitioner
Meredith R. Howard, Sr. - Defendant
Nos. 76-200-SPH (Item No. 157) and
76-207-V, C-76-295

Dear Mr. Commissioner:

Please be advised that my clients, Howard Plumbing
Company, Inc. and Mr. Meredith R. Howard, Sr., wish to
enter an Appeal of the decision rendered on August 4, 1976
resulting in an adjudication that my client is in violation
of the Baltimore County Zoning Regulations.

Attached please find check in amount of \$35.00 to cover
the costs of said Appeal filing.

Thank you for your kind consideration and attention.

Very truly yours,

George A. Breschi
GEORGE A. BRESCHI

GAB:cm

cc: Michael A. Pretl, Esquire
Smith, Somerville & Case
cc: Mr. William G. Wood, President
Towson-Loch Raven Community Council, Inc.

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Together with the buildings and improvements thereupon erected, made or being and all and
every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same
belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises above described
and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurte-
nances and advantages thereto belonging or appertaining unto and to the proper use and benefit
of the said Party of the second part, its

SUCCESSORS
heirs and assigns,

In fee simple.

And the said party of the first part hereby covenants that he has
not done or suffered to be done any act, matter or thing whatsoever, to encumber the property
hereby conveyed; that he will warrant specially the property granted and that he will
execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

Test:

William J. Marsden
William J. Marsden (REAL)
[SEAL]

State of Maryland, City of Baltimore, to wit:
I HEREBY CERTIFY, That on this 24th day of October, 1976,
before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of
Baltimore, personally appeared William J. Marsden

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged that he executed the same for the purposes therein
contained, and in my presence signed and sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal

My Commission expires:
July 1, 1978

James A. Hunsicker, Jr.
James A. Hunsicker, Jr.
Notary Public
Res'd for record NOV 6 1975
For Elmer H. Kahlino, Jr., Clerk
Hall to the Clerk - Hunsicker
Residence No. 7-00

September 17, 1976

Case Nos. 76-200-SPH (Item No. 157) and 76-207-V, C-76-295 -

Howard Plumbing Company,
Inc. - Petitioner

Meredith R. Howard, Sr. -
Defendant

NW corner of Oakleigh Road
and Forrest Avenue - 9th
Election District

Letter of Complaint from Eva C. Schmidt, dated December 17, 1975

Zoning Violation Inspection Record, dated January 13, 1976

Four Photographs

Four Letters of Protest-Complaint

Petition for Special Hearing

Memorandum of Howard Plumbing Company and Mr. Meredith R. Howard,
Sr., from George A. Breschi, Esquire

Memorandum of Complainants and Protestants from Michael A. Pretl,
Esquire

Description of Property

Plat of Subject Property.

Zoning Plans Advisory Committee Comments, dated March 16, 1976

Comments from William D. Fromm, Director of Planning, dated March
16, 1976

Resolution from William G. Wood, President, Towson-Loch Raven Community
Council, Inc., dated March 9, 1976

Copies of Permit Nos. 25479 and 27850

Certificates of Publication

Certificate of Posting (Two Signs)

Square Footage Calculations Presented by Protestants

Zoning Inspector's Exhibit 1 - Four Photographs

Zoning Inspector's Exhibit 1A - Three Photographs

Protestants' Exhibit A - Illustrated Plat

Protestants' Exhibit B - Seven Photographs

Protestants' Exhibit C - Two Page Signed Petition from Area Residents Not
Present at Hearing

Case Nos. 76-200-SPH (Item No. 157) and 76-207-V, C-76-295
Page 2
September 17, 1976

Protestants' Exhibit D - Two Page Signed Petition from Area Residents
Present at Hearing

Protestants' Exhibit E - Map Showing Property Ownership

Protestants' Exhibit F - Microfilmed Copies of Legal Documents

Protestants' Exhibit G - Microfilmed Copies of Legal Documents

Protestants' Exhibit H - Deed Between William J. Marsden and Howard
Plumbing Company, Inc., dated October 24, 1975

Protestants' Exhibit I - Fifteen Photographs

Protestants' Exhibit J - Nine Photographs

Protestants' Exhibit K - Ten Photographs

Protestants' Exhibit L - Colored Plat

Order of the Zoning Commissioner, dated August 4, 1976 - Special Hearing
DENIED: VIOLATION EXISTS (the Defendant is guilty in violating the
Baltimore County Zoning Regulations in that he is operating a business in
a Density, Residential (D.R. 5.5) Zone, which does not enjoy a nonconforming
use....)

Letter of Appeal from George A. Breschi, Esquire, on Behalf of Howard
Plumbing Company, Inc., Petitioner, and Mr. Meredith R. Howard, Sr.,
Defendant, received August 25, 1976, with Attached Supplementary Letter,
dated August 27, 1976

George A. Breschi, Esquire
Suite 418, Mercantile-Towson Building
409 Washington Avenue 21204

Counsel for Petitioner-
Defendant

Mr. Meredith Howard
Howard Plumbing Company, Inc.
7714 Oakleigh Road 21234

Petitioner-Defendant

Michael A. Pretl, Esquire
1700 One Charles Center 21201

Counsel for Protestants

Mr. William G. Wood, President
Towson-Loch Raven Community
Council, Inc.
P.O. Box 9709, Eudowood Branch 21274

Protestant

Mr. & Mrs. Albert F. Schmidt
1754 Forrest Avenue 21234

Protestant

John W. Hessian, III, Esquire
People's Counsel

People's Counsel

LIBER 5582

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his wife the above named grantors and they acknowledged the foregoing deed to be their act
As witness my hand and Notarial Seal
(Notarial Seal)

My commission expires Feb 5 1978
Recorded Sep 17 1976 at 11:30 AM & paid per
(Recorded by DUS)

Grace L. French
Notary Public
John W. Bishop Clerk
at by DUS

2734a) THIS PARTIAL RELEASE Made this 20th day of August 1976 by
Baltimore Fed Svs & L Asso (Baltimore Federal Savings and Loan Association a body corporate
for Rel to Muly Incorporated
Charles H. Deise et al) WITNESSETH That whereas portion of all the covenants of the
hereinafter described Mortgage have been performed and a portion
of the whole sum of money and interest secured thereby has been paid and satisfied the said
body corporate doth grant and release unto Charles H. Deise and Annabelle P. Deise his wife
their heirs personal representatives and assigns all that lot of ground and premises being
a portion of the property described in a Mortgage from Charles H. Deise and Annabelle P. Deise
his wife to the said body corporate dated January 3rd 1947 and recorded among the Land Records
of Baltimore County in Liber J. & B No 1531 Folio 159 more particularly described as follows
BEGINNING for the same on the southwest side of Topaz Road at a point distant 240 feet
measured south 45 degrees 28 minutes east from the intersection of the southwest side of
Topaz Road and the southeast side of Opal Road running thence and leaving Topaz Road at
right angles and parallel with Opal Road 140 feet thence southeasterly and parallel with
Topaz Road 50 feet thence northeasterly and parallel with Opal Road 140 feet to the south-
west side of Topaz Road thence blinder thereon 50 feet to a point of beginning being lot
B5 as shown on the Plat of Subdivision 1 2 and 3 of the Canton Company of Balti-
more unrecorded free and clear from the operation of said Mortgage Said body corporate
Releaser however retains its lien on the balance of the property described in said Mort-
gage not hereby nor heretofore released

AS WITNESSETH the corporate seal of said body corporate and the signature of Joseph M
Hixley its Vice-President
attested to by its Secretary
Joseph M. Schneider
Secretary
(Corporate Seal)
CITY OF MARYLAND BALTIMORE CITY TO WIT
I HEREBY CERTIFY That on this 20th day of August 1976 before me the subscriber a
Notary Public of said State in and for Baltimore County personally appeared Joseph M
Hixley the Vice President of said body corporate Releaser and acknowledged the said Deed of
Partial Release to be the act of the said body corporate
Witness my hand and Notarial seal
(Notarial Seal)

J. Hixley Smith
Notary Public

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 16, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-200-SPH, Petition for a Special Hearing for the
expansion of an existing non-conforming use,
Northwest corner of Oakleigh Road and Forrest Avenue
Petitioner - Howard Plumbing Company, Inc.

