

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY

ATTORNEYS

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF
PHILADELPHIA ROAD, 780'
NORTHWEST OF LENNING LANE
(9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
THOMAS J. HERGENROTTER,
Plaintiff

Michael E. Marino, Esq.
Leroy L. Marino, P.A.
609 Bosley Ave. (40) 821-6633
Anthony P. Palaigios
Blum, Yunkas, Mailman, Gutman,
& Denick, P.A., 2 Hopkins Plaza
1200 Mercantile Bank & Trust Bldg
(41) 385-4027

MANUSCRIPT IN BASEMENT
LOCATED Box 92

CV GEN COSTS 92991
CHECK 80.00
F LINT 10.00
CHECKED FL 90.00
REMARKS COTI NO. 10812 10/16/92
3) Oct 23, 1992 Petition for Appeal, fd.
4) Nov. 24, 1992 Notice of Record, Ed. (G-1) (rec'd-11/19/92) CIVIL CV CLK 22991 15.00
5) Nov. 24, 1992 Notice of filing of record, Ed. (rec'd-11/19/92) CIVIL CV CLK 15.00
6) Jan. 1, 1993 Appt. of ANTHONY P. PALAIGIOS FOR THE LEROY L. ENNIS and wife, LILY MARINO, to follow order for appeal, 34, 1992's in Oct. 1992 18/10/92

FILED 10 1992

AUG 18 1992

RECORDED AND INDEXED
COURT CLERK'S OFFICE

Docket 35 Page 102 Case 92CV 9591

IN THE MATTER OF THE APPLICATION OF LEROY L. ENNIS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF PHILADELPHIA ROAD, 780' NORTHWEST OF LENNING LANE (9114-9118 PHILADELPHIA ROAD) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT THOMAS J. HERGENROTTER, Plaintiff
ZONING CASE NO. 91-411-SPH Defendant

ANSWER OF LEROY L. ENNIS TO
PETITION TO FOLLOW ORDER FOR APPEAL

Leroy L. Ennis ("Ennis"), by his attorneys, Anthony P. Palaigios and Blum, Yunkas, Mailman, Gutman & Denick, P.A., having on December 15, 1992, receiving for the first time a copy of Thomas J. Hergenroeder's (the "Plaintiff") Petition to Follow Order for Appeal (the "Petition"), answers the Petition pursuant to Rule 89 of the Maryland Rules of Civil Procedure and says as follows:

1. That the original application (the "Application") for a Special Hearing on the Properties known as 9114-9118 Philadelphia Road, owned by the Plaintiff, which is the subject of these proceedings, was filed by Ennis, an adjoining property owner, with the Zoning Commissioner of Baltimore County (the "Commissioner").
2. The Commissioner, after having heard testimony and reviewing the evidence, rendered his decision on May 26, 1992.

3. The Plaintiff, not satisfied with the Commissioner's decision of May 26, 1992, filed an appeal of same with the County Board of Appeals of Baltimore County ("the Board") on June 26, 1992, which appeal was filed beyond the thirty (30) day appeal period.

4. Ennis, by his counsel, filed with the Board its Motion to Dismiss the Plaintiff's appeal on the basis that the appeal was not timely filed and therefore the Board was without jurisdiction to hear the appeal.

5. Ennis' Motion to Dismiss was granted by the Board pursuant to its Order dated September 16, 1992 from which this appeal to this Honorable Court was taken by the Plaintiff.

6. In further answer to the Plaintiff's Petition, Ennis specifically states that:

- (a) the decision of the Board was supported by the evidence; and
- (b) that the Board applied the law correctly to those facts; and
- (c) the decision of the Board was not arbitrary, capricious or illegal; and
- (d) the Board is without legal authority to alter the rules that have been established for its jurisdiction by the Baltimore County legislative body and the applicable State enabling legislation and that the issue of prejudice is not applicable or relevant as a defense to missing a jurisdictional time deadline.

WHEREFORE, Leroy L. Ennis respectfully requests this Honorable Court to affirm the decision of the County Board of Appeals of Baltimore County and to deny the relief requested by the Plaintiff, Thomas J. Hergenroeder.

Respectfully submitted,

Anthony P. Palaigios
Blum, Yunkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of December, 1992, a copy of the foregoing Answer of Leroy L. Ennis was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, Levy and Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204, attorney for Thomas J. Hergenroeder; and the County Board of Appeals for Baltimore County, Room 49-Basement, Old Court House, 400 Washington Avenue, Towson, Maryland 21204, Attention: Linda Lee M. Kusumaul, Legal Secretary.

Anthony P. Palaigios

G:11976001, ams
HRP:121792

Leroy L. Ennis, File No. 92-CV-9591
Case No. 91-411-SPH

Sept. 9, 1991 Deputy Zoning Commissioner Rotrock's Amended Order that case will not be passed on to the Board but heard by new Zoning Commissioner.

September 10 Certificate of Posting of property for postponement. Hearing held on Petition by the Zoning Commissioner.

May 26, 1992 Order of Zoning Commissioner Schaidt GRANTING Petition in part; DENYING Petition in part.

June 26 Notice of Appeal received from Michael E. Marino, Esquire on behalf of Thomas Hergenroeder, Petitioner/Appellant.

August 5 Motion to Dismiss filed by Anthony P. Palaigios, Esquire on behalf of Petitioner.

September 16 Hearing before the Board of Appeals on Motion to Dismiss.

September 16 Ruling of the Board of Appeals dismissing case due to untimely filing of appeal.

October 13 Petition and Order for Appeal filed in the Circuit Court for Baltimore County by Michael E. Marino, Esquire on behalf of Thomas J. Hergenroeder, Petitioner/Appellant.

October 14 Certificate of Notice sent to interested parties.

November 19 Transcript of testimony filed.

November 19 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,
Linda Lee M. Kusumaul
Linda Lee M. Kusumaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: Michael E. Marino, Esquire
Anthony P. Palaigios, Esquire

IN THE MATTER OF THE APPLICATION OF LEROY L. ENNIS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF PHILADELPHIA ROAD, 780' NORTHWEST OF LENNING LANE (9114-9118 PHILADELPHIA ROAD) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT THOMAS J. HERGENROTTER, Plaintiff
ZONING CASE NO. 91-411-SPH

CERTIFICATE OF NOTICE

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204, Counsel for Plaintiff; Mr. Thomas J. Hergenroeder, 9114 Philadelphia Road, Baltimore, Maryland 21237, Plaintiff; Anthony P. Palaigios, Esquire, Blum, Yunkas, Mailman, Gutman & Denick, 1200 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914, Counsel for Defendant; Mr. Leroy L. Ennis, 9120 Philadelphia Road, Baltimore, Maryland 21237, Defendant; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on this 14th day of October, 1992.

IN THE MATTER OF THE APPLICATION OF LEROY L. ENNIS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF PHILADELPHIA ROAD, 780' NORTHWEST OF LENNING LANE (9114-9118 PHILADELPHIA ROAD) 14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT THOMAS J. HERGENROTTER, Plaintiff
ZONING CASE NO. 91-411-SPH

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 91-411-SPH

April 24, 1991 Petition filed by Leroy L. Ennis for a Special Hearing to make a further interpretation of the inclusion of Parcels II and III in dismissal of violation case no. 92-91-V.

May 23 Publication in newspaper.

May 24 Comments of Baltimore County Zoning Plans Advisory Committee.

September 19 Certificate of Posting of property.

August 29 Deputy Zoning Commissioner Rotrock's Order recusing himself and passing case on to the Board of Appeals.

Leroy L. Ennis, File No. 92-CV-9591
Case No. 91-411-SPH

Linda Lee M. Kusumaul
Linda Lee M. Kusumaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204; Counsel for Plaintiff; Mr. Thomas J. Hergenroeder, 9114 Philadelphia Road, Baltimore, Maryland 21237, Plaintiff; Anthony P. Palaigios, Esquire, Blum, Yunkas, Mailman, Gutman & Denick, 1200 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914, Counsel for Defendant; Mr. Leroy L. Ennis, 9120 Philadelphia Road, Baltimore, Maryland 21237, Defendant; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on this 14th day of October, 1992.

Linda Lee M. Kusumaul
Linda Lee M. Kusumaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 14, 1992

Michael Marino, Esquire
HALL, LEVY & MARINO, P.A.
Suite 1212
Two East Baltimore Street
Baltimore, Maryland 21202

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Marino:

In accordance with Rule 8-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of the proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule 8-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Krayman
Linda Lee M. Krayman
Legal Secretary

Enclosure

cc: Mr. Thomas J. Hergenroeder



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 14, 1992

Anthony P. Palaigios, Esquire
BLUM, YUMKAS, MAILMAN, GUTMAN
& DENICK, P.A.
1200 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201-2914

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Palaigios:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Krayman
Linda Lee M. Krayman
Legal Secretary

Enclosure

cc: Mr. Leroy L. Ennis
George A. Breschi, Esquire
P. David Fields
Patrick Bolter
Lawrence E. Schmidt
Timothy H. Kozmoo
M. Carl Richards, Jr.
Dorothy Clark-Rising
Arnold Jablon, Director of
Soning Administration

RECEIVED
OCT 15 1992
ZONING OFFICE

RECEIVED

10-15-92

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF
PHILADELPHIA ROAD, 760'
NORTHEAST OF LEHNING'S LANE
(9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 98/02/1921
9571

ORDER FOR APPEAL

Please enter an appeal on behalf of Thomas J. Hergenroeder from the decision of the Baltimore County, Maryland Board of Appeals in this matter dated September 16, 1992.

Michael E. Marino, Esquire
Michael E. Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorney for
Thomas J. Hergenroeder

COUNTY BOARD OF APPEALS
SE OCT 13 PM 3:35

RECEIVED
SE OCT 13 PM 4:08

10/15/1992/13/92

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 1992, a copy of the foregoing Order for Appeal was mailed, first class mail, postage pre-paid, to Anthony P. Palaigios, Esquire, 1200 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Maryland 21201 and William T. Rockett, Chairman, County Board of Appeals of Baltimore County.

Michael E. Marino, Esquire
Michael E. Marino, Esquire



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 16, 1992

Anthony P. Palaigios, Esquire
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201-2914

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Palaigios:

Enclosed please find a copy of the Ruling on Motion to Dismiss issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Krayman
Linda Lee M. Krayman
Legal Secretary

Enclosure

cc: Michael E. Marino, Esquire
George A. Breschi, Esquire

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
ON
PHILADELPHIA ROAD, 760 FT. *
NE OF LEHNING'S LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT

IN THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

LEROY L. ENNIS-PETITIONER

Defendant

Case No. 91-411-SPH

MOTION TO DISMISS

Leroy L. Ennis, Petitioner and Appellee, by his attorneys, Anthony P. Palaigios and Blum, Yumkas, Mailman, Gutman & Denick, P.A., moves to dismiss the appeal taken by Thomas J. Hergenroeder, Respondent, by and through his counsel, Michael E. Marino, on the grounds that the appeal was not timely taken, and in support thereof, says as follows:

1. The matter which is the subject of this case came before the Zoning Commissioner for Baltimore County as a result of a Petition for Special Hearing filed by the Petitioner.

2. A hearing was held before the Zoning Commissioner, Lawrence E. Schmidt, at which time evidence was presented, testimony was given, cross-examination of witnesses was conducted, and legal arguments were made by both the Petitioner and the Respondent, by and through their respective counsel of record at the hearing.

3. The Zoning Commissioner rendered his decision on May 26, 1992, a copy of which is attached hereto as Exhibit 1, and specifically made a part hereof, and notice of that decision was properly sent by the Zoning Commissioner to counsel of record for both the Petitioner and the Respondent. A copy of the notice

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF
PHILADELPHIA ROAD, 760'
NORTHEAST OF LEHNING'S LANE
(9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. _____

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on this 13th day of October, 1992, a copy of the Order for Appeal in the captioned matter was served, pursuant to Maryland Rule 1-321, upon the County Board of Appeals of Baltimore County.

Michael E. Marino, Esquire
Michael E. Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorney for
Thomas J. Hergenroeder

IN THE MATTER OF THE APPLICATION
OF LEROY L. ENNIS FOR A SPECIAL
HEARING ON PROPERTY LOCATED ON
THE NORTHWEST SIDE OF PHILADELPHIA
ROAD, 760' NORTHEAST OF LEHNING'S
LANE (9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 91-411-SPH

RULING ON MOTION TO DISMISS

The above entitled matter was heard before this Board on September 16, 1992 on a Motion to Dismiss filed by Leroy L. Ennis. The Board considered arguments of Counsel and finds that the Appeal to this Board was not timely filed in accordance with the Board's Rule 3.0 and the appeal is hereby dismissed.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Date: September 16, 1992

William T. Rockett
William T. Rockett, Chairman
John H. J. J.
John H. J. J.
Michael E. Marino
Michael E. Marino

9209591

letter is attached hereto as Exhibit 2 and specifically made a part hereof, and a copy of the envelope received by the Petitioner's counsel containing this notice letter and Order of the Zoning Commissioner is attached hereto as Exhibit 3, and specifically made a part hereof.

4. The Petitioner's counsel was notified by letter dated July 2, 1992 from the Zoning Commissioner, a copy of which is attached hereto as Exhibit 4, and specifically made a part hereof, that the Respondent, by his new counsel, Michael E. Marino, on June 26, 1992 filed an appeal of the Zoning Commissioner's Order of May 26, 1992, which appeal was filed beyond the thirty day appeal period.

5. The law is quite clear as set forth in Rule 3c of the Rules of Practice and Procedure of the County Board of Appeals, that:

"Unless otherwise provided for by statute, all appeals to the board of appeals, subject to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from the date of the final action appealed."

The authority for the promulgation of the aforementioned rule emanates from the Baltimore County Code, 1988, §1-7; and Article 25A, §5U of the Annotated Code of Maryland.

6. The Order of the Zoning Commissioner in this case was May 26, 1992 and the last day to take an appeal of that decision was June 25, 1992.

7. The use of the word "shall" in the rules of the County Board of Appeals recited in Paragraph 5 of this Motion represents a mandatory time deadline as opposed to a

discretionary deadline. In fact, the appellate courts of this State have frequently stated that the use of the word "shall" indicates that the direction is a "mandatory" one and must be obeyed. *People's Council v. Public Service Commission*, 52 Md. App. 715 (1982).

8. Clearly, the Respondent, through competent counsel, was late in filing its notice of appeal without any apparent excuse or justification; and without the benefit of any statute, otherwise offering an appeal such as this one, to be taken beyond the thirty day limit; and without any principle of tolling extending the thirty day requirement for the benefit of Respondent.

WHEREFORE, for all of the foregoing reasons, the Petitioner, Leroy L. Ennis, respectfully requests that the County Board of Appeals of Baltimore County dismiss the appeal taken by the Respondent, Thomas J. Hergenroeder.

Respectfully submitted,

Anthony P. Palaigo
Anthony P. Palaigo
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Place
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of August, 1992, a copy of the foregoing Motion to Dismiss, together with the proposed Order, was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson,

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
NW-8 PHILADELPHIA ROAD, 760 FT.
NE OF LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT
LEROY L. ENNIS-PETITIONER
Defendant
Case No. 91-411-SPH
BALTIMORE COUNTY
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

ORDER

Upon review of the Petitioner's Motion to Dismiss and the response to that Motion to Dismiss by Respondent, it is this day of August, 1992,

ORDERED, that the Petitioner's Motion to Dismiss is granted.

