

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Mohrs Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY

LOUIS DiPASQUALE, JR., et ux, : Case No. 84-178-SPH
Petitioners

: : : : : :

ORDER

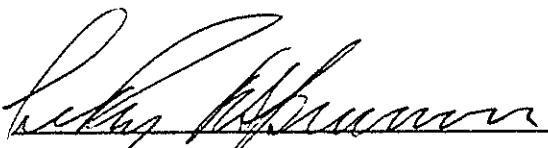
Upon the foregoing Motion by the People's Counsel for Baltimore County, the Board having noted that there are no other Appellants of record in said case, it is, this 3rd day of April, 1984, by the County Board of Appeals of Baltimore County,

ORDERED that the foregoing Appeal of the People's Counsel for Baltimore County herein be and it is hereby DISMISSED.


COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



William T. Hackett, Chairman



LeRoy B. Spurrier



William R. Evans

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Mohrs Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY

LOUIS DiPASQUALE, JR., et ux, : Case No. 84-178-SPH
Petitioners

: : : : : :

MOTION FOR DISMISSAL

The Motion of the People's Counsel for Baltimore County respectfully represents that a review of the above-entitled case has produced the conclusion that the public interest no longer requires prosecution of this appeal consistent with the Order of the Circuit Court for Baltimore County dated March 28, 1984 in Sebco Federal Credit Union v. County Board of Appeals, Misc. No. 83-M-327. A copy of Judge Raine's Order is attached as well as the Board's Opinion and Order dated September 8, 1983 in the Sebco case.

WHEREFORE, it is respectfully requested that the Board by its appropriate Order dismiss said Appeal.

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 2nd day of April, 1984,
a copy of the foregoing Motion for Dismissal was mailed to Michael P.
Tanczyn, Esquire, 118 W. Pennsylvania Avenue, Towson, Maryland 21204.

Peter Max Zimmerman

Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
APR 2
1984 MAR 33 P 2:15

PETITION FOR SPECIAL HEARING 84-178-SPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate 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 2007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ to extend for an additional period of time not exceeding three years from _____ November 11, 1983 within which the Petitioners shall be entitled to utilize the Special Exception obtained by Order of the Deputy Zoning Commissioner on November 12, 1981 for a trailer park in case 82-502A.

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

I, or we, agree to pay expense 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: _____
 Attorney for Petitioner: _____
 Michael P. Tanczyn
 118 W. Pennsylvania Avenue
 Towson, MD 21284
 Telephone: _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
 Name: _____
 Address: _____
 City and State: _____
 Attorney's Telephone No.: 286-8823, _____

Call # 85-511-48

Call # 85-511-48

Call # 85-511-48

BALTIMORE COUNTY
ZONING REGULATIONS
ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 Zoning Commissioner
 TO: _____ Date: January 9, 1984
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 Louis D. Pasquale, Jr., et ux
 SUBJECT: 84-178-SPH

This office has no comment on the subject petition.

Norman E. Gerber for [Signature]
 Norman E. Gerber
 Director of Planning and Zoning

NEG/JGH/vf

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Your petition has been received and accepted for filing this _____ day of _____, 1984.

[Signature]
 ARNOLD JABLON
 Zoning Commissioner

Petitioner: Louis D. Pasquale, Jr.
 Petitioner's Attorney: Michael P. Tanczyn
 Received by: *[Signature]*
 Chairman, Zoning Plans Advisory Committee

ADVISED BY THE Zoning Commissioner of Baltimore County, this _____ day of _____, 1983, 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 _____ day of _____, 1984, at 11:30 o'clock A.M.

[Signature]
 Zoning Commissioner of Baltimore County.

E.C.O.-No. 1 (over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 10, 1984

County Office Bldg.
 111 W. Chesapeake Ave.
 Towson, Maryland 21284
 Michael P. Tanczyn
 118 W. Pennsylvania Avenue
 Towson, Maryland 21284
 RE: Case No. 84-178-SPH (Item No. 112)
 Petitioner - Louis D. Pasquale, Jr.
 Special Hearing Petition
 Dear Mr. Tanczyn:
 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.
 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
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee
 NBC:bsc
 Enclosures



HARRY J. PISTEL, P.E.
 DIRECTOR

December 23, 1983

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284
 Re: Item #112 (1983-1984)
 Property Owner: Louis D. Pasquale, Jr., et ux
 N/W Mohrs Lane 750' S/E of centerlines
 Pulaski Highway
 Acres: 47.935 District: 15th
 Dear Mr. Jablon:
 The following comments are furnished in regard to the subject item.
 General:
 The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 226 (1980-1981) are referred for your consideration.
 This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 112 (1983-1984).
 Very truly yours,
Robert A. Norton
 ROBERT A. NORTON, P.E., Chief
 Bureau of Public Services
 RAN:EM:RMP vs
 M-S-E Key Sheet
 23 x 24 IN 33 x 34 Pos. Sheets
 88 x 11 T&P
 82 Tax Map
 Ehois.