9th District

Hearing: Wednesday, March 31, 1976 at 10:00 A.M.

There are no comprehensive planning factors requiring comment
for this special hearing.

William D. Fromm
William D. Fromm
Director of Planning

WDF/JGH/sw

2-3	37,386.9 %	TOTAL PROP HOUSE & SHED % INC
2-3	45,310.6 %	HOUSE ONLY % INC
2-3	65,986.9 %	TOTAL PROP HOUSE & SHED % INC
2-3	79,972.0 %	HOUSE OVER HOUSE & OUTBND % INC

GARAGE 20x11
400.00 SF ORIGINAL SHED

A	RED HOUSE 7716	2463.00 S.F.	2985.00 S.F.	GAIN TO HOUSE 7716	615.75% INCREASE
B	BROWN SHED	522.00 S.F.	522.00 S.F.	GAIN TO HOUSE SHED	76.25% INCREASE

	1756 OAKLEIGH			
C	ORANGE	1116.0 SF.		
D	LARGE OUT BLDG.	544.99 SF.	} 853.71'²	1969.71'² 1756
E	SMALL OUT BLDG.	258.72 SF.		
			9.73% ²	

PARKING
PROPOSED AREA 5278'

A to C 45,310% INCREASE
HOUSE TO SHED INCREASE OF 21.194%
HOUSE TO PARKING LOT

RFD HOUSE - DWELLING + EXPANSION OF ROOF 2,496'

PROPOSED REAR PARKING
AREA 61' X 93' = 5278 S.F. AREA 5673.00

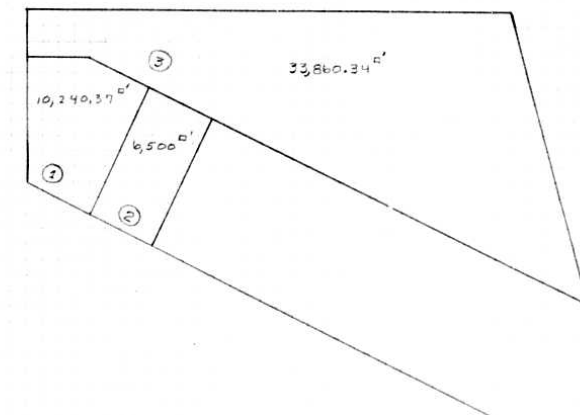
TOTAL AREA OF HOWARD PROPERTY
DE NOTED AP-2 = 22,753 S.F.

25 % OF 22,753 SF = 5,688
AREA OF PROPOSED PARKING
AREA IS 5278 SF.

1) WHEN MR. HOWARD BOUGHT PROPERTY ²¹ IT GAVE HIM
1924037 SQ. FT. PURCHASED 9-4-47

2) WHEN MR. HOWARD BOUGHT PROPERTY #2 IT GAVE HIM
6,500 SQ. FT. ADDITIONAL AN INCREASE OF 63.47269 %
FOR A TOTAL OF 16,740.37 SQ. FT. DATED 9-28-45

3) WHEN MR HOWARD BOUGHT PROPERTY #3 IT GAVE HIM
33,866.34 SQ. FT. ADDITIONAL PURCHASED 12-14-75
AN INCREASE OF 330.6554% OVER HIS ORIGINAL PROPERTY
AN INCREASE OF 202.26757% OVER BOTH PREVIOUS PROPERTIES
AN TOTAL INCREASE OF 394.12970% OVER ORIGINAL PROPERTY



LISTING OF ATTENDANTS
AT

CASE NO. C-76-295, Special Hearing for Determination and Expansion of Non-Conformance Use

NAME	ADDRESS	WILL TESTIFY
Oliver D. Davis	1749 Forrest Ave	NO.
Frances G. Davis	1749 Forrest Ave	Yes
Angeline F. Cribb	1800 Forrest Road	Yes
Walter M. Bough	1801 Forrest Road	Yes
John E. Bough	1801 Forrest Road	Yes
Emily M. Davis	7608 Oakleigh Road	Yes
Earl A. Dietz	1753 Forrest Ave	Yes
Theresa J. Dietz	1753 Forrest Ave	Yes
Catherine Clautier	7710 Oakleigh Rd.	Yes
Wesley D. Dietz	1804 Forrest Rd	Yes
Virginia M. Connelly	1803 Forrest Rd	Yes
Meta Brough	1734 Forrest Ave	NO
W. A. Bough	1734 Forrest Ave	NO
Eva C. Schmidt	1754 Forrest Ave	Yes
Mary Macgregor	1809 Wendover Rd	Yes
Raymond J. Dietz	7732 OAKLEIGH RD	YES
Charles F. Dietz	7722 OAKLEIGH RD	YES
William B. Sanders	1750 Forrest Ave	Yes
Harry K. McManis	1815 WENDOVER RD.	YES
John C. Klemm	1753 Forrest Ave	NO
Frank Clautier	7710 OAKLEIGH RD	Yes
A. Douglas Markland	1712 Forrest Ave	Yes
Myrtle S. Markland	1712 Forrest Ave	NO
Willard H. Sullivan	7709 HELLIER RD	YES
Harold C. Sullivan	1716 Forrest Ave	Yes
Paul Tracy	1738 Westworth Rd	Yes
Linda Benaberg	1733 Forrest Avenue	yes

LISTING OF ATTENDANTS (Continued)
Case No. C-76-295, Special Hearing for Determination and
Expansion of Non-Conformance Use

NAME	ADDRESS	WILL TEST?
Raymond E. Dandridge	1733 Forest Ave	= yes
Betty Dandridge	1752 1/2 Forest Ave	= Yes
Robert Marshall	1350 1/2 Forest Ave	= Yes
Marion Sweeney	1330 Forest Ave	= yes
Paul Becker	1710 Forest Ave	= Yes
Alfred E. Hummel	1754 Forest Ave	= Yes.
Mary E. Becker	1710 Forest Ave	= yes
William W. Beach	1727 Forest Ave.	= Yes
Richard S. Kennedy	1803 Forest Rd	= Yes
Anne P. Dandridge	1806 Forest Rd	= No
John W. Houghton	1806 Forest Rd	= Yes
W. H. Norton	1821 Wentworth	= Yes.
A. W. McLaughlin	1729 Forest Ave	= No
W. F. Hecker	1751 Forest Ave	= Yes
Wm. W. Wadsworth	1751 Forest Ave	= Yes
George A. Burnett	1748 Forest Ave	= Yes
Ernest E. Burnett	1748 Forest Ave.	= Yes
John A. Stein	1728 Forest Ave	= Yes
James A. Stein	1728 Forest Ave	= Yes
May A. Stein	1708 Forest Ave	= Yes
Barb Stein	1725 Forest Ave	= Yes
Ann Vinup	1747 Wentworth	= No
John Brewwell	1739 Wentworth	= No
Rosalie Reed	1741 Wentworth St.	= No
J. Blatter	7522 Oakdale Rd.	= Yes
J. "	7532 Oakdale Rd.	= "
Wm. L. Bantz	1718 Forest Ave	= Yes
Debra A. Bantz	1724 Forest Ave	= Yes
Esther Fitzmaurice	1720 Forest Ave	= Yes
R. P. Sommers	Randallston	Ind. N.O.

