

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S of Old York Road,, 185' E		
centerline of Kirkwood Shop Road	*	DEPUTY ZONING COMMISSIONER
7th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(19529 (A&B) Old York Road		
	*	CASE NO. 02-123-SPH
John A. Brown, Jr. & Joel D. Brown Sr.		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, John A. Brown, Jr. & Joel D. Brown Sr. The Petitioners are requesting a special hearing for property they own located at 19529 Old York Road in the White Hall area of Baltimore County.

Appearing at the hearing on behalf of the special hearing request were John and Joel Brown, owners of the property. The Petitioners were represented by Howard L. Alderman, Jr. and Mark H. Wittstadt, attorneys at law. Appearing in support of the Petitioners' request were many residents from the surrounding community, all of whom signed in on the Petitioner's Sign-In sheet. No one appeared in opposition to this special hearing request.

The special hearing requested by the Petitioners is to approve a legal nonconforming use pursuant to Sections 101, 104 and 428 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a junk yard as having been established and continued in operation without lapse prior to the adoption of the Baltimore County Zoning Regulations. The testimony and evidence offered at the hearing demonstrated that the Petitioners own property located on the north side of Old York Road, east of its intersection with Kirkwood Shop Road. The details of the property owned by these Petitioners is more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The site plan submitted contains areas which are highlighted in pink,

RECEIVED BY ZONING
 11/4/02
 By [Signature]

yellow and red marker. These highlighted areas are the areas upon which these Petitioners have operated a junkyard since 1942 until the present time. Submitted into evidence in support of this use were a series of affidavits marked as Petitioners' Exhibit Nos. 2 and 3, all of which evidenced the fact that the subject property has always been used as a junkyard. In addition to the affidavits submitted, there were approximately 20 nearby residents in attendance at the hearing, all of whom could testify to the use of the subject property as a junkyard. As stated previously, no one appeared in opposition and there was no evidence to contradict this testimony.

After considering the testimony and evidence offered at the hearing and the lack of any opposition to this request, I find that the Petitioners' request for special hearing to approve a legal nonconforming use junkyard on the subject property be and is hereby approved.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide

whether or not the current activity is within the scope of the nonconforming use, the Deputy Zoning Commissioner should consider the following factors:

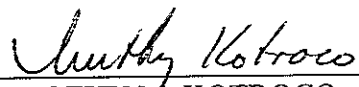
- (a) "To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the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

McKemy v. Baltimore County, Md., supra.

Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of January, 2002, that the Petitioners' Request for Special Hearing from Sections 101, 104 and 428 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the subject property as depicted on Petitioners' Exhibit No. 1, highlighted in pink, yellow and red marker, be and is hereby APPROVED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 4, 2002

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Mark H. Wittstadt
Wittstadt & Wittstadt, P.A.
7214 Holabird Avenue
Baltimore, Maryland 21222

Re: Petition for Special Hearing
Case Nos.: 02-123-SPH
Property: 19529 (A&B) Old York Road

Dear Mr. Alderman & Mr. Wittstadt:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 19529 (A&B) Old York Road
which is presently zoned MH & RC-2

This Petition shall be filed with the Department of Permits and 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

SEE ATTACHED subscribed and sworn to before me, in my presence, this
16TH day of JULY, 2001, a Notary Public
in and for the STATE of MARYLAND

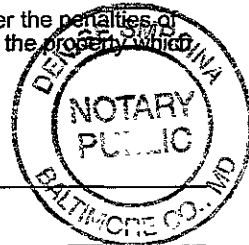
Dennis Amico
Notary Public

My commission expires 5/21, 2002

JOHN A. BROWN, JR.'S SIGNATURE ONLY

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.

Name - Type or Print

City

Signature

Levin & Gann, P.A.

Company Nottingham Centre, 8th Floor

502 Washington Avenue

410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

John A. Brown, Jr.

Name - Type or Print

Signature

Joel D. Brown, Sr.

Name - Type or Print

Signature

19529 Old York Road

410-343-0011

Address

Telephone No.

White Hall

MD

21161

State

Zip Code

Representative to be Contacted:

E.F. Raphael & Associates, Inc.