A. William E. Hammond
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

July 9, 1981

Re: Item 226 (1980-1981)
 Property Owner: Louis & Mary D. Pasquale
 N/W Mohrs Lane 750' S/E from centerlines of Pulaski Hwy.
 Acres: 47.935 District: 15th
 Dear Mr. Hammond:
 The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.
 General:
 The comments which were supplied in conjunction with the Zoning Advisory Committee review of this property for Item 211 (1980-1979) and Item 10 Zoning Cycle V (April-October 1979) are referred to for your consideration.
 This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 226 (1980-1981).
 Very truly yours,
Robert A. Norton
 ROBERT A. NORTON, P.E., Chief
 Bureau of Public Services
 RAN:EM:RMP vs
 M-S-E Key Sheet
 23 x 24 IN 33 x 34 Pos. Sheets
 88 x 11 T&P
 82 Tax Map
 Enclosures

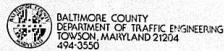


Leont K. Britwell
 Secretary
 W. S. Calhoun
 Chairman

November 21, 1983

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284
 Attention: Mr. N. Commodari
 Re: SAC Meeting of 11-22-83
 ITEM: #112.
 Property Owner: Louis D. Pasquale, Jr., et ux
 Location: N/W Mohrs Lane 750' S/E of centerlines Pulaski Highway, Route 40-E Existing Zoning: M-L-1M Proposed Zoning: Special Hearing to approve an extension for an additional period of time not exceeding three years from Nov. 11, 1983 within which the Petitioners shall be entitled to utilize the Special Exception obtained for a trailer park in Case #82-502A. Acres: 47.935 District: 15th
 Dear Mr. Jablon:
 The State Highway Administration finds the request for an extension of the Special Exception in Case #82-502A for a period of three (3) years generally acceptable.
 Very truly yours,
Charles Lee
 Charles Lee, Chief
 Bureau of Engineering Access Permits
 By: George Wittman
 CL:GW:maw
 cc: Mr. J. Ogile My telephone number is (301) 659-1350
 Telephone: For the Unrecorded Hearing of Items
 3817555 Baltimore Metro - 545-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
 P.O. Box 717 737 North Center St., Baltimore, Maryland 21203-2717

Pursuant to the advertisement, posting of board, and public hearing on the Petition and it appearing that by reason of the following finding of facts:



STEPHEN E. COLLINS
DIRECTOR

December 21, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Item No. 112 -ZAC Meeting of November 22, 1983
Property Owner: Louis DiPasquale, Jr., et ux
Location: N/S Mohr Lane 750' S/E of centerline Pulaski Highway
Printing Zoning: M.L.-1M
Proposed Zoning: Special hearing to approve an extension for an additional period of time not exceeding three years from November 11, 1983 within which the Petitioners shall be entitled to utilize the Special Exception obtained for a trailer park in Case #82-50 XA.

Area: 47.935
District: 15th

Dear Mr. Jablon:

We have not received a plan for this site.

Michael S. Friedman
Traffic Engineering Assoc.

MSP/cem

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S Mohr Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY
LOUIS DIPASQUALE, JR., et ux : Case No. 84-178-SPH
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
John W. Heston, III
Deputy People's Counsel
John W. Heston, III
People's Counsel for Baltimore County
Room 213, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 30th day of December, 1983, a copy of the foregoing Order was mailed to Michael P. Tanczyn, Esquire, 118 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

John W. Heston, III

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S of Mohr Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY
LOUIS DIPASQUALE, JR., et ux : Case No. 84-178-SPH
Petitioners

NOTICE OF APPEAL

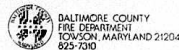
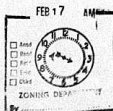
Please note an appeal from your decision in the above-captioned matter, under date of January 19, 1984, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 213, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 17th day of February, 1984, a copy of the foregoing Notice of Appeal was mailed to Michael P. Tanczyn, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

Peter Max Zimmerman



PAUL H. RENCKE
CHIEF

November 29, 1983

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21287

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Louis DiPasquale, Jr., et ux

Location: N/S Mohr Lane 750' S/E of centerline Pulaski Highway

Item No. 112 Zoning Appeals Meeting of November 22, 1983

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 of _____ 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.
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", 1978 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVISIONS: [Handwritten notes] Approved: [Signature] Fire Prevention Bureau

/mb

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Mohr Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY
LOUIS DIPASQUALE, JR., et ux : Case No. 84-178-SPH
Petitioners

ORDER

Upon the foregoing Motion by the People's Counsel for Baltimore County, the Board having noted that there are no other Appellants of record in said case, it is, this 3rd day of April, 1984, by the County Board of Appeals of Baltimore County,

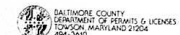
ORDERED that the foregoing Appeal of the People's Counsel for Baltimore County be and it is hereby DENIED.

WILLIAM T. HACKETT
Chairman

LEBBY B. SWIFFER

WILLIAM R. EVANS

WILLIAM R. EVANS



MR. ARNOLD JABLON
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. Jablon:

Comments on Item #112 Zoning Advisory Committee Meeting are as follows:

Property Owner: Louis DiPasquale, Jr.
Location: N/S Mohr Lane 750' S/E of centerline Pulaski Highway
Proposed Zoning: Special hearing to approve an extension for an additional period of time not exceeding three years from November 11, 1983 within which the Petitioners shall be entitled to utilize the Special Exception obtained for a trailer park in Case #82-50 XA.

