

93350027
No.

T-2691
OR 22-13-22

In The Circuit Court for Baltimore City
CIVIL

Part _____ of _____ Parts

C
JANUARY

In the Matter of

DOMINGO HYEOK KIME

VS.

BOARD OF MUNICIPAL AND ZONING APPEALS



Date 7/25/94

Reference Slip—THIS IS NOT A RECEIPT

Case No. 93 350027/CL173927
Dominic Pryok Rim

Board of Municipal +
Zoning Appeals vs. Check #1222

Rec. Mail To: Vernon Poozer, Esq.
614 Basley Avenue
Towson, Md 21204

Clerk		
Bar Library		
Sheriff—City		
Sheriff—Counties		
Recs		
Total		

07/25/94 007
#0933500
#0000027
\$60.00
\$60.00
\$60.00
\$0.00

CC-46

MARYLAND RELAY SERVICE VOICE 1-800-735-2258

CHARLES J. PURNELL

19. N FREMONT AVE

Charles J. Purnell

332 - ~~444~~410

DOMINGO HYEOK KIM

v.

MAYOR AND CITY COUNCIL OF BALTIMORE

Case No. 93250027/CL173927

Vol. 1 of 1 Vol.

Baltimore City
Frank
ref. 8-7-95
Civil Case

G 405

No. 1336
Sept. 1994



MANDATE

Court of Special Appeals

Maryland Relay Service
1-800-735-2258
TT/VOICE

No. 1336, September Term, 1994

Domingo Hyeok Kim
v.
Mayor and City Council of Baltimore

JUDGMENT: April 25, 1995: Per Curiam filed.
Judgment affirmed. Costs to be paid by
appellant.

May 25, 1995: Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE CITY
93350027 , CL173927

Record.....	60.00
Stenographer Costs.....	137.50
* Total *	197.50 *

In Court of Special Appeals:

Filing Record on Appeal.....	50.00
Printing Brief for Appellant.....	97.20
Portion of Record Extract--Appellant....	432.00
* Total *	579.20 *
Printing Brief for Appellee.....	86.40
* Total *	86.40 *

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this twenty-fifth day of May A.D. 19 95

Ledie D. Bradet
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

Court of Special Appeals

No. 1336, September Term, 1994

Domingo Hyeok Kim

v.

Mayor and City Council of Baltimore

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:

April 25, 1995: Per Curiam filed.
Judgment affirmed. Costs to be paid by
appellant.

May 25, 1995: Mandate issued.

RECORD RETURNED TO CLERK OF CIRCUIT COURT FOR:

BALTIMORE CITY

BALTIMORE, MD 21202

DATE: 5/25/95

BY: HAND DELIVERED

REMARKS:

Ledie D. Gradet

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1336
September Term, 1994

DOMINGO HYEOK KIM

v.

MAYOR AND CITY COUNCIL
OF BALTIMORE

Moylan,
Davis,
Harrell,

JJ.

PER CURIAM

Filed: April 25, 1995

The Zoning Administrator for Baltimore City revoked a use and occupancy permit issued to appellant that had authorized a commercial use of a building located in a residential zone. The Board of Municipal and Zoning Appeals thereafter denied appellant's request to continue the use as a non-conforming use. After the Circuit Court for Baltimore City affirmed the decision of the Board, appellant filed a timely appeal to this Court.

FACTS

Sometime in 1992,¹ Domingo Hyeok Kim, appellant, discovered a parcel of real estate, improved by a vacant, three story rowhouse, located at 805 West Lexington Street in Baltimore City on a list of properties scheduled for a tax sale. Kim's interest in purchasing the building was to operate a neighborhood grocery store on the first floor there. Soon thereafter, he visited the Baltimore City Zoning Enforcement Office in order to ascertain the zoning designation of the parcel. The Zoning Administrator at the time, David Tanner, retrieved the parcel's zoning classification from the new computerized zoning information system that the City had

¹The lack of precision with which the dates of certain events are expressed can be traced to four reasons: (a) the record extract does not indicate more precisely when some of the significant events of 1992 occurred; (b) to the extent the extract supplies approximate time frames in 1992, it contains some inherent inconsistencies, e.g. although the Zoning Administrator's office allegedly did not commence using the computerized zoning retrieval system until December 1992, the Zoning Administrator provided the ultimately erroneous zoning information to Mr. Kim from this system prior to Mr. Kim's purchase of the subject property in June 1992; (c) appellant's counsel at oral argument was unable to provide any more detail; and (d) counsel for appellee did not attend oral argument, or indicate in advance they were submitting on brief, and thus were not available as a resource to us in clarifying such matters.

recently installed, and advised Mr. Kim that the subject property was located in a B-1 Zoning district (Neighborhood Business District). Appellant specifically asked the zoning authorities whether a grocery store would be a permitted use of the property. He was assured by Mr. Tanner that such a commercial use would be appropriate for that location.

In June 1992, acting in reliance on the zoning information provided to him by Mr. Tanner, Kim purchased the subject property for \$2000 at the tax sale. A building permit was issued to Kim by the City on 22 December 1992 to perform significant renovations to the property. At the time of Mr. Kim's purchase of the property, the structure was in a state of substantial disrepair. Kim ultimately expended approximately \$38,000 to make the necessary improvements and to comply with building code regulations. In addition to performing extensive renovations to the premises, Kim purchased the appropriate equipment and stocked the property for use as a grocery store. He also obtained all the required permits from the Baltimore City Health Department, the Bureau of Food Control, and the Department of Housing and Community Development. On 18 May 1993, after Kim had completed the improvements, the Director of Construction and Building Inspection for Baltimore City issued a use and occupancy permit allowing him to operate the first floor of the building as a grocery store, with storage on the second floor (the third floor was left vacant).

After he acquired the use and occupancy permit, Kim sold an existing grocery store he had owned and operated at a different

location in Baltimore City and relocated to 805 West Lexington Street. The new grocery store was the principle means of support for Mr. Kim, his wife, and their two minor children.

On 16 August 1993, Kim received a letter from the then Acting Chief of Construction and Building Inspections for the City informing him that his use and occupancy permit had been revoked.² Promptly thereafter, Kim returned to the Zoning Enforcement Office to ascertain why the City had taken this action. Mr. Tanner informed appellant that he had made an error in advising Kim that the Lexington Street property was located in a B-1 zoning district. The City had subsequently discovered that the parcel was in fact zoned R-8 (General Residential District), having been placed in that zone in 1971. A grocery store was not a permitted use in the R-8 zone. Prior to 1971, the property had been zoned B-1.

On the advice of Tanner, Kim filed an application for a special exception with the Board of Municipal and Zoning Appeals seeking to continue his operation of the grocery store as a non-conforming use.³ A hearing was held in the matter on 7 December 1993, at which the Zoning Administrator admitted that he had provided appellant with incorrect information concerning the zoning of the property. The Zoning Administrator explained that the State

²The correspondence indicated that Kim's *building* permit was being revoked, but the letter clearly referenced the authorization number of his May 1993 use and occupancy permit.

³Although styled as an appeal from the decision of the Zoning Administrator, the Board considered Kim's request as one seeking permission to allow him to continue the use of the property as a grocery store, the actual zoning notwithstanding.

Department of Assessments and Taxation, the agency responsible for inputting the zoning district information into the "new" computerized zoning retrieval system, had erroneously entered certain data into the computer, causing him to provide Kim with the wrong zoning designation. Tanner testified that appellant's use and occupancy permit application had been approved based upon this inaccurate information, which had not been cross checked with the district zoning maps.⁴

In appellant's favor, the Board received testimony from various members of the community who supported Kim's use of the property as a grocery store. In addition, Kim presented evidence of the extreme financial hardship that would be imposed upon him if the revocation of his permit were upheld. Only Eugene Simit spoke in opposition.

⁴The record does not clearly reflect the exact point in time when the Zoning Administrator discovered that he had given Kim bad advice. Eugene Simit, owner of a neighboring grocery store who appeared in opposition to Kim's application, testified at the hearing before the Board that Tanner had been advised of "what was going on in the building" between December 1992 and March 1993 and that Mr. Simit and others ("we") "wanted to know how could this man come into an R-8 zone and build a grocery." Although we cannot be certain from this record who else the "we" referred to, Mr. Charles Purnell, another opposing grocery store owner in the neighborhood, and several citizens associations' presidents opposed Kim's request before the circuit court. Thus, although it is not clearly delineated in this record, Tanner may have been refocused by competitor and/or citizen complaints regarding Mr. Kim's store so as to reexamine the accuracy of his earlier determination of the zoning of the property. When this discovery occurred, prior to Tanner's advice to the Department of Construction and Building Inspections that led to the 16 August 1993 revocation letter, cannot be determined. Thus, we are unable to ascertain conclusively if Tanner and the City could have spared Mr. Kim any part of the consequences he suffered as a result of the bad information.

As a result of the hearing, three members of the Board felt that appellant's application to continue the use should have been approved. Two members, however, were of the opinion that the Board was without authority to permit Kim to maintain his grocery store in an R-8 zone because, under their interpretation of the applicable code provisions, a non-conforming use must have been lawfully established initially in order to be allowed to continue.⁵ Because the concurring vote of four members of the Board was required to approve such an application, a resolution was issued on 13 December 1993 denying appellant's petition.

Kim appealed the Board's decision to the Circuit Court for Baltimore City. At a hearing on 5 May 1994, appellant's counsel argued, *inter alia*,⁶ that the City of Baltimore should be estopped from denying the validity of the improperly issued use and occupancy permit. Kim took the position that he was entitled to rely on the advice he received from Tanner based upon Tanner's authority as Zoning Administrator. Although the court was sympathetic to Kim's situation, it concluded that in Maryland the doctrine of equitable estoppel may not be invoked against a

⁵Baltimore City Code § 8.0 authorizes the Board to continue any non-conforming use of a structure. Code section 13.0-2(61) defines a non-conforming use as "any lawfully existing use of a building or other structure or of land which does not conform to the applicable use regulations of the district in which it is located."

⁶The issue of the required number of votes within the Board to recognize appellant's use as a legal non-conforming use, and to allow it to continue, was also considered by the court below. In its memorandum opinion, the circuit court affirmed the decision by the Board that it was unable to grant the relief requested under the Baltimore City Code's definition of non-conforming use. Kim does not challenge that aspect of the ruling on appeal.

municipality where a party detrimentally relies on the advice of a municipal agent or officer who has exceeded the scope of his authority. In a 21 June 1994 memorandum and order, the circuit court (Hollander, J.) affirmed the decision of the Board. Kim appealed that judgment to this Court.

DISCUSSION

In contrast to appellant's plight, we are reminded of English jurist and philosopher Jeremy Bentham's comment that: "lawyers are the only persons in whom ignorance of the law is not punished." Without having examined the official zoning district maps or having secured legal counsel to confirm the zoning designation of the property in question, Domingo Kim relied on the erroneous advice of the Baltimore City Zoning Administrator in purchasing and improving the property at 805 West Lexington Street for use as a grocery store. Only after he had made substantial expenditures for renovations to that property and sold his other grocery store, thereby putting virtually "all of his eggs in one basket," did the City notify him that his building was not zoned for commercial use. Confronted with this perceived injustice, appellant urges us to apply the doctrine of equitable estoppel in a context in which the appellate courts of this State have long declined to do. Despite the emotionally compelling facts of appellant's situation, we are not able to hold that estoppel operates to preclude a municipality from enforcing a valid zoning ordinance where one of its officers or agents has approved a permit

application in violation of that law. If we are wrong, we hope the Court of Appeals will correct us. If we are right, we wonder aloud if Mr. Kim can find redress through another political or legal vehicle.

Equitable estoppel is a legal doctrine under which the voluntary conduct of a party absolutely precludes that party from asserting rights that it otherwise may have had, where another party has in good faith detrimentally changed his position in reliance on that conduct. See, e.g., *Inlet Associates v. Assateague House*, 313 Md. 413, 435 (1988). Under the view held by a number of jurisdictions, estoppel may be applied against a municipality under appropriate circumstances and where justice requires. In Maryland, municipal corporations are not immune from the application of equitable estoppel principles, but in practice the doctrine has been applied narrowly. *Permanent Financial Corp. v. Montgomery County*, 308 Md. 239, 249 (1986). The principles of estoppel may operate against a municipality where its officers or agents are acting within the scope of their authority. See, e.g., *Berwyn Heights v. Rogers*, 228 Md. 271, 279 (1962) and authorities cited therein; see also note 5, *infra*.

A survey of the Maryland cases confirms the notion, also recognized by the circuit court, that relief is not available to appellant under the circumstances of his case on the basis that he asserts. The seminal decision in *Lipsitz v. Parr*, 164 Md. 222 (1933), involved the issuance of a building permit authorizing the applicant to construct a building to manufacture ice in a zone

where such a structure was prohibited by law. After commencing construction, the applicant attempted to assert the defense of estoppel against the city's efforts to enjoin the erection of the building. In declining to allow the use of equitable estoppel as a shield to deflect the correct application of zoning regulations, the Court of Appeals explained:

A municipality may be estopped by the act of its officers if done within the scope and in the course of their authority or employment, but estoppel does not arise should the act be in violation of law. . . . If the provision of the ordinance be constitutional, it was therefore unlawful for the officers and agents of the municipality to grant the permit, and it would be unlawful for the licensee to do what the purporting permit apparently sanctioned. A permit thus issued without the official power to grant does not, under any principle of estoppel, prevent the permit from being unlawful nor from being denounced by the municipality because of its illegality. . . . *[T]he doctrine of equitable estoppel cannot be here invoked to defeat the municipality in the enforcement of its ordinances, because of an error or mistake committed one of its officers or agents which has been relied upon by the third party to his detriment. Every one dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and the extent of their powers, and therefore such a person cannot be considered to have been deceived or misled by their acts when done without legal authority.*

164 Md. at 227-28.

The factual setting of *Berwyn Heights v. Rogers*, *supra*, 228 Md. at 271, also parallels that of the case at bar. In that case, the erection of a dwelling was begun only after the builder had received the requisite permits. The Town of Berwyn Heights subsequently issued a stop work order after it concluded that the

construction was not permitted under the applicable zoning ordinance. In a suit against the town, the builder argued, *inter alia*, that the doctrine of estoppel barred Berwyn Heights from rescinding the permits. Although the circuit court agreed with the builder, the Court of Appeals, in reversing, rejected the claim that the municipality was equitably estopped from asserting its own zoning laws. The fact that the permits were issued in violation of the zoning ordinance rendered them unlawful, allowing the municipality to enjoin the builder from completing the structure.

The Court of Appeals reaffirmed its adherence to its previously espoused view of estoppel as applied to municipalities in *City of Hagerstown v. Long Meadow*, 264 Md. 481 (1972). There, the owner of a shopping center had complained about the failure of the Hagerstown Board of Zoning Appeals to grant it the authority to build a movie theater. Relying on the advice of a zoning official, who had informed it that it could proceed without a permit, the shopping center incurred significant demolition and construction expenses. Although the advice was an honest mistake on the part of the zoning official, the actual state of the law required the issuance of requisite permits. In reversing the circuit court's ruling that the Board of Zoning Appeals was estopped from denying the permit or the need for one, the Court of Appeals held that equitable estoppel did not bar the municipal officials from enforcing the requirements of the law, notwithstanding "the hardship which [would] evolve on Long Meadow" and the "apparent harshness of this ruling." *Long Meadow*, 264 Md.

at 496.

In his brief, appellant concedes that Maryland law does not look favorably upon the application of the doctrine of equitable estoppel to municipalities where a municipal agent or officer acts in violation of a valid ordinance.⁷ Notwithstanding the holdings in the foregoing cases, appellant cites *Kent County Planning Inspector v. Abel*, 246 Md. 395 (1967) and a number of decisions in other jurisdictions for the proposition that, confronted with the appropriate circumstances such as those in appellant's case, our courts would apply estoppel against a municipality even where an official has erroneously issued a permit in contravention of an applicable zoning provision.⁸

⁷Although equitable estoppel has not been accepted in Maryland as a theory to prevent a municipality from pleading the *illegality* of a permit issued, the doctrine has been applied to prevent a municipal entity from asserting its rights in cases where the action relied on was within the scope of the agent's or official's authority and justice required that the public be estopped. See, e.g., *Permanent Financial Corp. v. Montgomery County*, *supra*, 308 Md. at 239 (precluding county from applying particular interpretation to a zoning provision to revoke a building permit where the ordinance was subject to two reasonable constructions and county had consistently applied the other interpretation for a significant period of time); see also *Mayor and Council of Hagerstown v. Hagerstown Railway Co.*, 123 Md. 183 (1914) (using estoppel principles to preclude a city from denying the validity of a franchise contract, despite argument by the municipality that ordinance authorizing contract was illegal, where the city consented to the agreement and possessed the actual authority to grant a franchise).

⁸ In support of his position, appellant also refers us to *Mayor and Council of Hagerstown v. Hagerstown Railway Co.*, *supra* n. 5, 123 Md. at 195, which quoted with approval the following reasoning in *People v. City of Rock Island*, 74 N.E. 437 (Ill. 1905):

Where a party acting in good faith under affirmative acts of a city has made such

In *Abel*, the owner of a riparian tract applied for and was granted a building permit to erect a bulkhead and covered boat slips on the property. Approximately two years after work had begun pursuant to the permit, the Kent County Planning Commission sent the property owner a letter informing him that his project was in violation of the zoning ordinance and advising him to stop work immediately. The owner refused to cease construction, and undertook the greater portion of the project after receiving the notice from the County. The Kent County Planning Inspector sought to enjoin the owner from completing the construction. In the lawsuit that followed, applying the doctrine of equitable estoppel, the trial court determined that the County was precluded from revoking the building permit. The Court of Appeals, however, applied the reasoning of *Lipsitz* and *Berwyn Heights*, *supra*, to reverse the lower court, having not been persuaded that the theory

expensive and permanent improvements that it would be highly inequitable and unjust to destroy the rights acquired, the doctrine of equitable estoppel will be applied. The hardships that would result from a contrary holding, and the necessity of raising an estoppel in particular cases to prevent fraud and injustice, have induced the establishment of the rule; and it has been said several times that there is neither danger to the public nor injustice in the application of the doctrine.

Although it applied estoppel principles against a city in a situation where it had the authority to act as it did, see *supra*, n. 5, the *Hagerstown* Court recognized, in accordance with the line of reasoning later adopted in *Lipsitz*, *supra*, and its progeny, that a municipality may not be estopped under circumstances in which it had no power to act in the first instance. *Hagerstown*, 123 Md. at 192-93. Accordingly, that decision does not advance appellant's cause.

of equitable estoppel "applied to the facts of the [appellee's] case." *Abel*, 246 Md. at 403. The Court also found no "special circumstances" to justify the application of estoppel in pais.⁹ *Id.*

From the above rationale, appellant infers that the Court of Appeals has manifested not a refusal to recognize equitable estoppel under any circumstances where a permit has been issued unlawfully, but, rather, would apply the doctrine in the appropriate factual setting. Kim maintains that, although the application of estoppel may not have been appropriate in *Abel* because the property owner undertook the majority of the construction after being placed on notice of the permit's illegality, the fact that Kim's improvements were completed and the use commenced well prior to his notification requires a different result.

The best we can say for appellant's argument is that we acknowledge that, based on the record before us, there is an innuendo that the Zoning Enforcement Office may have been on notice of queries about the zoning legality of appellant's efforts to operate a grocery store at 805 West Lexington Street at a time when, had it acted with reasonable promptness to reexamine its earlier advice and discover the error, Kim may have been saved from significant expenditures of labor and capital. Before the Board of Zoning Appeals, neighboring grocery store owner Eugene Sismit

⁹Under the doctrine of estoppel in pais, a person may be precluded by his act or conduct, or silence when it is his duty to speak, from asserting a right which he otherwise would have had. *Blacks Law Dictionary*, 551 (6th ed. 1990).

stated that in "December '92, January of '93, February of '93 Mr. David Tanner was advised of what was going on in this [Kim's] building." This testimony could be construed to indicate that the City was made aware acutely of a question as to the zoning of the property shortly after Kim was issued the building permit that allowed him to undertake the improvements.

Although we eschew holding that the failure of the Zoning Enforcement Office to apprise Kim of his zoning violation in a more timely fashion amounts to the type of conduct that would give rise to application of estoppel principles against a municipality, we do believe that the egregiousness of a city's actions in neglecting to discover, upon notice that a reasonable person would act on, and disclose zoning misinformation to a party who has detrimentally relied on the erroneous representation is an important factor to be considered in evaluating the appropriate circumstances under which the doctrine might be employed. As we recognized in note 7, *supra*, estoppel in pais can be asserted in situations where a party remains silent when it has a duty to speak. Nevertheless, if the Court of Appeals has not found yet the set of facts to support the use of equitable estoppel to frustrate a municipality's enforcement of its zoning ordinances, we feel constrained to follow the unbroken chain of those prior decisions.

Overweighing the factual situation that militates in Mr. Kim's favor, we observe that he did not ascertain what the official zoning district maps specified as the zone of the subject property in 1992. One may argue that the maps, as opposed to the

convenience of a computer's advice, is the best and only evidence of the actual zoning. It may be argued also that it is unreasonable to expect that a lay person would even know of the existence of such maps, where to find them, or of their significance. It is not unreasonable, however, to expect that a lay person would seek non-governmental, professional advice and analysis, such as from an attorney, before entering into a series of real property and business transactions of the relatively significant magnitude contemplated by Mr. Kim. Such hindsight suggests an alternative that might have averted the current situation. In the final analysis, however, our conclusion is grounded upon the principle that we should not block or frustrate the correct application of the zoning ordinance because of the non-intentional, ministerial error of a municipal employee.

JUDGMENT AFFIRMED. COSTS TO BE
PAID BY APPELLANT.

LLC



Court of Special Appeals

Courts of Appeal Building
Annapolis, Md. 21401-1699

LESLIE D. GRADET
CLERK

(410) 974-3646
WASHINGTON AREA (301) 261-2920

KATHARINE M. KNIGHT
CHIEF DEPUTY

January 4, 1995

F. Vernon Boozer, Esquire
Roger J. Sullivan, Esquire
614 Bosley Avenue
Towson, Maryland 21204

Re: Domingo Hyeok Kim vs. Mayor and City Council
of Baltimore
No. 1336, September Term, 1994

Dear Counsel:

Enclosed find a copy of an Order of this Court dated January 4, 1995, granting Appellant's Motion for Reconsideration of Dismissal. The Court's prior Order of December 14, 1994 dismissing the appeal has been vacated and the appeal is reinstated. Argument has been rescheduled for the March, 1995 session. The brief filed by Appellant on December 22, 1994 has been accepted. Appellee's brief is due February 3, 1995.

