

IN THE MATTER OF THE
THE APPLICATION OF
JOSEPH ALBERT WHITT, ET UX
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE EAST
SIDE SEABRIGHT AVENUE, 465'
NORTH OF BAYSIDE AVENUE
(15 SEABRIGHT AVENUE)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-468-SPH
* * * *

O P I N I O N

This case comes on appeal of the July 27, 1995 Order of the Zoning Commissioner in which a Petition for Special Hearing was granted, and the Zoning Commissioner's August 22, 1995 Ruling on People's Counsel's Motion for Reconsideration, which Motion was denied. Petitioner appeared before the Board de novo on a special hearing to determine that his business in gun sales is an allowed home occupation. Petitioner appeared pro se; the Office of People's Counsel participated as Appellant, represented by Carole S. Demilio, Deputy People's Counsel. There were no other protestants present. This case was heard in a single day of open hearing, and publicly deliberated immediately following the conclusion of the evidentiary portion of the proceeding.

Petitioner's case consisted of testimony brought by Petitioner and nine pieces of evidence. People's Counsel's case consisted of opening statement, and the testimony of Captain William Kalista, Baltimore County Police Department, and Detective-Lieutenant William Faul, Baltimore County Police Department, as well as the testimony of Mr. Donald Gerding, resident of Rodgers Forge, Baltimore County, Maryland. It should be noted here that this case involves an issue of a special hearing for a home occupation

located presently, and to be located, in Dundalk, Baltimore County, Maryland.

Mr. Whitt is an assembly worker in the aerospace industry who works the 6:00 a.m. to 2:30 p.m. shift at his place of employment. His spouse works as a bookkeeper. They purchased their home in Dundalk in 1989, and in 1991, seeing an opportunity to earn extra income, successfully sought licensure with the Federal and State governments to begin selling guns from his home. Their home is located in Dundalk, off Wise Avenue, and is zoned D.R. 5.5. It's clear from the history of unencumbered license renewals as required by law since 1991 that Mr. Whitt operates well within Federal and State regulations concerning the conduct of his business. Mr. Whitt testified that he maintains no inventory on-site, and that he keeps no inventory of powder nor ammunition.

On both direct and cross-examination, Mr. Whitt testified to the operation of his business; that, although he did run one advertisement for his business in 1990, he has not done so since, and does not intend to in the future; that he keeps no sign posted on the property to indicate that he maintains such a business in his home; that all of his weapon sales are by word-of-mouth; that he keeps weapons catalogues on the premises for customers to review, and keeps no inventory of weapons related to his business; that all customers pay cash; and that he orders from roughly 60 wholesalers with which he has no line of credit, and with which he deals on a credit card or cash basis; that all requisite forms are filed with the police for each sale; and that deliveries with UPS

and other carriers must be done in person. In the afternoon, upon return from work and when there is an ordered weapon awaiting pickup, Mr. Whitt personally travels to the carrier pick-up office to retrieve the weapon(s), and the customers for whom those weapons were ordered are immediately notified to pick them up from his place of business. For the period between his pickup from the carrier's office and his customer's inspection and pick-up, Mr. Whitt keeps those weapons in a locked gun safe. Finally, Mr. Whitt indicated that he only sells rifles, handguns, and shotguns.

The testimony of Captain Kalista centered around Baltimore County's new involvement with the weapons dealers' licensure coming as a result of the Crime Control Act of 1994. Prior to that legislation, licensure was handled strictly by Federal and State authorities. As part of the Baltimore County Police Department's license application review, the zoning for operation of the intended establishment is checked during the normal course of business. Captain Kalista indicated that, of the 440 weapons sales licensees in Baltimore County on the date of the hearing, 115 were home licensees. Captain Kalista indicated that no fire code issues exist at the Whitt residence, and that only zoning appears to be an issue to be resolved. He opined that firearms are generally sold via sporting goods stores, and that the presence of firearms on any property is always a consideration when an officer responds to a call. He also indicated that the Baltimore County Police Department is concerned about safety and security on property such as the Petitioner's as it might concern storage and burglar alarms.

Detective-Lieutenant Faul's brief testimony indicated the Baltimore County Police Department's reliance on the office of zoning as it relates to this case and others like it (115 home licensees noted above), as well as statements concerning the availability of catalogues, the "usual" methods and requirements of purchasing handguns, as well as the statement that handguns are the only weapons which are recorded. On cross-examination, he indicated that assault weapons are in fact regulated.

Mr. Gerding's testimony centered around his concern that a successful Petition for Special Hearing in this matter signals further commercial encroachment into residential communities.

This case revolves around the definition of "home occupation" found in the general provisions of the Baltimore County Zoning Regulations (BCZR). In those regulations, home occupation is defined as:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes. A "Home Occupation" does not include fortune telling."

People's Counsel argues that in Baltimore County zones are divided by use and that home occupations are historically very narrow; i.e., dressmaking might be acceptable, barber and beauty shops at one time were allowed uses, and certainly medical

professionals in their area of specialty are known to keep home offices. People's Counsel focuses on the term "incidental" as meaning subordinate, and People's Counsel alleges that the Petitioner maintains inventory on-site, albeit briefly, in the time in which he has possession of the weapons until his customers retrieve them.

Finally, People's Counsel indicated that an allowed use in another zone cannot be done as a home occupation, and that this case has tremendous potential for future other similar cases (again, the 115 aforementioned licenses) which would come before the Board.

Analysis of these facts is very simple for this case, when this Board takes each case on its own merits. What potential there might be for the other 114 home licenses is of no concern to this Board in analyzing the facts of this case. The clear and plain reading of the definition found in the BCZR for "home occupation" carries a list of criteria which the Petitioner must demonstrate he is able to meet. First, the use of his home to conduct his gun sales is conducted entirely within his dwelling and is incidental to the main use of the building for dwelling purposes. Clearly, Mr. Whitt maintains no sales area, no showrooms, essentially keeping only a desk and gun safe to hold weapons while a customer travels to his home to retrieve his weapon(s). The use of the dwelling is still for dwelling purposes; further, both Mr. and Mrs. Whitt have permanent full-time employment in their main careers which serve as their main source of income, further indicating that

the income earned by weapon sales is a minor, casual or subordinate circumstance. Mr. Whitt has no sign to indicate the presence of his business; he is the sole proprietor of his enterprise; and he uses no mechanical equipment to run his business.

Therefore, in the plain reading of the definition in the BCZR, Mr. Whitt clearly satisfies the criteria of a "home occupation." The Board notes with interest, and reiterates here, that that definition also includes a sentence which reads: "A 'Home Occupation' does not include fortune telling." Issues raised by People's Counsel in its arguments concerning other uses allowed in other zones as not being allowed in the residential zone are addressed by the very fact that the County Council has deemed it necessary to begin enumeration of specific uses which may not be considered as appropriate as a home occupation. This Board is being asked in essence to make a similar judgement where this Board believes it is not empowered to do so. Only the County Council may, in its wisdom, decide to alter the definition of "home occupation" to specifically exclude all other uses in zones other than the D.R. zone, or to take similar action as they have taken in the past with "fortune telling" as a specific use, and include the words "weapon sales" or other similar terminology to preclude Petitioner's like Mr. Whitt from lawfully operating as a home occupation.

For all of the above reasons, the Board shall grant the Petition for Special Hearing allowing Mr. Whitt to continue lawful operation of weapon sales as a home occupation, and will so order.

O R D E R

IT IS THEREFORE this 23rd day of April, 1996 by the
County Board of Appeals of Baltimore County

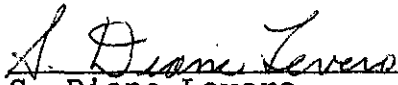
ORDERED that the Petition for Special Hearing seeking approval
of Petitioner's business of conducting sales of firearms from the
subject property as a home occupation be and is hereby GRANTED.

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.

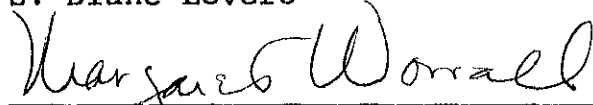
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Robert O. Schuetz, Chairman



S. Diane Levero



Margaret Worrall



County Board of Appeals of Baltimore County

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

April 23, 1996

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-468-SPH
Joseph Albert Whitt, et ux

Dear Mr. Zimmerman:

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.

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 and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Redcliffe
Kathleen C. Bianco
Administrative Assistant

encl.

cc: Mr. Joseph Albert Whitt
Michael D. Gambrill, Chief
Baltimore County Police Department
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney



8-22-95

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 E/S Seabright Avenue, 465 ft. +/- *
 N of Bayside Drive * ZONING COMMISSIONER
 (15 Seabright Avenue) *
 15th Election District * OF BALTIMORE COUNTY
 7th Councilmanic District *
 * Case No. 95-468-SPH
 Joseph Albert Whitt, et ux *
 Petitioners *

* * * * *

MEMORANDUM OPINION

By correspondence dated August 9, 1995, the Office of People's Counsel of Baltimore County, Maryland has requested reconsideration of my decision in the within case dated July 27, 1995. Therein, I granted a Petition for Special Hearing filed by Joseph A. Whitt for his property located at 15 Seabright Avenue, Baltimore County. Specifically, I determined that the Petitioner's business of conducting sales of firearms from the subject property as described during the hearing was permissible under the BCZR as a home occupation. People's Counsel offers a variety of reasons alleging that this decision was erroneous. These contentions will be addressed, in turn.

First, People's Counsel observes that the Baltimore County Charter assigns to that office the responsibility to defend the comprehensive zoning maps. It is asserted that the Office is obligated to express its interest in issues of public importance. People's Counsel did not participate in this case originally, nor was their appearance entered. Thus, a question is presented as to People's Counsel's standing to file its Motion. Without prejudice to a reconsideration of this issue in a future case, I will entertain the Motion now before me. The issues now raised by People's Counsel were not raised previously and the matter deserves full and complete evaluation at this administrative level.

8/22/95
 J. A. Whitt
 Petitioner

Turning to the merits, People's Counsel requests reconsideration alleging that the sale of firearms is a commercial use and not allowed in a residential zone. It is alleged that a firearms dealership is not a home occupation, in accordance with the traditional meaning of that term. As authority, Peoples Counsel cites Maurer v. Snyder, 199 Md. 551 (1952), as well as Anderson, American Law of Zoning 3d, Sec. 13.01, et seq. (1986).

People's Counsel is no doubt familiar with UPS v. People's Counsel of Baltimore County, Md., 93 Md. App. 59 (1992), a case in which it actively participated. Moreover, this Zoning Commissioner, while a member of the Board of Appeals, authored a dissenting opinion in that case. That dissenting opinion was essentially adopted at the Circuit Court level and by the Court of Special Appeals. The Court of Appeals ultimately reversed the case on other grounds. In any event, as I observed in UPS, Section 101 of the BCZR defines many of the terms used in the regulations, including certain land uses. For example, an airport, a boat yard and a night club are all defined terms. For land uses not defined by Section 101, the regulations direct that the "ordinarily accepted definition" as set forth in Webster's Third New International Dictionary, Unabridged, should be adopted. It is significant that the "ordinarily accepted definition" is applied only when Section 101 fails to define a term.

In UPS, the subject use was labeled by the Corporate Petitioner as a "warehouse" and by the Protestants as "a trucking facility". Under the commonly accepted meaning of those terms, the UPS facility was neither. Trucking facilities, as they exist in most numerous numbers on the eastern side of Baltimore County, bear little resemblance to the UPS facility. Nonetheless, I found that the UPS facility was a "trucking facility" as defined by the BCZR.

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8/22/95
M. [Signature]

Application of this same logic dictates the conclusion that a "home occupation" is what is defined in the BCZR, not what is the traditional concept of that phrase. Clearly, a firearms dealership is not a use which is most associated with the home occupation. People's Counsel is correct that a firearms dealership would not fall within the ordinarily accepted concept of a home occupation.

However, that does not matter here. As I have set forth in detail in the July 27, 1995 opinion, the subject use, as described by the uncontradicted testimony, meets squarely each and every portion of the definition of home occupation found in the BCZR. Specifically, the proposed use occurs entirely within a dwelling, is incidental to the use of the building as a dwelling, has no exterior evidence of its use, does not have storage of any commodity kept for sale, does not employ any person other than the Petitioner and uses no mechanical equipment except as may be used for domestic purposes. People's Counsel's argument, therefore, misses the point. For so long as the use meets the provided definition, irrespective of what the layman might consider a "home occupation", the definition applies. Thus the Maurer case is irrelevant. (It is of note that Maurer came to the Court of Appeals from the Circuit Court of Anne Arundel County. A reading of the Maurer opinion discloses that no definition of home occupation apparently existed in the Anne Arundel County's zoning regulations. Thus, the Court was required to apply the ordinarily accepted meaning of the term.)

Additionally, People's Counsel cites Leimbach Construction Co. v. Baltimore City, 257 Md. 635 (1970) and Kowalski v. Lamar, 25 Md. App. 493 (1975) for the general propositions that commercial uses are prohibited in residential zones and that any use not explicitly permitted in the district is disallowed. Although People's Counsel correctly states the

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By

law here, such law does not warrant a reversal of my decision. Baltimore County Zoning Regulations are indeed written in the inclusive; only those uses specifically identified as of right, or by special exception, are allowed. Quite simply, the proposed use is a home occupation and thus is specifically permitted as of right in the subject zone. (See Section 1B01.1 (14)(d) Having found that the use fits the home occupation definition, Kowalski is thus satisfied. This use is permitted by right.

