

CASE NO. 95CV-176

(11) Apr 6, 1995 Motion and Order of Court extending the time to file the memorandum to 4/25/95, etc, fd. (JNB)

(12) April 17, 1995 Protestants-Appellees complaint for writ of mandamus, fd.

(13) May 2, 1995 - Notice to Enter the App. of Cindy Shifren as pro se representative of HI-CALIBER TOWING SERVICE, INC. fd. (Filed 4/27/95).

(14) May 16, 1995 Order to issue a summons on the defdt C.A. Dutch Ruppertsberger, fd. Summons issued for PPS.

(15) May 24, 1995, Appellant Hi-Caliber Towing, Inc., Rule 7-207 Memorandum, fd. (rec'd 5/23/95)

(16) July 6, 1995 - Deft., BALTIMORE COUNTY GOVERNMENT OFFICE OF ZONING ADMINISTRATION, answer to Complaint for Writ of Mandamus fd. (Filed 6/19/95).

(17) July 6, 1995 - Deft., BALTIMORE COUNTY GOVERNMENT OFFICE OF ZONING ADMINISTRATION, Motion to Dismiss Complaint for Writ of Mandamus, Brief and Request for Hearing fd. (Filed 6/19/95).

(18) July 6, 1995 - Oath of Arnold Jablon, Director, Department of Permits and Development Management (Formerly the Office of Zoning Administration and Development Management) fd. (Filed 6/19/95).

(19) July 7, 1995 Protestants/Appellees's response to rule 7-207 memorandum, fd. (rec'd 6/22/95)

* (20) Sept 7, 1995 Hi Caliber Towing's motion to strike request for Jury Trial, fd. (rec'd 8/29/95)

(21) Sep 26, 1995 Order of Court Striking the Jury Trial request and directing case to be set for hearing, etc, fd. (JOH)

(22) Oct. 11, 1995 Order of Court Dismissing the Complaint for Writ of Mandamus, fd. (JOH)

PH (23) Oct 13, 1995 Motions Ruling from Judge C.M.Kahl Granting the Motion of Baltimore County to dismiss complaint for Mandamus and Denying the request for hearing, fd.

(24) Oct 23, 1995 Notice to strike the appearance of Stanford H. Franklin as counsel for the Petitioner, fd. (rec'd 10/18/95)

s (25) January 4, 1996 Memorandum Opinion and Judgment affirming the Decision of the Board of Appeals, etc., fd. (JFF, II)

(26) February 12, 1996, Appellees Complaint For Permanent Injunctive Relief, fd. (rec'd 2/9/96)

(27) March 6, 1996- Memorandum from Judge Fader filed.

(28) April 1, 1996 Correspondence from Judge Fader, fd.

(29) Dec. 2, 1997 Ruling from Judge J.F.Fader, II: Letter request of 9/9/97 for relief is DENIED, fd. (JFF, II)

IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER TOWING, INC.
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming
automotive service station w/accessory
vehicle repair service /filed by ZADM.

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-442-SPH

* * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) GOODMAN

YOU ARE HEREBY COMMANDED TO: (☒) Personally appear;
() Produce documents and/or objects only; () Personally appear
and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, MD 21204 on THURSDAY the 3rd day
of NOVEMBER, 1994, at 10:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or
objects:

Subpoena requested by:

Michael D. Vogelstein, Esquire (410) 727-3000

(Name of Party or Attorney, Address and Phone Number)

321 N. Calvert Street Baltimore, Maryland 21202

Counsel for Appellants/Protestants

The witness named above is hereby ordered to so appear
before the County Board of Appeals. The Board requests the Sheriff
to issue the summons set forth herein.

98:0111 82 100 46

NOTED FOR RECORD
RECORDED

Charlotte E. Radcliffe
County Board of Appeals of
Baltimore County

1 IN THE MATTER OF * BEFORE THE
2 N.B.S., INC. and HI-CALIBER * COUNTY BOARD OF APPEALS
3 TOWING, INC. Owner/Operator * OF BALTIMORE COUNTY
4 12026 Park Heights Avenue * Case No. V93-442-SPH
5 4th Election District * November 3, 1994
6 3rd Councilmanic District *
7 SPH - Determination of a non- *
8 conforming automobile service *
9 station w/accessory vehicle *
10 repair service *

11 * * * * *

12 The above-entitled matter came on for hearing
13 before the County Board of Appeals of Baltimore County at
14 the Old Courthouse, 400 Washington Avenue, Towson,
15 Maryland 21204 at 10:50 a.m, November 3, 1994.

16 * * * * *

17
18 ORIGINAL
19

20 Reported by:

21 C.E. Peatt

THIS MORTGAGE, Made this 11th day of July, in the year one thousand nine hundred and eighty-four, by and between KHK, Incorporated, a Maryland Corporation, James P. Hammersla, Catherine M. Hammersla, Paul M. Koch, Mary T. Koch, Michael T. Koch, and Wendy S. Koch, Mortgagor, and
 ✓ Baltimore Federal Financial, F.S.A., a corporation organized and existing under the laws of the United States of America, Mortgagee:

WHEREAS, said Mortgagor has received from Mortgagee an advance of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00), receipt of which is hereby acknowledged by the Mortgagor, being a part of the purchase money for the property hereinafter described;

AND WHEREAS, said Mortgagor has agreed to repay the said sum so advanced in installments, with interest thereon from the date hereof at the rate of thirteen and one-fourth percent (13.25%) per annum, in the manner following:

By the payment of Thirteen Hundred Seventy-Six and 00/100 Dollars (\$1,376.00) commencing on the first day of June, 1984, and continuing on the first day of each month thereafter. However, the entire principal balance and accrued interest shall be paid within five (5) years from the date hereof, resulting in a balloon payment at that time. Interest shall be computed by the calendar month and the said installment payments shall be applied by the Mortgagee in the following order: (1) to the payment of interest; (2) towards the payment of the aforesaid principal sum;

C RC/F 32.00
 MORTG 0.00
 EHK JR T 32.00
 #05540 0001 R02 T09:31

The due execution of this mortgage having been a condition precedent to the granting of said advance;

05/22/84

NOW, THEREFORE, THIS MORTGAGE WITNESSETH that in consideration of the premises, and of the sum of one dollar, the said Mortgagor hereby conveys, in fee simple to the said Mortgagee, its successors and assigns, all that property, situate and lying in the 4th Election District, Baltimore County, Maryland and described as follows:

BEGINNING for the same at a steel pin now set in the paving of Park Heights Avenue near the western edge at the end of the first or North 25 degrees 39 minutes East 1,133 feet 8 inches line of the whole parcel of land of which the parcel herein described is a part, which was conveyed from Grace A. Durham, et.al. to James Hofmeister and Elizabeth Hofmeister, his wife, by Deed dated September 8, 1939 and recorded among the Land Records of Baltimore County, Maryland, in Book CWBJr. No. 1080, Page 42, etc., said point being also at the beginning of the twenty-first or South 37 degrees 59 minutes 34 seconds West 1,125.02 foot line of that parcel of land which was
 1 of 6

For Ass'gt see
 Liber 7786 Fol. 708

conveyed from Union Trust Company of Maryland to Loyola Financial and Development Corporation by Deed dated July 3, 1973 and recorded among the aforementioned Land Records in Book EHKJr. No. 5375, Page 449, etc.; thence running with and binding on the second or South 02 degrees 36 minutes East 546 foot 5 inch line of the aforementioned whole parcel conveyed to James Hofmeister and wife, and with the road, (1) South 10 degrees 16 minutes 50 seconds East 175.90 feet to a railroad spike now set; thence (2) South 80 degrees 32 minutes 17 seconds West 21.89 feet to a railroad spike now set in the western right-of-way line of Park Heights Avenue, as shown on State Roads Commission of Maryland Plat No. 8366 at station 0 + 00; thence running with and binding on the western right-of-way line, (3) South 09 degrees 27 minutes 43 seconds East 200.00 feet to a steel pin now set; thence leaving the said right-of-way line and running for a line of division now made through the whole parcel, (4) South 81 degrees 49 minutes 26 seconds West 173.74 feet to a steel pin now set in the aforementioned first line of the whole parcel, Durham to Hofmeister at a bearing and distance of North 17 degrees 58 minutes 10 seconds East 714.56 feet from a stone heretofore set at the beginning thereof, said point being also in the aforementioned twenty-first line of the aforementioned parcel conveyed from Union Trust Company to Loyola Financial and Development Corporation; thence running with and binding on the aforementioned first line of the whole parcel and reversely with the said twenty-first line of Loyola Financial and Development Corporation, passing through a steel pin now set at 369.11 feet, (5) North 17 degrees 58 minutes 10 seconds East 419.11 feet to the place of beginning. Containing 0.7500 of an acre of land, more or less. The improvements thereon being known as No. 12026 Park Heights Avenue.

BEING the same property conveyed to KHK, Incorporated, one of the Mortgagors herein, by Deed of even date from Houston G. Curd, III and Patricia A. Curd, intended to be recorded immediately prior hereto.

James P. Hammersla, Catherine M. Hammersla, Paul M. Koch, Mary T. Koch, Michael T. Koch, and Wendy S. Koch jointly and severally join in the execution of this Mortgage as their voluntary act as applicant for said mortgage loan for the express purpose of becoming personally bound for the performance of all of the covenants contained herein and for the repayment of the indebtedness together with all interest and expenses thereon, notwithstanding the fact that they have no interest in the title to the property herein described.

TOGETHER with the improvements thereon and the rights or appurtenances thereto belonging or in anywise appertaining, including all heating, gas and plumbing apparatus and fixtures and all rents, issues and profits accruing from the premises hereby mortgaged.

TO HAVE AND TO HOLD the said lots of ground and premises unto the said Mortgagee, its successors and assigns, forever in fee simple.

AND WHEREAS, this Mortgage shall also secure future advances as provided by the Laws of Maryland or any supplement, amendment, or addition thereto.

PROVIDED, however, if the said Mortgagor, its successors and assigns, shall make or cause to be made the payments, and perform and comply with the covenants and conditions herein mentioned on its part to be made and done, then this Mortgage shall be void.

LIEP6715 PAGE 230

FEE SIMPLE DEED

THIS DEED, made this 11th day of MAY, 1984, by and between
 ✓ Houston G. Curd, III and Patricia A. Curd, his wife, Grantors, and
 ✓ KHK, Incorporated, a Maryland Corporation, Grantee:

WITNESSETH, that in consideration of the sum of Ten Dollars and other good and valuable considerations, the said Grantors hereby grant and convey unto the Grantee, its successors and assigns, all that property situate in the 4th Election District, County of Baltimore, State of Maryland, described as:

BEGINNING for the same at a steel pin now set in the paving of Park Heights Avenue near the western edge at the end of the first or North 25 degrees 39 minutes East 1,133 feet 8 inches line of the whole parcel of land of which the parcel herein described is a part, which was conveyed from Grace A. Durham, et.al. to James Hofmeister and Elizabeth Hofmeister, his wife, by Deed dated September 8, 1939 and recorded among the Land Records of Baltimore County, Maryland, in Book CWB Jr. No. 1080, Page 42, etc., said point being also at the beginning of the twenty-first or South 37 degrees 59 minutes 34 seconds West 1,125.02 foot line of that parcel of land which was conveyed from Union Trust Company of Maryland to Loyola Financial and Development Corporation by Deed dated July 5, 1973 and recorded among the aforementioned Land Records in Book EHK Jr. No. 5375, Page 449, etc.; thence running with and binding on the second or South 02 degrees 36 minutes East 546 foot 5 inch line of the aforementioned whole parcel conveyed to James Hofmeister and wife, and with the road, (1) South 10 degrees 16 minutes 50 seconds East 175.90 feet to a railroad spike now set; thence (2) South 80 degrees 32 minutes 17 seconds West 21.89 feet to a railroad spike now set in the western right-of-way line of Park Heights Avenue, as shown on State Roads Commission of Maryland Plat No. 8366 at station 0 + 00; thence running with and binding on the western right-of-way line, (3) South 09 degrees 27 minutes 43 seconds East 200.00 feet to a steel pin now set; thence leaving the said right-of-way line and running for a line of division now made through the whole parcel, (4) South 81 degrees 49 minutes 26 seconds West 173.74 feet to a steel pin now set in the aforementioned first line of the whole parcel, Durham to Hofmeister at a bearing and distance of North 17 degrees 58 minutes 10 seconds East 714.56 feet from a stone heretofore set at the beginning thereof, said point being also in the aforementioned twenty-first line of the aforementioned parcel conveyed from Union Trust Company to Loyola Financial and Development Corporation; thence running with and binding on the aforementioned first line of the whole parcel and reversely with the said twenty-first line of Loyola Financial and Development Corporation, passing through a steel pin now set at 369.11 feet, (5) North 17 degrees 58 minutes 10 seconds East 419.11 feet to the place of beginning. Containing 0.7500 of an acre of land, more or less. The improvements thereon being known as No. 12026 Park Heights Avenue.

BEING the same property described in Book EHK Jr. No. 6489, Page 701.

The actual consideration paid or to be paid is \$150,000.00.

TOGETHER with the buildings and improvements thereupon erected, made, or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

ANNUAL TRANSFER TAX
 NOT APPLICABLE
 SIGNATURE [Signature] DATE 5-18-84

1 of 2

STATE DEPARTMENT OF
 ASSESSMENTS & TAXATION
 CLERK [Signature] DATE 5-18-84
 B ECU7***240000^a 8188A

LIBER 6715 PAGE 231

TO HAVE AND TO HOLD the said lot of ground, property, and premises, unto and to the use of the said Grantee, its successors and assigns, in fee simple, forever.

AND the said Grantors hereby covenants that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite.

USE of the singular party herein includes the plural, and use of one gender includes all.

WITNESS the hands and seals of the said Grantors.

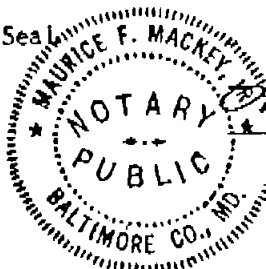
Houston G. Curd, III (SEAL)
Houston G. Curd, III

Patricia A. Curd (SEAL)
Patricia A. Curd

STATE OF MARYLAND,

On this 11th day of May, 1984, before me, a Notary Public of said State, personally appeared Houston G. Curd, III and Patricia A. Curd, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal



Maurice F. Mackey, Jr.
Maurice F. Mackey, Jr., Notary Public

My commission expires 7/1/86

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Maurice F. Mackey, Jr.
Maurice F. Mackey, Jr., Attorney

C RC/F	13.00
C TX	150.00
C DOCS	150.00
DEED	0 H
ENR JR T	1513.00
#05539 C001 R02	109130
	05/22/84

Rec'd for record MAY 22 1984 at 930 AM

Per Elmer H. Kahline, Jr., Clerk

Mail to CALLAHAN & CALVERT 2 of 2

Receipt No. 13.00

7910 PAGE 308

THIS DEED, Made this 17th day of June, 19 88, between
✓ SHARON L. GUIDA, Mortgage Assignee, ~~XXXXXXXXXX~~, as Grantor
hereinafter mentioned, party ~~XXXXXX~~ of the first part and DOMINO MANAGEMENT, INC., 1988
party ~~XXXXXX~~ of the second part, and N. B. S., INC.
of the third part.

WITNESSETH whereas by a Decree of the Circuit Court of Baltimore City dated
on the _____ day of _____, 19 _____, and passed in a cause in said
Court between Baltimore Federal Financial, F.S.A.
Complainant, and KHK, Incorporated
Defendant, ~~XXXXXX~~ ~~XXXXXX~~, Case No. 39/258 88CSP316
the above named Sharon L. Guida was appointed Mortgage Assignee
~~XXXXXXXXXXXXXXXXXXXX~~ with authority to sell the ~~XXXXXXXXXX~~ fee simple
property in the proceedings in said cause mentioned, and the said ~~XXXXXXXXXX~~ Mortgage Assignee
after complying with all the previous requisites of the Decree, did, on or
about the 15th day of March, 19 88, sell unto DOMINO MANAGEMENT, INC.
FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600.00), at and for the sum of THIRTY
aforesaid ~~XXXXXXXXXX~~ fee simple property, situate in Baltimore City, State of
Maryland, thus described:

No. 12026 Park Heights Avenue

FOR LEGAL DESCRIPTION -- SEE SCHEDULE "A" ATTACHED HERETO AND MADE
A PART HEREOF.

WHEREAS, the aforesaid sale has been duly reported to and confirmed by
the said Circuit Court of Baltimore ~~XXXXXX~~ County and the purchase money aforesaid has
been fully paid and satisfied to the said ~~XXXXXXXXXX~~ Mortgage Assignee,
by the said Decree to execute these presents.

WHEREAS, the said party ~~XXXXXX~~ of the second part has ~~XXXXXX~~ assigned all
of ~~XXXXXXXXXXXXXXXXXXXX~~ its right, title, interest and estate in and to the hereinbefore
described lot of ground unto the said party ~~XXXXXX~~ of the third part and has ~~XXXXXX~~
requested the party ~~XXXXXX~~ of the first part to join herein in order to convey
said property unto the said party ~~XXXXXX~~ of the third part.

NOW, THEREFORE, THIS DEED WITNESSETH, that the said Sharon L. Guida, Mortgage
Assignee ~~XXXXXXXXXX~~ for and in consideration of
the premises and of the sum of THIRTY FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600.00)
current money, to ~~XXXXXX~~ her ~~XXXXXX~~ in hand paid by the said DOMINO MANAGEMENT, INC.
XXXXXX, at and before the sealing and delivery of these
presents, the receipt of which is hereby acknowledged, the said DOMINO MANAGEMENT, INC.
XXXXXX, in consideration of the sum of
Five Dollars (\$5.00) and other good and valuable considerations, the receipt
of which is hereby acknowledged, passing to ~~XXXXXXXXXXXXXXXXXXXX~~ it from the said party ~~XXXXXX~~
of the third part, the said parties of the first and second parts do grant and
convey unto the said party ~~XXXXXX~~ of the third part, ~~XXXXXXXXXXXXXXXXXXXX~~ its personal
~~XXXXXXXXXXXXXXXXXXXX~~ successors and assigns, both at law and in equity, in and to
he same.

DEED
ON CLERK
865113 0002 102 1-50
05/ 88

D RC/F 19.03
D T TX 173.00
D DOCS 175.00
0 # 367.00
05/ 88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [Signature] DATE 6-30-88 B 8131****114176a 8308A

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

175-
173-
19-

6-30-88

[illegible]

AND the said party/~~XXXXXX~~ of the second part hereby covenant(s) that ~~he/she/they~~
it has/~~have~~ not done or suffered to be done any act, matter or thing whatsoever
to encumber the property hereby conveyed; and that ~~he/she/they~~/it will warrant
specially the property hereby conveyed; and that ~~he/she/they~~/it will warrant
specially the property hereby granted; and that ~~he/she/they~~/it will execute
such further assurances of the same as may be requisite.

WITNESS, the hands and seals of Sharon L. Guida, Mortgage Assignee

_____, ~~THOMAS~~ and Stanley Rochkind, President of Domino
Management, Inc. _____

Sharon L. Gulda, Mortgage Assignee
DOMINO MANAGEMENT, INC.

By: Stanley Rochkind (SEAL)
Stanley Rochkind, President

(SEAL)

(SEAL)

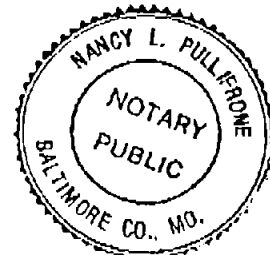
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Sharon L. Guida, Mortgage Assignee, one of the Grantors herein, and ~~he/she/it~~ acknowledged the foregoing Deed to be ~~his/her/its~~ act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:
July 1, 1990



EXHIBIT

Protestant's
Exh. 3

APPLICATION ONLY — NOT A LICENSE

DISTRICT SUBDIVISION INDEX		MAILING NAME & ADDRESS		CLERK		State of Maryland		APPLICATION FOR BUSINESS LICENSE		LICENSE NO.		CONTROL NO.		88	
AUDIT CONTROL NO. L 947694 6		SUPERVISOR OF ASSESSMENTS J. H. - 9-236-58		LOCATION NAME AND ADDRESS GOODMAN, RONNIE J. PARK HEIGHTS SERVICE CENTER 12026 PARK HEIGHTS AVENUE BALTIMORE, MD.		TYPE OF LICENSE TRADERS		NO OF LIC'S 1		COST 13.50		PENALTY		DATE OF ISSUE MO DAY YR 08	
TOWN TREASURER		OFFICE USE ONLY		CODE 71		UNIT 1.5		WORKMAN'S COMPENSATION NO.		ISSUING FEES		TOTAL		AMOUNT DUE	
APPLICANT MUST COMPLETE THE FOLLOWING SECTION		BALTO. CO.		SOCIAL SECURITY/TAX NO.		TYPE OF BUSINESS		TELEPHONE NO.		526 5504		SIGNATURE OF OWNER, PARTNER OR CORP. OFFICER		RETURN WITH RECEIPTANCE PAYABLE TO: SUZANNE HENSH, CLERK CIRCUIT COURT - BALTIMORE COUNTY 401 DODLEY AVENUE JOWAN, MD 21204	

STATE OF MARYLAND

State Department of Assessments and Taxation

Baltimore County Office, J. Carroll Mueller, Supervisor

Personal Property Section Room 234

Court House, Towson, Maryland 21204

Please answer the following questions to the best of your ability:

1. Name(s) of Individual or Partners: RONNIE L. GOODMAN JR
2. Trade Name: Park Heights Service Center
3. Business location: 12026 PARK HEIGHTS AVE Telephone: 526-5504
4. Home address: 212 NEEI AVE REISTERSTOWN 21136
5. Mailing address: P.O. Box 625 REISTERSTOWN MD 21136
 - A. Type of Business SERVICE GARAGE & REPAIRS
6. Business was started new: 9/26/88 Date:
7. Purchased business from: NEW Amount _____
Date of Purchase _____
8. Please list the approximate amount owned by the business of the following items:
Furniture & Fixtures (desks, files, etc.) \$100.00
Stock in Business _____
Tools and Machinery \$2,000.00
Un-licensed Vehicles NONE
Will you lease any equipment: NO

Signed: Ronnie Lee Goodman Jr Date: 9/26/88

**PROTESTANT'S
EXHIBIT NO. 3**

Phone Number: 526-5534

County Court House / Towson, Maryland 21204 / Phone: 27-3695

~~EXHIBIT F~~ EXHIBIT F

Protestant's Exh. #5

11/12/92
g

8912-92

November 09, 1992

Mr. Frank Di Meglio
Zoning Inspector
Baltimore County Zoning Board
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

**PROTESTANT'S
EXHIBIT NO. 11**

Dear Mr. Di Meglio:

I am writing as back up for my telephone calls concerning the business at 12026 Park Heights Avenue. Since this is a residential area I am concerned that the business now operating is not in compliance with the zoning regulations which had been directed in our first bout with this type of mess in our neighborhood.

I know for a fact that the business was closed for more than a year since the regulation was first implemented in 1985. I am not sure of the exact dates but, one of my neighbors moved into the neighborhood in the spring of 1985 and she states that the station was closed at that time. I myself can connect the dates of August 1986 (when my father-in-law died) until the 3rd of October 1988 when Mr. Goodman re-opened.

Since the use of this property is substantially different than originally intended I would also ask that all commercial operation cease now.

Your assistance in this matter will be greatly appreciated by the entire area.

Sincerely,

Mary E. Fitchett
Mary E. Fitchett
12105 Park Heights Ave.
Owings Mills, Md. 21117

RECEIVED

NOV 12 1992

ZONING OFFICE

Protestant's Exh. 6 8775 1-
11935 Park Heights Avenue
Owings Mills, Maryland 21117

NOVEMBER 9, 1992

MR. FRANK DI MEGLIO
ZONING INSPECTOR
BALTIMORE COUNTY ZONING BOARD
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DEAR MR. DI MEGLIO;

I AM WRITING IN LETTER FORM TO STATE TO YOU ON PAPER
WHAT I HAVE PREVIOUSLY EXPRESSED BY TELEPHONE CONCERNING THE
PIECE OF PROPERTY, LOCATED AT 12026 PARK HEIGHTS AVENUE.

I AM PERSONALLY AWARE OF THE FACT, THAT THE BUSINESS
WAS CLOSED FOR A PERIOD OF MORE THAN ONE YEAR AND A DAY.
ALSO THAT THE USE OF THAT PIECE OF PROPERTY IS SUBSTANTIALLY
DIFFERENT THAN WHEN IT WAS ORIGINALLY GRANTED A NON-
CONFORMANT USAGE RULING.

I AM ALSO REQUESTING AT THIS TIME, THAT ALL COMMERCIAL
OPERATIONS CEASE.

I WILL BE WILLING TO TESTIFY TO ANY STATEMENTS MADE IN
THIS LETTER.

ANY AND ALL ASSISTANCE THAT YOU CAN GIVE THIS MATTER AT
THIS TIME WILL BE GREATLY APPRECIATED.

