IN RE: PETITION FOR SPECIAL HEARING
C/L of Golupski Road, 1130'
East of the Intersection of
Holly Neck Road & Golupski Road
(2300 Golupski Road)
15th Election District
5th Councilmanic District

George Zahradka, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-3-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a hauling and contractors equipment storage yard, including garbage trucks, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were the following: Joan Zahradka, Petitioner's mother; Margaret Zahradka; and Charles L. Feister, Dorothy Kahler, Martha K. Morgan, and Ronald C. Black, all residents in the vicinity. Appearing as Protestants were Mr. & Mrs. William Phillips.

Testimony indicated that the subject property, known as 2300 Golupski Road, consists of 77.5 acres more or less, and is zoned R.C. 5. Testimony indicated Petitioner's ancestors purchased the property in the early 1920s. Since that time, Petitioners' family has had various agreements with businesses to haul away their refuse in exchange for use of any edible waste to feed the livestock on the family's farm. Petitioners indicated that they had contracts with various companys, including but not limited to, Cross & Blackwell, a bakery, the A & P Foods Store, Scarlet Company, restaurants, taverns, distilleries, etc. Mr. Zahradka and his mother both testified that in the early years, the edible refuse was used

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as feed for their cattle while the remaining refuse was either burned or used for fill on the site. Petitioner testified that initially, carts and horse-drawn wagons were used for hauling purposes until the subsequent purchase of various types of trucks. Ms. Zahradka testified that to the best of her recollection the Petitioners owned approximately six trucks as well as tractors, loaders, and other equipment necessary to move the refuse from different locations on the farm in the 1930s. To further support her testimony, pictures were introduced.

Mr. Zahradka testified that he has lived on the property since his birth in the 1940s and first worked in the business in the late 1950s. He corroborated the testimony presented by his mother regarding the hauling of refuse and the storage of vehicles used in connection with the hauling business on the property. He indicated that as the nature of the refuse hauling and collection business changed in the 1950s, the unused garbage was hauled to landfill sites. Petitioner testified that in the mid 1960s, this business developed and intensified as contracts with grocery stores, restaurants, farms and other businesses were added and the number of trucks increased. He further indicated that in the late 1960s, a contract was executed with Baltimore County for hauling refuse and said contract has been annually renewed since. Mr. Zahradka indicated that the trucks and equipment used in the hauling business have been continuously stored on the subject property. He further testified that the trash picked up for Baltimore County is taken to a landfill using only those vehicles presently stored on-site.

To support his testimony, Petitioner submitted several exhibits including a letter from an insurance agent indicating the insurance of commercial vehicles used for hauling refuse since approximately 1957. In

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addition, Petitioner submitted as Petitioner's Exhibit 6, a compilation of 19 letters from various residents in the community verifying their familiarity with the property, the family being in the hauling business, and the use of the property for the storage of the vehicles use in the hauling business for various periods of time, ranging from 30 to 45 years.

In support of Petitioner's request, Petitioner argued that it is not expanding the hauling operation, and in fact, has agreed to limit the areas used for storage of the vehicles and equipment used in the business as set forth in Petitioner's Exhibit 1. Petitioner's counsel argued that the use of the subject property has been continuous and without interruption, and is not an expansion, but an intensification, which is permitted.

Mr. & Mrs. Phillips opposing testimony disagreed with Petitioner's recollection as to when they began hauling refuse from other businesses. Further, the Phillips argued that Petitioner's present use of the property differs from its original use and therefore is not entitled to a a nonconforming use status.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr.

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Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

> "A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

> "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 or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

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Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

> "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; 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. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

> "Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. In this instance, the testimony was clear that the subject property was used to haul refuse and store the vehicles and equipment involved in the business prior to 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject

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property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;
>
> (b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;
>
> (c) Does the current use have a substantially different effect upon the neighborhood;
>
> (d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

After due consideration of the testimony and evidence presented, it appears the property has been used continuously and without interruption for hauling refuse and the storage of contractors' equipment in connection with the refuse hauling business since prior to the zoning regulations becoming effective in 1945.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a hauling and contractors equipment storage yard, including garbage trucks, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The relief granted herein is limited to the hauling of refuse and the storage of the equipment used in the hauling refuse business on the subject property.
>
> 2) The storage yard is limited to the area designated as such on Petitioner's Exhibit 1.
>
> 3) Petitioner shall comply with the requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated June 14, 1988, attached hereto and made a part hereof.
>
> 4) The restrictions set forth herein shall in no way limit Petitioner's use of the subject property for farming and/or the storage of equipment used in connection with his farming operation.

A M Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 14, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: George Zahradka, Jr.
Zoning Variance
Item #381

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This property is located along Golupski Road approximately 1,130 feet from Holly Neck Road. The site is within the Chesapeake Bay Critical Area and is classified as Resource Conservation Area. The existing uses of the property are the following: farm, hauling including garbage trucks, office, contractors equipment storage yard, and residence on approximately 68 acres of land.

The Chesapeake Bay Critical Area Law states the following:

> "After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinance. If any use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedure outlined in COMAR 14.15.11." [COMAR 14.15.02.07A]

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. [COMAR 14.15.10(0)(1)(2)(3)]

BEFORE THE

ZONING COMMISSIONER OF BALTIMORE COUNTY

IN THE MATTER OF GEORGE ZAHRADKA, JR. AND JOAN AGNES ZAHRADKA PETITION FOR SPECIAL HEARING FOR NON-CONFORMING USE FOR HAULING (INCLUDING GARBAGE TRUCKS) AND CON- TRACTOR'S EQUIPMENT STORAGE YARD	: : : : :	CASE NO. 89-3-SPH

OPPONENT WILLIAM B. PHILLIPS' REPLY
TO
MEMORANDUM OF PETITIONERS

William B. Phillips (hereinafter called "Opponent", and next-door property owner and neighbor of George Zahradka, Jr. and Joan Agnes Zahradka) submits this memorandum in Reply to Memorandum of Petitioners filed in this matter on August 12, 1988.

Even though Opponent did not actually make his residence at 2229 Phillips Road permanent until approximately 1941, he, together with the other members of his family, came down to the property since he was five years old, or about 1920, before the Golupski family owned the property.Opponent recollects that the later so-called "Golupski Farm" was occupied by a black family, which family rented the farm from a Mr. Schluderberg who later sold the place to Paul Golupski, father of Mrs. Margaret Zahradka. Mrs. Margaret Zahradka and her husband George lived on a waterfront property owned by her father and

did not return to the Golupski Farm until her father remarried, his former wife having died. Mrs. Zahradka then purchased the property from her father, and thus it became known as the "Zahradka Farm".

Mrs. Margaret Zahradka's recollection seems to be rose colored insofar as many facts are concerned, particularly as far as their owning six (6) trucks. My recollection is that they owned one (1) truck only. It is true that they used a tank for distillery mash on the truck body, but when the truck was needed for other hauling or farm use, they removed the tank by means of a chain fall. There were no special trucks assigned to various companies, since there was only the one truck on their farm. The Memorandum of Petitioners states " ... but were sometimes paid to take the refuse away". [Italics supplied.] This certainly seems to prove there was no business contract between the Zahradkas and the various companies to which they referred, because if there were, it seems she would have been paid whenever she removed "goods", and not "sometimes".

While I do not know the exact age of George Zahradka, Jr., he must have been born about 1946. The Memorandum of Petitioners states " ... he began working in the business extensively, driving trucks, hauling garbage and burying or burning refuse during the 1950's". [Italics supplied.] Figuring up to the year 1960, this would have made George Zahradka, Jr. 12 or 14 years old, and to my recollection no one in Maryland was ever granted a

license to drive a truck or any other motor vehicle under 16 years of age. Originally, the whole area down here was known as "Idlewood", and the property which now makes up the Zahradka Farm plus several other individual properties was known as "Longworth Farm". The company "Longworth Refuse" was not incorporated in the State of Maryland until May 16, 1977. My recollection is that he began using this name in the late 1960's when the first garbage trucks were secured by the Zahradkas for pick-up of County refuse, and not the 1950's.

If Mr. Zahradka "was paid for the hauling" when it appears that he was not old enough to obtain a driver's license, there seems to be some discrepancy in the recollection of the facts. As far as "earth moving equipment such as front end loaders, tractors, shovels and crawlers" being used to move garbage, they had none of this equipment in the early days, but used one farm tractor with a manure fork on the front.

In the late 1960's when the contract with Baltimore County was executed, to the best of my knowledge, information and belief this was the first real garbage and trash hauling business they ever entered into. It was from this time on after the initial purchase of one truck, and shortly thereafter two more, that the garbage trucks were stored on the Zahradka Farm property, and since that time other garbage trucks and large trash dumpsters have been stored on the property as well. This was, however, as stated, in the late 1960's and early 1970's,

and is a long way from having had them there before 1945. As far as all the contracts which both Mrs. Zahradka and George Zahradka, Jr. claim to have had with various companies, it would be nice to have copies of these contracts entered in these proceedings as exhibits, and, absent these, to have the names of the persons at the various companies with whom the contracts were negotiated so that confirmation of this vital question could be made.

Reference is made to an exhibit which Petitioners entered in these proceedings from an insurance agent "which indicated that commercial vehicles had been insured at Golupski Road at least as far back as records exist or for over thirty (30) years". This could possibly refer to the one all purpose truck. "Over thirty (30) years" would refer back to about 1955, still many years past 1945.

As far as Mrs. Morgan's testimony, she is correct that "Slop, offal and garbage had been hauled from various places to feed the pigs and cattle since she could recall". This, however, was not commercial business, but only for their own personal use.

Memorandum of Petitioners is in error when they refer to my having testified "that the business had greatly intensified from the time when the Zahradka family used the garbage to feed the livestock". Their business intensified after they

executed the agreement with Baltimore County to haul garbage and trash.

As far as the "Discussion" in Petitioners' Memorandum is concerned, most of it seems to be grossly exaggerated. For example, "hundreds of swine" should be more like approximately 25 to 50 swine, and I doubt the number ever reached 50. Back in the 1920's, 30's and 40's many people were after free grains and bakery goods and had to stand in line to wait their turn to receive it. There was no garbage hauling by the Zahradkas until the late 1960's, not as early as 1920, unless it was to dispose of their own garbage, which we all had to do since there was no County collection at that time. The fact that they had to dispose of their own garbage, as did everyone else, certainly does not put them in the category of having a commercial garbage collection and/or trash hauling business.

On page 6 of Petitioners' Memorandum, I do not know what is meant by the phrase, at the beginning of the first full paragraph on that page, "As the kind of garbage changed ... ". [Italics supplied.] Garbage is garbage, any way you look at it. And it is implied that refuse was brought to their farm for disposal. To my knowledge, the only refuse they ever brought to their farm was something they could make use of or feed to the animals, which could, I suppose, be referred to as "disposal" of a sort. Their discussion is so garbled it could easily

confuse and mislead the reader. They seem to be intertwining events of the 1920's, 1930's and 1940's with events as they have operated recently and are now operating today.

The only equipment stored on their property has been their own farm equipment such as a mule, a tractor with a manure fork, a plow and a disk harrow in the early years, and, more recently in the 1970's and 1980's, a bulldozer, front end loader, several tractors and the previously referred to garbage trucks and trash dumpsters.

I am not a lawyer and, therefore, have no way to present cases to support my position, but I would like to make a few comments on several cases cited in Petitioners' Memorandum.

> "A distinction has been made wherein the courts have determined maintenance and intensification of an existing use is permissable but drastic change in the character of the use as to become a wholly new use is impermissible."