Name

205 Courtland Avenue

410-825-3908

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 9-19-01

Case No. 02-123-SPH

REV 9/15/98

Attachment 1
PETITION FOR SPECIAL HEARING

CASE NO: 02- -SPH

Address: 19529 (A&B) Old York Road

Legal Owners: John A. Brown, Jr. & Joel D. Brown, Sr.

Present Zoning: MH & RC-2

REQUESTED RELIEF:

To approve as a legal, non-conforming use, pursuant to BCZR §§ 101, 104 & 428, a junkyard as having been established and continued in operation, without lapse, prior to adoption of the BCZR.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com

123

E. F. Raphael & Associates
Registered Professional Land Surveyor
205 Courtland Avenue
Towson, Maryland 21204

Phone (410) 825-3908

Fax (410) 825-1331

ZONING DESCRIPTION FOR 19529 Old York Road, Whitehall, Maryland
21161

BEGINNING at a point in the center of Old York Road at a distance of 185 feet East of the centerline of Kirkwood Shop Road, running thence North 28° 09' 30" East 270.0 feet, North 42° 24' 30" East 665.0 feet, North 51° 12' 00" West 510.0 feet to the center of Kirkwood Shop Road, thence in the center of said road, North 19° 58' 00" East 176.95 feet, thence leaving said Kirkwood Shop Road, South 51° 10' 30" East 800.52 feet, North 43° 31' 52" East 595.70 feet, South 51° 11' 00" East 349.40 feet, South 43° 15' 20" West 1599.99 feet to a point on the Northeasterly side of Old York Road, thence on said road, North 64° 28' 33" West 366.50 feet, thence, North 52° 52' 48" West 143.50 feet to the place of beginning.

123

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 92994
02-123-5FH

DATE 9-18-01 ACCOUNT R-001-006-6150

AMOUNT \$ 250.⁰⁰

RECEIVED FROM: George H. Huchel

FOR: Commercial and Heavy Duty
19529 Old York Td.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: [Signature]
DATE: 9/18/01
TIME: 11:57 AM
OFFICE: [Signature]
CASHIER: [Signature]
CASHIER'S VALIDATION

NOTICE OF ZONING

HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland, on the property identified herein as follows:

Case: #02-123-SPH

19529 (A&B) Old York Road
N/S of Old York Road, 185' E
centerline Kirkwood Shop Rd.
7th Election District

3rd Councilmanic District

Legal Owner(s): Joel D.

Brown Sr. & John A. Brown Jr.

Special Hearing: to approve as a legal, non-conforming use, a junkyard as having been established and continued in operation without lapse prior to adoption of the Baltimore County Zoning Regulations.

Hearing: Wednesday, November 21, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/625 Nov. 6 C504595

CERTIFICATE OF PUBLICATION

11/9/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/6/2001.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02—123—SPH

Petitioner: John A. Brown, Jr. and Joel D. Brown, Sr.

Address or Location: 19529 (A&B) Old York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. John A. Brown, Jr.

Address: 19529 Old York Road

White Hall, Maryland 21161

Telephone Number: 410-343-0011

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 6, 2001 Issue - Jeffersonian

Please forward billing to:

Mr. John A. Brown, Jr.
19529 Old York Road
White Hall Md 21161

410-343-0011

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-123-SPH
19529 (A & B) Old York Road
N/S of Old York Road, 185' E centerline Kirkwood Shop Road
7th Election District -
3rd Councilmanic District

Legal Owner Joel D. Brown Sr. & John A. Brown Jr.

Special Hearing to approve as a legal, non-conforming use, a junkyard as having been established and continued in operation, without lapse, prior to adoption of the Baltimore County Zoning Regulations.

HEARING: Wednesday, November 21, 2001 at 2 p.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 29, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-123-SPH
19529 (A & B) Old York Road
N/S of Old York Road, 185' E centerline Kirkwood Shop Road
7th Election District - 3rd Councilmanic District
Legal Owner: Joel D. Brown Sr. & John A. Brown Jr.

