



AFFIDAVIT

I, Geraldine Waldvogel Hopwood, 419 South Rolling Road, Catonsville, Maryland 21228, have been a lifelong resident of Catonsville, Maryland.

I am the daughter of the late Raymond F. Waldvogel, who owned 109 Smithwood, Catonsville, from at least the 1920's through 1944. We lived as a family in 109 Smithwood, until my father began making it into apartments.

While I was still a schoolgirl, approximately 1920 to 1930, my father began to convert 109 Smithwood into apartments. When he finished, about 1930, he had made two apartments on the first floor, two apartments on the second floor, and one apartment on the third floor.

About 1940 or 1941, my father made three apartments on the first floor by splitting a superior on the south side of the building. This made three apartments on the first floor, two apartments on the second floor, and one apartment on the third floor. It remained in that configuration until I moved away with my family in the Spring of 1944.

From late 1942 through 1943, I lived in the apartment on the southwest corner of the first floor. Then, there were three apartments on the first floor, two apartments on the second floor and one apartment on the third floor.

I believe my father then sold the building to a barber named Vince Provenza in 1944. From the fact that he added outside fire escapes to the building, I assume he added more apartments inside.

About 1930, we moved from 109 to 111 Smithwood when my father began making the apartments. We lived at 111 Smithwood until the Spring of 1944, when my family moved from Smithwood.

I have not been in the building since 1944; but, know that it has been used as an apartment house continuously since at least 1930.

I solemnly affirm, under the penalties of perjury, and upon personal knowledge, that the contents of the foregoing Affidavit are true.

DATE: 4/13/88

Geraldine Waldvogel Hopwood  
GERALDINE WALDVOGEL HOPWOOD

LAW OFFICES  
MCFARLAND, WEINKAM, O'CONNELL & MASTERS  
1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228 - 5029

April 13, 1988

J. Robert Haines  
Zoning Commissioner of Baltimore County  
Office of Planning and Zoning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case #88-365-SPH  
109 Smithwood Avenue

Dear Mr. Haines:

Enclosed is the Affidavit of Mrs. Hopwood. Thank you for your patience and courtesies in this matter.

Very truly yours,

Thomas J. O'Connell

TJO:cjm  
enc  
cc: Fred E. Jackson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer, Zoning Supervisor Date: 4/13/88  
FROM: James Thompson, Zoning Enforcement Coordinator  
SUBJECT: Item No. 211 (if known) Petitioner: Fred and Caroleen Jackson (if known)

VIOLATION CASE # C-88-451  
LOCATION OF VIOLATION 109 Smithwood Avenue  
DEFENDANT Fred and Caroleen Jackson ADDRESS 2845 Arden Avenue Baltimore MD 21237

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
John Foltich 110 Smithwood Ave 21228  
110 Smithwood Avenue

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

LAW OFFICES  
MCFARLAND, WEINKAM, O'CONNELL & MASTERS  
1002 FREDERICK ROAD  
CATONSVILLE, MARYLAND 21228 - 5029

March 10, 1988

J. Robert Haines  
Zoning Commissioner of Baltimore County  
Office of Zoning and Planning  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case #88-365-SPH  
109 Smithwood Avenue

Dear Mr. Haines:

At the hearing of this case on March 1, 1988, you granted me time to contact and interview a Mrs. Hopwood, reportedly the daughter of the owner of the property in 1942. She would have first hand knowledge of the existence of apartments, their location, and number.

I have contacted Mrs. Hopwood, by phone, and she is the granddaughter of the original owner, and the daughter of the man who put in the apartments. Her brother is also alive.

However, before I could personally interview them for an affidavit, I got the flu, had an allergic reaction to the medicine, and now have severe laryngitis from the allergy.

Therefore, I request a postponement of the submission deadline, so that I might talk with the Hopwoods and secure the affidavits.

Very truly yours,

Thomas J. O'Connell

TJO:cac

Thomas J. O'Connell, Esquire  
McFarland, Weinkam, O'Connell and Masters  
1002 Frederick Road  
Catonsville, Maryland 21228-5029

RE: Case #88-365-SPH  
109 Smithwood Avenue

Dear Mr. O'Connell:

I am in receipt of your letter dated March 10, 1988 regarding the above captioned matter.