Very truly yours,

Leslie D. Gradet
Clerk

LDG:ls

Enclosure

cc: Neal M. Janey, Esquire

RECEIVED
94 DEC 19 PM 12:18
L. J. ... CLERK

DOMINGO HYEOK KIM * IN THE
Appellant * COURT OF SPECIAL APPEALS
v. * NO. 1336
MAYOR AND CITY COUNCIL *
OF BALTIMORE *
Appellee * September Term, 1994

* * * * *

MOTION FOR RECONSIDERATION OF DISMISSAL

DOMINGO HYEOK KIM, Appellant, by his attorneys, F. Vernon Boozer, Roger J. Sullivan and Covahey & Boozer, P.A., pursuant to Maryland Rule 8-602(c), files this Motion for Reconsideration of this Court's Order of December 14th, 1994 dismissing this matter and in support thereof, states as follows:

1. That on December 14th, 1994, this Honorable Court, upon its own motion, dismissed Appellant's appeal pursuant to Maryland Rule 8-602(a)(7).

2. That the Appellant's brief in this case was originally due in this Honorable Court on or before November 23rd, 1994.

3. That on or about November 15th, 1994, counsel for Appellant and counsel for Appellee had a telephone conversation wherein it was agreed that the time within which to file Appellant's brief would be extended up to and including December 23rd, 1994 and the time within which to file

Appellee's brief would be extended up to and including January 23rd, 1995.

4. That pursuant to the aforestated telephone conversation, counsel for Appellant forwarded to counsel for Appellee a letter dated November 15th, 1994 and attached thereto was an original signed stipulation of extension of time to file the Appellant's and Appellee's briefs. (The letter and Stipulation are attached hereto and incorporated herein by reference as Exhibit A.)

5. That the dates stipulated by the parties were more than thirty (30) days before the scheduled argument and the extension will not affect the scheduled oral argument.

6. That the stipulation was inadvertently not forwarded to this Honorable Court.

7. That on December 16th, 1994, immediately upon receiving notice that this matter had been dismissed, counsel for Appellant contacted counsel for Appellee to discuss the status of this case. That during said telephone conversation of December 16th, 1994, counsel for Appellee advised counsel for Appellant that she did not recall receiving the November 15th, 1994 letter, but that she did recall the telephone conversation wherein the stipulation of extension of time within which to file was agreed to.

8. That counsel for Appellee advised counsel for Appellant that she was not opposed to the filing of the subject motion and did not oppose this Honorable Court's rescinding its December 14th, 1994 Order and having this case reinstated on the docket of this Honorable Court.

9. That in light of counsel for both parties' agreement that the time within which to file the briefs be extended for 30 days, it would serve the ends of justice to allow Appellant's appeal to move forward.


10. That a new original of the Stipulation has been filed simultaneously with this Motion.

11. That Appellant's brief and record extract will be filed on December 23, 1994.


12. That the affidavit of Roger J. Sullivan, Esquire is incorporated herein by reference and referred to as Exhibit B.

WHEREFORE, Appellant, DOMINGO HYEOK KIM, by his attorneys, F. Vernon Boozer, Roger J. Sullivan and Covahey & Boozer, P.A., pray that this Honorable Court:

- A. Rescind its December 14th, 1994 Order;
- B. Reinstate this case on the docket; and
- C. Grant unto him such other and further relief as the nature of his cause may require.



F. VERNON BOOZER



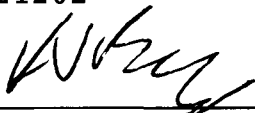
ROGER J. SULLIVAN

Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 1994, a copy of the foregoing Motion for Reconsideration was mailed, postage pre-paid to:

Neal M. Janey, Esquire
Sandra R. Gutman, Esquire
Offices of the City Solicitor
101 City Hall
Baltimore, Maryland 21202



F. VERNON BOOZER

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DiPAULA *

THOMAS P. DORE

ROGER J. SULLIVAN

ANNEX OFFICE

SUITE 101

606 BALTIMORE AVE.

TOWSON, MD. 21204

November 15, 1994

* ALSO ADMITTED TO D. C. BAR

Sandra R. Gutman, Esquire
101 City Hall
Baltimore, Maryland 21202

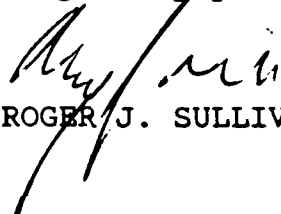
RE: Domingo H. Kim v. Mayor and City County
of Baltimore
Court of Special Appeals No. 1336
September Term, 1994

Dear Ms. Gutman:

This letter will confirm our telephone conversation of November 15, 1994 wherein you graciously agreed to stipulate to an extension of time within which to file the record extract and brief in the above captioned matter. Enclosed please find the aforementioned Stipulation for your signature. If you would kindly sign same and return to my office, I will see that the original is then filed with the Court of Special Appeals.

Many thanks for your continuing courtesies in this case.

Very truly yours,


ROGER J. SULLIVAN

RJS/gab
Enclosure

15`gab.07

EXHIBIT A

IN THE COURT OF SPECIAL APPEALS

DOMINGO HYEOK KIM

*

v.

*

September Term, 1994

MAYOR AND CITY COUNCIL

*

No. 1336

* * * * *

STIPULATION

It is hereby stipulated, pursuant to Maryland Rule 8-502(b) by and between the attorneys for the respective parties hereto, that the time for the Appellant's brief in the above matter be, and the same hereby is, extended to and including December 23, 1994, and that the time for Appellee's brief be, and the same hereby is, extended to and including January 23, 1995. The aforesaid dates stipulated to hereby are more than thirty (30) days before the scheduled argument and the extension will not effect the scheduled oral argument.



F. VERNON BOOZER



ROGER J. SULLIVAN

Covahay and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorneys for Appellant

NEAL M. JANNEY

SANDRA R. GUTMAN

101 City Hall
Baltimore, Maryland 21202
Attorneys for Appellee

DOMINGO HYEOK KIM

Appellant

v.

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellee

*

*

*

*

*

IN THE

COURT OF SPECIAL APPEALS

NO. 1336

September Term, 1994

* * * * *

AFFIDAVIT OF ROGER J. SULLIVAN

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 16th day of December, 1994, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared ROGER J. SULLIVAN, who made oath in due form of law that the following facts are true:

1. That he is the attorney for the Appellant in the above captioned action, is over 18 years of age and is competent to be a witness.

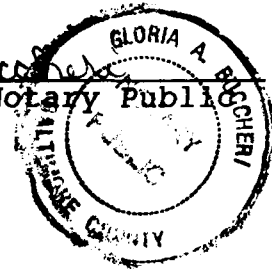
2. That he has personal knowledge of the facts set forth in this Affidavit and in the Motion for reconsideration of dismissal.

3. That each and every fact as set forth in the Appellant's Motion for reconsideration of dismissal is incorporated by and made a part of this Affidavit.

4. That the facts set forth in the Appellant's Motion for reconsideration of dismissal are true.

R. J. Sullivan
ROGER J. SULLIVAN

AS WITNESS, my hand and Notarial Seal the date and year first above written.

Gloria A. Buchner
Notary Public


My Commission Expires:
11/1/96

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 1994, a copy of the foregoing Affidavit was mailed, postage pre-paid to:

Neal M. Janey, Esquire
Sandra R. Gutman, Esquire
Offices of the City Solicitor
101 City Hall
Baltimore, Maryland 21202

F. Vernon Boozer
F. VERNON BOOZER

94 DEC 19 PM 12:18

L.D. GRADET, CLERK

IN THE COURT OF SPECIAL APPEALS

DOMINGO HYEOK KIM

*

v.

*

September Term, 1994

MAYOR AND CITY COUNCIL

*

No. 1336

* * * * *

STIPULATION

It is hereby stipulated, pursuant to Maryland Rule 8-502(b) by and between the attorneys for the respective parties hereto, that the time for the Appellant's brief in the above matter be, and the same hereby is, extended to and including December 23, 1994, and that the time for Appellee's brief be, and the same hereby is, extended to and including January 23, 1995. The aforesaid dates stipulated to hereby are more than thirty (30) days before the scheduled argument and the extension will not effect the scheduled oral argument.

F. Vern Boozer

F. VERNER BOOZER

Roger J. Sullivan

ROGER J. SULLIVAN

Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441
Attorneys for Appellant

Neal M. Janney

NEAL M. JANNEY

Sandra R. Gutman

SANDRA R. GUTMAN

101 City Hall
Baltimore, Maryland 21202
Attorneys for Appellee

DOMINGO HYEOK KIM

Appellant

v.

MAYOR AND CITY COUNCIL
OF BALTIMORE

Appellee

*

*

*

*

*

IN THE

COURT OF SPECIAL APPEALS

NO. 1336

September Term, 1994

* * * * *

ORDER

Based upon the foregoing Motion For Reconsideration of Dismissal and there being no opposition to same by Appellee, it is this 4th day of January, 1995, by the Court of Special Appeals,

ORDERED, that the December 14th, 1994 Order of Dismissal be and the same hereby is RESCINDED and the Clerk of the Court of Special Appeals is directed to place this Appeal back on the docket. *Argument is rescheduled in March, 1995. Appellant's brief filed December 22, 1994 is accepted. Appellee's brief to due February 3, 1995.*

Ellen M. Wilner

Chief Judge



LESLIE D. GRADET
CLERK

LLA

Court of Special Appeals
Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 974-3646
WASHINGTON AREA (301) 261-2920

KATHARINE M. KNIGHT
CHIEF DEPUTY

December 14, 1994

Roger J. Sullivan, Esquire
614 Bosley Avenue
Towson, Maryland 21204

F. Vernon Boozer, Esquire
606 Baltimore Avenue
Towson, Maryland 21204

Re: Domingo Hyeok Kim vs. Mayor and City Council
of Baltimore
No. 1336, September Term, 1994

Dear Counsel:

Enclosed find a copy of an Order of this Court dated December 14, 1994, dismissing the captioned appeal for the reason stated therein. The mandate of this Court will issue pursuant to Maryland Rule 8-606 (b).

Very truly yours,

Leslie D. Gradet
Clerk

LDG:ls

Enclosure

cc: Neal M. Janey, Esquire

Domingo Hyeok Kim

Appellant

v.

Mayor and City Council of
Baltimore

Appellee

* In the
* Court of Special Appeals
* No. 1336
* September Term, 1994
*

ORDER

It appearing that appellant is in default of Maryland Rule 8-502, the brief due on November 23, 1994, not having been filed, it is this 14th day of December, 1994, by the Court of Special Appeals, upon its own motion, pursuant to Maryland Rule 8-602(a)(7),

ORDERED that the captioned appeal be, and it is hereby dismissed.

Alan M. Wilner
Chief Judge

*Civil
adm appeal
(zoning)*

*. 1 vol
. 1 trans.*

No. 1336 SEPTEMBER TERM, 19 94
(LEAVE BLANK)

TRANSCRIPT OF RECORD

FF

FROM THE

CIRCUIT COURT FOR BALTIMORE CITY

Judge: THE HONORABLE ELLEN L. HOLLANDER

IN THE CASE OF

/ DOMINGO HYEOK KIM

Appellant

VS.

/ MAYOR AND CITY COUNCIL OF BALTIMORE

Appellee

TO THE

COURT OF SPECIAL APPEALS

/ F. VERNON BOOZER, ESQUIRE - ROGER J. SULLIVAN, ESQ.
COVAHEY AND BOOZER, P.A.
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 828-9441

FOR APPELLANT

*R=60
S=137.50*

/ NEAL M. JANNEY, ESQ., CITY SOLICITOR
GILBERT B. RUBIN
EXECUTIVE DIRECTOR
BOARD OF MUNICIPAL AND ZONING APPEALS
14TH. FLOOR
417 EAST FAYETTE STREET
BALTIMORE, MARYLAND 21202

*101 City Hall
Baltimore, MD 21202
410.396.3100*

FOR APPELLEE

*P 841.338.815
10.13.94*

Filed 10.14.94
(LEAVE BLANK)

11/23

*3
4/1
195*

#93350027 / CL173927

PHE# 564/94 NC

Start 12.16.93

Judgment 6.21.94

Appeal 7.20.94



SAUNDRA E. BANKS,
Clerk

**CIRCUIT COURT FOR BALTIMORE CITY
CIVIL DIVISION**

Room 462 Court House East
111 N. Calvert Street
Baltimore, Md. 21202

10/06/90

General Information (301) 65
Law (301) 65
Equity (301) 65

Leslie D. Gradet, Clerk
Court of Special Appeals
Courts of Appeals Bldg.
P.O. Box 431
Annapolis, Md 21401

Re: *Kim vs. M+CC*
#93350027/CL173927

Dear Ms Gradet,

The above entitled case is an Appeal filed in the Circuit Court for Baltimore City.

Enclosed please find check no. 1223 in the amount of fifty (~~50.00~~) dollars to defray the costs in this case.

Attorney (s) for the appellant and/or appellee did not wish to peruse the record in this matter;

Very truly yours,

Saundra E. Banks
Saundra E. Banks, Clerk

Domingo Hyeok Kim v. Mayor and City Council of Baltimore
Case No. 93350027/CL173927

INDEX

<u>Items</u>	<u>Pages</u>
Docket Entries	
Order of Appeal & Petition	01 - 06
Plaintiff's Motion for Stay	07 - 12
Petition for Judicial Review	13 - 36
Response to Petition	37
Transcript of Record	38 - 297
Civil Postponement Approved (Angeletti, J.)	298
Memorandum	299 - 312
Defendant's Memorandum of Law	313 - 330
Memorandum Opinion & Order (Hollander, J.)	331 - 343
Notice of Appeal	344 - 345
Order to Proceed	346
Steno. Test., dtd. 5/5/94, Pgs. 1 - 55	347

Original papers forwarded to the Court of
Special Appeals via Certified Mail #P842 338 815

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:54

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927
CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94
STATUS DATE: 07/20/94 PROTRACTED:

DATE: CODE: EVENT TEXT

092993 MEMO REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS ON MAY 5, 1994
121693 FILE ORDER OF APPEAL AND PETITION ON BEHALF OF THE CLAIMANT FROM
121693 A DECISION OF THE BOARD OF MUNICIPAL AND ZONING APPEALS FD. (1)
121693 MOTN PLAINTIFF'S MOTION FOR STAY AND REQUEST FOR HEARING FD. (2)
122393 PLEA COPY OF APPEAL, PETITION AND MOTION TO STAY MAILED TO THE BOARD
122393 OF MUNICIPAL AND ZONING APPEALS.
010494 PLEA PETITION FOR JUDICIAL REVIEW AND EXHIBIT FD. (3)
012194 ANSW DEFT RESPONSE TO PETITION BY THE APP. OF SANDRA R. GUTMAN ATTY FD
012194 (4)
020194 PLEA TRANSCRIPT OF RECORD (5)
020894 NOTICE SENT IN ACCORDANCE TO MD RULE 7-207 (6)
021794 ORDR CIVIL POSTPONEMENT APPROVED (J., ANGELETTI) (7)

PAGE 001

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:55

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927
CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94
STATUS DATE: 07/20/94 PROTRACTED:

DATE: CODE: EVENT TEXT

021894 CAL P03 09:30 428W MOT MOT POST PJ ANGELETTI, E. J 8838
021894 CAL P03 09:30 428W MOT MOT CANC CAN ADMINISTRATIVE 8800
031094 PLEA MEMORANDUM OF DOMINGO HYEOK KIM IN SUPPORT OF PETITION FOR
031094 JUDICIAL REVIEW (8)
050294 PLEA DEFT'S MEMORANDUM OF LAW (9)
050594 CAL 09:30 219W CTF CANC CANC CAN ADMINISTRATIVE 8800
062494 CLOS MEMORANDUM OPINION & ORDER OF COURT DATED JUNE 21, 1994
062494 AFFIRMING DECISION OF THE BOARD (HOLLANDER, J) (10)
072094 APPL NOTICE OF APPEAL TO THE COURT OF SPECIAL APPEALS ON BEHALF OF
072094 THE APPELLANT, FD. (11).
081794 ORDR ORDER TO PROCEED WITHOUT A PREHEARING CONFERENCE, FD. (12).
090194 PLEA COPY OF ROGER J. SULLIVAN'S LETTER TO CT. REPORTER FD. (13)

PAGE 002

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:55

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927
CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94
STATUS DATE: 07/20/94 PROTRACTED:

DATE: CODE: EVENT TEXT
092794 REPORTED BY JOE T. TROWBRIDGE (14)
100694 MEMO ORIGINAL PAPERS FORWARDED TO THE COURT OF SPECIAL APPEALS VIA
100694 CERTIFIED MAIL #P842 338 815, FD.

PAGE 003

DOMINGO HYEOK KIM

PLAINTIFF

VS.

MAYOR AND CITY COUNCIL OF BALTIMORE

DEFENDANT

NO. 93350027/CL173927

PAGE:

DOCKET:

**IN THE
CIRCUIT COURT FOR
BALTIMORE CITY**

Sandra E. Banks, Clerk

CERTIFICATE BY CLERK OF THE COURT, TO TRANSCRIPT OF RECORD.

State of Maryland, Baltimore City, Set.:

I, Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, hereby certify that the foregoing is a true transcript, taken from the record and proceedings of the said Court, in the Therein entitled cause.

I further certify that all counsel of record, heretofore, have been notified to inspect the foregoing transcript of record, prior to its transmission, and that said counsel have had ample opportunity for such inspection.

In testimony whereof, I hereunto set my hand and affix the seal of the Circuit Court for Baltimore City aforesaid, on this day of 31st. day of August , 19 94 .

COSTS PAID IN THE CIRCUIT COURT FOR BALTIMORE CITY:

Transcript of Record	\$ 60.00	
Open Court Costs		
Total Costs	<u>\$ 60.00</u>	
Steno. Test.	\$137.50	Postage \$5.45
Court Reporter - John Trowbridge		

SEAL OF
THE COURT

Sandra E. Banks
Clerk of the Circuit Court for Baltimore City

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

93350027

2173927

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

NOV 16 PM 2:23
CIVIL DIVISION

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* * * * *

ORDER OF APPEAL

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

Case No. 204PM12/16/93 002#5969 A ***

#0933500

#0000027

CIVIL \$80.00

LIBRA \$10.00

***TTL \$90.00 * *

CHECK \$90.00

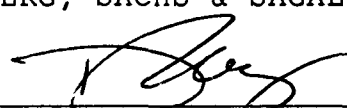
CHNG \$0.00

Mr. Clerk:

Please note an appeal to the Circuit Court for Baltimore City from the decision of the Board of Municipal and Zoning Appeals, Appeal No. 370-93X, (a copy of the written decision dated December 13, 1993 is attached hereto as an exhibit) disapproving Appellants application to use the first floor of the property at 805 W. Lexington Street as a grocery store.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

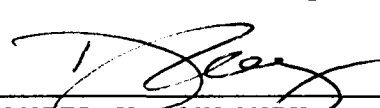
BY:



DANIEL W. QUASNEY
341 N. Calvert Street
Baltimore, Maryland 21202
(410) 685-0111
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing ORDER OF APPEAL was hand delivered to the Offices of Gilbert V. Rubin, Executive Director of the Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202..



DANIEL W. QUASNEY

s:\wp\mpeterso\dwq\kim.ord

Copy mailed to Board of Appeals 12/23/93

FM

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
*
* Case No.:

PETITION IN SUPPORT OF APPEAL

DOMINGO HYEOK KIM, Appellant, by Daniel W. Quasney and Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A. his attorneys, pursuant to Maryland Rule B-2 files this Petition in support of the appeal taken in the above action and in support thereof says as follows:

1. On or about the 13th day of December, 1993, the Board of Municipal and Zoning Appeals (the "Board") issued an opinion disapproving the Appellant's application to use the first floor of the property known as 805 W. Lexington Street as a grocery store.

2. As is set forth in the written opinion of the Board, a copy of which is attached to the Order of Appeal filed by the Appellant, the Board found that the property was in an R-8 zoning district and that prior to April 20, 1971, the property was zoned residential use, B-1-1/2 height and area district. The Board further found that according to the files of the Zoning Enforcement Section of the Department of Housing and Community, the subject property had always been used as a residence, until Permit No. 73305 was issued

to the Appellant on May 1, 1993 for the use of the first floor of the property as a grocery store.

3. Testimony was taken at the hearing on December 7, 1993 from an official from the Department of Housing and Community Development who testified that the original permit to the Appellant issued for the use of these premises as a grocery store was issued in error due to an incorrect zoning designated on the computer system maintained by that office.

4. The testimony at hearing further evidenced that prior to the purchase of the subject property the Appellant went to the Zoning Enforcement Section of the Department of Housing and Community Development to verify the zoning at the property. At that visit the Appellant was instructed by David Tanner of the Zoning Enforcement Office that the property was located in a B-1 business district and that the operation of a grocery store was a permitted use within that district.

5. The testimony presented at the hearing further illustrated that in good faith reliance upon the information provided to him by the Zoning Enforcement Office the Appellant did proceed with his plans respecting the property and did expend considerable sums of money associated with extensive renovations to the building and interior of the premises and in the purchase of appropriate equipment and stock to operate the premises as a grocery store. The testimony further illustrated that the Appellant performed considerable work to the premises and expended sums in order to secure appropriate permits to operate the premises as a grocery store, including a permit from the Baltimore City Health

Department, the Bureau of Food Control and the use and occupancy permit from the Zoning Enforcement Office. As the decision of the Board indicates, the Appellant was issued that permit (No. 73305) on May 1, 1993, and did thereafter operate a grocery business out of the premises with the impression that his use fully complied with all the zoning regulations. Several Months later the Appellant received a letter revoking his use permit on the basis that the same had been issued in error due to the improper record keeping procedures of the Zoning Enforcement Office of the Department of Housing and Community Development.

6. The opinion of the Board further went on to indicate that numerous representatives of the community appeared at the hearing on December 7, 1993 to indicate their support for the use of the premises by the Appellant as a grocery store, on the basis that the business operated by the Appellant had in fact proved to be a benefit in numerous ways to the community in general.

7. Despite the wealth of testimony supporting the Appellant's use of the premises as a grocery and evidencing the benefit of the Appellant's business to the community, as well as the uncontroverted testimony about the extreme hardship that would be suffered by the Appellant if the requested use was disapproved, the Appellant's application was denied because of only three (3) affirmative votes were returned as opposed to the requisite four (4) out of five (5) necessary to grant the permit.

8. That the Board's decision in disapproving the Appellant's application results from an unfair procedure. In light of the representations made by the Zoning Enforcement Officer to the

Appellant concerning the zoning designation for the property, which representations induced Appellant to expend substantial sums to renovate the property and apply to use the same as a grocery, the Zoning Enforcement Section and Board should be estopped from denying the Appellant's application.

8. That the decision of the Board is unsupported by competent, material, and substantial evidence in light of the entire record of the proceedings.

9. That a reasoning mind could not have reached the facts and conclusions that the agency reached, especially in light of the prior action of the Zoning Enforcement Office, and therefore the decision of the Board was arbitrary and capricious.