Area: 47.935
District: 15th

The items checked below are applicable:

- 1. All structures shall conform to the Baltimore County Building Code 1981/Amend 111-102 State of Maryland Code for the Handicapped and Age 4 and other applicable Codes.
2. A building permit shall be required before beginning construction.
3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-residential seals and signatures are required on Plans and Technical Data.
4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal is/are required to file a permit application.
5. An exterior wall opened within 6'0" for Commercial uses or 3'0" for one & two family use groups of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A fireweel is required if construction is on the lot line, see Table 101.1, Item 5, Section 101.1 and Table 101.1, also Section 101.1.
6. Requested variance appears to conflict with the Baltimore County Building Code, Section 101.1.
7. A change of company 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 are required by a professional seal.
8. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer apply to this office, that the structure for which a proposed change in use is proposed comply with the height/area requirements of Table 509 and the required construction classification of Table 511.

Note: 1. Comments The applicant should be made aware the Building Code is revised every three years. Any construction that would take place in Case #82-50 XA would be compelled to comply with the Code in force at that time.

X-2: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Michael S. Friedman, Chief
Plans Review

02444

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
N/S of Mohr Lane, 750' SE of
Pulaski Hwy., 15th District : OF BALTIMORE COUNTY
LOUIS DIPASQUALE, JR., et ux : Case No. 84-178-SPH
Petitioners

NOTICE FOR DENIAL

The Motion of the People's Counsel for Baltimore County respectfully requests that a review of the above-entitled case has produced the conclusion that the public interest no longer requires prosecution of this appeal consistent with the Order of the Circuit Court for Baltimore County dated March 28, 1984 in Subo Federal Credit Union v. County Board of Appeals, Misc. No. 83-M-327. A copy of Judge Raino's Order is attached as well as the Board's Opinion and Order dated September 8, 1983 in the Subo case.

WHEREFORE, it is respectfully requested that the Board by its appropriate Order dismiss said Appeal.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 213, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1984, a copy of the foregoing Notice for Denial was mailed to Michael P. Tanczyn, Esquire, 118 W. Pennsylvania Avenue, Towson, Maryland 21204.

Peter Max Zimmerman

RECEIVED APPEALS COUNTY BOARD OF BALTIMORE COUNTY P 2 15

SERCO FEDERAL CREDIT UNION * IN THE
 Petitioner-Appellant * CIRCUIT COURT
 * FOR
 VS. * BALTIMORE COUNTY
 * DOCKET NO.: 15
 * FOLIO NO.: 362
 * CASE NO.: 83-M-27
 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 Zoning File No.: 83-135SPH

ORDER

This cause having come on for a hearing this 20th day of March, 1984, before the Circuit Court for Baltimore County on an Appeal by Serco Federal Credit Union, Petitioner-Appellant, from a decision by the County Board of Appeals of Baltimore County and all matters having been read and considered and having conducted oral argument in open Court, it is this 21st day of March, 1984, by the Circuit Court for Baltimore County;

ORDERED That the Order and Opinion of the County Board of Appeals of Baltimore County, dated the 8th day of September, 1983, is hereby reversed and that the Order of the Zoning Commissioner dated April 13, 1983, is hereby affirmed and the Petition for Special Hearing requesting an extension of time for the utilization of a special exception in Case No. 83-135SPH, is hereby granted for the reasons stated on the record on the 20th day of March, 1984, by this Court.

John E. Raine, Jr., JUDGE

FILED MAR 28 1984

IN THE MATTER OF THE APPLICATION OF SERCO FEDERAL CREDIT UNION PETITIONER-APPELLANT FOR SPECIAL HEARINGS FOR THE EXTENSION OF TIME FOR THE UTILIZATION OF A SPECIAL EXCEPTION
 COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 NO. 83-135-SPH



OPINION

This case comes before the Board on an appeal filed by the People's Counsel from an Order of the Zoning Commissioner of Baltimore County wherein the Zoning Commissioner had authorized an extension for the time of utilization of a special exception pursuant to the wording of the second sentence of Section 502.3 of the Baltimore County Zoning Regulations.

At the argument before the Board, the parties agreed that there was not a factual dispute; in other words, were it not for the legal impediment People's Counsel would have no substantive objection to the extension contemplated by the Commissioner's Order. However, the Board has before it as Petitioner's Exhibit #4 the judicial opinions rendered by both the Circuit Court for Baltimore County and an unreported Opinion of the Court of Special Appeals of Maryland (the latter having been introduced by the parties with the acknowledgment that it ordinarily should not be cited as authority, but provided for the Board because of the factual recitation contained therein) wherein the decisions have been to the effect that the second sentence of Section 502.3 is unconstitutional and, therefore, of no force and effect. As the Board understands said rulings, the effect is therefore that neither the Commissioner nor the Board has the present authority to grant an extension of the special exception Order under the provisions contained in that sentence of said Section 502.3.