Please be advised I will give you until Monday, April 11, 1988 to secure the affidavits.

I hope that you will feel better very soon and, if you need any additional information, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines  
Zoning Commissioner

JRH:trw

Mr. Robert Haines  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson, MD 21204

RE: Case #88-365-SPH  
NE/C Smithwood & Birdwood Aves.  
Petitioner - Fred Jackson, et. ux

Dear Mr. Haines:

Please be advised that I am no longer involved in the above referenced matter.

All future correspondence (i.e. comments, advertising costs, etc.) should be directed to Mr. Jackson.

Thank you for your attention in this matter.

Nicholas Commodari

NC:bac

IN THE MATTER OF \* BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL HEARING \* OF BALTIMORE COUNTY  
109 SMITHWOOD AVENUE \* Case No. 88-365-SPH

COMMISSIONER:

In accordance with the Zoning Act and Regulations of Baltimore County, Rules of Practice and Procedure of the Zoning Commissioner of Baltimore, Rule IV, C, 2, please issue a subpoena duces tecum to the Baltimore Gas and Electric Company, Custodian of Records, 39 West Lexington Street, Charles Center, Baltimore, Maryland 21203, for the following information:

All records pertaining to the installation of electric and gas service, electric meters and gas meters, as well as all accounts for which service was provided from 1930 to present for the property known as 109 Smithwood Avenue (NE corner Smithwood and Birdwood Avenues), Catonsville, Maryland 21228.

Please make the same returnable to Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, on TUESDAY, MARCH 1, 1988 at 1:00 p.m.

THOMAS O'CONNELL  
1002 Frederick Road  
Catonsville, Maryland 21228  
788-2300  
Attorney for Petitioner, Jackson

IN THE MATTER OF \* BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL HEARING \* OF BALTIMORE COUNTY  
109 SMITHWOOD AVENUE \* Case No. 88-365-SPH

COMMISSIONER:

In accordance with the Zoning Act and Regulations of Baltimore County, Rules of Practice and Procedure of the Zoning Commissioner of Baltimore, Rule IV, C, 2, please issue a subpoena duces tecum to the Baltimore Gas and Electric Company, Custodian of Records, 39 West Lexington Street, Charles Center, Baltimore, Maryland 21203, for the following information:

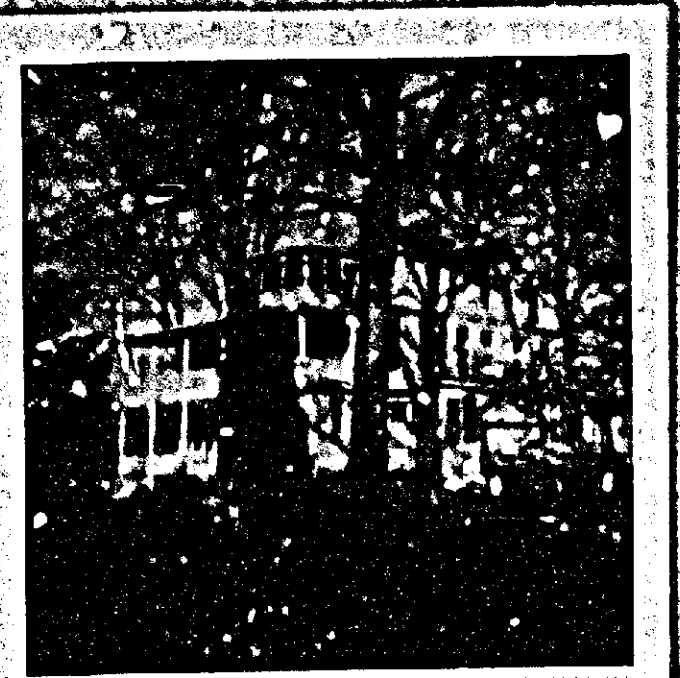
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Please make the same returnable to Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, on TUESDAY, MARCH 1, 1988 at 1:00 p.m.