WHEREFORE, the Appellant requests that this Honorable Court:

A. Reverse the decision of the Board and order that the Appellant's application to use the premises as a grocery store shall be approved and shall remain in full force and effect.

B. Grant such other and further relief as this Honorable Court deems appropriate.


WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 

DANIEL W. QUASNEY
341 N. Calvert Street
Baltimore, Maryland 21202
(410) 685-0111
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing PETITION IN SUPPORT OF APPEAL was hand delivered to the Offices of Gilbert V. Rubin, Executive Director of the Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202..



DANIEL W. QUASNEY

s:\wp\mpeters\dwq\kim.ord

2

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
*
* Case No.:

* * * * *

MOTION TO STAY ACTION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS

Domingo Kim, Appellant, by Daniel W. Quasney and
Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A.,
his attorneys, moves pursuant to Maryland Rule B6 for an Order
staying the decision of the Board of Municipal and Zoning Appeals
dated December 13, 1993 disapproving his application for use of the
property known as 805 West Lexington Street as a grocery store, and
in support thereof says as follows:

1. That contemporaneously with the filing of this Motion to
Stay, the Appellant has filed an Order of Appeal and a Petition in
Support of Appeal relating to a decision of the Board of Municipal
and Zoning Appeals dated December 13, 1993 disapproving the appeal
and application of the Appellant to continue to use the property
known as 805 West Lexington Street as a grocery store.

2. As is set forth in the Petition in Support of Appeal, the
Appellant, at all times with respect to his dealings with the
Zoning Enforcement Office of the Baltimore City Department of

Housing and Urban Development was under the impression that he acted within full compliance of the law. Specifically, prior to purchasing the property in question, 805 West Lexington Street, the Appellant inquired of officials at the Zoning Enforcement Office as to the zoning for the subject property. In response to his inquiries, he was advised by David Tanner, of said office, that the subject property was located in a B-1 business district and that the operation of a grocery was a permitted use within said district. In reliance upon this information, the Appellant did purchase the property and did proceed to apply for a building permit to perform renovations to the property in order to open the same as a grocery. Upon making application for the building permit, the Appellant was required to perform extensive renovations to the property, both interior and exterior. Subsequent to the completion of the renovations, the Appellant did purchase trade equipment and fixtures as well as inventory in order to stock the premises for operation as a grocery store, all in reliance upon the information previously provided by the Zoning Enforcement Office that the premises could be operated as a grocery.

3. As a result, the Appellant expended in the neighborhood of \$40,000.00 in renovating the improvements and putting the same in the appropriate condition to open as a grocery. Thereafter, the Appellant did apply for and obtain a Use and Occupancy permit from the Zoning Enforcement Office to open the business as a grocery.

4. Some three months after said permit was obtained and the Appellant had begun operating his grocery business, the Zoning Enforcement Office discovered that in fact the information provided

to the Appellant concerning the zoning for the property was given in error and in fact the property was situated within a R-8 residential zoning district. Apparently as a result of this discovery, a correspondence was issued to the Appellant revoking the prior permit to use the premises as a grocery. From that directive, the Appellant took appeal to the Board of Municipal and Zoning Appeals pursuant to the suggestion of the Zoning Enforcement Office.

5. Following extensive testimony before the Board of Municipal and Zoning Appeals on December 7, 1993, at which numerous members of the community testified to the resulting benefit to the neighborhood by virtue of the Appellant's grocery store, the majority of the Zoning Board voted in favor of allowing the Appellant to continue to use the property as a grocery. However, because of the specific requirements of the Zoning Board mandating that four affirmative votes from the pool of five Board members are required in order to approve an application, the Appellant's application to continue to use the premises as a grocery was disapproved.

6. Clearly, in light of the prior directives of the Zoning Enforcement Office of the Baltimore City Department of Housing and Community Development, a grave injustice has been done to the Appellant by virtue of the decision of the Board of Municipal and Zoning Appeals. In good faith reliance upon the information provided by the Zoning Enforcement Office, the Appellant undertook to expend substantial sums of money (in the neighborhood of \$40,000.00) to renovate the subject premises. In light of that

instruction, the Board of Municipal and Zoning Appeals should be estopped from denying the Appellant the right to use the property as a grocery in order to avoid undue hardship and prejudice to the Appellant.

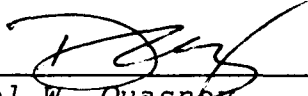
Based on all of the above, it is inequitable and unjust to require the Appellant to cease operation of the grocery store at the premises pending this appeal.

WHEREFORE, the Appellant respectfully requests that this Court enter an Order staying the decision of the Board of Municipal and Zoning Appeals pursuant to Maryland Rule B-6 pending disposition of the appeal filed in these proceedings. Further, given the unusual circumstances placing the Appellant in his present position (the poor record keeping practices of the Zoning Enforcement Office), he would further request that he be excused from posting any bond or other security as a condition of the stay requested. Clearly, no harm will result to any party by virtue of the Stay requested.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS
STEINBERG, SACHS & SAGAL, P.A.

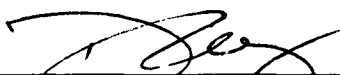
BY: _____

9/10/72


Daniel W. Quasney
1414 Reisterstown Road
Baltimore, Maryland 21208
(410) 484-5355
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing Motion to Stay Action was mailed first class, postage prepaid, to Gilbert V. Rubin, Executive Director, Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202.



Daniel W. Quasney

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
*
* Case No.:


* * * * *

REQUEST FOR HEARING

Domingo Kim, Appellant, respectfully requests an immediate hearing on the Motion to Stay the decision of the Board of Municipal and Zoning Appeals filed in these proceedings.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS
STEINBERG, SACHS & SAGAL, P.A.

BY:


Daniel W. Quasney
1414 Reisterstown Road
Baltimore, Maryland 21208
(410) 484-5355
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing Motion to Stay Action was mailed first class, postage prepaid, to Gilbert V. Rubin, Executive Director, Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202.


Daniel W. Quasney

IN THE CIRCUIT COURT FOR *
BALTIMORE CITY, THE PETITION OF *
DOMINGO HYEOK KIM *
3509 Branch Court Road *
Baltimore, Maryland 21234 *

FOR JUDICIAL REVIEW OF THE *
DECISION OF THE BOARD OF *
MUNICIPAL AND ZONING APPEALS *
OF BALTIMORE CITY *
14th Flr., 417 E. Fayette Street*
Baltimore, Maryland 21202 *

IN THE CASE OF APPEAL OF *
DOMINGO KIM TO THE BOARD OF *
MUNICIPAL AND ZONING APPEALS *
APPEAL NUMBER 370-93X *


Petitioner *

* * * * *

PETITION FOR JUDICIAL REVIEW

The Petitioner, DOMINGO HYEOK KIM, by and through Daniel W. Quasney and Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A., his attorneys, seeks judicial review by the Circuit Court for Baltimore City of the decision of the Board of Municipal and Zoning Appeals, Appeal Number 370-93X (a copy of the written decision dated December 13, 1993 is attached hereto as an exhibit), disapproving Appellant's application to use the first floor of the property located at 805 W. Lexington Street as a grocery store. The Petitioner was a party to the agency proceeding.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 
DANIEL W. QUASNEY
1414 Reisterstown Road
Baltimore, Maryland 21208
(410)484-5355
Attorneys for Petitioner

CIRCUIT COURT FOR
BALTIMORE CITY
CIRCUIT COURT 12:33
FOR
BALTIMORE CITY
93350027/CL173927

I HEREBY CERTIFY, That on this 4th day of January, 1994,
a copy of the foregoing Petition for Judicial Review was hand
delivered to the Offices of Gilbert V. Rubin, Executive Director of
the Board of Municipal and Zoning Appeals, 14th Floor, 417 E.
Fayette Street, Baltimore, Maryland 21202.



DANIEL W. QUASNEY



EXHIBIT

GILBERT V. RUBIN
EXECUTIVE DIRECTOR

BOARD OF MUNICIPAL AND ZONING APPEALS

14TH FLOOR
417 E. FAYETTE STREET
PHONE 301-396-4301
BALTIMORE, MARYLAND 21202

DEC 13 1993

THIS IS NOT A PERMIT

DO NOT START WORK OR USE THE PROPERTY IF THIS APPLICATION IS APPROVED UNTIL YOU GET A PERMIT OR CERTIFICATE OF OCCUPANCY FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN ONE YEAR OF THE HEARING DATE.

At a meeting of the Board of Municipal and Zoning Appeals on Tuesday, December 7, 1993 the following resolution was adopted:

"Resolved, that in the matter of Appeal No. 370-93X
Domingo Hyeok Kim, 3509 Branch Court Road Appellant,

to permit the use of first floor as a grocery store

at 805 W. Lexington Street

the BOARD OF MUNICIPAL AND ZONING APPEALS, after giving public notice, inspecting the premises, holding a public hearing, considering all data submitted, and by authority of Ordinance No. 1051, approved April 20, 1971, known as the Zoning Ordinance, made a study of the premises and neighborhood and finds that the property is on the south side of Lexington Street, 90 feet west of Fremont Avenue, in an R-8 Zoning District.

"The premises is improved by a three story, brick building, 14 feet by 65 feet. The first floor is used for a grocery store, the second floor is used for storage, and the third floor is vacant. It is proposed to use the first floor as a grocery store.

"Prior to April 20, 1971, the date of passage of the New Comprehensive Zoning Ordinance No. 1051, the property was zoned



Residential Use, B-1-1/2 Height and Area District.

"Under the provisions of Section 4.8-1-a and c, a grocery store is not listed as a permitted or conditional use in the R-8 Residence District.

"Under the provisions of Sections 8.0-1 and 13.0-2, any lawfully existing non-conforming use or structure may be continued.

"Under the provisions of Section 8.0-4-d, a Class III nonconforming use shall not be changed to any other non-conforming use, except that the Board in accordance with the authority and procedures established in Section 8.0-7, may authorize a change of a Class III non-conforming use to a use listed in the B-1 Neighborhood Business District.

"Under the provisions of Section 6.1-1-b, Item 15, a grocery store is listed among the permitted uses in the B-1 Business District.

"Under the provisions of Section 8.0-4-f, whenever any Class III non-conforming use, or part thereof, has been discontinued for a period of twelve consecutive months, such discontinued nonconforming use or part thereof, shall not thereafter be re-established, and any subsequent use of that land, structure or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of twelve months shall constitute an abandonment of such non-conforming use, or part thereof, respectively,

regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If, within a period of less than twelve months, actual abandonment, in fact, is evidenced by removal of structure, machinery or equipment or by alterations indicating a change in the use of the land, structure or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such nonconforming use, or part thereof, shall terminate as of that time.

"The provisions of this Section concerning discontinuance and abandonment do not apply to Class III non-conforming uses in the R-6, R-7, R-8, R-9 and R-10 Districts, in which the Board may authorize a change to a new use at any time.

"According to the files in the Zoning Enforcement Section of Housing and Community Development, the subject property had always been used as a residence, until Permit No. 73305 was issued, in error, on May 1, 1993, for the continued use of the first floor as a grocery store.

"The testimony shows that this appeal presents a request for authorization to use the first floor of an attached structure as a grocery store, in the R-8 Residence District. The testimony indicates that this property was purchased at a Tax Sale for \$2000.

"The testimony of an official from the Department of Housing and Community Development related that the original permit was issued for the use of these premises in error due to the incorrect zoning on the card index file of that Agency. Based on

the fact that an error had occurred, the permit was revoked by the Department of Housing and Community Development, and the appellant was directed to file an appeal to the Board of Municipal and Zoning Appeals. Based on the incorrect information, the property was approved and a grocery store was established on this site. The appellant did extensive renovations to the building and expended considerable sums of money to buy appropriate equipment and stock the premises for use as a grocery store. The appellant further performed considerable work to the premises and expended additional sums in order to secure the appropriate permits in order to operate a grocery store from the premises, including a permit from the Baltimore City Health Department, Bureau of Food Control. The testimony further reveals that presently the appellant has neighborhood support to continue to operate the grocery store at this site. The attorney, representing the appellant, indicated that it would be a severe, practical difficulty to the owner to cease the operation since it was due to no fault of the owner, but an error on the part of the City official.

"The Board heard testimony from representatives of the community, indicating their support of this proposal.

"The Board also was made aware of the fact that there are other grocery stores in the block, that have noted a decrease in their volume since this property has operated as a store.

"Subsequent to the public hearing, the Board received a letter, dated December 6, 1993 from the Department of Housing and Community Development, which states that they oppose the proposed

18

use at this location. In addition, based on their neighborhood planning strategies which are prepared in coordination with the neighborhood association, the participating residents have designated the 800 block of West Lexington Street for residential use. On July 12, 1993, the appellant met with the representatives of the community. At that time, some residents expressed support and others, the members of the Concerned Citizens of Poppleton and Project Area Committee, vehemently opposed the grocery store. Again, this Department opposes the proposed use.

"Three members of the Board felt that the application should be approved, and would, in fact, not have an adverse effect on the community. They were also aware of the large expenditure of funds that have been laid out for the use of the premises as a grocery store, based on the incorrect issuance of the permit. Two members of the Board felt, after reviewing the testimony, the facts and law in this case, that they are without authority to permit a grocery store in the R-8 District, especially, since there has been no prior commercial use of the site for a business or grocery at this location.

"In accordance with the above facts and findings, the Board disapproves the application.

"Two members of the Board voted in favor of adopting the resolution, three members of the Board voted against the adoption of resolution. Whereupon, the Chairman ruled that there not being the concurring vote of as many as four members of the Board in favor of granting the permit, the application stands as disapproved."

Gilbert V. Rubin 19

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

* Case No.:

PETITION IN SUPPORT OF APPEAL

DOMINGO HYEOK KIM, Appellant, by Daniel W. Quasney and Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A. his attorneys, pursuant to Maryland Rule B-2 files this Petition in support of the appeal taken in the above action and in support thereof says as follows:

1. On or about the 13th day of December, 1993, the Board of Municipal and Zoning Appeals (the "Board") issued an opinion disapproving the Appellant's application to use the first floor of the property known as 805 W. Lexington Street as a grocery store.

2. As is set forth in the written opinion of the Board, a copy of which is attached to the Order of Appeal filed by the Appellant, the Board found that the property was in an R-8 zoning district and that prior to April 20, 1971, the property was zoned residential use, B-1-1/2 height and area district. The Board further found that according to the files of the Zoning Enforcement Section of the Department of Housing and Community, the subject property had always been used as a residence, until Permit No. 73305 was issued

to the Appellant on May 1, 1993 for the use of the first floor of the property as a grocery store.

3. Testimony was taken at the hearing on December 7, 1993 from an official from the Department of Housing and Community Development who testified that the original permit to the Appellant issued for the use of these premises as a grocery store was issued in error due to an incorrect zoning designated on the computer system maintained by that office.

4. The testimony at hearing further evidenced that prior to the purchase of the subject property the Appellant went to the Zoning Enforcement Section of the Department of Housing and Community Development to verify the zoning at the property. At that visit the Appellant was instructed by David Tanner of the Zoning Enforcement Office that the property was located in a B-1 business district and that the operation of a grocery store was a permitted use within that district.

5. The testimony presented at the hearing further illustrated that in good faith reliance upon the information provided to him by the Zoning Enforcement Office the Appellant did proceed with his plans respecting the property and did expend considerable sums of money associated with extensive renovations to the building and interior of the premises and in the purchase of appropriate equipment and stock to operate the premises as a grocery store. The testimony further illustrated that the Appellant performed considerable work to the premises and expended sums in order to secure appropriate permits to operate the premises as a grocery store, including a permit from the Baltimore City Health

Department, the Bureau of Food Control and the use and occupancy permit from the Zoning Enforcement Office. As the decision of the Board indicates, the Appellant was issued that permit (No. 73305) on May 1, 1993, and did thereafter operate a grocery business out of the premises with the impression that his use fully complied with all the zoning regulations. Several Months later the Appellant received a letter revoking his use permit on the basis that the same had been issued in error due to the improper record keeping procedures of the Zoning Enforcement Office of the Department of Housing and Community Development.

6. The opinion of the Board further went on to indicate that numerous representatives of the community appeared at the hearing on December 7, 1993 to indicate their support for the use of the premises by the Appellant as a grocery store, on the basis that the business operated by the Appellant had in fact proved to be a benefit in numerous ways to the community in general.

7. Despite the wealth of testimony supporting the Appellant's use of the premises as a grocery and evidencing the benefit of the Appellant's business to the community, as well as the uncontroverted testimony about the extreme hardship that would be suffered by the Appellant if the requested use was disapproved, the Appellant's application was denied because of only three (3) affirmative votes were returned as opposed to the requisite four (4)-out of five (5) necessary to grant the permit.

8. That the Board's decision in disapproving the Appellant's application results from an unfair procedure. In light of the representations made by the Zoning Enforcement Officer to the

Appellant concerning the zoning designation for the property, which representations induced Appellant to expend substantial sums to renovate the property and apply to use the same as a grocery, the Zoning Enforcement Section and Board should be estopped from denying the Appellant's application.

8. That the decision of the Board is unsupported by competent, material, and substantial evidence in light of the entire record of the proceedings.

9. That a reasoning mind could not have reached the facts and conclusions that the agency reached, especially in light of the prior action of the Zoning Enforcement Office, and therefore the decision of the Board was arbitrary and capricious.

WHEREFORE, the Appellant requests that this Honorable Court:

A. Reverse the decision of the Board and order that the Appellant's application to use the premises as a grocery store shall be approved and shall remain in full force and effect.

B. Grant such other and further relief as this Honorable Court deems appropriate.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 

DANIEL W. QUASNEY
341 N. Calvert Street
Baltimore, Maryland 21202
(410) 685-0111
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing PETITION IN SUPPORT OF APPEAL was hand delivered to the Offices of Gilbert V. Rubin, Executive Director of the Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202..



DANIEL W. QUASNEY

s:\wplmpetersoldwq\kim.ord

IN THE CIRCUIT COURT FOR
BALTIMORE CITY, THE PETITION OF
DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS
OF BALTIMORE CITY
14th Flr., 417 E. Fayette Street
Baltimore, Maryland 21202

IN THE CASE OF APPEAL OF
DOMINGO KIM TO THE BOARD OF
MUNICIPAL AND ZONING APPEALS
APPEAL NUMBER 370-93X

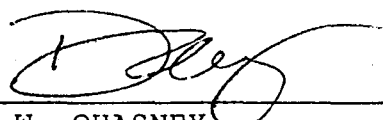
Petitioner

* * * * *

PETITION FOR JUDICIAL REVIEW

The Petitioner, DOMINGO HYEOK KIM, by and through Daniel W. Quasney and Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A., his attorneys, seeks judicial review by the Circuit Court for Baltimore City of the decision of the Board of Municipal and Zoning Appeals, Appeal Number 370-93X (a copy of the written decision dated December 13, 1993 is attached hereto as an exhibit), disapproving Appellant's application to use the first floor of the property located at 805 W. Lexington Street as a grocery store. The Petitioner was a party to the agency proceeding.

WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 
DANIEL W. QUASNEY
1414 Reisterstown Road
Baltimore, Maryland 21208
(410)484-5355
Attorneys for Petitioner

I HEREBY CERTIFY, That on this 4th day of January, 1994,
a copy of the foregoing Petition for Judicial Review was hand
delivered to the Offices of Gilbert V. Rubin, Executive Director of
the Board of Municipal and Zoning Appeals, 14th Floor, 417 E.
Fayette Street, Baltimore, Maryland 21202.



DANIEL W. QUASNEY



GILBERT V. RUBIN
EXECUTIVE DIRECTOR

THIS IS NOT A PERMIT

DO NOT START WORK OR USE THE PROPERTY IF THIS APPLICATION IS APPROVED UNTIL YOU GET A PERMIT OR CERTIFICATE OF OCCUPANCY FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN ONE YEAR OF THE HEARING DATE.

BOARD OF MUNICIPAL AND ZONING APPEALS

14TH FLOOR
417 E. FAYETTE STREET
PHONE 301-396-4301
BALTIMORE, MARYLAND 21202

DEC 13 1993

At a meeting of the Board of Municipal and Zoning Appeals on Tuesday, December 7, 1993 the following resolution was adopted:

"Resolved, that in the matter of Appeal No. 370-93X
Domingo Hyeok Kim, 3509 Branch Court Road Appellant,
to permit the use of first floor as a grocery store

at 805 W. Lexington Street

the BOARD OF MUNICIPAL AND ZONING APPEALS, after giving public notice, inspecting the premises, holding a public hearing, considering all data submitted, and by authority of Ordinance No. 1051, approved April 20, 1971, known as the Zoning Ordinance, made a study of the premises and neighborhood and finds that the property is on the south side of Lexington Street, 90 feet west of Fremont Avenue, in an R-8 Zoning District.

"The premises is improved by a three story, brick building, 14 feet by 65 feet. The first floor is used for a grocery store, the second floor is used for storage, and the third floor is vacant. It is proposed to use the first floor as a grocery store.

"Prior to April 20, 1971, the date of passage of the New Comprehensive Zoning Ordinance No. 1051, the property was zoned



Residential Use, B-1-1/2 Height and Area District.

"Under the provisions of Section 4.8-1-a and c, a grocery store is not listed as a permitted or conditional use in the R-8 Residence District.

"Under the provisions of Sections 8.0-1 and 13.0-2, any lawfully existing non-conforming use or structure may be continued.

"Under the provisions of Section 8.0-4-d, a Class III nonconforming use shall not be changed to any other non-conforming use, except that the Board in accordance with the authority and procedures established in Section 8.0-7, may authorize a change of a Class III non-conforming use to a use listed in the B-1 Neighborhood Business District.

"Under the provisions of Section 6.1-1-b, Item 15, a grocery store is listed among the permitted uses in the B-1 Business District.

"Under the provisions of Section 8.0-4-f, whenever any Class III non-conforming use, or part thereof, has been discontinued for a period of twelve consecutive months, such discontinued nonconforming use or part thereof, shall not thereafter be re-established, and any subsequent use of that land, structure or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of twelve months shall constitute an abandonment of such non-conforming use, or part thereof, respectively,

regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If, within a period of less than twelve months, actual abandonment, in fact, is evidenced by removal of structure, machinery or equipment or by alterations indicating a change in the use of the land, structure or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such nonconforming use, or part thereof, shall terminate as of that time.

"The provisions of this Section concerning discontinuance and abandonment do not apply to Class III non-conforming uses in the R-6, R-7, R-8, R-9 and R-10 Districts, in which the Board may authorize a change to a new use at any time.

"According to the files in the Zoning Enforcement Section of Housing and Community Development, the subject property had always been used as a residence, until Permit No. 73305 was issued, in error, on May 1, 1993, for the continued use of the first floor as a grocery store.

"The testimony shows that this appeal presents a request for authorization to use the first floor of an attached structure as a grocery store, in the R-8 Residence District. The testimony indicates that this property was purchased at a Tax Sale for \$2000.

