

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

May 26, 1976

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

Re: Item #208 (1975-1976)
Property Owner: Glenwood Corp.
NW/S Washington Blvd., 600' S/W Mayfield Terr.
Existing Zoning: BW-CB and DR 5.5
Proposed Zoning: Variance to permit a lot area of 1000 sq. ft. in lieu of the required 3000 sq. ft. for each trailer. Variance to permit driveway widths of 14' in lieu of the required 30'. Variance to be located 10' from the road upon which the park fronts in lieu of the required 100' and 5' setbacks from all other boundaries in lieu of the required 25'. Variance to permit 6' between some trailers in lieu of the required 25'.
Acres: 1.40 District: 13th

Dear Mr. DiNenna:

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.

General:

The submitted plan must be reviewed and revised to more accurately depict the outlines of this property which is indicated as comprising 7 property lines not 6 of different dimensions in the East and Computation Division of the Office of Planning. The relationship of onsite improvements, mobile homes, "mobile sign" business area, location of onsite water and sewer lines, such public facilities in Washington Boulevard and locations of the petitioner's connections thereto, the relationship of this property to Mayfield Terrace 420', more or less, not 600', the railroad right-of-way and adjacent property, and indicate the drainage course or ditch along the rear or northwesterly portion of this site at the railroad.

A number of the mobile homes are tenuously supported and in a precarious situation.

Highways:

Washington Boulevard (U.S. Alternate Route 1) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the state road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Item #208 (1975-1976)
Property Owner: Glenwood Corp.
Page 2
May 26, 1976

Highways: (Cont'd)

The existing entrance, stone driveway and turnaround area are inadequate. The entrance location is subject to the approval of 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 gradation permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

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

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 30 feet is required.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage 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.

Water and Sanitary Sewer:

A public 6-inch water main and an 8-inch sanitary sewer exist in Washington Boulevard to which the residence is connected. (See Drawings 645-0057 and 671-0066, File 3; and 629-0022 and 627-0033, File 1, respectively). The revised plan must indicate the "sewerage plant", pump, etc., which was, or is, discharging or overflowing sewage onto the Maryland State Highway Administration property. The general condition of the northwest portion of this and the adjacent tract, including the drainage course is very unsatisfactory. The filth, trash and debris must be removed and further deposits prevented.

Very truly yours,
William M. Oliver, P.E.
WILLIAM M. OLIVER, P.E.
Chief, Bureau of Engineering

END: EAM: PWR: ss
cc: Walter Gross
Thomas Devlin
Dorwin Grise
C-W: Mj Sheet
SM SW 15 - Mj Sheet
SM 6 D Topo
108 Tax Map

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 484-2610

STEPHENE COLLINS
DIRECTOR

May 12, 1976

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

Re: Item 208 - ZAC - April 20, 1976
Property Owner: Glenwood Corporation
Location: NW/S Washington Blvd. 600' SW Mayfield Terrace
Existing Zoning: BW-CB & D.R. 5.5
Proposed Zoning: Variance to permit a lot area of 1000 sq. ft. in lieu of the required 3000 sq. ft. for each trailer. Variance to permit driveway widths of 14' in lieu of the required 30'. Variance to be located 10' from the road upon which the park fronts in lieu of the required 100' and 5' setbacks from all other boundaries in lieu of the required 25'. Variance to permit 6' between some trailers in lieu of the required 25'.
Acres: 1.40
District: 13th

Dear Mr. DiNenna:

The requested variances to the lot area, setbacks and distances between trailers is not expected to cause any major traffic problems.

The requested variance to permit a driveway 15 feet wide can be expected to cause traffic problems. The driveway should be a minimum of 24 feet wide and have large radii at the intersection of Washington Blvd.

Very truly yours,
Nicholas F. Flanagan
Nicholas F. Flanagan
Traffic Engineer/Associate

NSP:mc

Maryland Department of Transportation
State Highway Administration

May 4, 1976

Re: Z.A.C. Meeting, April 20, 1976
Item #208
Property Owner: Glenwood Corp.
Location: NW/S Washington Blvd.
(Route 1) 600' SW Mayfield Terr.
Existing Zoning: BW-CB & D.R. 5.5
Proposed Zoning: Variance to permit a lot area of 1000 sq. ft. in lieu of the required 3000 sq. ft. for each trailer. Variance to permit driveway widths of 14' in lieu of the required 30'. Variance to be located 10' from the road upon which the park fronts in lieu of the required 100' and 5' setbacks from all other boundaries in lieu of the required 25'. Variance to permit 6' between some trailers in lieu of the required 25'.

