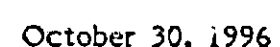


### ORDER OF DISMISSAL

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Robert O. Schuetz  
Robert O. Schuetz, Chairman  
Lawrence M. Stahl  
Diane Levero



RE: Case No. 82-228-SPHA /84-63-A  
Clarence McNeal, et ux  
(Reference 81-282-V)

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco  
Legal Administrator

cc: John B. Gontrum, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Arnold Jablon, Director /PDM

 Printed with Soybean Ink

|                              |   |                        |
|------------------------------|---|------------------------|
| IN RE:                       | * | BEFORE THE             |
| CLARENCE McNEAL, ET UX       | * | BOARD OF APPEALS       |
| NE/cor Orens and Compass Rds | * |                        |
| 15th Election District       | * | OF                     |
| SPH-Trailer Park             | * | BALTIMORE COUNTY       |
| Var.-Distances               | * |                        |
| SE-Mobile Home Park          | * | Case No. 82-228-SPHA & |
|                              |   | 84-63-KA               |
| Var.-Driveway widths         |   |                        |

MOTION TO DEFER ENTRY OF DISMISSAL

Goldentree Development Co., appellant, by its attorneys moves for deferral of dismissal for lack of prosecution for 60 days. The grounds for the motion are that the parties have entered into settlement discussions and require that time in order to bring these discussions to a conclusion.

Counsel for appellant is authorized to advise the Board that counsel for appellee does not object to granting of this motion.

*Nancy E. Paige*  
Nancy E. Paige  
Gordon, Feinblatt, Rothman,  
Hoffberger & Hillander  
233 East Redwood Street  
Baltimore, Maryland 21202  
410/576-4294  
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of May, 1992, a copy of the foregoing Notice to Defer Entry of Dismissal

was mailed, first-class, postage prepaid, to Robert J. Romadka, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, Maryland 21221 and Phyllis C. Friedman, People's Counsel for Baltimore County, Room 47, Old Courthouse, Towson, Maryland 21204 and William T. Hackett, County Board of Appeals, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204.

*Nancy E. Paige*  
Nancy E. Paige

L27934.124 S:2

|                                     |   |                      |
|-------------------------------------|---|----------------------|
| IN THE MATTER OF                    | * | BEFORE THE           |
| CLARENCE McNEAL, Et ux              | * | COUNTY BOARD         |
| NE/ Corner Orem's and Compass Roads | * | OF APPEALS           |
| 15th Election District              | * |                      |
| 5th Councilmanic District           | * | OF BALTIMORE COUNTY  |
| Re: SPH — McNeal Trailer Park       | * | Case No. 82-228-SPHA |
| Varioces — Distances                | * | 84-63-XA             |
| SE — Mobile Home Park               | * |                      |
| * * * * *                           |   |                      |

MOTION TO DISMISS

NOW COMES Goldentree Development Company, Appellant, by and through its attorneys, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, and Nancy E. Paige, Esq., and Moves that this Board dismiss the appeal in the above-captioned case.

WHEREFORE, Appellant respectfully requests the following:

1. That this Board dismiss the Appeal in the above-captioned case; and
2. That this Board grant such other and further relief as the nature of this case may require.

*Nancy J. Paige*  
 Nancy J. Paige, Esq.  
 Gordon, Feinblatt, Rothman,  
 Hoffberger & Hollander  
 Garrett Building  
 233 E. Redwood Street  
 Baltimore, Maryland 21202  
 (410) 576-4000

9057 JUL 1995

|                               |   |                        |
|-------------------------------|---|------------------------|
| IN RE:                        | * | BEFORE THE             |
| CLARENCE McNEAL, ET UX        | * | BOARD OF APPEALS       |
| NE/cor Orem's and Compass Rds | * |                        |
| 15th Election District        | * | OF                     |
| SPH-Trailer Park              | * | BALTIMORE COUNTY       |
| Var.-Distances                | * |                        |
| SE-Mobile Home Park           | * | Case No. 82-228-SPHA & |
|                               |   | 84-63-XA               |
| Var.-Driveway widths          | * |                        |

MOTION TO DEFER ENTRY OF DISMISSAL

Goldentree Development Co., appellant, by its attorneys moves for deferral of dismissal for lack of prosecution for 60 days. The grounds for the motion are that the parties have entered into settlement discussions and require that time in order to bring these discussions to a conclusion.

Counsel for appellant is authorized to advise the Board that counsel for appellee does not object to granting of this motion.

*Nancy E. Paige*  
Nancy E. Paige  
Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202  
410/576-4294  
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of May, 1992, a copy of the foregoing Notice to Defer Entry of Dismissal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 1995, I mailed the foregoing Motion to Dismiss to the County Board of Appeals of Baltimore County, 400 Washington Avenue, Towson, Maryland 21204; and mailed copies of the foregoing Motion to Dismiss, postage prepaid, to John F. Gontum, Esq., 10000 Parkway, Suite 204, Greenbelt, Maryland 21040; to the Baltimore County Board of Appeals, 400 Washington Avenue, Towson, Maryland 21204; to Peter Max Zimmerman, People's Counsel, 400 Washington Avenue, 400 Washington Avenue, Room 47, Towson, Maryland 21204; to Michael J. Moran, Assistant County Attorney, 400 Washington Avenue, Towson, Maryland 21204.

*Nancy E. Paige*  
Nancy E. Paige, Esquire

was mailed, first-class, postage prepaid, to Robert J. Romadka, Esquire, Romadka, Contrum & McLaughlin, 814 Eastern Boulevard, Baltimore, Maryland 21221 and Phyllis C. Friedman, People's Counsel for Baltimore County, Room 47, Old Courthouse, Towson, Maryland 21204 and William T. Sackett, County Board of Appeals, Old Courthouse, Room 49, 400 Washington Avenue, Towson, Maryland 21204.

*Nancy E. Paige*  
Nancy E. Paige

L27934.124 S:7

VICINITY SKETCH  
SCALE: 1" = 500'

OUTLINE OF CASE # 2476-S  
SCALE: 1" = 200'

PARTIAL SECTION 3  
GOLDENTREE  
DATE: 12-6-80

N 76° 17' W 480' - 1953  
LIMIT OF SPECIAL EXCEPTION 1953

EXISTING USE - TRAILER PARK  
PROPOSED USE - SAME  
EXISTING ZONING - DD-3.5  
PROPOSED ZONING - SAME  
AREA OF ENTIRE TRACT - 3.4 AC

PLAT TO ACCOMPANY PETITION FOR  
SPECIAL EXCEPTION AND VARIANCES

12-6-80

#### SECTION 314

- 314.1 1.0 ACRE IN LIEU OF REQ. 30 FEET
- 314.2 A MINIMUM AREA OF 1840 SQ. FT. IN LIEU OF THE REQ. 2' 00" SQ. FT.
- 314.3 TO PERMIT MINIMUM DRIVEWAY WIDTHS OF 15' AND 18' IN LIEU OF THE REQ. 30'
- 314.4 TO ALLOW MIN. DIST. BETWEEN TRAILER AND SERVICE BLDG. OR STRUCTURE OF 19' AND 15' IN LIEU OF 25' 00' FROM OREMS RD. FROM OTHER BOUNDARIES
- 314.5 TO ALLOW MIN. DIST. OF 5' BETWEEN TRAILERS IN LIEU OF THE REQ. 25' AND TO ALLOW A MIN. DIST. OF 23' BETWEEN TRAILER AND SERVICE BLDG. OR STRUCTURE IN LIEU OF REQ. 25'

PLAT TO ACCOMPANY PETITION FOR  
VARIANCES FOR SETBACKS OF 0'-5'-7' IN LIEU OF REQ. 15' AND VARIANCES  
OF 10'-15'-20' AND 9'0' BETWEEN TRAILERS IN LIEU OF REQ. 10'

MCNEAL'S TRAILER PARK

15TH DISTRICT BALTIMORE CO. MARYLAND

SCALE: 1" = 30'

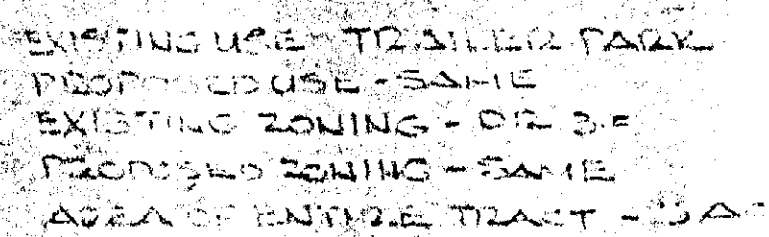
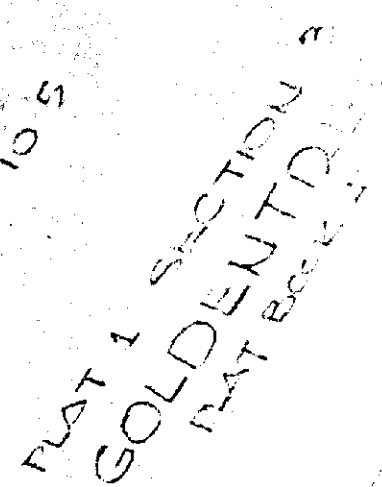
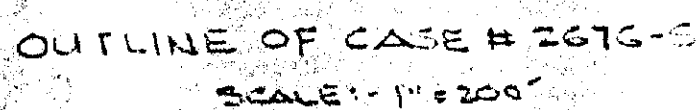
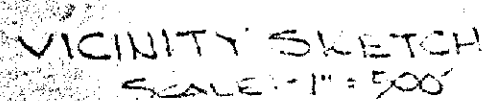
REVISION DATE: 11-6-81

DEED REF. GLB 1938-194 5-26-83

PETITIONER'S  
EXHIBIT 3



FRANK S. LEE  
1277 NEIGHBORS AVE.  
BALTIMORE, MD. 21227



PLAT TO ACCOMPANY PETITION FOR

JOBS FOR SETBACKS OF 0'-5'-7'-IN. MAX. OF REQ. 15' AND UNDESIRABLE  
4.0-5.0-7.0 AND 7.0 BETWEEN TRAVEL LANE AND L.F. SIDE 10'

GENERAL HEADING FOR A NON CONFORMING JOBS

MURKIN'S TRAILER PAGE  
 15TH DISTRICT BOARD OF CHURCHES  
 SUNDAY SCHOOL  
 1954-1955

**PETITIONER'S  
EXHIBIT 5**



1. NAME \_\_\_\_\_

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE AND PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCE - NE/cor. Orens Road & Compass Road 15th Election District 5th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case Nos. 82-228-SPHA and 84-63-XA

Clarence McNeal, et ux Petitioners

In Case No. 82-228-SPHA the Petitioners requested a special hearing to approve the non-conforming use of a trailer park at the above location and variances to permit trailers to be located within 0', 5' and 7' of the sides and rear property lines in lieu of the required 15', and to permit a minimum distance between trailers of 4' in lieu of the required 10'. In Case No. 84-63-XA the Petitioners requested a special exception for a mobile home park at the above location and variances to permit the use of 1.1 acres in lieu of the required 5 acres, a minimum area of 1,840 sq.ft. in lieu of the required 3,000 sq.ft. per trailer, minimum driveway widths of 15' and 18' in lieu of the required 30', a minimum distance between a trailer and Orens Road of 19' and a minimum distance between a service building or structure and Orens Road of 95' in lieu of the required 100'; a minimum distance between a trailer of 1' and a service building of 70' in lieu of the required 75' from the property line; a minimum distance of 9' between trailers in lieu of the required 25'; and a minimum distance of 23' between trailers and a service building or structure in lieu of the required 25'.

Testimony, evidence and legal arguments presented in two extensive hearings were followed by lengthy memoranda in Case No. 82-228-SPHA. Two legal descriptions were filed with this case because the non-conforming issue applied to the front of the property and the variance requests were for the rear portion, which had been granted a special permit for a trailer camp in previous Case No. 2676-S, Order dated September 21, 1953. Subsequently, Counsel for the Petition-

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

ers, in conference with the Deputy Zoning Commissioner and Counsel for the Protestant, requested permission to submit petitions for a special exception and variances. Although Counsel for the Protestant did not concur with the request the Deputy Zoning Commissioner granted same, and Case No. 84-63-XA evolved. Counsel for the Petitioner further requested that Orders for both cases be written at the same time. In accordance with the legal description filed with the Petition, Case No. 84-63-XA requests a special exception and numerous variances for the front portion of the property.

In Case No. 82-228-SPH, testimony by and on behalf of the Petitioners indicated that the Petitioners were familiar with the subject property in the 1940's, moved onto the site in 1949 and purchased same in 1951. Prior to 1942, two trailers were located on the front portion of the site. Several witnesses spoke of an increased number of trailers in the 1950's. The Petitioners were unaware that the 1953 permit (approved in Case No. 2676-S) was for the rear portion of the property only. They developed both the front and the rear and obtained County permits for the entire site from 1975 to 1984. The property has been used continuously for a mobile home park. Testimony was presented regarding the changes in mobile homes and mobile home parks over the years; i.e., in the past, trailers were much smaller (average size was 8' x 30'), were truly mobile, and usually lacked permanent utility hook-ups, pads, porches, etc. Currently, the average size of a mobile home is 14' x 70' and indeed, one cannot be purchased in a length less than 50'. As long-term tenants have replaced their homes with larger ones and more recent tenants have brought in newer models, the distances between units and between units and property lines have lessened. Those testifying were of the opinion that overcrowding and access for fire and other emergency vehicles were not problems. Moving the permanently improved homes would uproot long-term tenants, at least one over 20 years and a number

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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over 10 years. Without the requested variances, 8 units would have to be removed from the rear permitted portion. There are virtually no available mobile home sites in Baltimore County. The variance requested along the east property line is next to a road utilized in common with the adjacent mobile home park as shown on the plan submitted, prepared by Frank S. Lee, dated 11/6/81 and identified as Petitioner's Exhibit 3.

The president of the Victory Villa Improvement Association identified himself as its spokesman and a protestant but the Association's corresponding secretary (for at least 15 years) testified the Association had not had a meeting in over a year and that the instant matter had not been raised.

The developer of the adjacent property to the west testified in protest and was represented by Counsel. Testimony on behalf of this Protestant indicated that four structures, which could not be identified specifically as dwellings, other buildings or trailers, were on the site in 1954 according to a January 4, 1954 aerial photo and the derived December 1954 photogrammetric drawing (Protestant's Exhibits 3 and 2). The structures were scaled as being approximately 20' x 20', 20' x 20', 20' x 30' and 25' x 45'. Assessment records from about December 1952 or January 1953 showed three dwellings and a garage on the property.

The Protestant, the managing partner of Goldentree Development Company, testified as to the proximity and characteristics of the Goldentree development and the visibility of the mobile homes and park from Goldentree. The developer installed an J' fence in an effort to reduce that visibility. Compass Road was constructed as a part of the Goldentree subdivision. It is his opinion that the existing situation and the proposed variances will depreciate the values in his development. The mobile home park is overcrowded, provides no open space, and is not within the spirit and intent of the Baltimore County Zoning Regulations (BCZR). Compliance with the required setbacks and the required distance between

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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that on the other side (front) the lot extends to a distance of 2 feet from the next unit. He has no specific definition of the limits of lots from the end of one unit to the end of another. He has guidelines and must approve the skirts, porches, decks, etc. added to most units. Specific information on each lot was given, including but not limited to, size and age of mobile home, name of resident and length of tenancy, direction the unit faces, where the resident parks, sheds, porches, awnings, etc. Two of the spaces on the front portion and one space on the west rear portion are vacant. There are, however, three units located on the rear portion not shown on Petitioner's Exhibit 2: one north of Mecca Lane between the office and the 12' x 57' unit, one south of and parallel to Pecan Lane, and one southwest of the Palm/Ortega intersection. There are 39 mobile home units currently on site. Several long-term residents of the mobile home park testified. Among their statements were: one unit was 25 years old; another expected her unit to last a lifetime; the front portion of the site had been utilized by approximately the same number of mobile homes for over 20 years; at least five cars can park in a paved parking area in the center of the front portion.

The Protestant, the partner of Goldentree, testified that his surveyor has determined that three to four of the mobile homes were over the property line. Those units were subsequently moved so that they were wholly on the Petitioners' property. He would not be opposed to the granting of the special exception nor to the variances requested for utilization of only 1.1 acres for this portion of the park, the location of the permanent structure, or the 15' driveway, so long as the driveway was paved and used in common with the driveway of the adjacent mobile home park. He is of the opinion that a variance of some amount of the required 75' setback from the property line to a unit could be appropriate in the instant case, but that the other requested variances are not within the spirit and intent of the BCZR. In his opinion, the other variances,

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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if granted, would be detrimental to his development and the neighborhood by their encroachment on adjacent property and the road and by their lack of provision for open space. In addition, he is concerned with public safety that could be better addressed if internal roads were wider and units were separated in accordance with the regulations. He mentioned also that recreational vehicles added to the park congestion.

The Deputy Zoning Commissioner has reviewed all evidence and testimony and, in her deliberations, has made particular note of two items: 1) much of the Petitioner's hardships are of his own making; and 2) the attachment of the long-term residents to their permanent home spaces in the McNeal Trailer Park.

Pursuant to the advertisement, posting of property, and public hearing held in Case No. 82-228-SPHA, and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing would not be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would be detrimental to the health, safety and general welfare of the community. By reason of the burden of proof not having been met, the requested non-conforming use of a trailer park should not be granted. However, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioners where the variances are concerned. The variances requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 31<sup>st</sup> day of August, 1982, that variances to permit trailers to be located within 0' from the west property line, 5' from the east property line, and 7' from the rear property line in lieu of the required 15', and to permit a minimum distance between trailers of 4' in one instance, 5' in another instance,

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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5.6' in another instance, 7' in two cases and 9' in one case in lieu of the required 10', all in accordance with Petitioner's Exhibit 3, be and are hereby GRANTED, subject to the following restriction:

When the existing resident(s) and/or the existing mobile home from any space relocates to another space or vacates the mobile home park, the existing mobile home being relocated or any new home being established must be placed a minimum of 15' from the west and rear property lines, and 10' from the east property line, and with a minimum distance of 10' between each mobile home.

IT IS FURTHER ORDERED by the Deputy Zoning Commissioner that the request for a special hearing to approve the non-conforming use of a trailer park at the herein described location be and is hereby DENIED.