"The testimony of an official from the Department of Housing and Community Development related that the original permit was issued for the use of these premises in error due to the incorrect zoning on the card index file of that Agency. Based on

the fact that an error had occurred, the permit was revoked by the Department of Housing and Community Development, and the appellant was directed to file an appeal to the Board of Municipal and Zoning Appeals. Based on the incorrect information, the property was approved and a grocery store was established on this site. The appellant did extensive renovations to the building and expended considerable sums of money to buy appropriate equipment and stock the premises for use as a grocery store. The appellant further performed considerable work to the premises and expended additional sums in order to secure the appropriate permits in order to operate a grocery store from the premises, including a permit from the Baltimore City Health Department, Bureau of Food Control. The testimony further reveals that presently the appellant has neighborhood support to continue to operate the grocery store at this site. The attorney, representing the appellant, indicated that it would be a severe, practical difficulty to the owner to cease the operation since it was due to no fault of the owner, but an error on the part of the City official.

"The Board heard testimony from representatives of the community, indicating their support of this proposal.

"The Board also was made aware of the fact that there are other grocery stores in the block, that have noted a decrease in their volume since this property has operated as a store.

"Subsequent to the public hearing, the Board received a letter, dated December 6, 1993 from the Department of Housing and Community Development, which states that they oppose the proposed

use at this location. In addition, based on their neighborhood planning strategies which are prepared in coordination with the neighborhood association, the participating residents have designated the 800 block of West Lexington Street for residential use. On July 12, 1993, the appellant met with the representatives of the community. At that time, some residents expressed support and others, the members of the Concerned Citizens of Poppleton and Project Area Committee, vehemently opposed the grocery store. Again, this Department opposes the proposed use.

"Three members of the Board felt that the application should be approved, and would, in fact, not have an adverse effect on the community. They were also aware of the large expenditure of funds that have been laid out for the use of the premises as a grocery store, based on the incorrect issuance of the permit. Two members of the Board felt, after reviewing the testimony, the facts and law in this case, that they are without authority to permit a grocery store in the R-8 District, especially, since there has been no prior commercial use of the site for a business or grocery at this location.

"In accordance with the above facts and findings, the Board disapproves the application.

"Two members of the Board voted in favor of adopting the resolution, three members of the Board voted against the adoption of resolution. Whereupon, the Chairman ruled that there not being the concurring vote of as many as four members of the Board in favor of granting the permit, the application stands as disapproved."

Gilbert V. Rubin

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
*
* Case No.:

PETITION IN SUPPORT OF APPEAL

DOMINGO HYEOK KIM, Appellant, by Daniel W. Quasney and
Wartzman, Omansky, Blibaum, Simons, Steinberg, Sachs & Sagal, P.A.
his attorneys, pursuant to Maryland Rule B-2 files this Petition
in support of the appeal taken in the above action and in support
thereof says as follows:

1. On or about the 13th day of December, 1993, the Board of
Municipal and Zoning Appeals (the "Board") issued an opinion
disapproving the Appellant's application to use the first floor of
the property known as 805 W. Lexington Street as a grocery store.

2. As is set forth in the written opinion of the Board, a copy
of which is attached to the Order of Appeal filed by the Appellant,
the Board found that the property was in an R-8 zoning district and
that prior to April 20, 1971, the property was zoned residential
use, B-1-1/2 height and area district. The Board further found
that according to the files of the Zoning Enforcement Section of
the Department of Housing and Community, the subject property had
always been used as a residence, until Permit No. 73305 was issued

to the Appellant on May 1, 1993 for the use of the first floor of the property as a grocery store.

3. Testimony was taken at the hearing on December 7, 1993 from an official from the Department of Housing and Community Development who testified that the original permit to the Appellant issued for the use of these premises as a grocery store was issued in error due to an incorrect zoning designated on the computer system maintained by that office.

4. The testimony at hearing further evidenced that prior to the purchase of the subject property the Appellant went to the Zoning Enforcement Section of the Department of Housing and Community Development to verify the zoning at the property. At that visit the Appellant was instructed by David Tanner of the Zoning Enforcement Office that the property was located in a B-1 business district and that the operation of a grocery store was a permitted use within that district.

5. The testimony presented at the hearing further illustrated that in good faith reliance upon the information provided to him by the Zoning Enforcement Office the Appellant did proceed with his plans respecting the property and did expend considerable sums of money associated with extensive renovations to the building and interior of the premises and in the purchase of appropriate equipment and stock to operate the premises as a grocery store. The testimony further illustrated that the Appellant performed considerable work to the premises and expended sums in order to secure appropriate permits to operate the premises as a grocery store, including a permit from the Baltimore City Health

Department, the Bureau of Food Control and the use and occupancy permit from the Zoning Enforcement Office. As the decision of the Board indicates, the Appellant was issued that permit (No. 73305) on May 1, 1993, and did thereafter operate a grocery business out of the premises with the impression that his use fully complied with all the zoning regulations. Several Months later the Appellant received a letter revoking his use permit on the basis that the same had been issued in error due to the improper record keeping procedures of the Zoning Enforcement Office of the Department of Housing and Community Development.

6. The opinion of the Board further went on to indicate that numerous representatives of the community appeared at the hearing on December 7, 1993 to indicate their support for the use of the premises by the Appellant as a grocery store, on the basis that the business operated by the Appellant had in fact proved to be a benefit in numerous ways to the community in general.

7. Despite the wealth of testimony supporting the Appellant's use of the premises as a grocery and evidencing the benefit of the Appellant's business to the community, as well as the uncontroverted testimony about the extreme hardship that would be suffered by the Appellant if the requested use was disapproved, the Appellant's application was denied because of only three (3) affirmative votes were returned as opposed to the requisite four (4)-out of five (5) necessary to grant the permit.

8. That the Board's decision in disapproving the Appellant's application results from an unfair procedure. In light of the representations made by the Zoning Enforcement Officer to the

Appellant concerning the zoning designation for the property, which representations induced Appellant to expend substantial sums to renovate the property and apply to use the same as a grocery, the Zoning Enforcement Section and Board should be estopped from denying the Appellant's application.

8. That the decision of the Board is unsupported by competent, material, and substantial evidence in light of the entire record of the proceedings.

9. That a reasoning mind could not have reached the facts and conclusions that the agency reached, especially in light of the prior action of the Zoning Enforcement Office, and therefore the decision of the Board was arbitrary and capricious.

WHEREFORE, the Appellant requests that this Honorable Court:

A. Reverse the decision of the Board and order that the Appellant's application to use the premises as a grocery store shall be approved and shall remain in full force and effect.

B. Grant such other and further relief as this Honorable Court deems appropriate.


WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 

DANIEL W. QUASNEY
341 N. Calvert Street
Baltimore, Maryland 21202
(410) 685-0111
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 16th day of December, 1993, a copy of the foregoing PETITION IN SUPPORT OF APPEAL was hand delivered to the Offices of Gilbert V. Rubin, Executive Director of the Board of Municipal and Zoning Appeals, 14th Floor, 417 E. Fayette Street, Baltimore, Maryland 21202..



DANIEL W. QUASNEY

s:\wp\mpetersoldwq\kim.ord

RECEIVED FOR
CIRCUIT COURT FOR
BALTIMORE CITY
94 JAN 21 PM 1:52
CIVIL DIVISION

PETITION OF
DOMINGO HYEOK KIM
2509 Branch Court Road
Baltimore, MD 21234

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS

IN THE CASE OF Domingo Hyeok
Kim, 805 W. Lexington St.
Appeal No. 370-93X

Case No. 93350027/CL173927

* * * * *

RESPONSE TO PETITION

The Board of Municipal and Zoning Appeals, Appellee, by its attorney, Sandra R. Gutman, Principal Counsel, pursuant to Maryland Rule 7-204, intends to participate in the above captioned action for judicial review.

322254

Sandra R. Gutman
SANDRA R. GUTMAN
Principal Counsel
Department of Law,
Housing Division,
Housing Litigation Unit
143 City Hall
100 Holliday Street
Baltimore, MD 21202
Telephone: 410-396-3933

Attorney for Board of Municipal
and Zoning Appeals

Certification of Mailing

I HEREBY CERTIFY that on this 21 day of January, 1993,
a true and correct copy of the foregoing
RESPONSE TO PETITION
was sent by first class mail, postage pre-paid, to

Daniel W. Quasney, Esquire
341 North Calvert Street
Baltimore, MD 21202

Sandra R. Gutman
SANDRA R. GUTMAN
Principal Counsel

Handwritten mark

(5)
A.S.

FEB 01 1994

93350027

CL-173927

TITLE PAGE-STOCK NO. 100TP

APPEAL NO. 370-93X

Application of Domingo Hyeok Kim to
use first floor as a grocery store,
at 805 W. Lexington St.

ANGELES - CHICAGO
LOGAN OH - MCGREGOR TX - LOCUST GROVE GA

I HEREBY CERTIFY that the papers herein are true
copies of those in the record of the Board of
Municipal and Zoning Appeals in the above-entitled
matter.

Gilbert V. Rubin

GILBERT V. RUBIN, EXECUTIVE DIRECTOR

January 13, 1994

Smend
III

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT in accordance with Rule 7-202-(e) of the Maryland Rules of Procedure, all parties or their representatives have been notified of the filing of this appeal.

BY: 

GILBERT V. RUBIN, EXECUTIVE DIRECTOR
BOARD OF MUNICIPAL AND ZONING APPEALS

COPY



GILBERT V. RUBIN
EXECUTIVE DIRECTOR

THIS IS NOT A PERMIT

DO NOT START WORK OR USE THE PROPERTY IF THIS APPLICATION IS APPROVED UNTIL YOU GET A PERMIT OR CERTIFICATE OF OCCUPANCY FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN ONE YEAR OF THE HEARING DATE.

BOARD OF MUNICIPAL AND ZONING APPEALS

14TH FLOOR
417 E. FAYETTE STREET
PHONE 301-396-4301
BALTIMORE, MARYLAND 21202

DEC 13 1993

At a meeting of the Board of Municipal and Zoning Appeals on Tuesday, December 7, 1993 the following resolution was adopted:

"Resolved, that in the matter of Appeal No. 370-93X
Domingo Hyeok Kim, 3509 Branch Court Road Appellant,
to permit the use of first floor as a grocery store

at 805 W. Lexington Street

the BOARD OF MUNICIPAL AND ZONING APPEALS, after giving public notice, inspecting the premises, holding a public hearing, considering all data submitted, and by authority of Ordinance No. 1051, approved April 20, 1971, known as the Zoning Ordinance, made a study of the premises and neighborhood and finds that the property is on the south side of Lexington Street, 90 feet west of Fremont Avenue, in an R-8 Zoning District.

"The premises is improved by a three story, brick building, 14 feet by 65 feet. The first floor is used for a grocery store, the second floor is used for storage, and the third floor is vacant. It is proposed to use the first floor as a grocery store.

"Prior to April 20, 1971, the date of passage of the New Comprehensive Zoning Ordinance No. 1051, the property was zoned



Residential Use, B-1-1/2 Height and Area District.

"Under the provisions of Section 4.8-1-a and c, a grocery store is not listed as a permitted or conditional use in the R-8 Residence District.

"Under the provisions of Sections 8.0-1 and 13.0-2, any lawfully existing non-conforming use or structure may be continued.

"Under the provisions of Section 8.0-4-d, a Class III nonconforming use shall not be changed to any other non-conforming use, except that the Board in accordance with the authority and procedures established in Section 8.0-7, may authorize a change of a Class III non-conforming use to a use listed in the B-1 Neighborhood Business District.

"Under the provisions of Section 6.1-1-b, Item 15, a grocery store is listed among the permitted uses in the B-1 Business District.

"Under the provisions of Section 8.0-4-f, whenever any Class III non-conforming use, or part thereof, has been discontinued for a period of twelve consecutive months, such discontinued nonconforming use or part thereof, shall not thereafter be re-established, and any subsequent use of that land, structure or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of twelve months shall constitute an abandonment of such non-conforming use, or part thereof, respectively,

regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If, within a period of less than twelve months, actual abandonment, in fact, is evidenced by removal of structure, machinery or equipment or by alterations indicating a change in the use of the land, structure or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such nonconforming use, or part thereof, shall terminate as of that time.

"The provisions of this Section concerning discontinuance and abandonment do not apply to Class III non-conforming uses in the R-6, R-7, R-8, R-9 and R-10 Districts, in which the Board may authorize a change to a new use at any time.

"According to the files in the Zoning Enforcement Section of Housing and Community Development, the subject property had always been used as a residence, until Permit No. 73305 was issued, in error, on May 1, 1993, for the continued use of the first floor as a grocery store.

"The testimony shows that this appeal presents a request for authorization to use the first floor of an attached structure as a grocery store, in the R-8 Residence District. The testimony indicates that this property was purchased at a Tax Sale for \$2000.

"The testimony of an official from the Department of Housing and Community Development related that the original permit was issued for the use of these premises in error due to the incorrect zoning on the card index file of that Agency. Based on

the fact that an error had occurred, the permit was revoked by the Department of Housing and Community Development, and the appellant was directed to file an appeal to the Board of Municipal and Zoning Appeals. Based on the incorrect information, the property was approved and a grocery store was established on this site. The appellant did extensive renovations to the building and expended considerable sums of money to buy appropriate equipment and stock the premises for use as a grocery store. The appellant further performed considerable work to the premises and expended additional sums in order to secure the appropriate permits in order to operate a grocery store from the premises, including a permit from the Baltimore City Health Department, Bureau of Food Control. The testimony further reveals that presently the appellant has neighborhood support to continue to operate the grocery store at this site. The attorney, representing the appellant, indicated that it would be a severe, practical difficulty to the owner to cease the operation since it was due to no fault of the owner, but an error on the part of the City official.

"The Board heard testimony from representatives of the community, indicating their support of this proposal.

"The Board also was made aware of the fact that there are other grocery stores in the block, that have noted a decrease in their volume since this property has operated as a store.

"Subsequent to the public hearing, the Board received a letter, dated December 6, 1993 from the Department of Housing and Community Development, which states that they oppose the proposed

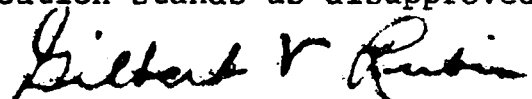
93

use at this location. In addition, based on their neighborhood planning strategies which are prepared in coordination with the neighborhood association, the participating residents have designated the 800 block of West Lexington Street for residential use. On July 12, 1993, the appellant met with the representatives of the community. At that time, some residents expressed support and others, the members of the Concerned Citizens of Poppleton and Project Area Committee, vehemently opposed the grocery store. Again, this Department opposes the proposed use.

"Three members of the Board felt that the application should be approved, and would, in fact, not have an adverse effect on the community. They were also aware of the large expenditure of funds that have been laid out for the use of the premises as a grocery store, based on the incorrect issuance of the permit. Two members of the Board felt, after reviewing the testimony, the facts and law in this case, that they are without authority to permit a grocery store in the R-8 District, especially, since there has been no prior commercial use of the site for a business or grocery at this location.

"In accordance with the above facts and findings, the Board disapproves the application.

"Two members of the Board voted in favor of adopting the resolution, three members of the Board voted against the adoption of resolution. Whereupon, the Chairman ruled that there not being the concurring vote of as many as four members of the Board in favor of granting the permit, the application stands as disapproved."



EXECUTIVE DIRECTOR

Appeal No. 370-93X

Sent to:

Appellant

Eugene Snead
763 W. Fayette St. - 21201

John H. Deneck, Esq.
201 N. Charles St. - 21201

Charles Purnell
19 N. Fremont Ave. - 21201

Daniel Quasney, Esq.
341 N. Calvert St. - 21202

Robert Quille
800 W. Lexington St., #1 - 21201

Louise Hughes
806 W. Lexington St., Apt. 5 - 21201

Michelle Brown
834-B Vine St. - 21201

Ms. A. Cooper
811 W. Lexington St. - 21201

Dept. of HCD
13th floor
417 E. Fayette St.

Zoning Enforcement Section

BOARD OF MUNICIPAL AND ZONING APPEALS

DATA SHEET — FOR OFFICE USE ONLY

COMPILED FROM THE RECORD PRIOR TO THE PUBLIC HEARING

370-93X

DEC 7 1993 - 1:30 PM

APPEAL NO. DATE FILED Sept. 27, 1993 HEARING DATE 19

PURPOSE OF APPEAL To use first floor as a grocery store

PREMISES 805 W. LEXINGTON STREET

LOCATION s. side of Lexington St., 90' w. of Fremont Ave.

NAME OF APPELLANT DOMINGO HYEOK KIM

ADDRESS OF APPELLANT 3509 Branch Court Rd. - 21234

NAME OF OWNER SAME

ADDRESS OF OWNER SAME

SIZE OF LOT 14' x 100'

DESCRIPTION OF EXISTING BLDG. OR USE 3-sty. brick bldg., 14' x 65'
1st fl. - grocery
2nd fl. - storage
3rd fl. - vacant

DESCRIPTION OF PROPOSED BLDG. OR USE To use the first floor as a grocery store

DECISION OF ZONING ADMINISTRATOR Disap. under Sec. 4.8-1-a - Use

LOCATED IN A R-8 ZONING DISTRICT

PRIOR CASES #440-50:J.W.FISHER - To alter frt. & use 1st fl. as a confectionery store. DISAPPROVED BY BD. 5-16-50

STAFF REPORT: Prior to 4/20/71, the date of passage of the New Comprehensive Zon. Ord. No. 1051, the property was zoned Residential Use, B-1-1/2 Height and Area District.

"Under the provisions of Section 4.8-1-a and c, a grocery store is not listed as a permitted or conditional use in the R-8 Res. Dist.

"Under the provisions of Sections 8.0-1 and 13.0-2, any lawfully existing non-conforming use or structure may be continued.

"Under the provisions of Section 8.0-4-d, a Class III non-conforming use shall not be changed to any other non-conforming use, except that the Board in accordance with the authority and procedures established in Section 8.0-7, may authorize a change of a Class III non-conforming use to a use listed in the B-1 Neighborhood Business District.

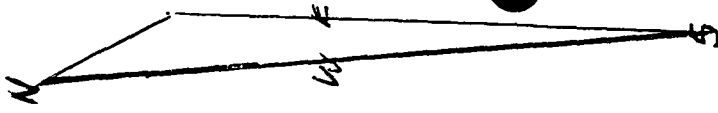
"Under the provisions of Section 6.1-1-b, Item 15, a grocery store is listed among the permitted uses in the B-1 Business District.

"Under the provisions of Section 8.0-4-f, whenever any Class III non-conforming use, or part thereof, has been discontinued for a period of twelve consecutive months, such discontinued nonconforming use or part thereof, shall not thereafter be re-established, and any subsequent use of that land, structure or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of twelve months shall constitute an abandonment of such non-conforming use, or part thereof, respectively, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If, within a period of less than twelve months, actual abandonment, in fact, is evidenced by removal of structure, machinery or equipment or by alterations indicating a change in the use of the land, structure or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such nonconforming use, or part thereof, shall terminate as of that time.

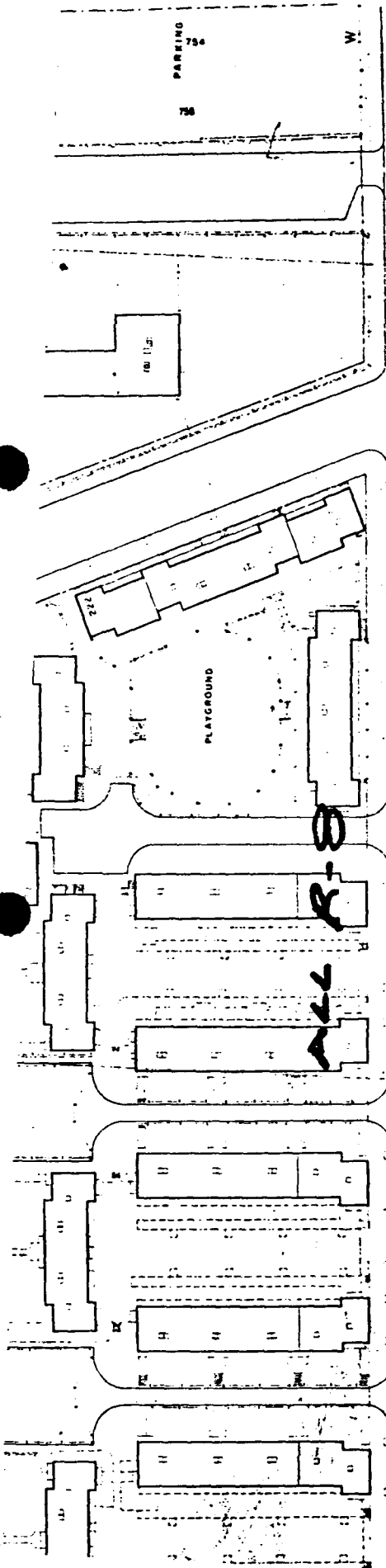
"The provisions of this Section concerning discontinuance and abandonment do not apply to Class III non-conforming uses in the R-6, R-7, R-8, R-9 and R-10 Districts, in which the Board may authorize a change to a new use at any time.

"The proposal in this case is to use the first floor of an attached structure as a grocery store, in the R-8 Residence District.

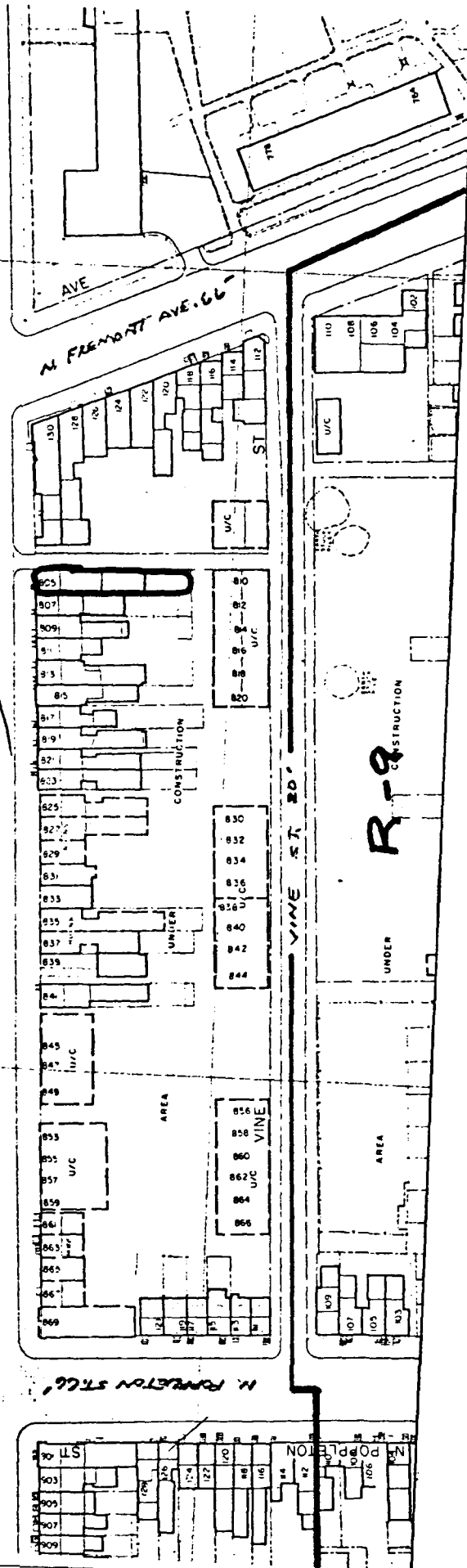
NOTE: ACCORDING TO THE FILES IN THE ZONING ENFORCEMENT SECTION OF HOUSING AND COMMUNITY DEVELOPMENT, THE SUBJECT PROPERTY HAD ALWAYS BEEN USED AS A RESIDENCE, UNTIL PERMIT #73305 WAS ISSUED (IN ERROR) ON MAY 1, 1993, FOR THE CONTINUED USE OF THE FIRST FLOOR AS A GROCERY STORE. COPY OF PERMIT IS WITH FILE.