A copy of both Opinions is attached hereto for the convenience of all parties.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 8th day of September, 1983, by the County Board of Appeals, ORDERED that the Order of the

SERCO FEDERAL CREDIT UNION - #83-135-SPH

Zoning Commissioner, dated April 13, 1983, is hereby REVERSED, and the petition for a special hearing requesting an extension of time for the utilization of a special exception granted in case No. 80-213-X is hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Mackay, Chairman

Patricia Phipps

Diana K. Vincent

UNREPORTED
 IN THE COURT OF SPECIAL APPEALS OF MARYLAND

No. 1625

September Term, 1979

BALTIMORE LODGE NO. 7 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS, et al

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Thompson, Fickenski, v. Alben (Specially Assigned)
 Klaver, Stanley (Specially Assigned)

Per Curiam

Filed: October 2, 1980

The appellant, Baltimore Lodge No. 7 of the Benevolent and Protective Order of Elks (hereinafter designated Elks) sold certain of its real property in Baltimore City in 1967 and in 1969 purchased certain unimproved property in Baltimore County adjacent to the Diamond Ridge Area Park and Golf Course, for the purpose of erecting a new lodge facility. When the appellant applied for a building permit it was informed that the County desired to acquire the property for enlargement of Diamond Ridge and appellant then entered into a contract for the 17 area tract involved in this suit. The contract was contingent on appellant's ability to obtain a special exception under the Baltimore County Zoning regulation which would authorize the construction of a facility to function both as a lodge hall and a community building available for rental to other groups and individuals. Application for the Special Exception was heard and granted for a period of two years by the Zoning Commissioner of Baltimore County on June 25, 1975, subject to certain restrictions which are not pertinent to the issues involved in this case.

Appellee appealed the Commissioner's Order granting the Special Exception to the County Board of Appeals. Said Board, by Order dated April 28, 1976, affirmed the grant of the Special Exception, but made it subject to certain additional restrictions which are not pertinent to the issue

here involved. The Board's Order was not appealed and the appellant settled on the property.

Section 502.3 of the Baltimore County Zoning Regulations, provides as follows:

"A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any Special Exception, shall fix within the foregoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time determined in conjunction with any appeal from the grant of refusal of the application for a Special Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same. (S.C.R., 1955; Bills No. 42, 1962; W. 85, 1967.)"

On April 25, 1978 appellant's counsel submitted a request by letter to the Zoning Commissioner for a three year extension of the Special Exception. No copies of the letter were circulated to appellee or to individual protestants of record in the case.

Appellant engaged engineers and other professional assistance to design its proposed facility. Appellee, responding to an inquiry from one of the protestants of record in the case, found the request for the extension for the Special Exception and the resultant Order in the file of the Zoning Commissioner and filed a Bill of Complaint for Declaratory and Injunctive Relief.

After the suit was docketed and served on the defendants and after the defendants, Elks and Zoning Commissioner had filed pleadings, the Elks sought and obtained a building permit from Baltimore County, and proceeded with and partially completed construction. The Elks incurred obligations for the partially completed improvements in the amount of \$21,471.00 as against a total cost for the improvements of \$111,200.00. The contract for the improvements had been entered into on January 19, 1978, prior to the docketing of the suit, but no work began prior thereto. Appellee filed a Motion for Interlocutory Injunction to enjoin the construction work, but appellant voluntarily halted said work and has not further undertaken construction.

The matter was heard by Judge John E. Raine, Jr. who granted the Motion for Summary Judgment filed by appellee.

Judge Raine held that the concluding sentence of Section 502.3 of the Baltimore County Zoning Regulations was null and void, in violation of due process of law, for

lack of provision of notice, hearing and cross-examination in connection with a quasi-judicial act. He further held that the Special Exception granted on April 28, 1976, by the Board of Appeals of Baltimore County was null and void, the right to its utilization having expired pursuant to Section 502.3 of the Baltimore County Zoning Regulations on April 28, 1978.

Both appellants, Elks and the Zoning Commissioner of Baltimore County contend that the Special Exception could be extended without notice and hearing and argue that the necessity for affording due process, in terms of notice and hearing, is determined by the character of the proceedings; the nature of the right or interest of the person seeking relief; and the nature of the power exercised. They go on to state that as general rule, notice and hearing are not essential where the administrative official acts in an executive, administrative or legislative capacity as opposed to a judicial or quasi-judicial capacity.

The question of determining the difference between legislative and judicial function has been examined by the Court of Appeals in Byson v Montgomery County Council, 242 Md. 55, 217 A2d 578 (1966); Union Investors, Inc. v Montgomery County, 244 Md. 585, 224 A2d 453 (1966); Montgomery County v Woodward & Lothrop, 289 Md. 686, 376 A2d 483 (1977).

Both the Zoning Commissioner of Baltimore County and the County Board of Appeals have detailed Rules of Practice

and Procedure. The Board of Appeals maintains dockets, has reporters, operates under rules, makes findings of fact and decisions on the record in adversary proceedings. To argue that the granting of a Special Exception is a judicial function, but the extension is a legislative function is not, in our opinion, either persuasive or logical. This is particularly true where both the granting of the special exception and its duration are both appealable issues.