Dear Mr. DiNenna:

The existing entrance into the subject site is of insufficient width. It is approximately 16' in width. The minimum standard width for a commercial entrance is 25'. It is the developer's responsibility to widen the entrance. The construction must be done under permit from the State Highway Administration. The plan must be revised prior to the hearing.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering Access Permits
By: John F. Meyers

CLJ:JMD

P.O. Box 117 - 300 Zivko Road, Towson, Maryland 21203

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-2310

Paul H. Reincke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Mr. Frank S. Lee
Zoning Advisory Committee

Re: Property Owner: Glenwood Corporation
Location: NW/S Washington Blvd. 600' SW Mayfield Terr.
Item No. 208
Zoning Agenda April 29, 1976

Gentlemen:

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.

(1) 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 Baltimore County Standards as published by the Department of Public Works.

(2) 2. A second means of vehicle access is required for the site.

(3) 3. The vehicle dead-end condition shown at _____ exceeds the maximum allowed by the Fire Department.

(4) 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) 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 "Life Safety Code", 1970 Edition prior to occupancy.

(6) 6. Site plans are approved as drawn.

(7) 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed: *Paul H. Reincke* Roted and Approved: *Frank S. Lee*
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-2310

WILLIAM D. FROMM
DIRECTOR

May 11, 1976

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

Dear Mr. DiNenna:

Comments on Item #208, Zoning Advisory Committee Meeting, April 20, 1976, are as follows:

Property Owner: Glenwood Corporation
Location: NW/S Washington Blvd 600' SW Mayfield Terrace
Existing Zoning: B.R.-C.S. and D.R. 5.5
Proposed Zoning: Variance to permit a lot area of 1000 sq. ft. in lieu of the required 3000 sq. ft. for each trailer. Variance to permit driveway widths of 14' in lieu of the required 30'. Variance to be located 10' from the road upon which the park fronts in lieu of the required 100' and 5' setbacks from all other boundaries in lieu of the required 25'. Variance to permit 6' between some trailers in lieu of the required 25'.
Acres: 1.40
District: 13th.

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The driveway should be a minimum of twenty-five (25) feet at Washington Boulevard and as wide as possible through the remainder of the site.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND 21204

May 4, April 22, 1976

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

Z.A.C. Meeting of: April 20, 1976

Re: Item 208
Property Owner: Glenwood Corporation
Location: NW/S Washington Blvd. 600' S.W. Mayfield Terr.
Existing Zoning: B.R.-C.S. & D.R. 5.5
Proposed Zoning: Variance to permit a lot area of 1,000 sq. ft. in lieu of the required 3,000 sq. ft. for each trailer. Variance to permit driveway widths of 14' in lieu of the required 30'. Variance to be located 10' from the road upon which the park fronts in lieu of the required 100' and 5' setbacks from all other boundaries in lieu of the required 25'. Variance to permit 6' between some trailers in lieu of the required 25'.
District: 13th
No. Acres: 1.40

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,
W. Nick Petrowski
W. Nick Petrowski
Field Representative.

NSP:ml

JOSEPH W. MCCORMACK, President
J. EDWARD HOLLAND, Jr., Vice President
MRS. ROSELY L. BODEN
MARLENE M. WOODWARD
THOMAS A. BRYAN
WILLIAM J. JONES
JUDITH A. HANCOCK, Superintendent

Phone: 647-6912

FRANK S. LEE
Registered Land Surveyor

1277 NICHOLSON AVE. - BALTIMORE, MD 21202

December 17, 1975

Glenwood Trailer Park
No. 4714 Washington Blvd.
15th District Baltimore County, Maryland

Beginning for the survey on the northwest side of Washington Blvd. at the distance of 600 feet more or less measured along the northwest side of Washington Blvd. from the southeast side of Mayfield Terrace, and thence running and meeting on the northeast side of Washington Blvd. South 47 degrees 00 minutes East 112 feet, thence leaving Washington Blvd. for lines of division a following: North 43 degrees 30 minutes East 130 feet more or less, South 47 degrees 00 minutes East 71 feet more or less, North 43 degrees 30 minutes East 145 feet more or less, northerly 130 feet more or less, North 47 degrees 00 minutes East 104 feet more or less and South 43 degrees 30 minutes East 440 feet more or less to the place of beginning.