People's Counsel also states that the subject use is a sporting goods store and, therefore, illegal in the D.R. zone. A "sporting goods store" is not defined in the BCZR. Thus, as noted above, the BCZR directs the reader to consult with Websters Third New International Dictionary, Unabridged, for the definition of that term. In Webster's, "sporting goods" are not defined, although a common interpretation of that term would, not doubt, include any product or device associated with a sport or leisure activity. Thus, sporting goods can include soccer balls, in addition to hunting rifles. The testimony offered by the Petitioner before me was not that the firearms sold were expressly used for hunting purposes. Where the definition of home occupation fits so squarely, it is improper to attempt to fit this use into a category not defined in either the BCZR or in Webster's.

Lastly, a mention must be made of the holding in Cromwell v. Ward, 102 Md. App. 691 (1995). That case came to the Court of Special Appeals on a Petition for Variance. Therein, Judge Cathell was critical of this Zoning Commissioner and the Baltimore County Board of Appeals for their alleged attempts to interpret and broaden their authority provided by the Baltimore County Code and the BCZR. As Judge Cathell noted, "When an administrative entity, such zoning authorities take it upon themselves to ignore the provisions of the statutes enacted by the legislative branch of

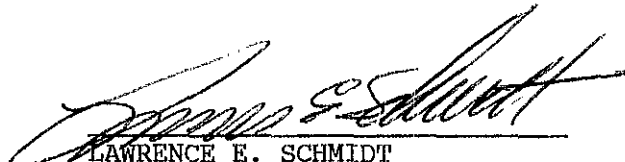
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8/23/95
M. H. Hark

government, they substitute their policies for those of the policy makers. That is improper." (page 726) In this case, the County Council saw fit to define home occupations using the words which have been employed. I will consider those words with their clear meaning. I will not substitute my judgment for that of the Council. Had the Council desired a different result, they could have defined the terms "firearms dealer and/or sporting goods store" and further provided that such uses are prohibited in the subject zone. The Council did not do this. Therefore, I will strictly apply the language of "home occupation" which the Council adopted. My Findings of Facts and Conclusions of Law disclose that the Petitioner met squarely each and every portion of that definition. Thus, his use is unquestionably a "home occupation". The Motion for Reconsideration is, therefore, denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of August, 1995 that, pursuant to the Petition for Special Hearing (granted on July 27, 1995), approval to conduct sales of firearms from the subject property as a home occupation, be and is hereby GRANTED, and that the Motion for Reconsideration be and is hereby DENIED.

COPY RECEIVED FOR FILING
8/23/95
By _____

LES:mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 22, 1995

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

RE: Memorandum Opinion
Joseph Albert Whitt, et ux, Petitioners
Case No. 95-468-SPH
Property: 15 Seabright Avenue

Dear Mr. Zimmerman and Mrs. Demilio:

Enclosed please find the Memorandum Opinion rendered in the above captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Joseph A. Whitt
15 Seabright Avenue
Baltimore, Maryland 21222

cc: Michael Gambrill, Chief
Baltimore County Police



IN RE: PETITION FOR SPECIAL HEARING
E/S Seabright Avenue, 465 ft. +/-
N of Bayside Drive
(15 Seabright Avenue)
15th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-468-SPH

Joseph Albert Whitt, et ux
Petitioners

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 15 Seabright Avenue in the West Inverness community of Baltimore County. The Petition was filed by the owners of the property, Joseph A. Whitt and Kathryn L. Whitt, his wife. Special hearing relief is requested to approve Mr. Whitt's business of conducting sales of firearms from the subject property as a home occupation. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was Joseph A. Whitt, Petitioner. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered by the Petitioner was that the subject property is approximately 6,000 sq. ft. in area (.13 acres +/-) and is zoned D.R.5.5. The property lies within the old community of West Inverness. As is the case with many older communities in Baltimore County, this subdivision was originally laid out on 25 ft. wide lots. Mr. Whitt owns lots Nos. 98 and 99. When combined, they total 50 ft. in width and range to a depth of 115 to 128 ft. Mr. Whitt has resided on the site with his wife since September of 1989. In addition to the single family dwelling which improves the site, a small shed exists to the rear of the property and vehicular access is provided by a driveway.

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7/27/95
D. J. Hood

It is Mr. Whitt's business which has brought about the filing of the Petition for Special Hearing. Mr. Whitt indicated that he is normally employed in the aerospace technology field, however, has suffered several layoffs over the past recent years. In order to supplement his income, he began a firearms sales business out of his home in 1991. The business is known as Whitt's weapons.

Mr. Whitt does not operate a retail outlet, per se. Rather, he takes orders from individuals for specific firearms that his customers have seen at other retail outlets, or elsewhere. When a specific order is received, Mr. Whitt obtains that weapon from the manufacturer or a wholesaler and sells same to his customer. Thus, no firearms are kept on the premises but for a very short time which is from the time of the delivery from the manufacturer/wholesaler to Mr. Whitt's sale to his customer. In most cases, this period is less than 24 hours.

Mr. Whitt is licensed by the Bureau of Alcohol, Tobacco and Firearms. Moreover, he is regulated by the State of Maryland and has possessed a pistol and revolver dealers license on a ongoing basis since he began business operations. Apparently, the Petition for Special Hearing filed in this case was instituted at the request of the Baltimore County Police Department. That department advised Mr. Whitt, by letter of May 22, 1995, that the federal firearms license could be granted only if proof were obtained by the property owner that he was in compliance with local zoning ordinances and regulations.

Mr. Whitt further testified that he sells hand guns, some rifles and shot guns. He estimates approximately 40 to 50 sales per year. The business is entirely set up in one room of the house which is a converted bedroom. Several photographs were submitted of that room which shows no inventory of firearms. The only equipment visible was a computer and

7/27/95
Mr. Whitt

other household type furniture. Owing to the nature of the business, Mr. Whitt indicated he has very little traffic. Moreover, there are no signs advertising the business and no employees.

As noted above, the property is zoned D.R.5.5. Pursuant to Section 1B01.1.14.d. of the BCZR, home occupations are allowed, as of right, in D.R. zones. A home occupation is defined as:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, no mechanical equipment is used except such as may be used for domestic purposes".


Breaking down this definition in to sub-parts, it is easily determined that Mr. Whitt's business is a home occupation. Clearly, the business is conducted entirely within the subject dwelling, which serves as the Whitts' residence. Thus, the main use of the building is for dwelling purposes. Moreover, there is no exterior evidence, including any signage, to indicate the existence of the business. In this respect, letters of support were received from neighbors. One letter, from the local community association, indicated an ignorance of the existence of the business, in that there is no exterior evidence of same. Most importantly, firearms are not kept within the premises for sale. Importantly, there is no inventory or commodity stored on the premises. Moreover, Mr. Whitt is the sole employee and there is no mechanical equipment used for conducting the business. For all of these business, I am persuaded that Mr. Whitt's business qualifies as a home occupation and is, thus, permissible. Therefore, the Petition for Special Hearing should and must be granted.

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7/27/95
By: Mr. Good

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1995 that, pursuant to the Petition for Special Hearing, approval to conduct sales of firearms from the subject property as a home occupation, be and is hereby GRANTED, subject, however, to the following restriction:

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

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7/27/95
M. Good

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 25, 1995

Mr. and Mrs. Joseph A. Whitt
15 Seabright Avenue
Baltimore, Maryland 21222

RE: Petition for Special Hearing
Case No. 95-468-SPH
Property: 15 Seabright Avenue

Dear Mr. and Mrs. Whitt:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.



462



Petition for Special Hearing

95-468-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 15 SEABOARD AVE.
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve ~~ANY OTHER USE~~ A HOME OCCUPATION.

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

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

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

JOSEPH ALBERT WHITT
(Type or Print Name)

Joseph Albert Whitt
Signature

KATHRYN LYNN WHITT
(Type or Print Name)

Kathryn Lynn Whitt
Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

15 SEABOARD AVE. (410) 288-4944
Address Phone No

BALTIMORE MD 21222
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Zoning - DESCRIPTION RR 15 SE 164TH AVE.

BEGINNING AT A POINT ON THE EAST SIDE OF SEABRIGHT AVE.
A 40 FT. RW AT A DISTANCE OF 465 FT NORTH ± FROM BAYSIDE DRIVE.
A 40 FT. RW BEING LOTS 98 AND 99 IN THE SUBDIVISION OF INVERNESS
AS RECORDED IN PLAT BOOK 10 FOLIO 128.

LOT SIZE .13 AC ±

7TH CD
12TH ED.

95-468-SPH

462

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-468-574

District 1376 Date of Posting 7/2/95

Posted for: Special Hearing

Petitioner: Joseph & Kathryn Whitt

Location of property: 15 Seabright Ave, FP

Location of Signs: Facing roadway on property, being zoned

Remarks: _____

Posted by M. Pharis Date of return: 7/7/95
Signature

Number of Signs: 1



95 SEP 15 PM 12:26

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-468-SPH

District 15th

Date of Posting 9/9/95

Posted for: Appeal

Petitioner: Joseph Whitt, Et UX

Location of property: E/S Seabright Ave

Location of Signs: Facing roadway on property being appealed

Remarks: _____

Posted by [Signature]
Signature

Date of return: 9/15/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #88-488-BPH
(Item 462)

15 Seabright Avenue

E/S Seabright Avenue,
465 +/- N of Bayside Drive
16th Election District

7th Councilmanic

Legal Owner(s):

Joseph Albert Whitt and
Kathryn Lynn Whitt

Hearing: Thursday,

July 20, 1995 at 9:00
a.m. in Rm. 106, County Of-
fice Building.

Special Hearing to approve a
home occupation.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call: 887-3391.

6/308 June 29.

TOWSON, MD.,

6/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 6/29, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

95-468-SPH

Account: R-001-6150

Number

462

VLL

Date

6/14/95

RES. SPH CODE 030
 /SIGN. CODE 080

\$ 50.00
 \$ 35.00

 \$ 85.00

WHITT

15 SEABRIGHT AVE

03A03002B01CHRC
 SA 002:37PM06-14-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 462

Petitioner: _____

Location: Whitt 15 SEABRIGHT AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph A Whitt

ADDRESS: 15 SEABRIGHT AVE.

BALTIMORE, MD 21222

PHONE NUMBER: (410) 288-4911

AJ:ggs

(Revised 04/09/93)



TO: PUTUMENT PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph A. Whitt
15 Seabright Avenue
Baltimore, MD 21222
288-4911

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-468-SPH (Item 462)
15 Seabright Avenue
E/S Seabright Avenue, 465'+/- N of Bayside Drive
15th Election District - 7th Councilmanic
Legal Owner(s): Joseph Albert Whitt and Kathryn Lynn Whitt
HEARING: THURSDAY, JULY 20, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a home occupation.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-468-SPH (Item 462)

15 Seabright Avenue

E/S Seabright Avenue, 465'+/- N of Bayside Drive

15th Election District - 7th Councilmanic

Legal Owner(s): Joseph Albert Whitt and Kathryn Lynn Whitt

HEARING: THURSDAY, JULY 20, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Hearing to approve a home occupation.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: Joseph and Kathryn Whitt

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353;
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



CASE NO. 95-468-SPH

JOSEPH ALBERT WHITT, ET UX -- Petitioner

E/S Seabright Avenue, 465' North of Bayside
Avenue (15 Seabright Avenue)

15th Election District

Appealed: 8/23/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Mr. and Mrs. Joseph Whitt
15 Seabright Avenue
Baltimore, Maryland 21222

RE: Item No.: 462
Case No.: 95-468-SPH
Petitioner: J. A. Whitt, et ux

Dear Mr. and Mrs. Whitt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 462 (JLL)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 29, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 15 Seabright Avenue

INFORMATION:

Item Number: 462

Petitioner: Whitt Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing in order for the Zoning Commissioner to approve a home occupation.

The petitioner has provided no useful information on the Petition form to afford the public or County agencies an opportunity to provide substantive comment. Furthermore, it is unreasonable to expect that the County reviewing agencies and interested community members should wait until the hearing to receive basic information that should have been provided on the Petition form.

Therefore, this office recommends that the applicant's request be denied.

Prepared by: Jeffrey W. Long

Division Chief: 15/

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOSEPH ALBERT WHITT & KATHRYN LYNN WHITT

LOCATION: E/S SEABRIGHT AVE. 465' +/- N OF BAYSIDE DR. (15 SEABRIGHT AVE.)
REISTERSTOWN RD. (POMONA APARTMENTS)

Item No.: 462

Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED

JUL 8 1995

ZADM


REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 3, 1995
Item No. 462

The Development Plans Review Division has reviewed the subject zoning item. This property is located in the 100-year flood hazard zone "A9", as shown on FIRM Panel 440, revised November 17, 1993. The "A9" designation indicates a base flood elevation of 9 feet. According to our records this house, #15 Seabright Avenue has a cellar elevation of 6.0 feet.

Water and sewer mains are located in Seabright Avenue and are available for house connections.

The issue of parking shall be clearly addressed.

RWB:sw

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

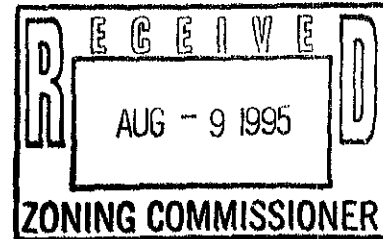
(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 9, 1995

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204



Hand-delivered

Re: Petition for Special Hearing
15 Seabright Avenue
W/S Seabright Ave., 465' +/- N of
Bayside Drive, 15th Election District,
7th Councilmanic
PETITIONER: JOSEPH A. WHITT, ET UX.
Case No. 95-468-SPH

Dear Mr. Schmidt:

We are in receipt of the decision dated July 27, 1995 in the above case. The opinion's thorough description of the proposed use has enabled us to do further legal analysis.

The Baltimore County Charter assigns to this office the responsibility to defend the comprehensive zoning maps. We are, therefore, obligated to express our interest in what we perceive as an issue of public importance.