RECEIVED

NOV 12 1992

ZONING OFFICE

SINCERELY,

Doris C. Woodward

Doris C. Woodward

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-442-SPH

* * * * *

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

FITCHETT

in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, MD 21204 on THURSDAY the 3rd day
of NOVEMBER, 1994, at 0:00 a.m./~~p.m.~~

Subpoena requested by:

(Name of Party or Attorney, Address and Phone Number)

Counsel for Appellants/Protestants

94 OCT 28 10:36

RECEIVED
COUNTY BOARD
JAN 28 1960

Charles E. Ralston
County Board of Appeals of
Baltimore County

Protestant's Exh. 7
VELVET VALLEY NEIGHBORHOOD ASSOCIATION, INC.

10628 PARK HEIGHTS AVENUE
OWINGS MILLS, MARYLAND 21117

9.29.93

Lawrence Schmidt
Zoning Commissioner
Baltimore County Dept. of Zoning

PROTESTANT'S
EXHIBIT NO. 9

Dear Mr. Schmidt:

As an individual residing on Park Heights Avenue and a frequent traveler along Park Heights Avenue North, I hereby attest to the fact that there was no commercial activity being conducted at 12026 Park Heights Avenue during the period of 1986-1988.

In addition, many members of our Community Association, composed of 90 residences, are likewise knowledgeable regarding the lack of any business activity at the site indicated during that period.

Sincerely,

Wm. L. [Signature]
President

**PROTESTANT'S
EXHIBIT NO. 8**

October 1, 1993

Dear Mr. Lawrence Schmidt,

The Worthington-Woodsyde Association goes on record as a party to the zoning hearing against Hi-Caliber Towing, Inc. for violation of Baltimore County, Maryland zoning laws, that prohibit operating a non-conforming business after a lapse of one year and a day after discontinuance of the non-conforming use. Our residents are fully aware of the property having been abandoned for intermittent periods of time between 1983 and 1993 when many of our residences were under construction, but specifically for the period of January 1986 through January 1988. We are most concerned that the existing business, Hi-Caliber Towing, Inc. has recently occupied the business site, and ask that your office take corrective action to ensure adherence to the zoning laws of Baltimore County, Maryland.

Sincerely,

Fran Pruce

Fran Pruce
Secretary
Worthington-Woodsyde Association

Cc: Mr. Dutch Ruppertsberger
Councilman
Baltimore County, Maryland

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

PROTESTANT'S
EXHIBIT NO. 7

October 4, 1993

Lawrence Schmidt
Zoning Commissioner
Old County Court House
Room 113
400 Washington Avenue
Towson, MD 21204

Re: V-93-442-SPH

Dear Mr. Schmidt:

On behalf of The Valleys Planning Council, I would like to express our support of concerns shared by the Worthington Woodsyde Association and neighboring residents regarding the continuing activities of Hi-Caliber Auto Service & Towing at 12026 Park Heights Avenue.

We are concerned that the business in question is not adhering to their non-conforming use status by limiting the primary use on the site to the retail sale of gasoline.

We are also concerned that the sale of gasoline has been abandoned for more than a year, and therefore, the non-conforming use status has lapsed, and should not be permitted to operate in the future.

Historically, the basic premise of the non-conforming use was that it would gradually cease to exist because such a use is incompatible with the residential nature of the neighborhood.

We support the concerns of those living near this towing service/repair ship, and look for your guidance in addressing them.

Thank you.

Sincerely,

Margaret Worrall
Margaret Worrall
Executive Director

cc: Doug Zinn, Worthington Woodsyde



CHESTNUT RIDGE
COMMUNITY
ASSOCIATION

P. O. Box 238
Owings Mills, MD 21117

Protestant's Ex 0

EXHIBIT D

PROTESTANT'S EXHIBIT NO. 10

September 29, 1993

Mr. Lawrence Schmidt
Zoning Commission
Old County Courthouse
Room 113
400 Washington Avenue
Towson, MD 21204

Re: Case No. Z934425PH
Worthington Woodsyde Community Association

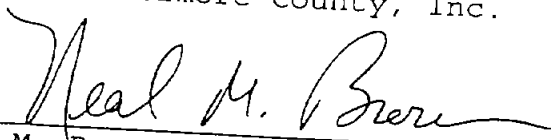
Dear Mr. Schmidt:

We are writing with regard to the above-captioned zoning case. Chestnut Ridge Community Association is immediately adjacent to Park Heights Avenue, and we are concerned deeply about development in our area.

We urge that you consider seriously the comments and position of our neighboring community association, Worthington Woodsyde Community Association.

Thank you for your attention to this request.

Chestnut Ridge Community Association
of Baltimore County, Inc.


Neal M. Brown, President

NMB:ma

cc: Doug Zinn
Kristen Forsyth

ENTER=RETURN * PF1=CERT. DATA * PF6=AMENDS * PF7=NOTICES DATE: 12/08/92
CORPORATE ID: D1688308 BUSINESS TYPE: ORDINARY BUSINESS- STOCK (03)
CORPORATE NAME: KHK, INCORPORATED

DOMESTIC CORPORATION

C/O NAME: PAUL M. KOCH
STREET ADDR: 608 CLIVEDEN ROAD
CITY/STATE: PIKESVILLE

MD ZIP: 21208

RETURN REQUEST:	CURRENT YEAR	PREVIOUS YEAR	PRIOR YEARS
DTE PRIME RETN RECD:	00/00/00	00/00/00	00/00/00
DTE SUPPL RETN RECD:	00/00/00	00/00/00	00/00/00
LAST ASSESS TRANS:	00/00/00	00/00/00	00/00/00
STATE BASE:			
SUB-DIVISION BASE:			
TOWN BASE:			
LATE FILE PENALTIES:	000	000	000
DTE PENALTY PAID:	00/00/00	00/00/00	00/00/00
DTE LAST CERTIF:	00/00/00	00/00/00	00/00/00
CONTROL NUMBERS			
FORFEIT CTRL/CAUSES:	Y Y	Y Y	
STATUS:	F FORFEITED	F	
STATUS DATE:	10/15/86	10/15/86	

PROTESTANTS

INTER-OFFICE MEMO
BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1996

TO: Mr. James Thompson
Supervisor - Code Enforcement
Division of Code Inspections and Enforcement

FROM: S. G. Samuel Moxley
Councilman, First District



SUBJECT: Beltway Mobile Park
Hammonds Ferry Road and Monumental Avenue

On Tuesday February 1, 1996 at 10:23 a.m. my Legislative Assistant Steve DeBoy contacted you in reference to the hold up of permit issuance to Mr. George Snyder owner of Beltway Mobile Park.

I am requesting an answer so I may correspond with Mr. Snyder.

I was led to believe from the meeting in October 1995 that a fair and equitable arrangement was to be decided regarding the permit issuance.

I thank you for your immediate attention to this matter.

SGM/rme

thompson.mem



Cod

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

October 13, 1995

Mr. E.F. Snyder
2710 Hammonds Ferry Road
Baltimore, Maryland 21227

Dear Mr. Snyder:

Permits and Development Management has carefully reviewed the zoning files and case history of the Beltway Mobile Home Park.

The trailer park was first established in 1941 and approved by Baltimore County. All subsequent data affirmed the existence of the trailer park. As Baltimore County grew, a process of licensing trailer parks within our boundaries was established. The trailer park consistently applied for that license and Baltimore County officials consistently granted approval. The number of trailers authorized, 54, has never been exceeded by the number of actual trailers.

Nonetheless, a question remains as to the trailer park's status. This office would welcome the submittal of a site plan for our review, reflecting the current trailer configurations. Please submit them to my attention. We look forward to your cooperation and a successful conclusion to these events.

Sincerely,

A handwritten signature in cursive script that reads "L. Wayne Flora".

L. Wayne Flora
Ass't. Enforcement Supervisor

c: Mr. S. G. Samuel Moxley
County Councilman for District 1

Baltimore County Government
Department of Community Development
Livability Code Enforcement Office



One Investment Place Suite 825
Towson, MD 21204

(410) 887-4032
Fax: (410) 887-5696

DRAFT

N. J. 1
10/18
[Signature]
[Signature]

E.F. Snyder
3710 Hammonds Ferry Rd.
Baltimore, Maryland 21227

Dear Mr. Snyder:

Permits and Development Management has carefully reviewed the zoning files and case history of the Beluway Mobile Home Park.

The trailer park was first established in 1961 and approved by Baltimore County. All subsequent data affirmed the existence of the trailer park. As Baltimore County grew, a process of licensing trailer parks within our boundaries was established. The trailer park consistently applied for that license and Baltimore County officials consistently granted approval. The number of trailers authorized, 54, has never been exceeded by the number of actual trailers.

Nonetheless, a question remains as to the trailer park's status. This office would welcome the submission of a site plan for our review, reflecting the current trailer configurations. Please submit them to my attention. We look forward to your cooperation and a successful conclusion to these events.

Carol Moxley
cc. file

Sincerely,

2
[Signature]
[Signature]

WAYNE

SER 1F

Important

247-1163

R. Synder

9.27.95

of Moxley's Aide - 3386
- 0896

had
10:30
Printed Trailer
Park

In January 1992, the 54" water main that is at the rear of the park broke for the third time in a matter of years. With each occurrence land and trees were lost. After the last break, we were made aware that some of the mobile homes extended over the State right-of-way. At this point the State asked that those mobiles be relocated. We then, because of the danger the situation presented, checked to see if these families could be moved to other parks in the area, but none had spaces available.

Since most of these families have been residents for the park for many years. We felt we should do all we could to resolve this problem. This is when we considered the possibility of relocating these families on the front undeveloped parcel of the park. We were also aware that a special exception was granted in 1969 to use this front property for mobile home sites.

We then went to the county to see if this would be possible. The person we spoke with first was Dave Thomas. We told him about our situation and that the property was granted a special exception for mobile homes in 1969. At that time we were told that we still had the special exception. We also made mention of the flood plain.

Mr. Thomas suggested that we have the Development Review Committee meet and review our situation at a cost to us of \$250. We feel that this was the time we should have been told that the flood plain would not allow us to develop the property. This is the information that we did not get for our \$250., but should have been common knowledge to the persons on the D.R.C. The comments from the D.R.C. are attached.

We also asked to be able to add additional trailer spaces to help offset the cost of developing the lots to relocate the families affected from the water main break. 6.24

One of the requests made by the D.R.C. was that a site plan be submitted to Zoning. The county states that this was never done. We asked Joe Larson about this and he said that he DID submit one.

Prior to this we applied for and received Water & Sewer permits at the cost of \$13,000. We also obtained a grading permit. After we received the permits we began work installing sewer lines and contacted the county about making connections to public water and sewer, this is when we hired Icaboni Site Specialist who are a county contractor. Icaboni Site Specialist made the sewer connection in Hammonds Ferry Road at a cost of \$6,500.

IN THE MATTER OF
THE APPLICATION OF

N.B.S., INC. AND HI-CALIBER TOWING, INC.

Owner/Operator Road
12026 Park Heights Avenue

4th Election District
3rd Councilmanic District

SPH - Determination of a nonconforming
automotive service station w/accessory

vehicle repair service /filed by ZADM.

*

BEFORE

*

COUNTY BOARD OF APPEALS

*

OF

*

BALTIMORE COUNTY

*

CASE NO. V93-442-SPH

*

* * * * *

S U B P O E N A

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on November 3, 1994 at 10:00 a.m. in Room 48, Basement, Old Courthouse, located at 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: James Hammersla

Address: 2601 Cedarhurst Drive

Hampstead, Maryland

Requested by:

NAME: Michael D. Vogelstein, Esq.

FIRM: Law Office of Michael D. Vogelstein

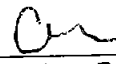
ADDRESS: 321 N. Calvert Street, 2nd Floor

Baltimore, Maryland 21202

(410) 727-3000

Counsel for Appellants/Protestants

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.


County Board of Appeals of
Baltimore County

18:11WV L-10046

STUDY AND COPY 4-11-00
G/11/00

Just about this time an article was written in the Arbutus Times about the property and that we hadn't gone through the proper procedures with the county. One of the complaintants was Theresa Lowry.

Shortly after, we were issued a Stop Work Order. The county stated that we needed to have a public hearing. We wanted to know why we weren't told this before we started work, they said that a site plan was not submitted to Zoning and had it been at that time we would have been told that a public hearing was needed. We wanted to know why then we were given Water & Sewer permits and grading permit.

The Zoning Officer that became involved in this was Kevin Connors. We met with Mr. Connors to discuss the Stop Work Order and find out why a public hearing was needed since we were given the permits that were needed and considering the amount of work we had already done, and the fact that County Inspectors had been at the site. We also told Mr. Connors that a special exception had been granted in 1969.

At this time Mr. Connors called on another Zoning Officer, Mitch Kellman, who talked to Arnold Jablon about the special exception. Mr. Jablon stated that a special exception had to be utilized within 2 years and since it was granted in 1969 we lost it. At this point we showed that in fact one row of mobile homes was placed on the property thus utilizing the special exception within the 2 year limit. Then we were told that not only does a special exception have to be utilized within 2 years but also completed in a reasonable amount of time.

Mr. Jablon also told us that since in his estimation that it was not completed in a reasonable time that the row of mobile homes that was placed on the property might be in jeopardy.

At this point we were told that we should retain an attorney. After being told that those mobile homes might be in jeopardy, we felt as though we had to keep going forward. Mr. Connors suggested some attorneys to us, one being Howard Alderman. Mr. Connors recommended him highly. At this time we decided to hire Mr. Alderman to represent us.

Mr. Alderman met with county and community representatives and decided to petition for a public hearing. A hearing was scheduled for July 1993.

For the hearing the county requested that an extensive site plan be done including the original portion of the park. Mr. Alderman postponed the hearing because of variance for setbacks was needed and he wanted to incorporate the old section of the park with the new. Just after this, another issue was raised by the county. The issue was non-tidal wetlands on the property referring to the stream at the front of the property. The problem was that we showed on site plan mobile lots sitting parallel with the stream. We were told that setbacks would have to be observed and we complied, eliminating those lots and showing same on new site plans.

After this was resolved, another problem was raised which was the flood prone nature of the property stated by John Maples.

We then decided to contact Dave Thomas again. Mr. Thomas arranged a meeting with us and Joe Larson. At this meeting we were told that the flood plain would not allow us to develop the property entirely, but the county would possibly allow us to relocate six mobile homes on the property. At this time we said that this was unacceptable. Mr. Thomas also asked why Joe Larson didn't show the flood plain on any of the site plans he drew up. We also stated had those plans shown the flood plain the county would have

1 IN THE MATTER OF * BEFORE THE
2 N.B.S., INC. and HI-CALIBER * COUNTY BOARD OF APPEALS
3 TOWING, INC. Owner/Operator * OF BALTIMORE COUNTY
4 12026 Park Heights Avenue * Case No. V93-442-SPH
5 4th Election District * November 3, 1994
6 3rd Councilmanic District *
7 SPH - Determination of a non- *
8 conforming automobile service *
9 station w/accessory vehicle *
10 repair service *

11 * * * * *

12 The above-entitled matter came on for hearing
13 before the County Board of Appeals of Baltimore County at
14 the Old Courthouse, 400 Washington Avenue, Towson,
15 Maryland 21204 at 10:50 a.m, November 3, 1994.

16 * * * * *

17
18 ORIGINAL
19

20 Reported by:

21 C.E. Peatt

IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER TOWING, INC.
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming
automotive service station w/accessory
vehicle repair service /filed by ZADM.

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-442-SPH

* * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

FITCHETT

YOU ARE HEREBY COMMANDED TO: (✓) Personally appear;
() Produce documents and/or objects only; () Personally appear
and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, MD 21204 on THURSDAY the 3rd day
of NOVEMBER, 1994, at 10:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or
objects:

Subpoena requested by:

Michael D. Vogelstein, Esquire (410) 727-3000

(Name of Party or Attorney, Address and Phone Number)

321 N. Calvert Street Baltimore, Maryland 21202

Counsel for Appellants/Protestants

The witness named above is hereby ordered to so appear
before the County Board of Appeals. The Board requests the Sheriff
to issue the summons set forth herein.

93:011W 82 100 46

100-100-000000
JAN 1995

Charles D. E. Rolden
County Board of Appeals of
Baltimore County

IN THE MATTER OF
THE APPLICATION OF

N.B.S., INC. AND HI-CALIBER TOWING, INC.

Owner/Operator Road
12026 Park Heights Avenue

4th Election District
3rd Councilmanic District

SPH - Determination of a nonconforming
automotive service station w/accessory

vehicle repair service /filed by ZADM.

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BEFORE

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COUNTY BOARD OF APPEALS

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OF

*

BALTIMORE COUNTY

*

CASE NO. V93-442-SPH

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* * * * *

S U B P O E N A

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Witness: James Hammersla

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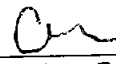
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County Board of Appeals of
Baltimore County

18:11WV L-10046

STUDY AND COPY 4-11-00
G/11/00

IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER TOWING, INC.
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming
automotive service station w/accessory
vehicle repair service /filed by ZADM.

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-442-SPH

* * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Baltimore Gas & Electric Company
Custodian of Records
39 West Lexington Street
Baltimore, Maryland 21202

YOU ARE HEREBY COMMANDED TO: () Personally appear;
() Produce documents and/or objects only; () Personally appear
and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, MD 21204 on Thursday the 3rd day
of November, 1994, at 10:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or
objects: all Gas & electric bills from January 1985 through
December 1988 and from January 1993 thru July 1994 upon the
property located at 12026 Park Heights Avenue, Owings Mills,
Maryland 21117.

Subpoena requested by:

Michael D. Vogelstein, Esquire (410) 727-3000

(Name of Party or Attorney, Address and Phone Number)

321 N. Calvert Street Baltimore, Maryland 21202

Counsel for Appellants/Protestants

The witness named above is hereby ordered to so appear
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to issue the summons set forth herein.

18:11WV L-10046

STYREAN 40 JUNIOR A.M. 1990
CHAMBER

Cu
County Board of Appeals of
Baltimore County

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

December 1, 1994

Honorable William T. Hackett
Board of Appeals
Room 49
Old County Court House
400 Washington Avenue
Towson, MD 21204

Re: V93-442-SPH
Hi-Caliber Towing, Inc.

Dear Mr. Hackett:

I attended both the hearing before the Board of Appeals and the deliberations for the above mentioned case, and I understand that your office will soon issue a written order stating that the service station at 12026 Park Heights Avenue had been abandoned for more than one year and a day. Based on Section 104.1.A of the zoning regulations, this site has sacrificed its nonconforming use status and can no longer operate as a gas station.

As an issue which has surfaced previously, I would like to know if the Board of Appeals imposes a standard time frame for compliance with an order. If not, is it necessary for a deadline for compliance to be included in each individual case?

In the interest of upholding the law as well as the decision of the Board of Appeals, if there is no standard time frame for conformance, I respectfully request that your order incorporate a deadline for the owners of Hi-Caliber to cease operation.

Thank you.

Sincerely,



Kristen Forsyth
Assistant Director

DEC 2 11:50
(cc)

PLEASE SEND ONE COPY OF THIS INVOICE WITH REMITTANCE TO THE
COMPANY AND ADDRESS DESIGNATED BY * IN LOWER LEFT CORNER.

The State Tax or Taxes, imposed hereon, has been as * and will be paid by the company designated by * in lower left corner. Before date due as required by law. Seller represents that in the production and manufacture of the goods and/or the performance of the services covered by this invoice, it has fully complied with all of the provisions of THE LABOR STANDARDS ACT of 1938, as amended. Cash discount applies on value of product excluding freight when shown as a separate item, taxes and drum deposits.

IN CASE OF EMERGENCY, CONTACT — CHEMTREC 1-800-424-9300

INVOICE/BILL
OF LADING

Sold To:

Ship To (Same as "Sold To" Unless Indicated here):

UNBRANDED RESELLERS
BALTIMORE, MD

GRIFFITH CONSUMERS
2510 SCHUSTER DRIVE
CHEVERLY, MD

Freight
Ppd. or Coll.

Please send invoice
copies with remittance. If
not possible, then list out-
lined numbers and invoice
amounts.

0000000000000000

30815880

Carrier Code 0066	Carrier Name FLEET TRANSIT, INC	Driver No 8280	Reporting Fac. 101	Folio	Ent.	Ship To/ Carrying Fac.	Ship To St.	Field Customer No. 409084	Invoice No. 522922	Invoice Date	Pg
----------------------	------------------------------------	-------------------	-----------------------	-------	------	---------------------------	-------------	---------------------------------	--------------------------	-----------------	----

Date Shipped 1222920809	Time Shipped	Shipped From BP EXPLORATION & OIL CO.	L/C	Input Serial #	Order Date	Customer Reference: 01 B/L # 183673
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File No.	A/R Cust. No./ Retail Outlet Fac.	Shipped From Fac.	St.	Stk. Acc. Fac.	Cr. Desk Code	Output Fac.	Ent./ Stem.	Truck No.	LOAD SPOT 8A
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HM	Product Description Del. Tck. No.-Date Shipped-Car/Trk. No.	Gens. Oscars Compld. By Seller At Shown Before	Pkg. Desc.	Bulk Petr. Pkg. Petr. TBA & Spec.	Gals. Loaded List Price	Grav. Temp. No. of Pkgs. Allowance	Gals. Billed Qty. Billed	Excise Tax Rates			Net Price Ex.-Tax	Amount
								Fed.	State	Local		

X	GASOLINE / FLAMMABLE LIQUID				4200							
X	UN1203											
	58 PREMIUM W/MTBE 93.0				2500	57.7	2500					
	OXY 15.0% BY VOL, 2.7% BY WT					38.9						
	79 REGULAR UNLEADED W/MTBE 87.				1700	59.3	1700					
	OXY 15.5% BY VOL, 2.8% BY WT					41.6						
	OXYGENATED FUEL, SUITABLE FOR CONTROL AREAS											

PETITIONER'S
EXHIBIT 1

Collection					
Product					Cash/Checks
Ending	/	/	/	/	Credit Tickets
Beginning	/	/	/	/	Credit Papers
Gallon Diff	Gal.	Gal.	Gal.	Gal.	Total Coll.
Left on Truck					Reassigned To

Terms Code	Description of Special Terms	Excise Tax Amounts Included in Invoice Total			Discount Computed on Product Value of	Discount Amount - If Paid By	Invoice Total
		Federal	State	Local			

* BALTIMORE, MARYLAND P712 37266 J. Wilson	When Applicable, Credit Memo Approved, By:	Payment Received, By:	The Undersigned Agrees To Pay For The Goods Listed Hereon, Received At Destination In Good Condition.
			Firm Name
			Signature of Receiving Agent
Subject to Correction of Clerical Errors			

FLEET TRANSIT, INC.

ICC-MC-142470
MD.P.S.C. TV-19
VA SCC K 78

DATE: 2/22/92

B/L # 00193673 3225 Tate Street

Baltimore, Maryland 21226

(410) 355-7910

TIME DUE	REFINERY #S	LOAD #	DOCUMENT #	P.O. NUMBER	C.O.D. CERT	HOURS/MILES	DRIVER	TAK #/TRL #	PT#	BUILT TO
522922		1.0			0.00	2.50 45	JULIS	488 811	37288	GRT

SHIPPER:

Oil Company
2155 Northbridge Avenue
TF# 8013
Baltimore, MD 21226
(301)-355-7200

TIME 7 38 AM
ARRIVE TERMINAL
7 50
BEGIN LOADING
8 05
END LOADING
8 15 AM
LEAVE TERMINAL

TIME 9 12 AM
ARRIVE CUSTOMER
9 20
BEGIN UNLOAD
10 04
END UNLOAD
10 05 AM
LEAVE CUSTOMER

CONSIGNEE:

Offfith Consumers
Park Heights Service
12026 Park Heights Ave
Bwings Mills, MD
(301)-355-4753 TF# 3350

MILES

FLEET

ARRIVE TERMINAL

025205

ARRIVE CUSTOMER

025238

RETURN TERMINAL

TOTAL ROUND TRIP

DELAY TIME PICK UP, EXPLAIN:

DELAY TIME DELIVERY, EXPLAIN:

THIS LADING IS PROPERLY DESCRIBED AND PLACED FOR TRANSPORTATION ACCORDING TO FEDERAL REGULATIONS AND IS SHIPPED SUBJECT TO THE TARIFFS OF FLEET TRANSIT EFFECTIVE THIS DATE:

PLEASE VERIFY IN/OUT TIME SHIPPER.