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
NW-8 PHILADELPHIA ROAD, 760 FT.
NE OF LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT
LEROY L. ENNIS-PETITIONER
Defendant
Case No. 91-411-SPH
BALTIMORE COUNTY
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

RECOUNT FOR HEARING

Leroy L. Ennis, Petitioner and Appellee, by his attorneys, Anthony P. Palaigo and Blum, Yumkas, Mailman, Gutman & Denick, P.A., respectfully requests a hearing on his Motion to Dismiss.

Respectfully submitted,

Anthony P. Palaigo
Anthony P. Palaigo
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Place
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th day of August, 1992, a copy of the foregoing Request for Hearing, was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, Maryland 21204, Attorney for Respondent; People's Council of Baltimore County, Old Courthouse, 409 Washington Avenue, Towson, Maryland 21204; George A. Braschi, Esquire, Suite 605, 409 Washington Avenue, Towson, Maryland 21204, attorney for Respondent.

Anthony P. Palaigo
Anthony P. Palaigo

G11976001.OR
MRP:080592

G11976001.RH
MRP:080592

Maryland 21204, Attorney for Respondent; People's Council of Baltimore County, Old Courthouse, 409 Washington Avenue, Towson, Maryland 21204; George A. Braschi, Esquire, Suite 605, 409 Washington Avenue, Towson, Maryland 21204, attorney for Respondent.

Anthony P. Palaigo
Anthony P. Palaigo

G11976001.RD
MRP:080592

LAW OFFICE
BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P.A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLACE
BALTIMORE, MARYLAND 21201-3014
TELEPHONE 385-4027
FAX 385-4020
WITNESS DIRECT MAIL
1991 080-0007

August 5, 1992

County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
409 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Petition for Special Hearing
NW-8 Philadelphia Road, 760 Ft. NE of Lennings
Lane (9114-9118 Philadelphia Road)
Case No. 91-411-SPH
Subject: Motion to Dismiss
Our File No. 11876(1)

To the Honorable Members of the County Board of Appeals
of Baltimore County:

Enclosed please find the Petitioner's Motion to Dismiss, Request for Hearing and proposed Order to be docketed in the above captioned case.

I would appreciate your scheduling a hearing on this Motion to Dismiss at the first earliest date available, in advance of any hearing to be scheduled on the merits of this appeal.

The reason that I request such a hearing in advance of any such hearing on the merits is that the merits will require a substantial amount of time to present, which will be unnecessary if you grant this Motion to Dismiss.

Should you have any questions, please do not hesitate to call.

Very truly yours,
Anthony P. Palaigo
Anthony P. Palaigo

APP/hp
Enclosure
cc: Michael E. Marino, Esq.
People's Council of Baltimore County
George A. Braschi, Esq.
Leroy L. Ennis

IN RE:
PETITION FOR SPECIAL HEARING
NW-8 PHILADELPHIA ROAD, 760
FT. NE OF LENNINGS LANE
(9114-9118 PHILADELPHIA RD.)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
Leroy L. Ennis
Petitioner
Case No. 91-411-SPH
BALTIMORE COUNTY
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

ORDER FOR APPEAL

Please enter an appeal on behalf of the Respondent, property owner, Thomas Hergenroeder, from the decision of the Zoning Commissioner dated May 26, 1992, wherein the Zoning Commissioner denied the Respondent non-conforming use of Parcel III (9118 Philadelphia Road), more fully described in the proceedings.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26th day of June, 1992, a copy of the foregoing Order of Appeal was mailed postage prepaid to Anthony P. Palaigo, Esquire, Blum, Yumkas, Mailman, Gutman & Denick, P.A., 1200 Mercantile Bank and Trust Building, 2 Hopkins Place, Baltimore, Maryland 21201-3114.

Michael E. Marino
Michael E. Marino
6-26-92
ZONING OFFICE

IN RE: PETITION FOR SPECIAL HEARING
NW-8 PHILADELPHIA ROAD, 760
FT. NE OF LENNINGS LANE
(9114-9118 PHILADELPHIA RD.)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
Leroy L. Ennis
Petitioner
Case # 91-411-SPH
BALTIMORE COUNTY
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by Leroy L. Ennis of 9120 Philadelphia Road. The Petition requests an interpretation of the decision rendered in case No. 72-91-V as to whether parcels II and III, as shown on the submitted site plan to accompany the Petition for Special Hearing, are part of the nonconforming use granted for 9114 Philadelphia Road (parcel I) within that case.

The owner of the subject property, Thomas Hergenroeder, appeared at the hearing and was represented by George Braschi, Esquire. Representing the Petitioner was Anthony P. Palaigo, Esquire.

As referenced above, the case arises before me in a somewhat unusual fashion, in that the Petitioner is not the property owner. Rather, the Petitioner, Leroy L. Ennis, resides immediately next to the subject property. In essence, he seeks an interpretation of a prior zoning decision for the subject property and a clarification of the permissible uses thereon.

An understanding of the subject property is necessary to appreciate the issue before me. Mr. Hergenroeder's property, in its entirety, is actually comprised of three different lots. These are shown on the plat to accompany the special hearing as parcels I, II and III and bear the addresses 9114, 9116 and 9118 Philadelphia Road, respectively. Parcel I is approximately 60

ORDER RECEIVED FOR FILING
8/10/92
11/10/92

ft. wide by 115 ft. deep and is improved with a one story brick building known as the Roseville Garage. Currently, the garage is leased by Mr. Hergenroeder and operated by Kenneth Hamner. Parcel II is an unimproved lot for a parking surface of crushed stone which supports the garage at 9114 and a small frame building on the rear of the lot. It is slightly narrower (50 ft.) than parcel I, but is also 115 ft. deep. Parcel III is wider (75 ft.) and deeper (250 ft.) than the other lots and is also unimproved but for crushed stone parking area. It is this parcel which is immediately adjacent to Mr. Ennis' property. Further, although all mail for the three lots is delivered to 9114 Philadelphia Road and they are used in conjunction with one another, it is clear that the entire tract is comprised of three different lots and is not one property. The evidence presented shows that the lots are leased as different parcels and, in fact, referred in the deeds to the tract as three distinct lots.

An understanding of the history of the properties is also significant. Parcel No. 1, (9114 Philadelphia Road) has been used as a service garage for some time. It was originally operated in this fashion by a Mr. Schmidt. Subsequently, Mr. Schmidt sold the parcels to Mr. Hergenroeder and is family in the early 1970s. Ultimately, Mr. Hergenroeder became the sole owner of the property. He has operated the service garage business thereon, or leased that use, since approximately 1972.

From a zoning perspective, the history of the parcels is likewise germane to the case before me. The matter originally came in before then Deputy Zoning Commissioner James E. Dyer, in 1972 under case No. 72-91-V. A copy of Deputy Zoning Commissioner Dyer's opinion was submitted in evidence in the instant case. That opinion granted, as a nonconforming use, the use of the service garage on a portion of the tract. Simply stated, the question pre-

sented today is whether Deputy Commissioner Dyer's opinion permitting a service garage was restricted to parcel I, only, or whether parcels II and/or III also enjoy a nonconforming use.

Further, this issue was subsequently the subject of an informal discussion within the Zoning Office in 1986. At that time, Mr. Hergenroeder's counsel, S. Eric DiMenna, conferred with then Zoning Commissioner, Arnold Jablon, and members of the zoning staff for a clarification of the extent of the nonconforming use. Although there was no public hearing and, therefore, no Order, a confirmatory letter dated October 29, 1986 was issued from from Zoning Coordinator, James H. Thompson, that parcels II and III enjoyed a nonconforming use per case No. 79-91-V. Lastly, the property was also the subject of a violation proceeding in 1987-88. Although there was little documentary evidence offered at the hearing before me, regarding the violation proceeding, apparently, the subject of that case included the operation of a towing business on site, as well as whether an auto body repair business was permitted. Testimony was offered that, although a violation was found, the District Court's opinion was subsequently appealed to the Circuit Court and the matter dismissed before any final disposition was obtained.

Although the above recitation of the zoning history and physical appearance of the lot seems agreed and uncontradicted by the parties, the historical use of the parcels is disputed. Mr. Hergenroeder testified that parcels II and III were actively used to support service garage use since prior to 1972. He specifically testified that automobiles have been stored on parcels II and III since before that time. Further, the current operator, Mr. Hamner, who has been familiar with the property since the late 1970s, echoed Mr. Hergenroeder's testimony. He, likewise, opined that the entire tract in-

cluding parcels II and III, has been been used in support of the service garage business for many years.

Testimony from the Petitioner and his witnesses was quite different. Mr. Ennis testified that he has lived on his property since December of 1955. He has been actively involved in the zoning disputes, as described above, for many years. He testified that he participated in the 1972 zoning hearing and, at that time, the only property used to support the service garage business was 9114 Philadelphia Road (parcel I). Further, the witness testified that, in the early 1970s, parcels II and III were tree covered and not used for business purposes at all. Mr. Ennis further testified that on July 16, 1986, Mr. Hergenroeder began clearing trees on parcels II and III. Later, in early 1987, a fence was constructed around those parcels and storage of automobiles began. Since July of 1986, parcels II and III have been continuously used as a storage lot. Other witnesses, in support of the Petition, including Pauline Dodson of 9122 Philadelphia Road and Marie Simoes of the Nottingham Improvement Association, echoed Mr. Ennis' testimony and object to what they perceive as the expansion of the service garage business on the Hergenroeder property.

In order to address the Petition presented and determine the proper use of the property, two issues must be addressed. These issues will be presented and addressed in turn.

1. Which of the subject parcels is legitimately nonconforming and has been used continuously and uninterruptedly since 1972 as a service garage, pursuant to the Order of Deputy Zoning Commissioner James E. Dyer, dated September 18, 1972? Clearly, parcel I (9114 Philadelphia Road) is a lawful and legitimate nonconforming use and the service garage use may continue thereon. If nothing else is clear, it is certain that parcel I was the

subject of the Petition for Special Hearing in 1972. The garage was existing at that time and the testimony is clear that the business has operated on that parcel continuously since that date. Thus, parcel I is a legitimate nonconforming use.

In evaluating whether parcel II is nonconforming, much reliance must be given to the photographic evidence submitted at the hearing as well as the site plans. Insofar as the plans, it is to be noted that there exists only a 20 ft. distance from the garage building to the property line. Logically, it would follow that this small area is insufficient in size to support the parking needs for the garage use since business operations began. Further, in reviewing the photographic evidence offered, specifically Petitioner's Exhibit No. 9, an aerial photo of the subject locale taken in May of 1984, it is apparent that a significant portion of parcel II was used as a parking lot to support the service garage. Although distances are difficult to measure in the photograph, there is clearly a significant parking area immediately adjacent to the one story brick building. This parking area obviously intrudes well into parcel II. Therefore, it must be concluded that parcel II is also a portion of the nonconforming use and thus may continue to be used in association with the service garage.

As to parcel III, a different result is reached. Again, consideration must be given to the photographic evidence, testimony of the witnesses and documentary evidence, as offered. Mr. Ennis remembers quite clearly that significant trees were felled and the parking area expanded in July of 1984. This is entirely consistent with the May 1984 photograph, which shows a significant line of trees between the Ennis and Hergenroeder properties. Again, although distances are difficult to gauge in reviewing the photograph, it seems apparent that parcel III was not used in connection with the

service garage business as of May of 1984. Further, the Department of Public Works plan, which was submitted as Petitioner's Exhibit No. 14, clearly shows parcel III as wooded and non-commercial in 1984.

Based on this overwhelming evidence, I find, as fact that parcels I and II are included in the nonconforming use, whereas parcel III is not.

2. Is Baltimore County equitably estopped from prohibiting the proper use now from conducting service garage operations on parcel III?

Having reached my decision that parcel III is not a part of the nonconforming use, counsel for Mr. Hergenroeder argues that the County is now estopped from prohibiting that use on parcel III because of then Zoning Commissioner Jablon's decision as reflected in Mr. Thompson's letter dated October 29, 1986. Counsel's argument in this regard is offered under the theories of res judicata and/or equitable estoppel. Clearly, res judicata is not applicable. As indicated above, Commissioner Jablon's decision was informal and not issued after a public hearing. Further, the violation case within the District Court apparently dealt with other issues. In that there has been no prior judicial or quasi-judicial determination of the issue presented, res judicata is not applicable.

The question of equitable estoppel is more difficult. The principal of estoppel largely arises out of the concept of fundamental fairness. Applying this principal to the present case, Mr. Hergenroeder argues that it would be unfair for him to now lose use of parcel III as a portion of the nonconforming use, after having been granted permission to do so by way of Mr. Thompson's letter in October of 1986. Further, it is to be noted that the principals of estoppel apply to a municipality, such as Baltimore County. See Baltimore County Planning Inspector v. Bess, C.F. Abel, et al. 246 Md. 395 228 A2d 247 (1967).

Although that case enunciates the standards which Mr. Hergenroeder argues, it should be noted that there must be some detrimental reliance upon a County action for the property owner to assert estoppel. In this case, however, there is clearly none.

The testimony of Mr. Ennis was germane and quite exact. He testified that parcel III was tree covered and that the clearing of same began on July 16, 1986. Thus, it is clear that Mr. Hergenroeder began using parcel III in support of his business no later than that date. Further, however, it is to be noted that Mr. Jablon's meeting occurred on August 29, 1986 and, as indicated heretofore, Mr. Thompson's letter is dated October 29th of that year. From these dates, it can be concluded that Mr. Hergenroeder did not seek an interpretation of the 1972 Order first, and act subsequently based on that interpretation. Rather, he expanded his operation first, and then sought forgiveness of his action. Although forgiveness was forthcoming by way of Mr. Thompson's letter of October 29, 1986, I do not believe that this scenario supports a basis of equitable estoppel. Further, as noted above, I find, as fact, that parcel III was not used as part of the service garage when Deputy Commissioner Dyer's opinion was ordered in 1972.

For the foregoing reasons, I shall grant the Petition for Special Hearing, in part, and deny same, in part. Further, my Order will provide that there shall be no expansion of the nonconforming use into parcel III, in that said lot is a unique and identifiable parcel and the non-conforming use should not be permitted thereon.