Upon careful review of the applicable law, we must request reconsideration because the proposed commercial use is not allowed in a residential zone. A firearms dealership is not a home occupation, in accordance with the traditional circumscribed meaning and understanding of that term. Maurer v. Snyder, 199 Md. 551 (1952); Anderson, American Law of Zoning 3d, Sec. 13.01, et seq. (1986); see Zoning Commissioner's Policy Manual, Sec. 101 (1992).

The firearms dealership is a "sporting goods" use permitted in the B.L. (Business, Local) zone under BCZR Sec. 230. Even professional offices within homes are subject to special exception review and standards. BCZR 1B01.1C9b.

The requested use thus falls under the general disallowance of commercial uses in residential zones, or of any uses not explicitly permitted in the district. Leimbach Construction Co. v. Baltimore City, 257 Md. 635 (1970); Kowalski v. Lamar, 25 Md.App. 493 (1975).

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
August 9, 1995
Page Two

The law turns on the character of the use, rather than the details of the operation or the lack of the usual exterior trappings. The petitioner conducts, as a matter of law, the essence of a sporting goods dealership.

As the Court of Appeals concluded in Maurer, if this use were construed as a "home occupation", the "residential character of a [residential] district would have little meaning or legal protection."

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Joseph A. and Kathryn L. Whitt, Petitioners
Arnold (Pat) Keller, Director, Office of Planning
Michael Gambrell, Baltimore County Police Chief



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 31, 1995

Mr. and Mrs. Joseph Albert Whitt
15 Seabright Avenue
Baltimore, Maryland 21221^D

RE: Petition for Special Hearing
15 Seabright Avenue
E/S Seabright Avenue,
465' North of Bayside Avenue
15th Election District
7th Councilmanic District
Joseph Albert Whitt, et ux,-
Petitioner
Case No.95-468-SPH

Dear Mr. and Mrs. Whitt:

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 1995 by Peter Max Zimmerman, People's Council for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

cc:

Michael D. Gambrill, Chief of Police
People's Counsel





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

August 23, 1995

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
15 Seabright Avenue, E/S Seabright
Avenue, 465'+/- N of Bayside Drive
15th Election Dist., 7th Councilmanic
JOSEPH AND KATHRYN WHITT, PETITIONERS
Case No. 95-468-SPH

Dear Mr. Jablon:

Please enter appeals of the People's Counsel for Baltimore County to the County Board of Appeals from the Baltimore County Zoning Commissioner's:

- 1) July 27, 1995 Findings of Fact and Conclusions of Law and Order, and
- 2) August 22, 1995 Memorandum Opinion and Order (ruling on People's Counsel's Request for Reconsideration filed August 9, 1995)

in the above-entitled case. Please forward to this office copies of any papers pertinent to the appeals as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Joseph and Kathryn Whitt, Petitioners

Captain William Kalista, C.I.D.,
Baltimore County Police Department
Mail Stop 1102 E

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner

Received
Permits + Development
Management
8/23/95
Jaw

APPEAL

Petition for Special Hearing
65 North E/S Seabright Avenue 4 Bayside Drive
15 Seabright Avenue
15th Election District - 7th Councilmanic District
Joseph Albert Whitt, et ux - Petitioner
Case No. 95-468-SPH (462)

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Plan for Zoning Special Hearing (not marked as exhibit)

Six Photographs (not marked as exhibit)

Letter to Joseph Albert Whitt from Sergeant Cowley
dated May 22, 1995

Letter to Witt's Weapons from Judy Pasqualone dated March 19, 1995

Pistol and Revolver Dealers License dated June 30, 1995

Letter from Joseph Albert Whitt dated June 14, 1995

Letter to Lawrence E. Schmidt from Office of People's Council
dated August 9, 1995

Eight letters of Support

Zoning Commissioner's Order dated August 22, 1995 (Granted)

Memorandum opinion dated August 22, 1995 (Denied)

Notice of Appeal received on August 22, 1995

c: Mr. Joseph Albert Whitt, 15 Seabright Avenue,
Baltimore, Maryland 21222
Michael D. Gambrill, Chief of Police
700 E. Joppa Road, Towson, Maryland 21286-5501
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning and
Community Conservation
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

12/12/95 -Notice of Assignment for hearing scheduled for Wednesday,
February 28, 1996 at 10:00 a.m. sent to following:

People's Counsel for Baltimore County
Joseph Albert Whitt
Michael D. Gambrill, Chief
Baltimore County Police Department
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

2/28/96 -Hearing concluded; deliberated by Board at conclusion of
testimony and evidence. Special hearing to approve sale of
firearms as home occupation GRANTED by Board (R.W.M.); written
Opinion/Order to be issued by Board; appellate period to run from
date of that written Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Joseph Albert Whitt, et ux -Petitioners
Case No. 95-468-SPH

DATE : February 28, 1996 /at conclusion of hearing

BOARD /PANEL : Robert O. Schuetz (ROS)
S. Diane Levero (SDL)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Among those present at the deliberation were Peter Max Zimmerman and Carole S. Demilio, Office of People's Counsel for Baltimore County, Appellant; and Mr. and Mrs. Joseph Whitt, Petitioners.

PURPOSE --to deliberate issues and matter of petition presented to the Board; testimony and evidence received this date. Written Opinion and Order to be issued by the Board.

ROS: Welcome back, everyone. The purpose of this afternoon's proceeding is to indicate compliance with the open meetings law in Maryland. And what is going to transpire here does not serve as the official record of this case. The official record will be the transcript which was taken from this morning's proceeding, as well as the written Opinion and order, which will come out as a result of what is happening today and this afternoon. Any Petition for Judicial Review, as I said earlier, would be from the written Opinion and Order, and not from what is going to be discussed this afternoon. And I know that this is a new procedure for most of the people in the room. We endeavor to do this impartially.

Having said that, I have a little commentary about the appearance of Mr. Gerding. The Development Regulations speak to the issue of who is able to appear before the Board as an appellant. And such persons being any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision or order of the zoning commissioner or the director of zoning administration shall have the right to appeal to the Board of Appeals. Person or persons includes community associations, civic associations, etc., as long as the criteria are met. Having heard the testimony of Mr. Gerding, I would say that, although he did not file Rule 8 papers, it sounded like testimony on behalf of a community

association. Then when one goes to the definition section of the development regulations, person aggrieved means a person (1) who is a part to the community input meeting, the development plan conference or the proceedings under Section 26-206, and (2) whose personal or property rights are specially and adversely affected by final action on a plan in a manner different than that of the public generally. Were it not for the fact that I want to keep things moving along, I might have considered a sua sponte motion to strike whatever was brought to the record by Mr. Gerding.

Now to the real issue before the Board; whether or not this particular use is a home occupation under the Baltimore County Zoning Regulations. I don't think it's necessary to read into the record what home occupation is. It's found in the zoning regulations. But there are a couple of words which have been danced around this morning concerning the way that Mr. Whitt conducts his business and whether or not that is incidental to the main use of the house, as well as what the traditional definitions of home occupation have been. And I'll note for the record also that the one thing which has not been discussed, besides what the plain and clear meaning of the definition is, is what is included as well as what is not included. The very last sentence of the definition reads: "does not include fortune telling." When the County Council decides it's going to include or exclude something specifically, it means that factors have impacted the community at large. The Council would have added that profession specifically relative to what home occupations should and should not be included as a specific use. Does not speak to the issues of incidental; does not speak to any of the other language included in the definition; only a specific use. My reason for raising that is that some would say that gun sales is not an honorable profession; whatever emotions are attached to this type of business; no matter if you are an NRA member or opposed. There are some people who just do not believe that gun sales, and particularly hand guns, is a use that is appropriate. The Council has already begun enumerating what those uses are, and they have not done so; whether or not gun sales may or may not be included. I'm here to say they can.

People's Counsel asks whether or not gun sales which Mr. Whitt is performing is incidental to the main use of the building for dwelling purposes. And not having a copy of the Law Office's dictionary, we turned to the dictionary we have in the office. It shows the definition as: occurring or likely to occur as an unpredictable or minor concomitant or (2) of a minor, casual, or subordinate nature; a minor concomitant circumstance or event.

Deliberation /Joseph Albert Whitt, et ux /95-468-SPH

People's Counsel asked Mr. Whitt on cross examination what his main source of income was; he provided that. He's an assembly worker in the aerospace industry. He has a working spouse, and they rely on the their incomes to carry the burden of expenses. Gun sales are an added source of income; not the primary source of income.

Therefore, I find that the business as it is conducted in the Whitt residence, and this is not to indicate this is a circumstance which can be applied to all 115 of those similar types of enterprises in Baltimore County, but the way Mr. Whitt chooses to conduct his business as a secondary source of income and not primary, qualifies him as a valid home occupation. Therefore, I would find in favor of granting the special hearing for Mr. Whitt. Commend you (Petitioner) for doing an exemplary job. I would also indicate that the Board's role is not to legislate. If there is a problem with the legislation in place, there is an avenue to be pursued.

At this point, I believe that the very clear and simple reading of the definitions points out that Mr. Whitt is operating well within the zoning regulations with a home occupation in his limited gun and weapon sales.

SDL: I'll try not to be too repetitive. In my opinion, Mr. Whitt's business falls within the definition of home occupation. He lives in the home. He has no signs identifying the business; no advertising; relies on word of mouth by customers. He has no employees; no equipment use. People's Counsel maintains that, regarding no commodities being kept, that if a gun is on the premises for two seconds, this falls under stipulation. I believe that stretches the meaning of this clause. If that were the case, a person would be precluded from running small ceramics classes because pottery and figurines would be stored. Because it complies completely with the definition of home occupation, I would grant.

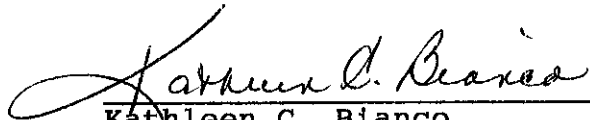
MW: I think that I have not been left with a great deal to add to what my colleagues have said. I understand the concerns of the Police Department regarding safety issues as far as guns, but I believe that it is beyond the Board's scope to determine. Whether or not the Council meant something other than the definition as it exists in the regulations is also beyond the Board's scope. I feel that the particular way in which Mr. Whitt operates his business does fulfill the definition of home occupation as it appears in the zoning regulations, and is therefore permitted in a D.R. 5.5 zone.

Deliberation /Joseph Albert Whitt, et ux /95-468-SPH

ROS: One more comment as to the testimony of Captain Kalista -- when he stated that the Baltimore County Police Department is seeking a restriction on the volume of sales as a possible way of restricting activities on this type of home occupation, in the event the Board granted the special hearing. I'm not an attorney, but that type of a position, in my view, borders on violation of a person's civil rights. It's akin to telling a person he must stop doing business once he reaches a certain point. Everyone has the right to make an income. And what occurred and that type of testimony on the record raises questions for this Appellee.

Having said all that, we are unanimous. A written opinion and order will come out subsequent to these proceedings. Any Petition should be filed from that written order and not necessarily from today's date.

Respectfully submitted,




Kathleen C. Bianco
Administrative Assistant

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** June 10, 1996
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: Case No. 95-468-SPH
JOSEPH ALBERT WHITT, ET UX
15th; 7th C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment (Case File No. 95-468-SPH)

Michael D. Gambrill
Chief of Police



Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

May 22, 1995

Joseph Albert Whitt
15 Seabright Avenue
Baltimore, MD 21222

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Cowley
Baltimore County Police Department
Criminal Investigative Service Division
Firearms Violence Unit
700 East Joppa Road
Towson, MD 21286-5501
(410) 887-2150

Nationally Accredited Since 1984



WYLIE L. RITCHEY, JR.
Chief Deputy Clerk
887-2698

SHIRLEY A. ERNSTBERGER
Chief Accountant
887-2697

WILLIAM E. ALLEN
Asst. Chief Deputy
887-2616

JAMES W. FORRESTER
Asst. Chief Deputy
887-3483

IRVIN O. KROLL
Chief License Department
887-2607

JOSEPH G. SJBIISKI
Chief Court Clerks
887-3413

RICHARD D. ARNOLD, JR.
Chief Juvenile Department
887-3836

BARBARA H. RAINE
Executive Secretary
887-2601



OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

County Courts Building
401 Bosley Avenue, Towson, Maryland 21204

SUZANNE MENSCH

Clerk of Court
(301) 887-2601

GLORIA J. BUTTA
Chief Law Department
887-2621

RICHARD J. NOPPENBERGER
Chief Equity Department
887-2614

PATRICIA E. FISHER
Chief Criminal Department
887-2625

EDNA GOLOMBOWSKI
Chief Trust & Adoptions Department
887-3469

MARIE E. SMITH
Chief
Appeals & Certifications Department
887-3090

IRENE SUMMERS
Commissioner
Civil Assignment Department
887-2660

JOAN MATHER
Commissioner
Criminal Assignment Department
887-2694

March 19, 1991

Witt's Weapons
15 Seabright Ave.
Baltimore, Md. 21222

Dear Mr. Witt:

As per our conversation, I have enclosed a copy of the memo our office received from the Chief License Inspector for the State of Maryland. I have indicated on the copy the area which states, if a business owner does not hold stock in inventory, a traders license is not required. Your sales, as you had explained to me, are by order only which is not considered holding inventory because the product is distributed immediately.

I hope this is helpful to you.

Sincerely,

Judy Pasqualone,
Deputy Clerk
License Bureau
887-2607

JOSEPH WHITT
15 SEABRIGHT AVENUE
BALTIMORE, MD 21222

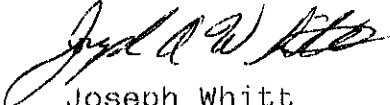
June 14, 1995

To Whom it May Concern,

The reason I have applied for this special hearing is to continue to stay in business as a non-stocking firearms retail dealer. With no change in hours of operation (5pm - 9pm) and to stay in compliance with local law as I already have with state and federal law (BATF) as can be seen by continued renewal of licenses already approved.