Special Hearing to approve as a legal, non-conforming use, a junkyard as having been established and continued in operation, without lapse, prior to adoption of the Baltimore County Zoning Regulations.

HEARING: Wednesday, November 21, 2001 at 2 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Howard L. Alderman, Jr. Levin & Gann, P.A. Nottingham Centre, 8th Fl. 502
Washington Avenue Towson Md 21204
John A. Brown, Jr. Joel D. Brown, Sr. 19529 Old York Road White Hall MD 21161
E.F. Raphael & Associates, Inc. 205 Courtland Avenue Towson MD 21204

- NOTES. (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Tuesday, November 6, 2001**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 27, 2001

NOTICE OF ZONING HEARING RESCHEDULE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-123-SPH
19529 (A & B) Old York Road
N/S of Old York Road, 185' E centerline Kirkwood Shop Road
7th Election District - 3rd Councilmanic District
Legal Owner: Joel D. Brown Sr. & John A. Brown Jr.

Special Hearing to approve as a legal, non-conforming use, a junkyard as having been established and continued in operation, without lapse, prior to adoption of the Baltimore County Zoning Regulations.

HEARING: Wednesday, December 19, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon *CDZ*
Director

C: Howard L. Alderman, Jr. Levin & Gann, P.A. Nottingham Centre, 8th Fl. 502
Washington Avenue Towson MD 21204
John A. Brown, Jr. Joel D. Brown, Sr. 19529 Old York Road White Hall MD 21161
E.F. Raphael & Associates, Inc. 205 Courtland Avenue Towson MD 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 4, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 16, 2001

Howard L Alderman Jr
Levin & Gann
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 02-123-SPH, 19529 (A & B) Old York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: E. F. Raphael & Associates Inc, 205 Courtland Avenue, Towson 21204
John A Brown Jr & Joel D Brown Sr, 19529 Old York Road, White Hall 21161
People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 14, 2001

Howard L Alderman Jr
Levin Gann
Nottingham Centre
8th Floor
502 Washington Avenue
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 02-123-SPH, 19529 (A&B) Old York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John A Brown Jr & Joel D Brown Sr, 19529 Old York Road, White Hall 21161
E. F. Raphael & Associates Inc, 205 Courtland Avenue, Towson 21204
People's Counsel

Come visit the County's Website at www.co.ba.md.us

sent
12/19

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 26, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 5, 2001
Item Nos. 121, ~~122~~ 124, 125, 126, 127,
128, 129, 130, 131, 133, 134, 135, 162,
and 163

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

5



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 30, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 29, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

121, 122, 123, 124, 125, 126, 127, 128, 130,
133, 134, 135, and 163

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



file
11/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 30, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-123, 02-128, 02-134, and 02-163

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

-1-

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 10-29-01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 723 JJS

Dear Mr. Zahner:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
19529 (A&B) Old York Road, N/S Old York Rd,
185' E of c/l Kirkwood Shop Rd
7th Election District, 3rd Councilmanic

Legal Owner: John A. Brown, Jr. & Joel D. Brown, Sr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-123-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

CASE NAME: BROWN, JOHN A JR
19529 OLD YORK RD
CASE NUMBER 02-123-SPN
DATE 19 DEC 01

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Howard L. Alderman, Jr.	LEVIN & GANN, PA, Nottingham Centre 8th Floor, 502 Washington Avenue	TOWSON, MD 21204	halderman@LevinGann.com
MARK H. WILKINSON	4171 STATION + WILKINSON, PA 3214 HILLCREST RD, BULLY	21222	MEWITTSTUDT@CS.COM
John M. Brown	2517 Openshaw Rd White Hall, Md	21161	
James A. Macomber	13850 Jannettville Rd	Rest Hill Md. 21050	
Richard H. Brown	1710 Brentwood Rd	21084	
Joe L. Brown Sr.	1983 Longview Rd	White Hall, Md. 21161	
Lee P. Brown Jr.	19617 Hickwood Shop Rd	White Hall, Md. 21161	
CARROLL J. KREUSINGER	4639 MORRISVILLE RD	WHITE HALL MD 21161	
JOEL D BROWN JR	19832 Cambridge Rd	White Hall MD, 21161	
L. Victor Brown	38110 Old York Rd.	White Hall, Md. 21161	
Rose Smith	4127 Old York Rd.	Marbleton, MD. 21111	
Raymond T. Brown Sr.	3025 Trooper Rd	White Hall Md 21161	
Wm. R. Brown Jr.	2201 Telegraph Rd.	Pylesville, Md. 21132	
DALE A. WOOD	~~1911~~ 1011 Newby Rd	WHITE HALL-MD 21161	
DALE SUTTON	19419 Dunc Rd	White Hall Md	