Petitioners' Memorandum recites the above and then cites Phillips v. Zoning Commissioner of Howard County, 225 Md. 102, 169 A.2d 410 (1961), wherein the Commissioner found that a furniture business and used car lot could not be converted to a full fledged junk yard because "The change was not as here one of a technological evolution, but was one use to another not even related.". Certainly starting a garbage collection and trash hauling business and contractor's equipment yard, whether

rental or otherwise, in a residential neighborhood, is not related to an individually run farm, but is a "drastic change in the character of the use ... [and] is impermissible". In In Re Gussies, Inc., 84-226-SPH, also quoted in Petitioners' Memorandum, the catch phrase, in finding for Gussies, is "since prior to 1945". [Italics supplied.] In the present case, no commercial garbage collection, trash hauling business or contractor's equipment yard was ever undertaken by them until approximately the late 1960's. As previously stated, the company "Longworth Refuse" was not incorporated in the State of Maryland until May 16, 1977.

As to the statement that Petitioners "have the most interest in a clean operation", when Gary Freund of the Zoning Commission came down to check Petitioners' property, he took pictures at that time which will reflect that it looked like a "dump" and, in fact, he cited it as such in the Citation served on the Petitioners. The pictures which I submitted at the trial will also bear this out and are quite a contrast to the pictures submitted by Petitioners which were taken solely for their own advantage.

At the hearing held on July 15, as I quickly scanned through the letters written on Petitioners' behalf, what stood out forcefully was the fact that most of the people who wrote letters were not residents of this neighborhood and, therefore, would not be affected by the garbage trucks, trash dumpsters

or by a contractor's equipment yard. Most of the people living closest to the farm who wrote letters for Mr. Zahradka were his relatives.

Petitioners contend that they are seeking nothing different in applying for a non-conforming use to keep their garbage trucks, trash dumpsters and a contractor's equipment yard on their property. It is true that they have been keeping these trucks, dumpsters and equipment on their property since the late 1960's, which operation was against the Zoning Regulations since they had no permit all these years for such an operation. The fact remains the Zoning Board has zoned this area as a residential area and under the Zoning Regulations no garbage trucks, trash dumpsters or a contractor's equipment yard should be allowed on it if it was not there before 1945. I contend that it was not there before 1945 and feel that if all of the facts and circumstances are taken into consideration, one cannot help but arrive at the same conclusion. If allowed, it will only depreciate my property to a very damaging extent.

Respectfully submitted,

William B. Phillips
William B. Phillips, Opponent

While I cannot check many of the dates and facts in this Reply Memorandum, according to my best recollection I acknowledge them to be true and correct.

William B. Phillips
William B. Phillips

SUBSCRIBED AND SWORN to before me this 23rd day of August, 1988.

Notary Public

WILLIAM B. PHILLIPS
2229 Phillips Road
Baltimore, Maryland 21221

Telephone: [301] 686-7163

August 23, 1988

Ann Nastarowicz, Deputy Zoning Commissioner,
Zoning Commission of Baltimore County,
Room 109 County Office Building,
Towson, Maryland 21204.

Dear Commissioner Nastarowicz:

Re: In the Matter of George Zahradka, Jr. and Joan Agnes Zahradka - Petition for Special Hearing for Non-Conforming use for Hauling (Including Garbage Trucks) and Contractor's Equipment Storage Yard - CASE NO. 89-3-SPH

I am enclosing my Reply Memorandum to Memorandum of Petitioners which was filed in this matter on August 12, 1988 in the above entitled matter. I have sent you one copy by certified mail and another copy by straight mail so that you will be sure to receive one or the other within ten (10) days from my receipt of the Memorandum of Petitioners, which occurred at midday on Monday, August 15, 1988.

Thank you for your consideration in this matter.

Respectfully,

William B. Phillips

William B. Phillips

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Encl.
c/c by Certified Mail

c/c Enclosure only to:
John B. Gontrum and Jean K. Tullius, Esquires,
Irvington Federal Building,
809 Eastern Boulevard,
Essex, Maryland 21221.
(Attorneys for Petitioners)

IN THE MATTER OF GEORGE ZAHRADKA, JR. AND JOAN AGNES ZAHRADKA SPECIAL HEARING TO ESTABLISH NON-CONFORMING USE OF HAULING (INCLUDING GARBAGE TRUCKS) AND CONTRACTOR'S STORAGE YARD ON GOLUPSKI RD.	: BEFORE THE : ZONING COMMISSIONER : OF : BALTIMORE COUNTY

. . . .

MEMORANDUM OF PETITIONERS

STATEMENT OF CASE

George Zahradka, Jr. and Joan Agnes Zahradka petitioned the Zoning Commissioner of Baltimore County for a Special Hearing to determine a non-conforming use on a 77.5 acre parcel of land on Golupski Road of hauling (including garbage trucks) and of a contractor's equipment storage yard. The Petition was accepted for filing May 4, 1988. A hearing was held before the Deputy Zoning Commissioner on July 15, 1988.

STATEMENT OF FACTS

The Petitioner's family has lived on the subject parcel of property since the early 1920's. At that time the property was used fully as a farm. Golupski Road was named after a portion of the family. Testimony indicated that since the 1920's Petitioner's mother entered into agreements with various businesses to haul away their refuse so that a portion of it could be used to feed the pigs and the cattle on the Zahradka farm. These agreements were with distilleries and seed companies among others who had to dispose of the unsalable and unusable refuse.

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Mrs. Zahradka testified that initially carts and horsedrawn wagons were used for hauling purposes on the farm and trucks were acquired later and assigned to the particular accounts. She recalled using six (6) trucks in the 1930's and 1940's. The trucks were for different purposes. One truck was a tank truck for used distillery mash, another truck was for Ramsay Scarlett and Company, seed merchants, yet another was assigned to a bakery company for used bread. Two trucks were used for hauling of vegetables, produce, garbage and employees to and from the market and commissaries. The last was used for general hauling of palettes, chips and refuse from a soap factory. Once the refuse was given to the animals, the discarded portion was moved by tractors, loaders to other parts of the site to be burned or buried. Mrs. Zahradka testified that the family would not pay for the "goods", but were sometimes paid to take the refuse away and were using the refuse in lieu of purchasing feed for the pigs and cattle. The inedible trash was either burned or used as fill on the site. All of the vehicles, the trucks and the equipment, were stored throughout the farm.

George Zahradka testified that he began working in the business extensively, driving trucks, hauling garbage and burying or burning refuse during the 1950's. By the late 1950's the name of the refuse operation was given as Longworth Refuse.

Mr. Zahradka corroborated Mrs. Zahradka's prior testimony. Much of the garbage was used for feeding the several hundred swine and the cattle on the farm. The rest was burned or used as landfill. Contracts for hauling existed with Crosse & Blackwell, Rice's Bakery, A & P and Scarlett Company, in addition to other commissaries, restaurants, a tavern, a distillery, a soap factory and other places. Mr. Zahradka testified that in addition to the use of the edible refuse he was paid for the hauling. Mr. Zahradka further testified that the vehicles were stored throughout the site when not being used.

Mr. Zahradka stated further that to move the garbage around the property, earth moving equipment such as front end loaders, tractors, shovels and crawlers were used. As the nature of the garbage hauling and collection business changed in the late 1950's the unused garbage was hauled to landfill sites.

In the mid-1960's the business evolved and intensified as contracts with commissaries, grocery stores, farms and others were added and the number of trucks increased to seven. In the late 60's, a contract was executed with Baltimore County for trash hauling and has been continually renewed yearly since that date. Trucks and equipment have been stored on the subject property for the duration.

In addition to oral testimony Petitioner submitted several exhibits including a letter from an insurance agent which indicated that commercial vehicles had been insured at Golupski Road at least as far back as records exist or for over thirty (30) years.

Mrs. Morgan, a neighbor since 1938, also testified for Petitioners. She was very familiar with the site and with the use of the property for hauling and storage of trucks. Slop, offal and garbage had been hauled from various places to feed the pigs and cattle since she could recall. She testified that the property had been used for the storage of trucks and equipment since she became a neighbor.

In opposition to the Petition Mr. Phillips testified that he too had been a neighbor of the Zahradka's since the early 1930's and that there were never five or six trucks used in the trash hauling business at that time. He felt that the business had greatly intensified from the time when the Zahradka family used the garbage to feed the livestock and objected to the numerous buildings and sheds on the site.

DISCUSSION

The Zahradka property has had multiple uses over the last sixty (60) years. It has been continuously used over this time by the family to present as a farm. The nature of the farming activity though has changed dramatically. Over the years the livestock operation intensified, and numerous hogpens were built to accommodate the hundreds of swine which

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occupied the site. In addition, there were pastures for cattle. Much of the feed for the livestock was brought in from off-site through a refuse hauling operation by the family in vehicles which were stored on site. Businesses were anxious to give up seed husks and used mash and stale bread along with containers etc., and rather than purchase feed the Zahradkas entered into oral contracts to haul the refuse from the businesses to the farm for disposal. The farm evolved and today there are some fowl and horses, but most of the pigs and cattle are gone. The fields are used primarily for grain or hay production for sale.

The garbage hauling operation also has occupied the site since the 1920's. This use has been intertwined with the farm. This use has also evolved. Where initially horses and wagons were stored on the site, through time trucks, tractors and loaders were stored on the site. A symbiotic relationship generated between the farm family and businesses whereby the Zahradkas' were able to feed the livestock and the businesses were provided with a reliable system of waste disposal. In those days there were no landfills or public trash hauling services. Most of the garbage was edible, and all of it was readily disposable by fire or by organic fill. Vehicles, trucks and equipment were needed and dedicated to the various companies for removal of the waste. As Mr. Zahradka stated this was the common method of trash disposal. Most garbage routes started with farmers seeking an inexpensive way of

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feeding their stock. They had the trucks and equipment to dispose of it. They had a storage site for the trucks and equipment.

As the kind of garbage changed and the quantity needed changed to feed the growing number of livestock on the farm, bigger and more sophisticated equipment was used. The garbage was disposed all over the site as some was plowed back into the fields and some was burned. Equipment to move the refuse such as crawlers, shovels and front end loaders was also used. In addition, businesses were willing to pay to have the refuse hauled away.

As the livestock use of the farm declined, the trash hauling continued but rather than bring the refuse to the site for disposal, it was now disposed of at landfills and other sites. The area occupied by the refuse hauling storage site could now be confined to that area by the barn and to the Northwest of the barn. The site plan submitted by Petitioner actually restricts a portion of the site to the storage of the vehicles for hauling and equipment. Over the years the entire site had been dedicated to disposal of the refuse through burning, storage and fill. Now with the refuse being hauled directly from the contracting parties to off-site disposal the property as a whole is less occupied for this use. The area designated for the storage of the trucks and equipment has been restricted.

Another use of the property has been that of equipment storage. Both farm equipment and equipment that would now be classified as "contractor's equipment" has been stored and used on the site. The difference between the two categories is often indistinct. Some farmers use front end loaders, tractors, crawlers and shovels, extensively depending on the kind of operation which is being conducted. The equipment also is used for other jobs in the community and sometimes for other farms which are leased or owned. Economically, it would not be practicable to have this equipment serve seventy-seven (77) acres on this farm. Its origination came largely from the garbage hauling operation as well as the disposal of the manure from the livestock. Although the actual storage of the equipment on the site has shifted from time to time, the area designated on the site plans adjacent to the site of the hogpens was the area most frequently used by the family for storage.

It is also clear that the kind of equipment stored on the farm is limited. No cranes or derricks or heavy equipment were used, but trucks, loaders, shovels and crawlers have continuously since the mid-1940's been stored on the site. The non-conforming use plat limits the area of the storage and coupled with compliance with comments of the Department of Environmental Protection improves and lessens the impact of the storage and use.