SIGNED

SIGNED

COMMODITY AND
HAZARDOUS MATERIAL DESCRIPTION

QUANT.
ORDERED

QUANT.
LOADED

CARD
NUMBER

STICK READINGS
BEFORE

AFTER

RATE

EXTENSION

Gasoline Flammable liquid UN 1203 - Oxygenated No Lead
Gasoline Flammable liquid UN 1203 Oxygenated SUPER N/L
Gasoline Flammable liquid UN 1203 Oxygenated SUPER N/L

1100
1700
800

4 3/4" - Full
4 5/8" - Full

4 3/4" - Full

4 5/8" - Full

TYPE CTRY INCH

WAS ALL THE PRODUCT DELIVERED/RECEIVED

YES ☒ NO ☐

EXPLAIN:

ARE THESE HOURS/MILES CORRECT? YES ☐ NO ☐
IF NO, PLEASE CORRECT AS NEEDED

IS THIS LOCATIONS TANKS PROPERLY MARKED? YES ☐ NO ☐
LOAD 1700L IN ONE POT - 1700L IN ANOTHER AND 800L IN A
OTHER POT. SPLIT BETWEEN THREE TANKS. OXY HIGH CALIBG

DIRECTIONS & FITTINGS

FOR EMERGENCY RESPONSE CALL 1-800-812-9393

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED MATERIALS HAVE BEEN RECEIVED IN GOOD CONDITION EXCEPT AS NOTED. I HAVE CHECKED THE DOCUMENT FOR THIS SHIPMENT AND VERIFIED THAT CONNECTION HAS BEEN MADE TO PROPER STORAGE FACILITY.
SIGNATURE:

VERIFY STICK READING FOR QUANTITY BEFORE SIGNED.

TOTAL

OTHER

OTHER

DELAY CHARGE

SPLIT LOADS

PUMP CHARGE

SUB TOTAL

DIRECTIONS *****
TANKS TOWNS TO EXIT 21 THATS RT 129 N FOLLOW TO 12000 BLOCK STATION WILL BE ON YOUR
LEFT SIDE

IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER TOWING, INC.
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming
automotive service station w/accessory
vehicle repair service /filed by ZADM.

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. V93-442-SPH

* * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Baltimore Gas & Electric Company
Custodian of Records
39 West Lexington Street
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YOU ARE HEREBY COMMANDED TO: () Personally appear;
() Produce documents and/or objects only; () Personally appear
and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue,
Towson, MD 21204 on Thursday the 3rd day
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YOU ARE COMMANDED TO produce the following documents or
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property located at 12026 Park Heights Avenue, Owings Mills,
Maryland 21117.

Subpoena requested by:

Michael D. Vogelstein, Esquire (410) 727-3000

(Name of Party or Attorney, Address and Phone Number)

321 N. Calvert Street Baltimore, Maryland 21202

Counsel for Appellants/Protestants

The witness named above is hereby ordered to so appear
before the County Board of Appeals. The Board requests the Sheriff
to issue the summons set forth herein.

18:11WV L-10046

STYRENE AD DIVISION A.M.D.C.O.
CHAMBER

Cu
County Board of Appeals of
Baltimore County

DATE	REF #	DESCRIPTION	AMOUNT	REF #	AMOUNT
12/22/92	64061	SUPER UL-92	1903.50	64061	1903.50
		STATE RD TAX-MD	587.50		587.50
		FEDERAL RD TAX	352.50		352.50
< TOTAL AMOUNT >			2843.50	TOTAL	2843.50

DELIVERED TO: 12026 PARK HTS AVE/OWINGS MILLS, MD/SNL

TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE

2510 SCHUSTER DRIVE CHEVERLY MD 20781
CALL: 301-322-7800 OR 1-800-633-3835

ACCOUNT # 376378 64061 3 8 SUPER UL-92 OCTA
HI-CALIBER TOWNING & AUTO. (410) 633-2836
12026 PARK HEIGHTS AVE
OWINGS MILLS, MD 21117 (0)

SHELBY BUSINESS FORMS, INC.

800-GALS/42.22-92/9100AWH/TANK-TEST
12026 PARK HTS AVE
OWINGS MILLS, MD
SNL
ZONE
MCA/D116 A:12/18/92 NDN10
TANK SIZE 2000 0 1.00 0 300 1500
EXIT 21 FROM 695 OUTSIDE BELTWAY

DATE	12/22/92
GALLONS	2500.6
PRICE PER GAL	5229.22
TOTAL	12992.22
TAX	
AMOUNT	
PAYMENT	
CASH	☐
CHECK	☐
REC'D	

Printed numbers are gallons. Last digit designates tenths of gallons.

CUSTOMER'S SIGNATURE

FILE COPY



THIS MORTGAGE, Made this 11th day of July, in the year one thousand nine hundred and eighty-four, by and between KHK, Incorporated, a Maryland Corporation, James P. Hammersla, Catherine M. Hammersla, Paul M. Koch, Mary T. Koch, Michael T. Koch, and Wendy S. Koch, Mortgagor, and
 ✓ Baltimore Federal Financial, F.S.A., a corporation organized and existing under the laws of the United States of America, Mortgagee:

WHEREAS, said Mortgagor has received from Mortgagee an advance of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00), receipt of which is hereby acknowledged by the Mortgagor, being a part of the purchase money for the property hereinafter described;

AND WHEREAS, said Mortgagor has agreed to repay the said sum so advanced in installments, with interest thereon from the date hereof at the rate of thirteen and one-fourth percent (13.25%) per annum, in the manner following:

By the payment of Thirteen Hundred Seventy-Six and 00/100 Dollars (\$1,376.00) commencing on the first day of June, 1984, and continuing on the first day of each month thereafter. However, the entire principal balance and accrued interest shall be paid within five (5) years from the date hereof, resulting in a balloon payment at that time. Interest shall be computed by the calendar month and the said installment payments shall be applied by the Mortgagee in the following order: (1) to the payment of interest; (2) towards the payment of the aforesaid principal sum;

C RC/F 32.00
 MORTG 0.00
 EHK JR T 32.00
 #05540 0001 R02 T09:31

The due execution of this mortgage having been a condition precedent to the granting of said advance;

05/22/84

NOW, THEREFORE, THIS MORTGAGE WITNESSETH that in consideration of the premises, and of the sum of one dollar, the said Mortgagor hereby conveys, in fee simple to the said Mortgagee, its successors and assigns, all that property, situate and lying in the 4th Election District, Baltimore County, Maryland and described as follows:

BEGINNING for the same at a steel pin now set in the paving of Park Heights Avenue near the western edge at the end of the first or North 25 degrees 39 minutes East 1,133 feet 8 inches line of the whole parcel of land of which the parcel herein described is a part, which was conveyed from Grace A. Durham, et.al. to James Hofmeister and Elizabeth Hofmeister, his wife, by Deed dated September 8, 1939 and recorded among the Land Records of Baltimore County, Maryland, in Book CWBJr. No. 1080, Page 42, etc., said point being also at the beginning of the twenty-first or South 37 degrees 59 minutes 34 seconds West 1,125.02 foot line of that parcel of land which was
 1 of 6

For Ass'gt see
 Liber 7786 Fol. 708

conveyed from Union Trust Company of Maryland to Loyola Financial and Development Corporation by Deed dated July 3, 1973 and recorded among the aforementioned Land Records in Book EHKJr. No. 5375, Page 449, etc.; thence running with and binding on the second or South 02 degrees 36 minutes East 546 foot 5 inch line of the aforementioned whole parcel conveyed to James Hofmeister and wife, and with the road, (1) South 10 degrees 16 minutes 50 seconds East 175.90 feet to a railroad spike now set; thence (2) South 80 degrees 32 minutes 17 seconds West 21.89 feet to a railroad spike now set in the western right-of-way line of Park Heights Avenue, as shown on State Roads Commission of Maryland Plat No. 8366 at station 0 + 00; thence running with and binding on the western right-of-way line, (3) South 09 degrees 27 minutes 43 seconds East 200.00 feet to a steel pin now set; thence leaving the said right-of-way line and running for a line of division now made through the whole parcel, (4) South 81 degrees 49 minutes 26 seconds West 173.74 feet to a steel pin now set in the aforementioned first line of the whole parcel, Durham to Hofmeister at a bearing and distance of North 17 degrees 58 minutes 10 seconds East 714.56 feet from a stone heretofore set at the beginning thereof, said point being also in the aforementioned twenty-first line of the aforementioned parcel conveyed from Union Trust Company to Loyola Financial and Development Corporation; thence running with and binding on the aforementioned first line of the whole parcel and reversely with the said twenty-first line of Loyola Financial and Development Corporation, passing through a steel pin now set at 369.11 feet, (5) North 17 degrees 58 minutes 10 seconds East 419.11 feet to the place of beginning. Containing 0.7500 of an acre of land, more or less. The improvements thereon being known as No. 12026 Park Heights Avenue.

BEING the same property conveyed to KHK, Incorporated, one of the Mortgagors herein, by Deed of even date from Houston G. Curd, III and Patricia A. Curd, intended to be recorded immediately prior hereto.

James P. Hammersla, Catherine M. Hammersla, Paul M. Koch, Mary T. Koch, Michael T. Koch, and Wendy S. Koch jointly and severally join in the execution of this Mortgage as their voluntary act as applicant for said mortgage loan for the express purpose of becoming personally bound for the performance of all of the covenants contained herein and for the repayment of the indebtedness together with all interest and expenses thereon, notwithstanding the fact that they have no interest in the title to the property herein described.

TOGETHER with the improvements thereon and the rights or appurtenances thereto belonging or in anywise appertaining, including all heating, gas and plumbing apparatus and fixtures and all rents, issues and profits accruing from the premises hereby mortgaged.

TO HAVE AND TO HOLD the said lots of ground and premises unto the said Mortgagee, its successors and assigns, forever in fee simple.

AND WHEREAS, this Mortgage shall also secure future advances as provided by the Laws of Maryland or any supplement, amendment, or addition thereto.

PROVIDED, however, if the said Mortgagor, its successors and assigns, shall make or cause to be made the payments, and perform and comply with the covenants and conditions herein mentioned on its part to be made and done, then this Mortgage shall be void.

LIEP6715 PAGE 230

FEE SIMPLE DEED

THIS DEED, made this 11th day of MAY, 1984, by and between
 ✓ Houston G. Curd, III and Patricia A. Curd, his wife, Grantors, and
 ✓ KHK, Incorporated, a Maryland Corporation, Grantee:

WITNESSETH, that in consideration of the sum of Ten Dollars and other good and valuable considerations, the said Grantors hereby grant and convey unto the Grantee, its successors and assigns, all that property situate in the 4th Election District, County of Baltimore, State of Maryland, described as:

BEGINNING for the same at a steel pin now set in the paving of Park Heights Avenue near the western edge at the end of the first or North 25 degrees 39 minutes East 1,133 feet 8 inches line of the whole parcel of land of which the parcel herein described is a part, which was conveyed from Grace A. Durham, et.al. to James Hofmeister and Elizabeth Hofmeister, his wife, by Deed dated September 8, 1939 and recorded among the Land Records of Baltimore County, Maryland, in Book CWB Jr. No. 1080, Page 42, etc., said point being also at the beginning of the twenty-first or South 37 degrees 59 minutes 34 seconds West 1,125.02 foot line of that parcel of land which was conveyed from Union Trust Company of Maryland to Loyola Financial and Development Corporation by Deed dated July 5, 1973 and recorded among the aforementioned Land Records in Book EHK Jr. No. 5375, Page 449, etc.; thence running with and binding on the second or South 02 degrees 36 minutes East 546 foot 5 inch line of the aforementioned whole parcel conveyed to James Hofmeister and wife, and with the road, (1) South 10 degrees 16 minutes 50 seconds East 175.90 feet to a railroad spike now set; thence (2) South 80 degrees 32 minutes 17 seconds West 21.89 feet to a railroad spike now set in the western right-of-way line of Park Heights Avenue, as shown on State Roads Commission of Maryland Plat No. 8366 at station 0 + 00; thence running with and binding on the western right-of-way line, (3) South 09 degrees 27 minutes 43 seconds East 200.00 feet to a steel pin now set; thence leaving the said right-of-way line and running for a line of division now made through the whole parcel, (4) South 81 degrees 49 minutes 26 seconds West 173.74 feet to a steel pin now set in the aforementioned first line of the whole parcel, Durham to Hofmeister at a bearing and distance of North 17 degrees 58 minutes 10 seconds East 714.56 feet from a stone heretofore set at the beginning thereof, said point being also in the aforementioned twenty-first line of the aforementioned parcel conveyed from Union Trust Company to Loyola Financial and Development Corporation; thence running with and binding on the aforementioned first line of the whole parcel and reversely with the said twenty-first line of Loyola Financial and Development Corporation, passing through a steel pin now set at 369.11 feet, (5) North 17 degrees 58 minutes 10 seconds East 419.11 feet to the place of beginning. Containing 0.7500 of an acre of land, more or less. The improvements thereon being known as No. 12026 Park Heights Avenue.

BEING the same property described in Book EHK Jr. No. 6489, Page 701.

The actual consideration paid or to be paid is \$150,000.00.

TOGETHER with the buildings and improvements thereupon erected, made, or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

ANNUAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE 23

DATE 5-18-84

1 of 2

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

CLERK

DATE

B

BCUT***240000^a 8188A

LIBER 6715 PAGE 231

TO HAVE AND TO HOLD the said lot of ground, property, and premises, unto and to the use of the said Grantee, its successors and assigns, in fee simple, forever.

AND the said Grantors hereby covenants that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite.

USE of the singular party herein includes the plural, and use of one gender includes all.

WITNESS the hands and seals of the said Grantors.

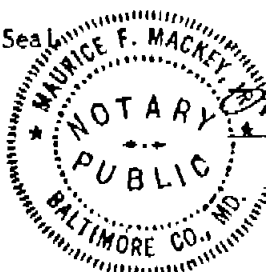
Houston G. Curd, III (SEAL)
Houston G. Curd, III

Patricia A. Curd (SEAL)
Patricia A. Curd

STATE OF MARYLAND,

On this 11th day of May, 1984, before me, a Notary Public of said State, personally appeared Houston G. Curd, III and Patricia A. Curd, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal



Maurice F. Mackey, Jr.
Maurice F. Mackey, Jr., Notary Public

My commission expires 7/1/86

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Maurice F. Mackey, Jr.
Maurice F. Mackey, Jr., Attorney

C RC/F	13.00
C TX	150.00
C DOCS	150.00
DEED	0 H
ENK JR Y	1513.00
#05539 C001 R02	109130
	05/22/84

Rec'd for record MAY 22 1984 at 930 AM

Per Elmer H. Kahline, Jr., Clerk

Mail to CALLAHAN & CALVERT 2 of 2

Receipt No. 13.00

7910 PAGE 308

THIS DEED, Made this 17th day of June, 19 88, between
✓ SHARON L. GUIDA, Mortgage Assignee, ~~XXXXXX~~, as Grantor
hereinafter mentioned, party ~~XXXXXX~~ of the first part and DOMINO MANAGEMENT, INC. 1988
party ~~XXXXXX~~ of the second part, and N. B. S., INC.
of the third part.

WITNESSETH whereas by a Decree of the Circuit Court of Baltimore City dated
on the _____ day of _____, 19 _____, and passed in a cause in said
Court between Baltimore Federal Financial, F.S.A.
Complainant, and KHK, Incorporated
Defendant, ~~XXXXXX~~ ~~XXXXXX~~, Case No. 39/258 88CSP316
the above named Sharon L. Guida was appointed Mortgage Assignee
~~XXXXXX~~ with authority to sell the ~~XXXXXX~~ fee simple
property in the proceedings in said cause mentioned, and the said ~~XXXXXX~~ Mortgage Assignee
after complying with all the previous requisites of the Decree, did, on or
about the 15th day of March, 19 88, sell unto DOMINO MANAGEMENT, INC.
at and for the sum of THIRTY
FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600.00), current money, the
aforesaid ~~XXXXXX~~ fee simple property, situate in Baltimore City, State of
Maryland, thus described:

No. 12026 Park Heights Avenue

FOR LEGAL DESCRIPTION -- SEE SCHEDULE "A" ATTACHED HERETO AND MADE
A PART HEREOF.

WHEREAS, the aforesaid sale has been duly reported to and confirmed by
the said Circuit Court of Baltimore ~~XXXXXX~~ County and the purchase money aforesaid has
been fully paid and satisfied to the said ~~XXXXXX~~ Mortgage Assignee,
by the said Decree to execute these presents.

WHEREAS, the said party ~~XXXXXX~~ of the second part has ~~XXXXXX~~ assigned all
of ~~XXXXXX~~ its right, title, interest and estate in and to the hereinbefore
described lot of ground unto the said party ~~XXXXXX~~ of the third part and has ~~XXXXXX~~
requested the party ~~XXXXXX~~ of the first part to join herein in order to convey
said property unto the said party ~~XXXXXX~~ of the third part.

NOW, THEREFORE, THIS DEED WITNESSETH, that the said Sharon L. Guida, Mortgage
Assignee ~~XXXXXX~~ for and in consideration of
the premises and of the sum of THIRTY FOUR THOUSAND SIX HUNDRED DOLLARS (\$34,600.00)
current money, to ~~XXXXXX~~ her ~~XXXXXX~~ in hand paid by the said DOMINO MANAGEMENT, INC.
~~XXXXXX~~, at and before the sealing and delivery of these
presents, the receipt of which is hereby acknowledged, the said DOMINO MANAGEMENT, INC.
~~XXXXXX~~, in consideration of the sum of
Five Dollars (\$5.00) and other good and valuable considerations, the receipt
of which is hereby acknowledged, passing to ~~XXXXXX~~ it from the said party ~~XXXXXX~~
of the third part, the said parties of the first and second parts do grant and
convey unto the said party ~~XXXXXX~~ of the third part, ~~XXXXXX~~ its personal
~~XXXXXX~~ successors and assigns, both at law and in equity, in and to
he same.

DEED
ON CLERK
865113 0002 102 1-50
05/ 88

D RC/F 19.03
D T TX 173.00
D DOCS 175.00
0 #
367.00
05/ 88

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [Signature] DATE 6-30-88 B 8131****114176a 8308A

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

175-
173-
19-

6-30-88

[illegible]

AND the said party/~~XXXXXX~~ of the second part hereby covenant(s) that ~~XXXXXX~~ it has/~~XXXX~~ not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; and that ~~XXXXXXXXXX~~/it will warrant specially the property hereby conveyed; and that ~~XXXXXXXXXX~~/it will warrant specially the property hereby granted; and that ~~XXXXXXXXXX~~it will execute such further assurances of the same as may be requisite.

WITNESS, the hands and seals of Sharon L. Guida, Mortgage Assignee

_____, ~~THOMAS~~ and Stanley Rochkind, President of Domino
Management, Inc. _____

Sharon L. Gulda, Mortgage Assignee
DOMINO MANAGEMENT, INC.

By: Stanley Rochkind (SEAL)
Stanley Rochkind, President

(SEAL)

(SEAL)

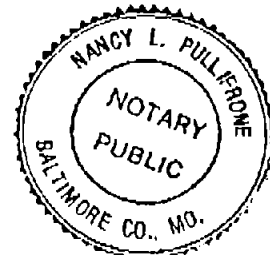
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17th day of June, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Sharon L. Guida, Mortgage Assignee, one of the Grantors herein, and ~~he/she/it~~ acknowledged the foregoing Deed to be ~~his/her/its~~ act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:
July 1, 1990



EXHIBIT

Protestant's
Exh. 3

APPLICATION ONLY — NOT A LICENSE

DISTRICT SUBDIVISION INDEX		MAILING NAME & ADDRESS		CLERK		State of Maryland		APPLICATION FOR BUSINESS LICENSE		LICENSE NO.		CONTROL NO.	
AUDIT CONTROL NO. L 947694 6		SUPERVISOR OF ASSESSMENTS J. H. - 9-236-58		LOCATION NAME AND ADDRESS GOODMAN, RONNIE J. Jr. PARK HEIGHTS SERVICE CENTER 12026 PARK HEIGHTS AVENUE BALTIMORE, MD.		88		TOWN TREASURER		OFFICE USE ONLY		APPLICANT MUST COMPLETE THE FOLLOWING SECTION	
BALTO. CO.		TYPE OF BUSINESS Service and Repair & Sales		WORKMAN'S COMPENSATION NO.		ISSUING FEES		TOTAL		DATE OF ISSUE MO DAY YR 08		DELINQUENT PURCHASE OF LICENSE AFTER DAY 11 IS SUBJECT TO PENALTY PLUS 2% EACH MONTH THEREAFTER. PENALTY APPLIES TO LICENSE COST ONLY -- NOT ISSUING FEE	
526 5504		71 1.5		TRADERS		1 13.50		2.00		AMOUNT DUE			
SIGNATURE OF OWNER, PARTNER OR CORP. OFFICER ALL COPIES OF APPLICATION MUST BE RETURNED.		RETURN WITH RECEIPTANCE PAYABLE TO:		SUZANNE HENSH, CLERK CIRCUIT COURT - BALTIMORE COUNTY 401 DODLEY AVENUE JOWAN, MD 21204									

STATE OF MARYLAND

State Department of Assessments and Taxation

Baltimore County Office, J. Carroll Mueller, Supervisor

Personal Property Section Room 234

Court House, Towson, Maryland 21204

Please answer the following questions to the best of your ability:

1. Name(s) of Individual or Partners: RONNIE L. GOODMAN JR
2. Trade Name: Park Heights Service Center
3. Business location: 12026 PARK HEIGHTS AVE Telephone: 526-5504
4. Home address: 212 NEEI AVE REISTERSTOWN 21136
5. Mailing address: P.O. Box 625 REISTERSTOWN Md 21136
 - A. Type of Business SERVICE GARAGE & REPAIRS
6. Business was started new: 9/26/88 Date:
7. Purchased business from: NEW Amount _____
Date of Purchase _____
8. Please list the approximate amount owned by the business of the following items:
Furniture & Fixtures (desks, files, etc.) \$100.00
Stock in Business _____
Tools and Machinery \$2,000.00
Un-licensed Vehicles NONE
Will you lease any equipment: NO

Signed: Ronnie Lee Goodman Jr Date: 9/26/88Phone Number: 526-5534**PROTESTANT'S
EXHIBIT NO. 3**

County Court House / Towson, Maryland 21204 / Phone: 276-3695

~~EXHIBIT F~~ EXHIBIT F

Protestant's Exh. #5

11/12/92
g

8912-92

November 09, 1992

Mr. Frank Di Meglio
Zoning Inspector
Baltimore County Zoning Board
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

**PROTESTANT'S
EXHIBIT NO. 11**

Dear Mr. Di Meglio:

I am writing as back up for my telephone calls concerning the business at 12026 Park Heights Avenue. Since this is a residential area I am concerned that the business now operating is not in compliance with the zoning regulations which had been directed in our first bout with this type of mess in our neighborhood.

I know for a fact that the business was closed for more than a year since the regulation was first implemented in 1985. I am not sure of the exact dates but, one of my neighbors moved into the neighborhood in the spring of 1985 and she states that the station was closed at that time. I myself can connect the dates of August 1986 (when my father-in-law died) until the 3rd of October 1988 when Mr. Goodman re-opened.

Since the use of this property is substantially different than originally intended I would also ask that all commercial operation cease now.

Your assistance in this matter will be greatly appreciated by the entire area.

Sincerely,

Mary E. Fitchett
Mary E. Fitchett
12105 Park Heights Ave.
Owings Mills, Md. 21117

RECEIVED

NOV 12 1992

ZONING OFFICE

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

December 1, 1994

Honorable William T. Hackett
Board of Appeals
Room 49
Old County Court House
400 Washington Avenue
Towson, MD 21204

Re: V93-442-SPH
Hi-Caliber Towing, Inc.

Dear Mr. Hackett:

I attended both the hearing before the Board of Appeals and the deliberations for the above mentioned case, and I understand that your office will soon issue a written order stating that the service station at 12026 Park Heights Avenue had been abandoned for more than one year and a day. Based on Section 104.1.A of the zoning regulations, this site has sacrificed its nonconforming use status and can no longer operate as a gas station.

As an issue which has surfaced previously, I would like to know if the Board of Appeals imposes a standard time frame for compliance with an order. If not, is it necessary for a deadline for compliance to be included in each individual case?

In the interest of upholding the law as well as the decision of the Board of Appeals, if there is no standard time frame for conformance, I respectfully request that your order incorporate a deadline for the owners of Hi-Caliber to cease operation.

Thank you.

Sincerely,



Kristen Forsyth
Assistant Director

DEC 2 11:50
(cc)

Protestant's Exh. 6 8775 1-
11935 Park Heights Avenue
Owings Mills, Maryland 21117

NOVEMBER 9, 1992

MR. FRANK DI MEGLIO
ZONING INSPECTOR
BALTIMORE COUNTY ZONING BOARD
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

DEAR MR. DI MEGLIO;

I AM WRITING IN LETTER FORM TO STATE TO YOU ON PAPER
WHAT I HAVE PREVIOUSLY EXPRESSED BY TELEPHONE CONCERNING THE
PIECE OF PROPERTY, LOCATED AT 12026 PARK HEIGHTS AVENUE.

I AM PERSONALLY AWARE OF THE FACT, THAT THE BUSINESS
WAS CLOSED FOR A PERIOD OF MORE THAN ONE YEAR AND A DAY.
ALSO THAT THE USE OF THAT PIECE OF PROPERTY IS SUBSTANTIALLY
DIFFERENT THAN WHEN IT WAS ORIGINALLY GRANTED A NON-
CONFORMANT USAGE RULING.

I AM ALSO REQUESTING AT THIS TIME, THAT ALL COMMERCIAL
OPERATIONS CEASE.