Pursuant to the advertisement, posting of property and public hearing held in Case No. 84-63-XA, in the opinion of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty or unreasonable hardship upon the petitioner. The requirements of Section 502.1 of the BCZR have been met, and the health, safety and general welfare of the community will not be adversely affected. Therefore, the requested special exception and variances should be granted.

Therefore, IT IS ORDERED that a special exception for a mobile home park at the herein described location, in accordance with Petitioner's Exhibit 2, be approved, and that variances to permit the use of 1.1 acres in lieu of the required 5 acres; a minimum lot size area of 1,840 sq.ft. and others under 3,000 sq.ft. in lieu of the required 3,000 sq.ft. per trailer; minimum driveway widths of 15' and 18' in lieu of the required 30'; a minimum distance of 19' for one mobile home to the road and less than the required distance for seven other mobile homes in lieu of the required 100' and a minimum distance of 95' from the permanent structure to the road and 70' from that structure to the property line in lieu of the required 100'; a minimum distance of 1' from two mobile homes to the property line and less than the required distance for eight other mobile homes,

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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units would improve the appearance of the park and relieve overcrowding.

Within the Zoning Plans Advisory Committee comments the Director of Planning and Zoning, in a memo dated April 6, 1982, expressed concern with the safety aspects identified by the Fire Department in its correspondence dated February 24 and March 30, 1982, addressing the separation between mobile homes and the distance from any property line abutting a public road. The Current Planning office, by memo dated March 25, 1982, suggested effective screening along the Compass Road side.

At the beginning of the hearing on Case No. 84-63-XA all documents from Case No. 82-228-SPHA, except the memoranda, were entered as Petitioner's Exhibit 1. This case relates only to the front portion of the property.

Testimony on behalf of the Petitioner by his engineer indicated that spaces for 13 mobile homes and an existing dwelling were on the 1.1 acre front portion of the property as shown on the plan submitted, prepared by Frank S. Lee revised 5/26/83, and identified as Petitioner's Exhibit 2. The narrowest part of the internal roads or driveways are the 18' width in the bend of Mingo Lane and the 20' width of Mecca Lane. The 15' driveway width requested is the Petitioner's half of a roadway shared with the mobile home park to the east. The engineer determined the lot size by strictly averaging, i.e., splitting the distance between mobile homes. Sheds, some of which may be larger than 100 sq.ft., were not shown on Petitioner's Exhibit 2. Through the years, Baltimore County has taken 10 feet off of the frontage of the property for widening Orens Road. Without the requested variances, only two mobile homes of a small size could be located on the front portion of the property.

The Petitioner testified that the mobile homes in the park have concrete pads with water and sewer hookups and electric meters. He considers that 2 feet on the side of the mobile home with hookups is part of the lot for that home and

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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in lieu of the required 75'; a minimum distance of 9' between mobile homes in one instance and less than the required distance for nine other mobile homes in lieu of the required 25'; and a minimum distance of 23' between a mobile home and a service building in lieu of the required 25', be and are hereby GRANTED, subject, however, to the following restriction:

When the existing resident(s) and/or the existing mobile home from any space relocates or vacates the mobile home park, the existing mobile home to be relocated or any new home to be established must be placed with a minimum lot size of 2,000 sq.ft., a minimum distance of 25' between mobile homes, and 25' from any property line or road.

In addition to the restrictions listed above relative to specific requests, the following conditions must also be met:

- 1) At no time shall more than 39 mobile homes be located on the whole site, both front and rear portions.
- 2) Within 120 days from the final order in these cases, a revised plan, scale 1" = 20' or larger, shall be submitted to this office indicating, in addition to the usual information shown on the Petitioner's Exhibits 3 and 2 referred to above, all roads, parking spaces and areas, sheds, accessory buildings, porches, decks, additions, etc. Each mobile home shall be numbered on the plan and supplemental information for each shall be provided: photograph, size of home, age of home, name of resident, location of parking.
- 3) Internal roads shall be paved and parking for recreational vehicles shall be approved by the Office of Zoning in accordance with current regulations.
- 4) Screening along the entire western property line shall be provided as well as landscaping along Orens Road. Both shall be approved by the Office of Current Planning.

John M. Seligman  
Deputy Zoning Commissioner  
of Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/13/82  
By Katie G. Seligman

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| PRIN | TO  | RAD. IS | LENGTH | $\Delta$     | T.     | C-ORD                  |
|------|-----|---------|--------|--------------|--------|------------------------|
| 5    | 6   | 240.00  | 321.11 | 76°39'40"    | 189.75 | 5 08°59'02.5" - 207.85 |
| 7    | 3   | 25.00   | 38.25  | 77°39'40"    | 24.00  | N 55°53'45.5" - 244.65 |
| 7    | 3   | 595.59  | 218.31 | 1°00'33.00"  | 110.39 | N 45°34.41"E - 217.09  |
| 7    | 3   | 595.59  | 218.31 | 1°00'33.00"  | 110.39 | N 45°34.41"E - 217.09  |
| 35   | 34  | 233.50  | 266.75 | 6°50'10.00"  | 159.00 | S 62°04'40"W - 253.50  |
| 56   | 55  | 326.57  | 224.43 | 39°32'53"    | 115.85 | S 75°04.22"W - 220.04  |
| 57   | 56  | 51.93   | 220.77 | 33°19'01.85" | 106.36 | N 54°02'42"E - 208.33  |
| 106  | 64  | 230.00  | 10.15  | 25°59'32.55" | 67.02  | N 64°01'50"E - 107.25  |
| 106  | 64  | 230.00  | 10.15  | 25°59'32.55" | 67.02  | S 63°53'32"E - 154.51  |
| 638  | 635 | 3.80    | 10.73  | 2°06'08.00"  | 99.20  | N 55°07'18"E - 168.52  |
| 690  | 697 | 265.00  | 202.40 | 43°35'45"    | 106.43 | S 33°03.34"W - 157.32  |
| 690  | 697 | 266.00  | 204.78 | 12°13'18"    | 122.78 | N 48°49.47"E - 204.39  |
| 692  | 642 | 690.00  | 150.84 | 12°31'38"    | 55.25  | N 48°40.47"E - 189.43  |
| 692  | 642 | 336.00  | 20.85  | 33°31'11"    | 10.29  | N 59°10.50"E - 205.85  |
| 43   | 44  | 1932.61 | 470.13 | 16°09'24"    | 247.18 | S 73°22'12"E - 488.00  |
| 101  | 955 | 34.00   | 57.34  | 24°00'00"    | 28.5   | S 63°35'54.5" - 50.00  |
| 185  | 185 | 66.55   | 57.34  | 66°00'00"    | 28.5   | S 63°35'54.5" - 50.00  |



SCALE: 1" = 500

OREMS ELEMENTARY SCHOOL  
W.J.R. 3550-224

## COORDINATES

| №  | NORTH    | EAST     | №    | NORTH    | EAST     |
|----|----------|----------|------|----------|----------|
| 5  | 12516.00 | 43017.59 | 16   | 12540.35 | 43068.97 |
| 6  | 12522.62 | 43044.77 | 17   | 12545.37 | 43075.35 |
| 7  | 12528.24 | 43061.95 | 18   | 12549.71 | 43080.00 |
| 8  | 12530.44 | 43070.82 | 19   | 12552.97 | 43084.18 |
| 9  | 12532.96 | 43079.09 | 20   | 12557.01 | 43087.95 |
| 10 | 12534.27 | 43086.35 | 385  | 12611.67 | 43236.63 |
| 11 | 12535.48 | 43093.61 | 386  | 12616.20 | 43241.28 |
| 12 | 12537.98 | 43102.07 | 611  | 12621.72 | 43246.08 |
| 13 | 12539.50 | 43109.46 | 612  | 12626.25 | 43250.73 |
| 14 | 12541.02 | 43116.85 | 624  | 12629.30 | 43255.33 |
| 15 | 12542.54 | 43124.24 | 685  | 12661.58 | 43260.14 |
| 22 | 12553.18 | 43175.89 | 687  | 12651.35 | 43251.26 |
| 23 | 12554.70 | 43183.27 | 688  | 12655.47 | 43256.80 |
| 24 | 12556.22 | 43190.65 | 689  | 12659.59 | 43262.34 |
| 25 | 12557.74 | 43198.03 | 690  | 12663.72 | 43267.88 |
| 26 | 12559.26 | 43205.41 | 691  | 12667.84 | 43273.52 |
| 27 | 12560.78 | 43212.79 | 694  | 12669.95 | 43274.66 |
| 28 | 12562.30 | 43220.17 | 695  | 12674.07 | 43279.80 |
| 29 | 12563.82 | 43227.55 | 696  | 12678.19 | 43284.94 |
| 30 | 12565.34 | 43234.93 | 697  | 12682.31 | 43290.08 |
| 31 | 12566.86 | 43242.31 | 698  | 12686.43 | 43295.22 |
| 32 | 12568.38 | 43249.69 | 699  | 12690.55 | 43300.36 |
| 33 | 12569.90 | 43257.07 | 700  | 12694.67 | 43305.50 |
| 34 | 12571.42 | 43264.45 | 701  | 12698.79 | 43310.64 |
| 35 | 12572.94 | 43271.83 | 702  | 12702.91 | 43315.78 |
| 36 | 12574.46 | 43279.21 | 703  | 12707.03 | 43320.92 |
| 37 | 12575.98 | 43286.59 | 704  | 12711.15 | 43326.06 |
| 38 | 12577.50 | 43293.97 | 705  | 12715.27 | 43331.20 |
| 39 | 12579.02 | 43301.35 | 706A | 12719.39 | 43336.34 |
| 40 | 12580.54 | 43308.73 | 707  | 12723.51 | 43341.48 |
| 41 | 12582.06 | 43316.11 | 708  | 12727.63 | 43346.62 |
| 42 | 12583.58 | 43323.49 | 709  | 12731.75 | 43351.76 |
| 43 | 12585.10 | 43330.87 | 710  | 12735.87 | 43356.90 |
| 44 | 12586.62 | 43338.25 | 711  | 12739.99 | 43362.04 |
| 45 | 12588.14 | 43345.63 | 712  | 12744.11 | 43367.18 |
| 46 | 12589.66 | 43353.01 | 713  | 12748.23 | 43372.32 |
| 47 | 12591.18 | 43360.39 | 714  | 12752.35 | 43377.46 |
| 48 | 12592.70 | 43367.77 | 715  | 12756.47 | 43382.60 |
| 49 | 12594.22 | 43375.15 | 716  | 12760.59 | 43387.74 |
| 50 | 12595.74 | 43382.53 | 717  | 12764.71 | 43392.88 |
| 51 | 12597.26 | 43389.91 | 718  | 12768.83 | 43398.02 |
| 52 | 12598.78 | 43397.29 | 719  | 12772.95 | 43403.16 |
| 53 | 12600.30 | 43404.67 | 720  | 12777.07 | 43408.30 |
| 54 | 12601.82 | 43412.05 | 721  | 12781.19 | 43413.44 |
| 55 | 12603.34 | 43419.43 | 722  | 12785.31 | 43418.58 |
| 56 | 12604.86 | 43426.81 | 723  | 12789.43 | 43423.72 |
| 57 | 12606.38 | 43434.19 | 724  | 12793.55 | 43428.86 |
| 58 | 12607.90 | 43441.57 | 725  | 12797.67 | 43434.00 |
| 59 | 12609.42 | 43448.95 | 726  | 12801.79 | 43439.14 |
| 60 | 12610.94 | 43456.3  | 727  | 12805.91 | 43444.28 |

NOTE 4. HIGHWAY 1 HIGHWAY WIDENING, SLOPE,  
DRAINAGE & UTILITY EASEMENTS SHOWN  
HEREON ARE RESERVED UNTIL THE DEVELOPER  
AND ARE HEREBY OFFERED FOR DEDICATION  
TO BALTIMORE COUNTY. THE DEVELOPER  
THE DEVELOPER, HIS PERSONAL REPRESENTATIVES,  
ASSIGNS SHALL CONVEY SAID AREAS BY DEED  
TO BALTIMORE COUNTY, MARYLAND, AT NO COST  
2. THIS RACED FLAT MAY NOT BE MOVED  
TO BALTIMORE COUNTY (5) FIVE YEARS  
FROM RECORDING DATE. SEE BALTIMORE  
COUNTY BILL # G-179 (SECTION 22-39.1).

THE APPROVAL OF THIS PLAT IS PREDICATED  
ON THE AVAILABILITY OF PUBLIC WATER  
AND SEWERS PRIOR TO CONSTRUCTION OF HOMES

GENERAL NOTES:

|                         | PLAT<br>SECTION 3            | REMAINING<br>SECTION 3                               | SECTION 4                                        | TOTAL SITE                        |
|-------------------------|------------------------------|------------------------------------------------------|--------------------------------------------------|-----------------------------------|
| AREA OF<br>SUBDIVISION  | 13.99 AC.                    | 26.21 AC.                                            | 32 AC.                                           | 72.2 AC.                          |
| EXISTING<br>ZONING      | DR 16.5                      | DR105 DR55                                           | DR105 DR55                                       | 44 AC. + DR55<br>26.2 AC. + DR10. |
| NO OF UNITS<br>ALLOWED  | 1300 (16.9) =<br>147.1       | 72.1 (55) = 75.7<br>19 (10.5) = 21.5<br>TOTAL: 100.2 | 7 (43) = 73.5<br>25 (55) = 37.5<br>TOTAL: 111    | 530                               |
| NO OF UNITS<br>PROPOSED | 48                           | 93                                                   | 26                                               | 237                               |
| OPEN SPACE<br>REQUIRED  | 12.8 (559) = 1.68 AC         | 12.6 (73) = 0.87<br>GPA (11) = 1.1<br>TOTAL: 2.0 AC  | 346 (1) = .66<br>GPA (53) = .6<br>TOTAL: 1.26 AC | 6.02 AC                           |
| OPEN SPACE<br>PROPOSED  | NONE SEE<br>REMAINING 1.61 3 | 4.1 AC.                                              | 2.6 AC.                                          | 6.7 AC                            |

DEVELOPER:

GOLDENTREE DEVELOPMENT CO.  
P.O. BOX N: 5820  
BALTIMORE, MARYLAND 21208

OWNERS CERTIFICATE

The requirements of Section 3-108A, Article  
21 of the Annotated Code of Maryland as far as  
they relate to the preparation of this plan have been  
complied with.

GO DENTREE DEVELOPMENT COMPANY  
STUART HOMES, INC.

BY: *Albert V. Williams*

*Albert V. Williams*

ALBERT V. WILLIAMS

SURVEYORS CERTIFICATE

I, **DAVID WILDER**, a Registered Land  
Surveyor of the State of Maryland do hereby certify that  
the Land shown hereon was laid out as a 1/4 of the plat  
shown prepared as a certain lot as provided in the  
law relating to the subdivision of and known as House  
Bill #459, Chapter 1012 of the Acts of 1946 and sub-  
sequent amendatory acts.

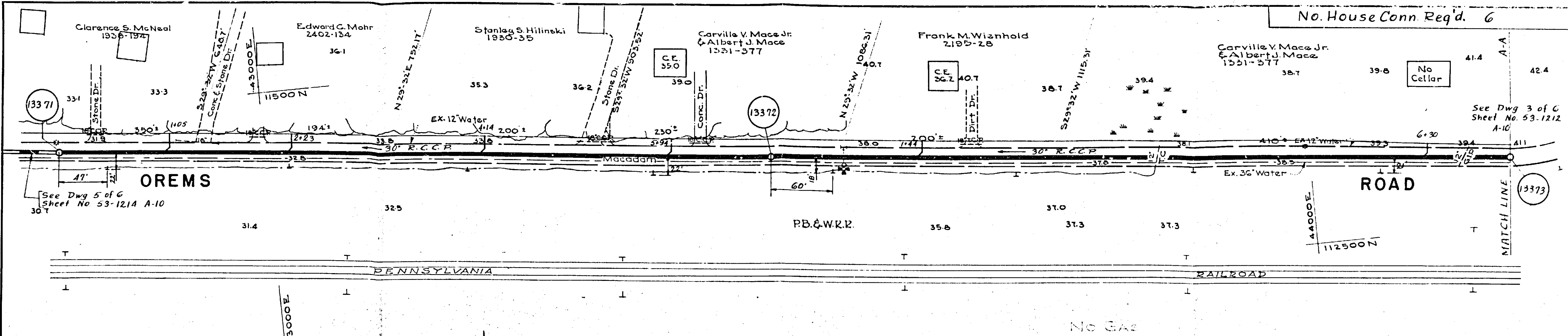
REGISTERED LAND SURVEYOR: No. \_\_\_\_\_ DATE: \_\_\_\_\_

REASON FOR AMENDED:  
ADDED PARCEL "B"