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

THEFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of May, 1992 that, pursuant to the findings above, permission to use the nonconforming service garage on parcels I and II (9114 and 9116 Philadelphia Road) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that permission to use the nonconforming use on parcel III (9116 Philadelphia Road) be and is hereby DENIED; and,

IT IS FURTHER ORDERED that there shall be no expansion of the service garage business operated on parcels I and II to parcel III.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

James E. Dyer
JAMES E. DYER
Zoning Commissioner for Baltimore County

LEB:mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson MD 21204 (410) 887-4386

May 20, 1992

Anthony P. Paisanos, Esquire
2100 Yonkers Mall, Gutman and Denick P.A.
1200 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201-2914
George A. Branchi, Esquire
DiMenna and Branchi
Suite 400, Mercantile Tower Bldg.
425 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 91-412-070
Leroy L. Ennis, Petitioner

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in part, and denied, in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Commissioner
for Baltimore County

LEB:mm
att:
CC: Mr. Marie Simoes
CC: Mr. Pauline E. Dodson

IN RE: PETITION FOR SPECIAL HEARING
NW/5 Philadelphia Road, 760' NE
of Lennings Lane
(9114 - 9118 Philadelphia Road)
14th Election District
6th Councilmanic District
Leroy L. Ennis
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-411-SPH

AMENDED ORDER

WHEREAS, this matter was scheduled to be heard by the Zoning Commissioner on June 19, 1991 and pursuant to the receipt of a written Motion from Counsel for Petitioner, the Zoning Commissioner was asked to recuse himself from hearing this case and the matter was rescheduled before the Deputy Zoning Commissioner on September 24, 1991;

WHEREAS, pursuant to the receipt of another written Motion from Counsel for Petitioner, the Deputy Zoning Commissioner was asked to recuse himself from hearing this case and by Order issued August 29, 1991, the Deputy Zoning Commissioner passed this matter to the Board of Appeals for a de novo hearing, inasmuch as there were no other hearing officers available in the Zoning Commissioner's Office;

WHEREAS, subsequent to the issuance of said Order, the County Executive appointed a new Zoning Commissioner to take office effective September 17, 1991;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24 day of September, 1991 that the Order issued August 29, 1991 be and the same is hereby AMENDED to reflect the following:

1. That Case No. 91-411-SPH will not be passed on to the Board of Appeals;

ORDER RECEIVED FOR FILING
Date 9/24/91
By [Signature]

- 2) That Case No. 91-411-SPH will be rescheduled for a hearing before the new Zoning Commissioner.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Anthony P. Palaigos, Esquire
1200 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza, Baltimore, Md. 21201-2914

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204

William T. Hackett, Chairman
Baltimore County Board of Appeals

People's Counsel
File

ORDER RECEIVED FOR FILING
Date 9/24/91
By [Signature]

- 2 -

IN RE: PETITION FOR SPECIAL HEARING
NW/5 Philadelphia Road, 760' NE
of Lennings Lane
(9114 - 9118 Philadelphia Road)
14th Election District
6th Councilmanic District
Leroy L. Ennis
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-411-SPH

ORDER

This matter was originally scheduled to be heard by J. Robert Haines, Zoning Commissioner, on June 19, 1991. However, by letter dated June 10, 1991, S. Eric DiNenna, Esquire, attorney for the property owner, requested that the Zoning Commissioner recuse himself from hearing this matter. The case was subsequently rescheduled for September 24, 1991.

I am now in receipt of a letter dated August 2, 1991 written by Mr. DiNenna on behalf of Thomas Hergenroeder, owner of the subject property (a copy of which is attached hereto and marked Exhibit A). I treat this letter as a motion by Mr. DiNenna asking me to recuse myself from hearing the subject matter on September 24, 1991. I am also in receipt of a letter dated August 27, 1991 from Anthony P. Palaigos, Esquire, attorney for the Petitioner, Leroy L. Ennis (a copy of which is attached hereto and marked Exhibit B). I treat this letter as a response to Mr. DiNenna's motion.

Inasmuch as a motion has been filed with a response filed thereto, I feel compelled in my capacity as Deputy Zoning Commissioner to respond to this motion. Prior to my appointment as Deputy Zoning Commissioner for Baltimore County, I was employed as an Assistant County Attorney with the Baltimore County Office of Law. In my capacity as Assistant County Attorney, I had the occasion to prosecute the owner of the property which is the subject of this particular Petition. I made a site inspection of the

ORDER RECEIVED FOR FILING
Date 9/24/91
By [Signature]

MICROFILM

property and met with the Petitioner, Leroy L. Ennis, the complainant in this case. I also met with other concerned citizens regarding this matter. At the time that Mr. DiNenna requested the Zoning Commissioner to recuse himself from this case, he was aware that I had been nominated by the County Executive to fill the Deputy Zoning Commissioner's position. After Mr. Haines recused himself from this matter, Mr. DiNenna was aware that I was the only other available hearing officer to hear this case.

My involvement in this case has been extensive and as such, I am persuaded by Mr. DiNenna's motion to recuse myself from hearing this matter on September 24, 1991. However, I feel it will be a more efficient use of the hearing process to dispose of this case by this Order in lieu of having everyone attend the hearing on September 24, 1991. Because Mr. DiNenna was aware that this situation would occur, and by his own actions, caused this situation to occur, I find that his client has not been prejudiced by my granting this motion. Accordingly, this Petition will then be passed to the Board of Appeals for a de novo hearing.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24 day of August, 1991 that the Motion filed by Mr. DiNenna be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that I shall recuse myself from hearing this matter on September 24, 1991; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing in the above-captioned matter shall be passed to the County Board of Appeals for a de novo hearing before that tribunal on the next available date.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: See Attached List

ORDER RECEIVED FOR FILING
Date 9/24/91
By [Signature]

- 2 -

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-411-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 806.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____
Make a further interpretation of violation case no. 72-91-V as to whether Paragraphs II and III as shown on the submitted site plan to accompany special hearing (Liber 696), Folio 2211, were included in dismissing said violation case. 802.01.50 (SEE ATTACHED)
Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of September, 1991, 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 19 day of June, 1991, at 9 o'clock A.M.

FILED 9/9/91 BY JLL
PAY TIME OR TRY
THE NEXT TIME

[Signature]
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/9/91
By [Signature]

IN RE: PETITION FOR SPECIAL HEARING
NW/5 Philadelphia Road, 760
ft. NE of Lennings Lane
(9114-9118 Philadelphia Rd.)
14th Election District
6th Councilmanic District
Leroy L. Ennis
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 91-411-SPH

ORDER FOR APPEAL

Please enter an appeal on behalf of the Respondent, property owner, Thomas Hergenroeder, from the decision of the Zoning Commissioner dated May 26, 1992, wherein the Zoning Commissioner denied the Respondent non-conforming use of Parcel III (9118 Philadelphia Road), more fully described in the proceedings.

[Signature]
Michael E. Marino
Levy & Marino, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26 day of June, 1992, a copy of the foregoing Order of Appeal was mailed postage pre-paid to Anthony P. Palaigos, Esquire, Blum, Yunkas, Mailman, Gullman, and Denick, P.A., 1200 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914.

[Signature]
6-26-92
ZONING OFFICE

[Signature]
Michael E. Marino

ORDER RECEIVED FOR FILING
Date 9/9/91
By [Signature]

- 3 -

650411004/17/92

91-411-SPH

The purpose of this petition is to make formal complaint that the properties known as 9116 and 9118 Philadelphia Road, as shown on the submitted site plan as Parcels II and III, are being used in violation of their existing zoning, D.P., and that the non-conforming use determined for 9114 Philadelphia Road in Case No. 72-91-V does not extend to these properties.

388

Technical Description of Parcel II & III

Point of beginning located at the North Side of Philadelphia Road and 760' ± East from the center line of Lanning Avenue

Thence:

N 34° 30' W - 135.0'
N 50° 30' E - 50.0'
N 30° 30' W - 115.0'
S 50° 30' E - 75.0'
S 34° 30' E - 250.0'
S 55° 30' W - 125.0'

To the point of beginning and known as parcel II & III.
Libor 6
Folio 6

91-411-SPH

CERTIFICATE OF POSTING
BALTIMORE COUNTY
TOWNSHIP, MARYLAND

91-411-SPH

Date of Posting: 4/24/91

Posted for: Special Hearing

Position: Libor 6

Location of property: N 34° 30' W - 135.0' N 50° 30' E - 50.0' N 30° 30' W - 115.0' S 50° 30' E - 75.0' S 34° 30' E - 250.0' S 55° 30' W - 125.0'

Location of Sign: Along the road at the intersection of the road and the property line

Remarks: As per the petition filed with the County Clerk on 4/24/91

Posted by: Libor 6

Date of return: 6/24/91

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/24/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 7/23/91

THE JEFFERSONIAN,

S. Zake Olin
Publisher

247 - \$ 88.44

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on 7/24/91

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zake Olin
Publisher

247 - \$ 88.44

CERTIFICATE OF POSTING

BALTIMORE COUNTY

TOWSON, MARYLAND

Date of Posting: 7/24/91

Posted for: Special Hearing

Position: Libor 6

Location of property: N 34° 30' W - 135.0' N 50° 30' E - 50.0' N 30° 30' W - 115.0' S 50° 30' E - 75.0' S 34° 30' E - 250.0' S 55° 30' W - 125.0'

Location of Sign: Along the road at the intersection of the road and the property line

Remarks: As per the petition filed with the County Clerk on 4/24/91

Posted by: Libor 6

Date of return: 6/24/91

Number of Signs: 1

NO. 3207-9591

IN THE MATTER OF THE APPLICATION OF LIBOR 6

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ANNUAL-ESTIMATE CASE, AND ZONING COMMISSIONER'S FILE & EXHIBITS.

Date: 7/24/91

Clara's Office

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bodley Avenue
P.O. Box 8754
Towson, Maryland, 21285-8754
January 23, 1993

TO: Michael E. Harlan, Esq.
Anthony P. Paladino, Esq.
County Board of Appeals of Baltimore County
Office of Law

RE: Re JURY 9009991 In the Matter of Libor 6

HEARING DATE: Friday, August 13, 1993, at 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 day

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy of it to counsel involved. POSTPONEMENTS MUST BE MADE TO THE DATE OF THE HEARING. CANCELLATIONS MUST BE MADE TO THE DATE OF THE HEARING. CANCELLATIONS MUST BE MADE TO THE DATE OF THE HEARING.

RETALIATION: If a statement is received prior to the hearing date, the Assignment Office must be notified immediately. All statements must be filed on the record of the matter of satisfaction in that prior to the hearing date.

receipt

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

91-411

Account: 8-001-410

7/10/91

APPEAL FEES QTY PRICE

140 - OF ALL OTHER ORDERS 1 X \$175.00

150 - POSTING SIGNS / ADVERTISING 1 X \$35.00

TOTAL: \$210.00

LAST NAME OF OWNER: ENNIS

PLEASE MAKE CHECK PAYABLE TO BALTIMORE COUNTY 8210.00

receipt

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

91-411-SPH

Account: 8-001-410

7/10/90

APPEAL FEES QTY PRICE

140 - OF ALL OTHER ORDERS 1 X \$175.00

150 - POSTING SIGNS / ADVERTISING 1 X \$35.00

TOTAL: \$210.00

LAST NAME OF OWNER: ENNIS

PLEASE MAKE CHECK PAYABLE TO BALTIMORE COUNTY 8210.00

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

7-10-91

Libor 6, Ennis
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number: 71-411-SPH
N 34° 30' W - 135.0' N 50° 30' E - 50.0' N 30° 30' W - 115.0' S 50° 30' E - 75.0' S 34° 30' E - 250.0' S 55° 30' W - 125.0'

Dear Petitioner(s):

reposting

Please be advised that \$ 25.00 is due for advertising and posting of the above captioned property.

YOUR FEES ARE PAID AND THE CHECKS ARE IN FULL PAYMENT OF THE COST OF THE ORDER. THE CHECKS WILL NOT BE REFUNDABLE. (DO NOT HAVE THE SIGN A COPY OF THE ORDER) FROM THE PROPERTY WITHIN THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign to post on the day of the hearing. County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

J. Robert Hines

SEVEN COMMISSIONERS
BALTIMORE COUNTY, MARYLAND

91-411-SPH

The purpose of this petition is to make formal complaint that the properties known as 9116 and 9118 Philadelphia Road, as shown on the submitted site plan as Parcels II and III, are being used in violation of their existing zoning, D.R., and that the non-conforming use determined for 9114 Philadelphia Road in Case No. 72-91-V does not extend to these properties.

L.S.E.

388

Technical Description of Parcel II & III

Point of beginning located at the North Side of Philadelphia Road and 760' ± East from the center line of Lennings Avenue

Thence:

N 34° 30' W - 135.0'
N 55° 30' E - 50.0'
N 34° 30' W - 115.0'
N 55° 30' E - 75.0'
S 34° 30' E - 250'
S 55° 30' W - 125'

To the point of beginning and known as parcel II & III,
Liber # 6961
Folio # 0212

91-411-SPH

388

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1476 Date of Posting: 6/4/91
Posted for: Special Hearing
Petitioner: Leroy L. Ennis
Location of property: NW 1/4 Phil Rd, 760' NE Lennings Ave
9116 & 9118 Phil Rd
Location of Signs: Along Phil Rd, 10' E of roadway, on property
being considered at hearing
Remarks: Attached to above filing (see postcard)
Posted by: [Signature] Date of return: 6/10/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

May 24, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 23, 1991.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlean
Publisher

247 - \$88.44

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 24, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 23, 1991.

THE JEFFERSONIAN,

MICROFILM S. Zeke Orlean
Publisher

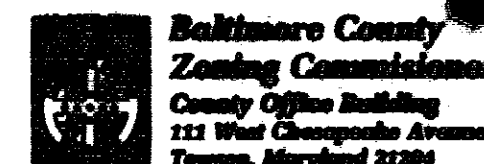
247 - \$88.44

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1476 Date of Posting: 6/4/91
Posted for: Special Hearing
Petitioner: Leroy L. Ennis
Location of property: NW 1/4 Phil Rd, 760' NE Lennings Ave
9116 & 9118 Phil Rd
Location of Signs: Along Phil Rd, 10' E of roadway, on property
being considered at hearing
Remarks: Attached to above filing (see postcard)
Posted by: [Signature] Date of return: 6/10/91
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1476 Date of Posting: 6/4/91
Posted for: Special Hearing
Petitioner: Leroy L. Ennis
Location of property: NW 1/4 Phil Rd, 760' NE Lennings Ave
9116 & 9118 Phil Rd
Location of Signs: Along Phil Rd, 10' E of roadway, on property
being considered at hearing
Remarks: Attached to above filing (see postcard)
Posted by: [Signature] Date of return: 6/10/91
Number of Signs: 1



91-411
N9101180
APPEAL FEES QTY PRICE
140 - OF ALL OTHER ORDERS 1 X \$175.00
150 - POSTING SIGNS / ADVERTISING 1 X \$35.00
TOTAL: \$210.00
LAST NAME OF OWNER: ENNIS
Please Make Checks Payable To Baltimore County \$210.00
BA COOP-PLANET-02-92

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOTE: 7-10-91

Leroy L. Ennis
5120 Philadelphia Road
Baltimore, Maryland 21237

RE:
Case Number: 91-411-SPH
N/W Philadelphia Road, 760' NE of Lennings Lane
9116, 9118, and 9118 Philadelphia Road
1949 Election District - 6th Councilmanic
Petitioner (NOT PROPERTY OWNER): Leroy L. Ennis
HEARING: THURSDAY, SEPTEMBER 24, 1991 AT 9:00 A.M.

Dear Petitioner(s):

Please be advised that \$ 25.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE DEEMED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland, bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Hines

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

MICROFILM

CASE NO. 92-CV-9591
IN THE MATTER OF THE APPLICATION OF LEROY L. ENNIS
RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT
FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.

1/1/92
Clerk's Office
Date: 1/1/92

COUNTY COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bayley Avenue
P.O. Box 6764
Towson, Maryland, 21205-6764
January 25, 1993

Michael S. Martin, Esq.
Anthony P. Polidanos, Esq.
County Board of Appeals of Baltimore County
Attorneys at Law

Re: JURY VERDICT in the Matter of Leroy L. Ennis

HEARING DATE: Friday, August 13, 1993, 2:30 p.m.

ON THE FOLLOWING: Appeal: 1 day

Please see the below notation.

NOTICE OF THE NOTICE: Counsel shall contact each other immediately to conform calendar. Date of the hearing shall be as follows:

It is the policy of the County Board of Appeals to hold all appeals on the date set for the hearing. If a party fails to appear on the date set for the hearing, the Board may proceed with the hearing and the decision of the Board shall be final. If a party fails to appear on the date set for the hearing, the Board may proceed with the hearing and the decision of the Board shall be final.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 29, 1991

NOTICE OF REASSIGNMENT
(ADJUDICATED DATE - NO FURTHER POSTPONEMENTS CONSIDERED)

CASE NUMBER(S): 91-411-SPH
LOCAL OWNER: Hergenroeder
PETITIONER: Leroy Ennis
LOCATION: 9114-9116 Philadelphia Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, MAY 15, 1992 AT 3:00 P.M.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Laurence E. Schmalz
Laurence E. Schmalz
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
Anthony P. Palaigos, Esq.
Geo. A. Breschi, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 9, 1991

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein to Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-411-SPH
600 Philadelphia Road, 760' NE of Lennings Lane
9114, 9116, and 9118 Philadelphia Road
14th Election District - 4th Councilmanic District
Petitioner (BY PROPERTY OWNER): Leroy L. Ennis
HEARING: MONDAY, JUNE 19, 1991 at 9:00 A.M.