Containing 1.40 acres of land more or less.

W. Nick Petrowski

T. Joseph Touhey, Esq.
91 Aquahart Road
Glen Burnie, Md. 21061

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

Your Petition has been received and accepted for filing
this 18th day of June 1976.

Mr. Eric Chienma
Zoning Commissioner

Petitioner: Glenwood Corporation
Petitioner's Attorney: T. Joseph Touhey Reviewed by: Franklin T. Hoggans, Jr.
cc: Frank S. Lee Chairman, Zoning Plans
12711 Lakeside, Md. 21134 Advisory Committee

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 464-3361

ERIC CHIENMA
ZONING COMMISSIONER

September 7, 1976

T. Joseph Touhey, Esquire
91 Aquahart Road
Glen Burnie, Maryland 21061

RE: Petition for Variances
NW 1/2 of Washington Boulevard, 600'
SW of Mayfield Avenue - 13th Election
District
Glenwood Corporation - Petitioner
NO. 77-25-A (Item No. 208)

Dear Mr. Touhey:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
George J. Martinak
Deputy Zoning Commissioner

GJK/mc

Attachments

cc: **Mr. George Laurent**
Executive Director
Baltimore Neighborhoods, Inc.
32 W. 25th Street
Baltimore, Maryland 21218

Mrs. Lila Disney
302 Mardo Avenue
Baltimore, Maryland 21227

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: **SOMER (Mr. Commander)** Date: **July 26, 1976**

FROM: **Mr. Thomas Kelly**
Fire Prevention
SUBJECT: **Glenwood Trailer Park**

I am forwarding to your attention a copy of a letter from the Department of Public Safety and Correctional Services Fire Prevention Commission.
Under this regulation, mobile homes shall not be located closer than 15 feet from any other mobile home.
Site plan should be revised to reflect proper spacing to be in compliance with NFPA 501-A, 1974 Edition with exception of Paragraph 10.1.3 which shall read: (see attached sheet).

Mr. Thomas Kelly
Fire Prevention Bureau
Baltimore County Fire Department

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
FIRE PREVENTION COMMISSION
STATE OFFICE BUILDING
301 W. FREDERICK STREET
BALTIMORE, MARYLAND 21201
AREA CODE 301 963-8820
April 30, 1976

MARTIN HANCOCK
CHIEF
COLLEEN AGRESTE J. LALLY
DEPUTY CHIEF
PUBLIC SAFETY AND
CORRECTIONAL SERVICES

COMMISSIONERS
THOMAS M. PRINCELY
JAMES A. LEBLANC
JOHN C. LEBLANC
WILLIAM C. LEBLANC
WILLIAM C. LEBLANC
WILLIAM C. LEBLANC
WILLIAM C. LEBLANC

Mr. Paul H. Reinecke, Chief
BALTIMORE COUNTY FIRE DEPARTMENT
Towson, Maryland, 21204

Dear Mr. Reinecke:

For your information the Fire Prevention Commission has adopted NFPA 501A, 1974 Edition, with the exception of Paragraph 10.1.3 which shall read:

"Mobile homes shall not be located closer than 15 feet from any other mobile home or permanent building within or adjacent to the mobile home park. A mobile home accessory building or structure shall not be closer than 3 feet from any adjacent mobile home or mobile home accessory building or structure."

This change is in effect, having appeared in the Maryland Register on January 21, 1976.