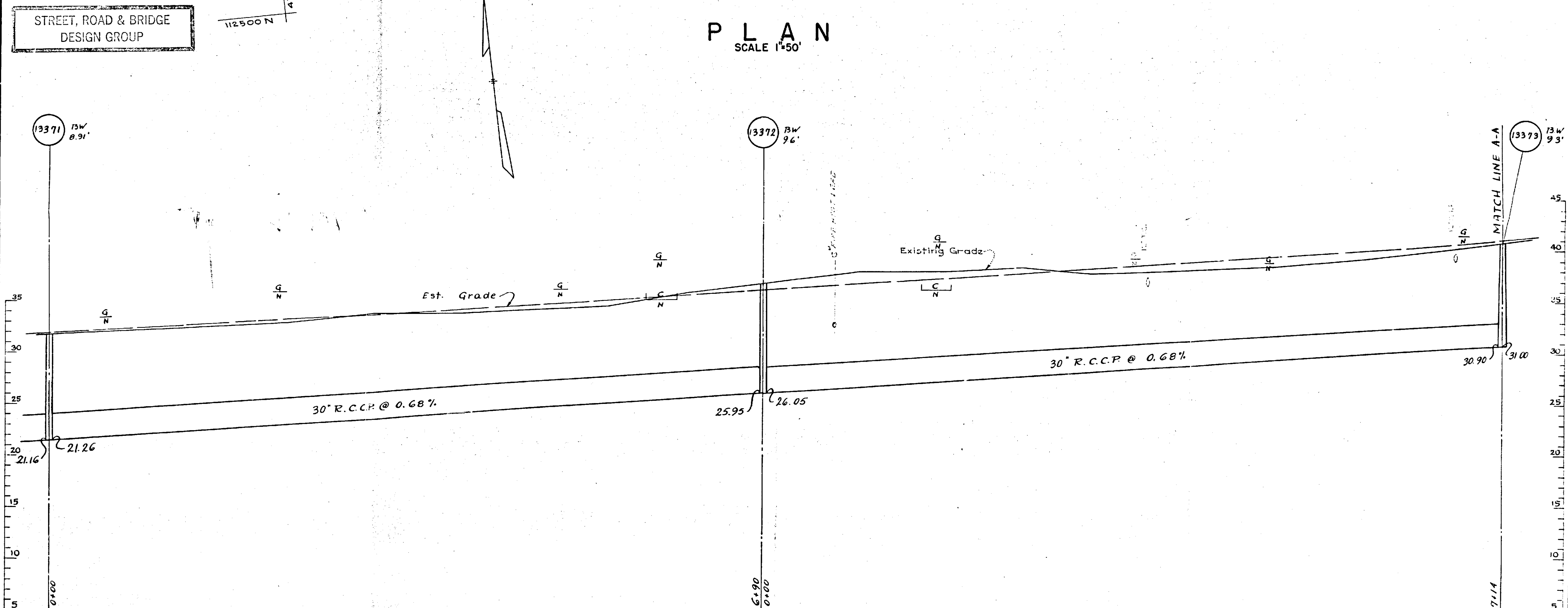
PROTESTANT'S  
EXHIBIT 7

PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVE.  
TOWSON, MARYLAND 21204

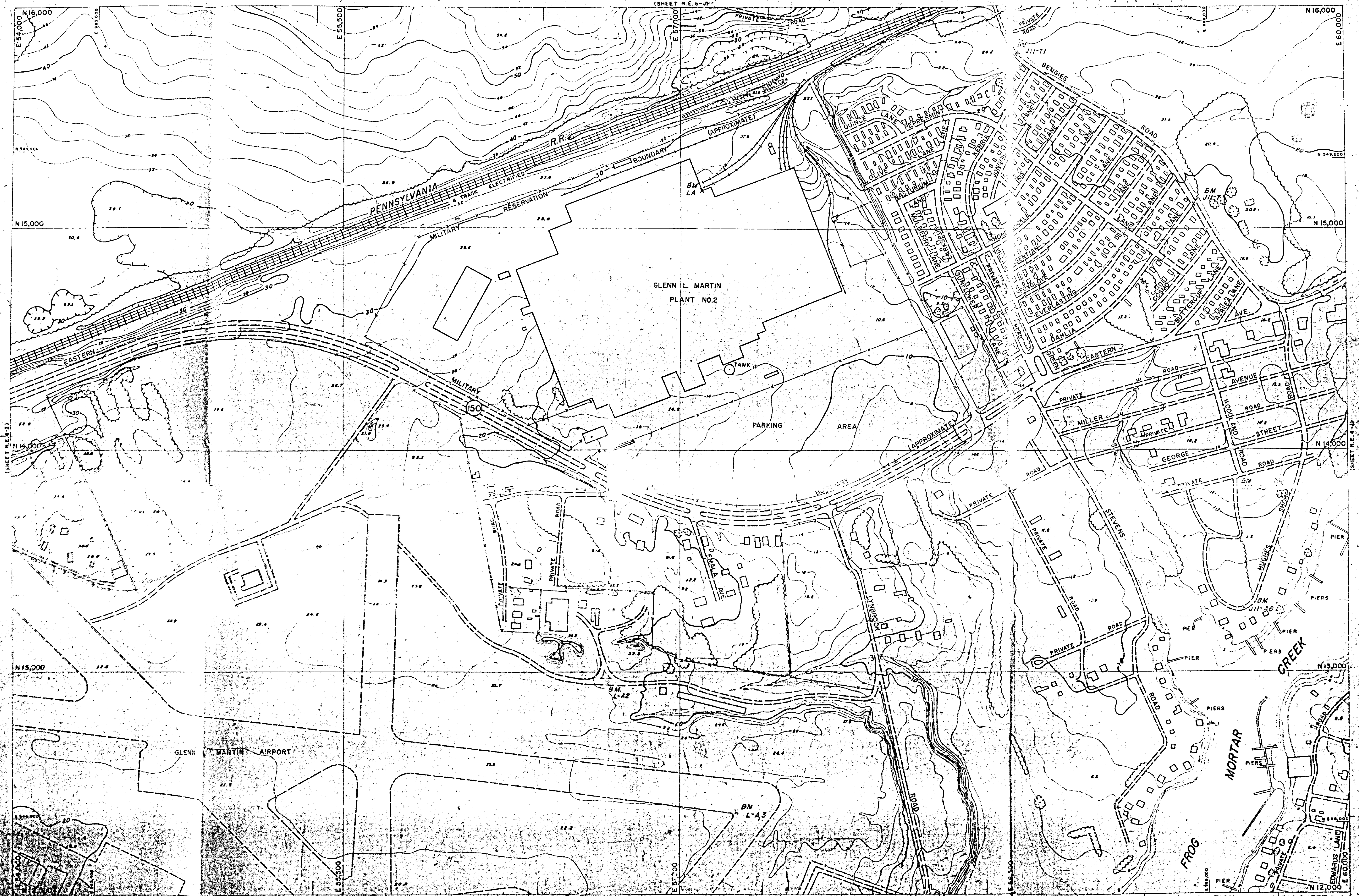
COMPUTED ET DRAWN WB CHECKED PA JR.



# PLAN SCALE 1"=50'



|                                         |  |                                                           |  |                                        |  |
|-----------------------------------------|--|-----------------------------------------------------------|--|----------------------------------------|--|
| DATE RIGHT OF WAY SECURED REF.          |  | BUREAU OF ENGINEERING                                     |  | PETIT R'S EXHIBIT 9                    |  |
| BALTIMORE COUNTY HIGHWAYS               |  | LOCATION APPROVED                                         |  | J. O. 6347                             |  |
| PERMIT REQUESTED 9-14-56                |  | PERMIT NUMBER 56-028                                      |  | 53-1213                                |  |
| GRADE ESTABLISHED                       |  | PROFILE NUMBER                                            |  | FILE A-10                              |  |
| DEPARTMENT OF PUBLIC WORKS              |  | APPROVED                                                  |  | J. O. 6347                             |  |
| BALTIMORE COUNTY                        |  | DATE                                                      |  | 53-1213                                |  |
| METROPOLITAN DISTRICT                   |  | CHIEF ENGINEER BALTO. CO. METRO. DIST.                    |  | FILE A-10                              |  |
| GRADE ESTABLISHED AND LOCATION APPROVED |  | APPROVED                                                  |  | 12NE 298.30                            |  |
| DATE                                    |  | DATE                                                      |  | CONTRACT NO. 515-6                     |  |
| ROADS ENGINEER BALTO. COUNTY            |  | CHIEF ENGINEER BALTIMORE COUNTY                           |  |                                        |  |
| AERO ACRES                              |  | 400' WEST OF GLIDER DRIVE TO 1000' EAST OF SUNNYSIDE LANE |  | ELECTION DISTRICT 15                   |  |
| 30" INTERCEPTING SEWER                  |  | OREMS ROAD                                                |  | RUMMEL, KLEPPER & KAHL                 |  |
|                                         |  |                                                           |  | BALTIMORE MARYLAND                     |  |
|                                         |  |                                                           |  | ENGINEER FOR DESIGN                    |  |
|                                         |  |                                                           |  | DRAWING NO. 4                          |  |
|                                         |  |                                                           |  | SCALE: PROFILE HOR. 1"=50' VERT. 1"=5' |  |



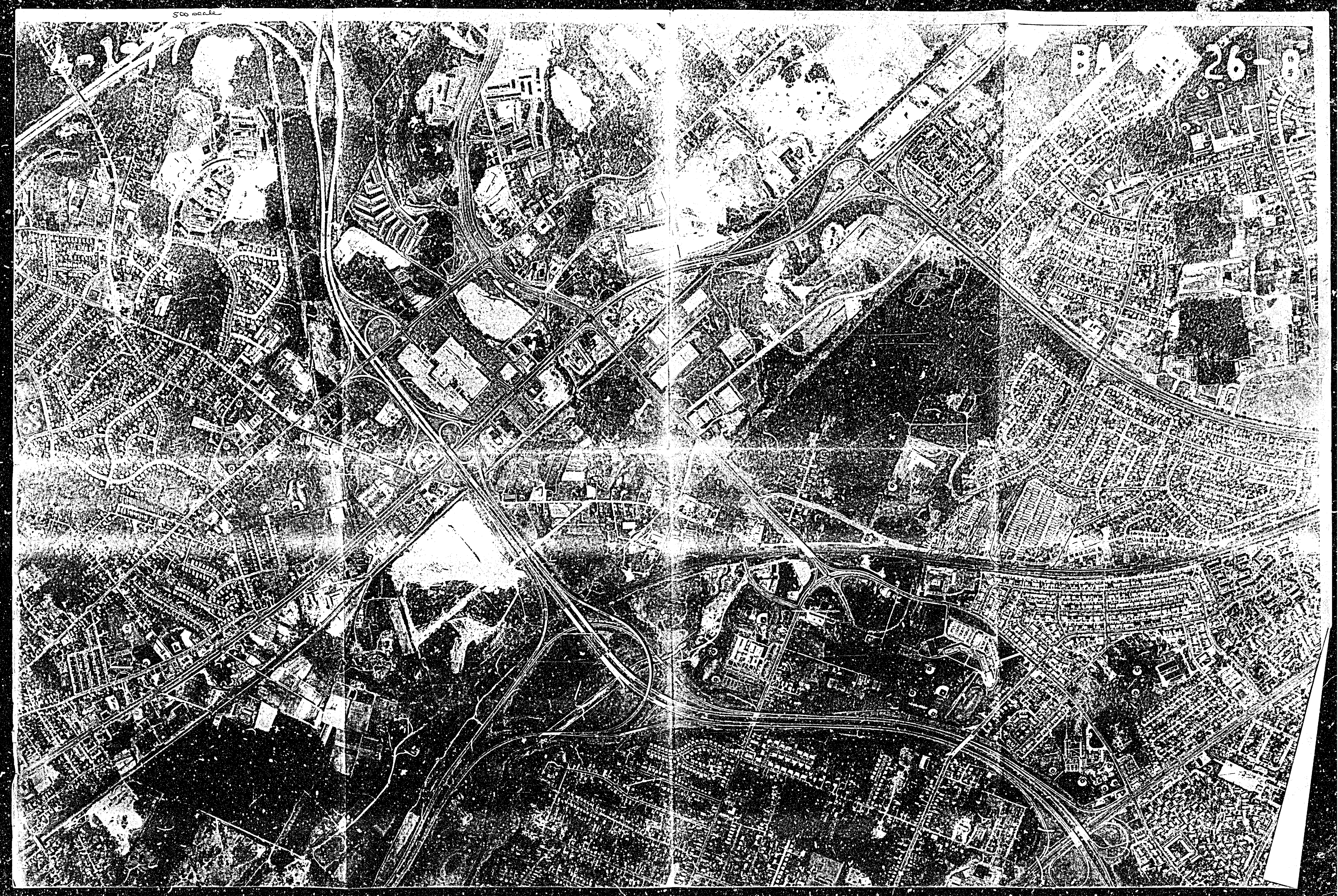
11 NE 1/2 NW  
STREET, ROAD & BRIDGE  
DESIGN GROUP

# PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

|                                                                                      |      |           |                            |             |
|--------------------------------------------------------------------------------------|------|-----------|----------------------------|-------------|
| REVISIONS                                                                            |      | SCALE     | LOCATION                   | SHEET       |
| BY                                                                                   | DATE | 1" = 200' | GLENN L. MARTIN<br>AIRPORT | N.E.<br>4-J |
| DATE OF PHOTOGRAPHY<br>DEC 1954                                                      |      |           |                            |             |
| Topography Compiled by Photogrammetric Methods<br>AERIAL SURVEY CORP. LANSING, MICH. |      |           |                            |             |

500 scale

26-8



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

August 31, 1987

Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing and Zoning Variance; Case No. 82-228-SPHA  
Petition for Special Exception and Zoning Variance; Case No. 84-63-XA  
NE corner Orens Road and Compass Road  
15th Election District; 6th Councilmanic District

Dear Messrs. Romadka & Gontrum:

Enclosed please find the decision rendered in the above-referenced cases. Both petitions have been granted, subject to restrictions and conditions, in accordance with the enclosed Orders.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*JEAN M. H. JUNG*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMH:jbs

Enclosures

cc: Nancy E. Paige, Esquire  
Gordon, Feinblatt, Rotman, Hoffberger & Hollander  
Garrett Building, 233 E. Redwood Street, Baltimore, Md. 21202

Mr. Deward Hart, President  
Victory Villa Improvement Association  
21 Stabilizer Drive, Baltimore, Md. 21221

People's Counsel

File



Dennis F. Rasmussen  
County Executive

### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use of a Trailer Park.

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

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Robert J. Romadka/John B. Gontrum  
(Type or Print Name)  
Signature  
Address  
City and State

809 Eastern Blvd.  
Address  
Baltimore, MD 21221  
City and State

Attorney's Telephone No.: 686-8274  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of March, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1982, at 1:30 o'clock P.M.

*William E. Hammond*  
Zoning Commissioner of Baltimore County.

C.O.-No. 1

(over)

### PETITION FOR SPECIAL HEARING AND VARIANCE

15th DISTRICT

ZONING: Petitions for Special Hearing and Variance  
LOCATION: Northeast corner of Orens Road and Compass Road  
DATE & TIME: Thursday, April 22, 1982 at 1:30 P.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use of a trailer park, and Variance to allow trailers to be located within 0', 5' and 7' of the sides and rear property lines in lieu of the required 15' and to allow minimum distances between trailers of 4' in lieu of the required 10'.

The Zoning Regulation to be excepted as follows:  
Section XIII(d & e) of 1945 regulations- Minimum distance between trailers and from property lines.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Clarence McNeal, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, April 22, 1982 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section XIII(d & e) of 1945 regulations to allow trailers to be located within 0', 5' and 7' of the sides and rear property lines in lieu of the required 15' and to allow minimum distance between trailers of 4' in lieu of the required 10'.

Due to difficulty in moving trailers of long-time residents and to prevent displacement of residents as would be required if the requested variances are not granted.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Clarence McNeal  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

809 Eastern Blvd.  
Address  
Baltimore, MD 21221  
City and State

Attorney's Telephone No.: 686-8274  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of March, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1982, at 1:30 o'clock P.M.

*William E. Hammond*  
Zoning Commissioner of Baltimore County.

(over)

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 4/14/82  
Posted for: Petition for Special Hearing & Variance  
Petitioner: Clarence McNeal et ux  
Location of property: NE corner Orens Rd. & Compass Rd.  
Location of Signs: Along intersection of Orens Rd. & Compass Rd.  
Remarks: See Hammond  
Posted by: William E. Hammond  
Date of return: 4/17/82

2 signs

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237  
November 6, 1981

McNeal Trailer Park  
Northeast corner of Orens and Compass Roads  
15th District Baltimore County, Maryland  
Description for Special Hearing

Beginning for the same at the northeast corner of Orens and Compass Roads, at a point on the first or North 45 degree East 804 foot line of the 3-acre tract of land which by deed dated February 27, 1957 and recorded among the land records of Baltimore County in Liber G.L.B. 1938 folio 194, (the beginning of said first line being 2200 feet more or less measured easterly from Stemmers Run Road) thence leaving Orens Road and running with and binding on part of said first line as now surveyed North 42 degrees 43 minutes 08 seconds East 181.17 feet, thence running South 83 degrees 00 minutes 00 seconds East 280.53 feet to intersect the third line in deed above referred to, thence running with and binding on part of said third line South 22 degrees 10 minutes 31 seconds West 158.68 feet to the north side of Orens Road, thence running with and binding on part of the fourth line along the north side of Orens Road North 83 degrees 42 minutes 35 seconds West 41.74 feet to the widening of Orens Road as shown on Baltimore County Bureau of Land Acquisition Drawing BW 65-281-31, thence running along the widening lines of Orens Road as follows: North 6 degrees 17 minutes 25 seconds East 10 feet, North 83 degrees 42 minutes 35 seconds West 271.36 feet and by a line curving to the right with a radius of 1532.61 feet for a distance of 31.43 feet to the place of beginning.

Containing 1 acre of land more or less.



### CERTIFICATE OF PUBLICATION

TOWSON, MD., April 1, 1982.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 22nd day of April, 1982, the first publication appearing on the 22nd day of April, 1982.

THE JEFFERSONIAN  
*Frank S. Lee*  
Manager

Cost of Advertisement \$

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

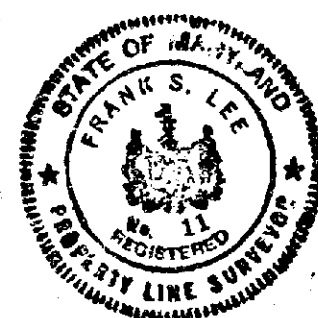
1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

November 6, 1981

McNeal Trailer Park  
Northeast corner of Orens and Compass Roads  
15th District Baltimore County, Maryland  
Description for Variance

Beginning for the same at a point on the first or North 45 degree East 804 foot line of the 3-acre tract of land which by deed dated February 27, 1957 and recorded among the land records of Baltimore County in Liber G.L.B. 1938 folio 194, said point being 194 feet measured northeasterly along said first line from the beginning thereof, (the beginning of said first line being 2200 feet more or less measured easterly from Stemmers Run Road) thence running with and binding on part of said first line, on the second line and on part of the third line in said deed as now surveyed as follows: North 42 degrees 43 minutes 08 seconds East 610.31 feet, South 62 degrees 58 minutes 11 seconds East 56.80 feet and South 22 degrees 10 minutes 31 seconds West 493.20 feet, and thence running North 83 degrees 00 minutes 00 seconds West 280.53 feet to the place of beginning.