I WILL BE WILLING TO TESTIFY TO ANY STATEMENTS MADE IN
THIS LETTER.

ANY AND ALL ASSISTANCE THAT YOU CAN GIVE THIS MATTER AT
THIS TIME WILL BE GREATLY APPRECIATED.

RECEIVED

NOV 12 1992

ZONING OFFICE

SINCERELY,

Doris C. Woodward

Doris C. Woodward

Protestant's Exh. 7
VELVET VALLEY NEIGHBORHOOD ASSOCIATION, INC.

10628 PARK HEIGHTS AVENUE
OWINGS MILLS, MARYLAND 21117

9.29.93

Lawrence Schmidt
Zoning Commissioner
Baltimore County Dept. of Zoning

PROTESTANT'S
EXHIBIT NO. 9

Dear Mr. Schmidt:

As an individual residing on Park Heights Avenue and a frequent traveler along Park Heights Avenue North, I hereby attest to the fact that there was no commercial activity being conducted at 12026 Park Heights Avenue during the period of 1986-1988.

In addition, many members of our Community Association, composed of 90 residences, are likewise knowledgeable regarding the lack of any business activity at the site indicated during that period.

Sincerely,

Wm. L. [Signature]
President

**PROTESTANT'S
EXHIBIT NO. 8**

October 1, 1993

Dear Mr. Lawrence Schmidt,

The Worthington-Woodsyde Association goes on record as a party to the zoning hearing against Hi-Caliber Towing, Inc. for violation of Baltimore County, Maryland zoning laws, that prohibit operating a non-conforming business after a lapse of one year and a day after discontinuance of the non-conforming use. Our residents are fully aware of the property having been abandoned for intermittent periods of time between 1983 and 1993 when many of our residences were under construction, but specifically for the period of January 1986 through January 1988. We are most concerned that the existing business, Hi-Caliber Towing, Inc. has recently occupied the business site, and ask that your office take corrective action to ensure adherence to the zoning laws of Baltimore County, Maryland.

Sincerely,

Fran Pruce

Fran Pruce
Secretary
Worthington-Woodsyde Association

Cc: Mr. Dutch Ruppertsberger
Councilman
Baltimore County, Maryland

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

PROTESTANT'S
EXHIBIT NO. 7

October 4, 1993

Lawrence Schmidt
Zoning Commissioner
Old County Court House
Room 113
400 Washington Avenue
Towson, MD 21204

Re: V-93-442-SPH

Dear Mr. Schmidt:

On behalf of The Valleys Planning Council, I would like to express our support of concerns shared by the Worthington Woodsyde Association and neighboring residents regarding the continuing activities of Hi-Caliber Auto Service & Towing at 12026 Park Heights Avenue.

We are concerned that the business in question is not adhering to their non-conforming use status by limiting the primary use on the site to the retail sale of gasoline.

We are also concerned that the sale of gasoline has been abandoned for more than a year, and therefore, the non-conforming use status has lapsed, and should not be permitted to operate in the future.

Historically, the basic premise of the non-conforming use was that it would gradually cease to exist because such a use is incompatible with the residential nature of the neighborhood.

We support the concerns of those living near this towing service/repair ship, and look for your guidance in addressing them.

Thank you.

Sincerely,

Margaret Worrall
Margaret Worrall
Executive Director

cc: Doug Zinn, Worthington Woodsyde



CHESTNUT RIDGE
COMMUNITY
ASSOCIATION

P. O. Box 238
Owings Mills, MD 21117

Protestant's Ex 0

EXHIBIT D

PROTESTANT'S EXHIBIT NO. 10

September 29, 1993

Mr. Lawrence Schmidt
Zoning Commission
Old County Courthouse
Room 113
400 Washington Avenue
Towson, MD 21204

Re: Case No. Z934425PH
Worthington Woodsyde Community Association

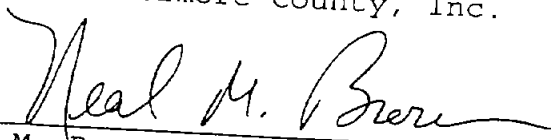
Dear Mr. Schmidt:

We are writing with regard to the above-captioned zoning case. Chestnut Ridge Community Association is immediately adjacent to Park Heights Avenue, and we are concerned deeply about development in our area.

We urge that you consider seriously the comments and position of our neighboring community association, Worthington Woodsyde Community Association.

Thank you for your attention to this request.

Chestnut Ridge Community Association
of Baltimore County, Inc.


Neal M. Brown, President

NMB:ma

cc: Doug Zinn
Kristen Forsyth

ENTER=RETURN * PF1=CERT. DATA * PF6=AMENDS * PF7=NOTICES DATE: 12/08/92
CORPORATE ID: D1688308 BUSINESS TYPE: ORDINARY BUSINESS- STOCK (03)
CORPORATE NAME: KHK, INCORPORATED

DOMESTIC CORPORATION

C/O NAME: PAUL M. KOCH
STREET ADDR: 608 CLIVEDEN ROAD
CITY/STATE: PIKESVILLE

MD ZIP: 21208

RETURN REQUEST:	CURRENT YEAR	PREVIOUS YEAR	PRIOR YEARS
DTE PRIME RETN RECD:	00/00/00	00/00/00	00/00/00
DTE SUPPL RETN RECD:	00/00/00	00/00/00	00/00/00
LAST ASSESS TRANS:	00/00/00	00/00/00	00/00/00
STATE BASE:			
SUB-DIVISION BASE:			
TOWN BASE:			
LATE FILE PENALTIES:	000	000	000
DTE PENALTY PAID:	00/00/00	00/00/00	00/00/00
DTE LAST CERTIF:	00/00/00	00/00/00	00/00/00
CONTROL NUMBERS			
FORFEIT CTRL/CAUSES:	Y Y	Y Y	
STATUS:	F FORFEITED	F	
STATUS DATE:	10/15/86	10/15/86	

PROTESTANTS

INTER-OFFICE MEMO

BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1996

TO: Mr. James Thompson
Supervisor - Code Enforcement
Division of Code Inspections and Enforcement

FROM: S. G. Samuel Moxley
Councilman, First District



SUBJECT: Beltway Mobile Park
Hammonds Ferry Road and Monumental Avenue

On Tuesday February 1, 1996 at 10:23 a.m. my Legislative Assistant Steve DeBoy contacted you in reference to the hold up of permit issuance to Mr. George Snyder owner of Beltway Mobile Park.

I am requesting an answer so I may correspond with Mr. Snyder.

I was led to believe from the meeting in October 1995 that a fair and equitable arrangement was to be decided regarding the permit issuance.

I thank you for your immediate attention to this matter.

SGM/rme

thompson.mem



Cod

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

October 13, 1995

Mr. E.F. Snyder
2710 Hammonds Ferry Road
Baltimore, Maryland 21227

Dear Mr. Snyder:

Permits and Development Management has carefully reviewed the zoning files and case history of the Beltway Mobile Home Park.

The trailer park was first established in 1941 and approved by Baltimore County. All subsequent data affirmed the existence of the trailer park. As Baltimore County grew, a process of licensing trailer parks within our boundaries was established. The trailer park consistently applied for that license and Baltimore County officials consistently granted approval. The number of trailers authorized, 54, has never been exceeded by the number of actual trailers.

Nonetheless, a question remains as to the trailer park's status. This office would welcome the submittal of a site plan for our review, reflecting the current trailer configurations. Please submit them to my attention. We look forward to your cooperation and a successful conclusion to these events.

Sincerely,

A handwritten signature in cursive script that reads "L. Wayne Flora".

L. Wayne Flora
Ass't. Enforcement Supervisor

c: Mr. S. G. Samuel Moxley
County Councilman for District 1

Baltimore County Government
Department of Community Development
Livability Code Enforcement Office



One Investment Place Suite 825
Towson, MD 21204

(410) 887-4032
Fax: (410) 887-5696

DRAFT

N. J. 1
10/18
[Signature]
[Signature]

E.F. Snyder
3710 Hammonds Ferry Rd.
Baltimore, Maryland 21227

Dear Mr. Snyder:

Permits and Development Management has carefully reviewed the zoning files and case history of the Beluway Mobile Home Park.

The trailer park was first established in 1961 and approved by Baltimore County. All subsequent data affirmed the existence of the trailer park. As Baltimore County grew, a process of licensing trailer parks within our boundaries was established. The trailer park consistently applied for that license and Baltimore County officials consistently granted approval. The number of trailers authorized, 54, has never been exceeded by the number of actual trailers.

Nonetheless, a question remains as to the trailer park's status. This office would welcome the submission of a site plan for our review, reflecting the current trailer configurations. Please submit them to my attention. We look forward to your cooperation and a successful conclusion to these events.

Carol Moxley
cc. file

Sincerely,

[Signature]
[Signature]
[Signature]

WAYNE

SER 1F

Important

247-1163

R. Synder

9.27.95

of Moxley's Aide - 3386
- 0896

had
10:30
Permit for Trailer
Park

PLEASE SEND ONE COPY OF THIS INVOICE WITH REMITTANCE TO THE
COMPANY AND ADDRESS DESIGNATED BY * IN LOWER LEFT CORNER.

The State Tax or Taxes, imposed hereon, has been as * and will be paid by the company designated by * in lower left corner. Before date due as required by law. Seller represents that in the production and manufacture of the goods and/or the performance of the services covered by this invoice, it has fully complied with all of the provisions of THE LABOR STANDARDS ACT of 1938, as amended. Cash discount applies on value of product excluding freight when shown as a separate item, taxes and drum deposits.

IN CASE OF EMERGENCY, CONTACT — CHEMTREC 1-800-424-9300

INVOICE/BILL
OF LADING

Sold To:

Ship To (Same as "Sold To" Unless Indicated here):

UNBRANDED RESELLERS
BALTIMORE, MD

GRIFFITH CONSUMERS
2510 SCHUSTER DRIVE
CHEVERLY, MD

Freight
Ppd. or Coll.

Please send invoice
copies with remittance. If
not possible, then list out-
lined numbers and invoice
amounts.

0000000000000000

30815880

Carrier Code 0066	Carrier Name FLEET TRANSIT, INC	Driver No 8280	Reporting Fac. 101	Folio	Ent.	Ship To/ Carrying Fac.	Ship To St.	Field Customer No. 409084	Invoice No. 522922	Invoice Date	Pg
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Date Shipped 1222920809	Time Shipped	Shipped From BP EXPLORATION & OIL CO.	L/C	Input Serial #	Order Date	Customer Reference: 01 B/A 183673
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File No.	A/R Cust. No./ Retail Outlet Fac.	Shipped From Fac.	St.	Stk. Acc. Fac.	Cr. Desk Code	Output Fac.	Ent./ Stem.	Truck No.	LOAD SPOT 8A
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HM	Product Description Del. Tck. No.-Date Shipped-Car/Trk. No.	Gens. Oceans Certified By Seller At Shown Before	Pkg. Desc.	Bulk Petr. Pkg. Petr. TBA & Spec.	Gals. Loaded List Price	Grav. Temp. No. of Pkgs. Allowance	Gals. Billed Qty. Billed	Excise Tax Rates			Net Price Ex.-Tax	Amount
								Fed.	State	Local		

X	GASOLINE / FLAMMABLE LIQUID				4200							
X	UN1203											
	58 PREMIUM W/MTBE 93.0				2500	57.7	2500					
	OXY 15.0% BY VOL, 2.7% BY WT					38.9						
	79 REGULAR UNLEADED W/MTBE 87.				1700	59.3	1700					
	OXY 15.5% BY VOL, 2.8% BY WT					41.6						
	OXYGENATED FUEL, SUITABLE FOR CONTROL AREAS											

PETITIONER'S
EXHIBIT 1

Collection					
Product					Cash/Checks
Ending	/	/	/	/	Credit Tickets
Beginning	/	/	/	/	Credit Papers
Gallon Diff	Gal.	Gal.	Gal.	Gal.	Total Coll.
Left on Truck					Reassigned To

Terms Code	Description of Special Terms	Excise Tax Amounts Included in Invoice Total			Discount Computed on Product Value of	Discount Amount - If Paid By	Invoice Total
		Federal	State	Local			

* BALTIMORE, MARYLAND P712 37266 J. Wilson	When Applicable, Credit Memo Approved, By:	Payment Received, By:	The Undersigned Agrees To Pay For The Goods Listed Hereon, Received At Destination In Good Condition.
			Firm Name
			Signature of Receiving Agent
Subject to Correction of Clerical Errors			

In January 1992, the 54" water main that is at the rear of the park broke for the third time in a matter of years. With each occurrence land and trees were lost. After the last break, we were made aware that some of the mobile homes extended over the State right-of-way. At this point the State asked that those mobiles be relocated. We then, because of the danger the situation presented, checked to see if these families could be moved to other parks in the area, but none had spaces available.

Since most of these families have been residents for the park for many years. We felt we should do all we could to resolve this problem. This is when we considered the possibility of relocating these families on the front undeveloped parcel of the park. We were also aware that a special exception was granted in 1969 to use this front property for mobile home sites.

We then went to the county to see if this would be possible. The person we spoke with first was Dave Thomas. We told him about our situation and that the property was granted a special exception for mobile homes in 1969. At that time we were told that we still had the special exception. We also made mention of the flood plain.

Mr. Thomas suggested that we have the Development Review Committee meet and review our situation at a cost to us of \$250. We feel that this was the time we should have been told that the flood plain would not allow us to develop the property. This is the information that we did not get for our \$250., but should have been common knowledge to the persons on the D.R.C. The comments from the D.R.C. are attached.

We also asked to be able to add additional trailer spaces to help offset the cost of developing the lots to relocate the families affected from the water main break. 6.24

One of the requests made by the D.R.C. was that a site plan be submitted to Zoning. The county states that this was never done. We asked Joe Larson about this and he said that he DID submit one.

Prior to this we applied for and received Water & Sewer permits at the cost of \$13,000. We also obtained a grading permit. After we received the permits we began work installing sewer lines and contacted the county about making connections to public water and sewer, this is when we hired Icaboni Site Specialist who are a county contractor. Icaboni Site Specialist made the sewer connection in Hammonds Ferry Road at a cost of \$6,500.

Just about this time an article was written in the Arbutus Times about the property and that we hadn't gone through the proper procedures with the county. One of the complaintants was Theresa Lowry.

Shortly after, we were issued a Stop Work Order. The county stated that we needed to have a public hearing. We wanted to know why we weren't told this before we started work, they said that a site plan was not submitted to Zoning and had it been at that time we would have been told that a public hearing was needed. We wanted to know why then we were given Water & Sewer permits and grading permit.

The Zoning Officer that became involved in this was Kevin Connors. We met with Mr. Connors to discuss the Stop Work Order and find out why a public hearing was needed since we were given the permits that were needed and considering the amount of work we had already done, and the fact that County Inspectors had been at the site. We also told Mr. Connors that a special exception had been granted in 1969.

At this time Mr. Connors called on another Zoning Officer, Mitch Kellman, who talked to Arnold Jablon about the special exception. Mr. Jablon stated that a special exception had to be utilized within 2 years and since it was granted in 1969 we lost it. At this point we showed that in fact one row of mobile homes was placed on the property thus utilizing the special exception within the 2 year limit. Then we were told that not only does a special exception have to be utilized within 2 years but also completed in a reasonable amount of time.

Mr. Jablon also told us that since in his estimation that it was not completed in a reasonable time that the row of mobile homes that was placed on the property might be in jeopardy.

At this point we were told that we should retain an attorney. After being told that those mobile homes might be in jeopardy, we felt as though we had to keep going forward. Mr. Connors suggested some attorneys to us, one being Howard Alderman. Mr. Connors recommended him highly. At this time we decided to hire Mr. Alderman to represent us.

Mr. Alderman met with county and community representatives and decided to petition for a public hearing. A hearing was scheduled for July 1993.

For the hearing the county requested that an extensive site plan be done including the original portion of the park. Mr. Alderman postponed the hearing because of variance for setbacks was needed and he wanted to incorporate the old section of the park with the new. Just after this, another issue was raised by the county. The issue was non-tidal wetlands on the property referring to the stream at the front of the property. The problem was that we showed on site plan mobile lots sitting parallel with the stream. We were told that setbacks would have to be observed and we complied, eliminating those lots and showing same on new site plans.

After this was resolved, another problem was raised which was the flood prone nature of the property stated by John Maples.

We then decided to contact Dave Thomas again. Mr. Thomas arranged a meeting with us and Joe Larson. At this meeting we were told that the flood plain would not allow us to develop the property entirely, but the county would possibly allow us to relocate six mobile homes on the property. At this time we said that this was unacceptable. Mr. Thomas also asked why Joe Larson didn't show the flood plain on any of the site plans he drew up. We also stated had those plans shown the flood plain the county would have

FLEET TRANSIT, INC.

ICC-MC-142470
MD P.S.C. TV-19
VA SCC K 78

DATE: 2/22/92 B/L # 00193673 3225 Tate Street Baltimore, Maryland 21226 (410) 355-7910

TIME DUE	REFINERY #S	LOAD #	DOCUMENT #	P.O. NUMBER	C.O.D. CERT	HOURS/MILES	DRIVER	TAK #/TRL #	PT#	BUILT TO
522922		1.0			0.00	2.50 45	JULIS	488 811	37288	GRT

SHIPPER:	TIME	TIME	CONSIGNEE:	MILES
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Oil Company
2155 Northbridge Avenue
TF# 8013
Baltimore, MD 21226
(301)-355-7200

7 38 AM
ARRIVE TERMINAL
7 50
BEGIN LOADING
8 05
END LOADING
8 15 AM
LEAVE TERMINAL

9 12 AM
ARRIVE CUSTOMER
9 20
BEGIN UNLOAD
10 04
END UNLOAD
10 05 AM
LEAVE CUSTOMER

Offfith Consumers
Park Heights Service
12026 Park Heights Ave
Owings Mills, MD
(301)-355-4753 TF# 3350

ARRIVE TERMINAL
0 25 205
ARRIVE CUSTOMER
0 25 338
RETURN TERMINAL

DELAY TIME PICK UP, EXPLAIN:	DELAY TIME DELIVERY, EXPLAIN:
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SIGNED	SIGNED
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HAZARDOUS MATERIAL DESCRIPTION	QUANT. ORDERED	QUANT. LOADED	CARD NUMBER	STICK READINGS	RATE	EXTENSION
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Gasoline Flammable liquid UN 1203 - Oxygenated No Lead
Gasoline Flammable liquid UN 1203 Oxygenated SUPER N/L
Gasoline Flammable liquid UN 1203 Oxygenated SUPER N/L

1100
1700
800

43" - Full
45" - Full
45" - Full

TYPE	CRTY	INCH	WAS ALL THE PRODUCT DELIVERED/RECEIVED	YES	NO
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TYPE	CRTY	INCH	WAS ALL THE PRODUCT DELIVERED/RECEIVED	YES	NO
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TYPE	CRTY	INCH	WAS ALL THE PRODUCT DELIVERED/RECEIVED	YES	NO
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TYPE	CRTY	INCH	WAS ALL THE PRODUCT DELIVERED/RECEIVED	YES	NO
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TYPE	CRTY	INCH	WAS ALL THE PRODUCT DELIVERED/RECEIVED	YES	NO
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THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED MATERIALS HAVE BEEN RECEIVED IN GOOD CONDITION EXCEPT AS NOTED. I HAVE CHECKED THE DOCUMENT FOR THIS SHIPMENT AND VERIFIED THAT CONNECTION HAS BEEN MADE TO PROPER STORAGE FACILITY.
SIGNATURE: _____

SUB TOTAL	OTHER	OTHER	TOTAL
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DATE	REF #	DESCRIPTION	AMOUNT	REF #	AMOUNT
12/22/92	64061	SUPER UL-92	1903.50	64061	1903.50
		STATE RD TAX-MD	587.50		587.50
		FEDERAL RD TAX	352.50		352.50
< TOTAL AMOUNT >			2843.50	TOTAL	2843.50

DELIVERED TO: 12026 PARK HTS AVE/OWINGS MILLS, MD/SNL

TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE

2510 SCHUSTER DRIVE CHEVERLY MD 20781
CALL: 301-322-7800 OR 1-800-633-3835

ACCOUNT # 376378 TANK # 3 PROD. 3 SUPER UL-92 UCTA
HI-CALIBER TOWNING & AUTO. (410) 633-2836
12026 PARK HEIGHTS AVE
OWINGS MILLS, MD 21117 (0)

SHELBY BUSINESS FORMS, INC.

800-GALS/42.22-92/9100AWH/TANK-TEST
12026 PARK HTS AVE
OWINGS MILLS, MD
SNL
ZONE
MCA/D116 A:12/18/92 NDN10
TANK SIZE 2000 0 1.00 0 300 1500
EXIT 21 FROM 695 OUTSIDE BELTWAY

DATE	12/22/92
GALLONS	2500.6
PRICE PER GAL	5229.22
TOTAL	12992.22
TAX	
AMOUNT	
PAYMENT	
CASH	☐
CHECK	☐
REC'D	

Printed numbers are gallons. Last digit designates tenths of gallons.

CUSTOMER'S SIGNATURE

FILE COPY



CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY JUDICIAL REVIEW 100/131/95CV00176

ATTORNEYS

PETITION OF HIGH-CALIBER TOWING, INC.
 21202 685-3800
 204 E. Lombard Street, Suite 201
 Towson, Md. 21204
 (410) 825-1517 (att'y for Appellant)
 Michael J. Moran
 County Board of Appeals of Balt. Co.
 Room 209, Old Courthouse
 400 Washington Avenue
 21204 (410) 887-4420

IN THE CASE OF PETITION OF SPECIAL HEARING
 ON PROPERTY LOCATED AT 12026 PARK HEIGHTS AVENUE
 4TH ELECTION DISTRICT
 3RD COUNCILMATIC DISTRICT

N.B.S., INC. AND HI-CALIBER TOWING, INC., /OWNER/OPERATOR
 CASE NO. V93-442-SPH

PROTESTANTS-APPELLEES
 Michael D. Vogelstein, Esq.
 321 N. Calvert Street
 Baltimore, Maryland 21202
 (410) 727-3000 (Protestants atty.)

COSTS

jc (1) Jan. 6, 1995 Petition of High-Caliber Towing, Inc., for Judicial Review, with request for Jury Trial, fd.

jc (2) Jan. 6, 1995 Motion to Stay Imposition of Order, with Request for hearing, fd.

mar (3) Jan 11, 1995 Certificate of Notice, fd. (rec'd 1/10/95)

km (4) Feb 3, 1995, Appellees, Protestants Response to Petition for Judicial Review, fd. (rec'd 2/1/95).

km (5) Feb 3, 1995, Appellees, Protestants, Answer in Opposition to Motion to stay Imposition of Order, fd. (rec'd 2/1/95).

PH (6) Feb 9, 1995 Order of Court Denying the Petitioners Motion to Stay Imposition, fd. (RBC)

jc (7) Feb. 21, 1995 - Motion to Strike the name of Franklin & Schapiro, Chartered, Only as Counsel for the Petitioner fd.

mar (8) Mar 10, 1995 Transcript of Record, fd. (rec'd 3/10/95)

mar (9) Mar 10, 1995 Notice of Filing of Record, fd. (rec'd 3/10/95)

APR 16 1995 (410) 685-3800 (received March 23, 1995)

Docket 100 Page 131 Case 95CV 00176

It is well understood by both parties here that this court's review of an agency decision is limited, and the court cannot substitute its decision for that of the agency. As important as anything else is the law that holds that the agency is the trier of fact and judge of the credibility of the witnesses.

A reviewing court may, and should, examine facts found by an agency, to see if there was evidence to support each fact found. If there was evidence of the fact in the record before the agency, no matter how conflicting, or how questionable the credibility of the source of the evidence, the court has no power to substitute its assessment of credibility for that made by the agency, and by doing so, reject the fact.

Commissioner v. Cason, 34 Md. App. 487, 508, 368 A.2d 1067 (1977). Accordingly, the opinion of the Board of Appeals is affirmed.

JFF:am

cc: Michael Vogelstein, Esq.
 321 N. Calvert Street
 Baltimore, MD 21201

G. Warren Mix, Esq.
 Turnbull, Mix & Farmer
 706 Washington Avenue
 Towson, Maryland 21204

copy mailed 12/29/95

PH (11) Apr 6, 1995 Motion and Order of Court extending the time to file the memorandum to 4/25/95, etc, fd. (JNB)

CASE NO. 95CV-176

CG (12) April 17, 1995 Protestants-Appellees complaint for writ of mandamus, fd.

df (13) May 2, 1995 - Notice to Enter the App. of Cindy Shifren as pro se representative of HI-CALIBER TOWING SERVICE, INC. fd. (Filed 4/27/95).