PETITION

March 30, 1976

CASE #C-76-295, Special Hearing for Determination and Expansion
of Non-Conformance Use

WE, THE UNDERSIGNED, though unable to attend, do oppose the (determination), expansion and violation of the non-conforming use referred to in Case No. C-76-295, to be heard by the Zoning Commissioner on March 31, 1976.

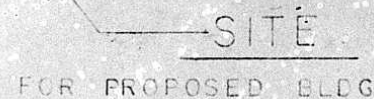
NAME	ADDRESS	ZIP
Belphus Myranda	1745 Forrest Ave	21234
Bonnie J. Myranda	1745 Forrest Ave	21234
James H. Myranda		
Michael T. Myranda	1746 Forrest Ave	21234
Marie L. Plett	1743 Forrest Ave	21234
John J. Plett	1743 Forrest Ave	21234
Elizabeth Plett	1720 Forrest Ave	21234
Catherine Plett	7711 Belmont Ave	21234
Alous Novak	17269 Forrest Ave	21234
Yelanda Heckmann	1751 Forrest Avenue	21234
Theresa Schenck	1741 Forrest Avenue	21234
John A. Schenck	1741 Forrest Ave	21234
Imogene Schenck	1739 Forrest Ave	21234
Robert F. Schenck	1736 Forrest Ave	21234
Janice M. Schenck	1736 Forrest Ave	21234
Barbara Ann Schenck	1731 Forrest Ave	21234
Paul J. Schenck	1731 Forrest Ave	21234
James R. Schenck	1720 Forrest Ave	21234
Paul Magbille	1725 Forrest Ave	21234
Elizabeth Schenck	1723 Forrest Ave	21234
John Schenck	1723 Forrest Ave	21234
Clarence P. Schenck	1701 Forrest Ave	21234
Norma Schenck	1701 Forrest Ave	21234

PETITION

CASE #C-76-295, Special Hearing for Determination and Expansion of Non-Conformance Use

WE, THE UNDERSIGNED, though unable to attend, do oppose the determination, expansion and violation of the non-conforming use referred to in Case No. G-76-295, to be heard by the Zoning Commissioner on March 31, 1976.

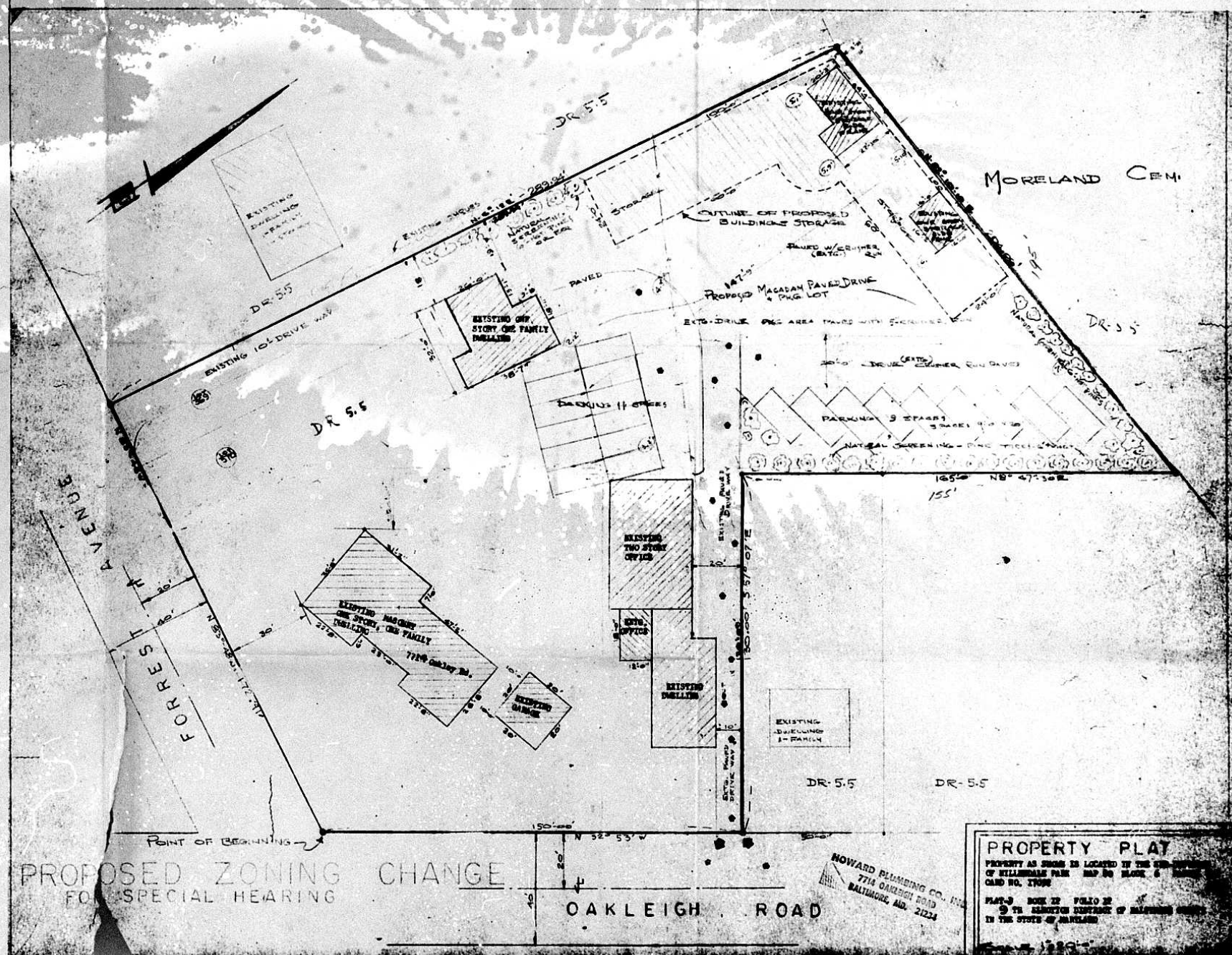
NAME	ADDRESS	ZIP
Edith M. Raab	1809 Forest Rd	21234
Edward R. Raab, Jr.	1809 Forest Rd	21234
John A. Hunt	1804 Forest Rd	21234
James M. Beebe	1700 Forest Rd.	21234
James W. Bonnett	1801 Wendover Rd.	21234
Betty L. Bonnett	1801 Wendover Rd	21234
Harry B. Cloutier	7710 Dinkley Glen Road	21234
Fred W. Selzer	7708 Oakley Rd.	21234