Containing 2 acres of land more or less.



thence running with and binding on part of the fourth line along the north side of Orem Road North 45 degrees 45 minutes 30 seconds West 41 74 feet to the widening of Orem Road as shown on Baltimore County Bureau of Land Acquisition Drawing 1-W-228-51, thence running along the widening line of Orem Road as follows: North 45 degrees 45 minutes 30 seconds West 271.36 feet and by a line curving to the right with a radius of 153.41 feet to the place of beginning. Containing 1 acre of land more or less.

# Petition for Special Hearing and Variance

15TH DISTRICT  
ZONING: Petitions for Special Hearing and Variance  
LOCATION: Northeast corner of Orem Road and Compass Road  
DATE & TIME: Thursday, April 22, 1982 at 1:30 P.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Md. The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the following: Being the property of Clarence McNeal, et ux, as shown on plan filed with the Zoning Department. Hearing Date: Thursday, April 22, 1982 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Md. BY ORDER OF William F. Hammond, Zoning Commissioner, Baltimore County

## The Times

Middle River, Md., April 1, 1982

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 12th day of April, 1982.

W.F.H.



WILLIAM F. HAMMOND  
ZONING COMMISSIONER

April 14, 1982

Robert J. Romadka, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing and Variance  
NE/corner of Orem Rd. & Compass Rd.  
15th Election District  
Clarence McNeal, et ux - Petitioners  
NO. 82-228-SPHA (Item No. 126)

Dear Mr. Romadka:

This is to advise you that \$114.30 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to The Zoning Office, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

WILLIAM F. HAMMOND  
Zoning Commissioner

WEH/mc

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received this 4 day of Jan, 1982.

Filing Fee \$ 50.00

Received: ☒ Check  
☐ Cash  
☐ Other

Item # 126

Petitioner Clarence McNeal

William E. Hammond, Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 106814

dated by ucr

of the Petition for assignment of a

DATE 3/18/82

ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Robert J. Romadka, Esquire

FOR Filing Fee for Case #82-228-SPHA (McNeal)

889 444 19

50.00

VALIDATION OR SIGNATURE OF CASHIER

Robert J. Romadka, Esq.  
John D. Gantman, Esq.  
809 Eastern Blvd.  
Baltimore, Md. 21221

1277 Neighbors Avenue  
Baltimore, Md. 21237

## 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 12th day of March, 1982.

Petitioner Clarence McNeal, et ux

Petitioner's Attorney Messers Romadka/Gantman

WILLIAM E. HAMMOND  
Zoning Commissioner

Reviewed by: Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## PETITION MAPPING PROGRESS SHEET

| FUNCTION                                        | Wall Map                                            |    | Original |    | Duplicate |    | Tracing |    | 200 Sheet |    |
|-------------------------------------------------|-----------------------------------------------------|----|----------|----|-----------|----|---------|----|-----------|----|
|                                                 | date                                                | by | date     | by | date      | by | date    | by | date      | by |
| Descriptions checked and outline plotted on map |                                                     |    |          |    |           |    |         |    |           |    |
| Petition number added to outline                |                                                     |    |          |    |           |    |         |    |           |    |
| Denied                                          |                                                     |    |          |    |           |    |         |    |           |    |
| Granted by ZC, BA, CC, CA                       |                                                     |    |          |    |           |    |         |    |           |    |
| Reviewed by: ucr                                | Revised Plans: Change in outline or description Yes |    |          |    |           |    |         |    |           |    |
| Previous case: 2676-S                           | Map # 48                                            |    |          |    |           |    |         |    |           |    |

Item # 126

Robert J. Romadka, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

## NOTICE OF HEARING

RE: Petitions for Special Hearing and Variance  
NE/corner of Orem Rd. & Compass Rd.  
Clarence McNeal, et ux - Petitioners  
Case #82-228-SPHA

TIME: 1:30 P.M.

DATE: Thursday, April 22, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Mr. L. M. Hess  
Goldentree Development Company  
P. O. Box 5890  
Baltimore, Maryland 21208

WILLIAM F. HAMMOND  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 14, 1982

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc: Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Robert J. Romadka, Esquire  
John B. Gantman, Esquire  
809 Eastern Blvd.  
Baltimore, Maryland 21221

RE: Item No. 126  
Petitioner - Clarence McNeal, et ux  
Special Hearing & Variance Petitions

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the northeast corner of Orem and Compass Roads, the subject property is presently improved with a trailer park that is existing as a result of Case #2676-S. To the east is another trailer park that was part of the aforementioned case, while the Goldentree subdivision exists to the west across Compass Road.

The special hearing is required in order to prove that the existing trailers, located approximately 180 feet north of Orem Road are nonconforming, while the variances are requested to allow the remaining trailers that are existing to the rear to remain closer to property lines and to each other than permitted under the old zoning regulations.

Particular attention should be afforded to the comments of the Fire Department, concerning the spacing between trailers. I spoke to Mr. Gantman, concerning the comment and he indicated that he wished to proceed with the hearing as submitted.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

ENCLOSURE

cc: Frank Lee, 1277 Neighbors Avenue, Balto., Md. 21237



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

April 8, 1982

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: ZAC Meeting of January 26, 1982

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items numbers 126, 127, 128, 129, 130, 131 and 133.

Sincerely,

Michael S. Flanigan  
Engineering Associate II

XSF/r1j

Noted  
4/22  
82-228-SPHA



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

March 30, 1982

PAUL H. REINCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Wick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Clarence and Irene McNeal

Location: NE corner Orem and Compass Roads

Item No.: 126 (REVISED COMMENTS) Zoning Agenda: Meeting of January 26, 1982

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. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

\* (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 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", 1976 Edition prior to occupancy.

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

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

REVIEWED BY: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb \* A mobile home shall not be located closer than 10 feet from any other mobile home within the mobile home park, according to NFPA 501-A, 1975 Sec. 3.3.2.

March 25, 1982

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #126, Zoning Advisory Committee Meeting, January 26, 1982, are as follows:

Property Owner: Clarence and Irene McNeal  
Location: NE corner Orens and Compass Roads  
Acres: 3  
District: 15th

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.

Effective screening should be provided along the Compass Road side of the property.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development

JLW:rh

4/22/82  
82-228-SpHA

February 26, 1982

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #126 Zoning Advisory Committee Meeting, January 26, 1982 are as follows:

Property Owner: Clarence & Irene McNeal  
Location: NE corner Orens and Compass Roads  
Existing Zoning: D.R. 3.5  
Proposed Zoning:

Acres: 3  
District: 15th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- X B. A building/ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 7' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.
- X I. Comments: The sales and installation of new mobile homes are covered partly by Federal & State regulations and partly by Section 102.0 of the Building Code. New units in the state shall have a state seal showing compliance to State & Federal laws. Locating and installation is controlled by Section 102.0 of the Building Code - Fire Separation is required by the NFPA Fire Code enforced by NFPA. These comments reflect only on the information provided by the drawing. The Fire Dept. submitted to the office of Planning and Zoning and are not intended to contact Mr. Joseph Nolan for be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 further information on trailers & License permits.

Very truly yours,

*Charles G. Dunham*  
Charles G. Dunham, Chief  
Plans Review

CEB:rrj

February 24, 1982

PAUL H. RENCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Clarence and Irene McNeal

Location: NE corner Orens and Compass Roads

Item No.: 126

Zoning Agenda: Meeting of January 26, 1982

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. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- XX 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. See attached sheet.
- ( ) 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", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Charles G. Dunham* Noted and Approved: *Joseph M. Gannon*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

February 24, 1982  
Item No.: 126  
Zoning Agenda: Meeting of January 26, 1982

4. Each mobile home shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway, NFPA 510-A, Section 3-2. A mobile home shall not be located closer than 10 feet from any other mobile home within the mobile home park, according to NFPA 501-A, 1975, Section 3.3.2.

HARRY J. PISTEL, P.E.  
DIRECTOR

February 8, 1982

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #126 (1981-1982)  
Property Owner: Clarence and Irene McNeal  
N/E corner Orens and Compass Roads  
District: 15th Acres: 3

Dear Mr. Hammond:

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

Highways:

Orens Road, an existing County road (formerly a State road, Md. 493) is proposed to be further improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way with an additional fillet area for sight distance at the Compass Road intersection.

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

Sediment Control:

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

Storm Drains:

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

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Item #126 (1981-1982)  
Property Owner: Clarence and Irene McNeal  
Page 2  
February 8, 1982

Storm Drains: (Cont'd)

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

Water and Sanitary Sewer:

There are public 12 and 36-inch water mains and 30-inch public sanitary sewerage in Orens Road.

Very truly yours,

*Robert A. Mott*  
ROBERT A. MOTT, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

I-NW Key Sheet  
12 & 13 NE 29 mos. Sheets  
NE 3 & 4 H Topo  
90 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner  
TO: Office of Planning and Zoning Date: December 26, 1982  
FROM: Ian J. Forrest  
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #118 - Pasquale Bruno  
Item #120 - Burn Allen Stephenson  
Item #126 - Clarence and Irene McNeal  
Item #127 - Roy L. Chiavacci, et al  
Item #128 - Cook United, Incorporated  
Item #129 - Richard S. and Nancy D. Frank  
Item #131 - Harwood Realty Corp.  
Item #133 - Turnpike Associates

*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJP/rth

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond,  
TO: Zoning Commissioner Date: April 6, 1982  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 82-228-SpHA

This office cannot support the requested variances. We are particularly concerned with the safety aspects as identified by the Fire Department.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:mnc

establish a trailer park. Thus, any testimony adduced as to the difficulty of moving trailers is the result of the petitioners' actions and attitude, as well as their failure to guide their tenants in observance of applicable regulations. Such hardship must be totally discounted as grounds for granting a variance. Salisbury v. Bounds, supra. Other testimony, adduced at some length, as to the lack of available trailer spaces within the County, as well as elsewhere, is surely not a ground for varying the regulations as they apply to this particular property. Baster v. Balto. City, supra, at 400; Burns v. Baltimore, 251 Md. 554, 559 (1967). The remedy of the tenants for such a condition must be sought from the legislature, i.e., the County Council, in the form of more trailer park zoning to accommodate a general public need, if in fact it exists. The Deputy Zoning Commissioner is not authorized, administratively, to permit the overcrowding of a trailer park, and the emasculation of legislative safeguards of the open space needs of the residents of the park, the orderly development of the neighborhood, and the property values of adjacent owners, by the grant of variances which are in direct conflict with the spirit of the ordinance, in order to remedy an alleged legislative oversight in meeting an alleged public need for trailer parks. Furthermore, to permit trailers to be placed abutting property lines, and within required set backs from public streets, is discriminatory and unfair to the owners of adjacent property who are required to place buildings no closer than 50 feet from the center line of any street, and required to maintain 30 to 40 foot distances between homes. Furthermore, by disregarding yard and spacing requirements, the petitioners have established 41 homes on approximately 3 acres of property located in the DR-3.5 zoning district. Other property owners, who built homes on their property, would not be permitted to construct and maintain more

- 14 -

than 10 homes on a similar parcel! Such an increase in density, by way of variance, is prohibited by § 307 of the zoning regulations.

In short, the variances requested were a mockery of the applicable zoning regulations in terms of density, open space and set backs. The principal basis for the petitioner's prayer for relief is that they have been violating the zoning laws with impunity for 30 years and they and their tenants will now have to incur expense if they are required to obey the law. Such behavior cannot and should not be rewarded if the rule of law is to be preserved, both in general, and for purposes of zoning. The requested variances should be denied.

#### CONCLUSION

The applicant is precluded by the order of the Zoning Commissioner of 1953 from maintaining a non-conforming trailer park use within 194 feet of Orem Road.

Even if not precluded by the 1953 order, the applicant has failed to demonstrate that a trailer park existed within 194 feet of Orem Road prior to 1945. At most, two small trailers were casually parked on the premises, and the present use constitutes a change to a different use, by which all right to revert to the prior non-conforming use is lost. Therefore, applicant should be precluded from using the property lying within 194 feet of Orem Road for a trailer park.

The requested variances should be denied because they are not in harmony with the clearly expressed spirit and intent of the zoning regulations, because they would increase density in violation of § 307 of the zoning regulations and because the petitioners have demonstrated no hardship peculiar to this

- 15 -

property which has not been created by their own intentional or wanton conduct.

Respectfully submitted,

*Nancy E. Paige*  
Nancy E. Paige

Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202  
301/576-4294

Attorney for Protestants

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 1983, a copy of the foregoing Protestants' Post-Hearing Memorandum was mailed first class, postage prepaid, to Robert J. Romadka, Esquire and John Contrum, Esquire, 809 Eastern Boulevard, Essex, Maryland 21221, attorneys for Petitioner.

*Nancy E. Paige*  
Nancy E. Paige

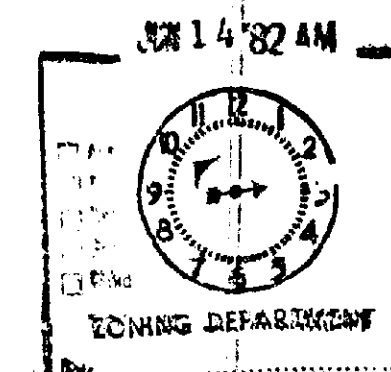
192:124 M  
L057FF:3

- 16 -

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING  
COMMISSIONER OF  
PETITION FOR VARIANCES : BALTIMORE COUNTY  
NE corner of Orem Road and :  
Compass Road, 15th District :  
CLARENCE McNEAL et ux, : CASE NO. 82-228-SPHA  
Petitioners :

DEAR MR. COMMISSIONER:

Please issue a subpoena for Mr. William Hendrix 14 Control Court, Baltimore, Maryland 21220 to attend and be present at a hearing in the above entitled case on Wednesday, June 16, 1982, at 9:30 A.M. in the County Office Building Chesapeake Avenue, Towson Maryland 21204.



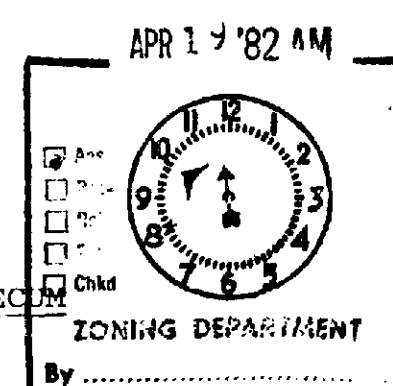
*John B. Contrum*  
John B. Contrum  
809 Eastern Blvd.  
Baltimore, Md. 21221

I HEREBY CERTIFY that on this 14th day of June, 1982, a copy of the foregoing subpoena was mailed to Nancy E. Paige, 233 E. Redwood St., Baltimore, Maryland 21202, attorney for Protestants.

*John B. Contrum*  
John B. Contrum

ROBERT J. ROMADKA  
ATTORNEY AT LAW  
ESSEX, MARYLAND

PETITION FOR VARIANCE \* BEFORE THE  
Special Hearing to \* ZONING COMMISSIONER  
Establish Non-Conforming \* FOR  
Use. \* BALTIMORE COUNTY  
N.E. Corner Orem and \* Case No. 82-228-SPHA  
Compass Roads \*  
CLARENCE McNEAL, et ux, \*  
Petitioners \*



#### REQUEST FOR SUMMONS DUCES TECUM

Mr. Zoning Commissioner: *John B. Contrum*  
Please issue a summons duces tecum directing Mr. John Trenner, Bureau of Engineering of Baltimore County to be and appear before the Zoning Commissioner for Baltimore County or his Deputy, Room 106, County Office Building, Towson, Maryland, on Thursday, April 22, 1982, at 1:30 p.m., and at such further hearing dates and times as may thereafter be set by the Commissioner in the above captioned matter. The witness is asked to bring to and to produce at the hearing or hearings all aerial photographs and photogrammetric maps of the subject property (N.E. side of Orem Road at Compass Road) taken by or for Baltimore County between 1953 and the present, and in its possession, custody or control.

*Nancy E. Paige*  
Nancy E. Paige

Gordon, Feinblatt, Rothman,  
Hoffberger & Hollander  
Garrett Building  
233 E. Redwood Street  
Baltimore, Maryland 21202  
(301) 752-4567

Attorney for Goldentree  
Development Company, Protestant

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 1982, a copy of the foregoing Request for Summons Duces Tecum was mailed first-class, postage prepaid to Robert J. Romadka, Esquire, 809 Eastern Boulevard, Essex, Maryland 21221, Attorney for Petitioner.

*Nancy E. Paige*  
Nancy E. Paige

Mr. Sheriff:

Please issue summons in accordance with the above.

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner of Balto. Co.

- 2 -



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

December 8, 1982

Nancy E. Paige, Esquire  
Gordon, Feinblatt, Rothman, Hoffberger and Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202

RE: McNeal Trailer Park  
Case No. 82-228-SPH

Dear Ms. Paige:

It is my decision to proceed with the disposition of Case No. 82-228-SPH, McNeal Trailer Park. I am hereby requesting the Contrum memorandum by December 18, 1982 and the Paige response within twenty-one (21) days of her receipt of that memorandum.

Very truly yours,

*Jean M. H. Jung*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:eoh

cc: John B. Contrum, Esquire  
809 Eastern Boulevard  
Essex, Maryland 21221

File



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

December 8, 1982

John B. Contrum, Esquire  
809 Eastern Boulevard  
Essex, Maryland 21221

RE: McNeal Trailer Park  
Case No. 82-228-SPH

Dear Mr. Contrum:

It is my decision to proceed with the disposition of Case No. 82-228-SPH, McNeal Trailer Park. I am hereby requesting the Contrum memorandum by December 18, 1982 and the Paige response within twenty-one (21) days of her receipt of that memorandum.

Very truly yours,

*Jean M. H. Jung*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:eoh

cc: Nancy E. Paige, Esquire  
Gordon, Feinblatt, Rothman, Hoffberger and Hollander  
233 East Redwood Street  
Baltimore, Maryland 21202

File

RE: McNeal Property  
15th District  
Item: 126

Trailer Park Variances

NOTIFY:  
L. M. Hess  
GOLDENTREE DEVELOPMENT COMPANY  
PO Box 5690  
BALTO - 21208

IN RE:  
MCNEAL TRAILER PARK  
CLARENCE MCNEAL, JR.