THOMAS O'CONNELL  
1002 Frederick Road  
Catonsville, Maryland 21228  
788-2300  
Attorney for Petitioner, Jackson

109 Smithwood Ave  
file

PETITIONER(S) EXHIBIT (6)



NOTICE OF HEARING

Office of PATUXENT Publishing Company

THIS IS TO CERTIFY, that the annexed advertisement of Notice of Hearing - Case # 88-365-SPH

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, IN EQUITY

PATUXENT PUBLISHING COMPANY

To whom it may concern Having been a resident at 117 Smithwood Ave since 1921 I hereby state that 109 Smithwood Ave has been an apartment house since I was 12 years old. I am now 73. It has remained an apartment house ever since.

Isabel Enay Craig Absconded Refe No. Ct. Order Co, and Dec 17, 1987

PETITIONER'S EXHIBIT 5

Saturday December 5, 1987

To Whom It May Concern: Having been a resident at 112 Smithwood Avenue since 1951, I hereby state to the best of my recollection, that the property known as 109 Smithwood Avenue was an apartment house then, and has been ever since.

Lillian A. Hart

State of Maryland Baltimore County Filed with Notary Public 1/1/90

PETITIONER'S EXHIBIT 3

Baltimore County Zoning Commissioner

Mr. & Mrs. Fred E. Jackson

Re: Petition for Special Hearing Case number: 88-365-SPH

Dear Mr. & Mrs. Jackson:

Please be advised that \$67.90 is due for advertising and posting of the above-referenced property.

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

cc: Nicholas B. Commodari

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO: Zoning Commissioner

F. David Fields FROM: Director of Planning and Zoning

Zoning Petition Nos. 88-365-SPH, 88-342-SPH, SUBJECT: 88-370-SPH, 88-376-SPH, 88-377-SPH, 88-387-SPH

In view of the subject of this petition, this office offers no comment.

F. David Fields Director

cc: Mr. Shirley M. Hess, Legal Assistant, People's Council

AFFIDAVIT

I, Katherine D. Diehlmann, 2104 Oak Lodge Road, Catonsville, Maryland, 21128, have been a lifelong resident of Catonsville, Maryland.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

DATE 3/1/88 KATHERINE D. DIEHLMANN

PETITIONER'S EXHIBIT 2

AFFIDAVIT

I, R. PHYLLIS HOLTMAN, of 114 Smithwood Avenue, Catonsville, Maryland, 21128, have been a lifelong resident of Catonsville.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

R. PHYLLIS HOLTMAN 3/29/88

PETITIONER'S EXHIBIT 4

To Whom It May Concern

Having been a resident at 117 Smithwood Ave. since 1942 I hereby state that 109 Smithwood Ave. was an apartment house then, and has remained an apartment house ever since.