Special Hearing to make a further interpretation of Violation Case 972-91-9 as to whether Permits II and III (After 494, Perls 602) were included in determining said violation case and also to make formal complaint that the petitioner owns as 9114 and 9118 Philadelphia Road (Permits II and III) was being used in violation of their existing zoning and that the non-conforming use determined for 9114 Philadelphia Road in Case 972-91-9 does not extend to these properties.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Leroy L. Ennis
Thomas Joseph Hergenroeder

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 16, 1991

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein to Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-411-SPH
600 Philadelphia Road, 760' NE of Lennings Lane
9114, 9116, and 9118 Philadelphia Road
14th Election District - 4th Councilmanic District
Petitioner (BY PROPERTY OWNER): Leroy L. Ennis
HEARING: THURSDAY, SEPTEMBER 24, 1991 at 9:00 A.M.

Special Hearing to make a further interpretation of Violation Case 972-91-9 as to whether Permits II and III (After 494, Perls 602) were included in determining said violation case and also to make formal complaint that the petitioner owns as 9114 and 9118 Philadelphia Road (Permits II and III) was being used in violation of their existing zoning and that the non-conforming use determined for 9114 Philadelphia Road in Case 972-91-9 does not extend to these properties.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Leroy L. Ennis
Thomas Joseph Hergenroeder
S. Eric DiMenna, Esq.
Anthony P. Palaigos, Esq.
Edward B. and Thomas B. Hess
Pauline L. Dedore
Rick Emswiler

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 16, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-411-SPH
PETITIONER: Leroy Ennis
LOCATION: 9114 - 9118 Philadelphia Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, OCTOBER 24, 1991 at 2:30 p.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
S. Eric DiMenna, Esq.
Anthony P. Palaigos, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 13, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-411-SPH
LOCAL OWNER: Hergenroeder
PETITIONER: Leroy Ennis
LOCATION: 9114 - 9116 Philadelphia Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, DECEMBER 10, 1991 at 10:30 A.M.

IN THE BALTIMORE COUNTY ROOM 110, COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Laurence E. Schmalz
Laurence E. Schmalz
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
S. Eric DiMenna, Esq.
Anthony P. Palaigos, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 91-411-SPH
PETITIONER(S): Leroy Ennis
LOCATION: 9114-9116 Philadelphia Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON DECEMBER 10, 1991, HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQ.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl Jahn
Arnold Jablon
Director

cc: Leroy Ennis
Anthony P. Palaigos, Esq.
George A. Breschi, Esq.
Thomas Hergenroeder

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 10, 1991

George A. Breschi, Esquire
Suite 600
400 Washington Avenue
Towson, Maryland 21204

Re: Postponements

Dear Mr. Breschi:

The following cases were assigned to S. Eric DiMenna.

Case No. 91-411-SPH
Petitioner: Leroy Ennis

Case No. 92-23-A
Petitioner(s): Wayne Repell, et ux

Case No. 92-133-SPH
Petitioner: Blavins, et ux

Item No. 237
Petitioner: Thomas B. McGee

Please advise me of the direction in which you will be taking in these cases.

Yours Truly,
S. Eric DiMenna
S. Eric DiMenna

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48, 400 Washington Avenue, Old Courthouse, Basement

August 31, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 1(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-411-SPH
LEROY L. ENNIS
9114-9118 Philadelphia Road, 760' NE of Lennings Lane (9114-9118 Philadelphia Rd.)
14th Election District;
6th Councilmanic District

**** MOTION ONLY HEARING ****
(MOTION TO DISMISS) SPH-determination re: nonconforming use
5/26/92 - S.C.'s Order Denying Petition.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 16, 1992 at 9:00 a.m.

cc: Anthony P. Palaigos, Esquire - Counsel for Petitioner/Appellee
Mr. Leroy L. Ennis - "
Michael E. Marino, Esquire - Counsel for Respondent/Property Owner
Thomas Hergenroeder - Respondent/Property Owner
George A. Breschi, Esquire

People's Counsel for Baltimore County out per S. Hess Esq.
Public Services - P.T. Field
P. David Fields
Lawrence E. Schmalz
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Ewing
Arnold Jablon-Director of
Zoning Administration

Lindalee M. Hummel
Legal Secretary

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 29, 1991

NOTICE OF REASSIGNMENT
(AGREED DATE - NO FURTHER POSTPONEMENTS CONSIDERED)

CASE NUMBER(S): 91-411-SPH
LEGAL OWNER: Hergenroeder
PETITIONER: Leroy Ennis
LOCATION: 9114-9116 Philadelphia Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, MAY 15, 1992 at 3:00 p.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
Anthony P. Palaigos, Esq.
George A. Breschi, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 9, 1991

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 21204 as follows:

Case Number: 91-411-SPH
R/W Philadelphia Road, 760' NE of Lennings Lane
9114, 9116, and 9118 Philadelphia Road
14th Election District - 6th Councilmanic
Petitioner (NOT PROPERTY OWNER): Leroy L. Ennis
HEARING: WEDNESDAY, JUNE 19, 1991 at 9:00 a.m.

Special Hearing to make a further interpretation of Violation Case #72-91-V as to whether Parcels II and III (Liber 6961, Folio 0212) were included in dismissing said violation case and also to make formal complaint that the properties known as 9116 and 9118 Philadelphia Road (Parcels II and III) are being used in violation of their existing zoning and that the non-conforming use determined for 9114 Philadelphia Road in Case #72-91-V does not extend to these properties.

J. Robert Haines
J. ROBERT HAINES

Zoning Commissioner of
Baltimore County

cc: Leroy L. Ennis
Thomas Joseph Hergenroeder

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 16, 1991

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 21204 as follows:

Case Number: 91-411-SPH
R/W Philadelphia Road, 760' NE of Lennings Lane
9114, 9116, and 9118 Philadelphia Road
14th Election District - 6th Councilmanic
Petitioner (NOT PROPERTY OWNER): Leroy L. Ennis
HEARING: TUESDAY, SEPTEMBER 24, 1991 AT 9:00 A.M.

Special Hearing to make a further interpretation of Violation Case #72-91-V as to whether Parcels II and III (Liber 6961, Folio 0212) were included in dismissing said violation case and also to make formal complaint that the properties known as 9116 and 9118 Philadelphia Road (Parcels II and III) are being used in violation of their existing zoning and that the non-conforming use determined for 9114 Philadelphia Road in Case #72-91-V does not extend to these properties.

J. Robert Haines
J. ROBERT HAINES

Zoning Commissioner of
Baltimore County

cc: Leroy L. Ennis
Thomas Joseph Hergenroeder
S. Eric DiNenna, Esq.
Anthony P. Palaigos, Esq.
Raymond H. and Theresa H. Hess
Pauline E. Dodson
Mark Simoes

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 16, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-411-SPH
PETITIONER: Leroy Ennis
LOCATION: 9114 - 9118 Philadelphia Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, OCTOBER 24, 1991 at 2:30 p.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
S. Eric DiNenna, Esq.
Anthony P. Palaigos, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 13, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-411-SPH
LEGAL OWNER: Hergenroeder
PETITIONER: Leroy Ennis
LOCATION: 9114 - 9116 Philadelphia Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, DECEMBER 10, 1991 at 10:30 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Leroy Ennis
S. Eric DiNenna, Esq.
Anthony P. Palaigos, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 91-411-SPH
PETITIONER(S): Leroy Ennis
LOCATION: 9114-9116 Philadelphia Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 10, 1991, HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQ.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
ARNOLD JABLON

Director

cc: Leroy Ennis
Anthony P. Palaigos, Esq.
George A. Breschi, Esq.
Thomas Hergenroeder

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 10, 1991

George A. Breschi, Esquire
Suite 600
409 Washington Avenue
Towson, Maryland 21204

Re: Postponements

Dear Mr. Breschi,

The following cases were assigned to S. Eric DiNenna.

Case No. 91-411-SPH
Petitioner: Leroy Ennis

Case No. 92-23-A
Petitioner(s): Wayne Sagall, et ux

Case No. 92-133-SPH
Petitioner: Ebevins, et ux

Item No. 237
Petitioner: Thomas B. McGee

Please advise as of the direction in which you will be taking in these cases.

Yours Truly,

G.C. Stephens
G.C. STEPHENS

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48, 400
Washington Avenue, Old Courthouse, Basement August 21, 1992

NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-411-SPH LEROY L. ENNIS
NW/s Philadelphia Road, 760' NE of Lennings Lane (9114-9118 Philadelphia Rd.)
14th Election District;
6th Councilmanic District

**** MOTION ONLY HEARING ****
(MOTION TO DISMISS) SPH-determination re: nonconforming use
5/26/92 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 16, 1992 at 9:00 a.m.

cc: Anthony P. Palaigos, Esquire - Counsel for Petitioner/Appellee

Mr. Leroy L. Ennis - " "

Michael E. Marino, Esquire - Counsel for Respondent/Property Owner

Thomas Hergenroeder - Respondent/Property Owner

George A. Breschi, Esquire

People's Counsel for Baltimore County out per S. Hess 8/24/92

Public Services out 8/24/92

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon-Director of

Zoning Administration

LindaLee M. Kuszmaul

Legal Secretary

111 West Chesapeake Avenue
Towson, MD 21204

May 24, 1991

887-3553

Mr. Leroy L. Ennis
9120 Philadelphia Road
Baltimore, MD 21237

RE: Item No. 388, Case No. 91-411-SPH
Petitioner: Leroy L. Ennis
Petition for Special Hearing

Dear Mr. Ennis:

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 accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MIRIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

Your petition has been received and accepted for filing this
24th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

Received By:

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Leroy L. Ennis
Petitioner's Attorney:

MICROFILMED

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 24, 1991

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

RE: Property Owner: LEROY L. ENNIS
Location: NW/4 PHILADELPHIA ROAD
Item No.: 388 Zoning Agenda: APRIL 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

REVIEWER: *James E. Dyer* Noted and Approved: *James E. Dyer*
Planning Division Fire Prevention Bureau

JB/EE

MICROFILMED

401 Wesley Avenue, Suite 405
Towson, MD 21204

887-3554
Fax 887-3781

May 14, 1991

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

A.E.C. Meeting Date: April 23, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 356, 377, 378, 382, 386, 388, 389, 390 and 391.

Very truly yours,

Robert J. Farrell
Robert J. Farrell
Traffic Engineer II

RJF/lab

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: June 3, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Leroy L. Ennis, Item No. 388
Hazel M. Monser, Item No. 389
Basso & Basso, Item No. 417
Charles A. Groves, Item No. 421

In reference to the petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/om
ITEM NO. 1/2/241

received

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 356, 377, 382, 388, 389, 390 and 391.

For item 378, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAX:s

MICROFILMED

111 West Chesapeake Avenue
Towson, MD 21204

July 2, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NW/4 Philadelphia Road, 760 ft. NE of Lennings Lane
(9114-9118 Philadelphia Road)
14th Election District, 6th Councilmanic District
LEROY L. ENNIS - Petitioner
Case No. 91-411-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 26, 1992* by Michael E. Marino, Attorney on behalf of the Respondent. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

James E. Dyer
James E. Dyer
Zoning Commissioner

LEADER:

*THIS APPEAL WAS SUBSEQUENTLY FILED BEYOND THE 30 DAY PERIOD WHICH WAS MAY 27, 1992 THROUGH JUNE 25, 1992

cc: Leroy L. Ennis - 9120 Philadelphia Road, Balto., MD 21237

Anthony P. Palagios - Blue, Yumkas, Mallman, Outman & Denick
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

George A. Breschi, Esquire - Dilmann and Swasch
Suite 600, 409 Washington Avenue, Towson, MD 21204

Michael E. Marino - Levy & Marino, P.A.
609 Wesley Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Special Hearing
NW/4 Philadelphia Road, 760 ft. NE of Lennings Lane
(9114-9118 Philadelphia Road)
14th Election District - 6th Councilmanic District
LEROY L. ENNIS - Petitioner
Case No. 91-411-SPH

Petitioner(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s) sign-in sheets

Respondent's Exhibit: 1. Water Plan

Petitioner's Exhibit: 2. Plat to accompany Special Hearing

3. & 4. Aerial Map

5A. - 9. Photographs of site

10. Deed between Seneca and Hergenroeder

11. Deed between Ecolono and Hergenroeder

12. & 13. NO EXHIBITS SUBMITTED AS SUCH

14. Sanitary Sewer Plan

Exhibits A and B: Letters from Dilmann and Palagios

Zoning Commissioner's Order dated May 26, 1992 (Denied)

Zoning Commissioner's Order dated August 29, 1991 (Passing Case on the Board of Appeals)

Zoning Commissioner's Amended order dated September 9, 1992 (Notice that case will not be passed on to the Board of Appeals)

Notice of Appeal received June 26, 1992* from Michael E. Marino, Attorney on behalf of the Respondent.

*THIS APPEAL WAS SUBSEQUENTLY FILED BEYOND THE 30 DAY PERIOD WHICH WAS MAY 27, 1992 THROUGH JUNE 25, 1992.

cc: Leroy L. Ennis - 9120 Philadelphia Road, Balto., MD 21237

Anthony P. Palagios - Blue, Yumkas, Mallman, Outman & Denick
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 24, 1991

887-3353

Mr. Leroy L. Ennis
9120 Philadelphia Road
Baltimore, MD 21237

RE: Item No. 388, Case No. 91-411-SPH
Petitioner: Leroy L. Ennis
Petition for Special Hearing

Dear Mr. Ennis:

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 accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
24th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by:

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Leroy L. Ennis

Petitioner's Attorney:

MICROFILMED

Baltimore County Government
Fire Department
Department of Public Works



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 24, 1991

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

RE: Property Owner: LEROY L. ENNIS

Location: NW/S PHILADELPHIA ROAD

Item No.: 388 Zoning Agenda: APRIL 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

REVIEWER *Capt. Joseph Kelly 4249* Noted and Approved *Capt. William E. Brady 4249*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

MICROFILMED

91-411-SPH 6 Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering



401 Bosley Avenue, Suite 405
Towson, MD 21204

887-3554
Fax 887-5784

May 14, 1991

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

A.Z.C. Meeting Date: April 23, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 356, 377, 379, 382, 386, 388, 389, 390 and 391.

Very truly yours,

Rahne J. Familly
Rahne J. Familly
Traffic Engineer II

RJF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 3, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Leroy L. Ennis, Item No. 388
Hazel M. Houser, Item No. 369
Basso & Basso, Item No. 417
Charles A. Greaves, Item No. 421

In reference to the petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMMULT.1/ZAC1

received

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 356, 377, 382, 386, 388, 389, 390 and 391.