SCALE: 1"=100'



W. LEXINGTON ST. 66''



N. FREMONT AVE. 66''

VINE ST. 30''

R-9



SCALE: 1"=50'

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

TRANSCRIPT OF TESTIMONY

Appeal No. 370-93X

Before the

Appeal of Domingo :
Hyeok Kim to use first :
floor as a grocery :
store at 805 West :
Lexington Street :

BOARD OF MUNICIPAL AND
ZONING APPEALS

December 7, 1993

GIA BLATTERMAN
M. SCOTT SMITH
HERBERT BROWN
BARBARA GREEN
LALIT H. GADHIA, CHAIRMAN
GILBERT RUBIN

APPEARANCES

For the Appeal

Against the Appeal

Daniel Quasney, Esquire
David Tanner
Domingo Hyeok Kim
Felicia Cooper
Michelle Brown
Sidney Arnett
Ernest Sanders
Louise Hughes
Robert A. Quill

Eugene Sismit

1 FOR THE APPEAL
2 Leroy Price
3 John Denek, Esquire
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

P R O C E E D I N G S

1
2 CHAIRMAN GADHIA: 370-93X, premises at 805
3 West Lexington Street. Name of the Appellant is
4 Domingo Hyeok Kim. Proposed use is to use first floor
5 as a grocery store. It's before the Board for use in
6 R-8 zoning district. All those who will testify, raise
7 your right hand.

8 (Whereupon, all witnesses were duly sworn by
9 the Chairman.)

10 CHAIRMAN GADHIA: Those in support of the
11 appeal should be on this side, those opposed on that
12 side. Okay. Those in support on this side, those
13 opposed on that side. There still are sides dropping
14 in. Okay. Now, has everyone been sworn in here?

15 UNIDENTIFIED SPEAKER: Yes.

16 CHAIRMAN GADHIA: Okay. Have you been sworn
17 in, everybody here? Okay. Please identify yourself,
18 sir.

19 MR. QUASNEY: Good afternoon, Mr. Chairman,
20 ladies and gentlemen. My name is Daniel W. Quasney.
21 I'm the attorney for Domingo Kim who is to my right,

1 the Appellant in this case. Mr. Chairman, ladies and
2 gentlemen, I would like to hope that this situation is
3 an unusual one for you as a Board. We're here this
4 afternoon taking the appeal of a decision of the
5 Building Inspector's Office revoking a building permit
6 of Mr. Kim to use the property --

7 CHAIRMAN GADHIA: A building permit or zoning
8 permit?

9 MR. QUASNEY: No, it's actual, the letter
10 actually said the building permit. It's a letter dated
11 August 16th, 1993 revoking his building permit. It was
12 from the Building Inspector's Office and maybe I ought
13 to give you a little procedural history so you can
14 understand what happened.

15 Mr. Kim noticed that this property was listed
16 for the tax sale properties and based on seeing the
17 property listed as a tax sale property he went to the
18 zoning enforcement office and did an investigation of
19 the zoning for the property. He saw someone in that
20 office and Mr. Tanner is here to testify and I'll yield
21 to him in a moment.

1 CHAIRMAN GADHIA: All right.

2 MR. QUASNEY: Saw someone in that office and
3 was advised -- they punched it into the computer and
4 was advised that it was in a B-1 district. And as you
5 all know, a grocery is a permitted use in a B-1
6 district.

7 He specifically requested at that time not
8 knowing the districts himself whether or not a grocery
9 could be used and was advised yes, a grocery is
10 permitted in a B-1 district. Based on that he paid the
11 taxes, bought the property from the City.

12 He sough a building permit, was granted one
13 and as a condition of obtaining the building permit a
14 number of renovations were required. And it's because
15 the building was in a pretty dilapidated and collapsing
16 condition.

17 The front wall was bowed and some structural
18 members were missing and there were holes in the
19 building where rats and other bad elements got in. As
20 a result he did extensive renovations to the building,
21 interior and exterior, bought trade fixtures,

1 everything necessary to open up a grocery business;
2 applied for a use and occupancy and on May 18th of
3 '93 --

4 CHAIRMAN GADHIA: How much did he spend to
5 renovate?

6 MR. QUASNEY: I have for each of the members,
7 Mr. Chairman --

8 CHAIRMAN GADHIA: Oh, okay.

9 MR. QUASNEY: -- I have a list of his
10 expenses in getting the property ready to operate as a
11 grocery. You may want to circulate those. And he
12 spent to the tune of \$38,000 in renovations, buying
13 inventory and trade fixtures, procuring the appropriate
14 licenses.

15 On May 18th of '93 he obtained a use and
16 occupancy permit to operate the business as a grocery.
17 He operated it for some three months until August 16th
18 when he received the letter and I have a copy of the
19 letter, Mr. Chairman. I don't know if it's in the file
20 or not.

21 It's only the original so I maybe asked -- I

1 expected it would be in the zoning file and if it's not
2 maybe I can just get a copy at a later date. It was a
3 letter dated August 16th from the Chief of Construction
4 and Building Inspection which indicated that his
5 building permit and thereby I guess his permit to use
6 the property as a grocery was revoked and it indicates
7 that a mistake was made.

8 After the fact we have discovered that what
9 happened was there was a -- and I'll yield to Mr.
10 Tanner on this point, I think he can describe it better
11 than I, but what happened was, when Mr. Kim went to
12 investigate the zoning someone had inputted the wrong
13 information concerning the district and he was
14 improperly advised that this was a B-1 district as
15 opposed to an R-8 district. And maybe I'll let
16 Mr. Tanner take over at this point.

17 MR. TANNER: Yes, my name is David Tanner.
18 I'm the Zoning Administrator. And basically so far
19 what has been said is true. I don't know when the
20 input -- the incorrect zoning information occurred but
21 it did occur and we approved an application based on

1 incorrect information, that it was a B-1 district.

2 When I became aware of the error I wrote a
3 memo to Rudy Jansen and this is a copy of that memo
4 along with a copy of his permit. And that was the
5 impetus that generated Mr. Jansen's letter revoking the
6 permit.

7 This is hopefully the first and last time such an
8 error will occur. I don't, you know, I don't know what
9 to say.

10 MS. BLATTERMAN: It's happened before.

11 MR. TANNER: I'm not saying that errors have
12 not happened before, but this kind of happened because
13 of our efforts to modernize and computerize the permit
14 process. We went on line with computer information in
15 December of this year, '93.

16 December 1st we started using the computer
17 system -- in '92, I'm sorry. The zoning district
18 boundary information is on the computer screen and
19 obviously we have to be assured that that information
20 is correct is we're going to rely upon it in issuing
21 permits. I guess the only thing I can say is we have

1 learned from this error.

2 We have gone through and backtracked zoning
3 documentation on the computer system going back to 1971
4 when the ordinances first went into effect. What we
5 found was that the State Department of Assessments was
6 responsible for inputting zoning district information
7 into the real property file.

8 We found that they had not done that. As
9 amendments came through they were not updating the
10 file. We found hundreds of errors as a result of this
11 basically. They have been all corrected. Our staff
12 has also been directed not to rely on the computer for
13 zoning district information, to also cross check the
14 district map so that this won't happen again.

15 But unfortunately it did happen. The
16 applicant submitted an application. I'm the one that
17 approved it. I'm the one who made the error, so I
18 can't point to anyone on my staff. It was my mistake
19 and based on his approval he went ahead and got a
20 building permit to replace the front wall and did these
21 improvements to the property. So --

1 MS. BLATTERMAN: Would they have -- they had
2 to be done anyway, right? The front wall was bowed.
3 Wouldn't that have to be done anyway?

4 MR. TANNER: Yeah, in order so the building
5 could be occupied for any reason.

6 MS. BLATTERMAN: Right, regardless of what
7 use --

8 MR. TANNER: Yes.

9 MS. BLATTERMAN: -- would have been there.

10 CHAIRMAN GADHIA: Okay. And I gather that
11 then you found out that the applicable law is such that
12 if you issued a permit in error then you must withdraw
13 it. Is that correct?

14 MR. TANNER: Yes.

15 CHAIRMAN GADHIA: And that's when you
16 informed the Applicant that you were revoking the
17 permit because it was issued in error and therefore the
18 building permit --

19 MR. TANNER: Yes.

20 CHAIRMAN GADHIA: So as a consequence now
21 they're taking an appeal to get conditional use

1 established. Is that the status that we are in?

2 MR. TANNER: Yes. Non-conforming use.

3 CHAIRMAN GADHIA: Non-conforming use,
4 correct. Okay. Any questions of Mr. Tanner from
5 anybody?

6 MR. QUASNEY: Not of Mr. Tanner,
7 Mr. Chairman. I'd simply like to resume my
8 discussion --

9 CHAIRMAN GADHIA: Sure.

10 MR. QUASNEY: -- if the Board's --

11 CHAIRMAN GADHIA: Go ahead.

12 MR. QUASNEY: To Mr. Tanner's credit, yes, a
13 mistake was made and he stepped up and said I made a
14 mistake and that's why we're here. Unfortunately for
15 my client, we're in the position of being in what I
16 would call an untenable position at this point because
17 of the mistake.

18 You know, Ms. Blatterman, you indicated that
19 yeah, the repairs would have had to have been made, but
20 my client's position is he'd have never purchased the
21 property. He purchased in reliance on --

1 MS. BLATTERMAN: How much was the purchase
2 price?

3 MR. QUASNEY: I'd don't -- he can answer the
4 rest of that.

5 MR. KIM: It was about \$2,000.

6 MS. BLATTERMAN: \$2,000.

7 MR. QUASNEY: Yes, this is Mr. Kim. Was that
8 the amount of the open taxes, Mr. Kim?

9 MR. KIM: Yes.

10 CHAIRMAN GADHIA: Go ahead, sir. We want you
11 to know the thrust of this case as if you are coming
12 before the Board fresh --

13 MR. QUASNEY: Correct, sure.

14 CHAIRMAN GADHIA: To establish use. So
15 let's --

16 MR. QUASNEY: I think the Board is familiar
17 now with the procedural history of the case --

18 CHAIRMAN GADHIA: Right.

19 MR. QUASNEY: -- and what I would like to do
20 is tell firstly just take a minute and tell the Board a
21 little bit about Mr. Kim. Mr. Kim is 30 years old.

1 He's married. He has two young boys. This is a family
2 business, ladies and gentlemen.

3 His wife works in the store with him. I
4 think the members of the community that are here and
5 I'm sure you're not going to want to hear from them at
6 length, but briefly they would all say that that's the
7 precise atmosphere that this store presents to the
8 community, that of family.

9 When you go in there they treat you like
10 you're part of their family, very friendly to the other
11 individuals. A little bit about this property. You've
12 heard Mr. Tanner indicate that the front wall was
13 bowed.

14 At the time this property was purchased it
15 was a vacant, abandoned property. The front door and
16 windows were boarded up and the boards were torn away
17 and individuals had gotten access into the property.

18 There were numerous holes in the unit where
19 rats and cats and other animals had crawled in. When
20 Mr. Kim came in there he found that the interior of the
21 unit was full of needles and other related drug

1 paraphernalia. It was apparent that the property was
2 being used as a shooting gallery or other form of drug
3 use by the neighbor -- by the bad elements in the
4 community.

5 As a result, in addition to the exterior
6 renovations that we've discussed, that had to all be
7 cleaned up. The back yard was full of trash, a number
8 of things. I say those things because what Mr. Kim has
9 done to this property and admittedly he did it because
10 he wanted to open a grocery. That was his intention
11 all along.

12 But he's improved the property for the
13 community. The community no longer has an abandoned
14 vacant unit. It now has a clean business that they can
15 allow their children to go into without fear.

16 CHAIRMAN GADHIA: Do you have any photographs
17 of the business?

18 MR. QUASNEY: Mr. Kim has a couple of
19 photographs of the exterior of the building. It sits
20 on a corner as you can see from the maps that were
21 placed in the file. Mr. Chairman, if I could point it

1 out to you -- right on the corner.

2 Here's also a picture of the side view. This
3 is part of the exterior renovations that Mr. Kim had to
4 do. That area of the building was collapsing and that
5 was part of the exterior work that was performed. In
6 addition to the renovations to the outside, naturally
7 the interior had to be renovated in order -- so they
8 could be -- aisles had to be put up, shelves, what have
9 you, cold boxes, all the things that are associated
10 with the operation of a grocery.

11 In addition to that, Mr. Kim has become a
12 member of this community. He's involved in the
13 community. I don't know if it was his prompting and
14 maybe he can clarify that is you have any questions or
15 at the prompting of neighbors, but there came a time
16 when the neighborhood had a rat problem.

17 In an attempt to address that Mr. Kim donated
18 I believe 150 bags of rat poison that was distributed
19 and the members used that to solve that problem. In
20 addition, Mr. Kim's become active in an association to
21 try to fight the drug situation in the community.

1 He's made donations. He's been involved with
2 the people on that score. He's also involved with the
3 community associations, ladies and gentlemen. I have a
4 letter here from an individual associated with the
5 community association who couldn't be here.

6 It's actually the manager of the Poppleton
7 Place Apartments, Kimberly White, who couldn't be here
8 but wished to express her endorsement in writing and to
9 be placed in the file of the Board. I think when the
10 Board reviews all of the standards for a non-conforming
11 use or a variance or special exception, however we call
12 the animal, to allow Mr. Kim the continued use of this
13 property as a grocery, I think in terms of whether or
14 not this business is a benefit to the community it
15 meets that on all scores and I think you can hear from
16 me all day but I think the better people to tell you
17 that would be the members of the community that are
18 here and at this time I would simply yield to each of
19 them and let them say what they wish to.

20 CHAIRMAN GADHIA: Did you plan on telling all
21 the factors that to into the decision making or --

1 MR. QUASNEY: Well, Mr. Chairman, I certainly
2 will address all the factors involved in the standards
3 for special exception. I think we do meet all those.

4 CHAIRMAN GADHIA: After --

5 MR. QUASNEY: Yeah.

6 CHAIRMAN GADHIA: Fine. Okay. Go ahead.

7 Yes, ma'am?

8 MS. COOPER: Mr. Chairman and Board, I'd like
9 to offer testimony in behalf of Mr. Domingo Kim. As
10 far as convenience, as a resident of the Poppleton
11 Place Apartments --

12 CHAIRMAN GADHIA: Just a little bit closer.

13 UNIDENTIFIED SPEAKER: Give your name.

14 MS. COOPER: Felicia Cooper. As a resident
15 of the Poppleton Place Apartment Complex, I personally
16 can appreciate the opening of the market, Poppleton
17 Food Market for the sake of the little ones travelling
18 back and forth across a busy streets. It's not like we
19 live in the safest neighborhood.

20 Anything that will help us to be a little
21 worry free is a plus. This is how I feel about the

1 Poppleton Food Market. Our young ones are dying at
2 such an early age at a great rate. If the opening of
3 this store means a child will have a chance of
4 longevity, then so be it.

5 The second point, availability. In the
6 morning Mr. Kim -- in the beginning Mr. Kim had
7 irregular hours of operation since his store was not
8 properly stocked or stocked with satisfaction of his
9 customers as well as other legalities.

10 Since Mr. Kim has changed the stock in his
11 store and to accommodate his patrons, the store has
12 been open and ready for business every day at the time
13 specified. If there's going to be an early closing or
14 a late opening there will be signs posted ahead of time
15 so people can govern themselves accordingly. Thank
16 you.

17 CHAIRMAN GADHIA: Miss?

18 MS. BROWN: My name is Michelle Brown and the
19 attitude toward Mr. Kim, if you travel to Mr. Kim's 100
20 times a day he will always give the same cheerful
21 attitude, not only from him, Mr. Kim, but his whole

1 staff. Mr. Kim's wife is also a gentle one, too.

2 His whole staff should be commended on their
3 public relations with respect to their store.
4 Throughout the whole legal battle they have never lost
5 their smile. Since the store has been in our
6 neighborhood you can see a change in the positive
7 attitude.

8 Mr. Kim has painted the front of abandoned
9 buildings so they wouldn't be such an eyesore. He has
10 also distributed rat poison throughout the area to try
11 to cut down on rodent problems that are encountering.
12 In closing, Poppleton Food Market has been nothing but
13 a plus since it opened. Thank you.

14 CHAIRMAN GADHIA: Thank you.

15 MR. ARNETT: My name is Sidney Arnett and I
16 live in the neighborhood of Mr. Kim's store.

17 CHAIRMAN GADHIA: Will you say your name
18 again for the record? I don't believe --

19 MR. ARNETT: Sidney Arnett and I live in the
20 neighborhood, 808 Lexington, Apartment 4. And I think
21 Mr. Kim has done a beautiful thing on that store

1 because -- me and I'm a senior citizen, I just have to
2 walk -- for different things, items, groceries. I just
3 have to walk down the street about half a block and I
4 think he did a beautiful thing for the neighborhood
5 plus there's a lot of senior citizen's in the
6 neighborhood, you know, deal with Mr. Kim. I think
7 they --

8 CHAIRMAN GADHIA: Thank you. Yes, sir?

9 MR. SANDERS: I'm Ernest Sanders. I'd just
10 like to say Mr. Kim, after he bought the building in
11 the 800 block of Lexington Street, we live there and
12 have low rises across the street. So the traffic is
13 not that heavy so the store's convenient for us as
14 parents if we don't want our children to cross Fayette
15 pr Baltimore Street and he fixes up and renovates the
16 interior and exterior and it's a nice, clean place and
17 it's in the right place because the children go over
18 there and we don't have to worry about them crossing
19 the main streets.

20 CHAIRMAN GADHIA: Thank you. Yes, ma'am?

21 MS. HUGHES: My name is Ms. Louise Hill. I

1 just want to say that, you know, please stay there, you
2 know, and it's convenient -- and I would go directly
3 across the street, you know, and this place just paid
4 for itself. Thank you.

5 CHAIRMAN GADHIA: Thank you. Yes, sir?
6 Okay. Do you want me to read this?

7 MR. QUASNEY: You might want to read it into
8 the record, Mr. Chairman.

9 CHAIRMAN GADHIA: Okay. I will let you do
10 that.

11 MR. QUASNEY: Okay, sure. This is Mr. Robert
12 A. Quill. Apparently Mr. Quill has difficulty speaking
13 and he -- Mr. Quill, do you have what you want to say
14 on here? It lists your address, 800 Lexington Street.
15 And I don't know what else -- well, let me ask you
16 this, Mr. Quill, maybe you can just nod affirmatively.
17 Are you here to testify in favor of Mr. Kim's use?
18 Okay. Thank you.

19 CHAIRMAN GADHIA: Well, we'll say for the
20 record that we saw an affirmative nod.

21 MR. QUASNEY: Okay.

1 MR. PRICE: My name is Leroy Price. I'm
2 employed with Mr. Kim and I would say I like the place,
3 the store. I see the children come home from school,
4 they ain't got to worry about dope -- all the stores
5 around there have dope addicts around there, children
6 scared to go to school. But this store right there,
7 they walk in, people right there give them good manners
8 and all of that so I say I'd like the store to stay
9 there and I don't care what nobody say.

10 MS. GREEN: You work there, sir?

11 MR. PRICE: Yeah, I work there. I'm an
12 employee. Thank you.

13 CHAIRMAN GADHIA: And did you want to present
14 anyone else?

15 MR. QUASNEY: This is Mrs. Kim, Mr. Chairman.
16 Mr. Chairman getting to your point, I take a directive.
17 I'm sure the Board is familiar with the standards that
18 are required for granting the special exception, those
19 is found at 11.05.

20 I believe under the circumstances this use
21 meets all those criteria and there are ten separate

1 ones. I can certainly go down each but I'll --

2 CHAIRMAN GADHIA: Please, do.

3 MR. QUASNEY: The first one deals with
4 because of the particular physical surroundings, shape
5 or topographical conditions of a specific structure,
6 land involved, a practical difficulty to the owner will
7 result as distinguished from mere inconvenience if the
8 strict letter of the regulations were to be carried
9 out. Now, this is probably the biggest stretch of all
10 ten that we have to discuss admittedly to all of you in
11 order to meet the criteria, but I think given this
12 situation we do.

13 And the reason is, this is a situation that
14 was created by acts beyond those of Mr. Kim. I think
15 Mr. Kim did what any reasonable prospective purchaser
16 or any reasonable applicant to a zoning board would do.
17 He went to the Zoning Office, saw the appropriate
18 person, said I want to investigate the zoning on this
19 property, what is it.

20 And the person who was charged with the duty
21 and the regs -- I think they're in 11.02 but I'm not

1 certain of the specific section -- but part of the
2 duties of the zoning administrator are to maintain the
3 records of the Zoning Board and specifically the zoning
4 maps and also to establish a procedure for public
5 information concerning those maps and the zoning
6 regulations. And I think Mr. Tanner testified that
7 that's precisely what they had attempted to do anyway
8 in good faith to establish a computer program that
9 would allow them better public access to those records.

10 My client availed himself of those records
11 and was given information. We now know that it was
12 false. But based on that and in total reliance on that
13 he took action and he took action to the tune of
14 spending the monies that we've all seen there, opened
15 and operated and I would submit to you that his
16 expenses are continuing because he continually is
17 buying inventory.

18 He's continually buying insurance. He's
19 continually paying an alarm system to keep the property
20 protected. So he has on-going expenses. I'm certain
21 that he has expenses with suppliers of trade fixtures

1 and all the associated things that one thinks about
2 when one's involved in a grocery operation.

3 Because of that I think there is a special
4 circumstance here that was created by that dilemma and
5 it certainly is one of more than mere inconvenience,
6 ladies and gentlemen. It's one to the tune of if this
7 gentleman is denied his use he is essentially bankrupt.
8 He has invested the money he had into this store.

9 He ultimately -- just by way of departure for
10 a second, Mr. Kim started in the grocery business in
11 1988. He had a business. There was a fire. He
12 virtually lost everything. Ultimately the landlord of
13 that property was convicted of an arson-related offense
14 associated with that.