BEFORE THE  
ZONING COMMISSION  
OF  
BALTIMORE COUNTY  
CASE NO.: 82-228-SPH

PETITIONER'S BRIEF

This case came for a hearing before the Deputy Zoning Commissioner of Baltimore County on the Petitions for Special Hearing to establish a non-conforming use of a trailer park in a D.R. 3.5 zone and for Zoning Variance from Section XIII H (d,e) of the 1945 Baltimore County Zoning Regulation (hereinafter referred to as "B.C.Z.R.") to allow mobile homes to be located within 0, 5, and 7 feet of the sides and rear property line in lieu of the required 15 feet and to allow a minimum distance between trailers of 4 feet in lieu of the required 10 feet. The Petitions were filed by the owners of the property on which the mobile homes were located, Clarence and Irene McNeal.

STATEMENT OF FACTS

Clarence and Irene McNeal are the owners of a mobile home park located at 810 Orem Road. The McNeals live at the park which they purchased in 1951 (Pet. Ex. 8). Prior to purchasing the mobile home park the McNeals lived on the site for approximately two years. Before moving onto the property they had lived on Pulaski Highway. Mr. McNeal knew a man who had a mobile home on the property, and he told Mr. McNeal that the site was for sale. Based on a handshake agreement Mr. McNeal moved onto the site and began clearing the mostly wooded area.

At the time Mr. McNeal moved onto the site there were two trailers present. One belonged to the Ebersole family, the other belonged to the Wilsons. It was Mr. Wilson who informed Mr. McNeal that the property was for sale. After the McNeals had been on the property for a time clearing it and building roadways, they moved their house and shed from their former residence onto the site. Another house subsequently was built on the site. During this time the mobile homes remained on the site, and the McNeals collected rents.

The trailers had been on the site long before Mr. McNeal's purchase of the property. Mr. McNeal himself had known Wilson, who worked at the Martin Company with Mr. McNeal for a time after the war. Orem Road was one of the routes regularly traveled to get to Martin's plant, and Mr. McNeal was familiar with the site and the existence of the Ebersole and Wilson trailers on it.

Independent testimony corroborated the existence of the two trailers prior to 1945. Mr. Henry Betz is a lifelong resident of the area. He and his family have operated a wholesale florist business off of Golden Ring Road near Kelso Drive for over forty years. He testified that he went into the military service in April, 1944. Prior to that he worked for the Martin Company at their Middle River plant and used Orem Road as a regular route. At that time the road was much more narrow than it is today, but it was blacktopped. He recalled the existence of two trailers located on the front portion of the McNeal property in April, 1944. Upon being shown the 1950 site plan of Petitioners' Exhibit 1, he could identify the McNeal property and the placement of the trailers upon it. He recalled that for as long as he could remember, there were always trailers or mobile homes on the site and

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recalled development in the park in the early 1950's indicating the placement of a dirt road along the eastern boundary of the property. He recalled trailers on the property at that time as did Mr. William Hendrix, Secretary of Victory Villa Improvement Association, and resident of the area since 1951. Mr. Hendrix specifically recalled the McNeal property, its location and the presence of trailers on it for as long as he could remember.

Evidence was presented by Protestants with respect to the absence of mobile homes in the park in the 1950's. Protestants' Exhibit 5 indicated Residential and Farm Assessment cards from the 1950's. The cards do not mention trailers or mobile homes. Interestingly, they do not mention them at a time in the late 1950's when according to testimony of current tenants they were living on the site. In addition, the exhibits are contrary to the March, 1950, map accepted in the 1953 zoning case (Petitioners' Exhibit 1) as well as the testimony of all of the witnesses.

Protestants also produced Thomas Gray, an engineering associate in the Baltimore County Bureau of Engineering. He presented Protestants' Exhibit 1, a 500 foot scale aerial photograph taken in the mid-1970's showing park development. He also presented photogrammetric maps derived from 1954 aerial photos of the McNeal park (Prot. Ex. 2) and of other trailer parks near the Martins plant (Prot. Ex. 4). These were based on 1954 aerial photos (Prot. Ex. 3, 6). Although Mr. Gray indicated that no trailers were shown on the McNeal property the day the photos were taken, he admitted under cross-examination that his conclusions were based on blocks on the photogrammetric map (Prot. Ex. 2). He further admitted after a comparison of exhibits 4 and 6 and the water and sewer maps (Pet. Ex. 6) that the structures on the 1954 aerial photo could very well include trailers on the front portion of the

property. In any event, on the day which the photograph was taken, construction was definitely on-going. The aerial photo, however, can only speak to the presence of structures or absence of them on one given day and not of the placement over time.

Testimony from Mr. McNeal and several of the long-term park residents indicate a gradual development of the park. Initially, development was in the front and later toward the rear of the park. The aerial photo of the park (Prot. Ex. 1) as well as the 1975 plan proposed for a mobile home park permit (Pet. Ex. 2) as show a fully developed park. In 1975 the McNeals had to obtain a mobile home park permit, which was granted. The site plan prepared at that time, (Pet. Ex. 2) shows 42 mobile home lots. The current site plan (Pet. Ex. 3) shows 39 lots. Thirteen (13) of the lots are partially or totally within the area for which a non-conforming use is claimed. The remainder of the units are in the area granted a special exception in the 1953 hearing.

Much testimony was presented with respect to the changes in mobile homes over the last thirty to forty years. Not only did Mr. McNeal testify with respect to the changes, but testimony was also presented by Pearl Sasser, member of the Governor's Study Commission on Mobile Home Parks and President of Baltimore County Mobile Home Owners' Association, and by Harold Waldron, also a member of the Governor's Study Commission. Thirty years ago mobile homes and mobile home owners were much more mobile. Transience was a notable characteristic of the residence to the extent that mobile homes or trailers, as they were then known, were not considered permanent residences. Trailers were inexpensive and could be attached to the back of a car or truck and hauled from place to place. In a few instances, parks provided permanent utility hook-ups for permanent residence. The

average size of a unit was 8 feet X 30 feet. Today, most units built are fourteen feet wide and seventy feet long.

Mobile homes are much more permanent than they used to be. As evidenced by Petitioners' Exhibit 4, particularly 4A-I, the plumbing and utilities are permanently attached. Concrete pads, patios and porches are common. In addition, the very size of the units makes them difficult to transport. Mr. McNeal testified that many of his tenants have been with him for over ten (10) years. Several tenants testified who had lived in the park much longer than that. Mrs. Sasser testified that with proper care, the units could last as long as frame dwellings and that permanent residence is a prevailing characteristic of the industry. Indeed, the terminology of mobile homes has even changed to reflect the permanence of units. The new term is "manufactured housing".

Most of the changes in mobile homes have occurred within the last ten to twelve years. These changes are an important factor in the case, for in part the changes have created both the problem and the hardship that are the bases of the variance requests. The Petitioners have requested several setback variances and unit separation variances. Mr. McNeal testified that the need for the variances has been caused in part by the increasing size of the units which has lessened the distance between units and has caused them to be moved closer to the boundaries. Furthermore, as Protestants' Exhibit 3 indicates, the area surrounding the park was much less inhabited in the 1940's and 1950's than it is today. Orem Road was much smaller and most of the surrounding property was not occupied. Consciousness of property lines was not as great then as now. The combination of these factors was presented as the root of the setback problem.

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there was never an extended period of time when mobile homes or trailers did not occupy the site. He also recalled some build-up in the number of trailers in the early 1950's.

Mr. Harold Waldron also testified with respect to the existence of trailers on the subject property in the late 1940's. Mr. Waldron was in the business of selling mobile homes and was very familiar with the location of the McNeal property and the site now occupied by Glenwood Mobile Home Park. In the late 1940's he recalled that there were no mobile homes on the site currently occupied by the Glenwood Park, but that there were two mobile homes on the front portion of the McNeal property. He testified that the trailers were located in front of a house which was set back about 100 feet off the road and that the trailers were separated on either side of the house. He also recalled an increase in the number of trailers in the 1950's and could not recall a time when the property was not used for a mobile home park. Mr. Waldron currently is a member of the Governor's Commission for Mobile Home Parks.

Further corroboration of the recollections of these men is provided by the March, 1950, scaled drawing admitted as evidence in Baltimore County Zoning Case No. 2676-S (Pet. Ex. 1). The March, 1950, map indicates two McNeal tenants on either side of the property in front of the McNeal residence. The plat was drawn three years prior to the original zoning case and not for zoning purposes.

The 1953 zoning case involved a request by the McNeals for a trailer camp covering the entire site. By that time according to the testimony of Mrs. McNeal, Mr. Betz, and Mr. Waldron, further park development already had begun. Mr. McNeal testified that the development of mobile homes primarily was in the front of the property. Mr. Robert Duncan, a resident of the park for over twenty years, also

Despite the obvious setback problem, neither the residents nor the representatives of the County Fire Department felt that there was an overcrowding problem. Mrs. Sasser testified that she had never received any complaints from the tenants in the McNeal park during her five years on the Board of Mobile Home Owners' Association. She further testified that of the twenty-eight mobile home parks in Baltimore County, only very few do not have similar setback problems. The residents who testified did not feel any problems existed. In addition, numerous residents appeared, but did not testify at the hearings in support of Petitioners and the relief requested (Pet. Ex. 6).

The hardship, which forms the basis of the variance request, is not only the hardship of the Petitioners, but also of the residents. According to the testimony uprooting the homes to shift them even a couple of feet disturbs the permanent improvements placed by the home owners. It is a costly and inconvenient procedure since it involves the cut off, rearrangement, and reconnection of all utilities. Lengthy testimony on this point was presented by Mr. McNeal and is self-evident from the photographs in Petitioners' Exhibit 4.

An additional hardship was also presented at the hearings. Due to the small size of the park there is little room to accommodate larger setbacks. Moving mobile homes back from the property lines even a couple of feet would move them onto Ortega Lane in the rear of the property and would cause a severe problem of access to public safety equipment. Mr. McNeal testified that if the variances were not granted, eight mobile home units would have to be moved from the park. This creates a problem for the McNeals and the marginal operation of the park. It creates an even bigger hardship for the residents according to the testimony of Mrs. Sasser and Mr. Waldron.

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Mrs. Sasser testified that no new mobile home parks had been authorized in Baltimore County within the last twelve years. At the time of the hearing, she was aware of only two vacancies in all of the parks in the county. In addition, most parks will not accept units more than five years old. According to Mrs. Sasser, there simply would not be any place in mobile home parks for the people forced to move. Mr. Waldron corroborated Mrs. Sasser's testimony with respect to the lack of capacity in mobile home parks in the county. There was no testimony presented in opposition to the practical difficulties presented by Petitioners.

Testimony was also presented on the impact of the proposed variances on the public health, safety and general welfare. Neither the residents nor any of the members of the Governor's Study Commission testified that award of the variances would endanger the residents. As previously mentioned, all of the residents in attendance at the hearings indicated their support of the variance petition. Mr. McNeal testified with respect to his willingness to screen the premises (Pet. Ex. 6), but the location of the fence by Goldentree along the side and rear property line removed any opportunity for further screening. Pictures of the fence indicate its effect of blocking the view of the park and its proximity to the mobile home units. The other side of the park along Vagabond Lane backs up to similar small mobile home park. No residences are located opposite Orem's Road from the park.

Two protestants spoke against the variance: Mr. Duward Hart, who lives at 21 Stabilizer Road, and is President of Victory Villa Improvement Association, and Mr. Richard Hess, President and Chief Executive of Stuart Homes, Inc., the managing partner of Goldentree Development Company, which has property located behind and next to the McNeal property and

across Compass Road from it. Mr. Hart cannot view the mobile home park from his home but was generally against it. Although he purported to speak on behalf of the Victory Villa Improvement Association, it was brought out in the testimony of William Hendrix, the Association's Secretary, that Mr. Hart had no authority to do so. Furthermore, Mr. Hart admitted that he was generally unfamiliar with setback requirements or the crowding conditions in mobile home parks in the county or with lack of availability of park space.

Mr. Hess testified on behalf of Stuart and Goldentree Development Company that the object of his testimony was to reduce the number of homes in the park. Through his Protestants' Exhibit 7, the amended record plat of Goldentree was introduced. He felt that mobile home park use was incompatible with the development of housing on property zoned D.R. 5.5. He explained that the amended record plat was amended solely to add property along the McNeal property line for construction of the fence. He felt, however, that moving the homes fifteen feet back from the fence and property line would improve the appearance of the park. He was against the non-conforming use because of the proximity of the mobile homes to Orem's Road.

Mr. Hess admitted, however, that the McNeal park was fully developed and known as a mobile home park when the property was purchased by Goldentree Development Company. He further testified that Compass Road was designed by the Goldentree Development Company's engineers. Finally, he admitted that as of the time of the hearing six lots had been sold in the section defined by Petitioners' Exhibit 7 and of the six, three had been located on Compass Road across from the mobile homes. He did not testify with respect to

specifications of property values. None of the owners of the homes testified or appeared in protest to the Petition for Special Hearing and Variances.

#### DISCUSSION

##### I. NON-CONFORMING USE

Zoning regulations pertaining to mobile home parks were first enacted in 1945. These regulations control the setback requirements to the special exception awarded the rear portion of the McNeal property in 1953. The Special Exception, for reasons not given in the Zoning Commissioner's Order, did not extend to the front portion of the property.

The only testimony presented with respect to development of the site in the 1940's and 1950's was presented by Mr. McNeal, Mr. Waldron, Mr. Betz and Mr. Hendrix. Their testimony was mutually corroborative and confirmed the indications of the 1950 drawing used as evidence in the 1953 Special Exception hearing. Even though Mr. McNeal is the Petitioner, his recollection should be credited. His description of how he came into ownership was corroborated by the Petitioners' Exhibit 8, a Deed executed in February, 1950, but not recorded until a year later. It is quite believable that he did first go onto the property in the late 1940's under a handshake and only some time later executed a Deed. Also credible is Mr. McNeal's description of the two trailers on the property. He recalled the owners' names and the unusual make of one of the trailers. His recollection of the property went back before the enactment of the zoning laws when he lived in the area, and the two trailers were in the same location as when he bought it.

Mr. Henry Betz, a distinguished area resident, who was long-acquainted with the Orem's Road area, unqualifiedly placed two trailers on the front or the McNeal property prior to his

entry into the service in 1944. He further testified that Orem's Road is now much wider than it was in the 1940's and 1950's so that the mobile homes have not been moved closer to the road, but the road has moved closer to the homes. Mr. Betz has no personal interest in the outcome of the case, and there is no reason to doubt his veracity.

Mr. Harold Waldron is also a distinguished member of the community with no personal involvement in the outcome of the case. He also recalled the property in the late 1940's and 1950's as described by Mr. Betz and by Mr. McNeal. He had cause to be familiar with the site since he was in the business of selling trailers and mobile homes.

The testimony of Mr. Betz, Mr. Waldron, Mr. Hendrix and of the early residents of the park is important because it indicates the community awareness of the mobile home park's existence, which is one of the indicia of a non-conforming use. See Feldstein v. LaVale Zoning Board, 246 MD 204, 227 A. 2d 731 (1967). The testimony of these men that "there were always trailers there" covering recollections prior to 1945 is significant in establishing the nature of the non-conforming use prior to 1945.

Protestants offered no testimony contrary to that of Petitioners or of Petitioners' witnesses. They offered no testimony or evidence with respect to the establishment of a non-conforming use. Instead, they introduced evidence pertaining to the property in the mid-1950's. By that time, residents had begun to move into the park, and there was no question in the minds of any of the witnesses that the park was developing.

Protestants' Exhibit 6 can be reconciled with Petitioners' evidence if one recalls the nature of mobile homes or trailers in the 1950's and the fact that they were considered personal property. The notations on the Exhibit

mention no mobile home units up through 1958. This is contrary on its face to all the testimony plus the special exception hearing results. The explanation is simply that for years in Baltimore County mobile homes or trailers were considered temporary, not permanent residences. As personal property of the owners, they were not taxable as real property or as a fixture like houses, garages, etc. Consequently, no mention of the mobile homes would be made in real property assessments. The gradual development of the park is reflected, however, in the increased assessments for land, which was being cleared by the McNeals and which was accommodating additional mobile homes. The assessment records, therefore, confirm the testimony of the development of the park. The addition of the utility room clearly reflects burgeoning park development.

Protestants' Exhibit 3 is also corroborative of Petitioners' case. The picture taken on January 4, 1954, after the special exception hearing shows development on the McNeal site. Some of the structures appear to be mobile homes. Even, however, if the structures are not mobile homes, reasonable explanations for temporary removal abound in the development of the roadways and parking areas. Certainly, all of the testimony was that there was never an extended period of time when trailers were not located on the front of the property.

Protestants attempted to raise the defense of abandonment to Petitioners' proof of a non-conforming use. By raising this defense it is incumbent upon Protestants to prove abandonment. See McLay v. Maryland Assemblies, Incorporated, 269 Md 465, 306 A. 2d 524 (1973); Landay v. Zoning Appeals Board, 173 Md 460, (Landay v. MacWilliams), 196 A. 293 (1938). The only evidence purporting to support this point was Protestants' Exhibit 3 and a photogrammetric map taken from

it. What the photo actually indicates is not clear, especially when composed with similar photos of mobile home parks. In any event, a single photo corroborating the development of the park does not sustain the burden which Protestants have of showing abandonment, especially against the overwhelming weight of testimony that the mobile home use was active, continuous and uninterrupted since before 1945. Consequently, Protestants have not, by their testimony or evidence, established any point contrary to Petitioners' claim of a non-conforming use.

The important factor in establishing a non-conforming use is to establish the character of the use. In this case Petitioners have met their burden of showing that use of the front of the property for the rental of mobile home sites pre-dated the zoning regulations. Once the nature of a property's use has been determined, then that use may be intensified appropriately. The leading case in Maryland and one of the leading cases nationally is Nyburg v. Solomon, 205 Md 150, 106 A 2d 483 (1954).

In Nyburg a Baltimore City garageman had a large open space in front of his garage where cars would be parked from time to time. Initially, the open space was kept in flowers and shrubs, but cars continued to park on it occasionally. Many years after the service garage had become a non-conforming use the owner contracted with a company to use the open space for the storage of new cars. Up to fifty new cars would be stored on the property at one time, and a neighbor filed a complaint. The City Board of Appeals felt that a non-conforming use existed as to the front of the property, for parking of cars but the Board limited use to the extent found to be in existence at the time of establishment of the non-conforming use, that being no more than ten cars at any one time. On appeal, Judge Hall Hammond for the Court

reversed the Board on the placing of limitations on the number of cars to be stored. The Court stated that there had only been an intensification of an existing use since the property had always been used for parking of cars. Nyburg is directly applicable in this case since by all the testimony the kind of use to which the front portion of the property has been put has not changed either in fact or in community recognition.