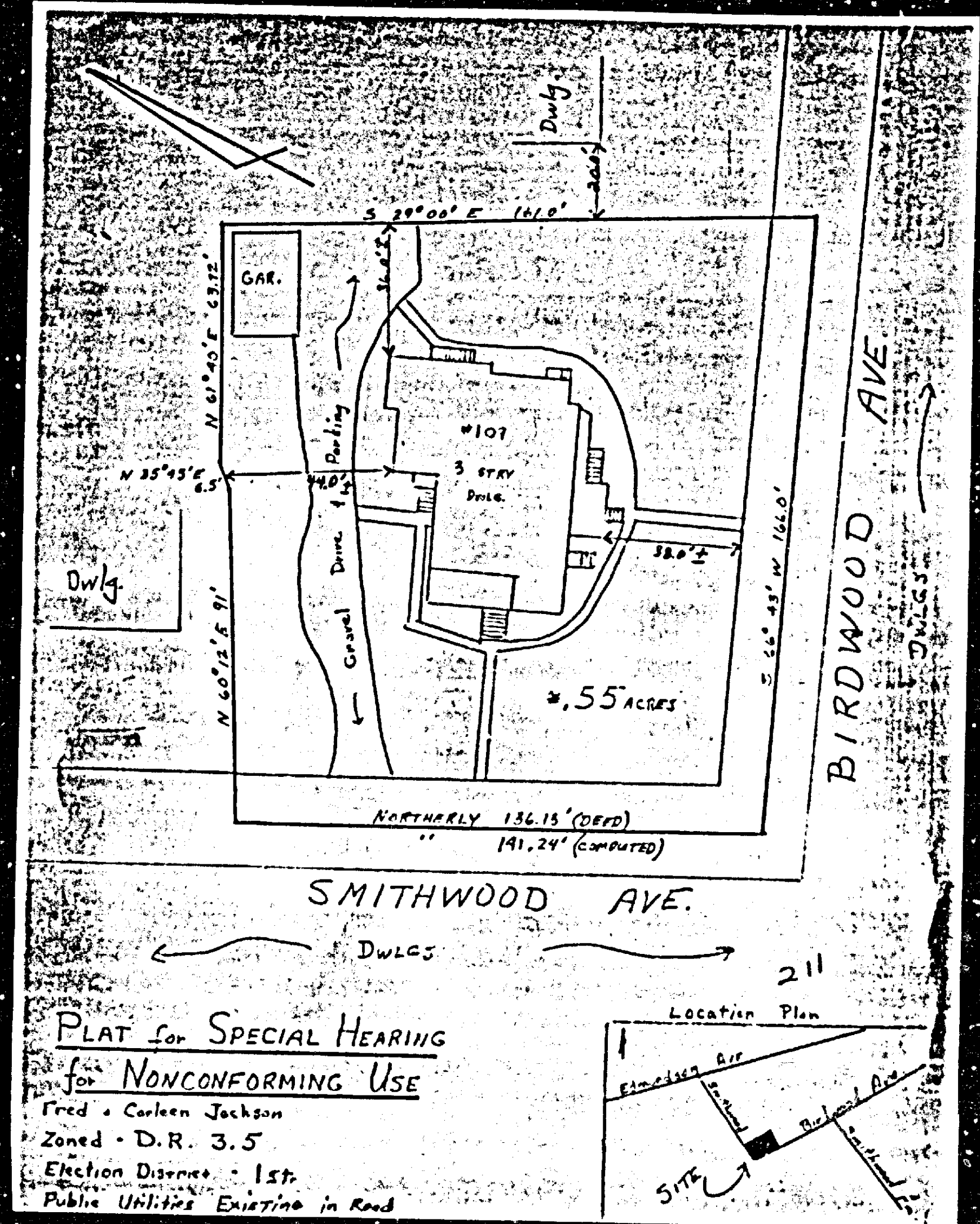
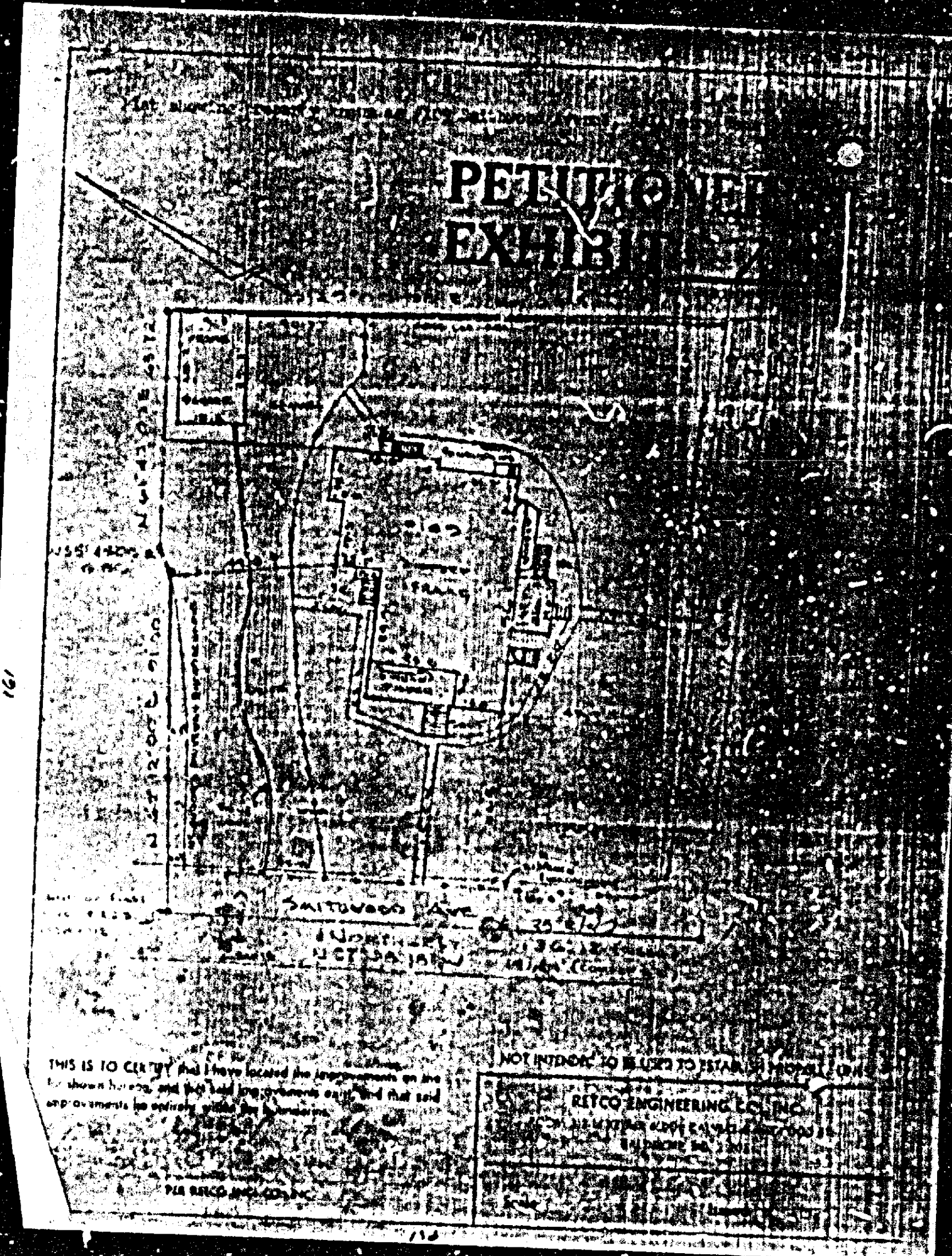