It is well-settled that a non-conforming use may intensify, but it may not expand to include additional area nor may the character of the use change. See e.g., Jahnigen v. Staley, 245 Md. 130, 225 A.2d 277 (1967); Feldstein v. LaVale Zoning Board, 246 Md. 204, 227 A. 2d 731 (1967). What constitutes "intensification" as opposed to extension or change in character is a factual determination. Phillips v. Zoning Commissioner of Howard County, 225 Md. 102, 169 A.2d 410 (1961). Here, the facts show that the use of hauling and equipment storage yard may have intensified but has not expanded or extended. If anything the opposite is true.

An expansion of area, for example, appears to be almost always an impermissible extension of the use. Jahnigen v. Staley, 245 Md. 130, 225 A. 2d 277 (1977). On the other hand an increase in volume handled on the site or an increase in the number of vehicles used does not appear to be impermissible. In Jahnigen, supra, the non-conforming use could add boats for rental, but could not extend piers where none had previously existed, nor could new uses for the existing facilities occur. In Feldstein, supra, an increase in an existing heap of scrap metal was intensification not extension and the Court distinguished cases where additional buildings were sought or where the non-conforming use extended to new areas. The Court in Feldstein further cited as supportive of an increase in quantity being mere intensification the case of Green v. Garrett, 192 Md. 52, 63

A.2d 326 (1949), where a stadium used for football had the additional usage of baseball added, and the Court found that the change was one of quantity of attendance, not of character of use. See also Nyburg v. Solmson, 205 Md. 150, 106 A.2d 483 (1954).

A distinction has been made wherein the courts have determined maintenance and intensification of an existing use is permissable but drastic change in the character of the use as to become a wholely new use is impermissible. In Phillips v. Zoning Commissioner of Howard County, 225 Md. 102, 169 A.2d 410 (1961), the Court found that a second hand furniture business and used car lot could not be converted to a full-fledged junk yard. The change was not as here one of a technological evolution, but was one use to another not even related. Change of technology or equipment is not an extension of use. Borough of Cheswick v. Beachman, 42 A.2d 60 (Pa. 1945). Nor is the change of one use to another intrinsically related within the same area such a change of use as to be impermissible. In at least two previous cases in Baltimore County the Zoning Commissioner has allowed varying uses of the same character within the same area. In Re Gussies, Inc., 84-226-SPH, the Zoning Commissioner found that a non-conforming use for a small retail center existed where various retail uses had occupied the same building continuously since prior to 1945. The fact that the specific uses had changed did not alter the fact that the overall

character of the non-conforming use had not changed. In Re Celmer 1355 Riverside Drive, another Zoning Commissioner determined that numerous uses had occupied different areas from time to time of the same site and approved all of these uses for the site since the essential character of the site had not changed.

In this case, conforming uses of farming, and residence have pre-dated the zoning regulations. If the garbage hauling and equipment storage which without question occurred prior to 1945 and which occupied the site is seen as intertwined with the farming use then clearly the garbage hauling and equipment storage which exists today would be the same in character. It is true that the garbage hauling served the Zahradka family initially through its relationship to the farm as did the equipment storage serve the garbage use. The essential character of the use remains the same.

Prior to 1945 the area designated on the site plan was used by Petitioners for storage and repair of vehicles used solely by them for hauling refuse from off-site. Contracts then and now exist to haul refuse. The relationship between the vehicles, buildings and area and with the contracting parties has not changed. Vehicles used for hauling and moving trash have been continually and uninterruptedly stored at the same location on the property. Employees have come to the site to drive the vehicles and haul the trash. A nonconforming use is not likely to remain static. Here the

distinction is that the trash is no longer being hauled to the site but rather to other sites. The compensation also has changed.

Since the Zahradkas are no longer in the livestock business the incentive for them to haul the trash of others has changed to direct payment. The change in disposal of the trash and garbage, if anything, has served to lessen the intensity of use of the entire property to the hauling business. The change in the compensation reflects only a historical one that occurred extrinsically and in spite of the Zahradka's.

No one would question that the property also has maintained its character as a farm even though the emphasis has shifted from livestock to crops. This is not a different use where a trash hauling business has become a junk yard or has become a used equipment dealership, nor is it a case of a farm where crops were raised until the owner decided to start a whole new business operation. These conversions would be inconsistent with present zoning regulations. The uses for which non-conforming use status is sought have clearly been in existence on this site since prior to the enactment of the zoning regulations. This case clearly falls within the line of cases permitting an increase in volume over the same defined area. The Petitioner is not seeking different equipment storage from what has occurred in the past, only continuation of a designated area in which to locate it. The

Petitioner is not seeking a new area to locate garbage trucks but only the approval to continue to use the area in and around the barns as indicated on the site plan for the trucks and equipment. The Petitioner is not seeking to expand the hauling operation to non-garbage or trash hauling such as UPS or truck terminal activities; these uses involve different kinds of equipment, storage and are not related to the garbage hauling business for which the property has been utilized.

If one considers the usage of the property over the years with respect to the neighbors, the current usage truly has to be less intense than that which previously existed. When garbage was being hauled daily to the site and stored for feed for hundreds of swine and cattle, the impact olfactory and otherwise on other properties had to be intense. No longer is garbage taken to the site. The farm can accommodate livestock but now only in the context of the critical area requirements. Now only the equipment remains and the trips to and from the site, and for this the sites are ideally located as no residences other than that of the Petitioners are affected, and they have the most interest in a clean operation. The Petitioners would be willing to abide by the landscaping suggested by the Environmental Department as well as best management practices in the maintenance of the facilities.

SUMMARY

In conclusion Petitioners believe that sufficient evidence to establish a legal, non-conforming use of garbage hauling and equipment storage has been presented. It is uncontroverted that such use has been continuous and uninterrupted since 1945 in the areas designated on the site plan.

Respectfully submitted,

John B. Gontrum, Attorney for Pet.

Jean K. Tullius, Attorney for Pet.

Exhibit #

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

Dennis F. Rasmussen
County Executive

June 14, 1988

George Zahradka, Jr.
2300 Golupski Road
Baltimore Maryland 21221

Dear George

I am pleased to inform you that the Administration recommended in the spring of 1988, a 4% across-the-board pay increase for each refuse collector. The County Council approved this increase in the new FY 1989 budget, to become effective on July 1, 1988. As usual, we have applied that 4% increase directly to your unit rate.

Below is shown your old rate and annual compensation and your new rate and annual compensation, effective July 1, 1988.

42 ZAHRADKA, G.

Old Unit Rate:	$ 51.05
Old Annual Compensation:	$ 351070.85
New Unit Rate:	$ 53.09
New Annual Compensation:	$ 365099.93

Sincerely yours,

Charles X. Weiss, Chief
Bureau of Sanitation

CKW:ms

PETITIONER'S EXHIBIT 5

C
O
P
Y

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

Dennis F. Rasmussen
County Executive

December 18, 1987

GEORGE ZAHRADKA JR.
2300 GOLUPSKI RD.
BALTIMORE MARYLAND 21221

I am pleased to inform you that the Administration recommended in the spring of 1987, a 4% across-the-board pay increase for each refuse collector. The County Council approved this increase in the new FY 1988 budget to become effective on January 1, 1988. Therefore, we have applied that 4% increase directly to your unit rate.

Below is shown your old rate and annual compensation and the new rate and annual compensation, effective January 1, 1988.

42 ZAHRADKA, G.

Old Unit Rate:	$ 49.09
Old Annual Compensation:	$ 337591.93
New Unit Rate:	$ 51.05
New Annual Compensation:	$ 351070.85

I would like to extend my personal wishes for a Merry Christmas and a Happy New Year to you, your family and your employees.

Sincerely yours,

Charles K. Weiss, Chief
Bureau of Sanitation

CKW/ms

BALTIMORE COUNTY

TRANSMITTAL MEMO

TO Frank Smith

FROM Madeleine Selpp DATE 6/26/87

SUBJECT

Can you please handle this for Mr. Zahradka?

Thanks.

FOR YOUR	COMMENTS	TAKE APPROPRIATE ACTION		
	INFORMATION	INVESTIGATE AND REPORT		
	APPROVAL	SUBMITTED PER YOUR REQUEST		
	SIGNATURE	SEE ME	DATE	
	TRANSMITTAL		A.M.	P.M.
NOTE AND	FILE		AS SOON AS POSSIBLE	
	RETURN TO ME		AT YOUR CONVENIENCE	
PREPARE REPLY FOR	MY SIGNATURE	NEED BY	DATE	
	YOUR SIGNATURE		A.M.	P.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Gene L. Neff

Date February 25, 1987

FROM Charles K. Weiss

SUBJECT Residential Refuse Collection Route #- 42
George Zahradka, Jr.
2300 Golupski Road
Balto., MD 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	204		6,877
Unit Rate	$49.09		
New Compensation Annual	$337,591.93		
Bi-Weekly	$ 12,984.30		
Effective Date	February 17, 1987		

It is recommended that the above revision(s) be made on this route.

GENE L. NEFF
Acting Director of Public Works

CHARLES K. WEISS
Chief, Bureau of Sanitation

(Signed) William F. Laudeman
William F. Laudeman
Deputy Director of Finance

APPROVED:

B. MELVIN COLE
County Administrative Officer

RECEIVED
MAR 17 1987
BUREAU OF SANITATION
Per

CKW/ms

CC: B. M. Cole
S. Guild
G. L. Neff
J. Markley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Harry J. Pistel

Date November 4, 1985

FROM Charles K. Weiss

SUBJECT Residential Refuse Collection Route # 42
George Zahradka, Jr.
23 Golupski Road
Balto., MD 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	108		6,673
Unit Rate	$46.76		
New Compensation Annual	$312,029.48		
Bi-Weekly	$ 12,001.13		
Effective Date	November 13, 1985		

It is recommended that the above revision(s) be made on this route.

Original Signed By
H. J. PISTEL
HARRY J. PISTEL
Director of Public Works

CHARLES K. WEISS
Chief, Bureau of Sanitation

(Signed) Annette Grim
ANNETTE GRIM
Director of Finance

APPROVED:

B. MELVIN COLE
B. MELVIN COLE
County Administrative Officer

CKW/ms

CC: B. M. Cole
A. Grim
G. L. Neff
~~S. Powell~~ J. Markley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Harry J. Pistel

Date November 13, 1984

FROM Charles K. Weiss

SUBJECT Residential Refuse Collection Route #42
George Zahradka, Jr.
2300 Golupski Road, Balto., Md. 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	102		6,565
On-route mileage (weekly)	4.4		220.4
Off-route mileage (round-trip/load)			
New Compensation Annual	$314,851.43		
Bi-Weekly	$ 12,109.67		
Effective Date	November 14, 1984		

It is recommended that the above revisions be made on this route.

Original Signed By
H. J. PISTEL
HARRY J. PISTEL
Director of Public Works

CHARLES K. WEISS
Chief, Bureau of Sanitation

(Signed) Annette Grim
ANNETTE GRIM
Director of Finance

APPROVED:

B. MELVIN COLE
County Administrative Officer

RECEIVED
1984
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Per

CKW/ms

CC: B. M. Cole
A. Grim
G. L. Neff
C. K. Weiss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Harry J. Pistel

Date April 11, 1983

FROM Charles E. Farley

SUBJECT Residential Refuse Collection Route #42
George Zahradka, Jr.
23 Golupski Road
Baltimore, Maryland 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	36		6,463
On-route mileage (weekly)		14	216
Off-route mileage (round-trip/load)			
New Compensation Annual	$292,108.93		
Bi-Weekly	$ 11,234.96		
Effective Date	April 6, 1983		

It is recommended that the above revisions be made on this route.