15 He started over again. To his credit, in
16 1990 he opened another -- in '91 he opened another
17 business on Madison Street, another grocery operation,
18 started from the ground up. When he purchased this
19 property, when he got his use and occupancy permit to
20 run this as a grocery, he transferred everything and
21 sold his business.

1 He has invested everything he has in this.
2 This is his endeavor. This is the principal means of
3 support for his wife and his two children. So I think
4 we are in the special circumstance, the kind of thing
5 that's contemplated by the first element of the test
6 and I think he meets it.

7 The second element is the condition upon
8 which an application for a special exception is based
9 are unique to the property for which the special
10 exception is sought and are not applicable generally to
11 other property within the same zoning classification.
12 I think that's clearly the case here.

13 This is an extremely special circumstance.
14 Now, Ms. Blatterman said that you've had these kinds of
15 things before. It's certainly my first experience with
16 something like this and I hope it's my last and I'm
17 sure everybody else does.

18 But certainly this is something extremely
19 special to Mr. Kim. His property does not relate to
20 the other properties. Number three, the practical
21 difficulty is caused by this ordinance and has not been

1 created by intentional action of any person presently
2 having an interest in the property.

3 Well, clearly I think all the facts from my
4 discussion as well as what Mr. Tanner says this was not
5 brought about by any intentional action of Mr. Kim to
6 subvert or otherwise get around the zoning regulations.
7 He thought at all times he was operating in accordance
8 with the regulations.

9 The fourth criteria is the granting of the
10 special exception will not be detrimental to or
11 endanger the public health, safety or general welfare
12 or morals. I think clearly we meet that one. As a
13 matter of fact, from all the testimony that you've
14 heard the operation by Mr. Kim supports all those
15 elements.

16 It supports the public health and security
17 because it's eliminated a potential drug location and
18 it also uplifts the morale and welfare as you've heard
19 from these other individuals who would not mind their
20 children going into the place. Item 5, the purpose of
21 the special exception is not based exclusively upon a

1 desire to increase the value or income potential of the
2 property.

3 Well, that certainly wasn't Mr. Kim's
4 exclusive desire. Mr. Kim was advised that it was a
5 business district, thought he could operate a grocery
6 and went about his venture based on that information.

7 So I don't think one could fairly argue that
8 he is at all motivated simply by a desire to increase
9 the value of the property. That may well be a benefit
10 of his use. We would admit that.

11 Six, the special exception will not be
12 injurious to the use and enjoyment of other property in
13 the immediate vicinity nor substantially diminish and
14 impair property values in the neighborhood. Well, I
15 think it certainly doesn't do that and I think if it
16 has any effect it will have the effect of increasing
17 property values in the neighborhood.

18 Certainly we've eliminated an abandoned,
19 dilapidated building and we've replaced it with
20 something that's a part of this community now. He's a
21 businessman who's taken an interest in the community.

1 He's involved in community activity.

2 Seven, the granting of the special exception
3 will not impair an adequate supply of light and air to
4 adjacent property or overcrowd the land or create an
5 undue concentration of population or substantially
6 increase the congestion of the streets or create
7 hazardous traffic conditions or increase the danger of
8 fire or otherwise endanger the public safety. Clearly
9 we don't impair anybody's use or air or height
10 restrictions.

11 The physical dimensions of the building
12 haven't changed. As to the other criteria, I think you
13 heard from one of the other gentleman who testified --
14 I don't recall his name -- but his testimony was this
15 isn't a crowded street and certainly Mr. Kim's business
16 hasn't increased the traffic and he trusts it enough
17 that he allows his children to go to the store so that
18 they don't have to cross busy streets like Baltimore
19 Street and I forgot the other one. I think he said
20 Fayette Street.

21 Number eight, the special exception will not

1 adversely affect transportation or unduly burden water,
2 sewer, school, park or other public facilities. I
3 think that's self-explanatory. I don't see any means
4 by which Mr. Kim's use will impact any of those areas
5 adversely.

6 Nine, the granting of the special exception
7 will not adversely affect any urban renewal plan
8 approved by the Mayor and City Council or the master
9 plan of the City approved by the Planning Commission.
10 I don't want to flatter Mr. Kim or myself to think that
11 this particular use, this small family-owned
12 neighborhood grocery is going to have any serious
13 impacts on the future plan of the City.

14 I think all this thing is doing and I think
15 it's fair to say is benefiting that small segment of
16 the people in that neighborhood that have close access
17 to grocery facilities. And the final one, within the
18 intent and purposes of this ordinance the special
19 exception is granted, is the minimum exception
20 necessary to afford relief.

21 Well, I think that's clear. I think in order

1 to avoid an extremely undue hardship on Mr. Kim this is
2 the only feasible solution, to allow him to have the
3 use contemplated, the use he was represented he could
4 make of the property at the time he sought information
5 from the Zoning Board.

6 Just one final thing as to the legal aspect
7 and then, Mr. Chairman, I'd like to yield to John Denek
8 who's here to speak briefly. Mr. Denek represents one
9 of the individuals who had originally expressed concern
10 about this use.

11 One other legal point I'd like to bring to
12 the Board's attention, this situation and again it is
13 unusual but it certainly may raise what at least I
14 believe is a legal theory called an estoppel whereby if
15 one gives, makes representation to another person,
16 understanding that that person is going to rely on that
17 representation and take action, the law would state
18 that that person later can't change its position. Now,
19 one can seriously argue in this case that that would
20 apply to the City.

21 Mr. Kim, although an innocent mistake and we

1 don't even want to infer that it was anything other
2 than that, although an innocent mistake, Mr. Kim was
3 given information by representatives of the City about
4 the zoning on this property. He relied on it.

5 They understood that he would rely on it
6 because he asked the specific question can I have a
7 grocery there and they said yes, it's a permitted use
8 in a B-1 district. Based on that one could argue -- I
9 hope we never get to that point and I hope that the
10 Board sees fit to allow the use because it's a benefit
11 to the community -- but one could argue that the City
12 may be estopped from denying the use after Mr. Kim's
13 already made this reliance. At this point,
14 Mr. Chairman, I'll just yield to Mr. Denek briefly.

15 CHAIRMAN GADHIA: Well, I decide that.

16 MR. QUASNEY: Oh, I'm sorry. If you had some
17 questions for me.

18 CHAIRMAN GADHIA: Our procedures are not that
19 you yield to Mr. Denek. It comes back to the Chair.

20 MR. QUASNEY: Back to the Chair. Okay.

21 Excuse me, Mr. Chairman. I didn't quite --

1 UNIDENTIFIED SPEAKER: -- to be heard,
2 Mr. Chairman.

3 CHAIRMAN GADHIA: Mr. Rubin?

4 MR. RUBIN: I have no correspondence.

5 CHAIRMAN GADHIA: Okay. Now we go to
6 Mr. Denek.

7 MR. DENEK: Mr. Chairman, my name is John
8 Denek. I represent Mr. Charles Purnell who is seated
9 in the front row. You may know Mr. Purnell because he
10 was written up in the Sun papers over this very
11 instance and I pass up for your information the article
12 of October 12th, 1993.

13 And I want to say that Mr. Quasney has very
14 fairly represented the facts in this case to the Board,
15 that a terrible mistake was made at the Zoning Office,
16 that Mr. Kim has done nothing wrong, that Mr. Kim
17 inquired and was told that he could have his grocery
18 store there in a building that was zoned for
19 residential use. He paid good money to the City.

20 The then put in \$40,000 to fix up the
21 building, stock it as a grocery store and then he's

1 told you can't do it because it's not legal. And
2 Mr. Purnell has been in his grocery business at that
3 location since 1984 and when Mr. Kim opened his
4 business two thirds of his sales dropped off
5 immediately.

6 Mr. Kim is closer to the bulk of the
7 population and Mr. Purnell's business will eventually
8 just dry up and go away and he'll be left with a
9 building that he owns that won't have a grocery store.
10 Nevertheless --

11 CHAIRMAN GADHIA: Let me ask, Mr. Denek --

12 MR. DENEK: Yes?

13 CHAIRMAN GADHIA: -- just a little -- Is
14 your theory here that a use that is being applied for
15 by Mr. Kim should be denied by the Board because it
16 would detrimentally impact --

17 MR. DENEK: Well, let me finish my thoughts,
18 Mr. Chairman.

19 CHAIRMAN GADHIA: Okay.

20 MR. DENEK: I told him that I thought you
21 would have to approve it, that I think that the Board

1 is estopped from saying no to Mr. Kim. It was a City
2 employee who made a mistake. Granted he did it in --
3 with no intention to hurt Mr. Purnell, but I think the
4 five of you who are City Zoning Commissioners have to
5 back up the Zoning Office on this. I think that you're
6 estopped from saying that the person --

7 CHAIRMAN GADHIA: That's not the posture we
8 are in.

9 MR. DENEK: Certainly --

10 CHAIRMAN GADHIA: Listen to the question,
11 Mr. Denek, so you can answer, focus very properly.
12 What is before the Board is that the permit was issued
13 in error which then was revoked and now we have an
14 application to establish non-conforming use in support
15 of which we have heard testimony.

16 MR. DENEK: And this --

17 CHAIRMAN GADHIA: Now we are ready to hear
18 any opposition.

19 MR. DENEK: This Applicant put in over
20 \$50,000 --

21 CHAIRMAN GADHIA: Right.

1 MR. DENEK: -- to open his grocery store.
2 It's true my client is hurt. My client spoke with
3 Mr. Kim and negotiated a financial settlement to come
4 today and say he won't oppose it. But I think that the
5 bigger issue that this Board has to look at isn't
6 whether Mr. Kim gets his grocery store and whether
7 Mr. Purnell stays open.

8 The issue before this Board that you need to
9 think of in bigger terms for the City and the business
10 people of Baltimore is how do we prevent this from ever
11 happening again? When a businessman, an innocent
12 fellow like Mr. Kim comes in and says I want to open a
13 grocery store and they say okay, you can do it, zoning
14 permits it and then subsequently it drives out another
15 businessman.

16 Now, my client has entered into an agreement
17 with Mr. Kim that involves money and we will not object
18 to Mr. Kim getting his grocery store at this location.

19 CHAIRMAN GADHIA: Mr. Denek, that's not a
20 matter before the Board.

21 MR. DENEK: The ramifications for this are

1 that my client may eventually lose his business and I'm
2 saying to you we need to think about a way that when
3 somebody comes in that they can't have improper
4 information in the computer.

5 CHAIRMAN GADHIA: Mr. Denek, if you are
6 asking the Board how do we arrive at a system of no
7 possibility of human error, I would have to consult The
8 Almighty and then give an answer to that. I don't know
9 how one can possibly structure a system that is
10 operated by human beings in which occasionally mistakes
11 don't take place.

12 MR. DENEK: But the mistake here lasted over
13 a year and it allowed him to buy --

14 CHAIRMAN GADHIA: Until it was brought to the
15 attention to the issuing authority that there was a
16 mistake and when the mistake was discovered,
17 appropriate steps were taken to correct the mistake and
18 that's all that can be done.

19 MR. DENEK: Mr. Chairman, I've been involved
20 in this case for a year and a half. I know that that
21 is not exactly what happened from first hand knowledge.

1 CHAIRMAN GADHIA: Let me ask you, did you
2 come before the Board on this matter before?

3 MR. DENEK: Your Honor, we brought this
4 before the Zoning Appeal Board's information earlier,
5 as soon as the permit was issued.

6 CHAIRMAN GADHIA: Are you familiar with the
7 procedures of the Zoning Board?

8 MR. DENEK: Yes, and Mr. --

9 CHAIRMAN GADHIA: Did you follow the
10 procedures to bring this matter before the Board
11 before --

12 MR. DENEK: Yes, we did, and Mr. Tanner said
13 that as long as he was giving an opportunity for
14 Mr. Kim to file an appeal --

15 CHAIRMAN GADHIA: I don't think you are
16 listening to me.

17 MR. DENEK: I'm telling you we wrote --

18 CHAIRMAN GADHIA: Did you come before the
19 Board before? That's the question.

20 MR. DENEK: Your question to me was did we
21 take any action to bring this before the Board --

1 CHAIRMAN GADHIA: To --

2 MR. DENEK: -- and the answer is yes. We
3 contacted Mr. Tanner and he said so long as the man
4 said he was going to file an appeal he would not issue
5 a paper objecting and that we were just --

6 CHAIRMAN GADHIA: (inaudible)

7 MR. DENEK: Until Mr. Kim saw Mr. Quasney we
8 were in a state of limbo for several months and that's
9 an unfortunate situation which we ought to rectify in
10 the future. But my client's position is we do not
11 object to Mr. Kim.

12 MS. BLATTERMAN: I have a question. You said
13 you've been involved in this a year and a half.

14 CHAIRMAN GADHIA: I want to know how.

15 MS. BLATTERMAN: The permit was issued in May
16 so how could you have been involved in this a year and
17 a half?

18 MR. DENEK: We have reason to --

19 MS. BLATTERMAN: Was the permit issued after
20 knowledge that this was not a B-1 zoning

21 MR. DENEK: Yes.

1 MS. BLATTERMAN: Is that what you're saying?

2 MR. DENEK: Yes.

3 MS. BLATTERMAN: It was issued after
4 knowledge

5 MR. DENEK: Yes.

6 MS. BLATTERMAN: Would you explain that to me
7 because in other words the Zoning Department, the
8 Permit Department knew before May the 19th which would
9 have been approximately a year after you got involved,
10 correct?

11 CHAIRMAN GADHIA: Well, let's get --

12 MR. DENEK: I don't know that it's even
13 relevant.

14 MS. BLATTERMAN: Well, it is relevant because
15 if you've been involved a year and a half and you've
16 known that this was incorrect for a year and a half,
17 how come you knew and the Zoning Department didn't
18 know? So it's very pertinent.

19 CHAIRMAN GADHIA: Ms. Blatterman, we really
20 don't have here anyone under oath testifying.

21 MS. BLATTERMAN: He --

1 MR. DENEK: I could have --

2 CHAIRMAN GADHIA: Well he's not under oath.

3 MR. DENEK: I'm an attorney representing
4 Mr. Purnell and if you want Mr. Purnell under oath as
5 to when he first brought this to the zoning
6 administrator's --

7 MS. BLATTERMAN: Okay. I'd like to hear it.

8 MR. DENEK: -- attention, we could do that.
9 But I don't think it's the issue at hand today.

10 MS. BLATTERMAN: It is the issue.

11 CHAIRMAN GADHIA: You've settled already.

12 MR. DENEK: We settled. We reached a
13 financial settlement, Ms. Blatterman.

14 CHAIRMAN GADHIA: Okay.

15 MS. BLATTERMAN: So well, it's a separate
16 issue but, you know, we've had this problem with the
17 Zoning Department before where they've given permission
18 to do something improperly and I think it's important
19 to know --

20 CHAIRMAN GADHIA: Well, I don't think that's
21 an issue that this Board should be going into right

1 now. That's not the issue. We just, you know, there's
2 no opposition to the application right now and that's
3 the posture of the case. If there's any further
4 inquiry that any member of this Board wants to make
5 into the operation of the Zoning Office then of course
6 they all entitled to do that. But this is not the
7 appropriate time to do it even because we are not
8 prepared for that type of hearing. Sir, are you being
9 represented by Mr. Denek or --

10 MR. SISMIT: No, I'm in opposition.

11 CHAIRMAN GADHIA: Okay. Come on. Are you in
12 opposition?

13 MS. SISMIT: Right.

14 CHAIRMAN GADHIA: Okay. Come on up here.

15 MR. SISMIT: My name is Eugene Sismit. I own
16 a grocery at 763 West Gay Street. I've been there
17 since 1973 which Mr. Rubin he well knows. Number one,
18 I cannot speak so eloquently as the two lawyers
19 preceding me.

20 CHAIRMAN GADHIA: That's all right. You're
21 doing quite well.

1 MR. SISMIT: I want to give you a few truths.

2 CHAIRMAN GADHIA: Okay.

3 MR. SISMIT: December of '92, January of '93,
4 February of '93 Mr. David Tanner was advised of what
5 was going on in this building, okay. And we wanted to
6 know how could this man come into an R-8 zone and build
7 a grocery.

8 CHAIRMAN GADHIA: We already heard from
9 Mr. Tanner that the records show the error that it was
10 a B-1 zone. That's how it happened.

11 MR. SISMIT: In '92, December of '92?

12 CHAIRMAN GADHIA: Well, we are all talking
13 about roughly the same period.

14 MR. SISMIT: I think you're talking mostly of
15 '93.

16 MS. BLATTERMAN: '93.

17 MR. SISMIT: Yes, not '92.

18 CHAIRMAN GADHIA: Well, December of '92 and
19 '93 are not far apart.

20 MS. BLATTERMAN: No, no, no. The permit --

21 MR. SISMIT: He was advised.

1 MS. BLATTERMAN: -- was issued May 19th, '93.
2 This was my question to Mr. Denek. Okay. If the
3 Zoning Department who is represented by --

4 CHAIRMAN GADHIA: Is the permit before us
5 right now? Are we deciding the question of the permit
6 or are we deciding the question of nonconforming use?
7 That's the issue I think we should be confined to right
8 now instead of going far afield in areas that are not
9 before us.

10 MR. SISMIT: But Mr. Tanner was aware.

11 CHAIRMAN GADHIA: That permit was taken back.

12 MR. SISMIT: Right.

13 CHAIRMAN GADHIA: Now, we are not here
14 talking about that permit.

15 MR. SISMIT: He did have another one?

16 CHAIRMAN GADHIA: He's here to get the
17 permit.

18 MR. SISMIT: Oh, okay. May I ask for the
19 health permit, the inspection permit? It was never
20 filed until after the man had opened the store. Now,
21 these are truths.

1 CHAIRMAN GADHIA: Well, you should take that
2 up with the Health Department.

3 MR. SISMIT: Now then, as for Mr. Kim owning
4 one store, he also owned 819 Madison Avenue and also an
5 affiliation with another store on Baltimore Street.
6 Now, I've heard some of my friends so eloquently stated
7 that they was glad he was in the neighborhood. You
8 have three stores that was less than a block from him,
9 okay. So I understand that Mr. Kim made a monetary
10 settlement with Mr. Purnell or something like that.
11 Well, he said a monetary settlement. I call it
12 something else. Okay. But --

13 CHAIRMAN GADHIA: Sir, will you tell us what
14 is your objection?

15 MR. SISMIT: Oh, I have a store. I've lost
16 quite a bit of money per week by this man opening up,
17 okay. Now, in the future for years back, certain
18 organizations has tried so hard to purchase my building
19 which I wouldn't sell, but I never thought it would
20 come to do anything like this, okay. So it's a whole
21 lot of -- Mr. Purnell, Mr. Purnell has a lot of papers

1 which you should look at. If I may, may I have them?

2 No. The lawyer said no.

3 CHAIRMAN GADHIA: That's up to them.

4 MR. SISMIT: His lawyer said no, but he did
5 most of the leg work on this and he found out was a lot
6 of holes this man fell through, okay. And as Mr. Rubin
7 can tell you, the time I came down here I had to get
8 everything by the book as Mr. Rubin can tell you.

9 That's all I have to say.

10 MR. QUASNEY: Mr. Chairman, just one other
11 point, just a point of clarification so the Board knows
12 and so we're all squared on the dates. The building
13 permit on the property is -- I have a copy of it -- was
14 issued December 22, 1992. That was the building
15 permit. The use and occupancy permit was issued 5-18-
16 93. Just so we know the dates and it seems --

17 MS. BLATTERMAN: What was -- may I see the
18 December building permit, please? This is just general
19 repairs. It doesn't say what the building was going to
20 be used for. That's just general repairs.

21 MR. QUASNEY: Ms. Blatterman, I'm at a loss

1 because I don't know what the practice of the building
2 inspector's office is.

3 CHAIRMAN GADHIA: The building permit is
4 issued without regard to zoning.

5 MR. QUASNEY: Yes.

6 CHAIRMAN GADHIA: So it would have no bearing
7 on zoning.

8 MR. QUASNEY: I didn't think so,
9 Mr. Commissioner.

10 CHAIRMAN GADHIA: That wouldn't take into
11 account zoning issues. If there's nothing further,
12 thank you.

13 MR. QUASNEY: That's all we have. Thank you.

14 CHAIRMAN GADHIA: Thank you.

15 (Whereupon, the hearing was adjourned.)
16
17
18
19
20
21

C E R T I F I C A T E1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

This is to certify that the foregoing transcript
In the matter of: 370-93X
BEFORE: BOARD OF MUNICIPAL AND ZONING APPEALS
DATE: DECEMBER 7, 1993
PLACE: BALTIMORE, MARYLAND
represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to
typewriting.

Barbara Lord

Barbara Lord, /KB
Court Reporter

Patricia Campbell

Patricia Campbell, /KB
Transcriber

Computer error nas 2 grocers seeing red

A battle for sales in West Baltimore

By Norris P. West
Staff Writer

Erroneous information in the city zoning office's computer files has locked two mom-and-pop grocery stores in West Baltimore in a battle for profits and, maybe, survival.

Charles J. Purnell, owner of the Last Stop Confectionery on Fremont Avenue near Fayette Street, complains that the erroneous information allowed the competing Poppleton Food Market to open at a location that is not zoned for business but is more convenient to residents of the Lexington Terrace public housing complex.

The new store siphoned away business, and he is having problems paying his bills, said Mr. Purnell, 34. "My business is cut almost down to zero," he said, adding that he opened the store in 1984 only after being

assured by officials that zoning restrictions prohibited competitors from opening in a location closer to customers' homes than his store.

The existence of his competitor, who invested thousands of dollars to convert a vacant house into a food market, is also threatened now that zoning officials are aware of the problem.

Domingo H. Kim opened his store on Lexington Street in May. He was given the incorrect information in 1992.

Records show that the building is zoned residential, meaning that a grocery store cannot exist there.

But Mr. Kim was already in business when city officials discovered the error. The city now says that the store cannot remain open unless it is granted a special exception by the

See GROCERS, 3B

TUESDAY, OCTOBER 12, 1993

THE SUN

BALTIMORE CITY

GROCERS

From 1B

Board of Municipal and Zoning Appeals, to which Mr. Kim has appealed. His store is being allowed to remain open until the issue is decided.

Zoning administrator David C. Tanner said that the mistake was made when someone in his office, or in another agency with access to the computer, entered information showing the property as being zoned commercial.

He said he's never before encountered such a problem.

'There was a mistake'

"Basically, there was a mistake made," said Mr. Tanner, who insisted that the problem cannot happen again.

"I'm going through a series of spot checks," he said. "Until we are certain the information is correct, I've instructed our staff not to rely on information they see on the computer screen."

Mr. Tanner said employees are required to match computer data against zoning maps.

Mr. Kim said that he has spent \$40,000 to renovate the building, including replacing the facade and installing Plexiglas windows and turnstiles.