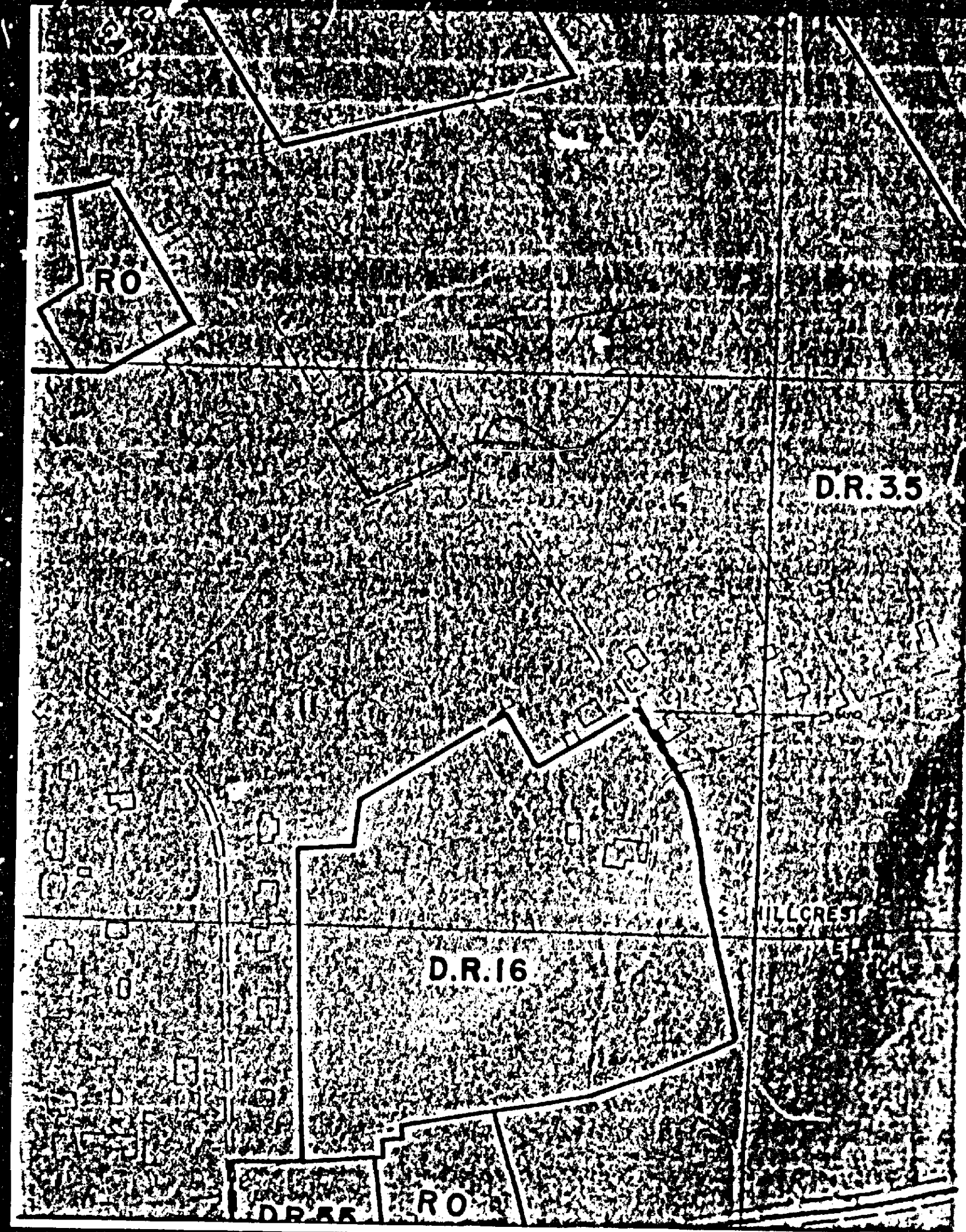
Sincerely,  
Carmen S. Delindelle