Original Signed By
H. J. PISTEL
HARRY J. PISTEL
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

(Signed) Annette Ptak
ANNETTE PTAK
Director of Finance

APPROVED:

B. MELVIN COLE
County Administrative Officer

CEF/ms

CC: B. M. Cole
A. Ptak
G. L. Neff
F. Homan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Harry J. Pistel

Date November 20, 1981

FROM Charles E. Farley

SUBJECT Residential Refuse Collection Route # 42
George Zahradka, J r.
2300 Golupski Road
Balto., Md. 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	82		6,427
On-route mileage (weekly)			
Off-route mileage (round-trip/load)			
New Compensation Annual	$269,819.42		
Bi-weekly	$ 10,377.67		
Effective Date	November 18, 1981		

It is recommended that the above revisions be made on this route:

HARRY J. PISTEL
Director of Public Works

CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ
RANDOLPH B. ROSENCRANTZ
Director of Finance

B. MELVIN COLE
County Administrative Officer

CEF/ms

CC: B. M. Cole C. E. Farley
R. B. Rosencrantz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO B. Melvin Cole through Harry J. Pistel

Date March 12, 1980

FROM Charles E. Farley

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SUBJECT Residential Refuse Collection Route # 42
George Zahradka, Jr.
210 Galupski Road
Baltimore, Md. 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	129		6,345
On-route mileage (weekly)	5		
Off-route mileage (round-trip/load)			
New Compensation Annual	$185,153.90		
Bi-weekly	$ 7,121.30		
Effective Date	February 27, 1980		

It is recommended that the above revisions be made on this route:

Original Signed By
H. J. PISTEL
HARRY J. PISTEL
Director of Public Works

(Signed) CHARLES E FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ
Director of Finance

B. MELVIN COLE
County Administrative Officer

CEF/ms

CC: B. M. Cole C. E. Farley
H. J. Pistel
R. B. Rosencrantz
G. L. Neff

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Jim Svec   Date June 20, 1980

FROM Madeleine R. Seipp

SUBJECT Change of Address

Refuse Collector: George Zahradka, Jr.

Change address-

FROM: 210 Galupski Road
Baltimore, Md. 21221

TO: 2300 Golupski Road
Baltimore, Md. 21221

MS/s

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Randolph B. Rosencrantz through
Thornton M. Mouring   Date August 2, 1978

FROM Charles E. Farley

SUBJECT Residential Refuse Collection Route # 42
George Zahradka, Jr.
210 Galupski Road
Baltimore, Md. 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	59		6,216
On-route mileage (weekly)	7		~~15.0~~ 22.5
Off-route mileage (round-trip/load)			

New Compensation
Annual $34,905.97
Bi-weekly $ 6,707.40
Effective Date August 2, 1978

It is recommended that the above revisions be made on this route.

(SIGNED) THORNTON M. MOURING
THORNTON M. MOURING
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ
RANDOLPH B. ROSENCRANTZ
County Administrative Officer

CEF/ms

CC: R. B. Rosencrantz
T. M. Mouring
C. E. Utermohle
C. E. Farley

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BUREAU OF SANITATION
Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Randolph B. Rosencrantz through
Thornton M. Mouring   Date July 12, 1977

FROM Charles E. Farley

SUBJECT Residential Refuse Collection Route # 44
George Zahradka, Jr.
210 Galupski Road
Baltimore, Md. 21221

A recent survey of the above refuse collection route shows the following:

	INCREMENTAL CHANGE Increase	Decrease	NEW VALUE
Number of Units	56		6,157
On-route mileage (weekly)			
Off-route mileage (round-trip/load)			

New Compensation
Annual $164,295.98
Bi-weekly $ 6,319.08
Effective Date July 6, 1977

It is recommended that the above revisions be made on this route.

THORNTON M. MOURING
Director of Public Works

Charles E. Farley
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ 7-26-77
RANDOLPH B. ROSENCRANTZ
County Administrative Officer

CEF/ms

CC: R. B. Rosencrantz
T. M. Mouring
C. E. Utermohle
C. E. Farley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Randolph B. Rosencrantz through
Mr. Thornton M. Mouring   Date September 29, 1976

FROM Charles E. Farley

SUBJECT Refuse Collection Route
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

It is recommended that the 30 units representing refuse collection service to Baltimore County facilities, being deducted from the Schafer Bros. route, be transferred to Mr. George Zahradka, Jr.'s route plus 19 on-route miles.

With these revisions Mr. Zahradka's route will total 6,101 units at a new bi-weekly rate of $5,781.62 — annual compensation, $150,322.20, effective September 29, 1976.

(SIGNED) THORNTON M. MOURING
THORNTON M. MOURING
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

RANDOLPH B. ROSENCRANTZ
RANDOLPH B. ROSENCRANTZ
County Administrative Officer

RECEIVED
OCT 18 1976
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Per

CEF/ms

CC: R. B. Rosencrantz
T. M. Mouring
C. E. Utermohle
C. E. Farley

William F. Laudeman
Acting Director of Finance

October 24, 1975

Mr. George P. Zahradka, Jr.
210 Golupeki Road
Baltimore, Maryland 21221

Dear Mr. Zahradka:

We are returning the originals of the Agreement, Chattle Mortgage, Note and Financing Statement, since the lien recorded against the 1973 Ford Truck, serial #S91KQ53040 has been satisfied.

Enclosed is a Notice of Security Interest Filing form. The top portion of this form must accompany the Certificate of Title to have the lien released by the Motor Vehicle Administration. The bottom portion must be taken to the Clerk's Office in the Baltimore County Court House.

Very truly yours,

(signed) William F. Laudeman

William F. Laudeman
Acting Director of Finance

WFL/JFS/apk

Enclosure

cc: C. Farley ✓

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OCT 29 1975
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Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Walter R. Richardson through
Mr. Albert B. Kaltenbach   Date September 30, 1974

FROM Mr. Charles E. Farley

SUBJECT Refuse Collection Route
~~Mr. George Zahradka, Jr.~~
210 Galupski Road
Baltimore, Maryland 21221

A recent survey of the refuse collection route serviced by Mr. Zahradka shows an increase of 156 apartment units.

It is recommended that these units be added to Mr. Zahradka's route for a grand total of 5,934 equivalent units with a new bi-weekly rate of $5,274.40 — annual salary, $137,134.52, effective October 2, 1974.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

(Signed) Walter R. Richardson
WALTER R. RICHARDSON
County Administrative Officer

CEF/ms

CC: Mr. W. R. Richardson
Mr. A. B. Kaltenbach
Mr. C. E. Utermohle
Mr. C. E. Farley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Frederick L. Dewberry, Jr. through
Mr. Albert B. Kaltenbach   Date August 21, 1973

FROM Mr. Charles E. Farley

SUBJECT Refuse Collection Route
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

A recent survey of the refuse collection route serviced by Mr. Zahradka shows an increase of 171 whole units.

It is recommended that these units be added to this route resulting in a new bi-weekly rate of $4,345.17, effective August 22, 1973.
4,348.16

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

(SIGNED) F. L. DEWBERRY
FREDERICK L. DEWBERRY, JR.
County Administrative Officer

CEF/ms

CC: F. L. Dewberry, Jr.
A. B. Kaltenbach
C. E. Farley

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AUG 28 1973
BUREAU
Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. William E. Fornoff through
Mr. Albert B. Kaltenbach   Date February 14, 1973

FROM Mr. Charles E. Farley

SUBJECT Refuse Collection Route
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

A recent survey of the refuse collection route serviced by Mr. Zahradka shows an increase of 48 whole units.

It is recommended that these units be added to this route for a new bi-weekly rate of $4,018.09, effective February 21, 1973.

(SIGNED) THORNTON M. MOURING
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Chief, Bureau of Sanitation

APPROVED:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E. Farley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: January 23, 1973

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. Margaret A. Zahradka &
George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

It has been requested that the route presently in the names shown above be changed to the name of George Zahradka, Jr. only, address to remain the same (see copy of letter attached).

It is recommended that this change be made effective the first pay period following approval of same.

ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVAL:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E. Farley

RECEIVED
JAN 30 1973
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: March 1, 1972

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. Margaret A. Zahradka, Sr. &
George Zahradka, Jr.
210 Galupski Road
Baltimore, Md. 21221

The above refuse collection route recently received a complete audit. It is, therefore, recommended that 285 whole units be deducted from this route and 267 apartment units be added.

This audit results in a new bi-weekly rate of $3,801.90, effective March 7, 1972.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: W. E. Fornoff
A. B. Kaltenbach
C. E. Farley

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MAR - 7 1972
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Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: October 18, 1971

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

File →

Mrs. Margaret A. Zahradka, Sr. &
George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221
-- Mr. Thomas Page
226 D — Engleberth Road
Route 13
Baltimore, Maryland 21221

It is recommended that the refuse collection route presently being serviced by Mr. Thomas Page be transferred in its entirety to Mrs. Margaret A. Zahradka, Sr. & George Zahradka, Jr. and added to the latter's present route.

This transfer will result in a new bi-weekly rate of $3,806.32 to be paid to Mrs. Margaret A. Zahradka, Sr. & George Zahradka, Jr., effective October 19, 1971.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E. Farley (2)

RECEIVED
OCT 27 1971
BUREAU OF SANITATION
Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: March 2, 1971

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. Margaret A. Zahradka, Sr. &
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

The Zahradka refuse collection route recently received a partial audit. It is, therefore, recommended that 105 whole units be added to this route.

This audit results in a new bi-weekly rate of $1,394.75, effective March 9, 1971.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(SIGNED) W. E. FORNOFF 3/12
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. William E. Fornoff
Mr. Albert B. Kaltenbach
Mr. Charles E. Farley

RECEIVED
MAR 15 1971
BUREAU OF SANITATION
Per

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: October 6, 1970

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. A. Zahradka, Sr. &
Mr. George Zahradka, Jr.
210 Galupski Road
Balto., Md. 21221

The Zahradka refuse collection route recently received a partial audit. It is, therefore, recommended that 11 whole units and 35 apartment units be added to this route.

This addition results in a new bi-weekly rate of $1,342.94, effective October 6, 1970.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(orig. signed)
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E Farley

RECEIVED
OCT 20 1970
BUREAU OF SANITATION
PER

OK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: August 20, 1970

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. Margaret A. Zahradka, Sr. &
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

The Zahradka refuse collection route recently received a partial audit. It is, therefore, recommended that 66 whole units be added to this route.

This addition results in a new bi-weekly rate of $1,319.59, effective August 25, 1970.

(Signed) ALBERT B. KALTENBACH
ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E. Farley

RECEIVED
AUG 27 1970
BUREAU OF SANITATION
PER

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. William E. Fornoff through Mr. Albert B. Kaltenbach
Date: September 23, 1969

FROM: Mr. Charles E. Farley

SUBJECT: Refuse Collection Route

Mrs. Margaret A. Zahradka Sr. &
Mr. George Zahradka, Jr.
210 Galupski Road
Baltimore, Maryland 21221

The Zahradka refuse collection route recently received a complete audit. It is therefore recommended that effective September 23, 1969, whole units in the amount of 50 be added to and apartment units in the amount of 10 be deducted from this route.

This audit results in a bi-weekly rate of $1,183.20 and a weekly weight allotment of 44 tons, both effective September 23, 1969.

ALBERT B. KALTENBACH
Director of Public Works

(Signed) CHARLES E. FARLEY
CHARLES E. FARLEY
Sanitation Bureau Chief

APPROVED:

(SIGNED) W. E. FORNOFF
WILLIAM E. FORNOFF
County Administrative Officer

CEF/ms

CC: Mr. W. E. Fornoff
Mr. A. B. Kaltenbach
Mr. C. E. Farley

RECEIVED
SEP 2 1969
BUREAU OF SANITATION

OK

Baltimore County Department Of Public Works

BUREAU OF SANITATION

CHARLES E. FARLEY
CHIEF

WILLIAM P. SHANAHAN
ASSISTANT

September 11, 1968

Mrs. Margaret A. Zahradka
210 Galupski Road
Baltimore, Maryland 21221

Dear Mrs. Zahradka:

The statement you submitted to our office for Travel Compensation for the month of August is not acceptable for the following reasons:

1. The number of 675 miles traveled @ $.25 per mile - amounting to $168.75 is incorrect. This should read 625 miles traveled @ $.25 per mile amounting to $156.25.