Very truly yours,

Kenneth M. Prinkey
Chairman

KMP:ew

RE: PETITION FOR VARIANCES
NW 1/2 of Washington Boulevard, 600'
SW of Mayfield Avenue - 13th Election
District
Glenwood Corporation - Petitioner
NO. 77-25-A (Item No. 208)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Variances for a trailer park operation to permit each trailer within the trailer park to face or abut on a driveway of 14 feet in width instead of the required 30 feet; some trailers to be located 10 feet from the road upon which the trailer park fronts instead of the required 100 feet; five foot setbacks from all other boundary lines instead of the required 75 feet; a lot area for each trailer of 1,000 square feet instead of the required 3,000 square feet; and to permit six feet between some trailers instead of the required 25 feet.

Let it be known that the People's Counsel filed an appearance, but was not present at the hearing.

The property in question has been the subject of two prior zoning hearings. In February 1976, Charles and Anna Bush, then owners and operators of the trailer park, petitioned for a Variance to permit a trailer park on the property, which was described as having one and one-half acres of land, more or less, in order to permit a trailer park on less than five acres. The then Deputy Zoning Commissioner denied the Petition, Case NO. 3764-V, and the Board of Appeals subsequently reversed his decision.

In November 1975, an alleged zoning violation hearing took place. Case NO. 76-108-V, and Mr. Spradlin was found in violation of setback requirements. The subject hearing was the outcome of that action.

Testimony presented on behalf of the Petitioner indicated that Robert C. Spradlin purchased the subject property in October 1974, from Anna E. Bush, who had established the trailer park, containing twelve trailers. A permit to operate a camp or motel, applied for by Mr. Spradlin on October 14, 1974,

described the property as containing 3.8 acres. Mr. Spradlin testified that it was his opinion that such was indeed the size of the property. A 1975 license application did not note the size of the park, and an application made in 1976, gave it as 1.4 acres.

Counsel for the Petitioner stated that the responsibility of meeting the various setback requirements would be "runous" to Mr. Spradlin and that Baltimore County has permitted its continuance for approximately nineteen years. He further asserted that the Baltimore County Office of Planning and Zoning did not warn the existing owner of any violation of zoning ordinances after specific inquiry by the Petitioner prior to purchase. He referenced a letter, dated October 31, 1974, to Mr. Spradlin from Mr. John J. Dillon, Jr., then Chief, Zoning Enforcement Division, wherein Mr. Dillon advised Mr. Spradlin that it would be permissible to relocate the trailers, but that he could not exceed the twelve trailers then in the park. Mr. Dillon therein stated that he had enclosed a copy of the zoning regulations pertaining to trailer parks and invited further questions.

Protestants testifying called attention to the overcrowding of the property, the narrow access road, and inadequate driveways as a threat to the health, safety, and general welfare of the neighborhood.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the aforementioned Variances should be granted only in part. The placement of twelve trailers upon the property was at no time authorized by the zoning office. The zoning hearing, Case NO. 3764-V, was a Petition for a Variance to permit a trailer park on a lot less than five acres of land and contained no reference to the number of trailers then on the premises. The Petitioner's assertion that he believed at time of purchase that the tract of land to have been larger than it actually is, does not relieve him of the burden incurred relative to compliance with zoning regulations. In fact, he, as

purchaser, had an implied responsibility to ascertain the extent of his acquired property.

A letter, dated October 14, 1974, from the Chief, Zoning Enforcement Division, clearly indicated that the Petitioner was supplied with a copy of the zoning regulations pertaining to trailer parks. Furthermore, in the opinion of the Deputy Zoning Commissioner, the granting of all of the subject Variances, as proposed by the Petitioner, would tend to overcrowd the land, cause undue concentration of population, and would not be in accordance with the spirit and intent of the zoning regulations, since the number and placement of units on the lot is inconsistent with its size.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of Sept, 1976, that the Variances for a trailer park operation to permit some trailers to be located 10 feet from the road upon which the trailer park fronts instead of the required 100 feet; five foot setbacks from all other boundary lines instead of the required 75 feet; a lot area for each trailer of 1,000 square feet instead of the required 3,000 square feet; and 15 feet between some trailers instead of the required 25 feet, should be and the same are hereby GRANTED, from and after the date of this Order, subject to the approval of a revised site plan by the State Highway Administration, the Department of Public Works, the Health Department, the Fire Department, and the Office of Planning and Zoning.