For Item 379, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

received
5/10/91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

July 2, 1992

(410) 887-3353

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NW/S Philadelphia Road, 760 ft. NE of Lennings Lane
(9114-9118 Philadelphia Road)
14th Election District, 6th Councilmanic District
LEROY L. ENNIS - Petitioner
Case No. 91-411-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 26, 1992* by Michael E. Marino, Attorney on behalf of the Respondent. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

James E. Dyer
James E. Dyer
Zoning Commissioner

LES:cer

*THIS APPEAL WAS ERRONEOUSLY FILED BEYOND THE 30 DAY PERIOD WHICH WAS MAY 27, 1992 THROUGH JUNE 25, 1992

cc: Leroy L. Ennis - 9120 Philadelphia Road, Balto., MD 21237

Anthony P. Palaigos - Blum, Yunkas, Mailman, Gutman & Denick
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

George A. Breschi, Esquire - DiNenna and Breschi
Suite 600, 409 Washington Avenue, Towson, MD 21204

Michael E. Marino - Levy & Marino, P.A.
609 Bosley Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

APPEAL

Petition for Special Hearing
NW/S Philadelphia Road, 760 ft. NE of Lennings Lane
(9114-9118 Philadelphia Road)
14th Election District - 6th Councilmanic District
LEROY L. ENNIS - Petitioner
Case No. 91-411-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner(s) sign-in sheets

Respondent's Exhibit: 1. Water Plan

Petitioner's Exhibits: 2. Plat to accompany Special Hearing

3. & 4. Aerial Map

5A. - 9. Photographs of site

10. Deed between Sauer and Hergenroeder

11. Deed between Ecolono and Hergenroeder

12. & 13. NO EXHIBITS MARKED AS SUCH

14. Sanitary Sewer Plan

Exhibits A and B: Letters from DiNenna and Palaigos

Zoning Commissioner's Order dated May 26, 1992 (Denied)

Zoning Commissioner's Order dated August 29, 1991 (Passing Case on the the Board of Appeals)

Zoning Commissioner's Amended Order dated September 9, 1992 (Notice that case will not be passed on to the Board of Appeals).

Notice of Appeal received June 26, 1992* from Michael E. Marino, Attorney on behalf of the Respondent.

*THIS APPEAL WAS ERRONEOUSLY FILED BEYOND THE 30 DAY PERIOD WHICH WAS MAY 27, 1992 THROUGH JUNE 25, 1992.

cc: Leroy L. Ennis - 9120 Philadelphia Road, Balto., MD 21237

Anthony P. Palaigos - Blum, Yunkas, Mailman, Gutman & Denick
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914

George A. Breschi, Esquire - DiMenna and Breschi
Suite 600, 409 Washington Avenue, Towson, MD 21204

Michael E. Marino - Levy & Marino, P.A.
609 Bayley Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
No. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Reiter, Office of Planning & Zoning
Lawrence S. Schmidt, Zoning Commissioner
Timothy H. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

8/21/92 - Following parties notified of Motion Only Hearing set for
September 16, 1992 at 9:00 a.m.:

Anthony P. Palaigios, Esquire
Mr. Leroy L. Ennis
Michael E. Marino, Esquire
Thomas Hergenroeder
George A. Breschi, Esquire
People's Counsel of Baltimore County
Public Services
P. David Fields
Lawrence S. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

LEROY L. ENNIS / Case No. 91-411-SPM

8/06/92 - Motion to Dismiss, Request for Hearing and Proposed Order filed by
Counsel for Petitioner.

LEROY L. ENNIS 91-411-SPM
304 Philadelphia Rd., 750' NE of 14th Election District
Lanning Lane 1914-9118 Philadelphia 6th Councilmanic District
Road)

SPH-determination re: nonconforming use

April 24, 1991 Petition filed by Leroy L. Ennis for a Special
Hearing to make a further interpretation of the
inclusion of Parcels II and III in Dismissal of
violation case no. 72-91-V.

August 29 Deputy Zoning Commissioner Kotroco's Order rescuing
himself and passing case on to the Board of Appeals.
Sept. 9, 1991 Deputy Zoning Commissioner Kotroco's Amended Order
that case will not be passed on to the Board but
heard by new Zoning Commissioner.

September 10 Certificate of Posting of Postponement.

May 26, 1992 Order of Zoning Commissioner Schmidt GRANTING
Petition in part; DENYING Petition in part.

June 26 Notice of Appeal received from Michael E. Marino,
Esquire on behalf of Thomas J. Hergenroeder,
Protestant/Appellant.

August 5 Motion to Dismiss filed by Anthony P. Palaigios,
Esquire on behalf of Petitioner.

September 16 Hearing before the Board of Appeals on Motion to
Dismiss.

September 16 Ruling of the Board of Appeals dismissing case due
to untimely filing of appeal.

October 13 Petition and Order for Appeal filed in the Circuit
Court for Baltimore County by Michael E. Marino,
Esquire on behalf of Thomas J. Hergenroeder,
Protestant/Appellant.

October 14 Certificate of Notice sent to interested parties.

November 19 Transcript of testimony filed.

Record of Proceedings filed in the Circuit
Court for Baltimore County.

August 10, 1993 Case Dismissed by Order of the Circuit Court for Baltimore
County (withdrawn by plaintiff's attorney).

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson MD 21204

087-1553

August 26, 1991

Mr. Leroy Ennis
9120 Philadelphia Road
Baltimore, MD 21237

RE: 9114-9118 Philadelphia Road
14th Election District

Dear Mr. Ennis:

The County Executive has requested that I respond to the concerns you
raised with him at the Face-to-Face meeting he had with you.

As you know, the matters to which you refer have been of long-standing
nature, and have been of concern to the Zoning Office for many years. Mr.
Hergenroeder has maintained that he has a non-conforming use, and that the
expansion of his use is legitimate. In order to fully decide the issue,
you have filed a Petition for Special Hearing to be heard by the Zoning
Commissioner. While the Zoning Office has prosecuted Mr. Hergenroeder, it
would seem that the final resolution may be obtained through the
quasi-judicial and judicial process taking their lawful course.

However, the attorney for Mr. Hergenroeder has requested the Zoning
Commissioner to not hear this case, claiming a conflict of interest. He
also requested that the Deputy Zoning Commissioner recuse himself because
the Deputy prosecuted him in District Court. Therefore, in a letter to all
counsel, I suggested that at the initial hearing, the case be forwarded
directly to the Board of Appeals. Otherwise, this case would never be
heard.

I believe that this procedure will facilitate the finality of this
issue inasmuch as no matter what decision the Zoning Commissioner would
otherwise have reached, such a decision would have been appealed anyway.
By forwarding the case directly, time will be saved and a hearing scheduled
before the Board that much quicker.

Mr. Leroy L. Ennis
Page Two
August 26, 1991

Please be advised that your attorney is aware of these circumstances.
If, however, you have any questions, please feel free to contact me.

Sincerely,

ARNOLD JABLON
Director

Attn:

c: The Honorable Robert B. Hayden
County Executive

Mr. Louis F. Walder
Executive Assistant

txet/ennis

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Owen Stephens
Docket Clerk
FROM: Bob Haines
Zoning Commissioner
SUBJECT: Case 91-44-SPM

DATE: June 19, 1991

Please reset this matter to be heard either by the new Zoning Commis-
sioner or the Deputy Zoning Commissioner. The property does not need to be
reported, however, the attorneys, Eric DiMenna and Anthony Palaigios, includ-
ing the individuals listed on the sign in sheet, must be notified of the
new date. In view of summer vacation schedules, coordinate the new date
with the two attorneys to avoid further conflict.

Make certain that the 1987 case is attached to current file.

JRH/MD
cc: File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: Case No. 91-411-SPM
LEROY L. ENNIS
District 14C8

DATE: August 15, 1994

Pursuant to our recent receipt of the Dismissal Order issued
by the Circuit Court for Baltimore County and as no further appeals
have been taken regarding the subject case, we are closing the file
and returning same to you herewith.

Attachment

George A. Breschi, Esquire - DiNenna and Breschi
Suite 600, 409 Washington Avenue, Towson, MD 21204

Michael E. Marino - Levy & Marino, P.A.
609 Bosley Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

8/21/92 - Following parties notified of Motion Only Hearing set for
September 16, 1992 at 9:00 a.m.:

Anthony P. Palaigos, Esquire
Mr. Leroy L. Ennis
Michael E. Marino, Esquire
Thomas Hergenroeder
George A. Breschi, Esquire
People's Counsel for Baltimore County
Public Services
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

LEROY L. ENNIS /Case No. 91-411-SPH

8/06/92 -Motion to Dismiss, Request for Hearing and Proposed Order filed by
Counsel for Petitioner.

LEROY L. ENNIS #91-411-SPH
NW/s Philadelphia Rd., 760' NE of 14th Election District
Lennings Lane (9114-9118 Philadelphia 6th Councilmanic District
Road)

SPH-determination re: nonconforming use

April 24, 1991 Petition filed by Leroy L. Ennis for a Special
Hearing to make a further interpretation of the
inclusion of Parcels II and III in dismissal of
violation case no. 72-91-V.
August 29 Deputy Zoning Commissioner Kotroco's Order recusing
himself and passing case on to the Board of Appeals.
Sept. 9, 1991 Deputy Zoning Commissioner Kotroco's Amended Order
that case will not be passed on to the Board but
heard by new Zoning Commissioner.
September 10 Certificate of Posting of Postponement.
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Petition in part; DENYING Petition in part.
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August 5 Motion to Dismiss filed by Anthony P. Palaigos,
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September 16 Hearing before the Board of Appeals on Motion to
Dismiss.
September 16 Ruling of the Board of Appeals dismissing case due
to untimely filing of appeal.
October 13 Petition and Order for Appeal filed in the Circuit
Court for Baltimore County by Michael E. Marino,
Esquire on behalf of Thomas J. Hergenroeder,
Protestant/Appellant.
October 14 Certificate of Notice sent to interested parties.
November 19 Transcript of testimony filed.
Record of Proceedings filed in the Circuit
Court for Baltimore County.
August 10, 1993 Case Dismissed by Order of the Circuit Court for Baltimore
County (Withdrawn by plaintiff's attorney).

Baltimore County
Office of Zoning Administration
and Development Management
14th Election District

111 West Chesapeake Avenue
Towson, MD 21204

SPH 3558

August 26, 1991

Mr. Leroy Ennis
9110 Philadelphia Road
Baltimore, MD 21237

RE: 9114-9118 Philadelphia Road
14th Election District

Dear Mr. Ennis:

The County Executive has requested that I respond to the concerns you
raised with him at the Face-to-Face meeting he had with you.

As you know, the matters to which you refer have been of long-standing
nature, and have been of concern to the Zoning Office for many years. Mr.
Hergenroeder has maintained that he has a non-conforming use, and that the
expansion of his use is legitimate. In order to fully decide the issue,
you have filed a Petition for Special Hearing to be heard by the Zoning
Commissioner. While the Zoning Office has prosecuted Mr. Hergenroeder, it
would seem that the final resolution may be obtained through the
quasi-judicial and judicial process taking their lawful course.

However, the attorney for Mr. Hergenroeder has requested the Zoning
Commissioner to not hear this case, claiming a conflict of interest. He
also requested that the Deputy Zoning Commissioner recuse himself because
the Deputy prosecuted him in District Court. Therefore, in a letter to all
parties, I suggested that at the initial hearing, the case be forwarded
directly to the Board of Appeals. Otherwise, this case would never be
heard.

I believe that this procedure will facilitate the finality of this
issue. As no matter what decision the Zoning Commissioner would
otherwise have reached, such a decision would have been appealed anyway.
By forwarding the case directly, time will be saved and a hearing scheduled
before the Board that much quicker.

BRB...

Mr. Leroy L. Ennis
Page Two
August 26, 1991

Please be advised that your attorney is aware of these circumstances.
If, however, you have any questions, please feel free to contact me.

Sincerely,

ARNOLD JABLON
Director

AJ:eoh

c: The Honorable Rober B. Hayden
County Executive

Mr. Louis F. Waidner
Executive Assistant

txteh/ennis

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Gwen Stephens
Docket Clerk
DATE: June 19, 1991
FROM: Bob Haines
Zoning Commissioner
SUBJECT: Case 91-44-SPH

Please reset this matter to be heard either by the new Zoning Commis-
sioner or the Deputy Zoning Commissioner. The property does not need to be
reposted, however, the attorneys, Eric DiNenna and Anthony Palaigos, includ-
ing the individuals listed on the sign in sheet, must be notified of the
new date. In view of summer vacation schedules, coordinate the new date
with the two attorneys to avoid further conflict.

Make certain that the 1987 case is attached to current file.

JRH:mn
cc: File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: August 15, 1994
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: Case No. 91-411-SPH
LEROY L. ENNIS
District 14C6

Pursuant to our recent receipt of the Dismissal Order issued
by the Circuit Court for Baltimore County and as no further appeals
have been taken regarding the subject case, we are closing the file
and returning same to you herewith.

Attachment



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 40
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 15, 1994

Michael Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, MD 21204

RE: Case No. 91-411-BPM
LEROY L. ENNIS

Dear Mr. Marino:

As no further action has been taken regarding the subject matter after the August 10, 1993 Dismissal Order of the Circuit Court for Baltimore County, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Owen Stephens of Zoning Administration at 887-3331 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Rodolff
Charlotte E. Rodolff
Legal Secretary

cc: Leroy L. Ennis
Anthony P. Palaigos, Esquire
George A. Reschli, Esquire
Arnold Jablon /ZAD
Docket Clerk /ZAD

LAW OFFICES
BLUM, YUNKAS, MAILMAN, GUTMAN & DENICK, P.A.
1000 MERCANTILE BANK & TRUST BUILDING
8 FLOORS UP
BALTIMORE, MARYLAND 21201-2014

July 9, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: G. G. Stephens

Re: Case No. 91-411-BPM
Property: 9114 Philadelphia Road and 2 Adjoining Lots
Petitioner: Leroy L. Ennis
Our File No. 11376(1)

Dear Mr. Stephens:

Following up on our telephone conversation of July 8, 1991 in connection with the above captioned matter, I indicated to you that I would forward to you my schedule for the month of September so that hopefully the above referenced matter can be set in for a hearing during the month of September, 1991.

As such, please be advised that the dates that I am not available during the month of September are September 3, 4, 5, 6, 16, 17, 18 and 20. All other dates I am available for a hearing in September, 1991.

For your use, just in case, the dates that I am not available in October is October 29, 1991. Again, all other dates in October I am available.

Should you need any additional information, please do not hesitate to call, otherwise, I would appreciate your promptly scheduling a hearing in regards to the above captioned case.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: Mr. Leroy Ennis

RECEIVED
JUL 11 1991
ZONING OFFICE

LAW OFFICES
BLUM, YUNKAS, MAILMAN, GUTMAN & DENICK, P.A.
1000 MERCANTILE BANK & TRUST BUILDING
8 FLOORS UP
BALTIMORE, MARYLAND 21201-2014

August 27, 1991

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-BPM
9114 Philadelphia Road
Subject: Response to August 13, 1991 Decision
Our File No. 11376(1)

Dear Mr. Jablon:

I am in receipt of your letter dated August 13, 1991 and I agree with your decision in reference to this particular case. However, rather than waiting for the hearing date scheduled for September 24, 1991 to rule on Mr. DiNenna's Motion, if the Zoning Commissioner's Office either through its Commissioner or Deputy Commissioner, is inclined to grant Mr. DiNenna's Motion, then let it be done now so that the case can be referred to the Board of Appeals as suggested in your letter of August 13, 1991. This procedure would save the inconvenience that would be experienced by all parties to appear at the hearing on September 24, 1991 prepared to testify, only to find that Mr. DiNenna's Motion will be granted, thus, wasting everybody's time on that day.