The cases and the record herein all support the Chancellor's conclusion that the appellee was denied due process by failure to be given notice of the extension of the special exception with an opportunity to be heard and a right of appeal.

The Elks argue that the Chancellor failed to recognize its vested rights and the equities of the case. The simple answers to these arguments are that appellant had no vested right and the equities of the case are with the appellee.

Appellants concede that more than just obtaining a building permit is needed in order to claim a vested right. Colwell v Howard County, 31 Md. App. 6, 354 A2d 210 (1975) Rockville Fuel v Gethersburg, 266 Md. 117, 291 A2d 672 (1972).

Appellant, Elks, in speaking of vested rights and equities does so with full knowledge that it failed to secure a building permit until after the original period for the Special Exception had expired and after the suit

against it was docketed and it had notice of same. The expenditure of \$21,471, under these circumstances, does not help appellant as it embarked on construction on a calculated risk. City ofagerstown v Long Meadow Shopping Center, 264 Md. 481, 287 A2d 242 (1972).

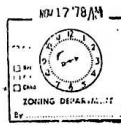
We affirm the decision of the Chancellor.

JUDGMENT AFFIRMED. COSTS TO BE PAID BY APPELLANTS.

JOHN M. HESSLIAR, III
People's Counsel for
Baltimore County,
Complainant
VS
S. ERIC DIENHA,
Zoning Commissioner of
Baltimore County, et al.,
Respondents

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

EQUITY NO. 95042



MEMORANDUM OPINION

This case involves a narrow question of law since there is no factual dispute. On April 28, 1976, the Court granted a special exception to Baltimore Lodge No. 7, B.P.O. Elks, for a community building to be used by the Lodge for its fraternal and social purposes. The property is located on Windsor Mill Road, south of Old Court Road, and contains 17.29 acres. Certain restrictions were imposed by the Board, none of which are here relevant. Section 502.3, of the Baltimore County Zoning Regulations provides that a special exception that is not utilized within two years shall be void unless the final Order granting the same specifies a longer period, not exceeding five years. The final Order granting the special exception did not specify any longer period so that it would become void on April 28, 1978, and it is clear that the special exception was not utilized within the two year period. However, counsel for the Elks wrote a letter to the Zoning Commissioner asking him to extend the time period of the special exception's life. On an ex parte basis, without notice to anyone or hearing of any kind, the Zoning Commissioner signed an Order extending the time period for five years from the date of the original grant of the special exception. This Order was dated May 23, 1977. In this suit, People's Counsel asks that the Court declare the permit to be void, that the Court declare that the Zoning Commissioner's extension Order of May 23, 1977, is void, and that the Elks be

enjoined from making any use of the land because of the applicable use restrictions in a residential zone.
The Court will assume, without deciding, that People's Counsel has standing to bring this action. The question is now raised in the pleadings and it would be futile and impractical for the Court to base a decision on the question of standing for, inevitably, concerned protestants would immediately file a new proceeding. There is no allegation that the facts as determined by the County Board of Appeals in 1976 have changed, so it would be expected that upon reapportionment, the Elks could obtain a new special exception. Nevertheless, the Court is constrained to grant the relief prayed. The Courts have long held that due process requirements such as notice, hearing, and cross examination, are applicable to quasi-judicial proceedings by an administrative agency. Montgomery County, 244 Md., 585. The Court concludes that the last sentence of Regulation 502.3, is unconstitutional and void, in that it purports to give to the Zoning Commissioner the power to take actions affecting property rights of others without any notice or hearing and without any enunciated criteria for the exercise of the power. It should be noted that the regulation gives a party the right to appeal solely on the issue of the reasonableness of the time period specified during which the special exception is viable. To contend that the Zoning Commissioner could negate the action of the County Board of Appeals or any Court acting in an appellate capacity is completely untenable. The severability provisions of the Zoning Regulations permit the Court to strike down the last sentence of Regulation 502.3 without affecting the preceding provisions.
The Elks contend that there has been a failure to exhaust administrative remedies. The answer to this contention is that no administrative remedy is available to attack an order passed by the Zoning Commissioner back on May 23, 1977. It is argued that the complainant had constructive notice of the zoning records and regulations. Certainly, the complainant is charged with knowledge

no actual notice that the power purportedly given the zoning Commissioner had been exercised and to charge all interested parties with constructive notice of all ex parte acts by the Zoning Commission would be carrying the idea of constructive notice beyond acceptable limits. As counsel for the Elks points out, administrative practice of long standing can be utilized in construing a statute or regulation. Assuming, for the sake of argument, that there had been a long standing practice by the Zoning Commissioner granting special exception extensions without notice or hearing, the argument is of no help to the Elks, for this is not simply a matter of construing an ambiguous statute or regulation. An administrative practice cannot breathe life into a regulation that is constitutionally infirm.

As indicated in the oral argument, the equities of the case favor the Elks as against property owners who did not appeal a finding that they would not be adversely affected by the special exception: but this Court must adhere to applicable principles of constitutional law.