##### II. VARIANCES

Section 307 of the B.C.Z.R. provides for variances from height and area regulations "in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship". The B.C.Z.R. do not limit the applicability of this test to just the property owners. It is necessary, therefore, to consider the resultant difficulties and hardships to all concerned from the enforcement of the regulations. Certainly, the difficulties and hardships which would be suffered by the mobile home owners are appropriate for consideration.

It is generally recognized that mobile home owners stand in a different landlord-tenant relationship than say an apartment lessee and landlord. See e.g., Annotated Code of Maryland, Real Property, Section 8A-101 Passim. Mobile home owners are tenants with a difference in that they have a substantial investment in the actual ownership of their home unit. They are now characteristically long-term tenants. Due perhaps in part to the fact that the units may be kept for fifteen years or more, and the reluctance of park owners to accept new tenants with units more than five years old, these tenants remain year after year. More important to the stability of the landlord-tenant relationship is the subtle psychological importance of home-ownership and identification within a community. The lack of space in the county and

surrounding area was amply covered in testimony at the hearing. Consequently, the importance of the variance issue to the mobile home owners within the park cannot be underestimated.

The site plans introduced as Petitioners' Exhibits 3 and 5 speak for themselves with respect to the need for variances to correct setback problems and unit separation problems. It is obvious in looking at the site plan and in scaling the distances that numerous homes are within the fifteen foot setback of the 1945 zoning requirements which were in effect when the special exception was granted and the rear of the park developed. The practical difficulties inherent in moving the mobile homes ever a couple of feet are equally obvious from a review of Petitioners' Exhibit 4. Additional testimony was taken on the problems which would arise from even a minor encroachment onto narrow Ortega Lane in the rear of the property. The costs to both Petitioners and the home owners would be enormous in money, time and loss of aesthetic value.

Another significant factor is the possibility of loss of units due to economics of shifting them or the lack of space in which to move them. Mr. McNeal testified that if the variances are not granted, eight units could be lost. Loss of eight units is a loss of one-fifth of the income in the park. In itself this could be enough to make the entire park uneconomical causing the loss of the park not only for the residents whose homes are located within required setbacks but also for all the other residents as well.

To be weighed against these hardships is the injury to the community by allowing the variances. Testimony was presented by Mrs. Sasser that numerous parks also have setback problems. This park is not an exception to a general rule. Lack of adherence to and enforcement of the strict confines of

the setback regulations has become the rule rather than the exception. Although this may seem incredible, the reasons for the general lack of adherence is not simply disregard of the law. No other form of residential living has changed as dramatically as mobile home ownership in the last ten to fifteen years. Several residents testified that they have purchased new units since living in the McNeal park. The new units have been bigger both in width and height. Understandably, park owners are reluctant to throw out old tenants because they wish to upgrade their unit. Upgrading the units is better aesthetically for the park and makes it nicer in which to live. No economic benefit flows to the owner of the park because a tenant wants a larger unit, but the entire community benefits indirectly. The units which comprised mobile home parks ten to fifteen years ago cannot even be purchased today. The smallest unit made today according to Mrs. Sasser is over fifty feet long. The lack of adherence, therefore, to setbacks is the result of a general community desire for improving their residences and is a natural product of the changes in mobile homes in recent years. In fact, it should be noted that the McNeal park has less unit spaces for rent than formerly primarily because of the increasing size of the units themselves.

The residents who appeared at the hearing all favored the variances requested. Those who testified saw no danger to health or safety. As the ones most immediately affected by the requested variances, they saw no damage to public welfare by their approval.

The testimony of Mr. Hess against the variances is highly suspect. He states that his concern is for the park residents and aesthetics within the park, concerns which the residents did not relate. On the other hand he erects a fence which blocks light, and access for safety equipment to the

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of the original order. Further delay on resolution of this matter has resulted from failure of petitioners to timely fill their post-hearing memorandum.

The present application seeks to establish that prior to the adoption of the 1945 Baltimore County Zoning Regulations, a trailer park existed on the front portion of the subject property, which may be continued as a lawful non-conforming use, notwithstanding subsequent changes in law. Additionally, petitioners seek variances which would virtually eliminate side yards in some instances, and in others would reduce side yards to 5 and 7 feet, respectively. The protestant maintains that the facts do not show the existence of a trailer park prior to 1945, but at most show the casual parking of two small trailers on the property. It further maintains that any right to continue a non-conforming use was lost and superceded by the decision of the zoning commissioner in 1953, pursuant to the 1945 zoning regulation then in force, limiting the establishment of a trailer park on the subject property to an area described by metes and bounds. This limitation excluded that portion of the property between Orems Road, and a line parallel thereto, set back approximately 200 feet. That decision was not appealed and is binding upon the petitioners.

The protestant also urges that the petitioners have not sustained their burden of proof for securing variances of as much as 100% of applicable yard and setback requirements. Specifically, petitioners have failed to show any practical difficulty peculiar to this property, any unreasonable hardship other than that created by themselves or their tenants, and, perhaps most important, they have failed to show that the requested variances are "in strict harmony with the spirit and intent" of the regulations. Baltimore County Zoning Regulations (1955), § 307.

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park from Compass Road and creates an attractive nuisance for the children in the area. Petitioners' Exhibit 7 illustrates the effect of the fence on the community.

Mr. Hess's stated concern about the development of Goldentree is also suspect. Of the numerous lots in the subdivision, three had been sold which have front or side yards across the street from the park. Not one of the owners of those properties spoke against the park. No credible evidence of diminished property values by virtue of the variances themselves was ever given. Mr. Hess simply stated he did not like to see a greater density with a mobile home park than Goldentree could have, and that statement more eloquently than anything else reveals the nature of his testimony and its credibility.

The issue of the variances is primarily one of fact. It is a weighing of the need versus the weight of effect of award. In this case we believe that the need for the variances far outweighs any possible adverse effect.

In conclusion, therefore, Petitioners request that a determination of a non-conforming use be made for the front portion of the McNeal property allowing the homes in place to remain and that the variances from the property line setbacks and unit separation setbacks be approved.

Robert J. Ronsaka

John B. Gontrum  
Attorneys for Petitioners  
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Baltimore, Maryland 21221  
Phone: 686-8274

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of December,

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Therefore, the protestant urges that the deputy zoning commissioner find that no legal non-conforming use exists on the front portion of the subject property, and that the requested variances be denied.

II. FACTS

The record shows that in 1953, pursuant to the 1945 zoning regulations then in force, the petitioners obtained permission to establish a trailer park on a portion of the subject property, subject to compliance "with the regulations and restrictions governing the operation of trailer camps and also subject to compliance with the Baltimore County Health Regulations." In his order dated September 21, 1953, Zoning Commissioner Charles H. Doing particularly described the property to be used for a trailer park by metes and bounds. As so described, the front boundary line of the trailer park was a line parallel and 194 feet north of the present curb line of Orems Road.

As will be discussed more fully below, there is a serious dispute as to what, if any, use was being made of the 194 foot front portion of the subject property at the time permission was granted to use the rear portion for a trailer park. There was testimony that prior to 1945 at most two small trailers were parked somewhere on the property. It is undisputed that there were no improvements, such as utilities, foundations, or paved roads. In other words, even if there were two trailers on the property, there was certainly no trailer park in existence prior to the adoption of the 1945 zoning regulations.

Furthermore, the limitation on the special permit issued in 1953 is clear and undisputed. No objection to this limitation appears in the record. No appeal was taken from the Zoning Commissioner's Order, and, as of 1953, the applicants were legally bound by the set-back requirement.

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1982, a copy of the foregoing Memorandum was mailed to Nancy E. Paige, Esquire, Attorney for Protestants, Garrett Building, 233 E. Redwood Street, Baltimore, Maryland 21202.

John B. Gontrum

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According to the 1945 Zoning Regulations, a special permit was required for a trailer camp, which was subject to numerous area and other regulations, including a requirement that no trailer was permitted within fifty feet of the road or street upon which the lot or area used for such camp fronts or within fifteen feet of any other boundary line of such lot or area. In addition, a space of not less than ten feet was required between trailers.

As shown on the plat accompanying the petition herein, at the time of making the present application, thirteen trailers were (and still are) located either partly or wholly within the 194 foot setback area. Four of these trailers were located virtually adjacent to the western boundary of the property. Five of the trailers are located less than 50 feet from the front property line. The plat shows twenty-five additional trailers on the subject property; of these twenty-five, sixteen are located in violation of setback or side yard requirements under the 1945 Zoning Regulations. Thus, of the thirty-eight trailers on the site at the time of this application, 29 were in violation of one or more of the setback or yard regulations of the 1945 Zoning Regulations, and the 1953 order.

The 1945 regulations further provided as follows:

"In granting a special permit for a cabin camp or trailer camp under the preceding paragraphs, the Zoning Commissioner, or the Board of Appeals, upon appeal, may impose such further conditions as may from time to time be required or deemed advisable by said Zoning Commissioner, or the Board of Zoning Appeals, upon appeal, or required or deemed advisable by the Baltimore County Health Department regarding the cabin camp, trailer camp or service building or structure used in connection therewith, either for the protection of the public or those occupying such camp or for the protection of surrounding and neighboring properties."

Thus, the regulations granted continuing jurisdiction over the zoning authorities to impose other or different conditions for

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|                          |   |                      |
|--------------------------|---|----------------------|
| PETITION FOR VARIANCE    | * | BEFORE THE           |
| Special Hearing to       | * | ZONING COMMISSIONER  |
| Establish Non-Conforming | * | FOR                  |
| Use.                     | * | BALTIMORE COUNTY     |
| N.E. Corner Orems and    | * | Case No. 82-229-SPHA |
| Compass Roads            | * |                      |
| CLARENCE McNEAL, et ux,  | * |                      |
| Petitioners              | * |                      |

\* \* \* \* \*

PROTESTANT'S POST-HEARING MEMORANDUM

Goldentree Development Company, protestant, by its attorneys, files the following memorandum in opposition to the granting of requested variances and recognition of a legally existing non-conforming use.

I. STATEMENT

On June 9, 1981, pursuant to a hearing on a zoning violation complaint, Deputy Commissioner Jean Jung issued an opinion and order in which she found that the trailer park located on the subject property was in violation of applicable regulations, and ordered that a site plan be submitted within ninety days, that approval of the site plan be obtained within sixty days thereafter, and that full compliance with the site plan be obtained within eighteen months of approval. The order also provided that any petition for variances must be filed within sixty days from the date of the order.

An appeal was taken, but proceedings thereon were stayed by the filing of the instant petition, not within sixty days, as ordered, but six months later, on January 4, 1982. A hearing thereon was commenced on April 22, 1982, and continued and concluded on June 16, 1982, more than a year after the entry

the continuance of a trailer camp as from time to time were deemed appropriate or advisable.

In 1955, the Baltimore County Zoning Regulations were substantially revised, and new regulations applicable to trailer camps were enacted. These were far more stringent than the 1945 regulations and required, among other things, a minimum lot of five acres (the subject property is only 3 acres), a space of twenty-five feet between trailers, a set back of 100 feet from the road upon which the park fronts and seventy-five feet from any other boundary of the lot or area.

The 1955 Regulations contained the following relevant provisions:

§ 103.1 - These Regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the then Baltimore County Planning Commission, now Planning Board, and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these Regulations. The zoning regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the zoning regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

§ 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. (Emphasis added).

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The net effect of §§ 103.1 and 104.1 is that any use legally established prior to 1955 was permitted to continue, and might be increased by 25% of the ground floor area of the buildings used in 1955, but that, in the absence of site plan approval all area regulations adopted in 1955 were applicable to any use established thereafter. No evidence was adduced at the hearing as to which trailers, or even which pads and related utilities, were in existence in 1955. The testimony of the present tenants with respect to particular trailers indicated that none of them had trailers in place in 1955. In fact, the testimony adduced by the petitioners affirmatively shows that at least 15 of the trailers now in violation of set-back or side yard regulations were placed at the park after 1955.

Testimony at the hearing herein revealed that no site plan has ever been approved for the subject trailer park and none was even submitted until 1975. The plan that was submitted in 1975 complies with neither the 1945 nor the 1955 Regulations, nor any subsequent amendments, and therefore could not have been legally approved in 1975 without the grant of variances. Prior to the present proceedings, no application has ever been made for variance of applicable zoning regulations as they pertain to the subject site.

### III. ARGUMENT

#### A. THE CURRENT USE OF THE SUBJECT PROPERTY WAS NEVER LEGALLY ESTABLISHED AND, THEREFORE, DOES NOT CONSTITUTE A PROTECTED NON-CONFORMING USE.

It is axiomatic that a non-conforming use may not continue unless it was legally existing at the time of the change in regulations which rendered it non-conforming. Harris v. Balto Co., 249 Md. 554, 556 (1968); Baltimore County Zoning Regulations (1955), § 104.1. From 1945 onward, a special permit was required for a trailer park. In 1953, the Zoning Commis-

sioner granted such a permit for the establishment of a trailer park on the subject property, excluding a strip along Orem Road approximately 200 feet deep. Not one word appears in the record of that case about an existing park in the setback area. Petitioners may contend that because of the use of the property at that time, they were entitled to have the special permit include the setback area, pursuant to then-applicable non-conforming use provisions. However, they never appealed the order and never secured a permit to use the setback area for a trailer park. Nothing in the Regulations permitted the use to continue without a permit (in fact, the law was expressly to the contrary). Therefore, any trailer park use after 1945 of the front portion of the property without a permit was not lawful, and may not be continued, regardless of what may have existed before. Baltimore County Zoning Regulations (1945), § XIII; (1955) § 104.1.

Even assuming, arguendo, that a pre-1945 legally existing use may continue, even though no permit was issued after 1945, the petitioners bear the burden of proving that a trailer park was established on this property prior to 1945. Vogl v. Mayor and City Council, 228 Md. 283, 288 (1962).

Petitioners presented three witnesses to establish the existence of a non-conforming use. Accepting their testimony as true, all three testified that at most there were two trailers on this property before 1945. The testimony is conflicting as to how far from Orem Road they were located. Harold Walden testified very definitely that they were to either side of an existing dwelling which was well back from the 1953 setback line. Henry Betts testified that there were two trailers "not far" from the edge of Orem Road in the 1940's. However, Mr. McNeal himself, who stated that he first looked at the property in 1949, testified that the original two trailers were small and could be readily moved by an automobile. He also said

they had no water supply, no sewerage, no electricity and no concrete pads or other foundations. Thus, though 2 trailers may have been parked on the premises prior to 1945, according to the petitioner's own testimony, there was no established trailer park prior to 1945. The most objective evidence in the record, an aerial photograph taken September, 1954, and a photogrammetric drawing made from that photograph (according to the uncontradicted evidence of Thomas Gray, an employee of the Baltimore County Bureau of Engineering) clearly shows the lack of any trailer park. Furthermore, both documents show three buildings, two of which correspond in location to structures, each marked "McNeal tenant," which Mr. McNeal identified as trailers on a plat submitted in support of his 1953 permit application. That the structures were not trailers, but buildings, is further corroborated by assessment records which indicate that in 1953 there were three dwellings and a garage on the property.

By contrast, there are now 13 trailers, either partially or totally within the set-back area, and a total of 39 trailers in the entire park. All, according to the record, are permanently affixed to the ground, serviced by utilities and located on a network of roads. The location of two small and readily mobile trailers on a 3 acre parcel of land cannot establish a trailer park use, so as to constitute the basis for permission to continue existing use in conflict with applicable zoning regulations. Jahnigen v. Staley, 245 Md. 130, 138 (1965) (occasional launching of boats, and storage of a few boats, does not permit construction of a full-fledged marina, repair and launching facility, in non-conformance to zoning).

Thus, all of the evidence, even that presented by the petitioner, proves that a non-conforming trailer park was never established before 1945. The best evidence shows that none existed in 1953 and 1954. Any use established after 1953

in the set-back area was unlawful. Therefore, since the property in question cannot accommodate a trailer park in conformance with current regulations, the Zoning Commissioner is without authority, in 1982, to recognize and permit a use of the front portion of this property for a trailer park. Baltimore County Zoning Regulations (1955), §§ 104.1, 415 et seq.

B. EVEN IF IT IS ASSUMED THAT A LAWFUL NON-CONFORMING USE WAS ESTABLISHED PRIOR TO 1945, IT HAS BEEN SO SUBSTANTIALLY CHANGED, THAT THE RIGHT TO CONTINUE IT IS LOST.

As set forth above, the establishment of a trailer park on the front portion of the property after 1945 was precluded by lack of a permit. The evidence is overwhelming that no trailer park existed on the property prior to 1945, and that at most two car trailers were parked on the property prior to 1945. Thus, the only arguably lawful use after 1945, absent a special permit, was the continued parking of two small trailers. Under present regulations, the parking of trailers on the subject property is not permitted, unless such parking is protected as continuance of a lawfully existing non-conforming use.

There are presently thirty-eight trailers on the site as a whole, thirteen in the set-back area, all of which are much larger than the two which allegedly sat on the property in the '40's, and all of which are permanently attached to the ground by water, sewer and electrical connections, and rest on concrete pads. Mr. McNeal testified that if the trailers were brought into compliance with the 1945 Regulations, only half would fit on the property.

The right of an owner to continue a non-conforming use "does not confer upon him the right to subsequently change or add to that use a new and different one amounting to a drastic enlargement or extension of the prior existing use. Phillips v. Zoning Commissioner, [225 Md. 102, 109 (1960)]," Jahnigen v. Staley, supra. (Emphasis added.) Under the present regulations,

where there is a change from one non-conforming use to any other use, the right to resume the non-conforming use is lost. Baltimore County Zoning Regulations (1955) § 104.1.