He said he owned another store in Baltimore but closed it to open the Poppleton Food Market.

"Whatever the zoning board says, I'll have to follow," he said.

Mr. Kim said he is not bitter that his business is in danger but believes he should be allowed to stay open because of the size of his investment.

In his appeal, he said he relied upon incorrect information from the zoning office and did extensive renovation. His application says that "extreme hardship" will result if he is forced to close.

'I feel sorry for him'

Mr. Kim, 30, said that the community benefits from his store's presence because of its convenience and efforts he's made to improve the area.

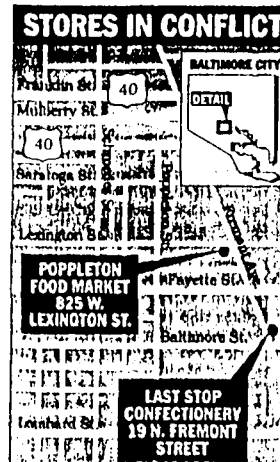
He said the site was an eyesore crawling with rats before he moved there. He said he is optimistic that things will work out for both him and Mr. Purnell, although the latter says it's impossible for both to thrive.

"I feel sorry for him. I didn't want to hurt anybody," Mr. Kim said.

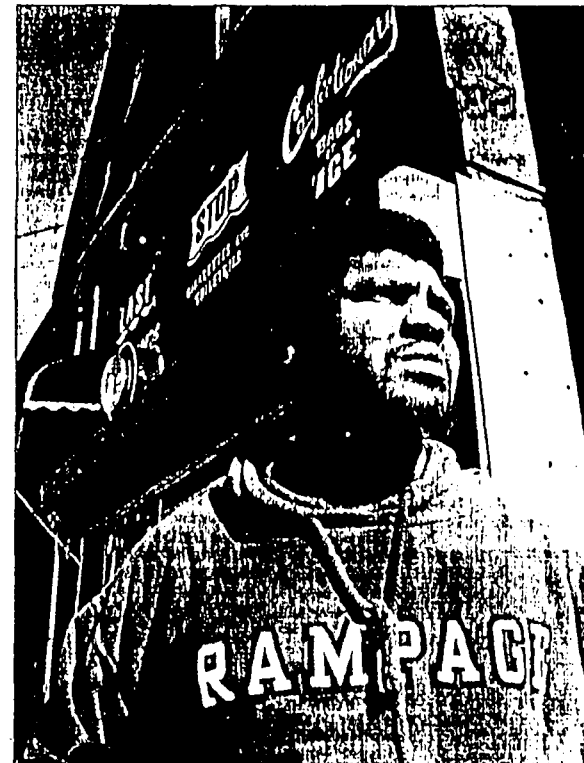
Mr. Purnell says that the Poppleton Food Market should be closed because it operates in a location that never has been zoned for business. He pointed to city records showing that in 1950 a request was denied to operate a grocery store in the Lexington Street building.

He said he doesn't have any problems with two stores down the street from him because they are in areas zoned for business.

Mr. Purnell said his Last Stop Confectionery once had \$800 a day in sales before public housing offi-



STAFF GRAPHIC



J. D. FRESH/BALTIMORE PHOTO

Charles J. Purnell says his Fremont Avenue store is losing crucial sales to a new competitor on Lexington Street.

EXPENSES INCURRED
BY DOMINGO KIM
IN PREPARING 505 W. LEXINGTON
STREET FOR USE AS A GROCERY

<u>ITEM</u>	<u>EXPENSE</u>
1. General Renovation (including reconstruction of Building's Front Wall)	\$ 15,000.00+
2. Electrical Renovation	\$ 1,700.00
3. Interior Renovations (shelving, etc.)	\$ 2,000.00
4. Trade Fixtures (food cases, ice boxes, etc.)	\$ 2,200.00
5. Security Gate	\$ 300.00
6. Alarm System	\$ 400.00
7. HVAC	\$ 750.00
	<hr/>
SUB TOTAL	\$ 22,350.00
8. Inventory approx.	\$ 15,000.00
9. Misc. Expenses (food license, traders license, plan review fee, zoning permit, building permit)	\$ 656.00
	<hr/>
TOTAL	\$ 38,006.00

EXPENSES INCURRED
BY DOMINGO KIM
IN PREPARING 505 W. LEXINGTON
STREET FOR USE AS A GROCERY

<u>ITEM</u>	<u>EXPENSE</u>
1. General Renovation (including reconstruction of Building's Front Wall)	\$ 15,000.00+
2. Electrical Renovation	\$ 1,700.00
3. Interior Renovations (shelving, etc.)	\$ 2,000.00
4. Trade Fixtures (food cases, ice boxes, etc.)	\$ 2,200.00
5. Security Gate	\$ 300.00
6. Alarm System	\$ 400.00
7. HVAC	\$ 750.00
	<hr/>
SUB TOTAL	\$ 22,350.00
8. Inventory approx.	\$ 15,000.00
9. Misc. Expenses (food license, traders license, plan review fee, zoning permit, building permit)	\$ 656.00
	<hr/>
TOTAL	\$ 38,006.00

EXPENSES INCURRED
BY DOMINGO KIM
IN PREPARING 505 W. LEXINGTON
STREET FOR USE AS A GROCERY

<u>ITEM</u>	<u>EXPENSE</u>
1. General Renovation (including reconstruction of Building's Front Wall)	\$ 15,000.00+
2. Electrical Renovation	\$ 1,700.00
3. Interior Renovations (shelving, etc.)	\$ 2,000.00
4. Trade Fixtures (food cases, ice boxes, etc.)	\$ 2,200.00
5. Security Gate	\$ 300.00
6. Alarm System	\$ 400.00
7. HVAC	\$ 750.00
	<hr/>
SUB TOTAL	\$ 22,350.00
8. Inventory approx.	\$ 15,000.00
9. Misc. Expenses (food license, traders license, plan review fee, zoning permit, building permit)	\$ 656.00
	<hr/>
TOTAL	\$ 38,006.00

EXPENSES INCURRED
BY DOMINGO KIM
IN PREPARING 505 W. LEXINGTON
STREET FOR USE AS A GROCERY

<u>ITEM</u>	<u>EXPENSE</u>
1. General Renovation (including reconstruction of Building's Front Wall)	\$ 15,000.00+
2. Electrical Renovation	\$ 1,700.00
3. Interior Renovations (shelving, etc.)	\$ 2,000.00
4. Trade Fixtures (food cases, ice boxes, etc.)	\$ 2,200.00
5. Security Gate	\$ 300.00
6. Alarm System	\$ 400.00
7. HVAC	\$ 750.00
	<hr/>
SUB TOTAL	\$ 22,350.00
8. Inventory approx.	\$ 15,000.00
9. Misc. Expenses (food license, traders license, plan review fee, zoning permit, building permit)	\$ 656.00
	<hr/>
TOTAL	\$ 38,006.00

37-932

Dec 7-1993

10/11

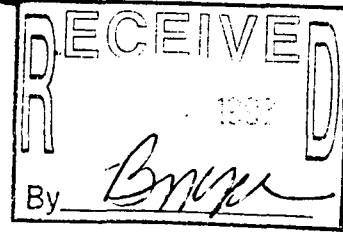
EXPENSES INCURRED
BY DOMINGO KIM
IN PREPARING 505 W. LEXINGTON
STREET FOR USE AS A GROCERY

<u>ITEM</u>	<u>EXPENSE</u>
1. General Renovation (including reconstruction of Building's Front Wall)	\$ 15,000.00+
2. Electrical Renovation	\$ 1,700.00
3. Interior Renovations (shelving, etc.)	\$ 2,000.00
4. Trade Fixtures (food cases, ice boxes, etc.)	\$ 2,200.00
5. Security Gate	\$ 300.00
6. Alarm System	\$ 400.00
7. HVAC	\$ 750.00
	<hr/>
SUB TOTAL	\$ 22,350.00
8. Inventory approx.	\$ 15,000.00
9. Misc. Expenses (food license, traders license, plan review fee, zoning permit, building permit)	\$ 656.00
	<hr/>
TOTAL	\$ 38,006.00

LAW OFFICES
WARTZMAN, OMANSKY, BLIBAUM,
SIMONS, STEINBERG, SACHS & SAGAL, P.A.

341 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

Telephone (410) 685-0111
FAX (410) 685-4729



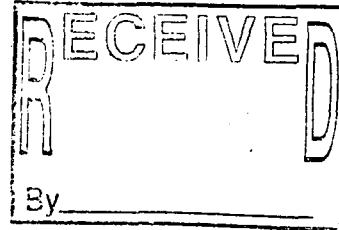
PAUL WARTZMAN
SAMUEL BLIBAUM
LEE N. SACHS
HOWARD CASSIN
ALVIN J. FILBERT, JR.
DAVID W. COHEN *
DANNY R. SEIDMAN
* Admitted in MD & DC

JOSEPH H. OMANSKY
MICHAEL H. SIMONS
STUART L. SAGAL
ROBERT J. STEINBERG
DANIEL W. QUASNEY
MINDA F. GOLDBERG
VICKIE L. GAUL

November 1, 1993

STANLEY I. MORSTEIN
OF COUNSEL
RONALD L. SCHREIBER
(1934-1980)

The Board of Municipal and Zoning Appeals
14th Floor, 417 E. Fayette Street
Baltimore, Maryland 21202



Attn: Gilbert V. Rubin, Executive Director

RE: Appeal No. 370-93X re: 805 W. Lexington Street

Dear Mr. Rubin:

As you know, I represent the Appellant in the above captioned matter, Domingo Kim. Mr. Kim seeks to use the first floor of the above referenced property as a grocery store.

The purpose of this correspondence is to supplement the Notice of Appeal previously filed on behalf of Mr. Kim. In that original notice, Mr. Kim requests that he be granted a non-conforming use for the subject property in order to operate the same as a grocery. Through this correspondence we would amend the scope of Mr. Kim's request on appeal to include a request that he be granted a special exception to operate the property as a grocery or be provided with such other relief as may be necessary in order to allow him in the future to continue to make use of the property as a grocery store.

I thank you for your anticipated cooperation.

Sincerely yours,


Daniel W. Quasney

DWQ:dlt/62719.01

Misc\DWQ.Nov

MAYOR AND CITY COUNCIL OF BALTIMORE
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 DIVISION OF CONSTRUCTION AND BUILDINGS INSPECTION

AUTHORIZATION
 No. B 73305

THIS WRITTEN INSTRUMENT, WHEN PROPERLY VALIDATED, CONSTITUTES AUTHORITY FOR DOING OR RECEIVING THE THINGS INDICATED BY THE FEES OR CHARGES SHOWN IN THE APPROPRIATE SPACES BELOW. ANY AND ALL THINGS TO BE DONE OR RECEIVED UNDER THIS WRITTEN INSTRUMENT SHALL BE DONE OR RECEIVED IN STRICT COMPLIANCE WITH THE APPLICATION HERETOFORE FILED IN THIS DEPARTMENT FOR THE AUTHORITY CONTAINED HEREIN, INCLUDING ANY AND ALL APPROVED DRAWINGS AND OTHER DATA OR INFORMATION ATTACHED THERETO, AND SUBJECT TO ANY AND ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN EFFECT IN THE CITY OF BALTIMORE AND THE STATE OF MARYLAND.

WARNING: IT IS UNLAWFUL TO CONCEAL ANY WORK UNTIL INSPECTED AND APPROVED BY THIS DEPARTMENT.

WARD 18 11	SECT. 188	BLOCK 33	LOT	DATE 5 18 93	DIST. NO. 18	MP NO.	PLANS NO.
---------------	--------------	-------------	-----	-----------------	-----------------	--------	-----------

PROPERTY ADDRESS: 805 W LEXINGTON ST

OWNER DOMINGO KIM Address _____

LESSEE _____ Address _____

PRIME CONTRACTOR _____ Address _____ Lic. No. _____

ELECTRICAL CONTRACTOR _____ Address _____ Lic. No. _____

PLUMBING CONTRACTOR _____ Address _____ Lic. No. _____

GAS FITTER _____ Address _____ Lic. No. _____

WORK COST	COMP. DATE	CODE DESC.	NOTES A	SEWER CONN.	ELEC. SER.	ELEV. SER. NO.
-----------	------------	------------	------------	-------------	------------	----------------

SCOPE OF AUTHORITY:

CONTINUE TO USE 1ST FLOOR AS A GROCERY STORE

A-001-138-260-00-000 SMOKE	A-001-139-260-00-000 PER. INSP.	A-001-131-260-09-000 MISC.	A-001-131-260-09-000 CH. OCC. 13	A-001-623-583-00-000 ZONING
A-001-132-260-01-000 NEW BLDG.	A-001-132-260-02-000 ADDITIONS	A-001-132-260-03-000 ALTERATIONS	A-001-132-260-04-000 REPAIRS	A-001-132-260-05-000 MISC. CONST.
A-001-132-260-06-000 RAZING	A-001-133-260-00-000 ELECT.	A-001-134-260-01-000 HEAT	A-001-134-260-02-000 REFRIG.	A-001-134-260-03-000 AIR COND.
A-001-134-260-04-000 P & T	A-001-134-260-05-000 FIRE	A-001-134-260-06-000 GAS	A-001-136-260-00-000 ELEVATOR	A-001-135-260-00-000 PLUMB.
A-001-132-260-07-000 S & E CONTROL	A-001-868-570-01-000 CHAP	SUB TOTAL - FEES ONLY 13		A-001-051-150-00-000 TAX 1
				TOTAL-FEES + TAX 14

THE AUTHORITY CONTAINED HEREIN DOES NOT AUTHORIZE THE PERFORMANCE OF ANY WORK IN, ON, UNDER OR OVER ANY STREET, HIGHWAY, ALLEY, SIDEWALK OR ANY OTHER PUBLIC WAY, UNLESS PERMISSION TO DO SO HAS BEEN FIRST SECURED FROM THE PROPER AUTHORITY.

THE AUTHORITY CONTAINED HEREIN MAY NOT BE VALIDLY EXERCISED UNTIL AND AFTER ALL OF THE FEES APPEARING HEREON HAVE BEEN PAID AND EVIDENCE THEREOF APPEARS IN THIS SPACE.

ISSUED BY

Rudolph E. James
 DIRECTOR

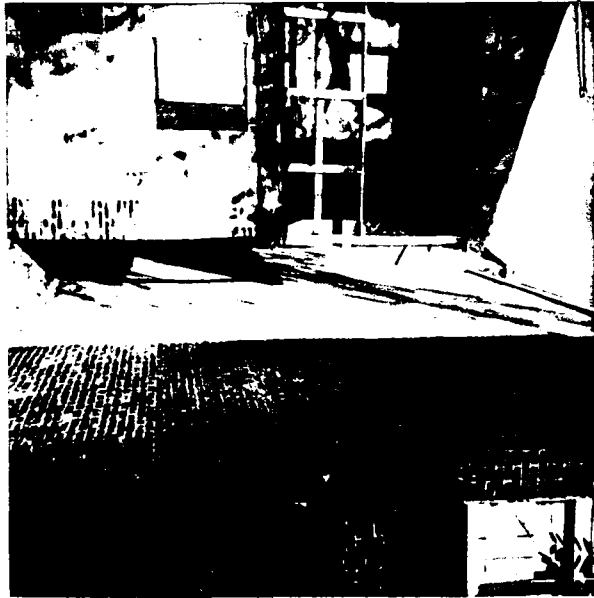
CONSTRUCTION AND BUILDINGS
 INSPECTION

J COLE

PER _____



SB



370-93X
805 W. LEXINGTON ST.



FOR ~~PROPERTY~~

12/7/93

NAME: Please Print ADDRESS:

Somcar Kim 805 W. Lexington St

Robert DeWille 805 Lexington St #100

Louise Hughes 806 W. Lexington St apt 4

Jerry Davis 806 W. Lexington St

Sam Barlow 806 W. Lexington St

Sidney Bennett 808 W. Lexington St apt 4

Michael Brown 834-B Union St 21201

Adrian Cooper 811 W. Lexington St 21201

Domingo Jimenez 808 W. Lexington St 21201

APPEAL No 376-93^x PROPERTY 805 W. LEXINGTON ST.

Poe

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Charlotte Moon
Charlotte Moon

Print and Sign

906 W Lexington St

Address

Carl K. Middleton
Carl Middleton

Print and Sign

808 W. Lexington Str.

Address

Alma Copes
Alma Copes

Print and Sign

936 Vine St.

Address

Tasha Barnes
Tasha Barnes

Print and Sign

221 N. Fremont Ave ^{Apt} 1210

Address

PATRICIA WRIGHT
Patricia Wright

Print and Sign

231 N. Fremont ¹¹⁰² Ave.

Address

ERICA STERLING
Erica Sterling

Print and Sign

725 George St 4F

Address

BRITNEY COZART
Britney Cozart

Print and Sign

725 George St 4F

Address

Kimberly Rice
Kimberly Rice

Print and Sign

725 George St 4F

Address

Victoria Hunt
Victoria Hunt

Print and Sign

739 George St

Address

Irvin Hudson
Irvin Hudson

Print and Sign

739 George St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Bobbie Teal
Print and Sign

221 N. Fremont ave.
Address

James A. Sumner Jr.
Print and Sign

221 N. Fremont Ave 130 F
Address

Mishelle DONELLA
Print and Sign

221 N. Fremont Ave.
Address

MARCY WINDMAN
Print and Sign

755 W. Lexington
Address

CASSANDRA JONES
Print and Sign

755 W. Lexington
Address

Charles Price
Print and Sign

207 N Amity St Apt 5
Address

Robert Buttack
Print and Sign

806 W Fayette St
Address

Cynthia Ligon
Print and Sign

854 W Fayette St
Address

Juan Bradford
Print and Sign

731 Lexington St
Address

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Daphane Jones
Print and Sign

901 W. Saratoga St.
Address

Sharon Sherrad
Print and Sign

221 N. Fremont
Address

Donald Holloway
Print and Sign

701 W. Mulberry St.
Address

Patricia Denise Garner
Print and Sign

808 W. Lexington Street
Address

Gyrlone Hughie
Print and Sign

806 W. Lexington St.
Address

M. Wardlaw
Print and Sign

844 W. Fayette St.
Address

Tee-Tee
Print and Sign

850 W. Fayette St.
Address

Michelle Johnson
Print and Sign

221 N. Fremont Ave.
Address

Rosland Johnson
Print and Sign

221 N. Fremont Ave.
Address

Jerry Teal
Print and Sign

221 N. Fremont ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Randall Adams
Print and Sign

205 N. Amity St. #1
Address

Mrs Alice M Green
Print and Sign

205 N. Amity St. #1
Address

Alliance Wesley
Print and Sign

801 W. Lexington #4
Address

Steve Jackson
Print and Sign

728 W. Saratoga St
Address

Dana Axxx
Print and Sign

726 W. Saratoga St.
Address

LADA Marant
Print and Sign

3324 1/2 Woodland Ave #20
Address

Lyung Johnson
Print and Sign

3326 1/2 Woodland Ave #20
Address

James M Smith
Print and Sign

781 W. Saratoga St.
Address

Paul Garrett
Print and Sign

31 N Poppleton
Address

755 W. Lexington
Print and Sign

Wayne Johnson
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Kevin Cook - Kevin Cook
Print and Sign

904 W. Lexington St. Apt 2
Address

Martta Blair
Print and Sign

221 N FOMOT
Address

Tony Cox Tony Cox
Print and Sign

Address

Jolanda Thomas
Print and Sign

221 Fremont Ave
Address

JAMES M SMITH
Print and Sign

781 W. SARATOGA ST.
Address

Deke Johnson
Print and Sign

221 N FRemont Ave apt 410
Address

Rackelle Johnson
Print and Sign

829 Jesugette 21201
Address

NATHANIEL SHAW - Nathaniel Shaw
Print and Sign

904 W. Lexington St
Address ~~APT 17~~

GEARLINE SHAW Gearline Shaw
Print and Sign

904 W. Lexington St
Address ~~APT 17~~

Thomas Reid
Print and Sign

3112 Bethou James PL
Address

111

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sandra Rogers
Print and Sign

701 W. Mulberry St
Address

Aller Wesley
Print and Sign

804 W. Lexington St
Address

Benita Wenzon
Print and Sign

755 W. Lexington
Address

Bryan Norton
Print and Sign

218 Monument
Address

Lillie Harris
Print and Sign

118 S Carlton St
Address

Gary Howard
Print and Sign

1947 W Booth St
Address

Debbie Harris
Print and Sign

1947 W Booth St
Address

Lawrence Roberts
Print and Sign

817 W SARATOGA ST Apt #2
Address

Tracey Harper
Print and Sign

944 Abbott Ct.
Address

Darlena Johnson
Print and Sign

916 Argyle
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Charity Jordan
Charity Jordan
Print and Sign

701 W. Mulberry St. Apt. 704
Address

Stanley Harmon
Stanley Harmon
Print and Sign

770 W. Saratoga St.
Address

Tonya GREEN
Tonya Green
Print and Sign

2204 McCulloch St.
Address

Tony MARTIN
Tony Martin
Print and Sign

126 N Poppleton St.
Address

Racel Dillon
Racel Dillon
Print and Sign

944 Abbott Ct.
Address

Stanley Thompson
Stanley Thompson
Print and Sign

901 Greenmount Ave.
Address

Cynthia Young
Cynthia Young
Print and Sign

833 W. Saratoga St. #2
Address

Ken Keene
Ken Keene
Print and Sign

221 N. Fremont Ave.
Address

James McFadden
James McFadden
Print and Sign

Address

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Muriel Rogers
Print and Sign

701 W. Mulberry St.
Address

Annetha Smith
Print and Sign

901 W. Lexington St. apt 2
Address

Valencia Powell
Print and Sign

5020 DENVIEW WAY #11
Address

Diana Hill
Print and Sign

221 N. Remont Avenue
Address

B. Harris Mrs. Betty Harris
Print and Sign

813 W. Lexington St.
Address

Quinn A Miller
Print and Sign

237th Dallas, ct
Address

Sandra Ellen
Print and Sign

733 W. Saratoga st.
Address

Mary Cheseboro
Print and Sign

808 fremont ave
Address

Antwon Spence
Print and Sign

815 W Saratoga St
Address

Keisha
Print and Sign

221 N. Fremont ave # 1110
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

ELLEN HAWKINS / Ellen Hawkins 815 W. Saratoga St #5
Print and Sign Address

JAMES SMITH 781 W. SARATOGA ST.
Print and Sign Address

Brenda Bryant 209 N. Fremont Ave
Print and Sign Address

David Dohes 209 N. Fremont Ave
Print and Sign Address

FANA CLEGG 73 W. Mulberry St.
Print and Sign Address

Monique Bryant 777 W. Mulberry St
Print and Sign Address

Charles McCoy 204 W. Lexington St
Print and Sign Address

Cynthia Bryant 126 N. Poppleton St
Print and Sign Address

Linda Henderson 701 W. Mulberry St
Print and Sign Address

Charlene Maxwell 831 W. Lexington St
Charlene Maxwell Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Andy Wright
Print and Sign