CG (14) May 16, 1995 Order to issue a summons on the defdt C.A. Dutch Rappersberger, fd. Summons issued for PPS.

jh (15) May 24, 1995, Appellant Hi-Caliber Towing, Inc., Rule 7-207 Memorandum, fd. (rec'd 5/23/95)

df (16) July 6, 1995 - Def., BALTIMORE COUNTY GOVERNMENT OFFICE OF ZONING ADMINISTRATION, Answer to Complaint for Writ of Mandamus fd. (Filed 6/19/95).

df (17) July 6, 1995 - Def., BALTIMORE COUNTY GOVERNMENT OFFICE OF ZONING ADMINISTRATION, Motion to Dismiss Complaint for Writ of Mandamus, Brief and Request for Hearing fd. (Filed 6/19/95).

df (18) July 6, 1995 - Oath of Arnold Jablon, Director, Department of Permits and Development Management (Formerly the Office of Zoning Administration and Development Management) fd. (Filed 6/19/95).

CG (19) July 7, 1995 Protestants/Appellees's response to rule 7-207 memorandum, fd. (rec'd 6/22/95)

CG (20) Sept 7, 1995 Hi Caliber Towing's motion to strike request for Jury Trial, fd. (rec'd 8/29/95)

PH (21) Sep 26, 1995 Order of Court Striking the Jury Trial request and directing case to be set for hearing, etc, fd. (JCH)

mr (22) Oct. 11, 1995 Order of Court Dismissing the Complaint for Writ of Mandamus, fd. (JCH)

PH (23) Oct 13, 1995 Motions Ruling, from Judge C.M. Kahl Granting the Motion of Baltimore County to dismiss complaint for Mandamus and Denying the request for hearing, fd.

CG (24) Oct 23, 1995 Notice to strike the appearance of Stanford H. Franklin as counsel for the Petitioner, fd. (rec'd 10/18/95)

as (25) January 4, 1995 Memorandum Opinion and Judgment affirming the Decision of the Board of Appeals, etc., fd. (JFF, II)

HI-CALIBER TOWING, INC.
 Petitioner

FRANKLIN & SCHAPIRO,
 CHARTERED
 ATTORNEYS AT LAW
 THE HERBERT HARBOR BUILDING
 204 EAST LOMBARD STREET
 SUITE 101
 BALTIMORE, MARYLAND 21202-0238

PETITION OF SPECIAL HEARING
 ON PROPERTY LOCATED AT
 12026 PARK HEIGHTS AVENUE

Appellees/Protestants

Case No. 95CV00176

APPEAL FROM COUNTY BOARD OF APPEALS

REQUEST TO STRIKE APPEARANCE

Please strike the name of STANFORD H. FRANKLIN as counsel for the Petitioner in the above captioned matter. The appearance of FRANKLIN & SCHAPIRO, CHARTERED has previously been stricken.

I HEREBY CERTIFY that on this 17th day of October, 1995, a copy of the foregoing Request to Strike Appearance was mailed to Evan & Cindy Shifren, Hi-Caliber Towing, Inc., 12026 Park Heights Avenue, Owings Mills, MD 21117; Charles Runkles, N.B.S., Inc., 3112 Huntmaster Way, Owings Mills, MD; Michael Vogelstein, Esquire, Professional Building, 321 North Calvert Street, Baltimore, MD 21202; Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, 400 Washington Avenue, Towson, MD 21204; and Charlotte E. Radcliffe, County Board of Appeals, Room 49-Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

IN THE MATTER OF
 N.B.S., INC. AND HI-CALIBER TOWING, INC./OWNER/OPERATOR

IN THE CIRCUIT COURT
 FOR BALTIMORE COUNTY

CASE NO. V 93-442-SPH

MEMORANDUM OPINION AND JUDGMENT
AFFIRMING BOARD OF APPEALS

This court affirms the opinion of The Board of Appeals of Baltimore County denying for the use of a nonconforming service station to Hi-Caliber Towing, Inc. at 12026 Park Heights Avenue. It is so ORDERED by the Circuit Court for Baltimore County this 28th day of December, 1995.

A.

The parties agree that the real property at 12026 Park Heights Avenue had a nonconforming use as a service station for many years. At issue is whether that nonconforming use was lost due to the fact the nonconforming use had been abandoned or discontinued for a period of one year or more. The law is as follows:

Section 104.1 of the Baltimore County Zoning Regulations (BCZR)

"A nonconforming use...may continue...provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more...such nonconforming use shall terminate."

There was conflicting evidence before the Board of Appeals as to whether there was abandonment in use of the premises. The Board of Appeals decided, on the basis of this conflicting evidence, the more credible evidence showed that despite the issuance of a trader's

license to the operators of the station since 1988, an abandonment had been shown. Thus, the owner/operator had not shown a continuous nonconforming use of the property.

B.

When we had a hearing in this case on 11/30/95, there was discussion as to whether any requirement existed as to who had the burden of proof on appeal to the Board of Appeals from a decision of the Deputy Zoning Commissioner. A review of the BCZR in this court did not show there is any presumption of correctness attendant to the Deputy Zoning Commissioner's decision. Likewise, there was nothing found in those regulations ascribing to one party or the other the burden of proof. Thus, it seems reasonable and consistent with all other areas of Maryland civil law that the burden of proof rested with the petitioner asking for the nonconforming use certification. In the words of the Board in its written decision, that burden was not sustained:

The Owner/Operator has the burden of producing testimony and evidence showing that nonconforming use of the property has been continuous. The Board is of the opinion that the preponderance of the testimony indicates that the subject property had in fact been abandoned, and in accordance with the effective regulations (Section 104.1 -- any Case No. V93-442-SPH N.B.S., Inc./Hi-Caliber Towing, Inc. abandonment or discontinuance of a nonconforming use for a period of one year or more), the nonconforming use at this property has been terminated.

FRANKLIN & SCHAPIRO,
 CHARTERED
 ATTORNEYS AT LAW
 THE HERBERT HARBOR BUILDING
 204 EAST LOMBARD STREET
 SUITE 101
 BALTIMORE, MARYLAND 21202-0238

October 17, 1995

Ms. Susan Willem
 Circuit Court for Baltimore County
 County Courts Building
 401 Bosley Avenue
 Towson, Maryland 21204

Re: Petition of High-Caliber Towing, Inc.
 Case No.: 95CV0176

Dear Ms. Willem:

Pursuant to your telephone conversation with my office today, I am enclosing herewith a Request to Strike Appearance of Stanford H. Franklin in the above captioned matter. As the docket will reflect, the appearance of Franklin & Schapiro, Chartered has previously been stricken.

As we have explained to the Court on numerous occasions, Gary Mandel is no longer at this office or associated with this firm in any way; his present whereabouts are unknown.

Your cooperation filing the Request to Strike Appearance as well as noting the file regarding Gary Mandel will be appreciated.

Very truly yours,
 Stanford H. Franklin

nb
 encl.

cc: Evan & Cindy Shifren
 Charles Runkles
 Michael Vogelstein, Esquire
 Peter Max Zimmerman, Esquire
 Charlotte E. Radcliffe

The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHRISTIAN M. KAHL
 JUDGE

MOTIONS RULING

COUNTY COURTS BUILDING
 TOWSON, MARYLAND 21204
 (410) 887-2800
 TTY (410) 887-3018

CASE NO.: 95CV0176

TITLE: Petition of High-Caliber Towing, Inc.
 For Judicial Review of the Decision of CBA

DATE OF RULING: October 10, 1995

HEARING DATE: None

Mr. Clerk, Please:

1. File this Ruling and
2. Send copies to all counsel of record.

RULING

The Court having reviewed Baltimore County's Motion to Dismiss Protestant's Complaint for Writ of Mandamus (Paper No. 17) and having determined that no hearing thereon is required, will DENY the request for hearing, but will GRANT Baltimore County's Motion to Dismiss the Complaint.

CMK:emh

True Copy Test
 SUZA - MEISH, Clerk
 Per Pamela D. Hall
 Assistant Clerk

FILED OCT 14 1995

the Board has revisory power and control over Order in the event of fraud, mistake or irregularity. In alleging fraud, particular facts must be stated and no mere allegations of fraud are sufficient. Woody v. Woody, 256 Md. 440, 261 A.2nd 486 (1970). In order to impeach a decree for fraud, the deception practiced in obtaining it must be clearly established by proof before the propriety of the decree can be investigated. A decree assailed on the charge of fraud will not be set aside for any matter which has been actually considered in the case in which the decree was rendered. Pinkerton v. Swift, 231 Md. 231 Md. 346, 190 A.2nd 533 (1963).

5. The Owner/Operator had ample opportunity to cross examine all witnesses during the trial of this matter and cannot now be heard on matters which has been actually considered in this case. Pinkerton v. Swift, supra. There has been no showing of particular facts of fraud which must be stated and there is no provision within the Board rules for a new hearing upon mere allegations of fraud.

WHEREFORE, having fully answered, the Protestants respectfully requests this Honorable Court to deny the Motion for Reconsideration.

Michael D. Vogelstein
Michael D. Vogelstein
321 N. Calvert Street
Baltimore, MD 21202
(410) 727-3000
Attorney for the Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 1994 that a copy of the foregoing Answer in Opposition to Motion for Reconsideration was mailed, postage pre-paid to: Gary Steven Mandel, Franklin & Schapiro, Chartered, 204 E. Lombard Street, Suite 101, Baltimore, Maryland 21202, Attorney for Owner/Operator.

Michael D. Vogelstein
Michael D. Vogelstein

IN THE MATTER OF: * BEFORE THE
PETITION FOR SPECIAL HEARING * COUNTY BOARD OF APPEALS
ON PROPERTY LOCATED AT: *
12026 PARK HEIGHTS AVENUE * OF BALTIMORE COUNTY
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *
N.B.S., INC. AND HI-CALIBER * CASE NO. V93-442-SPH
TOWING, INC./OWNER/OPERATOR *

ORDER

The Court, having read and considered the Motion for Reconsideration and Answer in Opposition thereto, and good cause appearing, it is this ____ day of _____, 1995, by the County Board of Appeals;

HEREBY ORDERED that the Owner/Operator's Motion for Reconsideration is and the same is hereby denied.

J U D G E

J U D G E

J U D G E

LAW OFFICE
MICHAEL D. VOGELSTEIN
CALVERT PROFESSIONAL BUILDING
321 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
410-727-3000

December 28, 1994

County Board of Appeals of
Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

Attn: Kathleen C. Weidenhammer

RE: Case No.: V-93-42-SPH
MBS, Inc./Hi-Caliber Towing, Inc.

Dear Ms. Weidenhammer:

Please find enclosed the Protestants' Answer in Opposition to Motion for Reconsideration to be filed in the above entitled matter.

Thanking you in advance for your anticipated cooperation and consideration, I remain,

Yours truly,
Michael D. Vogelstein
Michael D. Vogelstein

MDV/rj

IN THE MATTER OF: * BEFORE THE
PETITION FOR SPECIAL HEARING * COUNTY BOARD OF APPEALS
ON PROPERTY LOCATED AT: *
12026 PARK HEIGHTS AVENUE * BALTIMORE COUNTY
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *
N.B.S., INC. AND HI-CALIBER * CASE NO. V93-442-SPH
TOWING, INC./OWNER/OPERATOR *

MOTION FOR RECONSIDERATION

Now comes Hi-Caliber Towing, Inc. and request that this Board grant it a new hearing for the purpose of proving to this board that three of the witnesses before this board deliberately falsified their testimony so as to distort and conceal facts from this Board.

The three parties in quest were witnesses for the Protestants and according to the opinion of this board were the witnesses to whose testimony the most weight was given.

Hi-Caliber Towing, Inc. can prove through actual records filed with various State and County Agencies. The movant for this request had no advance knowledge of these witness being scheduled to testify and was not able to obtain the records to refute these claims. Review of the records now obtained shows that the witnesses did not misinform the board, but committed deliberate perjury while under oath.

WHEREFORE, Hi-Caliber Towing, Inc. request that this board grants Hi-Caliber's request for a new hearing.

Respectfully submitted,

Gary Steven Mandel
Gary Steven Mandel
FRANKLIN & SCHAPIRO, CHARTERED
204 E. Lombard Street
Suite 101
Baltimore, Maryland, 21202
410-685-3800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December, 1994 a copy of the Request for Rehearing was mailed, postage prepaid, to Michael Vogelstein, Esquire, 321 N Calvert Street, Baltimore, MD 21201.

Gary Steven Mandel
Gary Steven Mandel



County Board of Appeals of Baltimore County

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

December 29, 1994

Gary S. Mandel, Esquire
FRANKLIN & SCHAPIRO, CHARTERED
204 E. Lombard Street, Suite 101
Baltimore, MD 21202

Re: Case No. V93-442-SPH
N.B.S., Inc. and Hi-Caliber Towing,
Inc. -Owner/Operator

Dear Mr. Mandel:

The Board is in receipt of your Motion for Reconsideration dated December 21, 1994. This Motion indicates that the information that you are requesting the Board to hear was available at the time of the hearing, but was not presented to the Board. Therefore, this Board has no alternative but to deny your Motion for Reconsideration.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/kcw

cc: Michael Vogelstein, Esquire

IN THE MATTER OF: * BEFORE THE
PETITION FOR SPECIAL HEARING * COUNTY BOARD OF APPEALS
ON PROPERTY LOCATED AT: *
12026 PARK HEIGHTS AVENUE * OF
4TH ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *
N.B.S., INC. AND HI-CALIBER * CASE NO. V93-442-SPH
TOWING, INC./OWNER/OPERATOR *

OPINION

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner in which a Petition for Special Hearing was granted, based on the determination that no abandonment of an automotive service station was found to exist. The case was heard this day, Thursday, November 3, 1994, in its entirety, and public deliberation was held on Tuesday, November 15, 1994 at 9:30 a.m.

Counsel for the Protestants in this matter asserted that the towing business of the owner/operator, Hi-Caliber Towing, Inc., is not in compliance with the zoning classification of the subject site at 12026 Park Heights Avenue. Although the property had a nonconforming use as a service station for many years, Hi-Caliber's use is now argued to be in violation of Section 104.1 of the Baltimore County Zoning Regulations (BCZR).

The regulation reads as follows:

"A nonconforming use...may continue...provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more...such nonconforming use shall terminate."

In this de novo hearing, the Owner/Operator had the burden of

Case No. V93-442-SPH N.B.S., Inc. /Hi-Caliber Towing, Inc. 2
producing testimony and evidence to show that nonconforming use of the subject property has been continuous. Purchased in 1992 by the owners, Evan and Cindy Shifren, testimony was offered by several witnesses who said that the service was never discontinued, particularly for as long as a year and one day. The matter of the discontinued nonconforming use covers the time period of 1985-1988.

Charles Runkles, Vice President of N.B.S., the commercial realtor that purchased the site in 1988, testified to his familiarity with the service station for 13 years as a customer and nearby resident. However, for the time span in question, Mr. Runkles was not certain of the station's operations, but always saw activity on the site as a viable business.

Ms. Bonnie Haines, apartment resident at 1253 Park Heights Avenue, testified that she was a weekly customer of the service station during the period of 1985 to 1988. In her testimony, Ms. Haines acknowledged that her husband performed various jobs for the Petitioner and was a family friend of the Shifrens.

Mr. Harvey Shifren, father of the operator and a long-time property owner in the area, testified that the property had always been in continuous use since 1976 as an Amoco or Texaco station. He remembered his son towing vehicles for the station.

Cindy and Evan Shifren testified to their purchase of the site in September 1992 after 18 years with a towing service from other locations.

Testifying for the Protestants were two previous operators of

Case No. V93-442-SPH N.B.S., Inc. /Hi-Caliber Towing, Inc. 3

the service station at the site, Mr. James Hammersla and Mr. Ronald Goodman. Mr. Hammersla reviewed his operations at the site which terminated in August 1985, because of County restrictions on the operation, and his eventual bankruptcy. Since that time, he recounted passing the station regularly for the next several years and saw no gasoline business, no maintenance, and a vacated site.

Mr. Goodman leased the site in September 1988 and obtained a trader's license. Up for auction, he had inspected the station and found the property overgrown in weeds and debris, no hoses on the pumps, and broken windows. Mr. Goodman testified that the electric meters had been removed. He had the pumps repaired and re-established the business in September 1988 for the next 15 months. He had been told by the County that the use was okay. In obtaining a license, the "year and a day" regulation of Section 104.1 was not considered at the time.

Several subpoenaed witnesses, not appearing at the initial hearing before the Deputy Zoning Commissioner, testified as protestants in this case. Mary Fitchett, a resident immediately across the road from the site, testified of her father's original ownership and incidents that led to restrictions imposed on the service station in 1985. Ms. Fitchett testified that the station was abandoned and became a derelict property from Mr. Hammersla's closing in 1985 to Mr. Goodman's opening of the station in 1988.

Carl Nathanson, 1219 Park Heights Avenue, a resident one block from the site since 1985, recalled the location as abandoned,

Case No. V93-442-SPH N.B.S., Inc. /Hi-Caliber Towing, Inc. 4

overgrown, strewn with wrecked cars, engine blocks and tires, and a property that should be condemned. Mr. Nathanson saw no operation on the site until Mr. Goodman arrived in 1988. Unfamiliar with zoning laws, he raised no objection to the resumption of business on the site in 1988.

The Board is cognizant of conflicting testimony as to the continuous use of 12026 Park Heights Avenue as a service station from the time it ceased operations by Mr. Hammersla in 1985 until its lease by Mr. Goodman in 1988. Ongoing observations by Mr. Hammersla of the station he had abandoned in 1985 and Mr. Goodman's rehabilitation of the derelict property in 1988 are persuasive to this Board that the operation of the service station as a nonconforming use was discontinued for more than one year. Furthermore, the daily observation of concerned residents living approximate to the location is convincing that the nonconforming use of the site for a service station had been discontinued for some time.

Irrespective of the issue of trader's licenses to operators at the station since 1988, the regulations of Section 104.1 prevail in this matter of the nonconforming use. The Owner/Operator has the burden of producing testimony and evidence showing that nonconforming use of the property has been continuous. The Board is of the opinion that the preponderance of the testimony indicates that the subject property had in fact been abandoned, and in accordance with the effective regulations (Section 104.1 -- any

Case No. V93-442-SPH N.B.S., Inc. /Hi-Caliber Towing, Inc. 5

abandonment or discontinuance of a nonconforming use for a period of one year or more), the nonconforming use at this property has been terminated.

ORDER

IT IS THEREFORE this 9th day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing for the use of a nonconforming service station be and is hereby DENIED; and it is further

ORDERED that such use shall be terminated no later than thirty (30) days from the date of this Order.

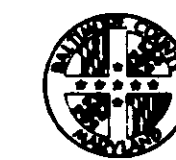
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

Robert O. Schuetz



County Board of Appeals of Baltimore County

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

December 9, 1994

Michael D. Vogelstein, Esquire
Calvert Professional Building
321 N. Calvert Street
Baltimore, MD 21202

RE: Case No. V93-442-SPH
N.B.S., Inc. /Hi-Caliber Towing, Inc.

Dear Mr. Nathanson:

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

Very truly yours,

Charles E. Runkles
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Michael Vogelstein, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal
Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

DEC 12 1994
ZADM

IN RE: PETITION FOR SPECIAL HEARING
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
N.B.S., Inc. and Owners
Hi-Caliber Towing, Inc.
Owner/Operator

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. V93-442-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Zoning Administration and Development Management Office (ZADM) for a determination as to whether there exists an abandonment or discontinuance of a nonconforming automotive service station with accessory vehicle repair service on the subject property, as was previously granted in Case No. 85-167-SPH. Pursuant to the authority found within the Baltimore County Zoning Regulations (B.C.Z.R.), the property owner was summoned to appear before this Office to resolve this matter. The summons was issued to N.B.S., Inc., Hi-Caliber Auto Service, Ltd., and Hi-Caliber Towing, Inc., who were represented at the hearing by Gary S. Mandel, Esquire.

Appearing on behalf of the Petition were Charles Runkles, Vice President of N.B.S., Inc., Evan and Cindy Shifren, operators of Hi-Caliber Towing, Inc., and Bonnie Haines, a resident of the area. The owner/operators were represented by Gary S. Mandel, Esquire. Appearing on behalf of the community who requested the hearing was Douglas Zinn, President of the Worthington-Woodside Community Association. Many other citizens from the surrounding community and representatives of other community associations appeared at the hearing, all of whom signed the Protestants' Sign-In Sheet.

Testimony from various residents of the surrounding community was offered in support of their contention that there has been an abandonment of the automotive service station at the subject site. Mr. Douglas Zinn testified that he has been familiar with the property for the past 9 and 1/2 years and that he passes this site every day. Mr. Zinn testified that from 1986 to 1988 there were no people, no vehicles and no activity taking place on the subject site. He stated that activity resumed on the premises sometime in January or February 1989. Mr. Zinn also testified that in 1988, he noticed gasoline was for sale at the subject site but that every time he stopped to make a purchase, there was never any available. On cross-examination, he testified that he never witnessed any gasoline pumps being removed from the site. Mr. Zinn further testified that at the present time, there are untagged vehicles stored on the site and the operators have no license to sell gasoline from the premises.

Mrs. Nancy Seal appeared and testified on behalf of the community. Mrs. Seal testified that for the past 25 years, she has had occasion to pass by this gasoline station. She testified that she herself purchased gas from the subject site from 1968 until approximately 1986 at which time she had purchased a new car. She testified that she had heard rumours that there was water in the gasoline that was offered for sale at the subject site and having just purchased a new automobile, she decided not to purchase gasoline from this location. She, too, corroborated the testimony of Mr. Zinn that from 1986 to 1988 there was no activity on the site.

Mr. Harlan Zinn, President of the Velvet Valley Community Association, testified that he, too, has passed the subject property on many occasions and that from 1986 to 1988 there did not appear to be any visible activity on the site. He testified that in mid-1988, there appeared to be

more activity taking place on the property. Mr. Zinn further stated that since 1988, he has attempted to purchase gasoline at this location, but there has never been any gas for sale when he stopped in.

Mr. Eugene Reynolds appeared and testified on behalf of the community. He testified that he has lived in the area for the past 30 years. Mr. Reynolds stated that in 1984, he ceased buying gas from the subject location. He also testified that there was a long period of time when no activity took place on the subject site.

Mr. Carl Nathanson testified on behalf of the community. He stated that there was no activity on the subject site from early 1985 to late 1988. He stated that towards the end of 1988, Mr. Ronnie Goodman opened a business at this location, and that the business has changed hands a couple of times since Mr. Goodman's purchase of the property in 1988. Mr. Nathanson testified that from 1985 to 1988 no activity took place on the subject site and no one was living in the home also located on the property. He stated that because of the noise and activity taking place on the premises at this time, the community has deemed it in their best interests to come forward with this complaint.

Mrs. Pat Nathanson also testified on behalf of the community. She testified that from early 1985 to late 1988 there was no activity taking place on the subject site. Mrs. Nathanson stated that she can see the subject property from her house and that during the period of 1985 to 1988, she neither saw nor heard any activity taking place on the subject property. She further testified that in 1988, a business moved into the building on the subject site because she remembered a light from the property shining into her house.

In summation, the community argued that there was no activity nor any gasoline sold from the subject automotive service station during the period of approximately 1986 to 1988. They argue that as a result of this apparent abandonment, the present operation at the subject site should not be permitted to continue to exist.

Appearing in support of the current business on the site were Charles Runkles, on behalf of the property owner, Evan and Cindy Shifren, operators of Hi-Caliber Towing, Inc., and Bonnie Haines, a nearby resident of the area. Mr. Runkles testified on behalf of the operators of the service station. He stated that in 1984, he moved into the neighborhood, approximately 1/2 mile from the subject site. He stated that he passes the site every day and that in the years 1984 and 1985, he purchased gasoline from the subject site. Mr. Runkles testified that in 1985 he had some automotive service work performed on his van at this site, and that in May 1988, the company for whom he is employed purchased the subject property. He testified that from March 1988 to the present time, there has always been activity on the subject site. His testimony is consistent in that respect with the neighbors who previously testified in that they agree that there has been activity on the subject property since 1988. Mr. Runkles further testified that from 1988 to the present time gasoline has been sold from the subject site. Although he stated he has not purchased gasoline from this site since 1985, he has seen other people purchase gasoline at this location. He testified that he cannot remember any abandonment of the subject gasoline service station for a period of more than one year.

Also testifying on behalf of the property owner/operator was Bonnie Haines. Ms. Haines testified that she moved into the area in 1985. She testified that she passes the subject gasoline service station

ORDER RECEIVED FOR FILING
Date 11/18/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/18/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/18/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/18/94
By [Signature]

every day and that she has purchased gasoline from the subject site each year from 1985 to the present time. Ms. Haines testified that she is not related to the owner or operator of the business on the subject property and has no financial interest in same. Her testimony was clear, however that she has purchased gasoline from the various operators of this service station each and every year since 1985 to the present date.

Mrs. Cindy Shifren next testified on behalf of herself and her husband, Evan Shifren, who operates Hi-Caliber Towing, Inc. from the subject site. Mrs. Shifren testified that she and her family have lived in the area since 1985. She stated that she and her husband are in the business of towing and mechanical work and that in 1985, they would deliver automobiles in need of mechanical repair to the subject service station. She testified that she currently operates the gasoline service station on the subject site. In support of her position, Mrs. Shifren produced a gasoline purchase receipt from Griffith Consumers, a distributor of gasoline, which shows that 4,000 gallons of gasoline were purchased and delivered to the subject site. This certainly contradicts the testimony presented by the various individuals of the surrounding community who testified that no gasoline was being sold from the premises. Mrs. Shifren further testified that she and her husband have been selling gasoline from the subject site since they acquired the property in late 1992. She also testified that she does, in fact, have a license to sell gasoline, and that said license is posted on the property.