If I need to provide you with any additional information please don't hesitate to call 410-288-4911.

Thank you,


Joseph Whitt

No. 016403

State of Maryland

Expiration Date

June 30, 1992

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

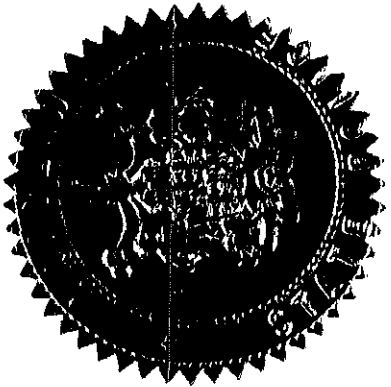
Joseph Albert Whitt

15 Seabright Avenue
Baltimore, Maryland 21222

This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

and shall be in full force and effect until it shall have expired or until revoked.



In Testimony Whereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this First day of July A.D., nineteen hundred and ninety-one

Colonel J. J. J.

Colonel and Superintendent
Maryland State Police

No 1080

No. **016403**

State of Maryland

Expiration Date

June 30, 1993

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

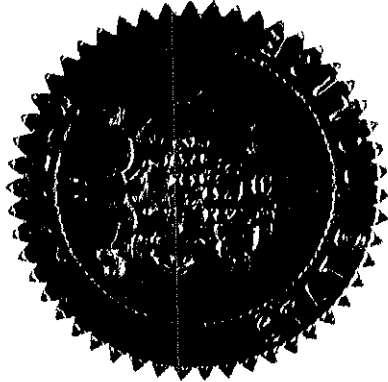
Joseph Albert Whitt

15 Seabright Avenue
Baltimore, Maryland 21222

This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

and shall be in full force and effect until it shall have expired or until revoked.



No. 8380 R

In Testimony Whereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this First day of July A.D., nineteen hundred and ninety-two

Edward M. Tippet

Colonel and Superintendent
Maryland State Police.

No. 016403

State of Maryland

Expiration Date

June 30, 1994

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

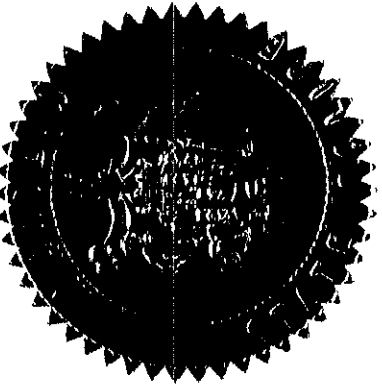
Joseph Albert Whitt

15 Seabright Avenue
Baltimore, MD. 21222

This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

and shall be in full force and effect until it shall have expired or until revoked.



In Testimony Whereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this First day of July A.D., nineteen hundred and Ninety-three

No 8699 R

L.W. Tolson

Colonel and Superintendent
Maryland State Police

No. **016403**

State of Maryland

Expiration Date

June 30, 1995

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

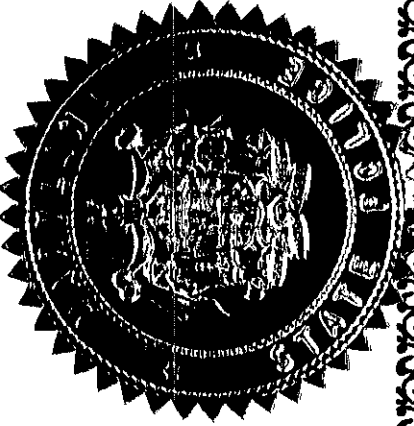
having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

JOSEPH ALBERT WHITT

This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

and shall be in full force and effect until it shall have expired or until revoked.



In Testimony Whereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this First day of July A.D., nineteen hundred and Ninety-Four

No 9129 R

L.W. Tolson
Colonel and Superintendent
Maryland State Police

No. 016403

State of Maryland

Expiration Date

June 30, 1996

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

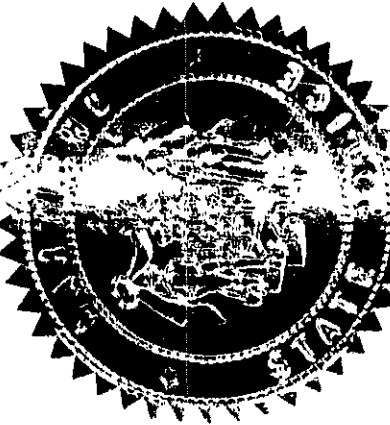
having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

Joseph A. Whitt

This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

and shall be in full force and effect until it shall have expired or until revoked.



In Testimony Whereof, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this 1st day of July A.D., nineteen hundred and ninety-five

No: 9419 R

Colonel and Superintendent
Maryland State Police



Comptroller of the Treasury
Sales and Use Tax Division
301 W. Preston Street
Baltimore, Maryland
21201-2383

Louis L. Goldstein
Louis L. Goldstein
Comptroller of the Treasury

MARYLAND SALES & USE TAX LICENSE

This license must be displayed prominently.
A separate license is required for each place of business.

Sales and Use Tax Registration Number 05730672 Issue Date 04/17/92

WHITT JOSEPH ALBERT
WHITT'S WEAPONS
15 SEABRIGHT AVE
BALTIMORE

MD 21222





DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

LICENSE (18 U.S.C. Chapter 44)

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 178), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. See "WARNINGS" and "NOTICE" on reverse.

DIRECT ATF CORRESPONDENCE TO

BATF, P.O. BOX 2994 ATLANTA, GA 30301-2994

CHIEF, F & E LICENSING CENTER

LICENSE NUMBER

8-52-004-03-6D-33453

EXPIRATION DATE

APRIL 1, 1996

NAME

WHITT, JOSEPH ALBERT

15 SEABRIGHT AVE BALTIMORE, MD 21222

TYPE OF LICENSE

03 - COLLECTOR OF CURIOS AND RELICS

CHIEF, F & E LICENSING CENTER

Ray A. Hayes

PURCHASING CERTIFICATION

I certify that this is a true copy of a license issued to me to engage in the business specified.

LICENSEE MAILING ADDRESS

WHITT, JOSEPH ALBERT 15 SEABRIGHT AVE BALTIMORE, MD 21222

(SIGNATURE OF LICENSEE)

The licensee named herein shall use a reproduction of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided in 27 CFR Part 178. The signature on each reproduction must be an ORIGINAL signature.

ATF FORM 8 (5310.11) (6/81) PREVIOUS EDITION IS OBSOLETE



DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

LICENSE (18 U.S.C. Chapter 44)

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 178), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. See "WARNINGS" and "NOTICE" on reverse.

DIRECT ATF CORRESPONDENCE TO

BATF, P.O. BOX 2994 ATLANTA, GA 30301-2994

CHIEF, F & E LICENSING CENTER

LICENSE NUMBER

8-52-004-01-7D-34068

EXPIRATION DATE

APRIL 1, 1997

NAME

WHITTS WEAPONS

15 SEABRIGHT AVE BALTIMORE, MD 21222

TYPE OF LICENSE

01 - DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES

CHIEF, F & E LICENSING CENTER

Ray A. Hayes

PURCHASING CERTIFICATION

I certify that this is a true copy of a license issued to me to engage in the business specified.

LICENSEE MAILING ADDRESS

WHITT, JOSEPH ALBERT WHITTS WEAPONS 15 SEABRIGHT AVE BALTIMORE, MD 21222

(SIGNATURE OF LICENSEE)

The licensee named herein shall use a reproduction of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided in 27 CFR Part 178. The signature on each reproduction must be an ORIGINAL signature.

ATF FORM 8 (5310.11) (6/81) PREVIOUS EDITION IS OBSOLETE



STATE OF MARYLAND

COMPTROLLER OF THE TREASURY

LOUIS L. GOLDSTEIN, COMPTROLLER

J. BASIL WISNER, CHIEF DEPUTY COMPTROLLER

SALES AND USE TAX DIVISION

STATE LICENSE BUREAU

301 WEST PRESTON STREET, BALTIMORE, MARYLAND 21201

GEORGE T. GRAY
CHIEF LICENSE INSPECTOR

TO: Clerks of the Circuit Courts

FROM: George T. Gray, State License Bureau

DATE: June 20, 1989

SUBJECT: Businesses Reporting "No Inventory"

In recent months we have received numerous calls pertaining to individuals applying for a Traders License but are not reporting inventory, furniture or fixtures. They do not have a commercial address and licenses are being issued to private residences.

In *Brown v. State*, 177 Md.321, 9A.2d 209 (1939):

Traders License is intended for dealer from place of business. The licensee is one who has a stock in trade and the fee is graduated in amount according to the amount of that stock in trade.

We maintain that if you are not reporting inventory, you are not required to have a Traders License. Ninety Percent of these licenses are issued to residences for \$15.00, based on a verbal "... inventory less than a \$1000".

Investigation reveals the following conditions exist with these licenses.

1. No records of this business on local tax files or local assessment files.
2. No Sales Tax License issued or if they have one, they usually remit less than \$5.00 annually.
3. Licenses are being used to identify them as legitimate businesses to wholesalers and lending institutions.
4. "No longer in business" but wants license for sentimental reasons.

MY TELEPHONE NUMBER IS: 225-1550

TTY FOR THE DEAF: ANNAPOLIS AREA 974-2609
BALTIMORE AREA 383-7555

June 4, 1995

To Whom it May Concern,

Joseph Whitt has been a neighbor for the past five and a half years, during that time I have never noticed his business causing problems with parking, accelerated traffic or undesirable persons coming into the area. It is a shame, with all the people out of work, to take away part of a family's livelihood. Not to mention the revenue he also brings in for the state of Maryland.

Sincerely,

*Thomas Hanna
Doris M. Hanna
17 Sea Bright Ave.
Baltimore, Md. 21222*

*P.S. We are very happy to have Joe
and his wife as our neighbors, and
cannot find anything wrong with
his business affairs.*

June 13, 1995

To Whom It May Concern

Mr Joseph A Whitt residing at 15 Seabright Ave
Belle Mead 21222 has been my neighbor for over
5 years and has been an outstanding member of
our community.

His activities and conduct has always
been above reproach.

I never knew until recently that he
held a dealers license ~~of~~ Fed & State for
buying and selling fire arms.

Never at any time has his operation
impinged on anyone in this neighborhood

We are requesting that you allow
him to continue this operation

Respectfully
Pres. Gary Rainie
Inverness Civic Association Inc

GUNS - RIFLES - HANDGUNS - ACCESSORIES - MODERN & ANTIQUE

Shotgun News

Trading Post for anything that shoots.

SILVERADO GUN SHOW*SEPT. 16 & 17*SILVERADO GUN SHOW** 16
 MARYLAND'S HOWARD CO. FAIRGROUNDS*EXIT 80 OFF I-70** 16
 1200' TABLES @ ONLY \$40.00 EA*DRIVE THRU UNLOADING* 16
 THIS IS "THE HOWARD COUNTY SHOW" TO DO. 16
 BIGGER CROWDS*MORE VENDORS*MORE SPENDERS 16
 FOR FURTHER INFO. SILVERADO PROMOTIONS 301-540-7469** 16

T.C. Ex. 6

Bulk Rate
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 Minneapolis, MN 55401
 Permit No. 1538

August 20, 1995

00000005241P** 5-DIGIT 21286
 P013 077/06 31888 #20 06/96-2
 FIREARMS IDENTIFICATION UNIT
 BALTIMORE COUNTY POLICE DEPT
 700 E JOPPA RD
 TOWSON MD 21286-5505

SNELL PUBLISHING CO., P.O. Box 669, Hastings, NE 68902 (402) 463-4589 Established 1946 published 3 times a month \$22 per year

REARMS Offered for you by license.

ART WANTED: \$200. No limit paid; Free evaluation sheet provided; Contact: David Pepin, Box 354, Grant Park, IL 60940. TOLL FREE: 1-800-435-5119. TF-2-3XX

Generator sets: Exc. cond., single & 3 phase power: 5KW Gas, \$750; 10KW gas, \$1300; 7.5KW Diesel, \$2400; 15KW Diesel, \$3500; 30KW Diesel, \$4500; 60KW Diesel, \$6000. TF-2-3XXc

NICK'S BALL SEALER. Cap & ball revolver lube, new formula, weather resistant, odorless, no messy tube or spill. Approx. 300 shots per jar, 2, 2 oz. jars \$5.50+ \$2. S/H; Cash or checks; Walker 47 2777 Orange-Olive, Orange, CA 92665. 9-2&3-XX

A WELL Regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed. The Second Amendment of the United States Constitution.

A-3 AIR FORCE, Retail, \$295; SALE, \$149.95! NAVY FLIGHT JACKET, Retail, \$325; SALE, \$169.95! Dark brown or black cowhide. Add: \$7. fr. 48R. 36-46L. + \$20.; SAN DIEGO LEATHER, 1121 Bay Blvd., Chula Vista, CA 91911. 1-800-232-6626. TF-2-3XXc

TRIGGER SHOES: Pistols, revolvers, rifles, shotguns; Call Toll Free: 800-44-8415. TF-2-3XX

NON-RESIDENT CONCEALED WEAPON PERMITS, FLORIDA, UTAH, MARYLAND, WASHINGTON, & 8 OTHERS. Requirements & how to instruct; \$10; B&R Co., 2800 Old Dawson Rd., Suite 2, Box 206, Albany, GA 31707. 10-2&3XX

MAADI-GRIFFIN 50 CAL. BMG. COUNTER-SNIPER/COMPETITION RIFLE. Complete builder's plans, including parts list, photos, etc. can be built in 1000'. Call for COD, or send \$100.00 to: M.A. Griffon, Dept. 2, P.O. Box 111, Spring Hill, UT 84603. Tel: 801-772-1689; FAX: 801-798-2386. TF-3XXc

AMATEUR & PROFESSIONAL GUNSMITHS: Make at least \$50. per hr. as a 2 Plate firearms finish dealer. Exclusive service areas now available. \$4800. Investment, (complete start up kit) is secured by the equipment. Market untouched, profit potential exc., for more information & dealer application, send self addressed envelope to: America Gun Works, 19093 S. Beaver Creek Rd. #135, Oregon City, OR 97045. 9-2&3XX

ARMS in the hands of citizens [may] be used at individual discretion... in private self-defense... - John Adams, A Defense of the Constitutions of the Government of the USA, 471 (1788).