SITE LOCATION

- A. NATURAL SEEDLING WILL BE PROVIDED, 2' AFFRON. HST. PINE TREES
B. PROPOSED PARKING LOT SHOWN WILL PROVIDE SPACES
PARKING LOT SHOWN ALSO VEHICULAR ACCESS SHOWN
C. PARKING LOT PAVING 5" OR CRUSHER RUN STONE - CUMULATED
D. PARKING SPACES 40' X 20'
20 PARKING SPACES SHOWN

3C
NE 8-C
9
2-5-76
SW
MA



PROPERTY PLAT

PROPERTY AS SHOWN IS LOCATED IN THE SUBDIVISION
OF WILLOWDALE PARK MAP 80 BLOCK 6 PARCEL
CARD NO. 17092

PLAT-3 BOOK 12 FOLIO 12
9TH ELECTION DISTRICT OF BALTIMORE COUNTY
IN THE STATE OF MARYLAND

HOWARD PLUMBING CO., INC.
7714 OAKLEIGH ROAD
BALTIMORE, MD. 21224

IN THE MATTER OF
HOWARD PLUMBING COMPANY
7714 Oakleigh Road
Baltimore, Maryland 21234

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Nos. 76-200 SPH (Item No. 157)
and 76-207-V, C-76-295

*** **

MEMORANDUM OF
HOWARD PLUMBING COMPANY AND
MR. MEREDITH R. HOWARD, SR.

In order to place this matter in its proper perspective with regard to this case, let us briefly review the occurrence of events:

1. On December 14, 1970, the Deputy Zoning Commissioner ruled that the Howard Plumbing Company had a non-conforming use on the property located at 7714 Oakleigh Road, which includes 7716 Oakleigh Road.
2. In October, 1975, the Howard Plumbing Company purchased a lot and home at 1756 Forest Avenue from William J. Marsden.
3. After consulting with members of the Zoning Office in Baltimore County, Mr. Howard had a plat prepared expanding the use of his property at 7714 Oakleigh Road to include part of the property located at 1756 Forest Avenue.
4. Before any action was taken by Mr. Howard, the plat was shown to the members of the community surrounding his property at Oakleigh Road. After review of the plat by the neighbors, and no comment forthcoming, Mr. Howard submitted the plat to the Zoning Office for approval.
5. Upon review of the proposed plat as to cost involved in the possible construction and upon advice of counsel, the plat was changed to reflect a twenty-five (25%) percent increase of the non-conforming use in accordance with the Zoning Regulations of Baltimore County for parking only.

be known and the neighbors were quite aware of the existence of the business when they purchased their homes in the neighborhood.

The difficulties of the Zoning Commissioner and any individual placed in the position of making a determination between two adverse parties can well be recognized. However, in the Neuman, et al vs. Mayor & City Council, supra, case, it stated

"Zoning should never be allowed or disallowed on the basis of a plebiscite of the neighborhood."

The right of an individual to own property without unnecessary interference and the right to earn a living are two of the most important rights that have been guaranteed by the Constitution of the United States. The situation in this case would appear to be a "neighborhood squabble". The Zoning Commission is not the proper place to resolve such intra-neighborhood differences.

It should be noted that it was not Howard Plumbing Company's fault that the residents of the neighborhood did not attend or protest the hearing held in 1970. To penalize Howard Plumbing Company for the inaction of the citizens of the neighborhood for over thirty (30) years is unconscionable.

Also, Howard Plumbing Company is willing to do what is necessary to shield the proposed parking area from the general public and to make any arrangements for the safety and health of all the citizens and neighbors in the neighborhood.

In summation, it is respectfully requested that the proposed disallowance of the non-conforming use be overruled by the Commissioner and that the Howard Plumbing Company be allowed to extend the non-conforming use by twenty-five (25%) percent to allow proper parking in the area.

Respectfully submitted,
CHIAPPARELLI & BRESCHI
BY: GEORGE A. BRESCHI
418 Mercantile-Townson Building
Towson, Maryland 21204
296-6820
Attorneys for Howard Plumbing
Company and Meredith R. Howard, Sr.

6. The amended plat was submitted to the Commissioner at the hearing on March 31, 1976.

7. At the hearing, the Protestants not only indicated that they were going to oppose the extension of the properties, but were also, in fact, going to attempt to have the original determination of 1970 as to the non-conforming use of 7714 Oakleigh Road reversed. Counsel raised an objection on the fact of res judicata but the Commissioner withheld his decision and allowed testimony on the question.

8. On June 15, 1976, additional evidence was heard by the Zoning Commission in regards to this matter and an on-sight inspection of the property was made.

The principal question to be determined is whether the hearing held in 1970 and determination made by the Zoning Commissioner was proper and if, in that case, res judicata would apply.

The Protestants in this case argue that res judicata does not apply to administrative hearings and prior to 1955 that was correct. As stated by Professor Davis in Section 18.08 of Volume 2 of his work on Administrative Law at pages 601 and 602:

"Worst of all is what the Maryland Court has done to lump together all agencies, to say that they are arms and instrumentalities of the legislature and are not judicial at all, and to conclude that, therefore, administrative action can never be res judicata. The unfortunate results of this type of thinking are rather clearly brought out in the Maryland Zoning cases. - Happily, however, the Maryland Court has seemingly retreated from its extreme position, for it has specifically acknowledged that innumerable controversies are decided today, by boards of legislative creation, of a character that traditionally fell within the scope of judicial inquiry." (Citing Becht vs. Crook, 184 Md. 271).

The most important case in Zoning matters and the question of res judicata is the Whittle, et al vs. Board of Zoning Appeals of Baltimore County, et al, 211 Md. 36. In that case, the Maryland

IN THE MATTER OF
HOWARD PLUMBING COMPANY
NW/Corner of Oakleigh Road
and Forrest Avenue
9th Election District
Nos. 76-200 SPH (Item No. 157)
and 76-207-V, C-76-295

MEMORANDUM OF COMPLAINANTS AND PROTESTANTS

More than 60 residents and property owners in the vicinity of the Howard Plumbing Company property made complaint, and appeared at hearings on March 31 and June 15, 1976, to protest expansion of that enterprise under the guise of non-conforming use.

THE FACTS

It is unnecessary to review the evidence in lengthy detail. Uncontradicted evidence at both hearings showed the following:

- a) that Meredith R. Howard purchased the corner property at 7714 Oakleigh Road from Thomas L. Airey and wife by deed dated September 6, 1947, and immediately began construction of a large home on that lot;
- b) that thereafter, on September 28, 1948, Howard purchased the adjoining 50-foot lot at 7716 Oakleigh from Dorothy Creamer, and erected various structures on that lot during the 1950's and 1960's; and
- c) that on October 24, 1975, Howard Plumbing Company purchased a larger lot behind the other two at 1756 Forrest Avenue from William J. Marsden.

There is abundant evidence in the record that the use made (or proposed to be made) of these properties by Howard Plumbing Company is wholly incompatible with an area that has developed from rural terrain to a residential community within the last 30 years. The residents argue that the business has expanded not only in area but in intensity and disruptive impact during that period. Howard

Court of Appeals applied the doctrine of res judicata to administrative hearings. Although it was not a strict interpretation as would be commonly applied in judicial hearings, the general proposition of the doctrine was applied:

"This rule seems to rest not strictly on a doctrine of res judicata, but upon the proposition that it would be arbitrary for the Board to arrive at opposite conclusion on substantially the same state of facts and the same law."