This testimony certainly contradicts the testimony offered by the community who testified that no gasoline was being sold from the subject site and that no license to sell gasoline existed. In addition, some of the documentation gathered by the community from various State agencies

tends to show that no gasoline was being sold from the site and the sale of gasoline was abandoned. However, the testimony offered by Ms. Haines and the receipts produced by Mrs. Shifren prove the contrary.

Also testifying on behalf of the property owner and operator was Evan Shifren, who owns the Hi-Caliber Towing company which operates from the subject site. Mr. Shifren testified that for the past 15 years, he has been engaged in the business of towing automobiles. He testified that he has been familiar with the subject site since 1984 to the present in that he has delivered automobiles in need of repair to the subject site on many occasions. He testified that on those occasions when he would drop vehicles off with his tow truck, he would purchase gasoline for his truck. He testified that he continued to purchase gasoline for his tow truck from this site each and every year from 1984 until the present time. His testimony was that there was never any abandonment of the subject service station during that time.

Based on all of the testimony and evidence presented at the hearing, I find that there has not been any abandonment of the automotive service station on the subject site. I gave substantial weight to the testimony of Ms. Bonnie Haines. Ms. Haines had no financial relationship to the business nor was she related to any of the individuals who were involved in this case. She appeared to be the most independent of the witnesses who testified. She neither represented the community nor the property owner/operator. Her testimony was clear that she purchased gasoline from this service station each and every year from 1985 until the present date. Based on her testimony, I believe that there was never any abandonment of this automotive service station.

The burden on the community is to prove a negative; that is, that

no gasoline had been sold from the subject site for more than a one-year period. This is a difficult burden of proof. It is possible that some individuals could have stopped in to purchase gasoline at this location without the knowledge of any of the community members. Based on the testimony presented to me at the hearing, this was apparently the case with Ms. Bonnie Haines. It is simply too difficult for the community to be watching the subject site every hour of every day to know whether or not someone has stopped to purchase gasoline. Furthermore, I question why the community waited five years to argue that an abandonment of this automotive service station had occurred. The period of abandonment that the community has been arguing appears to be approximately 1986 to 1988. Five years have passed since activity has resumed at the subject site. Perhaps the community would have had a better case had they come in for this hearing during the period they argue there was an abandonment, that being back in 1988.

After due consideration of all the testimony and evidence presented at the hearing, and all the documents submitted by both the community and the owner/operator of the automotive service station, I find that there has not been an abandonment of the service station use at this site.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of October, 1993 that there has been no abandonment of the automotive service station use on the subject property.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 18, 1993

(410) 887-4386

Gary S. Mandel, Esquire
204 E. Lombard Street, Suite 101
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
12026 Park Heights Avenue
4th Election District - 3rd Councilmanic District
N.B.S., Inc. and Hi-Caliber Towing, Inc. - Owner/Operator
Case No. V93-442-SPH

Dear Mr. Mandel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Douglas Zinn, President, Worthington Woodside Community Assoc.
7 Woodside Place, Owings Mills, Md. 21117

Mr. Harlan Zinn, President, Velvet Valley Community Assoc.
10628 Park Heights Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Carl Nathanson
12119 Park Heights Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue, Owings Mills, Md. 21117

Mr. & Mrs. James F. Seal
11958 Park Heights Avenue, Owings Mills, Md. 21117

People's Counsel; File

Petition for Special Hearing

Case #: V-93-442-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 12026 Park Heights Avenue
which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management, Baltimore County, Maryland, for a Special Hearing under Sections 26-3 and 26-12(a) of the County Code and Section 500.8 of the Zoning Regulations of Baltimore County, for the Zoning Commissioner to conduct a hearing involving a violation or alleged violation or non-compliance with any zoning regulations or order issued by the Zoning Commissioner, Board of Appeals or Court, or for the proper interpretation thereof, more specifically:

Section number(s): 26-119 Baltimore County Code; 101 "Nonconforming Use"; 102.1; 104; 1A04 Baltimore County Zoning Regulations.

Nature of violation(s): Whether there does exist abandonment or discontinuance of a non-conforming automotive service station with accessory vehicle repair service, as previously granted in Special Hearing 85-167-SPH on January 22, 1985.

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information and belief.

Date: 6-22-93

SUMMONS

ISSUED TO: Hi-Caliber Towing, Ltd.
C/O Lee N. Sachs, Resident Agent
ADDRESS: 341 N. Calvert Street
Baltimore, MD 21202

To appear and testify in the matter of an alleged zoning violation or for the purpose of a proper interpretation of the zoning regulations or order of the Zoning Commissioner, Board of Appeals or Court.

Hearing Date: July 13, 1993 Time: 11:00 am/pm Location: Rm. 118, Old Courthouse

Please be advised that your failure to appear at the date, time and location stated above could result in your attachment.

Petition for Special Hearing

Case #: V-93-442-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 12026 Park Heights Avenue
which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management, Baltimore County, Maryland, for a Special Hearing under Sections 26-3 and 26-12(a) of the County Code and Section 500.8 of the Zoning Regulations of Baltimore County, for the Zoning Commissioner to conduct a hearing involving a violation or alleged violation or non-compliance with any zoning regulations or order issued by the Zoning Commissioner, Board of Appeals or Court, or for the proper interpretation thereof, more specifically:

Section number(s): 26-119 Baltimore County Code; 101 "Nonconforming Use"; 102.1; 104; 1A04 Baltimore County Zoning Regulations.

Nature of violation(s): Whether there does exist abandonment or discontinuance of a non-conforming automotive service station with accessory vehicle repair service, as previously granted in Special Hearing 85-167-SPH on January 22, 1985.

Post-it brand fax transmittal memo 7671	
# of pages: 2	
To: Stanley Rockkind	
From: Tim Nathanson	
Baltimore County	
Date: 6-22-93	Page: 1

I do solemnly affirm that the contents stated above are correct to the best of my knowledge, information and belief.

Date: 6-22-93

SUMMONS

ISSUED TO: N.B.S., Inc.
C/O Neil Rockkind, Resident Agent
ADDRESS: 1001 Smelter Drive Road
Baltimore, MD 21208

To appear and testify in the matter of an alleged zoning violation or for the purpose of a proper interpretation of the zoning regulations or order of the Zoning Commissioner, Board of Appeals or Court.

Hearing Date: July 13, 1993 Time: 11:00 am/pm Location: Rm. 118, Old Courthouse

Please be advised that your failure to appear at the date, time and location stated above could result in your attachment.

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE TREASURER
MISCELLANEOUS CASH RECEIPT

DATE: 11-4-93 ACCOUNT: R-001-6150

AMOUNT: \$175.00

RECEIVED FROM: CARL L. NATHANSON

FOR: SPECIAL HEARING - 12026 PARK HEIGHTS AV
V93-442-SPH

VALIDATION ON SIGNATURE OF CASHIER
MICROFILMED

PETITION OF: Hi-Caliber Towing, Inc.

CIVIL ACTION # 95-CV-00176 /100/131

IN THE MATTER OF N.B.S., INC. and
HI-CALIBER TOWING, INC.

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

Date: 3/8/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 25, 1993

NOTICE OF REASSIGNMENT

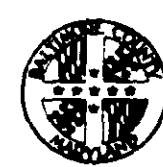
Rescheduled from 7/13/93
CASE NUMBER: V-93-442-SPH (C/93/150/ABCD)
12026 Park Heights Avenue
4th Election District - 3rd Councilmanic District
Property Owner: N.B.S., Inc.

Special Hearing to determine whether there does exist abandonment or discontinuance of a non-conforming automotive service station with accessory vehicle repair service, as previously granted in Special Hearing 85-167-SPH on January 22, 1985.

HEARING: MONDAY, OCTOBER 4, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Street, Towson, Maryland 21204.

ARNOLD JACOBSON
DIRECTOR

cc: Neil N. Rockkind/Bud Runkles/5616 Park Heights Avenue/Balot. 21215
Art Brown/1 Hounds Hollow Court/Owings Mills MD 21117
Janet Truett/12022 Park Heights Avenue/Owings Mills MD 21117
Stanton Wingard/3 Huntfield Court/Owings Mills MD 21117
Doris Woodward/11935 Park Heights Avenue/Owings Mills MD 21117
Pat Nathanson/12119 Park Heights Avenue/Owings Mills MD 21117
Mary Fitchett/12105 Park Heights Avenue/Owings Mills MD 21117
Lee Skreitz/3 Hunt Meadow Court/Owings Mills MD 21117
James Seal/11958 Park Heights Avenue/Owings Mills MD 21117
Evan Shifren/Hi-Caliber Towing/11406 Belfield Road/Owings Mills
Margaret Morrell/Valleys Palming Council/ P O Box 5402/Towson 21285
Eugene Reynolds/11962 Park Heights Avenue/Owings Mills 21117
Douglas Zinn/Worthing-Woodside Assoc./7 Woodside Place/Owings Mills



County Board of Appeals of Baltimore County

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

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

December 15, 1993

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. V93-442-SPH

N.B.S., INC. AND HI-CALIBER TOWING, INC. -
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District

SPH - Determination of a nonconforming automotive service station w/accessory vehicle repair service /filed by ZADM.

10/18/93 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; no abandonment of automotive service station found to exist.

ASSIGNED FOR:

TUESDAY, FEBRUARY 15, 1994 at 10:00 a.m.

cc: Carl L. Nathanson, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal

Counsel for Appellants/Protestants
Worthington Woodsyde Comm. Assn.
Velvet Valley Community Assn.

Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines

Counsel for Owners /Operators
N.B.S., Inc.
Hi-Caliber Towing, Inc.

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

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

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

February 3, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT

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. V93-442-SPH

N.B.S., INC. AND HI-CALIBER TOWING, INC. -
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming automotive service station w/accessory vehicle repair service /filed by ZADM.

10/18/93 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; no abandonment of automotive service station found to exist.

which was scheduled for hearing on February 15, 1994 has been POSTPONED at the request of Counsel for Appellants /Protestants; and has been

REASSIGNED FOR:

TUESDAY, APRIL 26, 1994 at 10:00 a.m.

cc: Carl L. Nathanson, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal

Counsel for Appellants/Protestants
Worthington Woodsyde Comm. Assn.
Velvet Valley Community Assn.

Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines

Counsel for Owners /Operators
N.B.S., Inc.
Hi-Caliber Towing, Inc.

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

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

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

April 25, 1994

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

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. V93-442-SPH

N.B.S., INC. AND HI-CALIBER TOWING, INC. -
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming automotive service station w/accessory vehicle repair service /filed by ZADM.

10/18/93 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; no abandonment of automotive service station found to exist.

which was scheduled for hearing on April 26, 1994 has been POSTPONED by agreement of Counsel; and has been

REASSIGNED FOR:

THURSDAY, JULY 28, 1994 at 10:00 a.m.

cc: Michael Vogelstein, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal

Counsel for Appellants/Protestants
Worthington Woodsyde Comm. Assn.
Velvet Valley Community Assn.

Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines

Counsel for Owners /Operators
N.B.S., Inc.
Hi-Caliber Towing, Inc.

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

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

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

July 15, 1994

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

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. V93-442-SPH

N.B.S., INC. AND HI-CALIBER TOWING, INC. -
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming automotive service station w/accessory vehicle repair service /filed by ZADM.

10/18/93 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; no abandonment of automotive service station found to exist.

which was scheduled for hearing on July 28, 1994 has been POSTPONED at the request of Counsel for Owners /Operators due to unavailability of witnesses; and has been

REASSIGNED FOR:

THURSDAY, NOVEMBER 3, 1994 at 10:00 a.m.

cc: Michael Vogelstein, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal

Counsel for Appellants/Protestants
Worthington Woodsyde Comm. Assn.
Velvet Valley Community Assn.

Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines

Counsel for Owners /Operators
N.B.S., Inc.
Hi-Caliber Towing, Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 2, 1993

Mr. Evan Shifren
Hi-Caliber Towing & Auto Service, Inc.
12026 Park Heights Avenue
Owings Mills, MD 21117

RE: Fuel Tank and Pump Removal
from a Nonconforming Auto
Service Station.
Use change to a service garage.
12026 Park Heights Avenue
4th Election District
Zoning Case V-93-442-SPH
85-167-SPH

Dear Mr. Shifren:

This letter references your correspondence in which you request a zoning determination that an existing automotive service station may "remove the tanks and pumps from property and still remain a service garage."

A review of office records indicates that this site was approved as a nonconforming automotive service station use in zoning case V-93-442-SPH on October 18, 1993 by the Deputy Zoning Commissioner. It is my understanding that this site is located in a residential (R.C.-5) zone. Based on this information, I must apply Section 104.1 the Baltimore County Zoning Regulations (BCZR) to your question. This states that:

Section 104--NONCONFORMING USES (B.C.Z.R., 1995.)

104.1--A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. (B.C.Z.R., 1995; Bill No. 18, 1976; Bill No. 124, 1991.)

MICROFILMED As you can see this regulation strictly forbids any use change whatsoever with the loss of the nonconforming status as a result of

Mr. Evan Shifren
Page 2
December 2, 1993

any such change. The BCZR defines an automotive service station as: "A structure or land used or intended to be used primarily for the retail sale of automotive fuel, but not a truck stop". A service garage is defined as: "A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale".

The fact that these uses are under separate definitions in the BCZR clearly indicates that the proposed removal of the fuel tanks and pumps while still maintaining a proposed service garage use would be abandonment of the service station and a change in use which will conflict with Section 104.1. Regrettably, this could not be approved by this office. Please be aware that Section 405.b, BCZR further addresses any abandonment of service stations. (copy attached)

Should you wish to challenge this interpretation Section 500.7, BCZR allows you to request a zoning special hearing for a ruling from the zoning commissioner.

Should you have any questions, please do not hesitate to contact me at 887-3391.

Sincerely,

JOHN L. LEWIS
Planner II

JLL/jaw

c: V-93-442-SPH
85-167-SPH

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 5, 1993

Gary S. Mandel, Esquire
204 E. Lombard Street, Suite 101
Baltimore, MD 21202

RE: Petition for Special Hearing
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
N.B.S., INC. and Hi-Caliber Towing,
Inc. - Owner/Operator
Case No. V93-442-SPH

Dear Mr. Mandel:

Please be advised that an appeal of the above-referenced case was filed in this office on November 4, 1993 by Carl L. Nathanson on behalf of the protestants. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

ARNOLD JABLON
Director

AJ:jaw

c: Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene O. Reynolds
Mr. & Mrs. James F. Seal
People's Counsel

MICROFILMED

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Special Hearing
12026 Park Heights Avenue
4th Election District - 3rd Councilmanic District
N.B.S., Inc. and Hi-Caliber Towing, Inc. - Owner/Operator
Case No. V93-442-SPH

Petition(s) for Special Hearing

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Fleet Transit, Inc. - Invoice/Bill of Lading

Protestant's Exhibits: 1 - One Photograph

2 - KHK, Inc. Statement

3 - State Department of Assessments and Taxation

4 - Comptroller of the Treasury

5 - State of Maryland - Report of Observations

6 - State of Maryland - Report of Observations Abandoned Gas Station

7 - Letter from Margaret Worrall dated 10-4-93

8 - Letter from Fran Pruze dated 10-1-93

9 - Letter from the Velvet Valley Neighborhood dated 9-29-93

10 - Letter from Neal M. Brown dated 9-29-93

Deputy Zoning Commissioner's Order dated October 18, 1993 (Granted)

Notice of Appeal received on November 4, 1993 from Carl L. Nathanson

c: Carl L. Nathanson, Esquire, Calvert Professional Building, 321 North Calvert Street, Baltimore, MD 21202
Mr. Douglas Zinn, President, Worthington Woodsyde Community Association, 7 Woodsyde Place, Owings Mills, MD 21117
Mr. Harlan Zinn, President, Velvet Valley Community Association, 12119 Park Heights Avenue, Owings Mills, MD 21117
Mr. & Mrs. Eugene O. Reynolds, 11962 Park Heights Avenue, Owings Mills, MD 21117
Mr. & Mrs. James F. Seal, 11958 Park Heights Avenue, Owings Mills, MD 21117
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
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

RECEIVED COUNTY BOARD OF APPEALS 93 NOV -8 AM 9:30

Petition for Special Hearing
12026 Park Heights Avenue
4th Election District - 3rd Councilmanic District
N.B.S., Inc. and Hi-Caliber Towing, Inc. - Owner/Operator
Case No. V93-442-SPH

Petition(s) for Special Hearing / Summons (Filed by ZADM)

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Fleet Transit, Inc. - Invoice/Bill of Lading

Protestant's Exhibits: 1 - One Photograph

2 - KHK, Inc. Statement

3 - State Department of Assessments and Taxation

4 - Comptroller of the Treasury

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Deputy Zoning Commissioner's Order dated October 18, 1993 (Granted)

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* c: Carl L. Nathanson, Esquire, Calvert Professional Building, 321 North Calvert Street, Baltimore, MD 21202
Mr. Douglas Zinn, President, Worthington Woodsyde Community Association, 7 Woodsyde Place, Owings Mills, MD 21117
Mr. Harlan Zinn, President, Velvet Valley Community Association, 12119 Park Heights Avenue, Owings Mills, MD 21117
Mr. & Mrs. Eugene O. Reynolds, 11962 Park Heights Avenue, Owings Mills, MD 21117
Mr. & Mrs. James F. Seal, 11958 Park Heights Avenue, Owings Mills, MD 21117
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
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

BONNIE HAINES
12153 PARK HEIGHTS AVENUE
OWINGS MILLS MD 21117

Michael D. Vogelstein, Esquire
Calvert Professional Building
321 North Calvert Street
Baltimore, MD 21202
(Counsel for Appellants/Protest.)

Jackie MacMillan /Planning
(Requested copy of decision 11/3)

12/15/93 - Following parties notified of hearing set for Tuesday, February 15, 1994 at 10:00 a.m.:

Carl L. Nathanson, Esquire
Mr. Douglas Zinn /Worthington Woodsyde Comm. Assn.
Mr. Harlan Zinn /Velvet Valley Community Assn.
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal
Gary S. Mandel, Esquire
Charles Runkles /N.B.S., Inc.
Evan and Cindy Shifren /Hi-Caliber Towing, Inc.
Bonnie Haines
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

1/28/94 -Letter from C. Nathanson, Counsel for Appellants /Protestants --requesting postponement of hearing scheduled for 2/15/94 /will be recuperating from major surgery to be performed at Hopkins second week of February. Asks for new date sometime after April 15, 1994. Copy of request sent by Nathanson to Gary Mandel, Counsel for Owners /Operators.

2/03/94 -Notice of PP and Reassignment sent to all parties; case rescheduled to Tuesday, April 26, 1994 at 10:00 a.m.

4/15/94 -Request for postponement /joint request of counsel, by letter dated April 14, 1994 from Gary Steven Mandel, Counsel for Property Owner.

4/19/94 -Upon telephone confirmation, granted requested postponement; next date on Board's docket in July; will hold notice a few days in event another matter falls out; if not, will reschedule to Thursday, July 28, 1994 at 10:00 a.m.

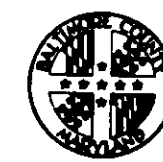
4/25/94 -Second Notice of PP and Reassignment sent to parties; matter rescheduled to Thursday, July 28, 1994 at 10:00 a.m.

7/11/94 -Letter from Gary Mandel, Counsel for Property Owner; key witnesses unavailable for hearing as scheduled; requesting postponement until after summer's end.

7/15/94 -Notice of PP and Reassignment sent to parties; case reset to Thursday, November 3, 1994 at 10:00 a.m.

11/03/94 -Hearing concluded before Board. (H.R.B.) Deliberation scheduled for Tuesday, November 15, 1994 at 9:30 a.m.
- Notice of Deliberation sent to parties; deliberation for 11/15/94.

12/21/94 -Motion for Reconsideration & Motion for Rehearing filed by Gary Mandel, Esq. - from Board's final Opinion & Order issued 12/09/94.
Response dtd 12/28/94 from M. Vogelstein received 12/30/94
12/29/94 -Letter to Mr. Mandel; Motion denied for reasons as stated. Copy -M. Vogelstein



County Board of Appeals of Baltimore County

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

November 3, 1994

NOTICE OF DELIBERATION

Having concluded this case on November 3, 1994, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

N.B.S., INC. AND HI-CALIBER TOWING, INC.
CASE NO. V93-442-SPH

DATE AND TIME : Tuesday, November 15, 1994 at 9:30 a.m.
LOCATION : Room 48, Basement, Old Courthouse

cc: Michael Vogelstein, Esquire
Mr. Douglas Zinn
Mr. Harlan Zinn
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal
Counsel for Appellants/Protestants
Worthington Woodsyde Comm. Assn.
Velvet Valley Community Assn.

Gary S. Mandel, Esquire
Charles Runkles
Evan and Cindy Shifren
Bonnie Haines
Counsel for Owners /Operators
N.B.S., Inc.
Hi-Caliber Towing, Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
James Thompson /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

HI-CALIBER TOWING, INC.

V-93-442-SPH

12026 Park Heights Avenue

4th Election District

Re: Petition of Special Hearing

June 22, 1993 Petition for Special Hearing filed by zoning Administration and Development Management to determine whether there does exist abandonment or discontinuance of a non-conforming automotive service station with accessory vehicle repair service, as previously granted in Special Hearing 89-187-SPH on January 22, 1985.

June 22 Summons issued to Hi-Caliber Towing, Inc. d/o Lee S. Haines, Resident Agent to appear and testify at the zoning Commissioner's hearing as to the alleged zoning violation.

July 13 Hearing held on Petition by the Deputy Zoning Commissioner.

October 18 Order of the Deputy Zoning Commissioner in which it was determined that there was no abandonment of the automotive service station use.

November 4 Notice of Appeal filed by Carl L. Nathanson, Esquire, on behalf of the Protestants (Woodside Community Association, et al.)

May 10, 1994 Entry of Appearance filed by Michael D. Vogelstein, Esquire on behalf of Protestants (replaced Carl L. Nathanson, Esquire).

November 3 Hearing held and concluded before the County Board of Appeals.

November 15 Deliberation held.

December 9 Opinion and Order of the Board in which the Petition for Special Hearing was DENIED; use to be terminated no later than 30 days from the date of this Order.

December 21 Motion for Reconsideration & Motion for Rehearing filed by Gary S. Mandel, Esquire.

December 29 Answer in Opposition to Motion for Reconsideration filed by Michael D. Vogelstein on behalf of Worthington Woodsyde Community Association and Velvet Valley Community Association.

December 29 Letter to Gary S. Mandel, Esquire; Motion for Reconsideration denied.

January 6, 1994 Petition for Judicial Review, Motion to Stay Imposition of Order, and Request for Hearing, filed in the Circuit Court for Baltimore County by Gary Steven Mandel, Esquire, on behalf of Hi-Caliber Towing, Inc.

January 10 Copy of Petition for Judicial Review, Motion to Stay Imposition of Order, and Request for Hearing received by the Board of Appeals from the Circuit Court for Baltimore County.

January 10 Certificate of Notice sent to interested parties.

February 6 Order of the Circuit Court for Baltimore County DENYING Motion to Stay Imposition of Order filed by Gary S. Mandel, Esquire.

February 21 Request to Strike Appearance for FRANKLIN & SHAPIRO, CHARTERED only received from Stanford H. Franklin, Esquire. (Gary Steven Mandel, Esquire appearing only).

March 8 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.

October 13/14 Motions Ruling issued by CCT; request for hearing DENIED; Baltimore County's Motion to Dismiss GRANTED (Christian W. Kahl). Ruling heard for Baltimore County's Motion to Dismiss Protestant's Complaint for Writ of Mandamus.

January 3, 1995 Memorandum Opinion and Judgment issued by the CCT; decision of the CBA AFFIRMED (John F. Fader, II, J.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: N.B.S., Inc., and Hi-Caliber Towing, Inc.
Case No. V93-442-SPH

DATE : November 15, 1994 @ 9:45 a.m.

BOARD /PANEL : William T. Hackett (WTH)
Robert O. Schuets (ROS)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

PURPOSE --to deliberate issues and matter presented to the Board; testimony and evidence taken at hearing on November 3, 1994. Written Opinion and Order to be issued by the Board.

Opening comments by Chairman Hackett; noted for the record that Mr. Vogelstein (Counsel for Appellants /Protestants) was not present; Mr. Mandel (Counsel for Owners /Operators) was not present; representatives from Appellants /Protestants were present.

WTH: Matter before Board concerns alleged nonconforming use; Zoning Commissioner granted that special hearing; agreed to before any testimony taken -period was between 1985 and 1988; agreed that Runkles was purchaser in 1988; further testified that operations ceased in 1985; testimony from Haines one-half mile away and other witnesses; all alleged that some type of activity went on during period in question; not specific; only that some use was going on at this site.