People's Counsel is directed to present to this Court for signature, a Decree in accordance with the foregoing.

John E. Rawitz
JOHN E. RAWITZ, JR.
COUNSEL

November 15, 1978

DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
AND VARIANCE

MARY AND LOUIS DIPASQUALE

Beginning at a point 750 feet southeast from the center line of Pulaski highway, on the north side of Mohrs Lane, and running the following courses and distances, north 23° 46' 30" east 277.10'; thence north 67° 22' 50", west 117.92'; thence north 23° 35' 20" east 392.12'; thence north 49° 21' 30" west 348.56'; thence north 40° 51' 20" east 313.52'; thence south 49° 08' 40" east 348.50'; thence north 40° 58' 50" east 143.88'; thence south 49° 01' 10" east 382.35'; thence north 27° 07' 50" east 116.24'; thence south 67° 31' 50" east 626.95'; thence north 29° 23' 20" west 662.31'; thence south 65° 36' 30" east 150.57'; thence north 29° 21' 20" east 614.36'; thence south 49° 04' 10" west 211.36'; thence south 40° 39' 40" east 649.90'; thence south 41° 19' 40" west 942.90'; thence north 40° 49' 40" west 255.26'; thence south 16° 59' 40" west 356.92'; thence north 66° 2' 40" west 778.95'; thence north 28° 12' 20" east 266.50'; thence north 66° 19' 10" west 196.40'; thence north 21° 56' 10" east 40.28'; thence north 69° 43' 10" 230.00' to the place of beginning. Containing 47.935 acres of land, more or less.

Mary K. Goff
MARY K. GOFF
CLERK

PETITION FOR SPECIAL HEARING

15th Election District

ZONING: Petition for Special Hearing
LOCATION: North side Mohrs Lane, 750 ft. Southeast of Pulaski Highway
DATE & TIME: Monday, January 16, 1984 at 11:30 A.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 to extend for an additional period of time not exceeding three years from November 11, 1983 within which the Petitioners shall be entitled to utilize the Special Exception obtained by Order of the Deputy Zoning Commissioner on November 12, 1981 for a trailer park in case No. 82-50-XA

Being the property of Louis DiPasquale, Jr., et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Law Offices
Michael P. Tanczyn, P.A.
118 West Penns/Avalon Ave.
Towson, Maryland 21284
(301) 206-8823
(301) 206-8824

February 22, 1984

Board of Appeals
Old Courthouse
Towson, MD 21284

RE: Louis DiPasquale, Jr., et ux
Case No. 84-176-SPH
Petition for Special Hearing
3/5 Mohrs Lane, 750' SE of
Pulaski Highway

Dear Sir:

I understand that the People's Counsel has taken an appeal in this matter from the Zoning Commissioner's Order granting a three year extension on the basis that in an earlier case, the provisions of the zoning regulations authorizing extensions was unconstitutional on the basis that it failed to give notice and chance to be heard to those persons who had been interested in the original Special Exception hearing.

Since both notice and hearing were given in this case and, as no one had appeared in opposition upon the granting of the original special exception including the People's Counsel who didn't appeal on either occasion, we are desirous of having this matter heard at the earliest possible date. As was brought out before the Zoning Commissioner, one of the plans to complete the special exception involved the sale of the property to another mobile home operator which was under negotiation at the time of hearing. Said negotiations cannot be completed so long as the question of whether the special exception was validly extended remained open.

I would appreciate it very much if you would schedule this matter for hearing as soon as possible. The Petitioner's case will take no more than fifteen minutes.

Very truly yours,

Michael P. Tanczyn

MPT/vm
cc: Theodore Potthast, Jr., Esq.
Phyllis Friedman, Esq.
Mr. and Mrs. Louis DiPasquale

Rec'd 2-23-84
11:20 am

IN RE: PETITION SPECIAL HEARING
 N/O of Mohr Lane, 750' SE of
 Pulaski Highway - 15th
 Election District
 Louis DiPasquale, Jr., et ux,
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 84-178-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a three-year extension of the period of time within which to utilize a special exception previously granted to them by Order of the Deputy Zoning Commissioner on November 12, 1981 in Case No. 82-50-XA.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

The property in question is currently zoned M.N., which is as a result of the 1980 Comprehensive Zoning Maps. In Case No. 82-50-XA, the Petitioners requested, and were granted, a special exception and variance in order to develop the site as a trailer park. Because of a restrictive covenant agreement entered into by the Petitioners and their neighbors on or about October 13, 1980, which is recorded among the Land Records of Baltimore County, the Petitioners are specifically restricted from developing the subject property in any way except as a trailer park. See Petitioners' Exhibit 3 in Case No. 82-50-XA. Due to a lack of funding, the Petitioners have been unable to utilize the special exception within the required two years; thus, the extension requested herein is required.

The Petitioners seek relief from Section 502.1, pursuant to Section 505.7, of the Baltimore County Zoning Regulations (BCZR).

After due consideration of the testimony and evidence presented, it is clear that the Petitioners are entitled to have the special exception granted in Section 82-50-6A extended.