PLEASE PRINT CLEARLY

CASE NAME BROWN, JOHN P JR
CASE NUMBER 02-123-SF
DATE 19 DEC 01

PETITIONER'S SIGN-IN SHEET

[illegible]

Addendum to Petition for Special Hearing

Please enter the appearance of Mark H. Wittstadt and Wittstadt & Wittstadt, P.A.
as counsel for Joel D. Brown, Sr. in this matter.



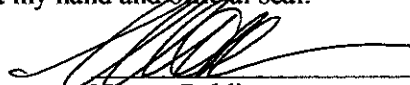
MARK H. WITTSTADT
WITTSTADT & WITTSTADT, P.A.
7214 Holabird Avenue
Baltimore, Maryland 21222
410-284-9600

State of Maryland
County of Baltimore

I HEREBY CERTIFY, that on this 1 day of May, 2001
before me, the Subscriber, a Notary Public of the State aforesaid, personally
appeared Joel D. Brown, Sr, known to me or satisfactorily proven to be the
person whose name is subscribed to the within instrument, and
acknowledged the foregoing to be his act, and in my presence signed and
sealed the same



IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

My Commission Expires:

3/1/05

123

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

August 28, 2001

VIA HAND DELIVERY

Gene Raphel, RPLS
E.F. Raphel & Associates, Inc.
205 Courtland Avenue
Towson, MD 21204

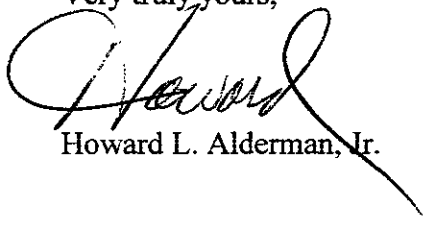
RE: 19529 (A&B) Old York Road
Brown Properties

Dear Gene:

I am enclosing three (3) originals of a *Petition for Special Hearing*, an *Addendum to Petition for Special Hearing* (Mark Wittstadt's Entry of Appearance) and the required County Advertising form. Please have the Petitions, **the Addendum**, the Advertising form and all necessary supporting drawings filed with the County as soon as possible. I will forward to you, under separate cover, Joel Brown's contribution of \$125.00 toward the filing fee.

Please call me with any questions.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

Enclosures (5)

c: Mr. John A. Brown
Mark H. Wittstadt, Esquire

123

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
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NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

11/2/01
George
✓

ELLIS LEVIN (1893-1960)

November 1, 2001

VIA TELEFAX & REGULAR MAIL

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: John A. Brown, Jr. & Joel D. Brown, Sr., Petitioners
Case No. 02-123-SPH
Request for Postponement

Gentlemen:

In today's mail I received the enclosed *Notice of Zoning Hearing* on the above-referenced matter. According to that Notice, a hearing on the Petition filed is scheduled for Wednesday, November 21, 2001 at 2 o'clock in the afternoon.

Checking my calendar, I find that I have a combined Hearing Officer's Hearing in Case No. VII-363/Zoning Case No. 02-110-SPH scheduled for 9:00 that same morning and a long-scheduled meeting in Howard County at 1:30 in the afternoon.

I represent John A. Brown, Jr., one of the Petitioners. Mr. Joel D. Brown, Sr., a co-petitioner, is represented by Mark Wittstadt, Esquire. I have called Mr. Wittstadt's office to determine if he would be available on the date and time scheduled and was advised by his assistant that the hearing as scheduled is in conflict with Mr. Wittstadt's schedule as well.