Submitted before At Balto. Co. Md.  
Dec. 17, 1987

Bernad Lopez  
My Office

My Commission expires 7/1/90

PETITIONER'S  
EXHIBIT 4



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

January 7, 1988



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 206, 208, 209, 210, 211, 213, and 214.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Associate II

MSP:sb

88-365-SPH

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 7th day of January, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner Fred E. Jackson, et ux  
Petitioner's Attorney  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3553

J. Robert Haines  
Zoning Commissioner

7848 Oakdale 2/2/87



May 6, 1988

Thomas J. O'Connell Esquire  
McFarland, Weinkam, O'Connell and Masters  
1002 Frederick Road  
Catonsville, Maryland 21228-5029

RE: Case # 88-365 SPH  
Petition for Special Hearing  
Fred E. Jackson, et ux, Petitioners

Dear Mr. O'Connell:

Pursuant to recent hearing held on the subject case, please be advised that your Petition for Special Hearing has been Granted, copy attached.

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

Very truly yours,  
J. Robert Haines  
ZONING COMMISSIONER

JRH:mm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 18, 1988

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

Mr. Fred E. Jackson  
7848 Oakdale Avenue  
Baltimore, Maryland 21237

RE: Item No. 211 - Case No. 88-365-SPH  
Petitioners: Fred E. Jackson, et ux  
Petition for Special Hearing

Dear Mr. Jackson:

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,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:kbb  
Enclosures

cc: Mr. Nicholas B. Commodari  
3607 Bonview Avenue  
Baltimore, Maryland 21213

Baltimore County  
Fire Department  
Towson, Maryland 21204-2506  
494-4300

Paul H. Remick  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

December 30, 1987



RE: Property Owners: Fred E. Jackson, et ux

Location: NE corner Smithwood and Birdwood Avenues

Item No.: 211

Zoning Avenue: Meeting of 12/15/87

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.
- (X) 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] Special Inspection Division

Noted and Approved: [Signature] Fire Prevention Bureau

/s/