ORDER RECEIVED FOR FILING

DATE January 23, 1984
 BY Louis DiPasquale, Jr.
 ADMINISTRATIVE ASSISTANT

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception should be extended.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23 day of January, 1984, that the relief prayed for in the Petition for Special Hearing to extend the time within which the Petitioners shall be entitled to utilize the special exception granted in Case No. 82-50-XA be and is hereby GRANTED, from and after the date of this Order, for an additional three years beginning November 12, 1983 and terminating November 12, 1986.

[Signature]
 Zoning Commissioner of
 Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COMMITTEE OFFICE BUILDING
 111 W. Pennsylvania Avenue
 Towson, Maryland 21284

January 23, 1984

Michael P. Tanczyn, Esquire
 118 West Pennsylvania Avenue
 Towson, Maryland 21284

RE: Item No. 112 - Case No. 84-178-SPH
 Petitioner - Louis DiPasquale, Jr.
 Special Hearing Petition

Dear Mr. Tanczyn:

Enclosed please find additional comments submitted after my original comments of January 10, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,
[Signature]
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC:bhc
 Enclosure

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21286

Zoning Item # 112 Zoning Advisory Committee Meeting of Nov 29, 1983

Property Owner: Louis D. Pasquale, Jr., et ux
 Location: N/S Mohr Lane District: 15
 Water Supply: public Sewage Disposal: public

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
 - () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 454-3715, to obtain requirements for such installation before work begins.
 - () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SE 20 1086 (1)
 64-178-112
 114

ORDER RECEIVED FOR FILING

DATE January 23, 1984
 BY Louis DiPasquale, Jr.
 ADMINISTRATIVE ASSISTANT

Zoning Item # 112
 Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property, or properly tankfilled.
- () Soil percolation tests have been conducted.
 - { } The results are valid until _____
 - { } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the suitability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 1317 of the Baltimore County Code, the water will yield test.
 - { } Shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- () Other Proposed facility must utilize metropolitan water and sewer, which is available to this site.

Prior to approval of a permit for a Mobile Home Park, applicant should contact the Estuary Environmental Services at 687-6280 regarding permit requirements. The proposed facility must comply with the Code of Maryland Regulation 10.03.23 governing construction equipment, sanitation operation and maintenance of Mobile Home Parks.

[Signature]
 Ian J. Forness, Director
 BUREAU OF ENVIRONMENTAL SERVICES

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15 Date of Posting: 2/14/84
 Posted for: Board of Appeals
 Petitioner: Louis DiPasquale, Jr., et ux
 Location of property: N/S Mohr Lane, 750' SE of Pulaski Highway
 Location of Signs: On Mohr Lane, adjacent to property
 Remarks: 3 fairly visible signs
 Posted by: Louis DiPasquale, Jr. Date of return: 2/18/84
 Number of Signs: 3

#84-178-SPH 15th District
 N/S Mohr Ln., 750' SE Pulaski Highway
 2 SIGNS
 Louis DiPasquale, Jr., et ux



County Board of Appeals of Baltimore County

Room 200 East Moss
 Gibson, Maryland 21201
 (301) 491-3180

April 3, 1984

Phyllis Cole Friedman
 People's Counsel
 Courthouse
 Towson, Md. 21284

Re: Case No. 84-178-SPH
 Louis DiPasquale, Jr.

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,
[Signature]
 Edith H. Eisenhart, Adm. Secretary

Enc.
 cc: Michael P. Tanczyn, Esquire
 Louis DiPasquale, Jr., et ux
 N. E. Gerbo
 J. G. Howell
 A. Jablon
 Dean M. H. Jung
 J. E. Dyer



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21284
 494-3353

ANNOUNCED
 ZONING COMMISSIONER

February 22, 1984

Michael P. Tanczyn, Esquire
 118 West Pennsylvania Avenue
 Towson, Maryland 21284

Re: Petition for Special Hearing
 N/S Mohr Lane, 750' SE of Pulaski Highway
 Louis DiPasquale, Jr., et ux - Petitioners
 Case No. 84-178-SPH

Dear Mr. Tanczyn:

Please be advised that an appeal has been filed by Phyllis Cole Friedman, People's Counsel for Baltimore County, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,
[Signature]
 Zoning Commissioner

AJ1aj

ARNOLD JARLON
ZONING COMMISSIONER

January 10, 1984

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
N/S Mohr Lane, 750' SE of
Palaski Highway
Louis DiPasquale, Jr., et ux - Petitioners
Case No. 84-178-SPH

Dear Mr. Tanczyn:

This is to advise you that \$54.52 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Sincerely,

Arnold Jarlon
ARNOLD JARLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 124085

DATE 1-16-84 ACCOUNT 01-615-000

AMOUNT \$ 54.52

RECEIVED FROM Mike Tanczyn
FOR 24-178-SPH Louis DiPasquale Jr.
Posting advertising