Therefore, on behalf of the Petitioners and my co-counsel, I hereby request that this hearing be postponed and rescheduled in the normal course. Should you need any additional information in this regard in support of this request, please contact me or Mr. Wittstadt (410-284-9600) directly.

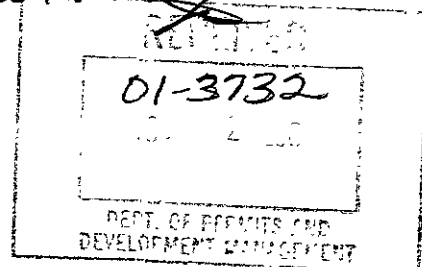
Thank you for your cooperation in this regard.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Mark H. Wittstadt, Esquire (via telefax only)
Mr. John A. Brown, Jr. (via telefax only)
Eugene F. Raphel, RPLS
George Zahner, Docket Clerk (via telefax only)



HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)

November 1, 2001

VIA TELEFAX & REGULAR MAIL

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
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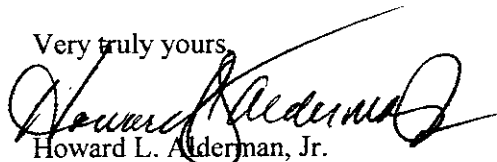
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Thank you for your cooperation in this regard.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Mark H. Wittstadt, Esquire (via telefax only)
Mr. John A. Brown, Jr. (via telefax only)
Eugene F. Raphel, RPLS
George Zahner, Docket Clerk (via telefax only)

*Arnold
should
handle
since*

*This is
3 weeks
from
now
JEB*

HOWARD L. ALDERMAN, JR.
haldierman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

November 29, 2001

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Price O. Gielen, Esquire	410-332-8594
c: Arnold Jablon, Director PADM	410-887-5708
Mark H. Wittstadt, Esquire	410-282-1677
John A. Brown, Jr.	410-357-4040
E.F. Raphael & Assoc., Inc.	410-825-1331
George Zahner	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: **POTENTIAL CONFLICT**

COMMENTS: Price: you have advised that I am to be called as a material witness in an arbitration hearing involving our mutual client. The dates that you have reserved for my testimony are several; I advised you that my hearing schedule fills quickly. I sending a copy of a Notice of Hearing that my office received today in Case No. 02-123-SPH which is scheduled for Wednesday, December 19, 2001. That date conflicts with the reserved dates that you provided to me. **PLEASE ADVISE ME IMMEDIATELY** if I will be excused from appearance on the 19th so that I may handle the referenced zoning hearing on behalf of another client. Please note that this is in addition to the conflict (of which I advised you previously) for the 18th when I have to represent a client before the City Board of Municipal and Zoning Appeals.