It is further ORDERED that the Variances to permit each trailer within the facility to face or abut on a driveway of 14 feet in width instead of the required 30 feet; a lot area for each trailer of 1,000 square feet instead of the required 3,000 square feet; and 6 feet between some trailers instead of the required 25 feet should be and are hereby DENIED.

It is further ORDERED that compliance with the Violation Order, Case NO. 76-108-V, dated March 9, 1976, passed by the Zoning Commissioner, must be obtained within 90 days from the date of the Order.

George J. Martinak
Deputy Zoning Commissioner of Baltimore County

7th
9, 1976

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW 1/2 of Washington Blvd., 600 feet
SW of Mayfield Ave., 15th District : OF BALTIMORE COUNTY
GLENWOOD CORPORATION, Petitioner: Case No. 77-25-A

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

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

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

I HEREBY CERTIFY that on this 16th day of July, 1976, a copy of the foregoing Order was mailed to T. Joseph Touhey, Esquire, 91 Aqueduct Road, Glen Burnie, Maryland 21061, Attorney for Petitioner.

John W. Heslian, III

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 June 30, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Glenwood Corp. was inserted in the following:

- ☐ Calonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times Ea. ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 21st day of July 1976, that is to say, the same was inserted in the issues of June 30, 1976.

STROMBERG PUBLICATIONS, INC.

BY *John Smith*

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 1, 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, one time one time before the 21st day of July 1976, the last publication appearing on the 1st day of July 1976.

THE JEFFERSONIAN

Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 33474
DATE: June 28, 1976 RECEIPT: 01-662
AMOUNT: \$25.00
RECEIVED BY: Joseph Touhey, Esq. 91 Aqueduct Rd., Glen Burnie, Md. 21061
FOR: Advertising and posting of property for Glenwood Corp.
\$77-25-A
250000
VALIDATION IN SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: July 1, 1976
Posted for: Petition for Variance
Petitioner: Glenwood Corp.
Location of property: NW 1/2 of Washington Blvd., SW of Mayfield Ave.
Location of Signs: Front 1704 Washington Blvd.
Remarks: *Sharon L. H. H. H.*
Filed by: *Sharon L. H. H. H.* Date of return: July 8, 1976

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 38587
DATE: Sept. 3, 1976 RECEIPT: 01-562
AMOUNT: \$75.50
RECEIVED BY: Joseph Touhey, Esq. 91 Aqueduct Rd., Glen Burnie, Md. 21061
FOR: Advertising and posting of property for Glenwood Corp.
\$77-25-A
755000
VALIDATION IN SIGNATURE OF CASHIER

PROTESTANT'S
EXHIBIT

Topic: Glenwood Retainer
4714 Washington Blvd.
Baltimore County, Maryland 21227

Current Description This property is located in the 13th. District of Baltimore County on the Northwest side of Washington Boulevard beginning 111 feet South-west of Mayfield Avenue. Title is held in the name of Glenwood Corp. a Maryland Corporation. The total area is 1 1/2 acres + or -, per recorded instruments dated 10/29/74 and recorded in the Land Records of Baltimore County 5493/917 on 11/27/74. The use of the property is that of a residence and a Mobile Home Park with up to twelve (12) trailers being located in the park and occupied as residences. The subject property is next to a railroad right of way and the subject property drops off into a steep grade down to the railroad tracks. Trailers are located around the property line of the subject property and either abut adjoining property or encroach over the property line (from appearances and without benefit of property survey). In the case of the railroad property there are trailers which extend over the steep grade, and it is not possible to determine where the property line for the subject property is located. The park was formerly (prior to October 1974) occupied by persons who owned their mobile homes; however since ownership by the present owner these tenants have either moved or have had eviction notices served upon them so that the owner could install mobile homes in the park which were owned by the owner or by the persons who control the owner corporation.