2. The miles traveled to Texas numbering 80 @ $.25 per mile amounting to $20.00 should have been shown on your invoice.

We have prepared new invoices which we will submit for payment. A copy is enclosed for your records. We are also enclosing a copy of your previous statement for comparison. Please note that we require "Invoice" rather than "Sample" Statement and request you submit future bills with this wording.

When submitting invoices for payment, be absolutely sure they are figured accurately before mailing. Any incorrections only serve to cause delay in the receipt of your check.

If there are questions, do not hesitate to call - 823-3000 ext. 285.

Yours very truly,

Charles E. Farley
CHARLES E. FARLEY
Sanitation Bureau Chief

CEF/kpf

Encl. (2)

Memo to Mr. J. Robert Haines
June 14, 1988
Page Two

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1) Fifty major deciduous tree or 100 conifers or 100 minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 50,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet.

2) Storm water run-off from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
~~494-3353~~ 887-3353

J. Robert Haines
Zoning Commissioner

December 8, 1988

Dennis F. Rasmussen
County Executive

John B. Gontrum, Esquire
809 Eastern Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
C/L of Golupski Road, 1130' East of the Intersection of
Holly Neck Road & Golupski Road
(2300 Golupski Road)
15th Election District - 5th Councilmanic District
George Zahradka, Jr. - Petitioner
Case No. 89-3-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. William Phillips
2229 Phillips Road, Baltimore, Md. 21221

People's Counsel

File

381

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-3-SPH

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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a special hearing for non-conforming use for hauling (including garbage trucks) and contractors equipment storage yard.

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.

MAP SE 2 H 3 / 3 5 / 4A
E. D. 15th
DATE 1-26-89
200 BF
1000 ______
DP ______

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

Legal Owner(s):
George Zahradka, Jr. (Type or Print Name)
George P. Zahradka Jr. Signature
______ (Type or Print Name)
______ Signature

Attorney for Petitioner:
John B. Gontrum, Esquire (Type or Print Name)
[signature] Signature
809 Eastern Boulevard Address
Essex, Maryland 21221 City and State
Attorney's Telephone No.: (301) 686-8274

2300 Golupski Road - 686-6976 Address / Phone No.
Baltimore, Maryland 21221 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
______ Name
______ Address / Phone No.

ORDER RECEIVED FOR FILING
Date 1/18/88
By [signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of MAY, 1988, 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 15th day of JULY, 1988, at 9 o'clock A. M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

381

Bafitis & Associates

ZONING DESCRIPTION
FOR
ZAHRADKA PROPERTY

Beginning on the centerline of Golupski Road at the distance of 1130 feet, more or less, from the centerline intersection of Holly Neck Road and Golupski Road; thence leaving said centerline of Golupski Road the following courses:

1. North 23°-36'-20" East 900 feet, more or less, to a point; thence
2. South 62°-45'-27" East 2413.00 feet to a point; thence
3. South 17°-10' West 384.00 feet to a point; thence
4. North 72°-52' West 556.00 feet to a point; thence
5. South 15°-33', West 522.90 feet to a point; thence
6. South 75°-33' East 305.00 feet to a point; thence
7. South 17° West 185.00 feet to a point; thence
8. South 57°-00' East 264.00 feet to a point; thence
9. South 37°-23'-20" West 118.41 feet to a point; thence
10. North 67°-32'-40" West 60.00 feet to a point; thence
11. South 36°-21'-15" West 456.73 feet to a point; thence
12. North 53°-04'-46" West 2431.21 feet to a point; thence
13. North 23°-36'-20" East 395.02 feet to the point of beginning.

Containing 77.50 Acres of land, more or less.

STATE OF MARYLAND · WILLIAM N. BAFITIS · NO. 11641 · REGISTERED · PROFESSIONAL ENGINEER

(SEAL)
William N. Bafitis, P.E. #11641

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

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

J. Robert Haines
Zoning Commissioner

Date: June 29, 1988

Dennis F. Rasmussen
County Executive

Mr. George Zahradka, Jr.
2300 Golupski Road
Baltimore, Maryland 21221

Re: Petition for Special Hearing
CASE NUMBER: 89-3-SPH
c/l Golupski Road, 1130' E Holly Neck Road
(2300 Golupski Road)
15th Election District - 5th Councilmanic
Petitioner(s): George Zahradka, Jr.
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 9:00 a.m.

Dear Mr. Zahradka:

Please be advised that $108.02 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

... and post set(s), there ... for each set not ...

... ours,

... Haines

... NES
... sioner of
... nty

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

No. 52940

DATE 7/15/88 ACCOUNT 01-615-000

AMOUNT $ 108.02

RECEIVED FROM: George Zahradka, Jr.

FOR: posting 89-3-SPH

B 010*****10802:a 515F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

89-3-SPH

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th — Date of Posting 6/29/88

Posted for: Special Hearing

Petitioner: George Zahradka, Jr.

Location of property: Both Side of Golupski Rd., 1130' E/ Holly Neck Rd
2300 Golupski Rd

Location of Signs: Location sign at intersection of Golupski + Holly Neck Rd
Site sign at intersection of Phillips Rd & Golupski Rd

Remarks:

Posted by [signature] (Signature) — Date of return: 6/29/88

Number of Signs: 2

$108.02

"DUPLICATE"

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 23, 1988.

THE JEFFERSONIAN,

S. Zeke Orlin
Publisher

33.75

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

June 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement of PO# 01158 REQ# M15024 TO ADVERTISE PETITION FOR SPECIAL HEARING CASE NUMBER 89-3-SPH c/L GOLUPSKI RD 1130' E. HOLLY NECK RD. (2300 GOLUPSKI RD) 15TH E.D. 5th COUNCILMANIC PETITIONERS GEORGE ZAHRADKA JR. HEARING SCHEDULED FRIDAY JULY 15, 1988 at 9:00 am 80½ lines at $44.27

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one successive week(s) before the 24th day of June 19 88; that is to say, the same was inserted in the issues of 6/23/ 19 88.

The Avenue Inc.
per publisher

By [signature]

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

J. Robert Haines
Zoning Commissioner

May 27, 1988

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-3-SPH
c/l Golupski Road, 1130' E Holly Neck Road
(2300 Golupski Road)
15th Election District - 5th Councilmanic
Petitioner(s): George Zahradka, Jr.
HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 9:00 a.m.

Special Hearing: For non-conforming use for hauling (including garbage trucks) and contractor's equipment storage yard.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: George Zahradka, Jr.
John B. Gontrum, Esq.
File

File

RECEIVED
MAY 16 1988
ZONING OFFICE

May 12, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zahradka Property - Item #381

Dear Commissioner:

I have lived in the Holly Neck Road Community since 1933. I am very familiar with the Zahradka property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan confirms with my recollection of how the property is used since my first meeting the Zahradka Family, many, many years ago. Mr. Zahradka's father and grandfather always used the property for hauling and for storage of their trucks and contractor's equipment continually and uninterruptedly since I have been acquainted with the family. Mr. Zahradka's garbage business is merely a continuation of the previous usage over the past 25 years or since I have known the family. Your support of this petition would be greatly appreciated.

Very truly yours

Herbert Johnson Jr.

Herbert Johnson Jr.

Petitioner's Exhibit

PETITIONER(S) EXHIBIT (3)

A 1922

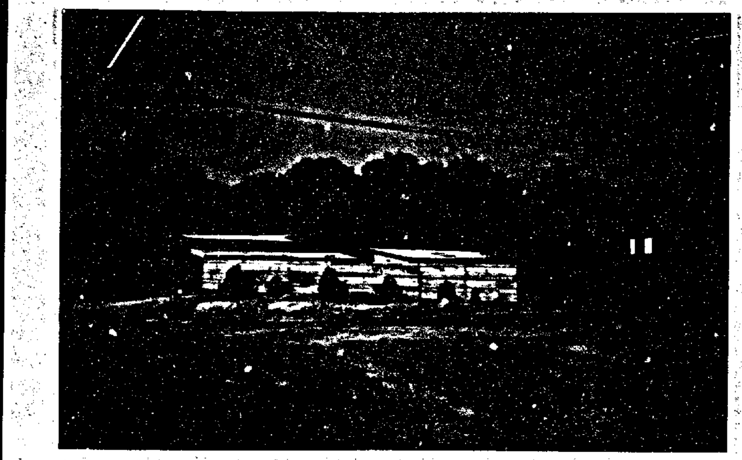
1951

B

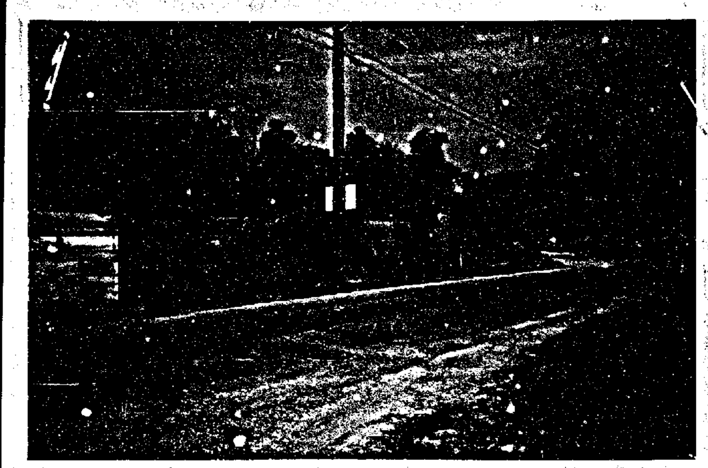
1973

C

PETITIONER(S) EXHIBIT (3)



D intersection of Phillips & Golupski



E

PETITIONER(S) EXHIBIT (3)

F south storage yard

G

PETITIONER(S) EXHIBIT (3)

H Private drive off of Golupski storage area sheds

I

PETITIONER(S) EXHIBIT (3)

J scenery along Golupski Road at South of storage area

PHILIP W. GREEN Insurance, INC. Exhibit #
602 EASTERN BOULEVARD
BALTIMORE, MD. 21221
686-3030

June 6, 1988

In Re: George Zahradka, Jr.
Longworth Refuse

To Whom It May Concern:

This is to confirm that my agency, Philip W. Green Insurance, Inc., did provide Commercial Auto Insurance for the above mentioned account and also for his parents before him. The vehicles that I insured were used for the handling of refuse and were garaged on the premises at Golupski Road.

The above account dates back prior to March, 1957, the date I entered the Insurance business.

Very truly yours,

Philip W. Green

Philip W. Green

PETITIONER'S EXHIBIT 4

Exhibit #

NAMES AND ADDRESSES

1. Mrs. Agnes Thomas,
   Hawthorne
2. Mrs. Catherine Kellner
   Off Walnut Grove Road
3. Mrs. William Hartman
   Off Sue Avenue
4. Vivian H. Adkins
   Used to leave on Sue Avenue
5. Robert F. Scheuman
   5665 Leiden Road
6. August Kahler
   201 Golupski Road
7. Alfred E. Clasing, Jr.
   2025 Holly Neck Road
8. John Bell
   630 Dunwich Way
9. George R. Scheuerman
   208 Wagner Avenue
10. Joan Kellner
    Golupski Road
11. Orville V. Nadolny
    Back River Neck Road
12. Frank B. Dorn
    Golupski Road
13. Herbert Johnson, Jr.
    Norrisville, Maryland
14. Nicholas J. Foehrkolb
    Holly Neck Road, Breezy Point
15. John E. Brown, Sr.
    335 Back River Neck Road
16. Dr. Joseph B. Bronushas
    2104 Rosalie Avenue
17. Gerald T. Caldwell
18. Barry Trear
    601 Back River Neck Rd
19. Harry W. Long
    1912 Middleborough Rd

PETITIONER'S EXHIBIT 6

March 14, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Road community for 48 yrs. years. I am very familiar with the Zahradka property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan confirms with my recollection of how the property is used since 1940. Mr. Zahradka's father and grandfather always used the property for hauling and for storage of their trucks and contractor's equipment continually and uninterruptedly since 1930 Mr. Zahradka's garbage business is merely a continuation of the previous usage over the past years. Your support of this petition would be greatly appreciated.