I would appreciate your careful review of this request and should you have any questions, please do not hesitate to call.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: J. Robert Haines, Zoning Commissioner
Timothy Kotoroco, Deputy Zoning Commissioner
S. Eric DiNenna, Requirer
Mr. Leroy L. Ennis

RECEIVED
AUG 28 1991
ZONING OFFICE

LAW OFFICES
BLUM, YUNKAS, MAILMAN, GUTMAN & DENICK, P.A.
1000 MERCANTILE BANK & TRUST BUILDING
8 FLOORS UP
BALTIMORE, MARYLAND 21201-2014

September 6, 1991

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-BPM
Our File No. 11376(1)

Dear Mr. Jablon:

Following up on the Order issued by Deputy Zoning Commissioner Timothy Kotoroco dated August 29, 1991 and the subsequent correspondence to your office dated September 3, 1991 from Mr. DiNenna, I had the opportunity to speak with Deputy Zoning Commissioner Kotoroco during an unrelated hearing on September 5, 1991. In my conversation with Kotoroco, he indicated to me that in light of the proposed appointment of Lawrence Schmidt as Zoning Commissioner and the expected confirmation of his appointment, that it would be best that the aforementioned case not be heard before the Board of Appeals, but rather back in the Zoning Commissioner's Office on a date to be scheduled so that it can be heard before the new Zoning Commissioner, Schmidt.

Essentially, that is the substance of Mr. DiNenna's request of September 3, 1991, and I indicated to Deputy Zoning Commissioner Kotoroco that I am in full agreement with that and would like the case originally scheduled for September 24, 1991 to be held at the next earliest convenient date for all parties concerned so that this matter can be heard on its merits before the Zoning Commissioner of Baltimore County.

Should you need any additional information, please do not hesitate to call.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: S. Eric DiNenna, Requirer
Timothy M. Kotoroco
Leroy Ennis

RECEIVED
SEP 9 1991
ZONING OFFICE

LAW OFFICES
BLUM, YUNKAS, MAILMAN, GUTMAN & DENICK, P.A.
1000 MERCANTILE BANK & TRUST BUILDING
8 FLOORS UP
BALTIMORE, MARYLAND 21201-2014

December 17, 1992

Suzanne Menesh, Clerk
Circuit Court for Baltimore County
County Courts Building
P.O. Box 6754
401 Bosley Avenue
Towson, Maryland 21204-0754

Re: In the Matter of the Application of
Leroy L. Ennis v. Thomas J. Hergenroeder, Plaintiff
Case No. 1 92-CV-9591-35-102
Subject: Answer of Leroy L. Ennis
Our File No.: 11376(1)

Dear Mr. Menesh:

Enclosed for docketing in the above-captioned case, please file the Answer of Leroy L. Ennis.

I would appreciate your promptly docketing same and entering our appearance on behalf of Leroy L. Ennis.

Should you have any questions, then please do not hesitate to call.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

cc: Michael E. Marino, Esquire
The County Board of Appeals
for Baltimore County
Leroy L. Ennis

DiNENNA and BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. Hergenroeder, Jr.
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(410) 276-6820
TELEFAX (410) 254-4484

RECEIVED
JUN 10 1991
ZONING OFFICE

RE: 9114 Philadelphia Road
Request for Special Hearing

Dear Mr. Commissioner:

On Friday, June 7, 1991, my client called me and indicated to me that his property was posted with a Request for Special Hearing for whatever it may have said.

This is to advise you that my client, the owner of the subject property, is not the petitioner and therefore, per my discussion with him, and pursuant to my advice, I instructed him to remove the sign from his property.

It is my position that Baltimore County, Maryland, has no right to "trespass" onto my client's property to post a sign for a zoning request that is not the request of the property owner.

This is further to indicate to you that your office has known of my representation of Mr. Hergenroeder in this matter for some five years. I felt it would be incumbent upon your office to contact me and advise me of this petition being filed wherein this conflict may not have occurred.

Accordingly, the sign is now available at the garage on the subject nonconforming use site and if a member of your staff wishes to pick it up, they are free to do so. Other than that, my client will not deliver same to Baltimore County or to your office and the sign will remain until picked up by your staff.

My client, Mr. Hergenroeder, has indicated to me that the above captioned matter is now set for hearing before you on Wednesday, June 19, 1991 at 9:00 a.m. This is to formally notify you of our objection to this Petition and indicate to you that it is nothing more than harassment by the adjoining neighbor concerning this property.

I would respectfully request that you review all of the files in your office and under your jurisdiction concerning this matter prior to hearing this case.

If you have any questions concerning this position, please advise me.

Very truly yours,
Eric DiNenna
Eric DiNenna

SEB/cjo
cc: Mr. Thomas Hergenroeder

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.
FRANCIS X. Hergenroeder, Jr.
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DiNENNA and BRESCHI
ATTORNEYS AT LAW

August 2, 1991

J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-BPM
Petitioner: Leroy L. Ennis
My Client: Thomas Hergenroeder

Dear Commissioner Haines:

I am in receipt of notification of a hearing scheduled for Tuesday, September 24, 1991 at 9:00 a.m. concerning the above-captioned matter.

As you recall, this matter had been previously scheduled before you and upon my Motion that you rescuse yourself because you indicated proceedings against my client concerning this property, you did in fact rescuse yourself and disqualified yourself from your participation in this matter.

In as much as you have disqualified yourself it appears that only Mr. Timothy Kotoroco can hear this matter but unfortunately, I will have to ask that he rescuse himself from participation in Mr. Ennis' request in as much as he was the County Attorney representing you in the prosecution of the civil penalties action against my client concerning this property.

I am aware of the dilemma that everyone finds themselves concerning this, but I must insist that Mr. Kotoroco not hear this matter.

I would respectfully request a response from your office or the office of Mr. Jablon as to this position.

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA

SEB/cjo
cc: Mr. Thomas Hergenroeder
Timothy Kotoroco, Esquire
Arnold Jablon, Esquire
Anthony P. Palaigos, Esquire

10-20-91 81-222-22
10-20-91 81-222-22

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN BODY

NAME

ADDRESS

David S. Jones
John L. Jones
Pauline Dodson
Joseph V. House
Joseph L. House
Margaret House
William H. House
Elizabeth H. House

1814 Spatenwood Road A-1287
3226 Popewood Ave 22237
4127 Huntington St 21237
5619 Rose Oak Dr 21237
7120 Phyllis Rd 21237
7120 Phyllis Rd 21237
1122 Locust St 21237
1122 Locust St 21237

in the year one thousand nine hundred and eighty-five by and between
FRANK M. HENNINGSEN, MARIO B. TUCHET and THOMAS JOSEPH HENNINGSEN,

of the second part.	DEED	0
	FILE NO. 1	420.00

WITNESSETH, That in consideration of the sum of FORTY THOUSAND DOLLARS (\$40,000.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, it being the intention of the grantors that the said Thomas Joseph Bergmunder be vested with the entire fee simple estate as described herein, individually, his

lots of ground situated in Baltimore County, State of Maryland, in the simple, all personal representatives guarantee and assigns

and described as follows, that is to say

BEGINNING FOR THE FIRST THENCE, at a point in the center of the Philadelphia Road at or about 348 feet Northeast-Y from the Eastman corner of the lot of ground conveyed by Ida H. Weirich to George Weir and wife, as was recorded among the records of the County of Erie, in L. I. No. 553, folio 82, 83, and running thence North 34-1/2 degrees East 20 feet to a stake near thence still North 34-1/2 degrees East 115 feet, thence North 35-1/2 degrees East 60 feet, and then South 34-1/2 degrees East 135 feet to the center of the Philadelphia Road; thence, thence binding on the same South 35-1/2 degrees East 50 feet to the place of beginning.

beginning run 702 : 3000000, at a point in the center of the fifth or sixth of the district of 20 feet northwesterly from the end of the Philadelphia South 41 degrees E. 32 foot line that lot of ground which by deed dated July 12, 1922 and E. rided owned by J. H. Wehrleis to George H. Wehrleis and wife, said place of beginning being also at the fourth or fourth or south 34-1/2 degrees E. 32 foot line of the Philadelphia South 41 degrees E. 32 foot line July 19, 1924 and recorded among the Land Records of said city of Philadelphia 649, folio 77 etc. was granted and conveyed by J. H. Wehrleis to William W. Wehrleis, then residing thereon the following description, to wit: Beginning North 66 degrees 15 minutes East 135 feet, thence North 53 degrees 30 minutes East 50 feet, thence South 34 degrees 30 minutes East 135 feet, thence North 53 degrees 30 minutes East 50 feet, thence South 34 degrees 30 minutes East 135 feet, to the Philadelphia Road South 50 degrees 30 minutes West 50 feet to the place of beginning.

BEGINNING FOR THE THIRD THEREOF, at point in the center of the Philadelphia Road and at the end of the third or South 34 degrees 30 minutes East 125 foot line of that lot of ground which by Deed dated June 26, 1936 and recorded among the Land Records of Baltimore County in Liber 686, JR. No. 975, Folio 518, etc., was conveyed by Ida M. Hess and husband to Charles M. Schmitz, running thence reversely binding to said line North 34 degrees 30 minutes West to the end thereof, and continuing the same course in all 250 feet, running thence North 34 degrees 30 minutes East 125 feet, and continuing the same course in all 250 feet, running thence South 34 degrees 30 minutes

Planning & Zoning
2343 / 200 + 202

WITNESSETH: that in consideration of the sum of \$100 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, as tenants by the entirety, their heirs, and to the survivor of them, and his or her heirs and assigns, in fee simple,

all that lot of ground situate in
the Fourteenth Election District of Baltimore County, in the
State of Maryland, and described as follows, that is to say:

ANALYSIS of the zone at a point in the center of the Philadelphia Road, just at the end of the bird's mouth 25 degrees 30 minutes East 175 feet line of this lot of about which by Deed dated June 26, 1925 is recorded under the Last Records of Baltimore County in Liber C-44-9, No. 975, folio 210 etc., was conveyed by John A. Hesse and husband to Charles W. Schmidt, residing therein, severally and jointly and then North 36 degrees 30 minutes North, the end thereof, on continued the same course in all 250 feet, running thence North 55 degrees 30 minutes East 75 feet, running thence North 36 degrees 30 minutes East parallel with the first line of this description 150 feet to the center of the Philadelphia Road, and thence bounding on the center of said road North 55 degrees 30 minutes East 75 feet to the place of beginning.

BEING the same lot of ground which by Deed dated July 7th, 1945
and recorded among the Land Records of Baltimore County in Liber B.J.

Planning & Zoning
5186 / 164 to 164

140031 26 MAR 76.

into this 14 day of ^{the} April, in the year one
thousand seven-hundred and eighty-one, by and between ELIA ANN
in under the Last Will and Testament of
said, deceased, of the first part and
[unclear] under said will, of the second part,
ELIAS ANN and PATRICIA P. ANN, his wife,
do hereby certify.

parties of the first and second parts, in pursuance of and in execution of the powers contained in the last will and testament of the said Mary Anne P. Schick, which will is on file in the office of the Register of Wills of Baltimore County in wills liber J.L.D. No. 100 folio 104, have sold unto the parties of the third part the parcels of land hereinafter described, and

WHEREAS said sale was duly reported to and ratified by the Orphans Court of Baltimore County, as will appear by reference to the estate of said testator filed among the records of said Court in Estate Booklet No. 27 Folio 176 (Estate No. 20823), and the entire amount of the purchase price has been paid.

Now therefore, this Twenty-ninth, that in consideration of the premises and the sum of Twenty-two Thousand (\$22,000.00) Dollars, receipt thereof is hereby acknowledged, the said portion of the first and second parts, covenants and trusts respectively, in and pursuant to and pursuant to the power granted them in the aforesaid will, be hereby granted and conveyed unto the said Richard Smuser and Patricia P. Smuser, his wife, as tenants by the entirety, their assigns, the survivor of them his or her heirs and assigns, in the single, all these less or parcels of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to-wit:

beginning for the first thereof at a point in the center of the Philadelphia Road at or about 348 feet Northeasterly from the Northeast corner of the Lot of ground conveyed by Ida H. Wainwright to George Mohr and wife, by Deed recorded among the Land Records of Baltimore County in Liber W.P.C. No. 553, Folio 383 etc., and running thence North 24-1/2 degrees West 20 feet to a stake now set, thence still North 24-1/2 degrees West that 115 feet, thence North 55-1/2 degrees East 60 feet,

330000

Planning & Zoning
2937/412 to 420

2846 MAY 17 1956
day of May, in
fifty-six, by Clayton W. Bord-
duly incorporated under the Laws
hereinafter referred to as Grantor
atherine P. Schmidt, his wife, of
Maryland, hereinafter referred

by the entireties, their assigns, and to the survivor of them and his or her heirs and assigns, in fee simple, all those three lots of ground situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

3. Beginning for the first thereof at a point in the center of the Philadelphia Road at or about 308 feet Northwesterly from the Northeastmost corner of the lot of ground conveyed by Ida M. Weinreich to George Horn and wife, by Deed recorded among the Land Records of Baltimore County in Liber W-6-C, No. 553, 7010 3/4 feet, and running thence North $34^{\circ}1/2$ degrees West 200 feet to a stake now set, thence still North $34^{\circ}1/2$ degrees West 115 feet, thence North $55^{\circ}1/2$ degrees East 60 feet, and thence South $34^{\circ}1/2$ degrees East 135 feet to the center of the Philadelphia Road aforesaid, and thence thence along the same South $5^{\circ}1/2$ degrees West 60 feet to the place of beginning.

2043110 for the second thereof at a point in the center of the Philadelphia Road at the distance of 408 feet North-northeastly from the end of the fifth or South 41 degrees East 32 foot line of that lot of ground which by Deed dated May 12th, 1922 and recorded among the Land Records of Baltimore County in Liber M.P.C. No. 553, folio 382 etc. was conveyed by Ida H.

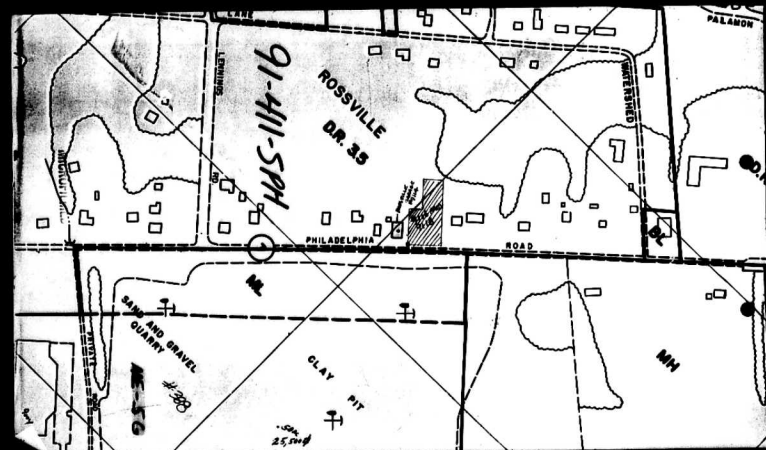
ZONING VIOLATION HEARING		BEFORE THE	
914 Philadelphia Road		DEPUTY ZONING	
14th District		COMMISSIONER	
Mr. Francis Hegarwelder	:	COMMISSIONER	:
9114 Philadelphia Road	:		:
14th District, Maryland	:	OF	:
Defendant	:	BALTIMORE COUNTY	:
	:	72-31, 7, 2, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 77	

Mr. John Copespire, Inspector assigned to the Complaints Division of the Department of Permits and Licenses, testified on behalf of Baltimore County. Mr. Copespire stated that he was only somewhat familiar with the applicant and that he had visited it approximately ten (10) years ago. He explained that he was filling in for Mr. Fred Myers, the inspector who originally inspected the site on February 13, 1972, as a result of a letter of complaint dated

The letter of complaint was signed by three (3) area residents, Leroy Zonta, 1625 Philadelphia Road, James F. Dodson, 1822 Philadelphia Road, and C. Howard Dodson of 923 Philadelphia Road. The entire description of the property as being used as a private service station and garage in 1937 or 1938, which clearly establishes a non-conforming use on the property. The letter also points out that Mr. Smith, the owner and operator of the garage, had used the property for the same purpose for many years prior to 1937 and used jacks and chain hoists while working on vehicles. However, after turning the right of his eyes, only minor repairs to auto engines and the repair of the roof were performed by him for several years before his death. Since that time, the property has been sold twice and the present owner is now operating a small business of auto repairs. The property is not used as a repair shop, as it will turn over including hydraulic lifts for minor automotive repair.