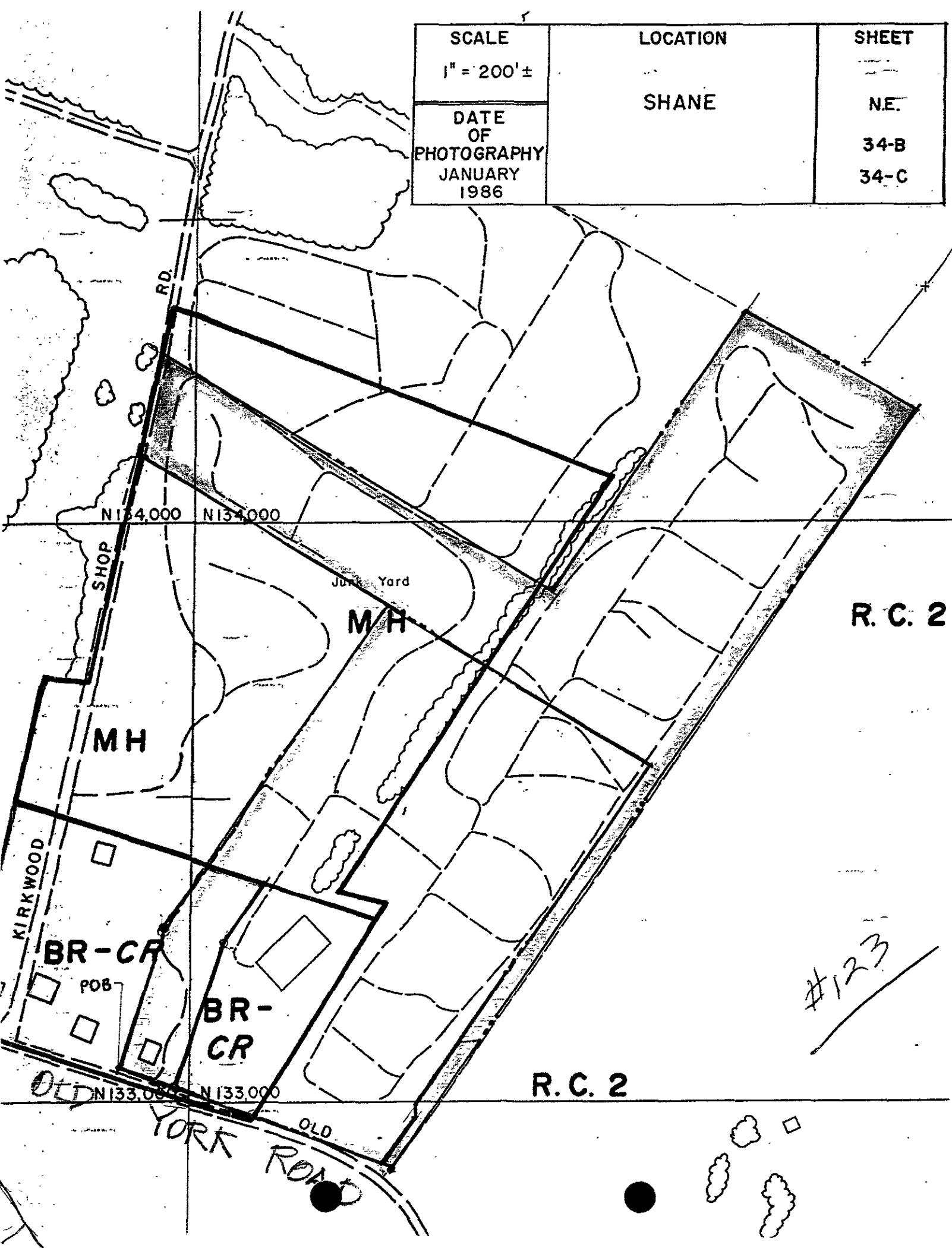
[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION
COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

SCALE 1" = 200' ±	LOCATION SHANE	SHEET
DATE OF PHOTOGRAPHY JANUARY 1986		NE. 34-B 34-C



19529 Old York Road/Case No. 02-123-SPH
BROWN PROPERTY

AFFIDAVIT OF CONTINUOUS USE AS A JUNK YARD

1. I am a person over 18 years of age, and am legally competent to execute and deliver this Affidavit.

2. I reside at 510 FREELAND ROAD
FREELAND MD 21053

3. I am familiar with the property located at 19529 Old York Road, White Hall, Maryland (the "Property").

4. I have lived in the area of the Property since 1940
[INSERT DATE]

5. Based upon personal knowledge and belief, I am aware that the Property has been used continuously, without interruption for more than one year, as a junk yard since 1950
[INSERT DATE]

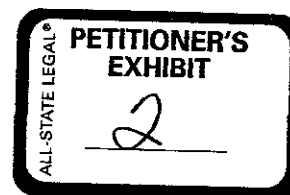
6. Except for the following reasons, I would be present at the hearing on Wednesday, December 19, 2001, to offer my personal testimony: _____

WORKING

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above facts set forth are true and correct.