(2)

History of the Property

The subject property was at one time larger than its present size of 1 1/2 acres + or -. Baltimore County Land

Records indicate that on 6/19/34 a parcel was conveyed to the Philadelphia Baltimore & Washington RR (CNBJR 932/137). Under date of 8/13/38 a second parcel was conveyed, this time to the State Roads Commission (CWP - 1038/286). Under date of 11/19/47 the subject property was acquired by Charles E. Bush and Anna E. Bush with the property description again calling for 1 1/2 acres + or -. In 1947 the property was apparently residential with one dwelling unit being located on it. On 2/16/56 the Bush's filed a petition for variance to zoning regulations with the Zoning Commissioner of Baltimore County (3764 - VI). The plat filed by the Bush's in that petition showed that the tract contained 1.4 acres + or -. On March 20, 1956 the Deputy Zoning Commissioner for Baltimore County denied the petition of the Bush's for the following reasons:

".....he (Bush) has approximately one and four-tenths (1.4) acre, plus or minus. To grant the variance would not be in strict harmony with the spirit and intent of said Regulations." (Section 414)

The Deputy Zoning Commissioner then went on to state: "....To comply with Section 414.4 'Trailer Parks' would allow the petitioners to place one (1) trailer on his property and this would

(3)

not, in my opinion, be in strict harmony with the spirit and intent of said Regulations, but rather arranged to please and satisfy the petitioners alone."

The Bush's filed an appeal from the Order of the Deputy Zoning Commissioner and on June 21st, 1956 the Board of Zoning Appeals of Baltimore County Ordered that the variance to permit the operation of a Trailer Park on less than five (5) acres be granted.

Apparently Charles and Anna Bush immediately established a Trailer Park on the property and in recent years had rented space to twelve (12) trailer owners. On January 31, 1974 a "Camp or Motel License" was issued to Glenwood Mobile Park upon the application of Charles E. Bush on Application No. 70 dated 12/27/73 and License No. 45 being issued. That license application states that there are twelve (12) trailers on the property. The "Lot size of Property" is left blank on the application.

Acquisition by Current Owner

In April of 1974 Charles E. Bush died leaving Anna as his widow. Approximately September 1, 1974 Anna E. Bush contracted with Robert C. Spradlin and his wife for the sale of the subject property. Settlement apparently took place on October 29, 1974 with the Spradlin's taking title from Bush for a price of \$88,500 with Bush taking back a mortgage on

(4)

the property in the amount of \$71,450 as shown in the Land Records. In Answer to a suit Spradlin claimed that the mortgage amount was \$74,000 (Burch v Spradlin, et al.). Circuit Court for Baltimore County Equity No. 104/128/81718. On the same day, 10/29/74, Spradlin executed a Deed to Glenwood Corporation for the property. Spradlin owns 100% of the Stock of Glenwood Corporation and is the President of that Corporation.

Spradlin a Baltimore County On October 14, 1974 in apparent anticipation of taking title to the subject property Robert C. Spradlin applied as President for Glenwood Corporation, again apparently in anticipation of that corporation being formed (it was actually incorporated on 10/29/74). That application shows that there are 11 trailers and shows a "Lot size of Property" as being 3.8 acres. License number 114 for a "Camp or Motel License" was issued on November 19, 1974. While that application was pending Spradlin apparently contacted Baltimore County Office of Zoning Commissioner, for on 10/31/74 a letter was directed from that Office to Spradlin. That letter is quoted in full as follows: "Enclosed you will find a copy of the Variance that was granted Charles and Anna Bush.

In the course of my conversation with you, you wanted to know whether you could move the trailers within your park to a particular advantage. It

"would be permissible to change the location of the trailers, but you cannot exceed the 12 trailers that are now located in the park.

Enclosed also is a copy of the Zoning Regulations pertaining to trailer parks. If you have any further questions, please do not hesitate to contact me."

That letter is then signed by John J. Dillon, Jr. (Chief - Zoning Enforcement Division) and by Amedee Raphael (Zoning Technician).

ARGUMENT

It is submitted that Baltimore County should not allow the many and serious violations of the Zoning Law and Regulations to continue. Although the former owners did obtain a Variance from Baltimore County for the operation of a Trailer Park on less than 5 acres, there has been no variance as to the many other requirements for the operation of a trailer park.

Baltimore County requires that each trailer shall be allocated not less than 3,000 square feet. The total square feet of the property is only some 45,340 square feet (based on 1 1/2 acres) with approximately 21,000 square feet of the total area being devoted to the residential house located on the property. There is a 23' unpaved roadway running the 440' length of the property with an additional area for parking for the house, a small stone building, a "Dumpster" and

a "meter board". Baltimore County should enforce the requirement that there be a full 3,000 square feet for each and every trailer located in this park.