Whether there has been a change in use, rather than just an intensification of a non-conforming use, depends, among other things, upon whether the present use is "different in character, nature and kind," from the prior use, whether it has "a substantially different effect upon the neighborhood," and whether it is a "drastic enlargement or extension of the original non-conforming use." McKenry v. Baltimore County, 39 Md. App. 257, 270 (1978). (All parking uses are not equivalent under the regulations). It is submitted that the record in this case indisputably shows, based on all of the foregoing criteria, that by changing from the parking of two trailers to a full-fledged trailer park, the owner has changed to a new use, not just intensified an existing use;<sup>1</sup> that he has thereby lost any non-conforming use rights which he may have had, and must bring the present use of the set-back area into conformance with current zoning regulations, i.e., the 1955 Regulations, as amended. § 104.1, supra.

#### C. THE APPLICANT HAS FAILED TO MEET HIS BURDEN OF PROVING THAT HE IS ENTITLED TO THE REQUESTED VARIANCES.

##### 1. The 1955 Regulations, not the 1945 Regulations, govern applicable set-back requirements.

As set forth above, the 1955 zoning regulations provided that they would take effect immediately, but that

<sup>1</sup> Nyburg v. Solmson, 205 Md. 150 (1953), cited by petitioners, is readily distinguishable. That case held that where a non-conforming use for parking, repair and car storage has been proved by substantial evidence, the use may not be limited to the number of cars parked at the time the ordinance was enacted. Petitioner does not argue that any trailer park must be limited to two trailers, but rather that the two trailers did not constitute a trailer park at all, and cannot be the basis for continuing a trailer park of any size. Cf., McKenry, supra.

if a site plan were previously approved by the Planning Commission or Planning Board, development could proceed in accordance with that site plan. As the record herein shows, there was no such approval of a site plan of the McNeal trailer park, and therefore the 1955 regulations applied to any development and any use established subsequent to the effective date of those regulations.

Mr. McNeal's testimony is inconsistent as to precisely when the trailer park was established. However, he did testify quite succinctly that he first saw the property in 1949, and that some time thereafter he commenced placing trailers thereupon. Though he stated that this began "right away," he also testified that he was shortly stopped by a plumbing inspector at about the time he commenced installing utilities and that he immediately applied for a permit. Since the permit was applied for at the end of 1953, this latter testimony is inconsistent with his testimony that he put a row of trailers in in 1949, approximately 4 years earlier.

However, giving Mr. McNeal the benefit of the doubt, and assuming that the establishment of a trailer park was begun in approximately 1949, under the then applicable regulations, such use was not lawful until a permit was granted, and any subsequent use was only lawful so long as in compliance with the permit. As indicated, the permit issued in 1953 required a 15 foot set back from the property lines, an approximately 200 foot set back from Orem Road, and no less than 10 feet between trailers. Mr. McNeal testified that he was aware, at least, of a 10 foot set back requirement, but that he ignored it because "everybody else was violating it," and the government was his neighbor. In fact, he testified that he was aware of trailers right on the property line "from the first day!". Thus, by Mr. McNeal's own testimony, his trailer park

was never lawfully established, but was in violation of applicable regulations from the very first day. Therefore, Mr. McNeal had acquired no vested rights to continue to operate under the 1945 regulations, when, in 1955, new and more stringent regulations were adopted. Harris v. Balto. Co., supra. Absent an approved site plan, and absent a lawfully established use, the McNeal trailer park was immediately subject to the new regulations, and any right which the owners may have had to be governed by the less stringent 1945 requirements was lost by their own unlawful conduct. Cf. Salisbury Board of Zoning Appeals v. Bounds, 240 Md. 547, 554 (1965). Therefore, at the time of the present application, the trailers were, and are, required by law, to be located no less than 75 feet from adjacent property lines, no less than 25 feet from one another, and, even if the 194 foot setback from Orem Road is not controlling, the regulations themselves require a minimum set back of 100 feet from Orem Road. Thus, the present application must be construed as a request to reduce the set back on the Compass Road side of the property from 75 feet to zero, i.e., directly abutting the property line, and the spacing between trailers from 25 feet to 5 and 7 feet.

In view of the trend between 1945 and 1955 to dramatically increase set back requirements (as well as to increase the minimum lot size and place other restrictions on trailer parks), the complete elimination of setbacks from the adjoining property line, especially one that runs along a public road, and the reduction of spacing between trailers to less than the 1945 requirement cannot rationally be deemed in "strict harmony with the intent and spirit" of the zoning regulation. Baltimore County Zoning Regulations, 1955, § 307. For this reason alone, the requested variances must be denied.

Furthermore, because of their assumption that the 1945 regulations apply, the petitioners have not sought variances respecting those trailers which are in compliance with the 1945 regulations, but in violation of the 1955 regulations. Every trailer, but one, which is located along a property line, appears to be in violation of the 1955 regulations, by a greater or lesser degree, and at least seven trailers violate the 1955 set back from Orem Road. The site itself is only 60% of the required minimum. Again, based upon the history of the regulations respecting trailer parks, and the general philosophy (as well as express legislation) looking toward the ultimate elimination, rather than expansion of non-conformity (§ 104.1, supra; Easter v. Baltimore City, 195 Md. 395, 401 (1950)), there is no basis upon which it may rationally be found that further relaxation of spacing and setback requirements is "in strict harmony with the spirit and intent" of the zoning regulations. Baltimore County Zoning Regulations, 1955, § 307. The variances must therefore be denied.

#### 2. Petitioners have failed to establish such practical difficulty or unreasonable hardship as to justify the grant of the requested variances.

It has long been generally accepted that in order to justify a variance of applicable regulations, the applicant must show, first, that the hardship or difficulty which he is experiencing is the result of the zoning regulations, and not the result of his own actions, and secondly, that the problem he is experiencing is peculiar to the property in question, and is not general to the community or to the type of use involved. 2. Rathkopf, The Law of Zoning and Planning, 48-1. The petitioners fail on both of these points.

In the first place, as has been noted, the petitioners either intentionally or wantonly disregarded applicable set back regulations from the first day they commenced to

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

September 28, 1987

Baltimore County Board of Appeals  
Old Courthouse, Room #205  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance;  
Petitions for Special Exception and Zoning Variance;  
NE/corner Orens and Compass Roads  
15th Election District; 5th Councilmanic District  
Clarence McNeal, et ux - Petitioners  
Case Nos. 82-228-SPHA and 84-63-XA

Dear Board:

Please be advised that the subject cases were appealed on September 24, 1987 by the People's Counsel for Baltimore County. All materials relative to same are being forwarded herewith.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:bjs

cc: Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard, Baltimore, Md. 21221

Nancy E. Paige, Esquire, Attorney for Protestants  
Gordon, Feinblatt, Rothman, Hoffberger & Hollander  
Garrett Building, 233 E. Redwood Street, Baltimore, Md. 21202

Mr. Deward Hart, President  
Victory Villa Improvement Association  
21 Stabilizer Drive, Baltimore, Md. 21221

Phyllis Cole Friedman, Esquire  
People's Counsel of Baltimore County  
Rm. 223, Old Courthouse, Towson, Md. 21204

File



Dennis F. Rasmussen  
County Executive

#### APPEAL

Petitions for Special Hearing and Zoning Variance;  
Petitions for Special Exception and Zoning Variance;  
NE/corner Orens and Compass Roads  
15th Election District - 5th Councilmanic District  
Clarence McNeal, et ux - Petitioners  
Case Nos. 82-228-SPHA and 84-63-XA

Petitions for Special Hearing and Zoning Variance (Case No. 82-228-SPHA)

Petitions for Special Exception and Zoning Variance (Case No. 84-63-XA)

Descriptions of Property dated 11/6/81 and 12/14/82 (Case Nos. 82-228-SPHA and 84-63-XA)

Certificates of Posting (both cases)

Certificates of Publication (both cases)

Entry of Appearance of People's Counsel (both cases)

Zoning Plans Advisory Committee Comments and Director of Planning & Zoning Comments (both cases)

Petitioner's Exhibits: 1) A March 1950 plan from earlier Case No. 26765 (Case No. 82-228-SPHA) (Missing from file)

2) Plan of Trailer Lots dated 7/2/75

3) Plan dated 11/6/81

4) Color Photographs #4A - #4I

5) Marked 11/6/81 plan

(Two Exhibits) 6) Estimate for Planting dated 1/14/82 and List of Persons attending 6/16/82 Hearing

7) Color Photographs #7A - #7M

8) Xeroxed copy of deed dated 2/25/50

9) Two water and sewer drawings

Petitioner's Brief and Statement of Facts dated 12/20/82

Protestant's Exhibits: 1) Aerial Photograph of Property (Case No. 82-228-SPHA)

2) December 1954 Photogrammetric Map (missing from file)

3) Aerial Photograph dated 1/4/54

4) Photogrammetric Map dated 12/54

5a - 5i) Copies of Property Assessments

6) Two Aerial Photographs dated 1/8/54 relative to Exhibit 4

7) Plat of Goldentree Section I.I

8) Color Photograph

Correspondence dated 4/14/82 and 6/17/82 from Congressman Long on behalf of constituents concerned about project in Case No. 82-228-SPHA

Correspondence dated 6/28/82 from Senator Sarbanes on behalf of a constituent concerned about project in Case No. 82-228-SPHA

Protestant's Post-Hearing Memorandum for Case No. 82-228-SPHA dated 1/18/83

Petitioner's Exhibits: 1) Documents from Case No. 82-228-SPHA (missing from file)

2) Plan dated 5/26/83

3) 5/26/83 Plan marked to setbacks required

4) List of Persons in Attendance at Hearing

No Protestant's Exhibits Submitted in Case No. 84-63-XA

Deputy Zoning Commissioner's Combination Order dated August 31, 1987

Notice of Appeal received September 24, 1987 from People's Counsel for Baltimore County

Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

Nancy E. Paige, Esquire, Attorney for Protestants  
Gordon, Feinblatt, Rothman, Hoffberger & Hollander  
Garrett Building, 233 E. Redwood Street  
Baltimore, Maryland 21202

Mr. Deward Hart, President  
Victory Villa Improvement Association  
21 Stabilizer Drive, Baltimore, Md. 21221

Phyllis Friedman, Esquire  
People's Counsel of Baltimore County  
Rm. 223, Old Courthouse  
Towson, Maryland 21204

Request Notification: Norman E. Gerber, Director of Planning  
James Hoswell, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Margaret E. duBois, Docket Clerk

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCE  
NE corner of Orens Rd. and  
Compass Rd., 15th District : OF BALTIMORE COUNTY

CLARENCE McNEAL, et ux, : Case No. 82-228-SPHA  
Petitioners

\*\*\*\*\*

#### 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.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 23rd day of March, 1982, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, Maryland 21221, Attorneys for Petitioners.

*John W. Hession, III*  
John W. Hession, III

#### BALTIMORE COUNTY, MARYLAND IN ER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits and  
Development Management  
DATE: December 9, 1996

FROM: Kathleen C. Bianco  
County Board of Appeals

SUBJECT: Closed Files: Case No. 82-228-SPHA  
Case No. 84-63-XA and  
Case No. 81-282-V  
Clarence McNeal, et ux

As no further action has been taken since the Board's October 30, 1996 dismissal of the subject appeals, we are closing the files and returning same to you herewith.

Attachment

*Dear David,*  
*These need to be microfilmed and filed*  
*with originals over at Records Mgmt.*  
*Jwen*

#### LAW OFFICES GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD. 21202  
301-576-4000  
TELEX 908041 BAL  
FROM WASHINGTON, DC  
202-621-4108

Writer's Direct Tel.:  
576-4294

July 22, 1983

Jean M. H. Jung,  
Deputy Zoning Commissioner  
of Baltimore County  
Office of Planning & Zoning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mrs. Jung:

It has been about a year since the conclusion of the hearing respecting zoning violations at the McNeal Trailer Park. Unfortunately, this was followed by many month's delay in submission of legal memoranda. However, these were finally filed by January, and although I understand these memoranda were extensive and presented significant issues of law, I wonder if we might expect a decision shortly. I receive frequent inquiries from my clients respecting the status of the case, and would greatly appreciate some indication as to when they might reasonably expect a decision.

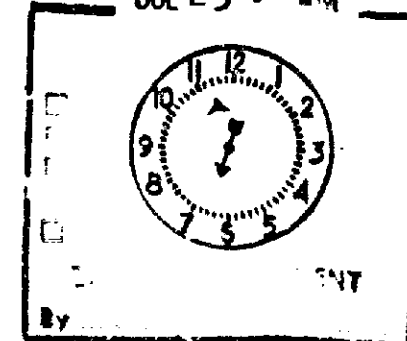
Thank you very much for your consideration.

Very truly yours,

*Nancy E. Paige*  
Nancy E. Paige

taw

cc: John B. Gontrum, Esquire



#### LAW OFFICES GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD. 21202  
301-576-4000  
TELEX 908041 BAL  
FROM WASHINGTON, DC  
202-621-4108

Writer's Direct Tel.:  
576-4294

January 18, 1993

Mrs. Jean M. H. Jung,  
Deputy Zoning Commissioner  
of Baltimore County  
Office of Planning and Zoning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mrs. Jung:

Enclosed is Protestants' Post-Hearing Memorandum respecting the McNeal trailer park.

Thank you for your indulgence in extending the time for filing this.

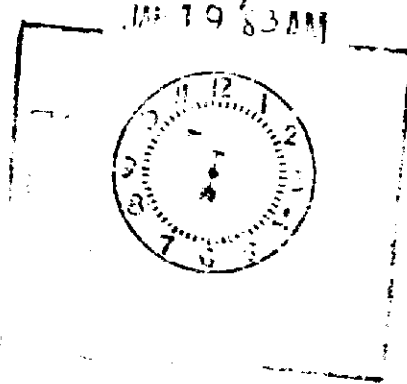
Very truly yours,

*Nancy E. Paige*  
Nancy E. Paige

taw

Enclosure

cc: Robert J. Romadka, Esquire  
John Gontrum, Esquire



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
AND  
PETITION FOR VARIANCE : OF BALTIMORE COUNTY  
PETITION FOR SPECIAL EXCEPTION :  
PETITION FOR VARIANCE :  
NE Corner Orens & Compass Rd. :  
15th Election District :  
5th Councilmanic District :  
CLARENCE McNEAL, et ux, : Case No. 82-228-SPHA and  
Petitioners : 84-63-XA

RECEIVED  
SEP 24 1987

#### NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of August 31, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 24th day of September, 1987, a copy of the foregoing Notice of Appeal was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221; Nancy E. Paige, Esquire, Gordon, Feinblatt, Rothman, Hoffberger & Hollander, Garrett Building, 233 E. Redwood St., Baltimore, MD 21202; and Mr. Deward Hart, President, Victory Villa Improvement Assn., 21 Stabilizer Dr., Baltimore, MD 21221.

*Peter Max Zimmerman*  
Peter Max Zimmerman

LAW OFFICES  
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER  
GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD 21202  
301-752-4567  
TELEX 908041 BAL  
FROM WASHINGTON, DC  
202-621-4108

OCT 21 '82 AM

October 19, 1982

Mrs. Jean Jung  
Deputy Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: McNeal/Trailer Park/Orems Road

Dear Mrs. Jung:

At the meeting in your office on September 24, 1982, attended by myself, John Gontrum and Robert Romadka, you indicated that you would advise us the following week as to whether disposition of the application now pending before you would be delayed to permit the applicants to file and consolidate a new application for special exception. Three weeks have passed and I have not heard from you, and I wondered if you have reached a decision. Additionally, to my knowledge, no special exception application has been filed, though Mr. Gontrum indicated that this would be done within approximately two weeks from our meeting.

As you know, my clients are developing the adjoining property for single family dwellings. It is their belief that sale of those dwellings has been impaired by the fact that the trailer park spills over into required side yards and projects into the front yard so the trailers are located closer to the street than any home is permitted to be. In June, 1981, you found that the trailer park was in violation of yard regulations. One year and four months later, nothing has changed. The implementation of your decision has been prevented by the filing of an appeal, and the hearing on the appeal has been stayed by the filing of the pending application for variances and recognition of a non-conforming use. The hearing on this latter application was concluded last June, but without any permission to do so, the applicant has neglected to file a memorandum of law which was due August 15. At our meeting, while already over a month in default, the applicant asked for and was granted an additional three weeks extension from the date of your decision on the issue of consolidation. Since three weeks have already elapsed, the net result will be a minimum delay of six weeks, on top of the forty days between August 15 and our meeting.

LAW OFFICES  
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER  
GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD 21202  
301-752-4567  
TELEX 908041 BAL  
FROM WASHINGTON, DC  
202-621-4108

APRIL 29, 1982

Jean M. H. Jung  
Deputy Zoning Commissioner  
Office of Planning & Zoning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Orems Road Trailer Park  
Case No. 82-228-SPHA

Dear Ms. Jung:

This will confirm my understanding that the continuation of the hearing in the referenced case has been scheduled for June 16, 1982 at 9:30 a.m.

Very truly yours,  
*Nancy E. Paige*  
Nancy E. Paige

taw

cc: Robert J. Romadka, Esquire  
John B. Gontrum, Esquire  
Edward Hart, President  
Victorville Improvement Association

APR 30 '82 AM

LAW OFFICES  
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER  
GARRETT BUILDING  
233 E. REDWOOD STREET  
BALTIMORE, MD 21202  
301-752-4567  
TELEX 908041 BAL  
FROM WASHINGTON, DC  
202-621-4108

APRIL 5, 1982

William E. Hammond,  
Zoning Commissioner  
Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

RE: Orems Road Trailer Park  
Case No. 82-228-SPHA

Dear Mr. Hammond:

Please enter my appearance in the referenced case as attorney for Goldentree Development Company, protestant.

May I please have copies of all comments from county agencies on the application in this case? Thank you for your assistance.

Very truly yours,  
*Nancy E. Paige*  
Nancy E. Paige

taw

cc: Robert J. Romadka, Esquire

APR 6 '82 AM

ROBERT J. ROMADKA  
ATTORNEY AT LAW  
809 EASTERN BOULEVARD  
(Baltimore Federal Building)  
ESSEX, MARYLAND 21221

July 27, 1982

County Office Building  
Office of Planning and Zoning  
Zoning Commissioner's Office  
ATTENTION: Ms. Jean M.H. Jung, Deputy Zoning Commissioner  
Towson, MD 21204

RE: McNeal Trailer Park

Dear Ms. Jung:

Since speaking with you with respect to the possibility of filing a Petition for Special Exception for the McNeal Trailer Park, I have discussed the matter briefly with Ms. Paige and have advised her that we are considering filing such a Petition and wish to hear your views with respect to merging the issues. As you may recall, Ms. Paige will be away until the 15th of August and since Mr. Romadka has been away the last week, a meeting with you has been impossible. Accordingly, I would request that the schedule of the current issues and the hearing be set back from 10 days to two weeks after the 15th so that we may have our meeting prior to the submission of briefs. Ms. Paige's office has been advised that I would be making this request and I have been assured that this message would be forwarded to her.