This doctrine was also applied in the Woodlawn Association vs. Board of County Commissioners of Prince George's County, 241 Md.

187. In that case, the Maryland Court of Appeals recognized that a hearing held in 1961 denying a re-zoning of a parcel of property was valid and that the subsequent request for re-zoning in 1964 was invalid based on the principle of res judicata. This doctrine was also recently discussed in the Board of County Commissioners of Cecil County, et al vs. Elwood Racine, 24 Md. Appellate's 435.

Normally, the doctrine is applicable in all situations except where a substantial error of fact is determined to have occurred in the original hearing. This is the principal contention of the Protestants in this case. However, it is apparent that the burden of proving the substantial error is upon the Protestants. They contend that this burden has been met principally on the fact that Mr. Howard did not purchase the land until 1947 and a second parcel, until 1948. As stated in the Nelson Neuman, et al vs. Mayor & City Council of Baltimore, 23 Md. Appellate's 13, the fact of ownership is not controlling as to the non-conforming use. It held that non-conforming use is not determined by ownership of the property, but by the use to which the property was put prior to the enactment of the Zoning Regulations.

To overcome this fact, two of the Protestants, a Mrs. Frances Revis and a Mrs. Dietz, who owned property prior to 1945,

counters with an argument that he staked his claim to the location before most of the present residents arrived, and exercises therefore some kind of prescriptive right to the territory. In growing communities, this is a not unfamiliar and never-ending debate.

However in the present case, the decision must rest on more than a balancing of the present equities; the situation precludes some Solomon-like compromise. For fortuitously, the law wrests such an exercise of discretion from the decision-maker here, and permits only one ruling.

There is no question but that Howard Plumbing lacks the basis for its present or future uses of the site, under the Baltimore County Zoning Ordinance. That ordinance went into effect in 1945, and Howard clearly has not shown the necessary use of the property prior to that time.

At the hearing on March 31, as at the 1970 hearing in cases 71-80-V and 2V-70-376, Meredith Howard Sr. attempted to prove prior use of the corner lot at 7714 Oakleigh Road for his plumbing business. In the language of the Order in the previous case he testified in 1970

"...that in 1943 or 1944, equipment was being parked and that a plumbing business commenced to operate at that time."

On the occasion of the first hearing in this case, Howard conceded that he did not own the land until 1947, but he asserted that the then-owner of the corner property acquiesced in the storage of lumber and other materials of Kathy Construction Company on a portion of the site.

Recognizing that protestants could disprove that assertion, Howard changed his testimony at the June 15 hearing to assert that vehicles of Howard Plumbing Company were parked prior to 1945 on the lot at 7716 Oakleigh, by permission of the owner's father. And recognizing that even if believed, that claim gave him too little territory subject to the alleged non-conforming use, he gratuitously

testified that Mr. Howard never used the property prior to 1946-47. For some unknown reason, these two ladies never complained about the use of the property for thirty (30) years, but come forward at this time to say that they, in fact, know that the property was never used prior to 1945. However, Mr. Howard testifies to the fact that he did use this property prior to 1945 and Mr. William J. Marsden, who lived directly in back of the property in question testifies that there was, in fact, storage of vehicles and plumbing equipment prior to 1945. This conflicting testimony can in no way substantiate the Protestants' claim that a substantial error was made in the determination of 1970. The burden of proof being squarely on the Protestants to prove such an error was made has not been met.

Several other Protestants have testified that there has been a substantial increase in use of the business and expansion of the actual business. In the cases of Nyburg vs. Solomon, 205 Md. 150, Feldstein vs. Zoning Board, 246 Md. 204, and Jahnigen vs. Staley, 245 Md. 130, the Courts, over and over, state that the intensification of a non-conforming use is permissible as long as the nature and character of the use is unchanged and substantially the same facilities are used. There has never been a question raised that Howard Plumbing Company has been a mechanical plumbing company since 1937 when it was originally located in Baltimore City.

Other than Mrs. Revis, Mrs. Dietz and Mr. Marsden, no other Protestant has or can claim that they entered into the neighborhood not knowing of the non-conforming use of Howard Plumbing Company. One of the tests that have been used to determine a non-conforming use as stated in the Chayt vs. Board of Zoning Appeals, 177 Md. 426, is whether the non-conforming use was known in the neighborhood. The Howard Plumbing Company has always let it

added an assertion that he used also, for similar purposes, the adjoining land now owned by Mr. and Mrs. Strough, and that recently purchased from Marsden.

That testimony cannot be believed. Mrs. Revis testified that between 1942 and 1947, she and her friends picnicked on the then-wooded lots and saw no sign of vehicles, equipment or building materials. Mrs. Dietz, a friend of Meredith Howard for more than 50 years, stated that Howard lived in her home across the street until he built his own home in late 1947, that she assisted in his purchase of the corner lot at 7714 Oakleigh, and that to her acute recollection, he maintained no trucks, equipment or materials on the property in question before he began to construct his home.

ARGUMENT

It is submitted that this limited evidence is enough to compel, as a matter of law, a determination that no non-conforming use ever existed, that would justify expansion or even continuation of the use of these properties in the plumbing business.

To begin with, Howard did not and could not show what portion if any of the properties was so used prior to 1945. Nor did he show any right or title to use the land, even if his testimony were to be believed. Nothing in the record permits a finding in this case that any definable portion of property or properties was dedicated to the claimed use.

To constitute a nonconforming use of property, a use must be more than casual or temporary; one test is whether such use was known in the neighborhood. Feldstein v. Zoning Board, 246 Md. 204 (1967). It has been repeatedly stated that

"...existing use' should mean the utilization of the premises so that they may be known in the neighborhood as being employed for a given purpose, i.e., the conduct of a business." Dorman v. Mayor & City Council, 187 Md. 678 (1947); Landay v. Board of Zoning Appeals, 173 Md. 460 (1938).

A closely analogous case to the present case is Boulevard Scrap Co. v. Mayor & City Council, 213 Md. 6 (1957), where the Court of Appeals held that a claim of non-conforming use was not sustained by evidence which showed, at best, that an unspecified portion of a "lot ... covered with well grown trees and bushes" was, from time to time, used for purposes of storage. Not one of the witnesses who testified was "explicit as to the extent of use"; one witness testified that "practically the whole yard was used," but he was unable to show the extent of use in relation to a plat describing proposed expansion. On this evidence, the Court of Appeals (at 12) stated two separate reasons for denying an application for expansion of a use in effect for many years:

"We think at best the evidence only establishes a casual or occasional use of a portion of the lot for storage. Cf. Mayor & C.C. of Balto. v. Shapiro, 187 Md. 623, 635, and Daniels v. Board of Zoning Appeals, 205 Md. 36, 41. (Moreover, even accepting the testimony that one-third of the lot had been used occasionally for storage, the testimony is too vague and inconclusive to establish that such use was regularly made prior to the passage of the Ordinance in 1931."

It is earnestly submitted in this case that the evidence submitted by applicant at two hearings does not support extension or continuation of his nonconforming use. He bears the burden of proving that the nonconforming use existed in 1945, Lapidus v. Mayor & City Council, 222 Md. 260 (1960), a burden which he has not sustained.