Very truly yours,

Mrs Agnes Thomas

Zoning Commissoner of
Balto County

Dear Sir

I have been living in Balto County for the past 50 Years or more
I have known the Zahradka property for all these years. The non conforming Zoning Varense meets with the use that the Zahradka. Mr Paul Golupski used the property for all the years I can ~~m~~ remember. Mr Zahradka used to haul garabege to feed his cattle and hogs

Mrs Catherine Kellner

March 14, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Road community for 30 years. I am very familiar with the Zahradka property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan confirms with my recollection of how the property is used since 1958. Mr. Zahradka's father and grandfather always used the property for hauling and for storage of their trucks and contractor's equipment continually and uninterruptedly since 1958. Mr. Zahradka's garbage business is merely a continuation of the previous usage over the 30 years. Your support of this petition would be greatly appreciated.

Very truly yours,

Alfred E. Clasing Jr.

OVER THE ~~YEARS~~ PAST 15 YEARS, I HAVE WITNESSED A CONTINUAL UPGRADING OF THE ZAHRADKA PROPERTY. MR. & MRS. ZAHRADKA ARE COMMUNITY MINDED PEOPLE AND RUN THEIR BUSINESS IN A VERY EFFICIENT MANNER AND I SINCERELY BELIEVE THEY WILL CONTINUE TO DO SO. IT WOULD BE EXTREMELY UNFAIR TO HAVE THEM DENIED THE RIGHT TO CONTINUE THEIR BUSINESS AT THIS LOCATION.

Al Clasing
2025 HOLLY NECK RD.

To Whom it May concern,

I have lived in the Holly Neck Rd. area since the 1940's and the Zahradka family lived there and formed there with trucks and equipment since as long as I can remember including George Zahradka now and his father and grand father.

Yours truly
Vivian H. Adkins

To Whom It May Concern,

I'm in my mid-80's and have known the Zaradka family since the 1930's. The family have always used the property for hauling & storage of trucks and contracting equipment as far back as I can remember.

Sincerely,
Mrs William Hartman

Dear Commissioner

Haveing lived in the Holly Neck road Area for 45 yrs. I have inquired and reviewed the plans submitted on the special hearing. The plans confirms my recollections on how the property was used since 1936. Mr. Zahradka's garbage buisness is a contenuation of his Fathers and Grandfather's uninterruptedly to the neberhood for all these years. Your support for this petition would be appreciated

Very Truly Yours
Robert F. Scheuerman

Dear Commissioner

I have lived in the Holly Neck road area for 35 years or so I have heard about and read the plans submitted on the special hearing on Mr Zahradka's garbage buisness his effotts has always been as his Fatheis and Grandfather's before him. To comply and mantian his buisness with respect to the neighbood. Your support of this petition would be greatly appreciated

Very Truley Yours
George R. Scheuerman

---

1 of 2

4-1-88

Zoning Comm of Balto co.
County Office Bldg
111 W Chesapeake Av.
Towson MD 21204

Re Zahradka Property

I have lived in the Essex Holly Neck Area since 1925 And Started to Know of the Property in 1946 when the Boy Scouts Came down on week ends. they had Oven 200 Beef & Milk Cattle, Also that many Hogs, Plus Chickens And Ducks

I got my Drivers License in 1946 And Started to Drive For George Jr's Father & Mother hauling Slop For the Animals From Paul Jones & Wright's Distillery's which Are Now out of Business.

I Also hauled Grain From Scarlet's Feed co. Also out of Business.

We Picked up Bread & Garbage For the Hogs From Local Resturants And Bakery's

---

#2

I hauled Greens from the Lord Mott's & Robert's Packing houses. Now out of Business.

Raw Garbage was no longer Alowd to be feed to the Animals by law, so Mr George's Father and Mother had to get compact trucks (closed trucks) to haul to the Dump to Keep there contracts.

George Jr's Grand Father Mr Paul Golupski started this Farm in 1931 And has been a Family Continuance every since And has Also had trucks of All Kind Plus Farming Equipment on the Place.

The Garbage business is Just Merely a Continuation As you have Read other Sources have gone out of business.

I Fondly Approte your Full Support on the Manor.

August J. Kahler
Aug J Kahler

ZONING COMMISSIONER OF BALTIMORE COUNTY
COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

RE: Zahradka Property

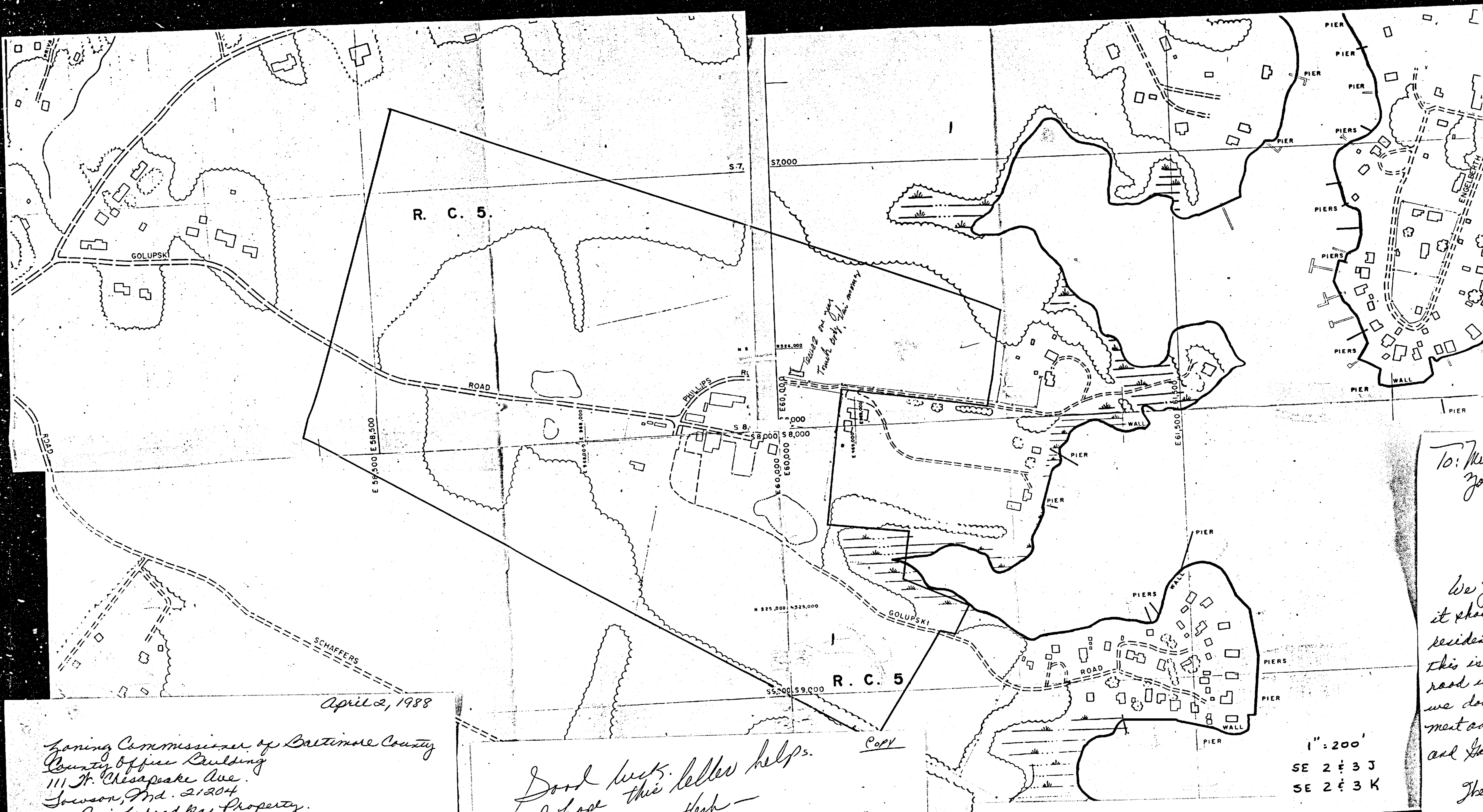
March 16, 1988

Commissioner;

I am aware of the Zahradaka property, having lived in the Holly Neck area for many years. I have reviewed the plans that were submitted for the special hearing of nonconforming use. As I recall this plan coincides with my remembrances of how the property has been used since 1955. The Zahradaka family have always used the prpoerty for the hauling and storage of their trucks and contractors equiptment. Mr. Zahradaka's garbage business is just a continuing use of the previous usage over the last years. I hope you will support this petition, it will be very much appreciated.

Thank You

John Bell



April 2, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
Re: Zahradka Property.

Dear Mr. Commissioner,
I have lived in the Holly Neck community all my life and have known the Zahradka family for 60 years. In all those years the Zahradka family have always used their property for storage and hauling of their trucks and contractor's equipment. Mr. Zahradka has a garbage business at this time, which evolved from his and his family other businesses in the past 60 years that I've known the family.
Since the Zahradka family has used their property for this type of business in the past I see no reason why they should be denied usage of this property for their garbage business. Your support in this matter would be greatly appreciated.

Sincerely,
Carvilk V. Nadolny
527 Back River Neck Road
Balto. Md. 21221

Copy

Good luck. I hope this letter helps.
Herb —

May 12, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Road Community since 1933. I am very familiar with the Zahradka property and have reviewed the plan submitted for the special hearing for non-conforming use. This plan confirms with my recollection of how the property is used since my first meeting the Zahradka Family, many, many years ago. Mr. Zahradka's father and grandfather always used the property for hauling and for storage of their trucks and contractor's equipment continually and uninterruptedly since I have been acquainted with the family. Mr. Zahradka's garbage business is merely a continuation of the previous usage over the past 25 years or since I have known the family. Your support of this petition would be greatly appreciated.

Very truly yours

Herbert Johnson Jr.
Herbert Johnson Jr.

---

uninterruped. Mr. Zahradka's garbage business must Continue as it always did years before with no problems Mr Zahradka puts in long hard hours of work Keeping the property etc. in good order Mr. Zahradka's garbage business is a Continuation of usage previous over the years I hope we will have your support it would be helpful and Very much appreciated

Very truly yours
Jean Kellner

April 3, 1988

Zoning Commissioner
County office Building
111 W. Chesapeake Ave.

Re: Zahradka Property

Dear Commissioner
I have lived in the Holly Neck road Area for many years. I reviewed the plan submitted for the special hearing for non Conforming use. This property for as far back as I can remember was used by the grandfather the father and son for hauling and storage of trucks and Contractors equipment

---

To: Mr J Robert Haines
Zoning Commissoner
of Baltimore County

(7-15-88)
Zoning request:
89-3-SPH
George Zahradka
2300 Golupski Rd.
21221

RECEIVED ZONING OFFICE
DATE: 7/13/88

We feel since this property is zoned residential, it should stay that way with no exceptions. All residents have to use Golupski Rd. to their homes, this is the only entrance to this peninsula. The road is not paved for heavy equipment and we don't need the increase of contractors equipment adding to the traffic volume on Holly Neck and Golupski Rds.