FFL FAST START KIT with applications, instructions, wholesalers & 3 guides, \$5; "Starting Your Gun Business" booklet, \$5.95; No kit is a "Fast Start Kit" without providing a (BATF required) Firearms Dealer Acquisition & Disposition Bound Book; Sell guns the day your license arrives; NO DELAY! Bound Book, \$5.95; FFL Kit & Bound Book, \$9.95; Kit, booklet & Bound Book, \$14.95 (License guaranteed or full refund). Order information line: 602-939-3791; Customer service: 602-918-3974; Your check welcome; Write MOHAWK, PO Drawer 5070-A6, Glendale, AZ 85312. TF-3XX

"AS civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, & as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the article in their right to keep & bear their private arms". - Trench Coxe in "Remarks on the First Part of the Amendments to the Federal Constitution". Under the pseudonym "A Pennsylvanian" in the Philadelphia Federal Gazette, June 18, 1789 at 2 col. 1.

BEST FFL KITS!!! Follow our instructions for FAST License Approval, \$5; BATF Approved Dealer Transaction RECORD BOOK, 11"x17" writing area, \$5; Personal Collection Book, \$5; Dome Tax Bookkeeping System, \$2.95; Sales Receipt Books, 3 \$3.95; Firearms Dealer Sale Forms, \$5; Dealer's Bound Book, \$5.95; Wholesale Price Labels, \$2; Dealer's Guide, \$2.95; Starting your own gun business kit, \$4.95; "Starting your own gun business" book, \$5.95; New, unique manual with complete BATF Gun Control laws, Commerce in Firearms, Collecting, Transportation, Class 3, Concealed Weapons "No inventory profits", Importation & much more, just \$23.95; To sell guns the day your license comes, have on hand a (BATF required) Firearms Dealer's Bound Book, \$5.95; "Dealer's Guide", \$2.95; **FAST START PACKAGE:** All above (\$43.80 value) just \$34.85! License guaranteed or full (\$34.85) refund; Order information line: 602-939-8791. COD welcome! Customer Service: 602-918-3974; Personal checks welcome since 1980; MOHAWK, PO Drawer 5070-A7, Glendale, AZ 85312. TF-3XX

GUN DEALER LICENSE GUN DEALER LICENSE GUN DEALER LICENSE Home FFL, Legal 50 States. Call Bob or Jennie Today (Dealers & Consultants) (Open Days, Eves. & Sat.) In Person/No Recording In Person/No Recording (We Teach - They don't) FREE HELP: (805)687-1416 SUPPLIES: (805) 687-1416 FAX (24 hr.): (805) 687-4565

Most Popular Packages: (No Pitfalls/No Rip-Off) BASIC PAC - ©, \$19.95; HOME - BUS PAC ©, \$39.95; COMPLETE PAC ©, \$69.95; (Dealer - Written Guide, Applications and Instr., 11"x22" ATF Bound Book, Real Wholesalers List, Up to 7 Business Pads & Supplies in each Pac). CALIFORNIA DEALERS: (Poster, \$6. & New Info.) New Gunsmith Supplies. VISA, M/C, Check, COD. (Ad ©) - RK Enterprises, 2616 Las Positas Road, Santa Barbara, CA 93105. TF-2-3XX

FLORIDA CONCEALED WEAPONS PERMIT FOR NON-RESIDENTS, complete packet & step by step instructions, \$7.95; A.G.S., Inc., PO Box 117, 183 S. State Rd. 7, Margate, FL 33068. 8-2&3XX

U.S. MILITARY MEDALS, (full size/minature), ribbons, insignia, catalog \$1; Stuart Walsky, POB 273, Largo, FL 34649-0273; 813-397-0935 evenings. TF-2-3XXc

LEGAL IVORY TUSKS WANTED, any cond. Highest prices paid; 508-746-8552. TF-2-3XXc

JAPANESE SWORDS, MATCHLOCKS, ARMOR WANTED BY COLLECTOR, \$500 to \$250,000. + ca.; ROB LIGHT-NEE, Box 320049, Cocoa Beach, FL 32932-0049; 407-783-0314. TF-2-3XX

GUN DEALER'S PROFITS. Everything needed! **EASIEST LICENSE** applications kit, \$4.95; "Starting your own gun business" book, \$5.95; New, unique manual with complete BATF Gun Control laws, Commerce in Firearms, Collecting, Transportation, Class 3, Concealed Weapons "No inventory profits", Importation & much more, just \$23.95; To sell guns the day your license comes, have on hand a (BATF required) Firearms Dealer's Bound Book, \$5.95; "Dealer's Guide", \$2.95; **FAST START PACKAGE:** All above (\$43.80 value) just \$34.85! License guaranteed or full (\$34.85) refund; Order information line: 602-939-8791. COD welcome! Customer Service: 602-918-3974; Personal checks welcome since 1980; MOHAWK, PO Drawer 5070-A7, Glendale, AZ 85312. TF-3XX

BEST FFL KITS, Record Books and DEALER SUPPLIES. COD, VISA, M/C; 605-623-3222. TF-2-3XXc

MAPS, TOPOGRAPHICS, quad, surplus; Bosnia, Vietnam, Texas, Moon, ANY-PLACE! 49,000 Maps, 7700 sat. photos, catalog \$3. (refundable); Monarch, Box 42003-203, Phoenix, AZ 85023. hb-XX

"THE supposed quietude of a good man allures the ruffian; while on the other hand, arms like laws discourage & keep the invader & the plunderer in awe, & preserve order in the world as well as property. The same balance would be preserved were all the world destitute of arms for all would be alike; but since some will not, others dare not lay them aside...Horrid mischief would ensue were one half the world deprived of the use of them..." - Thomas Paine, I Writings of Thomas Paine at 56 (1894).

IVOREX GUN GRIPS: Looks like - Feels like!!! Genuine ivory!!! Tyler's Tru-Fit Grips also in stag, pearl, wood, plastic, rubber; Tyler's T-Grip & Trigger Shoe, 800-654-8415. TF-2-3XX

WANTED: Weatherby rifles; 375 Weatherby, 220 Rocket, also Weatherby guides; 217-322-6618. 9-2-1XX

U.S. NAVY BUREAU OF AERONAUTICS WWII scale Mod. aircraft plans for aircraft recognition training. Copies of 36 different plan sets available, both Allied & Axis planes. Send lg. SASE & \$2. for list & sample plan set; NASSAU, 24 So. Lafayette Ave., Morrisville, PA 19067. hb-XX

UZI Group Industries, new, \$1200.; 606-734-2633, 502-695-2673, leave message, Robby. XX

CAN'T FIND IT, SPECIAL ORDER; CALL: 303-465-5033. Will ship to dealer in your area. 8-3XX

"A STRONG body makes the mind strong. As to the species of exercises, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks." - Thomas Jefferson, Encyclopedia of T. Jefferson, 318 (Poley, Ed., reissued 1967).

POTATO Gun manual, plans, ignitors, propellants, sources, \$7.50; G.G., Box 692, Chillicothe, MO 64601. TF-2-3XXc

30 CAL. SABOTS, \$45./1000 PPD; 50 CAL. SABOTS, \$80./1000 PPD; Loading data included. Amazing velocities (30/22 Sabots over 4600 FPS), (50/30 Sabots over 5100 FPS). Send Certified Check or Money Order to: Maadi-Griffin Co., PO Box 711, Dept. S, Spanish Fork, UT 84660-0711. 801-798-1689; FAX: 801-798-2386. TF-3XXc

FIREARM SELLER'S DISCOUNT RECORDS. ATF "wide line" Acquisition/Disposition Bound Book, \$5.95; ATF recommended Personal Firearms Legal Record book, \$4.95; **LEGAL FORMS PACKAGES** (\$3. ea.); "Firearm Sales forms"; "Release of Liability Firearm" forms; "Firearms Consignment Agreement"; "Bills of Sale, Firearm"; "All Purpose Business Form" use as invoice, statement or purchase order, NEW! Firearm price stickers & hang tag kit, \$3.95; 200 (wholesalers on self stick, \$3.95; All (\$36.50 value) just \$26.50; **ORDEP** 602-939-8791; Customer service: 3974; Write MOHAWK, PO Drawer 5070-A8, Glendale

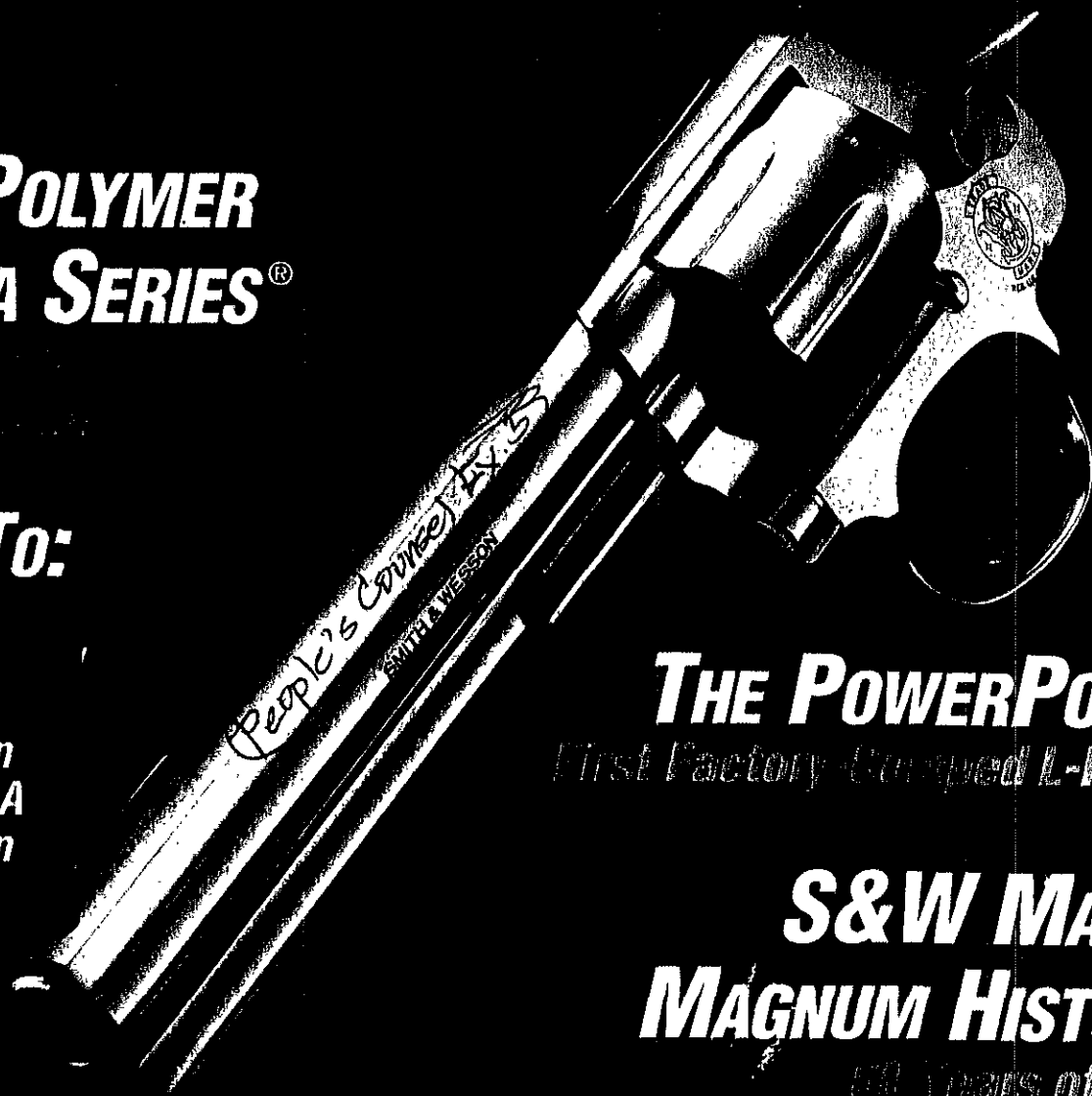


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40 Years of .44



DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Pet. Ex. 1

LICENSE (18 U.S.C. Chapter 44)

In accordance with the provisions of Title I, Gun Control Act of 1968, and the regulations issued thereunder (27 CFR Part 178), you are licensed to engage in the business specified in this license, within the limitations of Chapter 44, Title 18, United States Code, and the regulations issued thereunder, until the expiration date shown. See "WARNINGS" and "NOTICE" on reverse.

DIRECT ATF CORRESPONDENCE TO	CHIEF, F & E LICENSING CENTER	LICENSE NUMBER	8-52-004-01-70-34068
	BATF, P.O. BOX 2994 ATLANTA, GA 30301-2994	EXPIRATION DATE	APRIL 1, 1997
NAME	LICENSED PREMISES: WHITTS WEAPONS	15 SEABRIGHT AVE BALTIMORE, MD 21222	
TYPE OF LICENSE	01 - DEALER IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES		
CHIEF, F & E LICENSING CENTER	<i>Roy A. [Signature]</i>		

PURCHASING CERTIFICATION

I certify that this is a true copy of a license issued to me to engage in the business specified.