An additional requirement of the County is that there be a driveway abutting each trailer space, and that said driveway be not less than 30 feet in width, hard surfaced and adequately lighted. The driveway at the subject property is 23 feet in width, unpaved and unlighted. Baltimore County should not allow this violation to continue.

The County requires that trailers be kept back 100 feet from any road or street, and 75 feet from any boundary line of the property. This requirement was recognized by the Deputy Zoning Commissioner in 1956 and he clearly stated that this allows for only one (1) trailer to be located in this Park. Trailers in the subject park currently abut the property line or extend over it. The County should enforce this requirement (from which no variance was ever issued) and require that all trailers be properly located and that therefore this park be reduced from the current twelve (12) trailers to a size of one (1) trailer.

Baltimore County is not in any manner prejudiced as to enforcement of its Zoning Laws and Regulations. The current owner purchased the property after having inspected the property, was represented by counsel at time of purchase, and was furnished with a copy of the Zoning Regulations when

he inquired, approximately 10/31/74. The current owner represented to the County on his application for a camp or motel license that his property consisted of some 3.8 acres when in truth and in fact the property consists of either 1.4 acres or 1 1/2 acres + or -. It is submitted that the County issued that license based upon a material statement in the application which now is shown to be false. Baltimore County should revoke any existing permit which it has issued and require a full, complete and accurate application to be made; and further the County should require that a physical inspection of the property be made by the required parties (Building Engineer, Fire Prevention, Plumbing Inspection, and Zoning Department) and that such parties not approve any such application unless and until each and every requirement of Baltimore County be fully and faithfully completed by the owners of this Trailer Park.

Conclusion Although Baltimore County has issued a Variance for the operation of a Trailer Park on less than five (5) acres at the location of 4714 Washington Boulevard, it has not issued a variance as to any other requirement of the Zoning Law or the Regulations thereunder. Prior to any such "variance" it would be necessary for the current owner to file a petition for such variances with the County with an opportunity for the Community to be heard as to any objections which exist as to the issuance of such variances. Baltimore County should enforce its Zoning Laws and Regulations for the benefit of all citizens of that County and cannot by "executive

dict" ignore or waive such Laws and/or Regulations. Even if the various officials of Baltimore County should feel some moral obligation to the former owner because they continued to issue annual "licenses" for this Park; they have no such "moral obligation" to the current owner who acquired his current license based upon a false material statement in the application for such license. Further, the current County officials should not feel a "moral obligation" because of any past lack of enforcement by prior officials and/or Administrations. The County should demand that the current owner bring the Park into full and complete compliance with Baltimore County Law and Regulation, or in the alternative the County should take the necessary legal action to close the Park.

LEGAL ANALYSIS

Several basic points can be made concerning the subject of "Variances" to zoning Regulations. In general terms a Variance is an authority for the property owner to in some way depart from the literal requirements of the Zoning Regulation, which apply to the property; Daniel v. DC Bd of Zoning Adjustment, 329 A2d 773. The type of variance which allows a property owner to operate a business on property which is not zoned for Business or Manufacturing; or to operate a particular type of business different from that allowed by the Zoning, falls into the category of a "Use Variance"; Anderson v. Bd of Appeals of Chesapeake Beach, 322 A2d 220, 22 Md App 28. A use variance is not to be granted purely because of financial hardship; Salisbury Bd of Zoning Appeals v. Bonds, 214 A2d 810, 240 Md 567; and Clerics of St. Viator v. DC Bd of Zoning Adjustment, 320 A2d 491.