On other hand, Hammersla purchased in 1984; specific in testimony; testified that neighborhood problems were noise, etc.; because of these, went bankrupt in August, 1985 and abandoned site; specific testimony that when he went bankrupt, meters were removed; between 1985 and 1988, deteriorated; no electric meters; overgrown, etc.; abandoned to all intents and purposes. Close-by neighbor testified to abandonment in 1985; in light of this testimony and weakness of testimony to continued use, will find that it was abandoned between 1985 and 1988; nonconforming use has been lost; individual thoughts only on testimony and evidence presented; other Board members may agree or disagree.

Summary: Nonconforming use has been lost.

ROS: Found no evidence presented by the Petitioner in this case; cannot imagine going into situation where the continuous use of a property is in question and to lean exclusively on the testimony of unsupported witnesses; speaks volumes about the validity of the case; in this particular case, time in question between 1985 and 1988; testimony from Ms. Haines who purportedly lived up the street from subject site; testified that for 10 years, since 1984, three apartments, house, etc.; but she could not recall exactly who lived there and certain

Deliberation /N.S., Inc. /HI-Caliber Towin 93-442-SPH

people, who, as it turned out later on, would discuss who lived there and at what times. Testimony of Ms. Howe basically impeaches anything Ms. Haines had to say. Overwhelming evidence and testimony on the protestants' side that the property in fact did not continue in use between 1985 and 1988; and therefore period of time exceeds one year (Section 104.1 of the BCZR); burden of proof met by the appellants; find that nonconforming use did not and cannot continue.

Summary: In agreement with WTH; nonconforming use has been lost.

HEB: Has comments similar to what has been said; believes that subpoenaed witnesses in this hearing did not appear below; made big difference in understanding of what happened between 1985 and 1988; particularly Ms. Fitchett who lived near property for many years; testified that the property was derelict building, deserted for a period of more than 12 months; and Mr. Nathanson, block or two away, who recalled in his numerous trips by site that station was abandoned and overgrown; felt site should be condemned; never saw operation on site until 1988. Obvious that these witnesses at hearing conducted by this Board testified to abandonment of site from 1985 to 1988, and that the facility does not qualify for the granting of the petition.

Summary: In agreement; petition should be denied.

ROS: One more thing before wrapping up: there was some question as to validity of whatever information was available to Petitioner when he purchased property; also had evidence and testimony from Petitioner that they towed vehicles and over long period of time. Overwhelming evidence and testimony indicates there was no gasoline or other service being done; Petitioner bought property with idea that he would be able to obtain this petition; question of fundamental fairness and whether or not property had necessary nonconforming use; this property owner had been associated with site for a long period of time; was well aware of the status of the property over a long period of time; prior nonconforming use is moot.

Closing statement Chairman Hackett: Board will issue written Opinion and Order.

Appellate period to run from date of Board's written Opinion and Order and not from this date.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 5, 1998
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: V93-442-SPH
N.B.S., Inc. /HI-Caliber Towing, Inc.

Since this case was completed in the upper courts, we are hereby closing the Board's file in this matter.
The original file and exhibits were returned to your office by John Almond, Records Manager /CCT in September, 1998.

Attachment (CBA Case File No. V93-442-SPH)

GWEN
WHEN YOU HAVE A
PETITION HEARING DATE PLEASE
CONSULT WITH:
Neil Rockkind, Esq.
661-6400
Attorney for property owners.

Bud Runkles
486-2114

CS
please get new @ date
reissued - call att. to file
+ call Petitioner to file
convenient date - if Petitioner not
responsive, then at arbitrary - thank
you

V-93-442
12026 Park Heights

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993

(410) 887-3353

Mr. Art Brown
1 Hounds Tooth Court
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Brown:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993

(410) 887-3353

Ms. Mary Fitchett
12105 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Ms. Fitchett:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993

(410) 887-3353

Ms. Pat Nathanson
12119 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Ms. Nathanson:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993

(410) 887-3353

Mr. Eugene Reynolds
11962 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Reynolds:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Mr. James Seal
11958 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Seal:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Mr. Lee Shpritz
3 Hunt Valley Court
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Shpritz:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Ms. Janet Trott
12022 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Ms. Trott:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Valley Planning Council
P.O. Box 5402
Towson, Maryland 21285

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Sir/Madam:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Mr. Myron Werba
12001 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Werba:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Mr. Stanton Wingrat
3 Huntfield Court
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Wingrat:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Ms. Doris Woodward
10935 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Ms. Woodward:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 22, 1993 (410) 887-3353

Mr. Douglas Zinn
7 Woodside Place
Owings Mills, Maryland 21117

Re: Case No. V-93-442-SPH
12026 Park Heights Avenue
4th Election District

Dear Mr. Zinn:

Enclosed is a copy of the special hearing petition issued to the property owner for the referenced case.

Baltimore County has established a time, date, and location for this hearing that will be addressed either before the zoning commissioner or deputy zoning commissioner.

The possibility does exist that this case may be continued due to the failure of the property owner (defendant) to acknowledge service or the request of a continuance by their attorney.

The Office of Zoning Administration and Development Management will make every effort to update you of all subsequent developments relative to this matter.

Sincerely,
Arnold Jablon
Arnold Jablon
Director

AJ/cmm
Enclosure

Notified:

Art Brown
Janet Scott
Stanley Rockkind
Pat Nathanson
James Seal
Margaret Carroll
Lee Spritz
Evan Shapiro
Margaret Carroll
Lee Spritz
Evan Shapiro

No phone for Eugene Reynolds
The address at 11700 Park Heights

MICROFILMED

Called:
Art Brown
Janet Scott
Stanley Rockkind
Pat Nathanson
James Seal
Margaret Carroll
Lee Spritz
Evan Shapiro
Margaret Carroll
Lee Spritz
Evan Shapiro

MICROFILMED

Notified:

363-3605 Art Brown
356-4908 Janet Scott
653-6666 Stanley Rockkind
356-6376 Pat Nathanson
356-5555 James Seal
356-5555 Margaret Carroll
356-5555 Lee Spritz
356-5555 Evan Shapiro
356-5555 Margaret Carroll
356-5555 Lee Spritz
356-5555 Evan Shapiro

No phone for Eugene Reynolds
No answer at 11700 Park Heights
No answer at 11700 Park Heights

* Owings Mills MD 21117

LAW OFFICES
CARL L. NATHANSON
CALVERT PROFESSIONAL BUILDING
301 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21204
410-652-0800
FAX 410-752-3050

November 4, 1993

Mr. Arnold Jablon
Baltimore County Office of Zoning
Administration and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
12026 Park Heights Avenue
4th Election District - 3rd Councilmanic District
N.B.S., Inc. and Hi-Caliber Towing, Inc. - Owner/Operator
Case No.: V93-442-SPH

Dear Mr. Jablon:

Please enter an appeal to the Board of Appeals, on behalf of the protestants, to the decision of the Deputy Zoning Commissioner rendered on October 18, 1993. I am enclosing herewith my check in the amount of \$175.00, payable to Baltimore County, Maryland, representing filing costs for this appeal.

Please enter my appearance as attorney for the Protestants/appellants in this appeal.

Thanking you for your cooperation in this matter, I am,

Very truly yours,

Carl L. Nathanson

CLN:mvd

Enclosure

cc: Gary S. Mandel, Esquire

Rec'd ZADM
11/4/93

LAW OFFICES
MICHAEL D. VOGELSTEIN
CALVERT PROFESSIONAL BUILDING
301 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21204
410-752-3050

April 28, 1994

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

ATTN: Kathleen C. Weidenhammer

Re: Case No.: V93-442-SPH
N.B.S., Inc. and HI-CALIBER TOWING, INC.
Owner/Operator Road
12026 Park Heights Avenue
4th Election District
3rd Councilmanic District
SPH - Determination of a nonconforming
automotive service station w/accessory
vehicle repair service /filed by ZADM

Dear Mr. Weidenhammer:

In accordance with our previous conversation, please accept this as notice to enter my appearance on behalf of the Appellants/Protestants.

I am in receipt of your letter dated April 25, 1994 scheduling the hearing for July 28, 1994 at 10:00 a.m.

Thank you for your cooperation in rescheduling the hearing and, in the event an opening arises prior to July 28, 1994, I would greatly appreciate it if you could reschedule this matter for an earlier date. I shall confer with opposing Counsel, Gary S. Mandell to determine whether an earlier date is mutually convenient for all parties concerned.

In the event you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael D. Vogelstein

MDV/amm

cc: Gary Mandell

LAW OFFICES
MICHAEL D. VOGELSTEIN
CALVERT PROFESSIONAL BUILDING
301 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21204
410-752-3050

June 1, 1994

Mr. Arnold Jablon
Director
ZADM
111 Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: V93-442-SPH
12026 Park Heights Avenue

Dear Mr. Jablon:

As counsel for Appellants/Protestants in the above-referenced matter, I would like to request a written opinion of the Zoning Office on the decision of Timothy M. Kotroco, the Deputy Zoning Commissioner who heard the testimony in this case on October 4, 1993.

Thanking you for your anticipated cooperation in this matter, I am,

Very truly yours,

Michael D. Vogelstein

CLN:mvd

FRANKLIN & SCHAPIRO,
CHARTERED
ATTORNEYS AT LAW
THE HERBERT HARBOR BUILDING
204 EAST LOWLAND STREET
SUITE 101
BALTIMORE, MARYLAND 21202-3236

April 14, 1994

Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals of Baltimore County
Old Courthouse Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: V93-442-SPH

By agreement of counsel please postpone the above entitled case. I am still recovering from surgery on my back.

Furthermore, Mr. Vogelstein has just called me and informed me that because of Mr. Nathanson's recent surgery, he Mr. Vogelstein would be entering his appearance to replace Mr. Nathanson. Mr. Vogelstein has requested that I agree to a postponement to allow him time to become familiar with the complexities of this matter.

Thank you in advance for your cooperation.

Sincerely yours,

Gary Steven Mandel

GSM/ber

cc: Mr. Vogelstein
Mr. Carl L. Nathanson

Worthington Woodsyde Association

July 30, 1993

Re: Request for Special Hearing

Dear Mr. Jablon:

Under the authority of Section 500.7, Baltimore County Zoning Regulations, the Worthington-Woodsyde Association respectfully requests a Special Hearing to determine the existence of a nonconforming use on the designated property at:

12026 Park Heights Avenue
Owings Mills, Maryland 21117

The basis of our request is the following:

In Case No. 85-167-SPH before the Zoning Commissioner, dated January 22, 1985, findings of fact and conclusions of law cited specific restrictions regarding the above cited property. At this date, and for the past six months, these restrictions have been wantonly disregarded. Citing the verbatim restrictions from your earlier hearing and the specific violations:

- "The primary use of the instant property was as a gasoline station--daily driving by the property has found the gas pumps either blocked by service vehicles and consequently not providing retail gasoline sales or posted with a sign "no gas"
- "Minor repairs have been permitted by gas stations as long as the principal use has been the sale of gasoline"--daily driving by the property reveals a changing influx of damaged vehicles, thereby implying a towing service as a principal, major, and possibly only business being conducted at the property
- "The nonconforming use provides the maximum expansion permitted and no further expansion is allowed"--constant delivery and removal of damaged automobiles on tow trucks would imply that a wholesale salvage business is being conducted at the site
- "Unightly vehicles shall be stored so as not to be visible from Park Heights Avenue"--daily driving by the property reveals an array of unsightly and offensive damaged automobiles being accumulated at the site

MICROFILMED

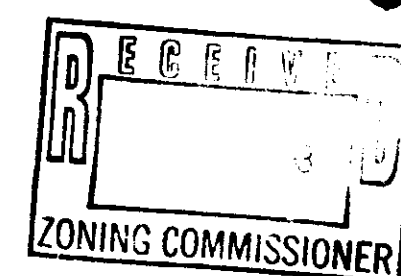
We fervently believe that the current use of the property does not reflect the nature and purpose of the original nonconforming use, that the current use constitutes a use different in character, nature and kind from the original nonconforming use, that the current use has an extremely negative effect upon the neighborhood and its surrounding communities, and that the current use represents a drastic enlargement of the original nonconforming use.

With the above-cited observations noted and the concerns of the communities expressed, we respectfully request a Special Hearing be conducted to examine the facts and present evidence in support of our allegations.

Thank you.

Sincerely yours,

Douglas Zinn
President
Worthington-Woodsey Association
7 Woodseyde Place
Owings Mills, Maryland 21117



September 29, 1993

Mr. Lawrence Schmidt
Zoning Commission
Old County Courthouse
Room 113
400 Washington Avenue
Towson, MD 21204

Re: Case No. Z934425PH
Worthington Woodseyde Community Association

Dear Mr. Schmidt:

We are writing with regard to the above-captioned zoning case. Chestnut Ridge Community Association is immediately adjacent to Park Heights Avenue, and we are concerned deeply about development in our area.

We urge that you consider seriously the comments and position of our neighboring community association, Worthington Woodseyde Community Association.

Thank you for your attention to this request.

Chestnut Ridge Community Association
of Baltimore County, Inc.

Neal M. Brown, President

NMB:ma

cc: Doug Zinn
Kristen Forsyth

MICROFILM

NEIL N. ROCHKIND
ATTORNEY AT LAW
5616 PARK HEIGHTS AVENUE
BALTIMORE, MARYLAND 21215
(410) 664-6400 FAX (410) 664-6319

July 9, 1993

To: Arnold Jablon
Dept. of Zoning and Development Management

Dear Mr. Jablon:

Please be advised that we would like to have the hearing on July 13, 1993 at 11:00 in Room 118, Old Courthouse postponed. We just received notice on July 8, 1993 and need more time to prepare for hearing.

Thanking you in advance,

Neil Rockkind, Esq.

Post-It brand fax transmittal memo 7671	
To: Arnold Jablon	From: Neil Rockkind
Cc: Doug Zinn	Cc: Kristen Forsyth
Subject: 7/9/93	Phone: 664.6400
Fax: 1/57 11/57/93	Fax: 664.6319

RECEIVED
JUL 9 1993
ZADM

MICROFILM

LAW OFFICES
WARTZMAN, OMANSKY, BUBALM,
SIMONS, STEINBERG, SACHS & SAGAL, P.A.
THE MARYLAND NATIONAL BANK BLDG
1414 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21208
Telephone (410) 484-5355
FAX (410) 484-5597

STANLEY I. MORSE
OF COUNSEL
RONALD L. SCHREIBER
(1984-1993)

June 30, 1993

BALTIMORE COUNTY OFFICE
OF ZONING ADMINISTRATION
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number V-93-442-SPH
Hi-Caliber Towing, Ltd.
Hi-Caliber Auto Service, Ltd.

Gentlemen:

On June 25, 1993, I received, in my mail, postmarked on June 24 from your office, the Petitions for Special Hearing in the captioned matter, intended for Hi-Caliber Towing and Hi-Caliber Auto Service, both of which Petitions include a Summons on the bottom.

These were sent to me as Resident Agent of the two Respondents, respectively.

However, if you will check the records of the State Department of Assessments and Taxation, you will find that my resignation as Resident Agent, as to each corporation, was received and approved on June 9, 1993.

Accordingly, the papers were not properly served on the Respondents, and I am returning them herewith for you to handle as you see fit.

Very truly yours,

Lee N. Sachs

LNS/cmr/52602
Enclosures
cc: Mr. Evan M. Shifren

RECEIVED
JUL 1 1993
ZADM

MICROFILM

BALTIMORE CITY OFFICE
501 NORTH CALVERT STREET, BALTIMORE, MARYLAND 21202
TELEPHONE (410) 396-1111 FAX (410) 396-4729

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

July 26, 1993

Mr. Arnold Jablon
Director
ZADM
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jablon:

The Valleys Planning Council supports Worthington Woodseyde in their request for a Special Hearing to determine the existence of a nonconforming use at Hi-Caliber Auto Service & Towing.

Baltimore County granted a nonconforming use in January 1985, subject to six limitations and based on the fact that the primary use of the property is the retail sale of gasoline. We are concerned that the current resident has shown no regard for these restrictions.

Based on the concerns of Worthington Woodseyde and several area residents, we support their request for a Special Hearing to determine the validity of the continued nonconforming use.

Sincerely,

Margaret Worrell
Executive Director

RECEIVED
JUL 29 1993
ZADM

Mr. Arnold Jablon
Director
Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

The Worthington-Woodseyde Association, a community association chartered in the State of Maryland, respectfully requests a postponement of Case No. V-93-442-SPH for a period of thirty (30) days. This case, a petition for Special Hearing is currently scheduled for July 13, 1993 at 11 AM in Room 118, Old Courthouse, Towson, Maryland. The basis for our request is multi-fold:

- 1/ The Worthington-Woodseyde Association, along with several other community associations in the Worthington-Greenspring Valleys and the Valleys Planning Council, Inc. require additional time to prepare appropriate documentation and testimony in this case.
- 2/ Attempts to obtain pertinent legal materials from the Zoning Enforcement Office, Baltimore County, Maryland have met with difficulty in locating the appropriate file materials.

We believe that a postponement of the hearing date until August 13, 1993 or later will permit all parties to provide your office with pertinent information with which to render an opinion in the case.

Thanking you for your consideration,

Sincerely yours,

Douglas Zinn
President, Worthington-Woodseyde Association

cc: Councilman "Dutch" Ruppersberger
400 Washington Avenue
Old Courthouse-2nd Floor
Towson, Maryland 21204

Valleys Planning Council, Inc.
212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402

file:zone

RECEIVED
JUL 9 1993
ZADM
MICROFILM

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Harold Runkle	3124 Huntwood Way 21117
Carly Shifren	12026 Park Heights Ave 21117
Bonnie Haines	12153 Park Heights Ave 21117
Fin Shifren	12026 Park Heights Ave 21117

OFFICE OF THE CLERK
BALTIMORE COUNTY

FILE NUMBER

GARY STEVEN MANDEL
ATTORNEY AT LAW

FRANKLIN
4 W. BALTIMORE
CHARTERS

OFFICE OF THE CLERK
BALTIMORE COUNTY

Printed with Soy-based Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

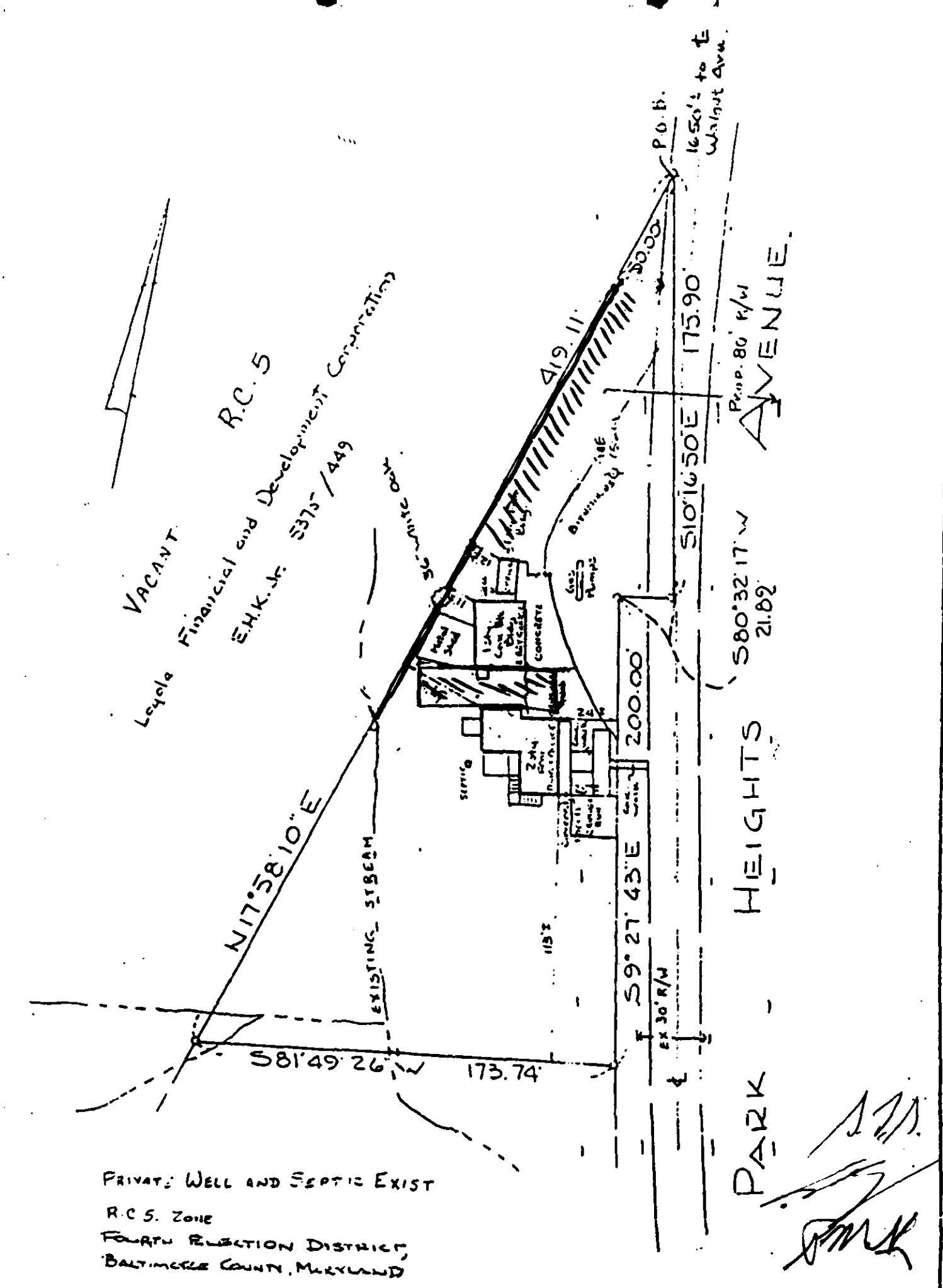
NAME	ADDRESS
CARL L. NATHANSON	12119 PARK HEIGHTS AVE.
PAT NATHANSON	"
HARLAN ZINN	10628 PARK HTS AVE
NANCY R. SEAL	11958 PARK HTS AVE
JAMES F. SEAL	11962 PARK HTS AVE
Loretta P. Reynolds	11962 Park Hts Ave 21117
Eugene O. Reynolds	11962 Park Hts Ave 21117
DOUGLAS ZINN	7 WOODSYDE PL. 21117

OFFICE
0888

CARL L. NATHANSON
ATTORNEY AT LAW

350 E
V-73
402
514

CALVERT PROFESSIONAL BUILDING
350 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202



PRIVATE WELL AND SEPTIC EXIST
R.C. ZONE
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

MICROFILMED

AL SNYDER
SURVEYOR
1811 HANOVER PIKE
HAMPSHIRE, MARYLAND 21074
(301) 226-7744

Date: May 3, 1984 Job No. 84000-15
Scale: 1" = 50' Draw No. 1

**CIRCUIT COURT FOR BALTIMORE COUNTY
NOTICE OF CIVIL TRACK ASSIGNMENT AND
SCHEDULING ORDER**

Gary Steven Mandel, Esq.
Stanford H. Franklin, Esq.

Pete Zimmerman, Esq.

Michael D. Vogelstein, Esq.

Co. Board of Appeals of Balto. Co. (4-7-95)

Assignment Date: March 23, 1995
Case Name: N.B.S. INC. VS. PROTESTANTS
Case No.: 100-131-95CV00176

The above case has been assigned to a STANDARD TRACK. If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-2018, or the Voice/TDD M.D. Relay Service, 800-735-2258. Should you have any questions concerning this assignment, please contact Sandy Samidas at (410) 887-2660. You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

Scheduling Order

1. Motions to Dismiss under Md. Rule 2-322(b) are due by 15 days
2. Plaintiff's Expert Reports or Md. Rule 2-402(e)(1) 120 days
3. Disclosures are due by 90 days
4. Defendant's Expert Reports or Md. Rule 2-402(e)(1) 120 days
5. Disclosures are due by 120 days
6. Joinder of Additional Parties Deadline is 120 days
7. Dismissal Notice for unserved defendants (lack of jurisdiction) 120 days
8. Discovery must be completed by 120 days
9. All Motions (excluding Motions in Limine) are due by 165 days
10. ADR Deadline Date is 180 days
11. The Settlement Conference is Wednesday, November 1, 1995 @ 11:00a.m. (Note: If case remains unsettled after conference, a firm trial date will be immediately forwarded to counsel/parties.)
12. Deadline for exchange of list of all exhibits and copies of paper exhibits is 225 days
13. Deadline for Motions in Limine including objections to exhibits is 235 days (Note: Documents will be deemed authentic if objection is not filed.)
14. The TRIAL DATE is Monday, 2 days, Thursday, November 30, 1995 @ 9:30a.m. (or within 4 court days thereafter)

Barbara Kerr Howe
Signature

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representative MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call (410) 887-2920 for more information.)