Clearly no binding or presumptive effect may be given to the 1970 determination in Case 71-80-V, for two reasons. First, it has been held by the Court of Appeals that "the principles of res judicata do not apply where the earlier decision as well as the later decision is made by an administrative agency," especially where there is some "inadvertence" or change in fact. Gaywood Community Assoc. v. MTA, 246 Md. 93 (1969). Moreover, the present protestants obviously were not parties or privies in that proceeding. Prescott v. Coppage, 266 Md. 562 (1972); Pat Perusse Realty Co. v. Lingo, 249 Md. 33 (1968).

-4-

On the merits of the present application itself, the establishment of a nonconforming use is disfavored in the law, and the ordinance should be strictly construed against the applicant. Arundel Corp. v. Board of Zoning Appeals, 255 Md. 78 (1969). The policy of zoning regulations is to restrict rather than increase any nonconforming use. Minor v. Shifflett, 252 Md. 158 (1969). It will of course cause a hardship on the applicant, but it must be recognized that the constant objective with nonconforming uses is "to extinguish them as early as possible with due regard to the lawful interest of those entitled to such use." Stieff v. Collins, 237 Md. 601 (1965).

CONCLUSION

For the reasons stated, Howard Plumbing Company should be found, as a fact, to lack a valid nonconforming use of the subject property, and to be presently acting in violation of the zoning laws. Its application for expansion of the use should be denied.

Michael A. Preti
Michael A. Preti
1700 One Charles Center
Baltimore, Maryland 21201
727-1164
Attorney for Complainants and Protestants

-5-

RE: PETITION FOR SPECIAL HEARING
NW corner of Oakleigh Road and
Forrest Avenue, 9th District
MEREDITH R. HOWARD, INC.,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-200-SPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

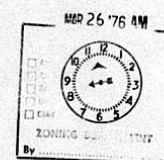
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr.
Charles E. Kowitz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 26th day of March, 1976, a copy of the foregoing Order was mailed to Mr. Meredith R. Howard, Howard Plumbing Co., Inc., 7714 Oakleigh Road, Baltimore, Maryland 21234, Petitioners.

John W. Hession, III



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#76-200-SPH

District: 9th Date of Posting: 3-22-76
Posted for: Howard Plumbing Co. Inc.
Petitioner: Howard Plumbing Co. Inc.
Location of property: NW corner of Oakleigh Rd. & Forrest Ave.
Location of Sign: 1 Sign posted on Oakleigh Rd. & 1 Sign on Forrest Ave.
Remarks: Paul H. Hession
Posted by: Paul H. Hession Date of return: 3-22-76

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#76-200-SPH

District: 9th Date of Posting: 3-11-76
Posted for: Howard Plumbing Co. Inc.
Petitioner: Howard Plumbing Co. Inc.
Location of property: NW corner of Oakleigh Rd. & Forrest Ave.
Location of Sign: 1 Sign posted on Oakleigh Rd. & 1 Sign on Forrest Ave.
Remarks: Paul H. Hession
Posted by: Paul H. Hession Date of return: 3-18-76

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 34659
DATE March 5, 1976 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED FROM Howard Plumbing Co., Inc. 7714 Oakleigh Rd. Baltimore, Md. 21234
FOR Petition for Special Hearing 76-200-SPH
25.00 REC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 3302
DATE March 23, 1976 ACCOUNT 01-662
AMOUNT \$9.00
RECEIVED FROM Howard Plumbing Co., Inc. 7714 Oakleigh Rd. Baltimore, Md. 21234
FOR Advertising and posting of property 76-200-SPH
9.00 REC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 38985
DATE September 3, 1976 ACCOUNT 01-662
AMOUNT \$35.00
RECEIVED FROM George A. Braschi, Esquire
FOR Cost of Filing of an Appeal on Case Nos. 76-200-SPH (Item No. 157) and 76-207-V, C-76-295 NW corner of Oakleigh Road and Forrest Avenue - 9th Election District
35.00 REC
Howard Plumbing Company, Inc. - Petitioner
Meredith R. Howard, Sr. - Defendant
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 40112
DATE September 24, 1976 ACCOUNT 01-662
AMOUNT \$10.00
RECEIVED FROM George A. Braschi, Esquire
FOR Cost of Posting Property of Howard Plumbing Company, Inc. for an Appeal Hearing NW corner of Oakleigh Road and Forrest Avenue - 9th Election District
10.00 REC
Case No. 76-200-SPH (Item No. 157)
VALIDATION OR SIGNATURE OF CASHIER

OFFICE OF THE TOWSON TIMES TOWSON, MD. 21204 March 11, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Special Hearing—Howard Plumbing Company
was inserted in THE TOWSON TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one successive
weeks before the 31st day of March 1976; that is to say, the same
was inserted in the issues of March 11, 1976.

STROMBERG PUBLICATIONS, Inc.