Joseph Albert Whitt
(SIGNATURE OF LICENSEE)

LICENSEE MAILING ADDRESS

WHITT, JOSEPH ALBERT
WHITTS WEAPONS
15 SEABRIGHT AVE
BALTIMORE, MD
21222

The licensee named herein shall use a reproduction of this license to assist a transferor of firearms to verify the identity and the licensed status of the licensee as provided in 27 CFR Part 178. The signature on each reproduction must be an ORIGINAL signature.



Comptroller of the Treasury
Sales and Use Tax Division
301 W. Preston Street
Baltimore, Maryland
21201-2383

Louis L. Goldstein
Comptroller of the Treasury

MARYLAND SALES & USE TAX LICENSE



This license must be displayed prominently.
A separate license is required for each place of business.

Sales and Use Tax Registration Number

05730672

Issue Date

04/17/92

WHITT JOSEPH ALBERT
WHITTS WEAPONS
15 SEABRIGHT AVE
BALTIMORE

MD 21222

No. 016403

State of Maryland

Expiration Date
June 30, 1996

PISTOL & REVOLVER DEALERS LICENSE

THIS IS TO CERTIFY, That

WHITT'S WEAPONS

having complied with the provisions of Section 443, Article 27, Annotated Code of Maryland, is hereby granted a License to engage in the business of selling Pistols and Revolvers and the business of repairing Pistols and Revolvers, as defined in Section 441, Article 27, Annotated Code of Maryland, until the date of expiration shown hereon; the applicant for said license being:

Joseph A. Whitt

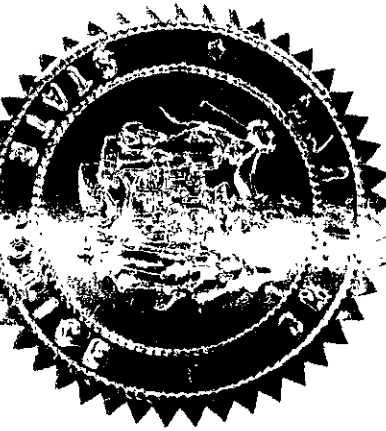
This License shall be conspicuously displayed at all times, only at the following location:

15 Seabright Avenue, Baltimore, Maryland 21222

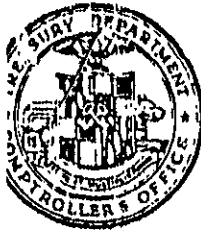
and shall be in full force and effect until it shall have expired or until revoked.

I, Joseph A. Whitt, I have hereunto affixed my official signature, at Pikesville, Baltimore County, Maryland, this 1st day of July A.D., nineteen hundred and ninety-five

No. 9419 R



Joseph A. Whitt
Colonel and Superintendent
Maryland State Police



STATE OF MARYLAND

COMPTROLLER OF THE TREASURY

LOUIS L. GOLDSTEIN, COMPTROLLER

J. BASIL WISNER, CHIEF DEPUTY COMPTROLLER

SALES AND USE TAX DIVISION

STATE LICENSE BUREAU

301 WEST PRESTON STREET, BALTIMORE, MARYLAND 21201

GEORGE T. GRAY
CHIEF LICENSE INSPECTOR

Pet. Ex 2

TO: Clerks of the Circuit Courts
FROM: George T. Gray, State License Bureau
DATE: June 20, 1989
SUBJECT: Businesses Reporting "No Inventory"

In recent months we have received numerous calls pertaining to individuals applying for a Traders License but are not reporting inventory, furniture or fixtures. They do not have a commercial address and licenses are being issued to private residences.

In *Brown v. State*, 177 Md.321, 9A.2d 209 (1939):

Traders License is intended for dealer from place of business. The licensee is one who has a stock in trade and the fee is graduated in amount according to the amount of that stock in trade.

We maintain that if you are not reporting inventory, you are not required to have a Traders License. Ninety Percent of these licenses are issued to residences for \$15.00, based on a verbal "... inventory less than a \$1000".

Investigation reveals the following conditions exist with these licenses.

1. No records of this business on local tax files or local assessment files.
2. No Sales Tax License issued or if they have one, they usually remit less than \$5.00 annually.
3. Licenses are being used to identify them as legitimate businesses to wholesalers and lending institutions.
4. "No longer in business" but wants license for sentimental reasons.

MY TELEPHONE NUMBER IS: 225-1550

TTY FOR THE DEAF: ANNAPOLIS AREA 974-2609
BALTIMORE AREA 383-7555

AN EQUAL OPPORTUNITY EMPLOYER

Pet. Ex. 3

WYLIE L. RITCHEY, JR.
Chief Deputy Clerk
887-2698



GLORIA J. BUTTA
Chief Law Department
887-2621

SHIRLEY A. ERNSTBERGER
Chief Accountant
887-2697

RICHARD J. NOPPENBERGER
Chief Equity Department
887-2614

WILLIAM E. ALLEN
Asst. Chief Deputy
887-2616

PATRICIA E. FISHER
Chief Criminal Department
887-2625

JAMES W. FORRESTER
Asst. Chief Deputy
887-3483

**OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY**

EDNA GOLOMBOWSKI
Chief Trust & Adoptions Department
887-3469

IRVIN O. KROLL
Chief License Department
887-2607

County Courts Building
401 Bosley Avenue, Towson, Maryland 21204

MARIE E. SMITH
Chief
Appeals & Certifications Department
887-3090

JOSEPH G. SIBISKI
Chief Court Clerks
887-3413

SUZANNE MENSCH
Clerk of Court
(301) 887-2601

IRENE SUMMERS
Commissioner
Civil Assignment Department
887-2660

RICHARD D. ARNOLD, JR.
Chief Juvenile Department
887-3836

JOAN MATHER
Commissioner
Criminal Assignment Department
887-2694

BARBARA H. RAINE
Executive Secretary
887-2601

NORMAN STONE

March 19, 1991

Witt's Weapons
15 Seabright Ave.
Baltimore, Md. 21222

Dear Mr. Witt:

As per our conversation, I have enclosed a copy of the memo our office received from the Chief License Inspector for the State of Maryland. I have indicated on the copy the area which states, if a business owner does not hold stock in inventory, a traders license is not required. Your sales, as you had explained to me, are by order only which is not considered holding inventory because the product is distributed immediately.

I hope this is helpful to you.

Sincerely,
Judy Pasqualone
Judy Pasqualone,
Deputy Clerk
License Bureau
887-2607

2:00 pm 6/19/95

Michael D. Gambrill
Chief of Police



Pet. Ex. 4
Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

May 22, 1995

Joseph Albert Whitt
15 Seabright Avenue
Baltimore, MD 21222

RE: Federal Firearms License

In 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Part of this Act concerns the issuance of Federal Firearms Licenses which now requires compliance with state and local law as a condition for obtaining / maintaining a license.

*Show me
in LAW?*
Baltimore County Zoning regulations require that a person engaged in the business of selling goods do so at a location which is properly zoned. Zoning regulations require that the place of business, the address on the Federal Firearms License, be located in a commercially zoned area. A review of the Baltimore County Zoning Maps indicates that the address indicated on your license is a residential area thereby requiring that a wavier or exception be granted in order to allow you to continue operating as a Federal Firearms Licensee. If you expect to continue to operate as a licensee please take the appropriate steps to comply with Baltimore County Zoning law and regulation within the next 60 days.

Please forward any request for a zoning exception or variance to the below address. Failure to comply with Baltimore County Zoning will result in the Bureau of Alcohol, Tobacco and Firearms denying you your Federal Firearms License.

If additional information is needed, please contact:

Sergeant Cowley
Baltimore County Police Department
Criminal Investigative Service Division
Firearms Violence Unit
700 East Joppa Road
Towson, MD 21286-5501
(410) 887-2150

Nationally Accredited Since 1984



Baltimore County Government
Office of Zoning Administration
and Development Management

Pet. Ex. 5



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Mr. and Mrs. Joseph Whitt
15 Seabright Avenue
Baltimore, Maryland 21222

RE: Item No.: 462
Case No.: 95-468-SPH
Petitioner: J. A. Whitt, et ux

Dear Mr. and Mrs. Whitt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

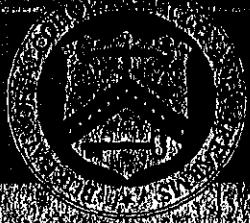
A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

DEW's

WCC 17/18/95

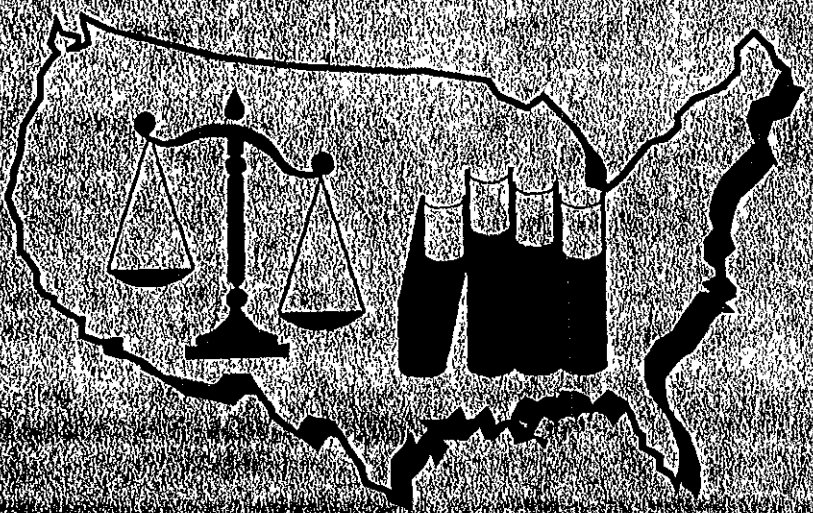


DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

127 EX 6

Firearms State Laws and Published Ordinances

1994 - 20th Edition



ATF P 5300.5

Pet. Ex. 7

ditions.]

ed in this subheading, the following meaning indicated.

Handgun means any pistol, revolver, or capable of being concealed on the carrying a short-barreled shotgun and a rifle, as these terms are defined below does not include a shotgun, rifle, or as those terms are defined below.

Antique firearm means: any firearm (including any firearm with a flintlock, percussion cap, or similar type action) manufactured in or before 1898;

Replica of any firearm described in subsection (a) of this section if such replica: designed or redesigned for using conventional centerfire fixed ammunition;

Conventional centerfire fixed ammunition means any centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available through the ordinary channels of commercial trade.

Shotgun means a weapon designed or redesigned or remade, and intended to be fired from the shoulder and designed or redesigned or remade to use the energy of a fixed metallic cartridge to fire a projectile through a rifled bore for the sole purpose of the trigger.

Short-barreled shotgun means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by alteration, modification, or otherwise which such weapon as modified has an overall length of less than twenty-six inches.

Short-barreled rifle means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by alteration, modification, or otherwise which such weapon as modified, has an overall length of less than twenty-six inches.

Shotgun means a weapon designed or redesigned or remade, and intended to be fired from the shoulder and designed or redesigned or remade to use the energy of a fixed shotgun shell to fire through either a number of ball shot or a single ball shot for each single pull of the trigger.

Handgun roster means the roster of handguns compiled by the Board under this Article.

Law enforcement personnel means: any full-time member of a police force or other law enforcement agency of the United States, a State, a local government, or a political subdivision;

(1) "Board" means the Handgun Roster Board.

36H. State preemption of weapons and ammunition regulations.

(a) Handguns, rifles, shotguns, and ammunition. - Except as provided in subsections (b), (c), and (d) of this section, the State of Maryland hereby preempts the rights of any county, municipal corporation, or special taxing district whether by law, ordinance, or regulation to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of the following:

- (1) Handgun, defined in § 36F (b) of this article;
- (2) Rifle, as defined in § 36F (d) of this article;
- (3) Shotgun, as defined in § 36F (g) of this article; and
- (4) Ammunition and components for the above enumerated items.

(b) Exceptions. - Any county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the weapons and ammunition listed in subsection (a) of this section:

- (1) With respect to minors;
- (2) With respect to these activities on or within 100 yards of parks, churches, schools, public buildings, and other places of public assembly; however, the teaching of firearms safety training or other educational or sporting use may not be prohibited; and
- (3) With respect to law enforcement personnel of the subdivision.

(c) Authority to amend local laws or regulations. - To the extent that local laws or regulations do not create an inconsistency with the provisions of this section or expand existing regulatory control, any county, municipal corporation, or special taxing district may exercise its existing authority to amend any local laws or regulations that exist before January 1, 1985.

(d) Discharge of handguns, rifles, and shotguns. - In accordance with law, any county, municipal corporation, or special taxing district may continue to regulate the discharge of handguns, rifles, and shotguns, but may not prohibit the discharge of firearms at established ranges.

36H-1. Assault Pistols - In this subheading, "Assault Pistol" means any of the following specified firearms or their copies regardless of which company produced and manufactured the firearm;

- (1) AA Arms AP-9 semiautomatics;
- (2) Bushmaster semiautomatic pistol;
- (3) Claridge Hi-Tec, semiautomatic pistol;
- (4) D Max Industries semiautomatic pistol;
- (5) ...

person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Pet. Ex 8

Publisher's Note

State law preempts local restrictions on possession or sale of handgun ammunition. 67 Op. Atty Gen. (December 10, 1982).

Pistols

441. Definitions.

(a) As used in this subtitle -

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson in the first degree; burglary, including common law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving

442. Sale or transfer of pistols and revolvers.

(a) **Right to regulate sales preempted by State.** All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) **Application to purchase or transfer.** No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) **Same - Disposition of copies.** The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) **Same - Fees.** - (1) A person who makes an application to purchase or transfer a pistol or revolver shall pay to the dealer a \$10 application fee with the application to purchase or transfer.

(2) The dealer shall forward the \$10 application fee along with the application to the Superintendent of the Maryland State Police.