VALIDATION OR SIGNATURE OF CLERK

Notice for Special Hearing
1977 EDITION
ARTICLE 21
SECTION 10-101
PUBLIC HEARING
The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the petition of Louis DiPasquale, Jr., et ux for Special Hearing for N/S Mohr Lane, 750' SE of Palaski Highway, 15th Election District, Towson, Maryland, on January 16, 1984, at 11:30 A.M. in Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the petition of Louis DiPasquale, Jr., et ux for Special Hearing for N/S Mohr Lane, 750' SE of Palaski Highway, 15th Election District, Towson, Maryland, on January 16, 1984, at 11:30 A.M. in Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

BY ORDER OF
Arnold Jarlon
Zoning Commissioner
Of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 126888

DATE 2/21/84 ACCOUNT R-91-615-000

AMOUNT \$88.00

RECEIVED FROM People's Council
FOR Appeal on Case #4-178-SPH
(Louis DiPasquale, Jr., et ux)

VALIDATION OR SIGNATURE OF CLERK

The Times

Middle River, Md., Dec 29 1983

This is to Certify, That the annexed

Page

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 29th day of Dec, 19 83

S. J. W. J. Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 29, 1983

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. 21286-2000 of one time ~~times~~ before the 16th day of January, 1984, the 59th publication appearing on the 29th day of December 19 83.

THE JEFFERSONIAN,

D. J. ...
Manager

Cost of Advertisement, \$ 21.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 1/16/84

Posted for: *Michael P. Tanczyn, Esquire*

Petitioner: *Louis DiPasquale, Jr., et ux*

Location of property: *N/S Mohr Lane, 750' SE of Palaski Highway*

Location of Signs: *Posting on Mohr Lane, Palaski Highway*

Remarks: *Posting on Mohr Lane, Palaski Highway*

Posted by: *Arnold Jarlon* Date of return: 1/16/84

Number of Signs: 2

December 31, 1983

Michael P. Tanczyn, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
N/S Mohr Lane, 750' SE of
Palaski Highway
Louis DiPasquale, Jr., et ux - Petitioners
Case No. 84-178-SPH

TIME: 11:30 A.M.

DATE: Monday, January 16, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jarlon
Zoning Commissioner
Baltimore County

January 19, 1984

Michael P. Tanczyn, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Special Hearing
N/S of Mohr Lane, 750' SE of
Palaski Highway - 15th Election
District
Louis DiPasquale, Jr., et ux,
Petitioners
Case No. 84-178-SPH

Dear Mr. Tanczyn:

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

Sincerely,

Arnold Jarlon
ARNOLD JARLON
Zoning Commissioner

At/arl

Attachments

cc: People's Council

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 122923

DATE 1/17/84 ACCOUNT R-01-615-000

AMOUNT 100.00

RECEIVED FROM Mike Tanczyn
FOR 24-178-SPH Louis DiPasquale Jr.

VALIDATION OR SIGNATURE OF CLERK



PLAT TO ACCOMPANY
SPECIAL EXCEPTION FOR

MOBILE HOME PARK

DIPASQUALE PROPERTY
15TH ELECTION DISTRICT, MOHRS LANE
BALTIMORE COUNTY, MD.
47.9 ACRES - MH-IM ZONE - 185 UNITS
MAY 4, 1981 REV. AUG. 24, 1981

WALTER MARCEL, JR., P.E.
Civil Planner and Civil Engineer
4006 Chatham Road
Elliott City, Maryland 21073
Telephone 301-465-3913

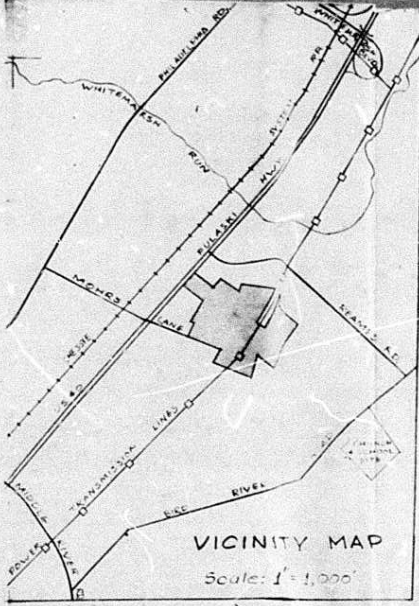


Walter Marcel, Jr.

N 22,000

VICINITY MAP

Scale: 1" = 1,000'



ML-IM Zone

ML-CS-1 Zone

MH Zone

BR Zone

Commercial Zone

BR-CS-1 Zone

Carlton Motel

Exist. Club

BR-IM Zone

ML-CS-1 Zone

ML-IM Zone

ML-IM Zone

Commercial Zone

House

ML-IM Zone

Harvey Salt Co.

ML-IM Zone

BR-CS-1 Zone

MOHRS

House

Storm Water Mgmt

Exist. Shed to Garage

Exist. House

RELY MANAGED BANDS AS AN ALTERNATE TO PROVIDING ACCESS

Emergency Access for Mobile Homes

Future Recreation Vehicle Storage Expansion

Recreation Vehicle Storage

House and Garag

Industry To Be Service Bldg.

Parking Area

Pools

Storm water Mgmt.

Walk

Storm Water Management

House

House