By Paul Smith

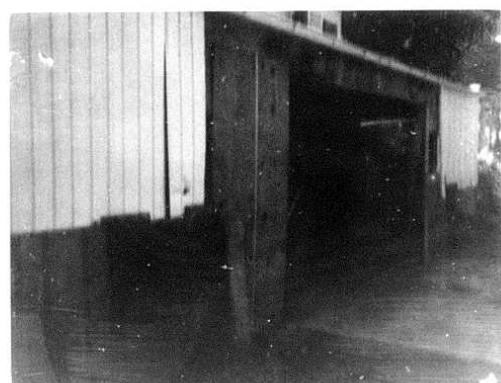
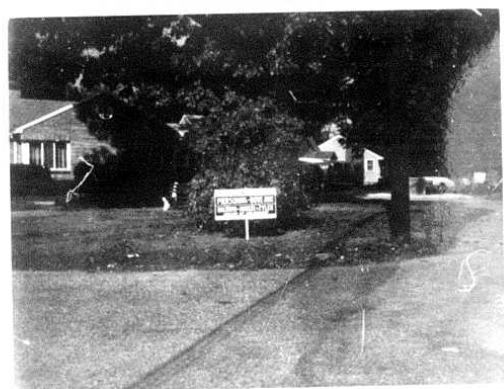
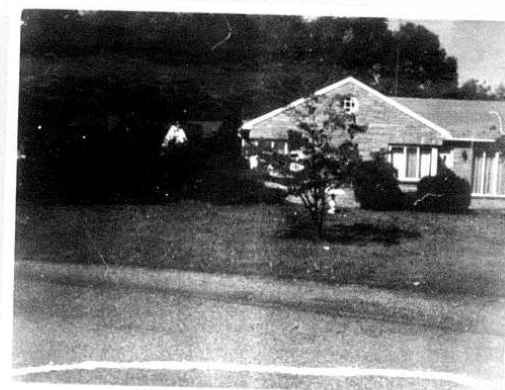
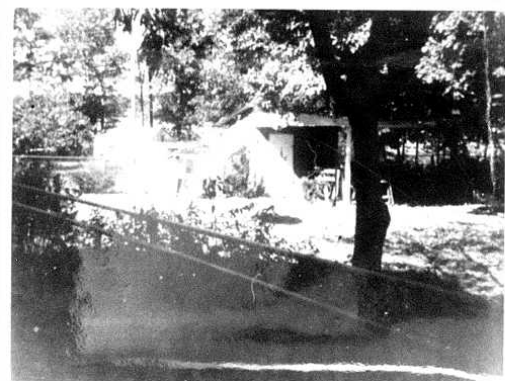
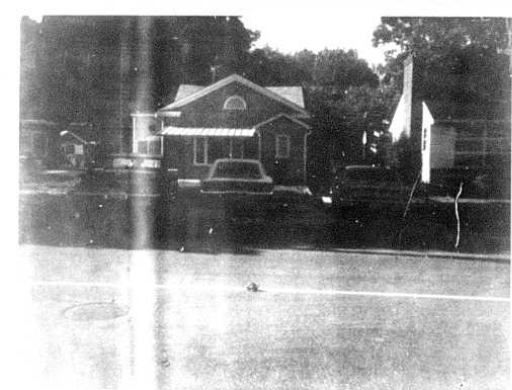
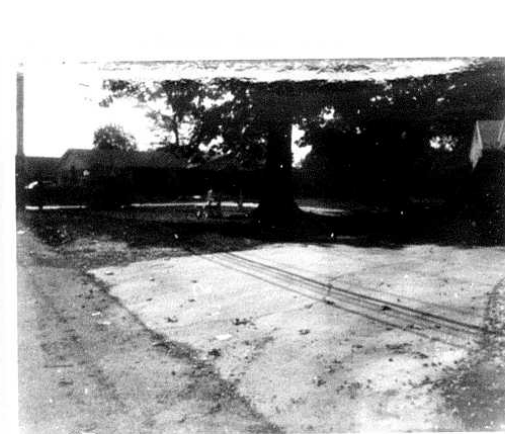
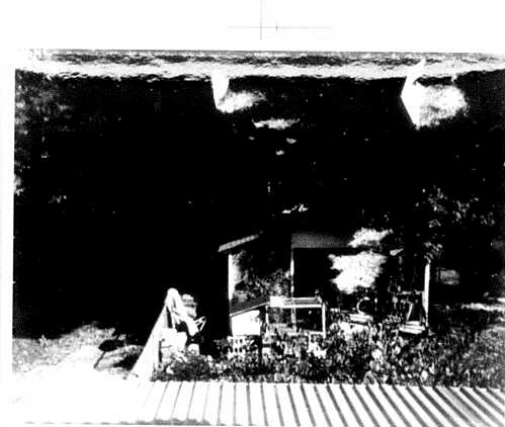
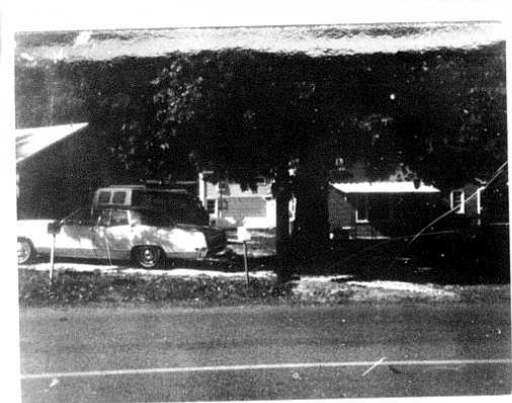
CERTIFICATE OF PUBLICATION

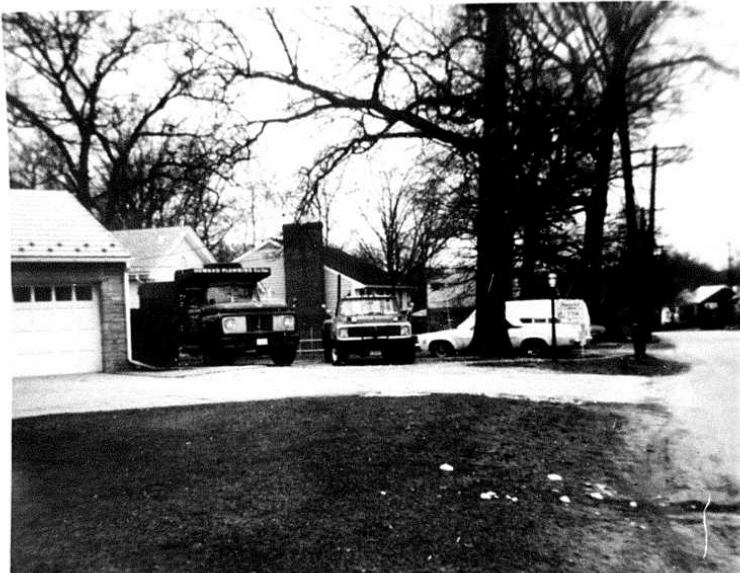
TOWSON, MD. March 11, 1976
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once a week
at one time successive weeks before the 31st
day of March 1976, the 5th publication
appearing on the 11th day of March
1976.

THE JEFFERSONIAN
S. Leach, Jr., Manager
Cost of Advertisement, \$

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this Feb day of 1976
Filing Fee \$ 25 Received check
Cash
Other
S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner
Petitioner Howard Submitted by Howard
Petitioner's Attorney Reviewed by Howard
* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.