We also feel the property values will decrease, with a storage yard for garbage trucks and contractors equipment.

Sincerely,
Rosemary Towney
2427 Golupski Rd.
Balto Md 21221

sworn to before me in my presence, this 12th day of July 1988, a Notary Public of the State of Md. in and for Balto.
Notary Public
My commission expires 7/01 1990

4/4/1988

Dear Commissioner,
I have live here Golupski Rd for 35 years am familiar with the Zahradka property and family I remember when Paul Golupski & Mr Zahradka father always use the property for hauling and Storage of their Truck since 1940
Mr Zahradka's garbage business is merely continuation of the previous usage over many years

Very truly yours
Mr Frank B Dean

July 14, 1988

Dear Commissioner:

I have been a member of this Community for approximately 60 years and have known the Zahradka family for 60 years or more.

My trade as a mechanic had me on numerous occassions since the 1930's fix tractors and earth moving equipment that was located on the Zahradka Property.

In the years I have seen a improved appearance to the property. And feel that the trash hauling business is a continuation of how the property was used years ago.

I am sorry that I could not make it to this hearing but because of health problems I am unable to make it. If you need any other information my address is 1508 Buhms Lane, Baltimore, Maryland 21221, Please feel free to contact me.

Yours truly,

Roy A Steinke

PETITIONER'S EXHIBIT 2

July 1, 1988

Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Community for 41 years. I am very familiar with Zahradka Property owned by George Zahradka Jr. and have reviewed the plans for the non-conforming use. The plan confirms my recognition of how the property has been used for 41 years.

Mr. Zahradka's father and grandfather always used the property for use of a hauling business and storage of their trucks and contracting equipment continuously and without interruption since 1947.

Mr. Zahradka's refuse business is mearly a continuation of the previous usage which I know has been there for 41 years.

Your support of this petition is greatly appreciated.

Sincerely,

Gerald T. Caldwell

July 1, 1988

Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Community for 40 years. I am very familiar with Zahradka Property owned by George Zahradka Jr. and have reviewed the plans for the non-conforming use. The plan confirms my recognition of how the property has been used for 40 years.

Mr. Zahrakda's father and grandfather always used the property for use of a hauling business and storage of their trucks and contracting equipment continuously and without interruption since 1947.

Mr. Zahradka's refuse business is mearly a continuation of the previous usage which I know has been there for 40 years.

Your support of this petition is greatly appreciated.

Sincerely,

Barry Treas
601 Back River Neck Rd
Balto Md 21221

July 1, 1988

Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Zahradka Property

Dear Commissioner:

I have lived in the Holly Neck Community for 46 years. I am very familiar with Zahradka Property owned by George Zahradka Jr. and have reviewed the plans for the non-conforming use. The plan confirms my recognition of how the property has been used for 35 years.

Mr. Zahrakda's father and grandfather always used the property for use of a hauling business and storage of their trucks and contracting equipment continuously and without interruption since 1953.

Mr. Zahradka's refuse business is mearly a continuation of the previous usage which I know has been there for 35 years.

Your support of this petition is greatly appreciated.

Sincerely,

Henry W. Long
1912 Middleborough Rd.

---

335 Back River Neck Road
Baltimore Maryland 21221.

Zoning Commissioner of Baltimore County
County office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Zahradka Property

Dear Commissioner

My name is John Emory Brown Sr.
I was borned at the above address seventy nine years ago, and has lived at the above address all my life. I am very familiar with the Zahradka property This farm or property has always been use as storage for the equipment that was use for farming, market wagons, tractors and other material that was in the business for more sixty five years that I can rember, it was even use before I can rember This is a business that started many many years ago by Mr Zahradka Grand Father and Grand Mother

Very truly yours
John E Brown Sr
335 Back River Neck Road
Baltimore Maryland 21221

July 11, 1988

Zoning Commissioner of Baltimore County
County Office Building
111 W. Chesapeake Avenue.
Towson, Maryland 21204

Re: Zahradka Property

Dear. Commissioner:

I have lived in the Essex Area for about 45 years. I am very familiar with the Zahradka property and have reviewed the plan submitted for the special hearing for nonconforming use. My father, older brother, and myself used to fish near Mr Zahradkas' farm on, or about, 1945. I can rember various types of trucks and contracting equipment there and that were stored there at that time. Your help with his property to continue his Business would be appreciated.

Sincerely Yours

Donald Lee Hemling Sr.

ZONING COMMISSIONER OF BALTIMORE CO.
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

MARCH 23, 1988

TO WHOM IT MAY CONCERN:

I am a resident of HOLLY NECK and HAVE BEEN so all of my 39 YEARS. THE ZAHRADKA FARM HAS ALWAY BEEN A PART OF THIS COMMUNITY. WE ALL HAVE THE RIGHT TO CHOSSE WHERE WE LIVE; IN THE CITY, IN THE COUNTRY, NEAR INDUSTRY, ETC. ANYONE CHOSSING TO LIVE IN THE HOLLY NECK COMMUNITY SINCE 1920 HAS DONE SO WITH THE KNOWLEDGE THAT THE ZAHRADKA FARM IS HERE. THIS PROPERTY IS CAUSING LITTLE OR NO DAMAGE TO OUR CRITICAL ENVIROMENT. THE ZAHRADKA FAMILY MUST HAVE THE RIGHT TO CONTINUE IN THE WAY THAT THEY HAVE BEEN CONTINUING FOR SO MANY YEARS. ANY CHANGE TO HIS PROPERTY WOULD EFFECT HIS OPPURTUNITY TO DO BUSINESS.

VERY TRULY YOURS.
NICK FASHRICOLB.

2899 BREEZY POINT CT.

PROTESTANTS
~~PETITIONER~~(S) EXHIBIT (1)

A

B

PROTESTANTS
~~PETITIONER~~(S) EXHIBIT (1)

C

D

PROTESTANTS
~~PETITIONER~~(S) EXHIBIT (1)

E

F

PROTESTANTS
~~PETITIONER~~(S) EXHIBIT (1)

G

Complainants Property

H

Protestants
~~PETITIONER~~(S) EXHIBIT (   )

I

J

#89-3-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 4th day of May, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: George Zahradka, Jr.
Petitioner's Attorney: John B. Gontrum, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

May 18, 1988

Dennis F. Rasmussen
County Executive

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

Re: Property Owner: George Zahradka, Jr.

Location: C/L Golupski Road, 1130' E. Holly Neck Road

Item No.: 381 Zoning Agenda: Meeting of 5/3/88

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.

( ) 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.

REVIEWER: Capt Joseph Kelly 5-18-88
Planning Group
Special Inspection Division

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

/jl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
Date: June 7, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: Zoning Petitions #88-530-SpH, 89-3-SpH

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

P. David Fields per J. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. Hoswell
Zoning File

cc: John B. Gontrum, Esquire

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

oOo

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

June 28, 1988

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

RE: Item No. 381 - Case No. 89-3-SPH
Petitioner: George Zahradka, Jr.
Petition for Special Hearing

Dear Mr. Gontrum:

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. 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 acccordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Bafitis & Associates
3482 Dunhaven Road
Baltimore, Maryland 21222

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

Dennis F. Rasmussen
County Executive

May 23, 1988

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 362, 381 382, 383, 384, 385, 386 and 389.

Very truly yours,

Stephen E. Weber

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 26 1988
ZONING OFFICE

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 14, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: George Zahradka, Jr.
Zoning Variance
Item #381

RECEIVED
JUN 24 1988
ZONING OFFICE

This property is located along Golupski Road approximately 1,130 feet from Holly Neck Road. The site is within the Chesapeake Bay Critical Area and is classified as Resource Conservation Area. The existing uses of the property are the following: farm, hauling including garbage trucks, office, contractors equipment storage yard, and residence on approximately 68 acres of land.

The Chesapeake Bay Critical Area Law states the following:

"After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinance. If any use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedure outlined in COMAR 14.15.11." [COMAR 14.15.02.07A]

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. [COMAR 14.15.10(0)(1)(2)(3)]

Memo to Mr. J. Robert Haines
June 14, 1988
Page Two

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1) Fifty major deciduous tree or 100 conifers or 100 minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 50,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet.

2) Storm water run-off from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

Robert W. Sheesley

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
- Charles L [illegible]	2336 Turkey Pt. Rd. 21221
[illegible] Zahradka	- Petitioner
Dorothy Kahler	2413 Golupski Rd. -21221
Martha K Morgan	- Golupski
Margaret Zahradka	- Golupski
- Ronald C Black	3521 Northway Dr. [illegible]

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
William Phillips	2229 Phillips Rd
Harriet H. Phillips	2229 Phillips Road

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
C/L of Golupski Road, 1130' East of the Intersection of Holly Neck Road & Golupski Road (2300 Golupski Road) * DEPUTY ZONING COMMISSIONER
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 89-3-SPH

George Zahradka, Jr.
Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a hauling and contractors equipment storage yard, including garbage trucks, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were the following: Joan Zahradka, Petitioner's mother; Margaret Zahradka; and Charles L. Feister, Dorothy Kahler, Martha K. Morgan, and Ronald C. Black, all residents in the vicinity. Appearing as Protestants were Mr. & Mrs. William Phillips.

Testimony indicated that the subject property, known as 2300 Golupski Road, consists of 77.5 acres more or less, and is zoned R.C. 5. Testimony indicated Petitioner's ancestors purchased the property in the early 1920s. Since that time, Petitioners' family has had various agreements with businesses to haul away their refuse in exchange for use of any edible waste to feed the livestock on the family's farm. Petitioners indicated that they had contracts with various companys, including but not limited to, Cross & Blackwell, a bakery, the A & P Foods Store, Scarlet Company, restaurants, taverns, distilleries, etc. Mr. Zahradka and his mother both testified that in the early years, the edible refuse was used

ORDER RECEIVED FOR FILING
Date [illegible]
By [illegible]

Income Tax Returns
Parlett, A.
1975 - 1981

Form 1040 — Department of the Treasury—Internal Revenue Service — U.S. Individual Income Tax Return 1981 — COPY

For the year January 1–December 31, 1981, or other tax year beginning , 1981, ending , 19

QY 214-30-6480 215-28-1585 D52 4001
ALVIN H & ROSALIE PARLETT
1004 EARLS BEACH RD
BALTIMORE MD 21220

Your occupation ▶ FARMER
Spouse's occupation ▶ HOUSEWIFE

Presidential Election Campaign: Do you want $1 to go to this fund? If joint return, does your spouse want $1 to go to this fund?