(e) **Same - Statement of penalties for supplying false information required.** - The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than three years, or a fine of not more than \$5,000, or both."

(f) **Same - Information required.** - The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made

application, certificate of possessing dangerous weapons, or in danger to himself or others.
(vi) Is at least in violation of federal law.

(vii) Has or has not been convicted of a crime under this section and, if so, what.

(3) The dealer shall deliver to the prospective purchaser or transferee a copy of the application and the receipt therefor.

(g) **Investigation when false information is incorporated into application.** - The Maryland State Police shall investigate any application for a pistol or revolver which is found to be false information incorporated into the application.
* * * *

(h) **Sale of pistols and revolvers except for a person who has been convicted of a crime under this section.** - The application has been disapproved by the Superintendent and/or his duly authorized representative as ruled by the application.

(i) **Hearing on application for a pistol or revolver.** - The application of the prospective purchaser to the State within 30 days of the date of the application.

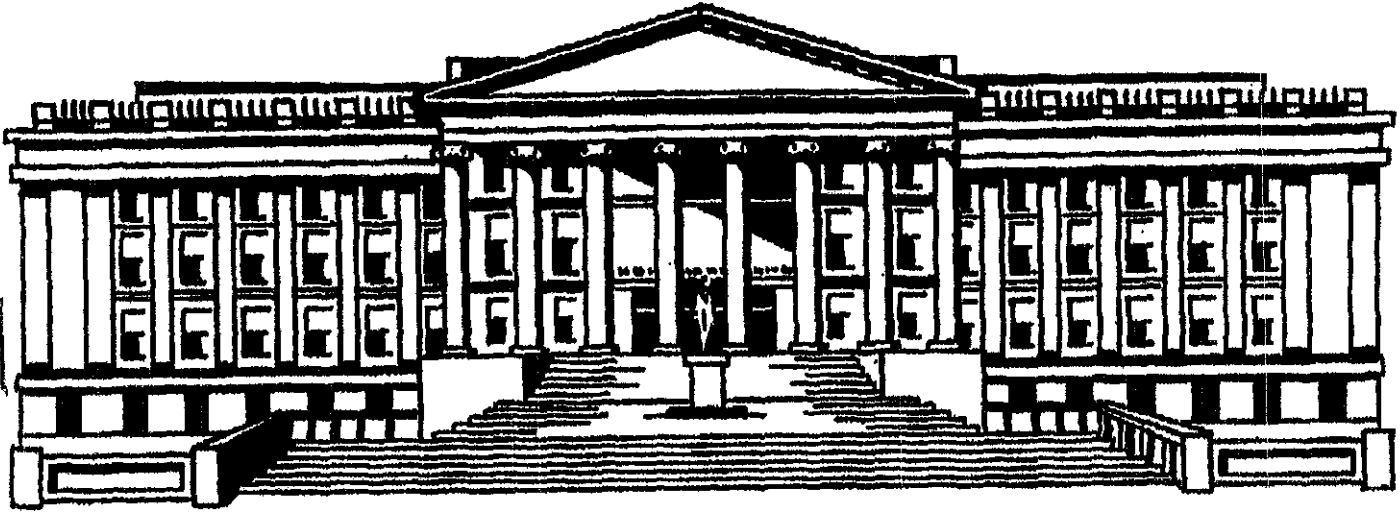
(j) **Notification of permanent record.** - The dealer who sells a pistol or revolver in compliance with the provisions of the written notification of the Superintendent of the Maryland State Police, shall be notified of the completion of such complete record of pistols and revolvers in the State. The dealer shall identify the purchaser, the make, model, and any other identifying information or marking by which the purchaser may be identified.

(k) **Construction of section.** - This section shall be construed to apply to transfers for business purposes of a person engaged in the business of this subtitle or a corporation or required to be licensed under this subtitle or revolver or other firearm member of an enforcement agency or law enforcement officer.



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

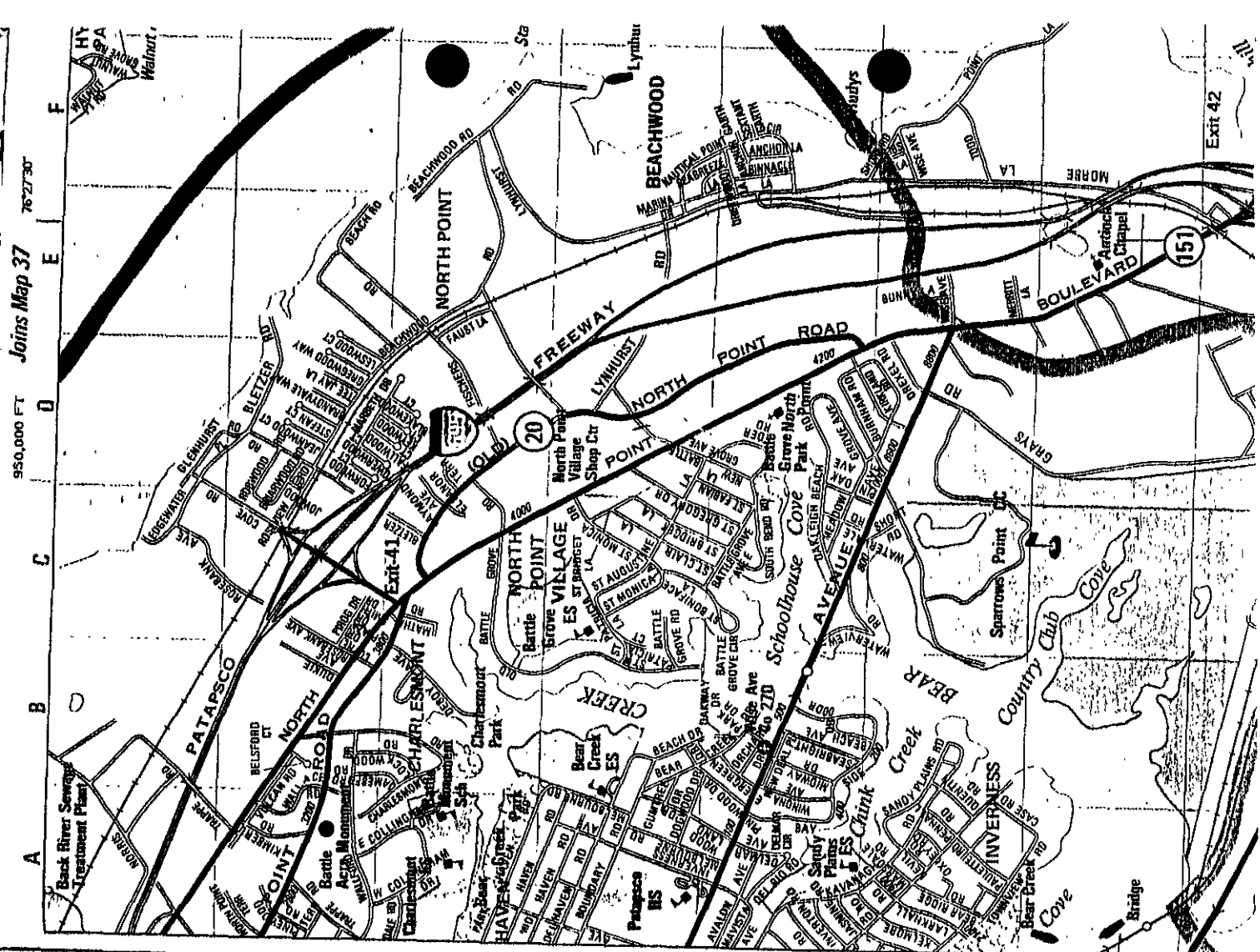
Pet. Ex. 9



FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE

(Formerly "Your Guide To"
Federal Firearms Regulations)

ATF P 5300.4 (10-95)



P.C. Ex. 1
 MAP 45

VIOLENT CRIME CONTROL AND ENFORCEMENT ACT OF 1994

10 years. or

AGENCY PROVI-

fined both. (c) T. SIONS IN

United States

Code, is amended by inserting "or a violation by such a person of section 922(x)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (x)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(x) of this title," before "criminal prosecution on the basis".

(d) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)."

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Subtitle C—Licensure

SEC. 110301. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) FIREARMS LICENSURE.—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) REGISTRATION.—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

SEC. 110302. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

ut not possession; of
munition by a juve-
persons against an
e or a residence in

session of which is
ich the transferor is
subject to permanent
by the juvenile sub-
duct of the juvenile,
in such handgun or
rment for the pur-

orm 'juvenile' means

this subsection, the
efendant's parent or

to enforce subpara-

f a parent or legal
ing in a prosecution
rown.

United States Code,

h (2) or (3) of,

aw paragraph:
22(x) shall be fined
ear, or both, except
sentenced to proba-
incarcerated unless
robation.

s charged is posses-
violation of section

i in any court of an
922(x) or a similar
se consisting of con-
not constitute an of-
ent for conduct that
in offense.

owingly violates sec-

nprisoned not more

therwise transferred
wing or having rea-
ntended to carry or
use the handgun or
of violence, shall be

Pic. Ex. 3

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
NOTIFICATION OF INTENT TO APPLY FOR A FEDERAL FIREARMS LICENSE

Submit in triplicate. All entries must be in ink. Please read instructions carefully before completing this form.

NOTICE

Section 923 (d)(1)(F), Title 18, U.S.C., requires any person intending to apply for a Federal Firearms License (FFL) to notify the person's chief law enforcement officer of such intent.

INSTRUCTIONS TO THE APPLICANT

1. You may use ATF F 5300.36 supplied by ATF or use photocopies of such forms. If photocopies are used, the photocopies must include the instructions.
2. Each person intending to apply for a license must prepare and submit ATF F 5300.36 to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed are located. The CLEO is the Chief of Police, the Sheriff, or an equivalent officer, or the designee of such individual.
3. All forms must be prepared in ink, signed, dated, and distributed as follows:
 - a. The original should be sent or delivered to your CLEO.
 - b. The second copy should be attached to the original ATF F 7, Application for License, sent to the Chief, Firearms and Explosives Licensing Center.
 - c. The third copy should be retained by the applicant as proof of notification.
4. **NOTE:** An application for an FFL received by the Firearms and Explosives Licensing Center without ATF F 5300.36 is subject to denial or delayed processing.

INSTRUCTIONS TO THE CHIEF LAW ENFORCEMENT OFFICER

1. This form provides notification of a person's intent to apply for a Federal firearms license.
2. This form requires no action on your part, however, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Firearms and Explosives Licensing Center at 1-800-366-5423 or (404) 679-5040. You may also contact the Licensing Center for a copy of the person's license application form or if you have any further questions.

SECTION A - NAME AND ADDRESS OF CHIEF LAW ENFORCEMENT OFFICER

NAME (Chief Law Enforcement Officer)

CHIEF GAMBRIEL SCOPD

ADDRESS (Include city, State and ZIP code)

200 E. JUPPA RD TOWSON MD 21286

SECTION B - APPLICANT INFORMATION

I, Joseph ALBERT WHITT hereby provide
 (Print full name)

notification that I intend to apply for a Federal Firearms License for premises located at

15 SEABRIGHT AVENUE BALTIMORE MD 21222
 (Print no., street, city, county, State and ZIP code)

by filing ATF F 7, Application for License, or ATF F 7CR, Application for License (Curios and Relics), with the Chief, Firearms and Explosives Licensing Center, Bureau of Alcohol, Tobacco and Firearms.