Court Costs: All Court costs MUST be paid on the date of the settlement conference or trial.

cc: Counsel/Parties, File, Assignment, dcm2, Rev. 12/21/94

PETITION OF HI-CALIBER TOWING, INC. * IN THE CIRCUIT COURT
12026 Park Heights Avenue *
* FOR BALTIMORE COUNTY
FOR JUDICIAL REVIEW OF THE *
DECISION OF THE BALTIMORE COUNTY *
BOARD OF APPEALS *
In the Case of petition for special *
hearing 12026 Park Heights Avenue *
4th Election Dist. *
3rd Councilmanic District *
N.B.S., Inc. and Hi-Caliber Towing *
Inc. *
Case No. V93-442-SPH *
* * * * *

ORDER

Upon consideration of the Motion For Extension Of Time To File Appellant/Petitioner's Memorandum, and answer in opposition thereto, having heard arguments of counsel and good cause shown, it is this 5th day of April 1995 by the Circuit Court for Baltimore County

HEREBY ORDERED, that the Motion For Extension Of Time To File Appellant/Petitioner's Memorandum is hereby granted;

AND, that the time to file Appellant/Petitioner's Memorandum is hereby extended up to and including Tuesday, May 23, 1995.

AND, Appellant is to have a lawyer enter his or her appearance on or before Tuesday, April 25, 1995, or to be prepared to move forward in proper person.

True Copy Test
SUZANNE MENSCH, Clerk

Barbara Kerr Howe
Assistant Clerk

Monica Byrnes
JUDGE

CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF HI-CALIBER TOWING, INC. Civil Action No. 100/131/95CV00176
Agency Case No. _____

VS.

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on Mar 8, 1995

Date mailed: Mar 10, 1995

Copy to: GARY STEVEN MANDEL; STANFORD H. FRANKLIN
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MICHAEL D. VOGELSTEIN

**IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY**

PETITION OF HI-CALIBER TOWING, INC.
12026 Park Heights Avenue
Owings Mills, Maryland 21117

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER
TOWING INC., /OWNER /OPERATOR
FOR A SPECIAL HEARING ON PROPERTY
LOCATED AT 12026 PARK HEIGHTS AVENUE
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. V93-442-SPH

* CIVIL
* ACTION
* No. 95-CV-00176
* /100/131

**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, Harry E. Buchheister, Jr., and Robert O. Schuetz, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review 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 Zoning Administration and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. V93-442-SPH

June 22, 1993 Petition for Special Hearing filed by
Zoning Administration and Development
Management to determine whether there does
exist abandonment or discontinuance of a non-
conforming automotive service station with
accessory vehicle repair service, as
previously granted in Special Hearing 85-167-
SPH on January 22, 1985.

RECEIVED AND FILED

95 MAR -8 PM 1:15

V93-442-SPH, HI-Caliber Towing, Inc. 2
100/131/95-CV-00176

June 22 Summons issued to Hi-Caliber Towing, Ltd. c/o Lee W. Sachs, Resident Agent to appear and testify at the Zoning Commissioner's hearing as to the alleged zoning violation

July 13 Hearing held on Petition by the Deputy Zoning Commissioner.

October 18 Order of the Deputy Zoning Commissioner in which it was determined that there was no abandonment of the automotive service station use.

November 4 Notice of Appeal filed by Carl L. Nathanson, Esquire, on behalf of the Protestants (Woodside Community Association, et al.)

May 10, 1994 Entry of Appearance filed by Michael D. Vogelstein, Esquire on behalf of Protestants (replaced Carl L. Nathanson, Esquire).

November 3 Hearing held and concluded before the County Board of Appeals.

November 15 Deliberation held.

December 9 Opinion and Order of the Board in which the Petition for Special Hearing was DENIED; use to be terminated no later than 30 days from the date of this Order.

December 21 Motion for Reconsideration & Motion for Rehearing filed by Gary S. Mandel, Esquire.

December 29 Answer in Opposition to Motion for Reconsideration filed by Michael D. Vogelstein on behalf of Worthington Woodside Community Association and Velvet Valley Community Association.

December 29 Letter to Gary S. Mandel, Esquire; Motion for Reconsideration denied.

January 6, 1995 Petition for Judicial Review, Motion to Stay Imposition of Order, and Request for Hearing, filed in the Circuit Court for Baltimore County by Gary Steven Mandel, Esquire, on behalf of Hi-Caliber Towing, Inc.

January 10 Copy of Petition for Judicial Review, Motion to Stay Imposition of Order, and Request for Hearing received by the Board of Appeals from the Circuit Court for Baltimore County.

January 10 Certificate of Notice sent to interested parties.

V93-442-SPH, HI-Caliber Towing, Inc. 3
100/131/95-CV-00176

February 6 Order of the Circuit Court for Baltimore County DENYING Motion to Stay Imposition of Order filed by Gary S. Mandel, Esquire.

February 21 Request to Strike Appearance for FRANKLIN & SCHAPIRO, CHARTERED only received from Stanford H. Franklin, Esquire. (Gary Steven Mandel, Esquire appearing only).

March 8 Transcript of testimony filed.

Protestant's Exhibit No. 1 -Mortgage L-6715 P.232 5/11/84; Deed L.6715 P.230 5/11/84
2-Deed L.7910 P.308 6/17/88
3-License Application for Ronnie L. Goodman
4 -State Dept. of Assess. & Tax. Personal Property form for Goodman
5 -11/9/92 letter Fitchett to DiMeglio
6 -11/9/92 letter Woodward to DiMeglio
7 -9/29/93 letter Zinn to Schmidt
8 -10/1/93 letter Pruce to Schmidt
9 -10/4/93 letter Worrall to Schmidt
10 -9/29/93 letter Brown to Schmidt

No Owner's Exhibits entered before the Board

March 8, 1995 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,
Charlotte E. Radcliffe
Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Gary S. Mandel, Esquire
Evan and Cindy Shifren - Hi-Caliber Towing, Inc.
Michael D. Vogelstein, Esquire
Douglas Zinn, President, Worthington Woodside Comm. Assoc.
Harlan Zinn, President, Velvet Valley Comm. Assoc.
People's Counsel for Baltimore County

HI-CALIBER TOWING, INC. * IN THE
Petitioner * CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 95CV00176
PETITION OF SPECIAL HEARING *
ON PROPERTY LOCATED AT *
12026 PARK HEIGHTS AVENUE *
Appellees/Protestants * Case No. V93-442-SPH
* * * * *

REQUEST TO STRIKE APPEARANCE

Please strike the name of FRANKLIN & SCHAPIRO, CHARTERED, ONLY, as counsel for the Petitioner in the above captioned matter.

Stanford H. Franklin
FRANKLIN & SCHAPIRO, CHARTERED
204 East Lombard Street
Suite 101
Baltimore, MD 21202
410-685-3800

I HEREBY CERTIFY that on this 17th day of February, 1995, a copy of the foregoing Request to Strike Appearance was mailed to Evan & Cindy Shifren, Hi-Caliber Towing, Inc., 12026 Park Heights Avenue, Owings Mills, MD 21117; Charles Runkles, N.B.S., Inc., 3112 Huntmaster Way, Owings Mills, MD; Michael Vogelstein, Esquire, Professional Building, 321 North Calvert Street, Baltimore, MD 21202; Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, 400 Washington Avenue, Towson, MD 21204; and Charlotte E. Radcliffe, County Board of Appeals, Room 49-Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.

nb 95 FEB 21 12 38 PM '95

HI-CALIBER TOWING, INC. * IN THE
Petitioner * CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: 95CV00176
PETITION OF SPECIAL HEARING *
ON PROPERTY LOCATED AT *
12026 PARK HEIGHTS AVENUE *
Appellees/Protestants * Case No.: V93-442-SPH
* * * * *

ORDER

The Court, having read and considered the Motion to Stay Imposition of Order, Answer in Opposition thereto and Memorandum of Law, having heard arguments of Counsel and good cause appearing, it is this 6th day of February, 1995 by the Circuit Court for Baltimore County:

HEREBY ORDERED, that the Petitioner's Motion to Stay Imposition of Order be and the same is hereby denied.

COPIES SENT TO:

Gary S. Mandel, Esquire
Kathi Weidenhammer, Esquire
Michael D. Vogelstein, Esquire

5100-1-10-95

Form 1-A1

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
January 20, 1995

Beverly Karmasek -- 887-2661
Motion Assignment Clerk

Sandra Sanidas -- 887-2660
Civil Assignment Commissioner

TO: Gary S. Mandel, Esq.
County Board of Appeals
Old Courthouse--Rm 209
400 Washington Avenue
Towson, Md. 21204
Office of Law

RECEIVED
JAN 24 1995
MICHAEL J. MCMAHON
ATTORNEY AT LAW

HAMILTON FEDERAL BLDG.
10 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(410) 296-7474
FAX (410) 823-7600

RE: 95CV-176 - Petition of High-Caliber Towing, Inc.

HEARING DATE: Monday, February 27, 1995 @ 10:30 A.M.

ON THE FOLLOWING: ALL OPEN MOTIONS IN THIS CASE.
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

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.

TIME ALLOTTED: No more than (4) hour is allotted for the hearing on "MOTION DAYS." If motions will take more than (4) hour contact the Assignment Office immediately.

COURT REPORTERS: A court reporter will not be present unless specifically requested. Court reporters will not be present on "MOTION DAYS." Request for reporters should be directed to the Assignment Office upon receipt of this notice.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement **MUST BE MADE IN WRITING** to the Civil Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately.
TTY 410-887-3018

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF HI-CALIBER TOWING, INC.
12026 Park Heights Avenue
Owings Mills, Maryland 21117

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 95-CV-00176
7/100/131

IN THE CASE OF: IN THE MATTER OF
N.B.S., INC. AND HI-CALIBER
TOWING INC., /OWNER /OPERATOR
FOR A SPECIAL HEARING ON PROPERTY
LOCATED AT 12026 PARK HEIGHTS AVENUE
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. V93-442-SPH

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, William T. Hackett, Harry E. Buchheister, Jr., and Robert O. Schuetz, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Gary Steven Mandel, Esquire, FRANKLIN & SCHAPIRO, Chartered, 204 E. Lombard Street, Suite 101, Baltimore, Maryland 21202, Counsel for Petitioner; Evan and Cindy Shifren, Hi-Caliber Towing, Inc., 12026 Park Heights Avenue, Owings Mills, Maryland 21117, Petitioner; Charles Runkles, N.B.S., Inc., 3312 Huntmaster Way, Owings Mills, Maryland 21117; Michael Vogelstein, Esquire, Calvert Professional Building, 321 N. Calvert Street, Baltimore, Maryland 21202; Counsel for Worthington Woodsyde Community Association and Velvet Valley Community Association; Mr. Douglas Zinn, President, Worthington Woodsyde Community Association, 7 Woodsyde Place, Owings Mills, Maryland 21117; Mr. Harlan Zinn, President, Velvet Valley Community Association, 12119 Park Heights Avenue, Owings Mills, Maryland 21117, Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204; a copy of which

V93-442-SPH, N.B.S., Inc. and Hi-Caliber Towing, Inc.
File No. 95-CV-00176/100/131

Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Gary Steven Mandel, Esquire, FRANKLIN & SCHAPIRO, Chartered, 204 E. Lombard Street, Suite 101, Baltimore, Maryland 21202, Counsel for Petitioner; Evan and Cindy Shifren, Hi-Caliber Towing, Inc., 12026 Park Heights Avenue, Owings Mills, Maryland 21117, Petitioner; Charles Runkles, N.B.S., Inc., 3312 Huntmaster Way, Owings Mills, Maryland 21117; Michael Vogelstein, Esquire, Calvert Professional Building, 321 N. Calvert Street, Baltimore, Maryland 21202; Counsel for Worthington Woodsyde Community Association and Velvet Valley Community Association; Mr. Douglas Zinn, President, Worthington Woodsyde Community Association, 7 Woodsyde Place, Owings Mills, Maryland 21117; Mr. Harlan Zinn, President, Velvet Valley Community Association, 12119 Park Heights Avenue, Owings Mills, Maryland 21117; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Room 47, Washington Avenue, Towson, MD 21204, this 10th day of January, 1995.

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

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

January 10, 1995

Gary S. Mandel, Esquire
FRANKLIN & SCHAPIRO, CHARTERED
204 E. Lombard Street, Suite 101
Baltimore, MD 21202

RE: Civil Action No. 95-CV-00176
N.B.S., INC. AND HI-CALIBER
TOWING, INC., OWNER/OPERATOR

Dear Mr. Mandel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty 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 within sixty days, in accordance with Rule 7-206(c).

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

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Evan and Cindy Shifren
Hi-Caliber Towing, Inc.



County Board of Appeals of Baltimore County

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

January 10, 1995

Michael D. Vogelstein, Esquire
Calvert Professional Building
321 N. Calvert Street
Baltimore, MD 21202

RE: Civil Action No. 95-CV-00176
N.B.S., INC. /HI-CALIBER TOWING, INC.

Dear Mr. Vogelstein:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on January 6, 1995, in the Circuit Court for Baltimore County from the majority decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 100/131/95-CV-00176.

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

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Douglas Zinn, President,
Worthington Woodsyde Community Assoc.
Harlan Zinn, President,
Velvet Valley Community Assoc.
Mr. & Mrs. Eugene Reynolds
Mr. & Mrs. James F. Seal
Bonnie Haines
People's Counsel for Baltimore County
Jackie MacMillan /Planning
Lawrence E. Schmidt /ZADM
Arnold Jablon /ZADM

Pat Keller /Planning
W. Carl Richards /ZADM
Docket Clerk /ZADM

CHARLES RUNKLES, N.B.S.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF HIGH-CALIBER TOWING, INC.
12026 PARK HEIGHTS AVENUE
OWINGS MILLS, MARYLAND 21117

FOR JUDICIAL REVIEW OF THE DECISION OF THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CIVIL
ACTION
No. 95-CV-00176

IN THE CASE OF PETITION OF SPECIAL HEARING
ON PROPERTY LOCATED AT 12026 PARK HEIGHTS AVENUE
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

N.B.S., INC. AND HI-CALIBER
TOWING INC., /OWNER /OPERATOR

CASE NO. V93-442-SPH

Petition for Judicial Review
of Decision of the
County Board of Appeals of Baltimore County

Hi-Caliber Towing, Inc., Petitioner, pursuant to Rules 7-201 et seq., requests judicial review of the Order of the County Board of Appeals of Baltimore County (the "Board") issued in this proceeding on December 9, 1994.

Petitioner was a party to the proceeding before the Commissioner in which the Order was issued.

Gary Steven Mandel
Franklin & Schapiro, Chartered
204 E. Lombard Street
Suite 101
Baltimore, Maryland 21202
410-685-3800

RECEIVED AND FILED
JAN 10 1995

Certificate of Service

I HEREBY CERTIFY that on this 6th day of January, 1995, the foregoing Petition for Judicial Review of Decision of the County Board of Appeals of Baltimore County was mailed postage prepaid to County Board of Appeals of Baltimore County at Room 49, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Gary Steven Mandel
Franklin & Schapiro, Chartered
Attorney for Hi-Caliber Towing, Inc.

HI-CALIBER TOWING, INC. * IN THE
Plaintiff(s) * CIRCUIT COURT
v. * FOR
COUNTY BOARD OF APPEALS FOR * BALTIMORE COUNTY
BALTIMORE COUNTY *
Defendant * Civil No.

Demand for Jury Trial

Hi-Caliber Towing, Inc. demands a jury trial in this action.

[Signature]
Gary Steven Mandel
Franklin & Schapiro, Chartered
204 E. Lombard Street
Suite 101
Baltimore, Maryland 21202
410-685-3800

Certificate of Service

I HEREBY CERTIFY that on this 6th day of January, 1995, the foregoing Demand for Jury Trial was mailed postage prepaid to County Board of Appeals of Baltimore County at Room 49, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

[Signature]
Gary Steven Mandel
Franklin & Schapiro, Chartered
Attorney for Hi-Caliber Towing, Inc.

HI-CALIBER TOWING, INC. * IN THE
Plaintiff(s) * CIRCUIT COURT
v. * FOR
COUNTY BOARD OF APPEALS FOR * BALTIMORE COUNTY
BALTIMORE COUNTY *
Defendant * Civil No.

ORDER

Upon consideration of the Motion for Stay being filed, a hearing having been held and good cause being found it is this _____ day of _____, 1995,

ORDERED that the Order entered by the County Board of Appeals of Baltimore County is **stayed** until the conclusion of the above entitled Appeal.

JUDGE CIRCUIT COURT FOR
BALTIMORE COUNTY

HI-CALIBER TOWING, INC. * IN THE
Plaintiff(s) * CIRCUIT COURT
v. * FOR
COUNTY BOARD OF APPEALS FOR * BALTIMORE COUNTY
BALTIMORE COUNTY *
Defendant * Civil No.

MOTION TO STAY IMPOSITION OF ORDER

HI-CALIBER TOWING, INC., by and through its attorney, Gary Steven Mandel and Franklin & Schapiro, Chartered respectfully requests that this Honorable Court pursuant to Maryland Rule 7-205 grant an Order staying the Order passed the 9th day of December, 1994, by the County Board of Appeals of Baltimore County terminating the nonconforming service station and furthering Ordering that such use should terminate within thirty (30) days and for reasons states:

1. That the subject property has had a service station on it and being operated since approximately 1930.
2. That the nonconforming use was reaffirmed of February 22, 1985.
3. That the movant Hi-Caliber Towing, Inc., leased and then purchased the subject property in early 1990 as a working garage and service station.
4. That records of various State Agencies will show that the property had been in almost constant use since the Order of February 22, 1985.
5. That Hi-Caliber Towing, Inc. can prove that the witness

Circuit Court for _____
CIVIL—NON-DOMESTIC CASE INFORMATION SHEET

Directions: This Information Sheet must be completed and attached to the complaint filed with the Clerk of Court. A copy must be included for each defendant to be served. NOTE: If this information sheet is not completed, no action on the case will commence and the complaint may be subject to dismissal.
Defendant: You must complete bottom portion on page 2 and file with your answer. This Information Sheet cannot be accepted as an answer or response. Failure to file this form will be deemed to be an agreement with the Plaintiff's information.

CASE NAME _____ CASE NUMBER _____
PLAINTIFF'S NAME _____ PHONE: () _____
ADDRESS _____
PLAINTIFF'S ATTORNEY'S NAME _____ PHONE: () _____
ATTORNEY'S ADDRESS _____
☐ I am not represented by an attorney
JURY DEMAND ☐ Yes ☐ No Anticipated Length of Trial: _____ days or _____ hours
RELATED CASE PENDING? ☐ Yes ☐ No If Yes, Case #(s), if known: _____
Has any form of Alternate Dispute Resolution (ADR) been used? ☐ Yes ☐ No If yes, describe: _____
Is there any reason ADR is not advisable? ☐ Yes ☐ No If so, state reason: _____

NATURE OF ACTION		
TORTS	PROPERTY DAMAGE ONLY	REAL PROPERTY
☐ Property damage ☐ Motor Tort ☐ Personal Injury ☐ Assault & Battery ☐ Product Liability ☐ Professional Malpractice ☐ Other	☐ Motor Tort ☐ Product Liability ☐ Other OTHER TORTS ☐ Business Torts ☐ Libel & Slander ☐ Other Intentional Tort	☐ Ejectment/Title Dispute ☐ Breach of Lease ☐ Mechanic's Liens ☐ Mortgage Foreclosure ☐ Specific Performance ☐ Condemnation ☐ Other Real Property
CONTRACT	MISCELLANEOUS	DISTRICT COURT/ADJUV. AGENCY
☐ Insurance ☐ Other Contract ☐ Confessed Judgment Note	☐ Adoption/Guardianship ☐ Other	☐ District Court Appeal ☐ Record ☐ De Novo ☐ Jury Trial Prayer ☐ Appeal from Admin Agency ☐ Workers Comp ☐ Other
RELIEF REQUESTED		
☐ Damages \$ _____ ☐ Declaratory Relief ☐ Injunction/Other Equitable Relief ☐ Other: (please specify) _____		

upon whom the County Board of Zoning Appeals based its decision were guilty of misleading the Board, if not guilty of deliberate perjury.

6. That the interests of the County and the public at large will not be harmed by allowing the nonconforming use to continue until such time as the pending appeal can be heard.

7. That the interests of justice will be harmed if Hi-Caliber Towing, Inc. is forced to terminate the business which it and its predecessors have conducted since the granting of the nonconforming use on February 22, 1994.

8. Hi-Caliber Towing, Inc., will suffer great financial damage and hardship if it is forced to close its only business location and source of income until the appeal in the instant case is decided.

WHEREFORE, Hi-Caliber Towing, Inc. request that this court pass an order staying the implementation of the action of the County Board of Appeals of Baltimore County.

Respectfully submitted,

[Signature]
Gary Steven Mandel
Franklin & Schapiro, Chartered
204 E. Lombard Street
Suite 101
Baltimore, Maryland 21202
410-685-3800

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL NON-DOMESTIC CASE INFORMATION SHEET

Case Name: _____ v. _____ Case No.: _____
Nature of Action (Continued):
☐ Attachment Before Judgment
☐ Mandamus
☐ Name Change
☐ Employment Related Cases (other than Worker's Compensation Cases)
☐ Fraud & Misrepresentation
☐ Asbestos
☐ Lender Liability
☐ Serious Motor Tort
☐ Serious Personal Injury
☐ Class Actions
☐ Designated Toxic Tort Claims
☐ Major Construction Contracts
☐ Other Complex Cases (Specify): _____

Track Assignment Requested (See Reverse Side For Criteria):
☐ Expedited (Trial Date - 90 days)
☐ Standard (Trial Date - 240 days)
☐ Extended Standard (Trial Date - 345 days)
☐ Complex (Trial Date - 450 days)

Do you plan to consolidate this case? ☐ Yes ☐ No Case No.: _____
Provide any vacation dates that may conflict in scheduling the settlement conference (30 days prior to trial) and trial date: _____
Briefly describe why this case should be assigned to a track other than the Standard Track: _____

Relief Sought: _____ To Date: _____ Anticipated: _____
Medical Expenses \$ _____
Other Damages (lost wages, contracts, etc.) \$ _____
Are monetary damages for one of the following? ☐ Death ☐ Personal Injury ☐ Property
Are you making a claim for punitive damages? ☐ Yes ☐ No

Witnesses:
Estimate the number of expert witnesses you anticipate for your side of the case: _____
Will there be out-of-state witnesses or parties in this case? ☐ Yes ☐ No

Plaintiff's Certification:
☐ I hereby certify that I have accurately provided the above information to the best of my ability.

Signature of Plaintiff's Counsel/Party _____ Date _____ Print Name _____

Defendant's Certification:
If I am the Defendant or the Defendant's Counsel, I concur with Plaintiff's Information Sheet. ☐ Yes ☐ No
If "No", you must file a separate information sheet or state basis of disagreement.
I concur except as follows: _____
I plan to file: ☐ Counter Complaint ☐ Cross Complaint ☐ Third Party Complaint
☐ I am not represented by counsel.
☐ I hereby certify that I have accurately provided the above information to the best of my ability. I also certify that if I am the Defendant or the Defendant's Counsel in the case, and I have requested a track for this case other than the track requested by the Plaintiff, that a copy of this document has been forwarded to the Court (Case Track Coordinator) and the opposing counsel (or party).

Signature of Defendant's Counsel/Party _____ Date _____ Print Name _____

HI-CALIBER TOWING, INC. * IN THE
Plaintiff(s) * CIRCUIT COURT
v. * FOR
COUNTY BOARD OF APPEALS FOR * BALTIMORE COUNTY
BALTIMORE COUNTY *
Defendant * Civil No.

REQUEST FOR HEARING

Hi-Caliber Towing, Inc. request a hearing on its Motion to Stay implementation of the Order passed by the County Board of Appeals for Baltimore County on December 9, 1994, in the instant case.

Respectfully submitted,

[Signature]
Gary Steven Mandel
Franklin & Schapiro, Chartered
204 E. Lombard Street
Suite 101
Baltimore, Maryland 21202
410-685-3800

IN THE MATTER OF: * BEFORE THE
PETITION FOR SPECIAL HEARING * COUNTY BOARD OF APPEALS
ON PROPERTY LOCATED AT: * OF BALTIMORE COUNTY
12026 PARK HEIGHTS AVENUE *
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *
N.B.S., INC. AND HI-CALIBER * CASE NO. V93-442-SPH
TOWING, INC./OWNER/OPERATOR *

ANSWER IN OPPOSITION TO MOTION FOR RECONSIDERATION

Now comes the Protestants by Michael D. Vogelstein, their Attorney, pursuant to Rule 10 of the County Board of Appeals Rules of Practice and Procedure, files its Answer in Opposition to the Motion for Reconsideration and in support thereof states the following:

1. That the Protestants deny the allegations contained in paragraphs one (1) and three (3) of the Motion for Reconsideration.
2. That the Owner/Operator has made a bold allegation of falsified testimony based upon a review of records "now obtained" but has failed to attach said records to its Motion nor offer particular facts substantiating the alleged fraud.
3. That the Owner/Operator states in paragraph three (3) that it "had no advance knowledge of these witnesses being scheduled to testify and was not able to obtain records to refute these claims". Had the Owner/Operator reviewed the record of these proceedings, the names and addresses of all witnesses were readily available as subpoenas were filed with the court giving ample time to obtain whatever records to be utilized for impeachment purposes.
4. That Rule 10 - Revisory Power of the Board states that