Filing Status: 2 [X] Married filing joint return (even if only one had income)

Exemptions: 6a [X] Yourself; b [X] Spouse — 2
c First names of your dependent children who lived with you ▶ MICHAEL — 1

8a	Interest income	11,301.21	
8b	Dividends (attach Schedule B if over $400)	337.53	
8c	Total. Add lines 8a and 8b	11,638.74	
8d	Exclusion (See page 9 of Instructions)	400.00	
8e	Subtract line 8d from line 8c (but not less than zero)		11,238.74
18	Farm income or (loss) (attach Schedule F)		(-3,593.98)
21	Total income. Add amounts in column for lines 7 through 20		16,944.76
31	Adjusted gross income		16,944.76

U.S. GOVERNMENT PRINTING OFFICE 1981 343-400 E.I. #52-1074487

Form 1040 — U.S. Individual Income Tax Return 1980 — Copy

CAR-RT SORT **RR 16
QY 214-30-6480 215-28-1585 D52 4
ALVIN H & ROSALIE PARLETT
1004 EARLS BEACH RD
BALTIMORE MD 21220

Your social security number 214 30 6480
Spouse's social security no. 215 28 1585
Your occupation ▶ Farmer
Spouse's occupation ▶ Housewife

Filing Status: 2 [X] Married filing joint return (even if only one had income)

Exemptions: 6a [X] Yourself; b [X] Spouse — 2
c First names of your dependent children who lived with you ▶ Michael — 1
Total number of exemptions claimed — 3

8	Wages, salaries, tips, etc.	15,620.00
9	Interest income	6,578.85
19	Farm income or (loss) (attach Schedule F)	3,156.28
22	Total income	25,355.13
31	Adjusted gross income	25,355.13

Form 1040 (1980)

Schedules A&B—Itemized Deductions AND Interest and Dividend Income (Form 1040) 1979

Name(s) as shown on Form 1040: Alvin H. & Rosalie Parlett — Your social security number 214 30 6480

Schedule A—Itemized Deductions (Schedule B is on back)

1	One-half (but not more than $150) of insurance premiums you paid for medical care	150.00
2	Medicine and drugs	190.00
3	Enter 1% of Form 1040, line 31	206.25
5	Balance of insurance premiums for medical care not entered on line 1	477.12
6a	Doctors, dentists, nurses, etc.	340.00
7	Total (add lines 4 through 6c)	1143.12
8	Enter 3% of Form 1040, line 31	619.83
9	Subtract line 8 from line 7	673.49
10	Total medical and dental expenses	673.49
11	State and local income	193.05
12	Real estate	115.24
13	General sales	216.00
16	Total taxes	677.64
19	Other (itemize): Tractor	595.35
	Truck	45.13
20	Total interest expense	640.61
21	Cash contributions	430.00
24	Total contributions	430.00
31	Other (itemize): Tax Return Prep.	80.00
32	Total miscellaneous deductions	80.00
33	Total medical and dental—from line 10	673.49
34	Total taxes—from line 16	677.64
35	Total interest—from line 20	640.61
36	Total contributions—from line 24	430.00
38	Total miscellaneous—from line 32	80.00
39	Add lines 33 through 38	2501.44
40		348.05
41	Subtract line 40 from line 39	2153.39

Form 1040 — U.S. Individual Income Tax Return 1978

QY 214-30-6480 215-28-1585 D52 4
ALVIN H & ROSALIE PARLETT
1004 EARLS BEACH RD
BALTIMORE MD 21220

Rosalie — Housewife

Adjusted Gross Income: 16,901.75

SCHEDULE F (Form 1040) — Farm Income and Expenses 1975

Name(s) as shown on Form 1040: ALVIN H. & ROSALIE PARLETT — Social security number 214 30 6480
Business name and address: ALVIN H. PARLETT
Location of farm(s) and number of acres in each farm: EARLS BEACH ROAD (307 ACRES)
Employer identification number: 57 6130151

Part I — Farm Income—Cash Receipts and Disbursements Method

	Kind	Amount
15	Vegetables	67,834.97
28	Gross profit (add lines 4 and 27)	$ 67,834.97

Part II — Farm Deductions—For Cash and Accrual Method Taxpayers

	Items	Amount
30	Repairs, maintenance	10,615.76
31	Interest	645.30
32	Rent of farm, pasture	1750.00
34	Seed, plants purchased	8150.34
35	Fertilizers, lime, chemicals	5351.36
37	Supplies purchased	8730.00
40	Gasoline, fuel, oil	4064.58
42	Taxes	511.94
43	Insurance	826.00
44	Utilities	791.30
45	Freight, trucking — Hauling	1044.89
50	Other (specify): Commissions	6669.73
	Crop Picking	7537.75
	Accounting Exp	60.00
	Tolls	38.45
	Dues	50.00
	General Exp.	718.85
51	Add lines 29 through 50	$ 55,359.74
52	Depreciation (from line 59, Part III)	3,939.91
53	Total deductions. Add lines 51 and 52	$ 59,299.71
54	Net farm profit or (loss) (subtract line 53 from 28). Enter here and on Form 1040, line 32. ALSO enter on Schedule SE, Part I, line 1(a)	$ 8,535.71

* Use amount on line 28 for optional method of computing net earnings from self-employment. (See Schedule SE, Part I, line 3.)

1974

Income Tax Returns
Parlett
1959 - 1974

SCHEDULE SE (Form 1040)

Computation of Social Security Self-Employment Tax 1974

Each self-employed person must file a Schedule SE. Attach to Form 1040. See Instructions for Schedule SE (Form 1040).

Name of self-employed person (as shown on social security card): Alvin H. Parlett

Social security number of self-employed person: 214-30-6480

Part II Computation of Net Earnings from FARM Self-Employment

Part III Computation of Net Earnings from NONFARM Self-Employment

Part IV Computation of Social Security Self-Employment Tax

1040 US Individual Income Tax Return 1973

Department of the Treasury—Internal Revenue Service

For the year January 1–December 31, 1973, or other taxable year beginning ..., 1973, ending ..., 19...

GY 214-30-6480 215-28-1595 052 4
ALVIN H & ROSALIE PARLETT
EARLES BEACH RD BOX 498A RT 16
BALTIMORE MD 21220

County of residence: Baltimore

Occupation: Yours ▶ Farmer; Spouse's ▶ Housewife

Filing Status—check only one:

Exemptions

ALVIN – MICHAEL – ROSALIE
DONALD – DIANA – DEBORAH

Income; Tax, Payments and Credits; Balance Due or Refund

Sign here

3825 HANOVER STREET
BALTIMORE, MARYLAND 21225
PHONE: 355-1054

1040 US Individual Income Tax Return 1972

Department of the Treasury / Internal Revenue Service

For the year January 1–December 31, 1972, or other taxable year beginning ..., 1972, ending ..., 19...

Alvin H. & Rosalie Parlett

Earles Beach Rd. Rt. 16 Box 498A Route 16

Baltimore, Md.

Occupation: Farmer; Housewife

Filing Status—check only one:

Exemptions

ALVIN – MICHAEL – ROSALIE
DONALD – DIANA – DEBORAH

Income; Tax, Payments and Credits; Due or Refund

Sign here

3825 HANOVER STREET
BALTIMORE, MARYLAND 21225
PHONE: 355-1054

1040 US Individual Income Tax Return 1971

Department of the Treasury / Internal Revenue Service

For the year January 1–December 31, 1971, or other taxable year beginning ..., 1971, ending ..., 19...

QY 214-30-6480 215-28-1595 052 4
ALVIN H & ROSALIE PARLETT
EARLES BEACH RD
BALTIMORE MD

Occupation: Farmer; Housewife

Filing Status—check only one:

Income; Tax, Payments and Credits; Bal. Due or Refund; Foreign Accounts

Sign here

3825 HANOVER STREET
BALTIMORE, MARYLAND 21225

1040 US Individual Income Tax Return 1970

Sign here

BALTIMORE, MARYLAND 21225

1040 US Individual Income Tax Return 1969

Department of the Treasury / Internal Revenue Service

For the year January 1–December 31, 1969, or other taxable year beginning ..., 1969, ending ..., 19...

GY 214-30-6480
ALVIN H & ROSALIE PARLETT 0052
EARLES BEACH RD
BOX 498A – Rt. 16
BALTIMORE MD 21220

Occupation: Self Farming; Housewife

Your Filing Status; Your Exemptions; Your Income; Your Tax and Surcharge; Your Credits; Balance Due or Refund

ALVIN – MICHAEL – ROSALIE – DONALD – DIANA – DEBORAH

Sign here

3825 HANOVER STREET
BALTIMORE, MARYLAND 21225
PHONE: 355-1054

1040 U.S. Individual Income Tax Return 1968

U.S. Treasury Department, Internal Revenue Service

For the year January 1–December 31, 1968, or other taxable year beginning ..., 1968, ending ..., 19...

T 214-30-6480
ALVIN H & ROSALIE PARLETT 0042
EARLES BEACH RD
BOX 498A
BALTIMORE MD 21220

Occupation: Farmer; Housewife

Your present employer and address: Self Employed

Your Filing Status—check only one:

Your Exemptions

Alvin – Michael – Rosalie
Donald – Diana – Deborah

Income; Figure tax using tax rate schedules; Your Tax, Credits, and Payments; Balance Due or Refund

Sign here

3825 HANOVER STREET
BALTIMORE, MARYLAND 21225
PHONE: 355-1054

1040 U.S. Individual Income Tax Return 1967

U.S. Treasury Department, Internal Revenue Service

For the year January 1–December 31, 1967, or other taxable year beginning ..., 1967, ending ..., 19...

214-30-6480 0052
ALVIN H & ROSALIE PARLETT
EARLES BEACH RD
BOX 498A
BALTIMORE MD 21220

Occupation: Farmer; Housewife

Your Filing Status—check only one:

Your Exemptions

Alvin – Michael – Rosalie
Donald – Diana – Deborah

Income; Find tax using tax rate schedules; Your Tax, Credits, and Payments; Balance Due or Refund

Sign here


SALVO AUTO PARTS 5118-697
HAROLD A. WEIDOW 4577-38
WILLIAM HEISE S.M. 7517/208
ERNEST C. ISON 1509-133
GERALD K. POWELL 3995-216
HOLLY NECK LIMITED PARTNERSHIP 5619-337
S.62°-45'-27" E. 2413.00'
R.J. MORGAN 1042-72
SITE
LOCATION MAP
SCALE: 1" = 2000'
1500 GAL SEPTIC TANK
DISTRIBUTION BOX
10,000 S.F. SEPTIC FIELD
EXISTING MOBILE HOME 14' x 67'
PERC TEST
PHILLIPS ROAD
N 72°-52' W. 556.00'
GEORGE ZAHRADKA JR. & JOAN ZAHRADKA, WIFE 5857/281
67.15 Ac.±
(UNKNOWN)
N. 23°-36'-20" E. 1295.02'
FARM AREA
WM. B. PHILLIPS 5243-671
GENERAL NOTES:
1. OWNER - GEORGE ZAHRADKA JR. & JOAN ZAHRADKA, WIFE
2. DEEDS - 5857/281 & 5418/520
3. ELECTION DISTRICT - 16.15
4. ZONED: RC-5
5. EXISTING PUBLIC WATER IN PHILLIPS ROAD & GOLUPSKI RD.
6. TAX ACCOUNT NOS.
7. EXISTING USE: FARM
8. PROPERTY WITHIN CRITICAL AREA
9. NO STREAMS OR WETLANDS IN AFFECTED AREAS.
10. TOTAL AREA = 77.50 Ac.±
GOLUPSKI ROAD
TRUCK MANEUVERING AREA
BARN
AREA FOR TREE NURSERY
GEORGE ZAHRADKA JR. & JOAN ZAHRADKA, WIFE 5418/520
10.35 Ac.±
PASTURE AREA
POND
BROWNS CREEK
1130'± TO Ⓒ HOLLY NECK ROAD
POINT OF BEGINNING
S.61°-11'-40" E. 245.00'
S.50°-09'-40" E. 440.00'
FARM EQUIPMENT, CONTRACTORS EQUIPMENT AND TRUCK STORAGE AREA
FARM AREA
EDWARD & NINE SCHAFER 5857/284
#381
PETITIONER'S EXHIBIT 1
N. 53°-04'-46" W. 2431.21'
FLOYD E. PLOTT 4450-100
William N. Bafitis, P.E. 301-285-3212
Bafitis & Associates
Civil Engineers / Land Planners / Surveyors
3482 Dunhaven Rd. Baltimore, Md. 21222
SITE PLAN
FOR NONCONFORMING USE FOR HAULING (INCLUDING GARBAGE TRUCKS) AND CONTRACTORS EQUIPMENT STORAGE YARD
DATE
REVISIONS
8/1/86 ADDED PERC TEST & SEPTIC FIELD
ADDED INFO FOR NONCONFORMING USE
SCALE 1" = 100'
JOB ORDER NO.
DATE JULY 11, 1986
STATE OF MARYLAND
WILLIAM N. BAFITIS