SIGNATURE

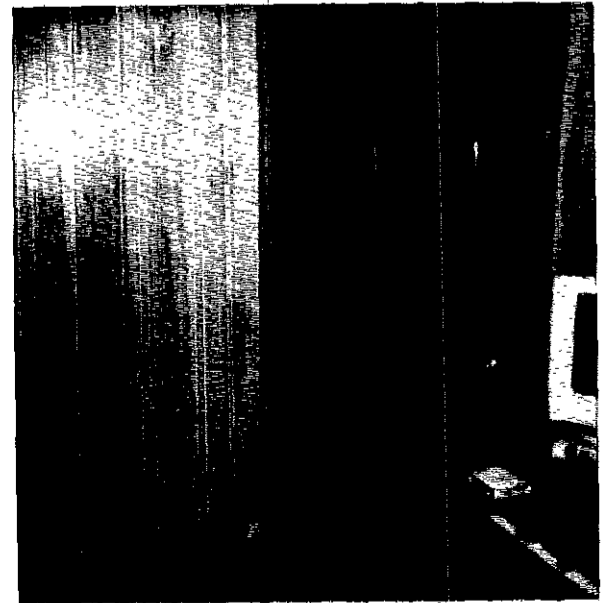
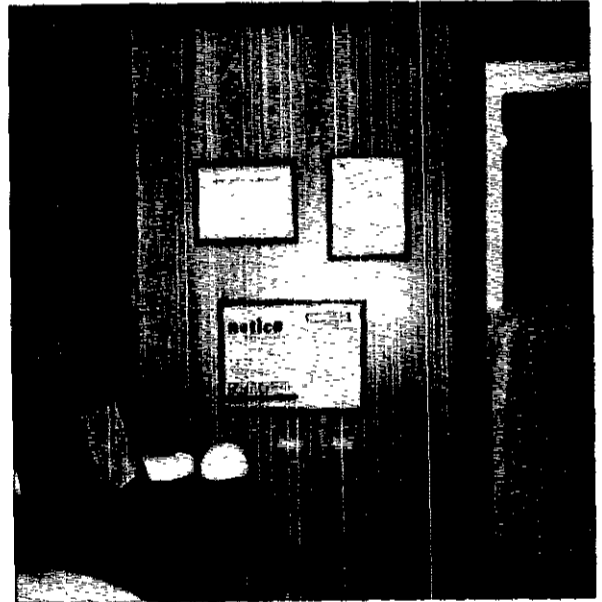
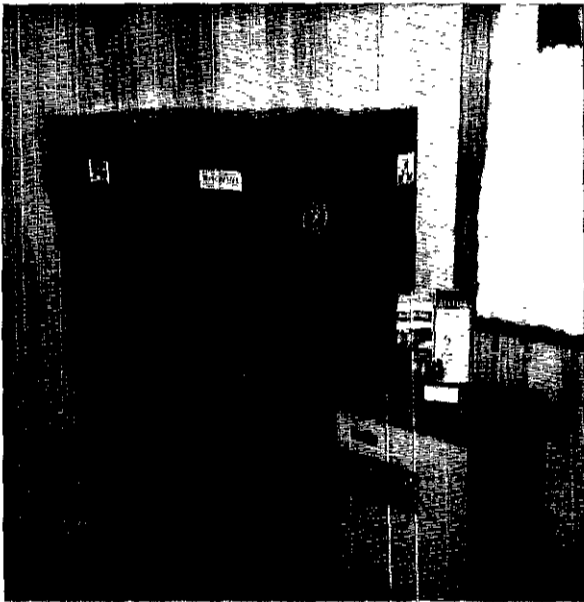
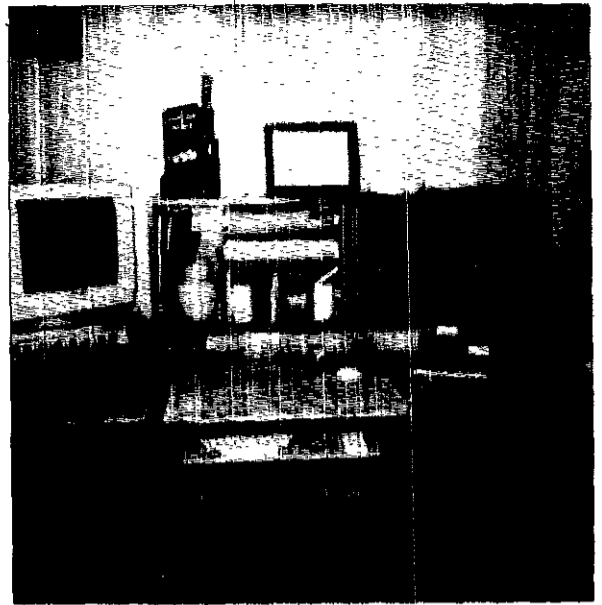
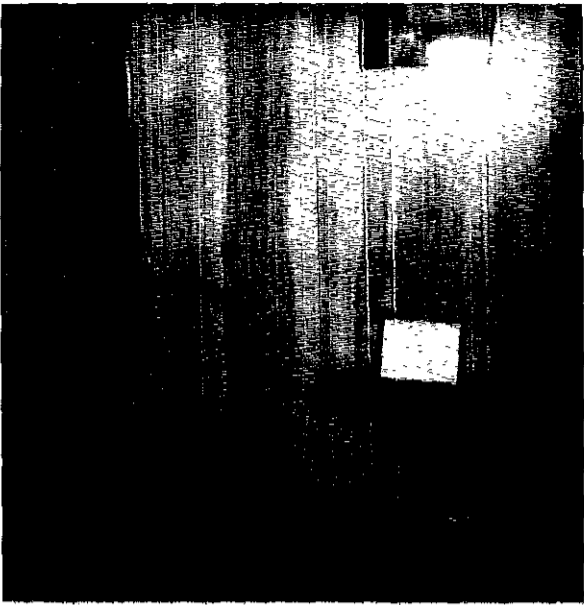
Joseph Albert Whitt

DATE

2/9/96

ATF F 5300.36(9-94)

P.C. EX. 4



PLAN FOR ZONING - SPECIAL HEARING
SCALE 1" = 60 FT

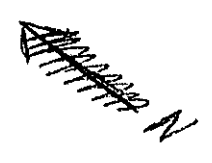
~~Buildings~~ ~~ARE~~ ESTIMATED AS TO LOCATIONS.

ELECTION DIST 12
COUNCIL DIST 7
PUBLIC WATER AND SEWER,
LOCATED IN C.B.C.A. (NO CHANGE IN EX. LOT OR RESIDENCE)
ZONING DR 5.5 MAP SE 4G
LOT SIZE ~~13,500~~ 59 FT / ~~13~~ AC ±
6,000
RECORDED ON PLAT OF WEST INVERNESS
PLAT BOOK 10 - FOLIO 108
OWNERS, JOSEPH AND KATHRYN WHITT
15 SEABRIGHT AVE.
BALTO. MD. 21222.

95-468-504

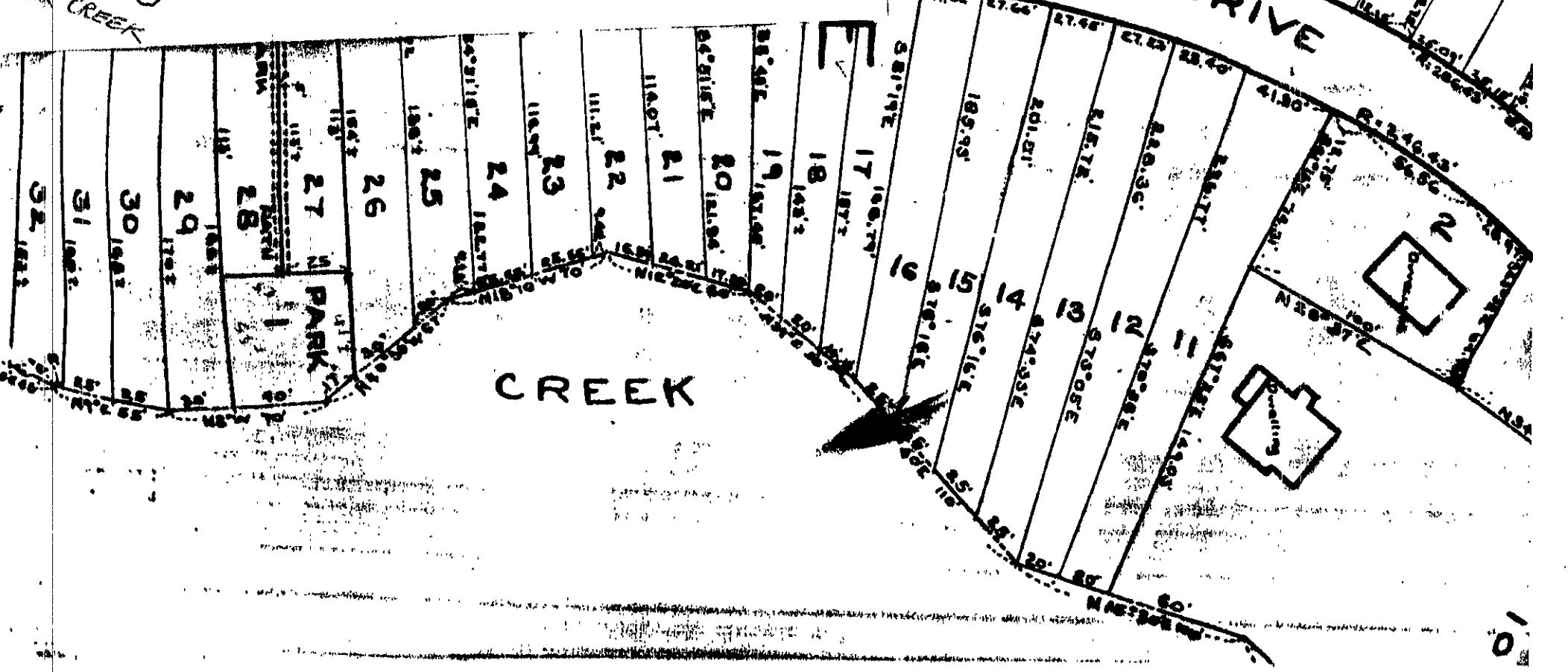
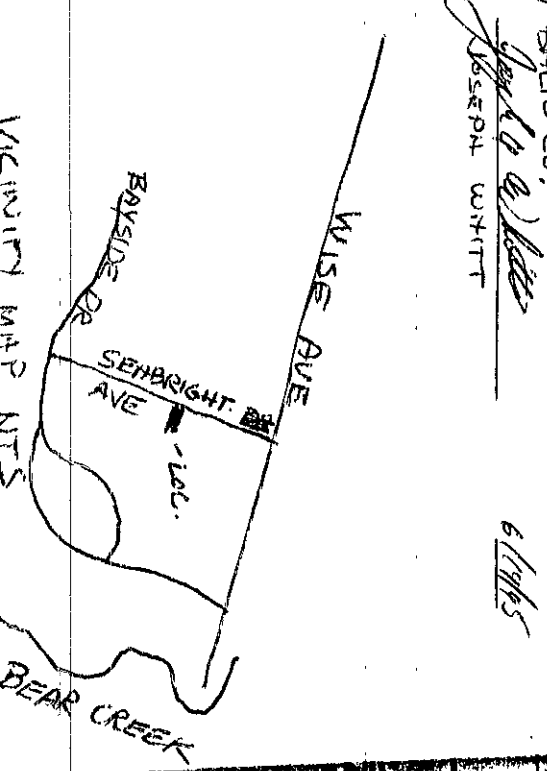
AGJ

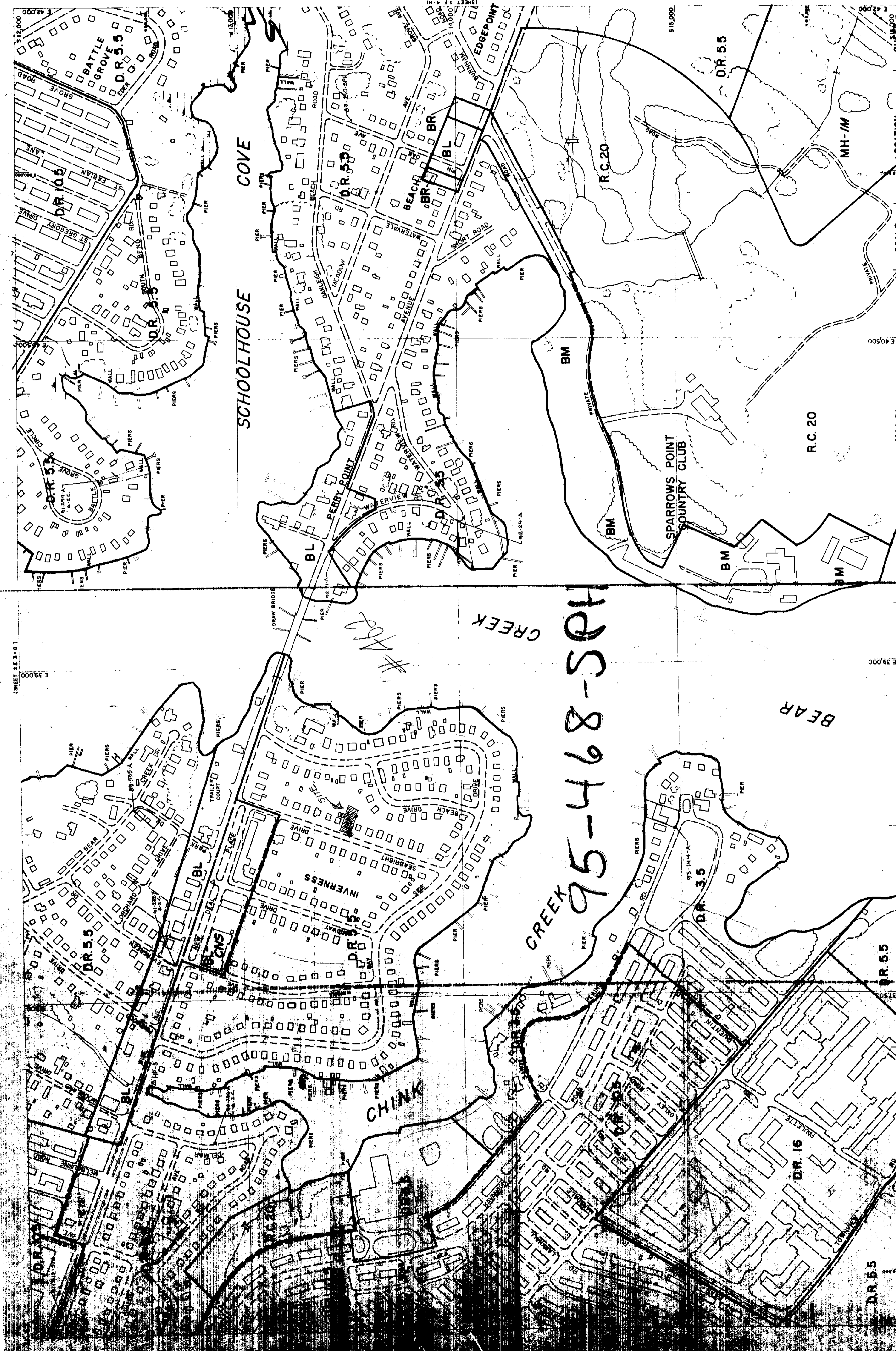
SITE LOTS 98+99.



I AM SOLELY RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THIS AND OTHER PLUNG INFORMATION SHEETS.
BY BALTO CO. *Joseph Whitt*
JOSEPH WHITT
6/17/75

VICINITY MAP NTS





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

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

BM Nos. 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92, 90-92, 91-92, 92-92, 93-92, 94-92, 95-92, 96-92, 97-92, 98-92, 99-92, 100-92

William A. Howard
Chairman, County Council

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
NORTH POINT
INVERNESS

S.E.
4-G

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1988

BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
REVISIONS MADE BY PHOTOGRAMMETRIC METHODS
CONSISTENT WITH THE 1988 ZONING MAP.
DATE OF PHOTOGRAPHY: 1988