Susie Adams

SUSIE ADAMS
[PRINTED/TYPED NAME]



19529 Old York Road/Case No. 02-123-SPH
BROWN PROPERTY

AFFIDAVIT OF CONTINUOUS USE AS A JUNK YARD

1. I am a person over 18 years of age, and am legally competent to execute and deliver this Affidavit.

2. I reside at 3114 TROYER RD
White Hall Md 21161

3. I am familiar with the property located at 19529 Old York Road, White Hall, Maryland (the "Property").

4. I have lived in the area of the Property since 50 years plus
[INSERT DATE]

5. Based upon personal knowledge and belief, I am aware that the Property has been used continuously, without interruption for more than one year, as a junk yard since 1951
[INSERT DATE]

6. Except for the following reasons, I would be present at the hearing on Wednesday, December 19, 2001, to offer my personal testimony: _____

I have to work

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above facts set forth are true and correct.

David Lee Rose

DAVID ROSE
[PRINTED/TYPED NAME]

19529 Old York Road/Case No. 02-123-SPH
BROWN PROPERTY

AFFIDAVIT OF CONTINUOUS USE AS A JUNK YARD

1. I am a person over 18 years of age, and am legally competent to execute and deliver this Affidavit.

2. I reside at 1324 Gerber Lane Sparks Md 21152

3. I am familiar with the property located at 19529 Old York Road, White Hall, Maryland (the "Property").

4. I have lived in the area of the Property since 6-8-59
[INSERT DATE]

5. Based upon personal knowledge and belief, I am aware that the Property has been used continuously, without interruption for more than one year, as a junk yard since
Forever in my Time
[INSERT DATE]

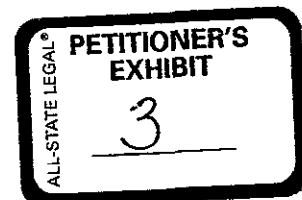
6. Except for the following reasons, I would be present at the hearing on Wednesday, December 19, 2001, to offer my personal testimony: _____

Working

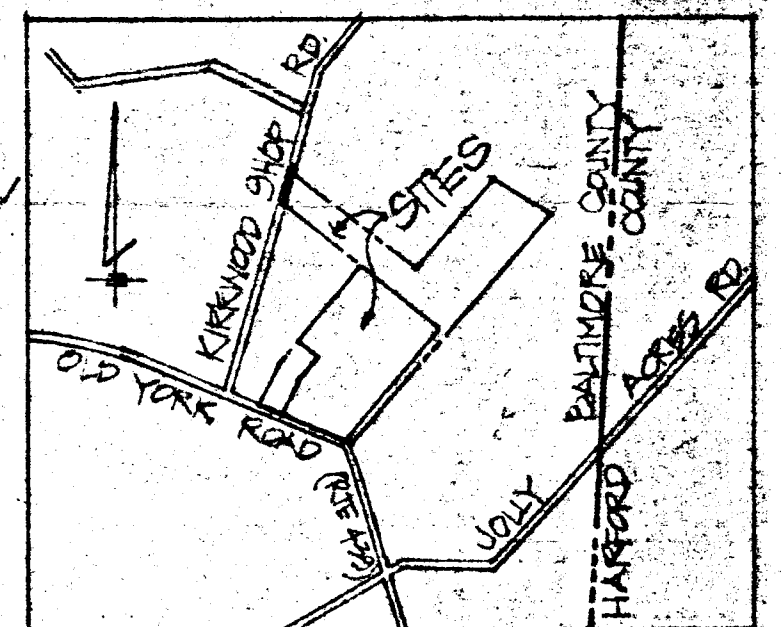
I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above facts set forth are true and correct.

John L. Hackler

John L. Hackler
[PRINTED/TYPED NAME]



VIRGINIA ROEDER WENGER, TRUSTEE
S.M. 14141/700
Existing Use - Agricultural



VICINITY MAP
SCALE 1" = 1000'
ZONING MAPS NE 34B & C



Seal

E. RAPHEL, Registered Professional Land Surveyor #2246

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING FOR NONCONFORMING USE
FOR AN AUTOMOTIVE RECYCLING CENTER
ELECTION DISTRICT 7-C-3 - BALTIMORE COUNTY, MARYLAND
SCALE 1" = 100'
DATE: JUNE 21, 2001

PREPARED BY:
E. RAPHEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
225 COUNTRYLAND AVENUE TOWSON, MD 21204
PHONE 410-825-3900