FROM CORNER OF OAKLEIGH RD & FORREST AVE 3/12/76



FROM OAKLEIGH RD LOOKING DOWN FORREST AVE. 3/12/76



FROM FORREST AVE SIDE OF THE OAKLEIGH RD PROPERTY



FROM FORREST AVE SIDE OF THE OAKLEIGH RD PROPERTY



FROM FORREST AVE SIDE OF THE OAKLEIGH RD PROPERTY



FROM FORREST AVE SIDE OF THE OAKLEIGH RD PROPERTY



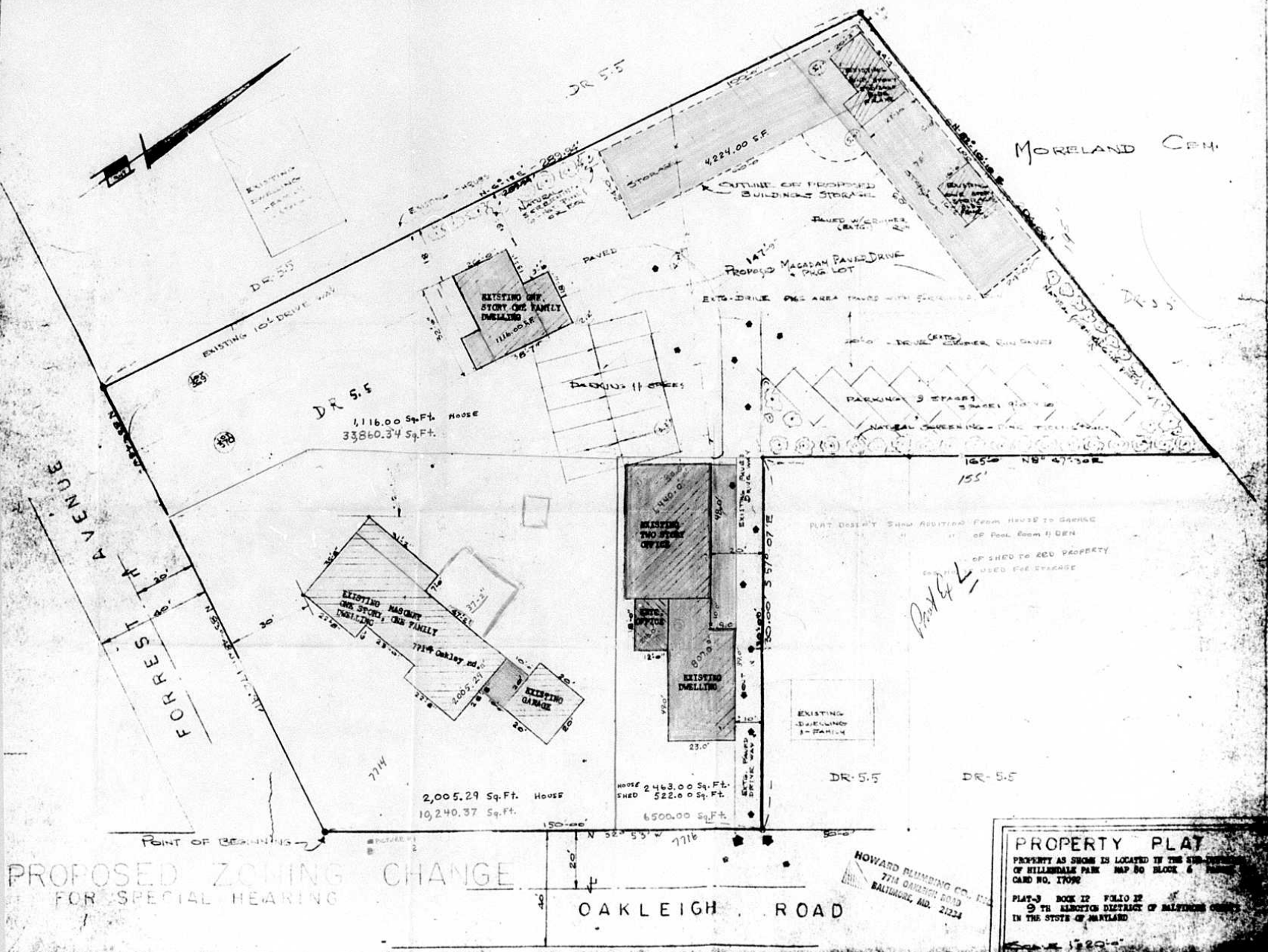
FROM CORNER OF 1754 FORREST AVE PROCEEDING ON FORREST AVE TOWARD



LOOKING DOWN FORREST AVE TOWARD OAKLEIGH RD (PICTURE 1)



PLAT-3 BOOK 12 FOLIO 12
9 TH ELECTION DISTRICT OF BALTIMORE COUNTY
IN THE STATE OF MARYLAND



[illegible]

SITE LOCATION

- A NATURAL BARRIERSHIP WITH OR PROVIDED, C' APPROX. HGT. PINK TREES
B PROPOSED PARKING LOT SHOWN WITH PROVIDED SPACES
C PARKING LAYOUT SHOWN ALSO VEHICULAR ACCESS SHOWN
D PROPOSED LOT DRAINING 5' OF CRUMPER RUN STONE - COMPACTED
E PARKING SPACES 9'-0" X 20'-0"
G = PARKING SPACES SHOWN

PROPOSED ZONING CHANGE
FOR SPECIAL HEARING

OAKLEIGH ROAD

PROPERTY

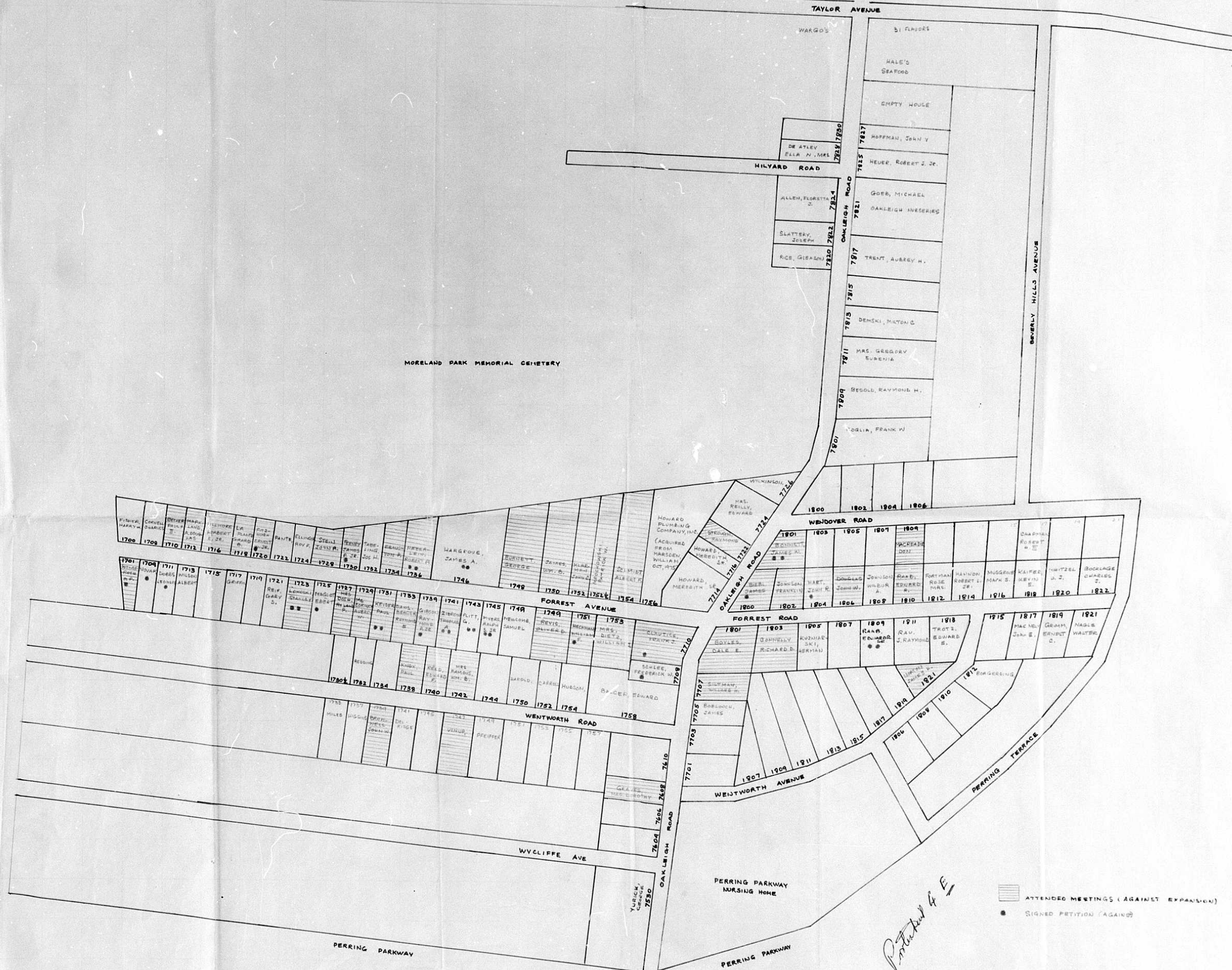
PROPERTY OF STATE OF
OF KILLBUCK TOWN
CAND NO. 1234

PLAT-3 100-10-100
9 TR 100-10-100
IN THE STATE OF

PROPERTY PLAT
PROPERTY AS SHOWN IS LOCATED ON THE
OF HILLSDALE PARK MAP NO. 10000
CARD NO. 17022

PLAT-J BOOK-12 FOLIO-12
9 TH ELECTION DISTRICT OF
IN THE STATE OF MARYLAND

MORELAND PARK MEMORIAL CEMETERY



Prot. Ex E

MAY 17 1977