Very truly yours,  
*John B. Gontrum*  
John B. Gontrum

JBG/meh

APR 30 '82 AM

John B. Gontrum, Esquire  
Germania Federal Building  
809 Eastern Boulevard  
Baltimore, Maryland 21221

JUL 28 '82 AM

July 26, 1982

RE: McNeal Trailer Park  
82-228-SPHA

Dear Mr. Gontrum:

I received your letter of July 20, 1982 this morning. As I advised you in our telephone conversation, I am leaving tomorrow morning on vacation. I will therefore not have time to study your proposal or discuss it with my clients.

I would appreciate if no action were taken with respect to the pending proceedings until my return.

Thank you for your courtesy.

Very truly yours,  
*Nancy E. Paige*  
Nancy E. Paige

taw

cc: Jean M. H. Jung

APR 20 '82 AM

CLARENCE D. LONG  
300 DISTRICT, MARYLAND

COMMITTEE ON APPROPRIATIONS

CHAIRMAN:  
SUBCOMMITTEE ON FOREIGN OPERATIONS

MEMBER:  
SUBCOMMITTEES ON INTERIOR  
MILITARY CONSTRUCTION

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

June 17, 1982

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

I am writing on behalf of Mr. Gordon Wells, 12 Ortega Lane, Baltimore, Maryland 21221 and the other residents of the Orems Trailer Park.

Mr. Wells has been in touch with me concerning difficulties which he has encountered as a result of recent development on the adjacent property. He indicates that he and the other tenants may be forced to move their trailers, which he considers to be unfair. He points out that a 10 foot fence was constructed between the properties, and that the trailer park tenants should not be faced with further inconvenience.

I should appreciate your consideration of this inquiry, and letting me know the status of this case in your Department.

Sincerely,  
*Clarence D. Long*  
CLARENCE D. LONG

CDL:cw  
Enclosures  
cc: Constituents

APR 16 '82 AM

CLARENCE D. LONG  
300 DISTRICT, MARYLAND

COMMITTEE ON APPROPRIATIONS

CHAIRMAN:  
SUBCOMMITTEE ON FOREIGN OPERATIONS

MEMBER:  
SUBCOMMITTEES ON INTERIOR  
MILITARY CONSTRUCTION

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

April 14, 1982

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

I am writing on behalf of Ms. Mildred L. Ziegler, 6 Mingo Lane, Baltimore, Maryland 21221.

Ms. Ziegler has been in touch with me concerning the trailer park in which she lives on Orems Road. She indicates that a zoning hearing sign has been posted on the property, and expresses a concern about the possible consequences of this hearing on her living arrangements.

I should appreciate your consideration of Ms. Ziegler's concerns, and keeping me informed of the status of this case.

Sincerely,  
*Clarence D. Long*  
CLARENCE D. LONG

CDL:cw  
Enclosure  
cc: Ms. Ziegler

APR 16 '82 AM

PAUL S. BARBANES  
MARYLAND

United States Senate  
WASHINGTON, D.C. 20510

June 28, 1982

Mrs. Jean M. Jung  
Deputy Zoning Commissioner  
Room 109  
County Office Building  
Towson, Maryland 21204

Dear Mrs. Jung:

Enclosed is a copy of correspondence I received from Mr. John Patrick Brady. The letter raises some serious concerns about the possible rezoning of the Orems Mobile Home Park. Since this is a matter within your jurisdiction I would appreciate it if you would carefully review the enclosed, and respond directly to Mr. Brady.

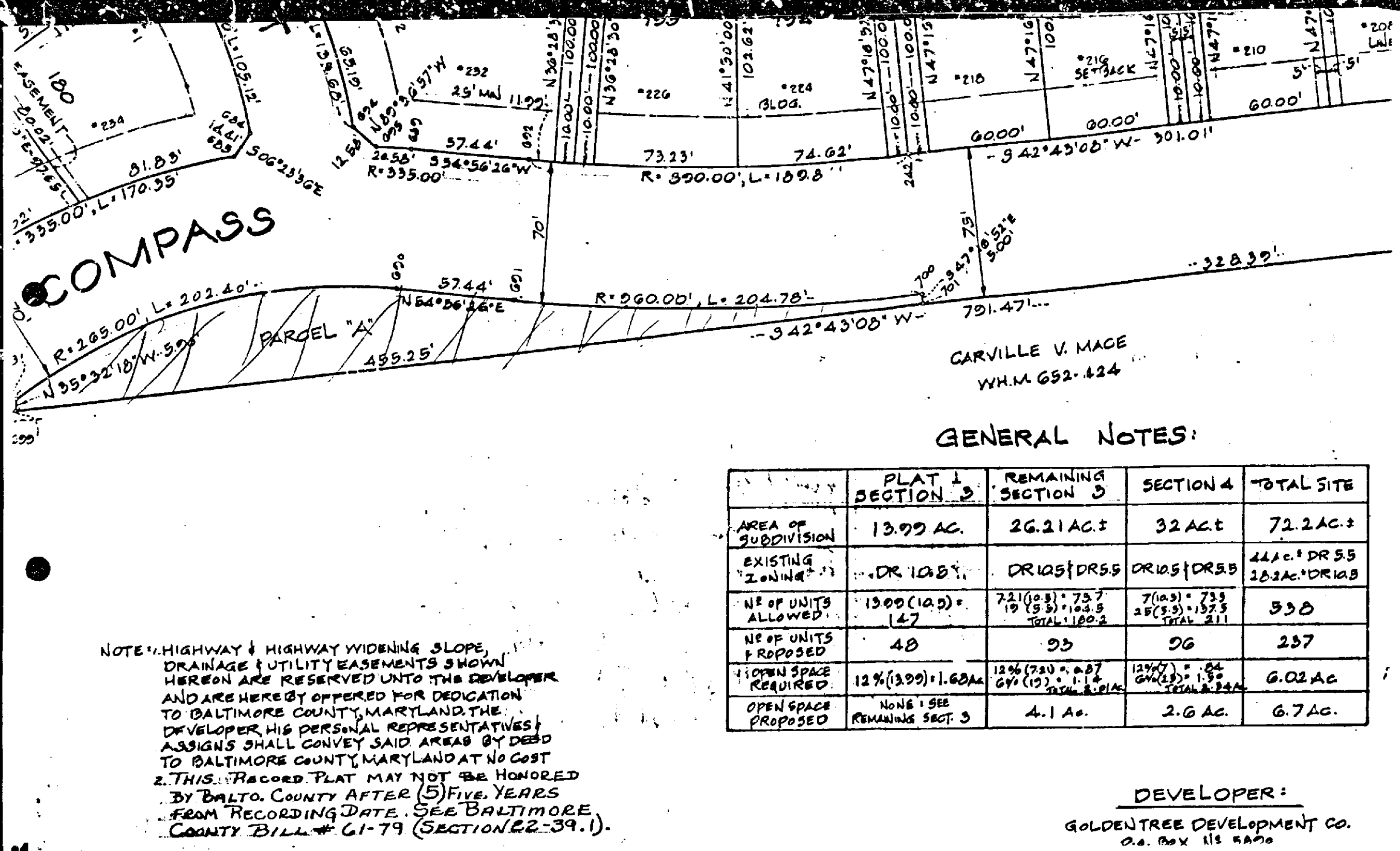
Thank you for giving this matter appropriate consideration.

With best regards,

Sincerely,  
*Paul S. Barbarnes*  
Paul S. Barbarnes  
United States Senator

PSS:dh

APR 20 '82 AM



petition of Robert J. Pomeroy at hearing 3/20/84 in favor of Special Assessor 3/20/84

Mr & Mrs Henry P. Mann  
Mr & Mrs Tom H. Harkins  
Mr & Mrs George Butler  
Mr. Wayne L. Felt  
Mrs Patricia Casner  
James E. Cooned  
Mr & Mrs Robert Duncan  
Mildred Long  
Mr & Mrs Paul White  
Mr & Mrs Wilson Alsup  
Mr & Mrs Gordon V. Wells  
Bill Minnie  
Rick Mitchell

1 Ortega Lane  
14 Ortega Lane  
7 Palm Lane  
16 Ortega Lane  
2 Mingo Lane  
2 Mingo Lane  
8 Mingo Lane  
9 Mingo Lane  
9 Mecca Lane  
11 Mingo Lane  
12 Ortega Lane  
4 Mingo Lane  
6 Mecca Lane

Ed. 4

2435 TOM CASSON'S NURSERY  
PANSIES AZALEAS PHLOX  
PINK DOGWOOD MAGNOLIA EVERGREENS RHODODENDRONS  
ROUTE 16, BOX 318, EARLS RD., BALTIMORE, MD. 21220  
PHONE: 333-2644

**Estimate**

Customer's Order No. \_\_\_\_\_ Date Jan 14 1982  
Name Robert J. Pomeroy  
Address \_\_\_\_\_

| QUANTITY | DESCRIPTION        | PRICE | AMOUNT  |
|----------|--------------------|-------|---------|
| 168      | white pine 6 FT    | 1500  | 2520.00 |
|          | Labor For planting |       | 940.00  |
|          |                    |       | 3460.00 |

INTEREST CHARGE OF 1 1/2% PER MONTH  
AFTER 30 DAYS (18% PER YEAR)

RECEIVED BY X TAX TOTAL

**PETITIONER'S EXHIBIT 6**

Please keep this copy for reference. All claims and returned goods MUST be accompanied by this bill. THANK YOU. WE APPRECIATE YOUR BUSINESS!

**NAME** **Address** **method**

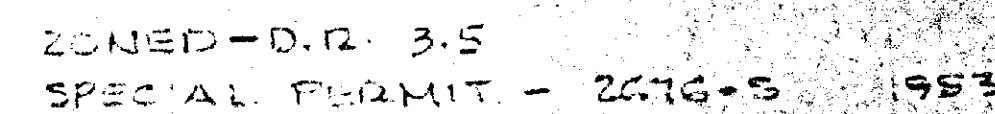
Mrs. Helen Harding 5 Mecca Lane yes  
Mr. Wilson Alsup 11 Mingo Lane yes  
Mr. Henry P. Mann 1 Ortega Lane yes  
Mr. Robert Harkins 6 Ortega Lane yes  
Louie Butler 7 1/2 Mingo Lane yes  
Mr & Mrs Richard Vandenberg 9 Mecca Lane yes  
Mrs. Frances Butchell 3 Mecca Lane yes  
Mrs. George Butler 6 Ortega Lane yes  
Mr & Mrs Edward Butler 2 Ortega Lane yes  
Thomas Mitchell 14 Ortega Lane yes  
Karin Ann 14 Ortega Lane yes  
Wayne L. Felt 16 Ortega Lane yes  
Gordon Wells 12 Ortega Lane yes  
Mary Jackson 1 Mecca Lane yes  
Mildred Long 9 Mingo Lane yes  
Nelson C. Felt 3 Palm Lane yes  
Mrs. Anna Smith 6 Mecca Lane yes  
Mildred L. Ziegler 8 Mingo Lane yes  
Robert J. Pomeroy 4 Mingo Lane yes  
Valley Minnick 4 Mingo Lane yes  
William Minnick 2 Mingo Lane yes  
Patricia Casner

**PETITIONER'S EXHIBIT 4**

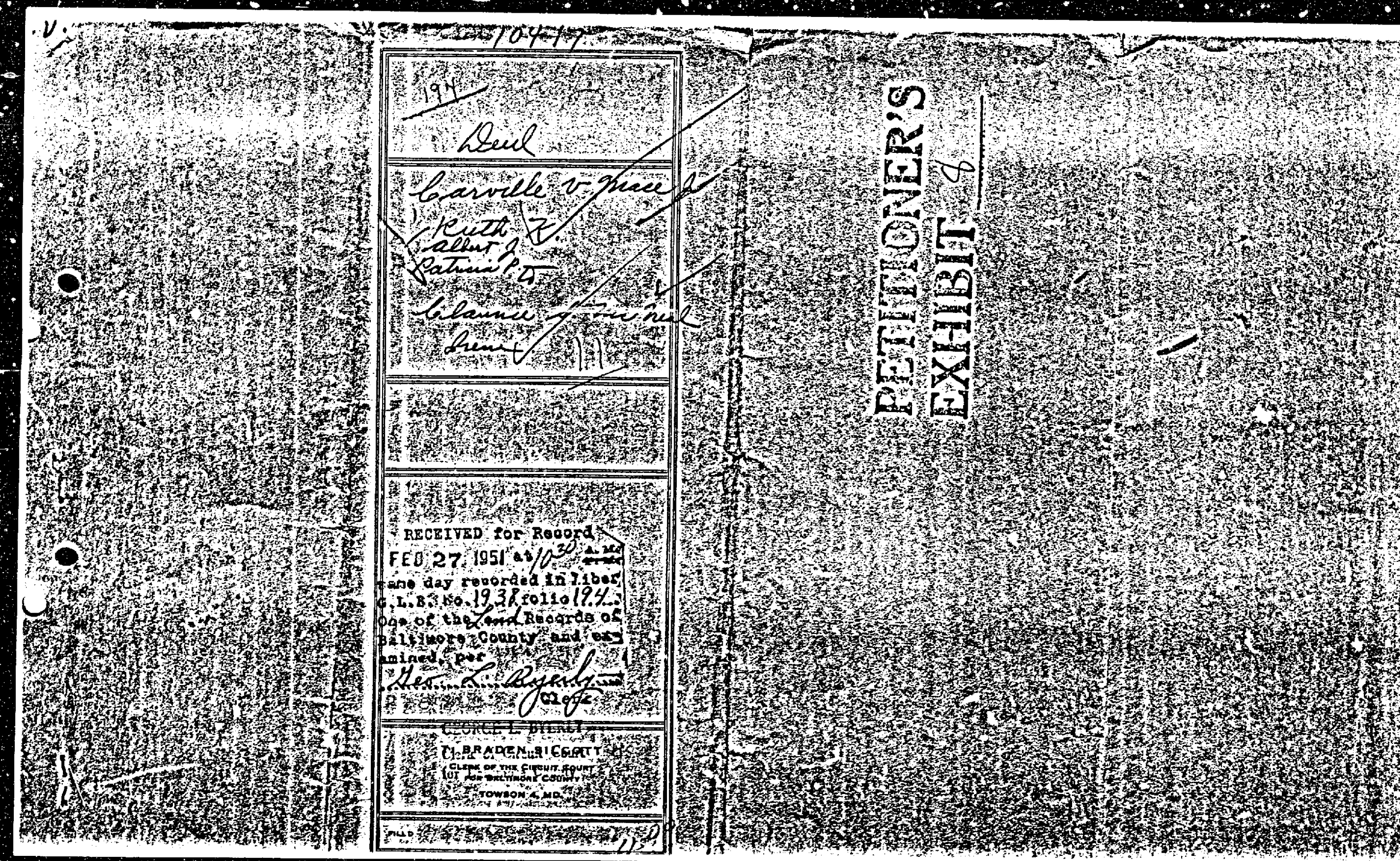
**PETITIONER'S EXHIBIT 6**

**PROTESTANT'S EXHIBIT 5 A+B**

| NUMBER               | 24765                     | FOLIO               | DISTRICT                                            | 15                      | TOTAL CARDS IN ACCOUNT | PERSONAL PROPERTY ACCOUNT NO. | PERSONAL PROPERTY ACCOUNT NO. |
|----------------------|---------------------------|---------------------|-----------------------------------------------------|-------------------------|------------------------|-------------------------------|-------------------------------|
| OWNER                | CARVILLE V. HACE + ALBERT |                     | POST OFFICE ADDRESS                                 | RD 2 RIDGE RD           |                        |                               |                               |
| LOCATION ON          | 3/4 SIDE OREMS ROAD       |                     | APPROXIMATE DISTANCE FROM NEAREST INTERSECTING ROAD | 3/4 Side E of Orem Road |                        |                               |                               |
| TOTAL NO. ACRES      | 3                         | ASSESSMENT ADDED TO | PRESENT ASSESSMENT APPROVED                         | YEAR REASSESSED         |                        |                               |                               |
| CLASSES              | ACRES                     | ASSESSMENT PER ACRE | TOTAL                                               | ASSESSMENT              | YEAR                   |                               |                               |
| HOME SITE            | OLD                       |                     |                                                     |                         |                        |                               |                               |
| LAND                 | OLD                       |                     |                                                     |                         |                        |                               |                               |
| WOODS                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| ORCHARD              | OLD                       |                     |                                                     |                         |                        |                               |                               |
| WOODED               | OLD                       |                     |                                                     |                         |                        |                               |                               |
| SCRUB OR BARREN      | OLD                       |                     |                                                     |                         |                        |                               |                               |
| MARSH                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| TOTAL LAND           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         | OLD                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |
| DEFERRED REFERENCE   |                           |                     |                                                     |                         |                        |                               |                               |
| METROPOLITAN CHARGES |                           |                     |                                                     |                         |                        |                               |                               |
| SEWER                |                           |                     |                                                     |                         |                        |                               |                               |
| WATER                |                           |                     |                                                     |                         |                        |                               |                               |
| LAND                 |                           |                     |                                                     |                         |                        |                               |                               |
| IMPROVEMENTS         |                           |                     |                                                     |                         |                        |                               |                               |
| TOTAL                | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| ASSESSMENT           | OLD                       |                     |                                                     |                         |                        |                               |                               |
| REVISOR              | NEW                       |                     |                                                     |                         |                        |                               |                               |
| DATE TRANSFERRED     |                           |                     |                                                     |                         |                        |                               |                               |
| FROM                 |                           |                     |                                                     |                         |                        |                               |                               |



**PETITIONER'S  
EXHIBIT** 2



Case #82-388-3A1A  
 Petitioner's Exhibits  
 #4A-4I (color)  
 #7A-7N ( )  
 #1-7 (B+N)  
 photos =  
 exhibits

Baltimore County  
 Zoning Commission  
 Office of Planning & Zoning  
 Towson, Maryland 21204