One further point might be of importance before moving on to the specific problem of possible estoppel on the part of the County. A County Zoning Board has been held to be duty bound to consider a requirement which related to the "health, safety and welfare" of the public when they have Zoning variances under consideration. The specific case arose in Baltimore County and related to a 100 ft. set-back for electric lines, Dean v. Baltimore C & E, 214 A2d 146, 240 Md 317. As applied to a mobile home park, with the recognized problems concerning fire safety and other health related situations, Baltimore County is bound to consider the Zoning requirements having to do with square footage for the house, distance between such houses, type of road (so that fire dept. can enter and reach a mobile home), and the distance that such mobile homes should be set back from the property line. Under the holding of Dean, supra, Baltimore County cannot rely on a hearing and subsequent granting of a Variance when such hearing and Order had to do with the specific point of allowing a mobile home park on less than 5 acres. There is nothing in the record to indicate that the Board of Zoning Appeals of Baltimore County gave any consideration to the various health, safety and welfare problems which would arise should a variance be given from the many Zoning Requirements then in force; and their Order must therefore be read as being strictly limited to the one point whereby they waived the 5 acre requirement.

By letter dated May 12, 1975 the Baltimore County Office of Planning & Zoning (under signature of James B. Byrne, III, Chief of Zoning Enforcement Section) seems to be contending that in some manner they are prejudiced and estopped because 17 years have passed and the mobile home park license as been issued by the County each year for this property. There are several problems with the County taking this position; the first being that the County Office of Planning & Zoning

seems to defeat their own position when they acknowledge that they first became aware of the deficiencies when the property was sold in 1974 (October). Certainly the County would not contend that a maximum of eight (8) months notice was sufficient to create some type of prejudice, estoppel, or (as the County puts it) a "non-conforming" use. Aside from that, the County is not legally estopped from prosecuting a suit. Maryland law is clear and to the point with the leading case being Berwyn Heights v. Rogers, 177 A2d 712, 228 Md 271. That case arose when both the town and County had issued a builder building permits, however those permits were issued in violation of the Zoning Ordinance. The court held:

"....Some authorities hold that the principle of estoppel does not apply against a city, but the majority rule is to the effect that the doctrine of estoppel in pais is applied to municipal, as well as to private, corporations and individuals, at least where the acts of its officers are within the scope of their authority and justice and right require that the public be estopped. (Authorities Cited). And it has been held that municipalities may be estopped by reason of the issuance of permits. (Authorities Cited). However, the cases and text-writers very generally state that a municipality is not estopped to set up the illegality of a permit. (Authorities Cited). And the issuance of an illegal permit creates no "vested rights" in the permittees. (Authorities Cited). We have held above that the permits issued to the appellee were in violation of the zoning ordinance; consequently they

"were unlawful and did not estop the appellant from prosecuting this suit." (At page 279)

As recently as 1966 the Maryland Court of Appeals considered the subject and cited Berwyn Heights, supra, with approval. Rest County v. Chel, 246 Md. 395 at page 403. This case also adopts language from Quilley v. Perry, 164 Md. 222 (1933) where at page 401 the court quotes as follows:

"A permit thus issued without the official power to grant does not, under any principle of estoppel, prevent the permit from being unlawful nor from being denounced by the municipality because of its illegality. In the issuance of permits pursuant to the ordinance at bar, the municipality was not acting in any proprietary capacity nor in the exercise of its contractual powers, but in the discharge of a governmental function through its public officers of limited authority, and the doctrine of equitable estoppel cannot be here invoked to defeat the municipality in the enforcement of its ordinances, because of an error or mistake committed by one of its officers or agents which has been relied on by the third party to his detriment. Every one dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and the extent of their powers, and therefore such a person cannot be considered to have been deceived or misled by their acts when done without legal authority."

When these decisions are viewed in light of the facts which exist in the present case, the result seems clear - the County is in no way estopped. The current owner of the property (Glenwood) is 100% owned by an individual (Spradlin) who has several years experience as a seller of mobile homes and is aware of various problems and requirements of mobile home parks. He was represented by counsel at time of purchase of the property, inspected the property with trailers in place, and inquired of the County and was promptly furnished with a copy of the requirements for a Trailer Park in Baltimore County. He was also informed that a Variance had been granted to the Bush's and was furnished a copy of same. That Variance clearly is limited to the operation of a Trailer Park on less than 5 acres, and does not grant a Variance from any of the other requirements of the Zoning Regulations. The County license for operation of a park was issued showing twelve (12) trailers, and the letter of October 11, 1974 allowing for a change of location of the twelve (12) trailers was clearly based on the application made by Spradlin wherein he claimed that the park consisted of some 3.8 acres when in fact it is only 1.4 acres in size.