TRUE COPY TEST:
 37
 SECURITY ZONING COMMISSION OF BALTO. CO.
 ANN. MASTHEAD

ORDER RECEIVED FOR FILING
DATE 12-18-1973
BY John E. Dwyer



[illegible]

[illegible][illegible]

PRINT DATE 04/07/00		OFFICE OF ASSESSMENTS		INDUSTRY (1)		TIME 16:06:48	
PROPERTY NO.	DIST.	GROUP	CLASS	OC	WB	CARD-NO	DEL F/H DATE
19-010-010700		0000	04			07338	07/07/87
NEIGHBORHOOD: PHILADELPHIA				PRIMARY DESC.: L L T WS PHILADELPHIA RD			
09114	PHILADELPHIA RD			SUPPLEMENTAL DESC.:			
BALTIMORE	RD 21237			NEAREST INTER.: 00B0 9 LEHNING LN			
Parcel II				STRUCTURE.: STATE CORN.			
LOT.....	MAP.....	000		FRONT..	50.00	TRANSFER DATE..	01/23/85
SECTION..	BLK.....	02		DEPT..	50.00	TRANSFER NO..	02001
PLOT.....	PARCEL 000310			DEPTH..	135.00	PURCHASE PRICE ..	
FOLIO.....	LIBER..	8764		DEPT..	135.00		
POLIO.....	FOLIO.....			FURNER OF RECORD: PHILADELPHIA FRANCIS			
FOLIO.....	UT LT LOT..				6750	KA EX IMPRV	BLIND
FULL VALUE		LAND		INFRV PREP-LAND		CURTILLAGE	EX LAND EX IMPRV
PROVIDER	500			CURRENT			
ADDITIONAL	6,750			TAX INFRV		ADVAL	EX ADVAL
RANGE	YMO			2,750		2,750	
00/90/ ASSESSMT	0001			1,150			
00/90/ ASSESSMT	0001			2,750			
00/90/ ASSESSMT	0001			1,150			
00/90/ ASSESSMT	0001			2,750			

TIN DATE 2/27/99				OFFICE OF ASSESSMENTS INQUIRY (1)		TIME 18:07:37	
PROPERTY NO.	DIST	GROUP	CLASS	ACC.	AREA	CARD-NO	DEL P/R DATE
1	2	2	2	04		07337	11/18/87
HERGENROTHER THOMAS JOSEPH				PRIMARY DESC.....		L LT WS PHILADELPHIA RD	
09114 PHILADELPHIA RD				SURFACING DESC.....			
10000 RD 21537				ADJUTANT ADDRESS		PHILADELPHIA RD WS	
				NEAREST INTER.....		0745 S LEMP LANE	
				STRUCTURE.....		S E COR.	
Parcel III							
LUT.....	000	BLK.....	000	FRONT.....	75.00	TRANSFER DATE.....	87/25/85
SECTION.....	02	PARCEL.....	00310	SIDE.....	25.00	024010	
PLAT.....		LIBER.....	086	FRONT.....	25.00	PURCHASE PRICE	0
POLY.....		FOLIO.....	010	OWNER NAME, HERGENROTHER FRANCIS X			
PULL.....		50 FT LOT.....			18.75	NO	
ADJUTANT	LAND	INSTRY FREE-LAND COTTAGE			EX LAND	EX INSTRY	BLIND
PRODUCED	2,940				EX	E	COR
CURRENT	1,800				EX	LAND	EX INSTRY
*****ORIGINS*****	1990	TAX LAND	TX INTRV	EX LAND	EX INSTRY	EX	ADVAL
07/90 ASSESSMT 8709			7,660	7,660			
08/90 ASSESSMT 8801			5,220				
08/90 ASSESSMT 8709			3,340				

IN DATE 07/29/78		OFFICE OF ASSESSMENTS (AREA 11)				TIN 59-41-51																																											
PROPERTY NO.	DIST	OFFICE CLASS	ACC AREA	CARD-NO	FILE NO	F/R DATE	AD VAL																																										
14-15-15	01	00	00	00	00	00	00																																										
HERGENROTHER		THOMAS JOSEPH		PRIMARY RESID		L LT MS PHILADELPHIA RD																																											
10000 PHILADELPHIA RD		BALTIMORE MD 21237		SERV FRONTAL SEC		PHILADELPHIA RD																																											
				INSTR ADDRESS 09114		PHILADELPHIA RD																																											
				NEAREST INTER		0820 S LEWING LANE																																											
				STRUCTURE		STATE CODE																																											
<table border="0"> <tr> <td>LIT.</td> <td>MR.</td> <td>090</td> <td>FROM</td> <td>60.00</td> <td>TRANSFER DATE</td> <td>87/25/78</td> </tr> <tr> <td>BLACK</td> <td>LOCKER</td> <td>02</td> <td>PACK</td> <td>40.00</td> <td>TRANSFER NO</td> <td>020419</td> </tr> <tr> <td>BEG. CON.</td> <td>PAGE</td> <td>00</td> <td>RENT</td> <td>135.00</td> <td>PURCHASE PRICE</td> <td></td> </tr> <tr> <td></td> <td>LIN</td> <td>2961</td> <td>SIDE</td> <td>00</td> <td>GROUND RENT</td> <td></td> </tr> <tr> <td></td> <td>FOLIO</td> <td>0212</td> <td>FORMER OWNER</td> <td>HERGENROTHER FRANCIS X</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>90 FT. 00</td> <td></td> <td></td> </tr> </table>								LIT.	MR.	090	FROM	60.00	TRANSFER DATE	87/25/78	BLACK	LOCKER	02	PACK	40.00	TRANSFER NO	020419	BEG. CON.	PAGE	00	RENT	135.00	PURCHASE PRICE			LIN	2961	SIDE	00	GROUND RENT			FOLIO	0212	FORMER OWNER	HERGENROTHER FRANCIS X							90 FT. 00		
LIT.	MR.	090	FROM	60.00	TRANSFER DATE	87/25/78																																											
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BEG. CON.	PAGE	00	RENT	135.00	PURCHASE PRICE																																												
	LIN	2961	SIDE	00	GROUND RENT																																												
	FOLIO	0212	FORMER OWNER	HERGENROTHER FRANCIS X																																													
				90 FT. 00																																													
*FULL VALUE		LAND	INSTRV	PROP-LAND	CURTLAGE	EX LAND	EX INSTRV																																										
CURRENT	15,420	25,650	0	0	0	0	BLIND																																										
PRODUCED	10,100	26,410	0	0	0	0																																											
<table border="0"> <tr> <td>*REASONS</td> <td>NO</td> <td>TAX LAND</td> <td>X</td> <td>INSTRV</td> <td>AD VAL</td> <td>EX LAND</td> <td>EX INSTRV</td> </tr> <tr> <td>85/78 ASSESS</td> <td>8510</td> <td></td> <td></td> <td>17,380</td> <td>19,800</td> <td></td> <td></td> </tr> <tr> <td>86/87 ASSESS</td> <td>8411</td> <td></td> <td></td> <td>17,740</td> <td></td> <td></td> <td></td> </tr> <tr> <td>84 ASSESS</td> <td>8411</td> <td></td> <td></td> <td>14,420</td> <td></td> <td></td> <td></td> </tr> </table>								*REASONS	NO	TAX LAND	X	INSTRV	AD VAL	EX LAND	EX INSTRV	85/78 ASSESS	8510			17,380	19,800			86/87 ASSESS	8411			17,740				84 ASSESS	8411			14,420													
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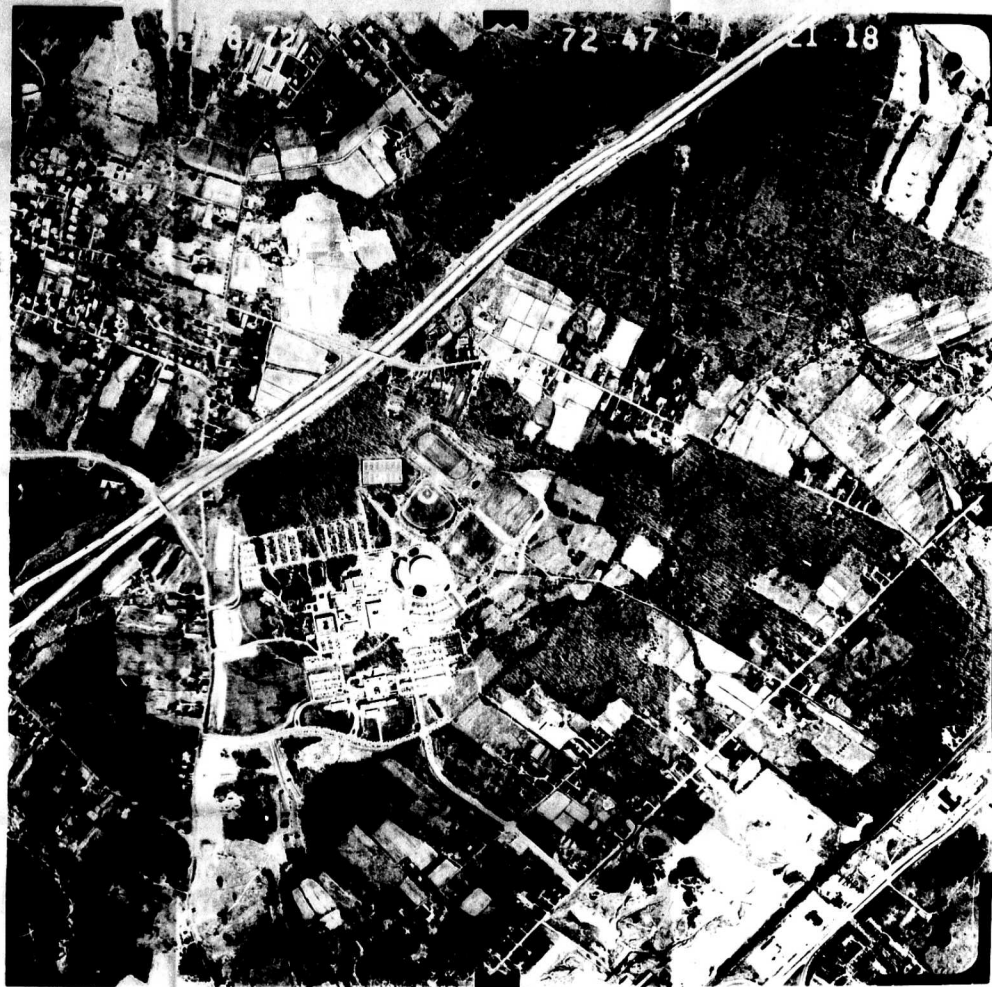
WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said, THOMAS JOSEPH HERGENROTTER, his heirs or assigns, in fee simple, forever, an undivided thirty-three and one-third percent (33 1/3%) interest in all of those lots and parcels situated in Baltimore County and described as follows, that is to say,

1. BEGINNING FOR THE FIRST TRAP, at a point in the center of the Philadelphia Road at about 340 feet Northwesterly from the Easternmost corner of the lot of ground covered by Ida M. Heinrich to George Hoke and wife, by Deed recorded in the Land Records of Baltimore County in Liber WFC No. 553, Folio 302, etc., and running thence North 34 1/2 degrees West 30 feet to a stake now set, thence still North 34 1/2 degrees West 115 feet, thence still North 34 1/2 degrees East 60 feet, and then South 34 1/2 degrees East 175 feet, to the corner of the Philadelphia Road aforesaid, and thence binding on the same South 55 1/2 degrees West 60 feet to the place of beginning.

[illegible]

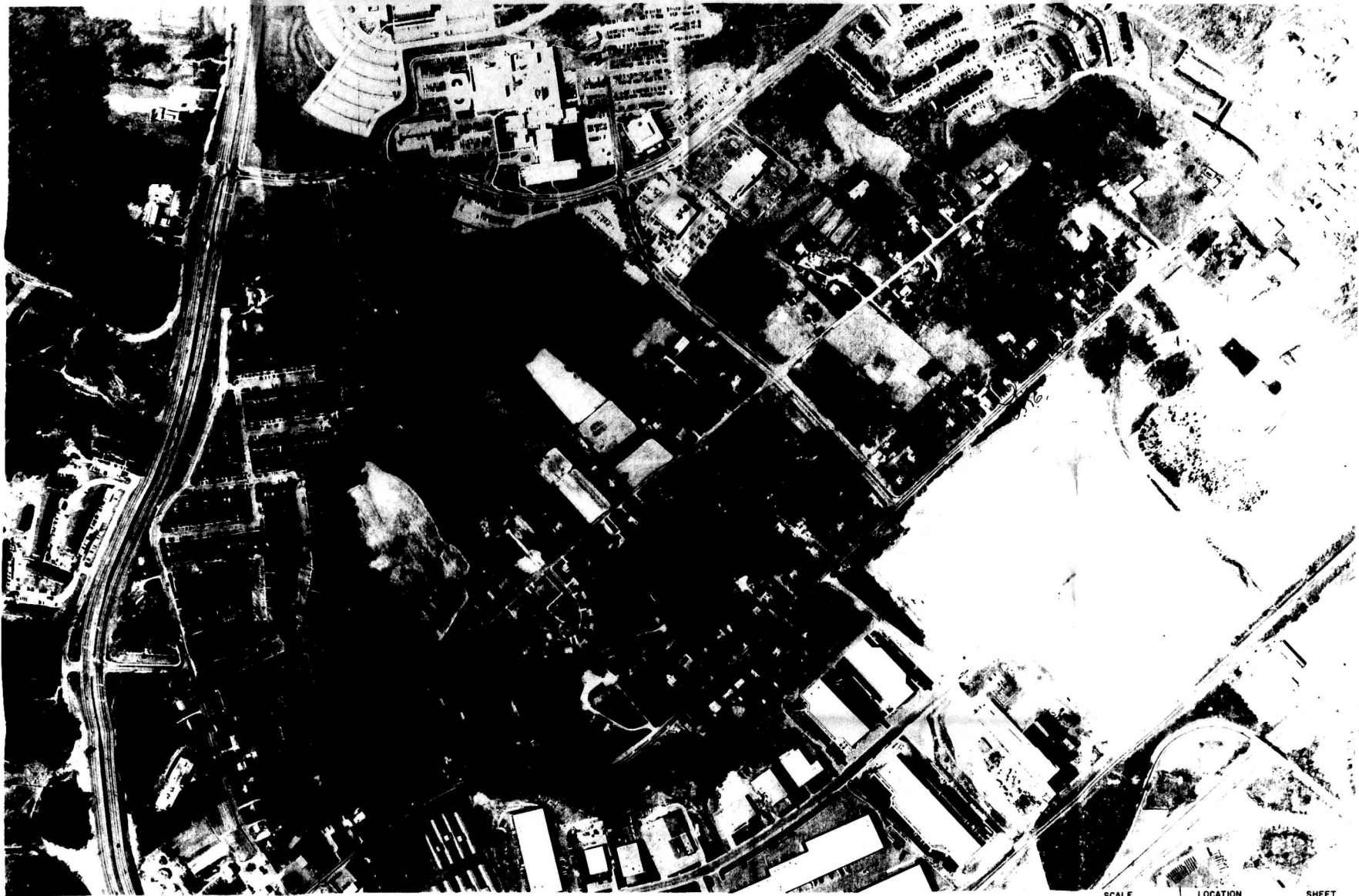
318499-000 11 75000





I HEREBY CERTIFY that this is
a true copy, taken from the
records in the custody of
Baltimore County, Maryland.
Signed this 22 day of Oct. 1944.
Ranald A. Allen

Pittenger's
No
3



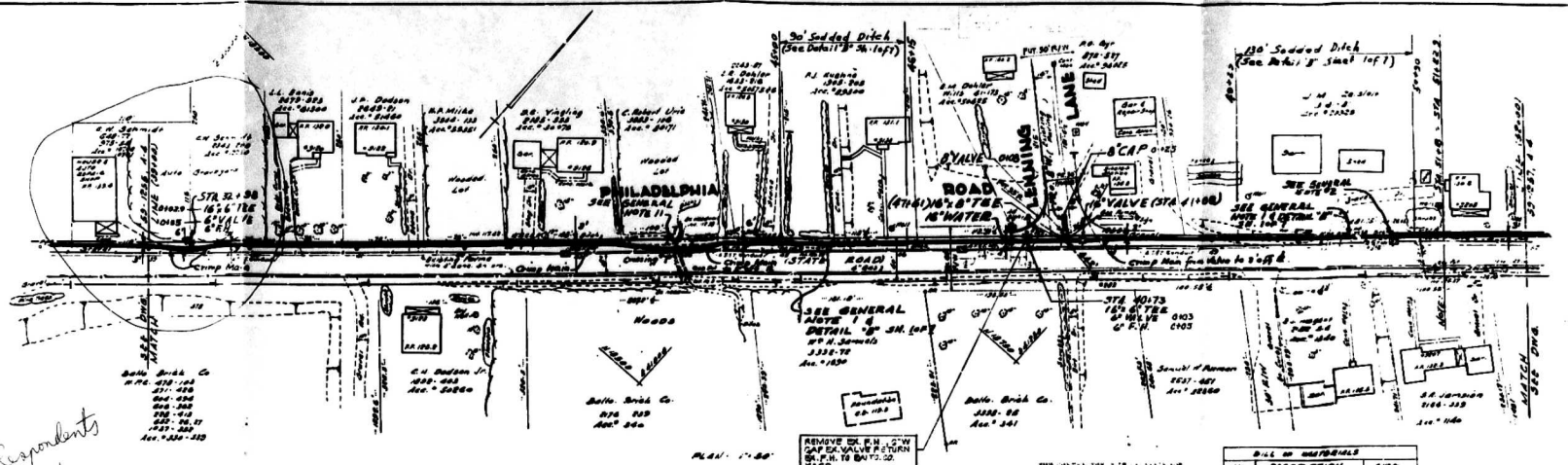
**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

I HEREBY CERTIFY that this is
a true copy, taken from the
aerials in my custody of
Baltimore County, Md. June 1986.
Signed this 22 day of June 1986
James H. Hester

SCALE	LOCATION	SHEET
1" = 200'	ROSSVILLE	N.E. 5-6
DATE OF PHOTOGRAPHY JANUARY 1986		

Plot No. 4



Respondents No 1

Notes
 1. 18" Water to have 24" cover
 2. Check utility status as noted
 3. 18" Water to be installed in
 lined grade and 24" cover
 4. 18" Water to be installed in
 lined grade and 24" cover
 5. 18" Water to be installed in
 lined grade and 24" cover

TELEPHONE CABLES AND CONDUITS IN THE STREET
 BEFORE STARTING WORK CALL PROJECT
 AT 400 TIME 10.00 AM EXTENSION 400
 FOR TELEPHONE COMPANY REPRESENTATIVE

PHILADELPHIA ROAD

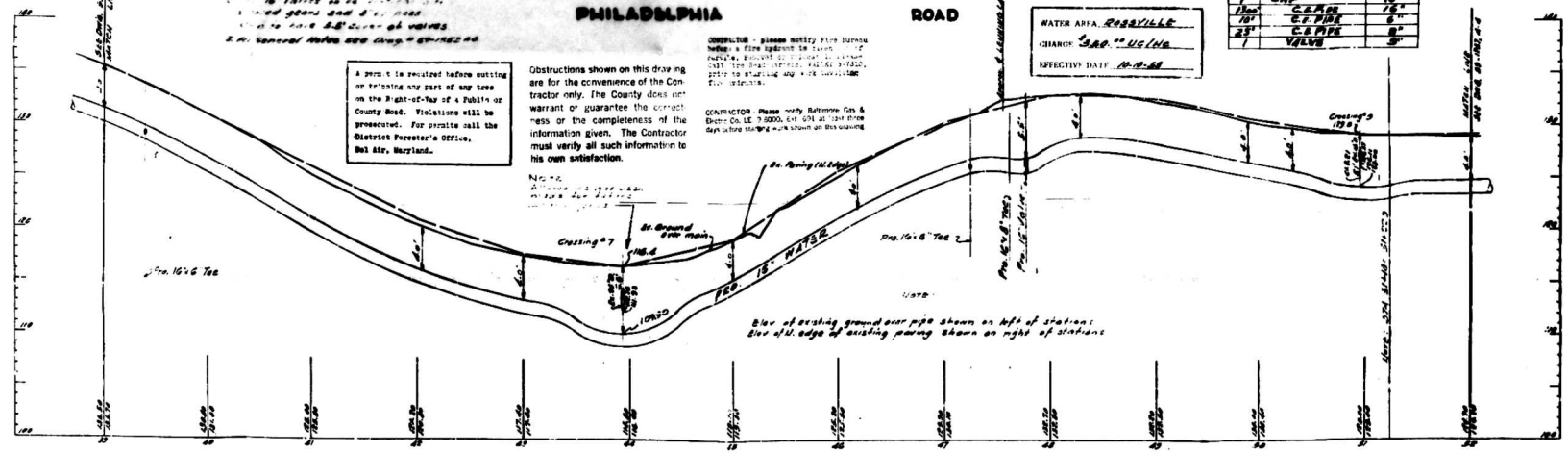
A permit is required before cutting or trimming any part of any tree on the right-of-way of a Public or County Road. Violations will be prosecuted. For permits call the District Forester's Office, 301 St. Mary's.

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

CONTRACTOR: Please verify Baltimore Gas & Electric Co. LE 7-5000, EXT. 121 at 121st Street City before starting work shown on this drawing.

WATER AREA: ROSBVILLE
 CHANGE: 3.00" W.C. 18"
 RESPECTIVE DATE: 10-10-68

NO.	DESCRIPTION	SIZE
1	PIPE	18" W.C.
2	VALVES	18"
3	TEES	18"
4	ELBOWS	18"
5	FLANGES	18"
6	WELDS	18"
7	COUPLERS	18"
8	ADAPTERS	18"
9	CONDUITS	18"
10	MANHOLES	18"
11	WATER	18"
12	SEWER	18"
13	STORM	18"
14	WATER	18"
15	SEWER	18"
16	STORM	18"
17	WATER	18"
18	SEWER	18"
19	STORM	18"
20	WATER	18"
21	SEWER	18"
22	STORM	18"
23	WATER	18"
24	SEWER	18"
25	STORM	18"



Blue of existing ground and pipe shown on left of station
 Blue of edge of existing paving shown on right of station

APPROVED FOR CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 DATE: 1/4/61

C.W.O. 33401
 BUREAU OF ENGINEERING
 DATE: 1/4/61

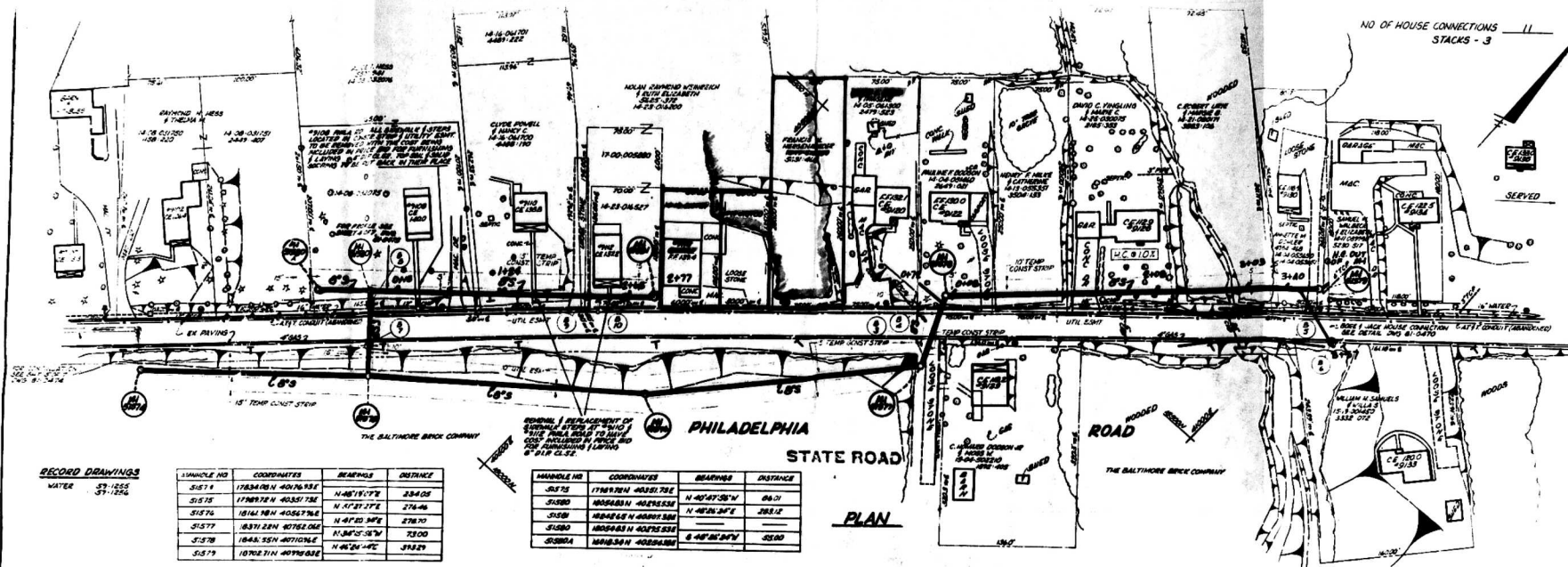


REVISION
 1-11-68 RELEASED FOR LEACHING LANE
 BY HOME CONSULTANTS, INC.

PHILADELPHIA ROAD
 18" WATER
 DATE: 1/4/61

MICROFILMED

795-W T

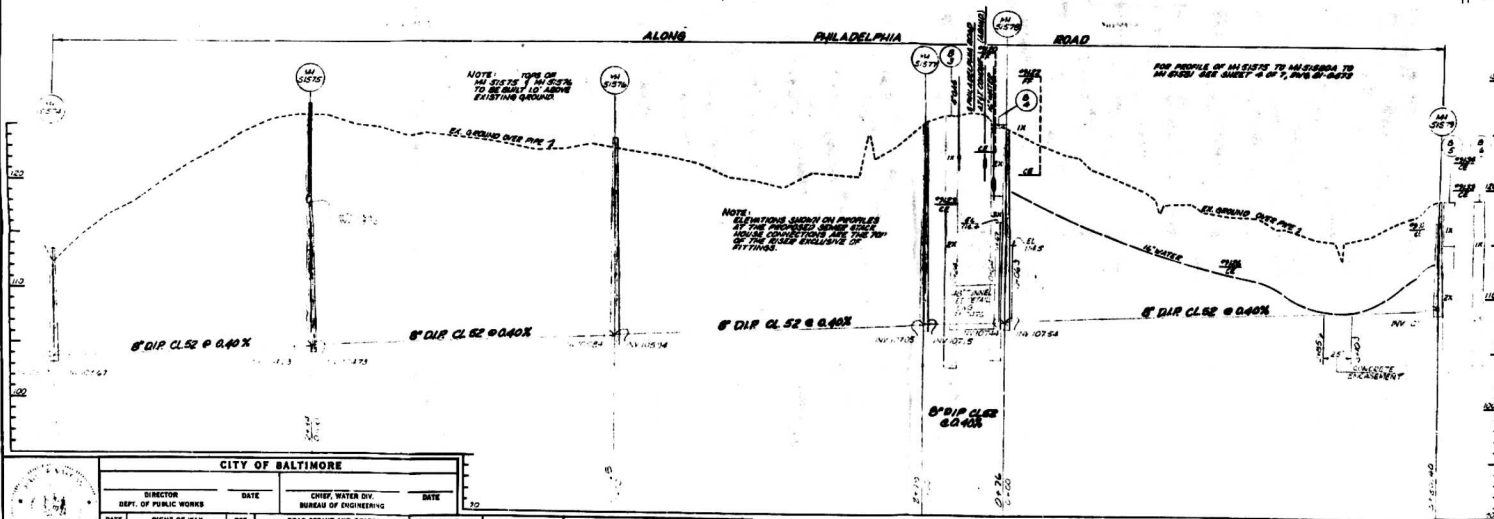


SECOND DRAWINGS

WATER
S9-1555
S9-1556

MANHOLE NO.	COORDINATES	BEARINGS	DISTANCE
S1574	17834.76N 40576.18E	N 48°15'07"E	254.02'
S1575	17869.76N 40537.78E	N 17°27'27"E	274.46'
S1576	18161.76N 40567.16E	N 47°52'30"E	278.70'
S1577	18371.22N 40762.04E	N 34°52'35"W	73.00'
S1578	18445.55N 40710.01E	N 46°24'42"E	343.29'
S1579	18702.71N 40990.68E		

MANHOLE NO.	COORDINATES	BEARINGS	DISTANCE
S1575	17869.76N 40537.78E	N 47°47'55"W	86.01'
S1580	18068.81N 40835.53E	N 48°28'30"E	285.12'
S1581	18068.81N 40835.53E		
S1582	18068.81N 40835.53E		
S1583	18068.81N 40835.53E		



DEPTH	DESCRIPTION	POSITION	DATE
12" 0" 80"	BRICK CLAY PIPE	12" 0" 80"	12/14/84
12" 0" 80"	BRICK CLAY PIPE	12" 0" 80"	12/14/84
12" 0" 80"	BRICK CLAY PIPE	12" 0" 80"	12/14/84

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12" 0" 80"	BRICK CLAY PIPE	12" 0" 80"	12/14/84

FOR BATHING 8" 0" 80", 8" 0" 80" SEE SHEET 8-07, 8-08, 8-09

CITY OF BALTIMORE

DIRECTOR DATE

DEPT. OF PUBLIC WORKS

CHIEF, WATER DIV. DATE

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

LEVEL NO. 1

REVISION

DATE

CONTRACT NO. 5742

REVISION NO. 1279

DATE 7.26/11.14.84

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

LEVEL NO. 1

REVISION

DATE

PHILADELPHIA ROAD

83122SX0

8-0475

PHILADELPHIA ROAD

8-0475

PHILADELPHIA ROAD

8-0475

PHILADELPHIA ROAD

8-0475