710 Fremont Ave
Address

Dorote Shannon
Print and Sign

815 Saratoga St
Address

Andre Bailey
Print and Sign

142 W. 7th St
Address

YVONNE VASS
Print and Sign

937 Lexington Ct
Address

Julia Bryant
Print and Sign

701 W. Mulberry St.
Address

William Thomas
Print and Sign

701 W. Mulberry St
Address

Connie Spencer
Print and Sign

221 N. Fremont
Address

MARY Mayo
Print and Sign

770 W. Saratoga St 1104
Address

Mary Williams
Print and Sign

701 Mulberry St
Address

Robin Collins
Print and Sign

770 W. Saratoga St 1104
Address
Jammy Sklon

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Dulcinea LAURENCE
Print and Sign

836 W Lexington St
Address

Dulcinea Laurence
Sheryl Rogers
Print and Sign

Address

Lorraine West
Lorraine West
Print and Sign

APT. 1
835 W. Lexington ST
Address

Lakeisha Jones
Print and Sign

221 N Fremont Ave #605
Address

Charveta Williams
Print and Sign

270 W Fayette St
Address

Lakeisha Jordan
Print and Sign

701 W Mulberry St
Address

[Signature]
Print and Sign

Address

Sharon Parker
Print and Sign

221 N. Fremont Ave.
Address

Karen Sherrod
Print and Sign

221 N. Fremont Ave.
Address

Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

n

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

Print and Sign

Address

nd Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Raymond Ware
Print and Sign

823 W. Saratoga St Apt 5
Address

Rosie Parkes
Print and Sign

823 W. Saratoga St Apt. 10
Address

Calvin
Print and Sign

432 Oxford court
Address

Nicole Nicole Handy
Print and Sign

804 W. Lexington St Apt #2
Address

Bessie Hamzillu
Print and Sign

725 W. Lexington St
Address

Debbie
Print and Sign

725 W. Lexington St
Address

Lillie Brown
Print and Sign

120 S. Carlton St
Address

MARIE Blue
Print and Sign

102 N Fremont Avenue
Address

Denise Pearson
Print and Sign

801 Vine St
Address

Shanda Cornwall
Print and Sign

855 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jackie Pearson
Print and Sign

1015 W Lexington St
Address

JOANN Pearson
Print and Sign

1015 W Lexington St
Address

JOANN Hardy
Print and Sign

804 W. Lexington St. apt. #02
Address

Arkiana Smith
Print and Sign

819 A. W. Lexington St.
Address

SHARHAIRE WARD
Print and Sign

~~1125~~ W. Lexington St.
Address

William Holland
Print and Sign

221 N. Fremont ave. apt. 7102
Address

Tremaine Murphy
Print and Sign

221 N. Fremont Ave. #901 apt
Address

Genevieve Perkins
Print and Sign

3405 MARY AVE
Address

Sannette John
Print and Sign

Lexington St.
Address

Sheldon James, Sheldon James
Print and Sign

819 Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Tony BROWN
Print and Sign

202 N FREMONT AVE
Address

Rhonda Sheppard
Print and Sign

205 N. Amity St
Address

SONNY KNIGHT
Print and Sign

823 W. LEXINGTON ST.
Address

Jay Johnson
Print and Sign

804 W. Lexington St. (9)
Address

Charnel Hines
Print and Sign

2174 Hollins St.
Address

Carlos
Print and Sign

Address

Mathy C.
Print and Sign

170 3/4 Saratoga Ave Apt 403
Address

Jahid Smith
Print and Sign

781 W. Saratoga St
Address

Mary Muse
Print and Sign

821 W. Lexington St.
Address

Augusta Ware
Print and Sign

823 W. Saratoga St. Apt. 5
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Glenda Walker
Print and Sign

815A W Lexington St.
Address

2. J. J. J. J.
Print and Sign

220 W. SARATOGA ST.
Address

Tamika Finch
Print and Sign

831 W. Lexington St
Address

Debbie Nicholson
Print and Sign

847 W. Lexington St.
Address

Theresa Rhodes
Print and Sign

806 W. Lexington St.
Address

Rosetta Diggs
Print and Sign

806 W. Lexington St.
Address

Twilah Heckstall
Print and Sign

772 W Fayette St.
Address

Sharmar Harrod
Print and Sign

1742 W. Saratoga St.
Address

DICK EDWARDS
Print and Sign

906 W. ~~Lexington~~ St.
Address

Joyce Wimbush
Print and Sign

205 N Amity St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Bridget Kelly
Print and Sign

116 Fremont Avenue
Address

Jamie Berry
Print and Sign

627 S. Homover St
Address

Lemuel BLAKE
Print and Sign

106 CHERRY HILL Rd
Address

Patricia Blue
Print and Sign

725 W. Lexington St
Address

NEE - LEE
Print and Sign

725 W LEXINGTON
Address
mul Barney St

Shirley L. Booker
Print and Sign

701 Apt 510
Address

John Cornwell
Print and Sign

625 N Pace
Address

Darrell Campbell
Print and Sign

709 W. Monument
Address

CAROLYN WATTS
Print and Sign

1054 Argyle Av
Address

L Jones
Print and Sign

802 W Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Larry Nudd
Print and Sign

814 Vine St. apt. A
Address

Gloria Holman
Print and Sign

755 W. Lexington
Address

Edgar Holman
Print and Sign

755 W. Lexington
Address

Nehesha Chase
Print and Sign

806 Vine St. apt B
Address

Bertrude Price
Print and Sign

122 N. Fremont Ave APT A
Address

LYNIA McCoy
Print and Sign

122 N. Fremont APT A
Address

Ernestine Debro
Print and Sign

128 N. Fremont Ave ^{APT} C
Address

Prinice Thomas St.
Print and Sign

810 W. Vine St APT A
Address

Alphonzo Pearson
Print and Sign

110 N. Fremont Ave.
Address

Alma Tucker
Print and Sign

107 N. Schroeder St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Beta Knight
Print and Sign

823 W. Lexington St
Address

PEARLIE Knight
Print and Sign

823 W. Lexington St
Address

Lyne Melvin
Print and Sign

846^{APT B.} Vine Street
Address

Chiecko Anderson
Print and Sign

858 W. FAYETTE St. Apt. C
Address

Daniel Smith
Print and Sign

900 ARGYLE Ave.
Address

Steve Jefferson Steven Jefferson
Print and Sign

905 W Lexington st #8
Address

Phillip Anderson
Print and Sign

765 Lexington #102
Address

Charlene Duvall
Print and Sign

126 W Poppleton St
Address

Charles Bennett
Print and Sign

(SAME)
Address

Melvin Bailey Melvin Bailey
Print and Sign

221 N. Fremont Ave
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

John E Towns
Print and Sign

Address

Fred Brown
Print and Sign

Address

Carline Beverly
Print and Sign

841 W. Lexington St.
Address

RICHARD O'neil
Richard O'neil
Print and Sign

905 W. Lexington St.
Address

KURA Moody
Print and Sign

834 W. Vine St.
Address

D Millings
Print and Sign

745 W Saratoga St
Address

D Johnson
Print and Sign

719 W Saratoga St
Address

S.B. Annett
Print and Sign

808 W Lexington St.
Address

Timothy Townsend
Print and Sign

221 N. Freemount
Address

Linda Knight
Print and Sign

823 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Antonia C. Gies
Print and Sign

836 Vine St
Address

JANICE GRANT
Print and Sign

221 N. FREEMONT APT #8
Address

[Signature]
Print and Sign

755 W Lexington apt 205
Address

Craig Brock
Print and Sign

2223 CALLOW AVE
Address

Hatter A. Stanfield
Print and Sign

1214 W. Lombard St
Address

Tom A. Tom
Print and Sign

301 N. Gold St.
Address

Monica Gushall
Print and Sign

532 N. Fremont apt 44
Address

Green Carter
Print and Sign

221 N. Fremont Ave
Address

Elyse A. [Signature]
Print and Sign

806 W. Lexington
Address

Bridget R. Scott
Print and Sign

855 W. Lexington St APT
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Curly-s
Print and Sign

721 N. Eremont
Address

Zawald Hicks
Print and Sign

770 Saratoga
Address

Sharon Reed
Print and Sign

955 W Lexington St
Address

Teenie Walker
Print and Sign

955 W Lexington St
Address

Leneice Mcelven
Print and Sign

955 W Lexington St
Address

Debra white
Print and Sign

1108 W. SARATOGA ST
Address

Esther Hines
Print and Sign

1108 W. SARATOGA ST
Address

Yolita white
Print and Sign

1114 W. FRANKLIN ST
Address

Reginald white
Print and Sign

1822 W Baltimore St
Address

Caren Garent
Print and Sign

930 ~~Edsonson~~ Edsonson Avenue
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Marie Green

Print and Sign

632 N. Arlington Ave

Address

Dale J. Ellis

Print and Sign

842 Vine St. Apt B

Address

Betty Jones

Print and Sign

821 W. Lexington St.

Address

Jandra Carter

Print and Sign

827 Vine Street

Address

Jerome Wilton

Print and Sign

701 W. MULBERRY ST,

Address

ROBERT FINKER

Print and Sign

205 N Gimpy St #10

Address

Heidi Jones

Print and Sign

205 N Amity St #10

Address

LYNNA MCCOY

Print and Sign

122 N. FREMONT AVE.

Address

GLORIA JACKSON

Print and Sign

120 N. FREMONT AVE.

Address

William Lockett

Print and Sign

755 W. Lexington

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Tracey Andrea Windman
Print and Sign

735 W. Lexington St 707
Address

Peter Mayers
Print and Sign

3009 Seaman Ave
Address

CHILL DIVERS
Print and Sign

837 VINE ST.
Address

GALE BOONE
Print and Sign

837 VINE ST
Address

Ricky Brown
Print and Sign

834 Vine St.
Address

Tony Scott
Print and Sign

755 W. Lexington St.
Address

Towanda Muse
Print and Sign

821 W. Lexington St.
Address

Sharon Waller
Print and Sign

821 W. Lexington St.
Address

DORIS MACER
Print and Sign

800 W. Lexington St.
Address

Mrs. M. G. Galt
Print and Sign

904 W. Lexington
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Kimberly Herbert Kimberly Herbert 833 W. Lexington St. 3rd Floor
Print and Sign Address

TAKIYAH Johnson Takiyah Johnson 833 W. Lexington St APT B
Print and Sign Address

William Greenwood 873 W Fayette St
Print and Sign Address

Hennice McElveen 755 W. Lexington St
Print and Sign Address

Arthur Allen 221 N. Fremont Ave Apt 207
Print and Sign Address

CABIN YOUNG 834 W Lexington St Apt C
Print and Sign Address

NERAN J. LEWIS, JR. NERAN J. LEWIS, JR. 901 W. Lexington St Apt #10
Print and Sign Address

RON MAYO 802 Lexington St. Apt. 2
Print and Sign Address

Kimberley Fortune 725 George St.
Print and Sign Address

Karen Parker 755 W. Lexington St. apt. 701
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Yolanda Fulton
Print and Sign

APT. 1102 755 W. Lexington St.
Address

Yolanda
Print and Sign

Address

Ann Grant
Print and Sign

221 N Fremont Ave. 307
Address

Michael Lee
Print and Sign

221 W Fremont Ave. apt 1108
Address

Larry Lenz
Print and Sign

755 W. Lexington St #307
Address

Wable Copes
Print and Sign

836 N. Vine Street
Address

Lula James
Print and Sign

833 W. Lexington St
Address

Birdie Richards
Print and Sign

929 Lemmon St
Address

Sharon Christian
Print and Sign

1033 W Lombard
Address

Theresa Fuller
Print and Sign

202 N. Fremont Ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

05 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Mary Hope Mary Hope
Print and Sign

808 W. Lexington St.
Address

Denise Lee Annise Lee
Print and Sign

806 W. Lexington St
Address

Thomas Lee Thomas Lee
Print and Sign

806 W. Lexington St.
Address

Andrew Math
Print and Sign

217 W. Calhoun St
Address

JUANITA BOLAR
Print and Sign

at 14
900 LEXINGTON ST
Address

Damon Saffore

Damon Saffore
Print and Sign

2910 Lakebrook Circle Apt 303
Address

Andrew Thomas
Print and Sign

901 W. Saratoga #5
Address

Antonio Hart
Print and Sign

755 West Lexington St
Address

Robin Dudley
Print and Sign

806 W Lexington St. APT 10
Address

Kevin Brooks
Print and Sign

802 W. Lexington St apt 2
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Barbara Donsey
Print and Sign

806 Vine St. Apt B
Address

Shirley Pearson
Print and Sign

1101 Fremont Ave.
Address

Pearson
John ~~Pearson~~
Print and Sign

893 - Lexington
Address

Diane Pearson
Print and Sign

803 Lexington
Address

Lolet J Harris
Print and Sign

755 W. Lexington
Address

Lamont Holman
Print and Sign

9 S. Carey
Address

Bernadette Starrs
Print and Sign

800 W. Lexington St Apt 2
Address

Deborah Nutt
Print and Sign

814 Vine St apt. A
Address

Courtney Williams
Print and Sign

814 Vine St apt. A
Address

Eva Nutt
Print and Sign

806 Vine St. apt. A
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Cerelle ^{Brand} Culler 9364 Bowers Ave
Print and Sign Address

Rosalee Hill 866 Dixie St
Print and Sign Address

CHRISTINE Gooden 800 W. Lexington St #4
Print and Sign Address

Bernita Mills 800 W. Lexington #4
Print and Sign Address

Jacqueline Bostick 845 W. Lexington St.
Print and Sign Address

Gonette Johnson 825 W. Lexington St.
Print and Sign Address

Corey Reynolds 721 W. Sandys
Print and Sign Address

T. Green 870 W. Lexington
Print and Sign Address

Patricia Wright 221 N. Fremont
Print and Sign Address

Louise Hughes 806 W. Lexington St Apt. 5.
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

JAMES GRAY James Gray
Print and Sign

327 W 27th St
Address

Kevin Blanton
Print and Sign

830 VINE STREET
Address

Maryann Jackson
Print and Sign

802 N. Lexington St. apt 10
Address

Madelive Brooks
Print and Sign

802 N. Lexington St. apt 10
Address

Ivy Dupree
Print and Sign

755 W Lexington St apt 303
Address

Marcia Chase
Print and Sign

818 Vine St apt A
Address

Alethea Coleman
Alethea Coleman
Print and Sign

775 W. Mulberry Street
Address

Carolyn Dickerson
Carolyn Dickerson
Print and Sign

777 W. Mulberry Street
Address

MICHAEL BARNES
Print and Sign

779 W. Mulberry Street
Address

Charles Humphries
Print and Sign

870 W. Fayette St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Carolyn Oliver
Carolyn Oliver
Print and Sign

124 N. Fremont Ave. Apt 124A
Address

Susie Pearson
Susie Pearson
Print and Sign

801 Vine St
Address

Catrina ROGERS
Catrina Rogers
Print and Sign

155 W. Lexington St.
Address

Kelly Somerville
Print and Sign

808 W. Lexington St.
Address

Pgt Smart
Print and Sign

806 W. Lexington St.
Address

Qua Hill
Print and Sign

841 W. Lexington St.
Address

Paula Hill
Print and Sign

221 N. Fremont Ave. Apt 401
Address

V. Angie Cooper
Print and Sign

221 N. Fremont Ave. Apt 403
Address

Sharon Waller
Print and Sign

821 W. Lexington St.
Address

Karen Leaves
Print and Sign

821 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

JEANETTE JOHNSON
Print and Sign

827 W LEXINGTON STA
Address

TANYA WALKER
Print and Sign

821 W. LEXINGTON ST
Address

Rosalyn Crampton
Rosalyn Crampton
Print and Sign

857 Vine St.
Address

JoAnn Handy
Print and Sign

804 Lexington St
Address

Nicole Handy
Print and Sign

804 Lexington St
Address

Bessie Hamlin
Print and Sign

725-lexington St
Address

Denise Matthews
Print and Sign

814 Vine ST B
Address

Wanda
Print and Sign

904 W. Lexington St.
Address

Betris
Print and Sign

904 W. Lexington St.
Address

Anthony Walker
Print and Sign

221 N Vermont Apt 1009
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Rachel Wright Rachel Wright
Print and Sign

802 W. Lexington St apt 13
Address

David McCLOWD
Print and Sign

755 W Lexington APT 409
Address

Angela Jackson's Angela Jackson
Print and Sign

812 W Lexington St #19
Address

MIKETA Johnson Miketa Johnson
Print and Sign

805 12 W. Lexington St
Address

Sherry Davenport Sherry Davenport
Print and Sign

835 West Lexington St 2Fl. #11
Address

CASSANDRA Hamilton
Print and Sign

755 W. Lexington St #503
Address

Karon Williams
Print and Sign

755 W Lexington St #503
Address

JoAnn Boone
Print and Sign

770 W. SARATOGA St #707
Address

Bobby GUILF
Print and Sign

800th LEXINGTON
Address

Anthony Knox
Print and Sign

932 W. Jatter
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

DERRICK Wilson
Derrick Wilson
Print and Sign

723 W. Saratoga St.
Address

STANLEY HARRIS
Print and Sign

119 POPPLETON ST.
Address

Lamell Dixon
Print and Sign

221 N Fremont AVE. Apt 1102
Address

Delores Williams
Delores Williams
Print and Sign

901 W. Saratoga St.
Address

Nicole Ray
Print and Sign

701^w Mulberry St
Address

ROSETTE Ray
Print and Sign

701 W. MULBERRYST
Address

SHARON Reed
Print and Sign

755 W Lexington St
Address

Delores Henderson
Print and Sign

755 W, Lexington St
Address

JAMES Mason
Print and Sign

755 W Mulberry St.
Address

Ricky Broadway
Print and Sign

955 W Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Michelle Davis

Michelle Davis

Print and Sign

755 W. Springton St. 909

Address

⁸⁰⁶
Brandon Boardley

Brandon Boardley

Print and Sign

806 North Vine St

Address

Taniha Hunter

Print and Sign

803 W. Fayette St

Address

Deborah Fields

Deborah Fields

Print and Sign

800 W. Lexington St. APT. 5.

Address

John Cole

Print and Sign

801 Lexington St.

Address

Wanda Pearson

Wanda Pearson

Print and Sign

803 W Lexington St

Address

Sarah O'Neil

Sarah O'Neil

Print and Sign

905 W. Lexington St

Address

Phyllis Baskin

Print and Sign

2087 N. Fremont W. apt. 8

Address

Jackie Parker

Print and Sign

755 W Lexington St

Address

Cavlyn McClay

Print and Sign

755 W. Lexington St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Glenn Malheur
Print and Sign

320 W. Stuck
Address

Charles McCormick
Print and Sign

761 W. Mulberry
Address

Alfred Peacock
Print and Sign

776 W. Fayette St.
Address

Mildred Wheeler
Mildred Wheeler
Print and Sign

803 W Lexington St.
Address

Brandon Mason
Print and Sign

1070 W.F.
Address

Tavonah Adams
Print and Sign

120 Lexington
Address

Sammy Speed &
Ken Cooper
Print and Sign

Address

Kenneth Lynn
Print and Sign

202 N Fremont Ave
Address

Calvin Wood
Print and Sign

432 Oxford court
Address

Jandra Boyd
Print and Sign

867 Vine St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

CLIFFORD TINE CHASE
Print and Sign

119 N CARROLLTON AVE
Address

2R

LEONARD CHASE
Print and Sign

119 N CARROLLTON AVE
Address

2R

SPAWBE JORDAN
Print and Sign

119 N CARROLLTON AVE
Address

2F

Denise Pearson
Deme
Print and Sign

801 W Vine St
Address

Lamont Randall
Print and Sign

811 W Lexington St
Address

Dion Pearson
Print and Sign

801 W Vine St
Address

Jamie Doughter
Print and Sign

188 N Fremont Ave
Address

Mellie Maddox
Print and Sign

969 Lexington St
Address

Maisha Williams
Print and Sign

845 Lexington St
Address

MARIE BLUE / Marie Blue
Print and Sign

102 N. Fremont Avenue
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Irene Joyner
Print and Sign

755 W. Lexington St
Address

Deon Jones
Print and Sign

701 W Mulberry St
Address

James McNaie
Print and Sign

221 N. Fremont Av.
Address

Actie Bellamy
Print and Sign

1613 N. Payson St.
Address

Ruth Watford
Print and Sign

221 N. Fremont Ave.
Address

Almira Watford
Print and Sign

221 N. Fremont Ave.
Address

WALTER HOWARD
Print and Sign

208 N. FREMONT AVE. APT. #1
Address

Gloria Woodbury
Print and Sign

800 W Lexington St
Address

William Brown
Print and Sign

913 W Bath St
Address

Isadora Blandford
Print and Sign

221 N. Fremont Ave. Apt. 1003
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Karla King
Print and Sign

845 Lexington St. Apt A
Address

Lisa Edwards
Print and Sign

832 Vine St.
Address

Janette Crumwell
Print and Sign

812 W. Vine St.
Address

Valerie Thomas
Print and Sign

105 N. Poppleton St.
Address

Alonah Davis
Print and Sign

842 Corberry Lane
Address

Tiffany Pantino
Print and Sign
Lakeisha Tilghman

830 Vine St. Apt B
Address

Lakeisha Tilghman
Print and Sign
Dominique Chase

834 Vine St. Apt B
Address

Dominique Chase
Print and Sign
Brian Walden

834 Vine St. Apt B
Address

Brian Walden
Print and Sign

2102 Pupp St.
Address

Hollis Copeland
Print and Sign
Hollis Copeland

830 Vine St. Apt A
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Brenda Giles
Print and Sign

111N Poppleton St
Address

Cynthia CARTER
Print and Sign

117 N poppleton St
Address

Thelma Richardson
Print and Sign

808 W. Lexington St.
Address

Shirley Cooper
Print and Sign

808 W. Lexington St.
Address

RONALD HILL Ronald Hill
Print and Sign

830 Vine Street
Address

Shirley Snowden
Shirley Snowden
Print and Sign

840 Vine Street
Address

Michelle Brown
Michelle Brown
Print and Sign

834 B Vine Street
Address

DEBORAH THOMPSON
Print and Sign

820 VINE ST
Address

Jawona Hill
Print and Sign

112 N Fremont Ave
Address

Lina Bacon
Print and Sign

834 Vine St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Juanita Ware Juanita Ware
Print and Sign

853 W. Lexington Street
Address

Chakene Agnew - Chakene Chakene Agnew - Chakene
Print and Sign

831 W. Lexington Street
Address

Anthony Powell Anthony Powell
Print and Sign

831 W. Lexington St
Address

Katica L. Montgomery Katica L. Montgomery
Print and Sign

831 W. Lexington St.
Address

Charles L. Archer Charles L. Archer
Print and Sign

833 W. Lexington St.
Address

Sharon Waller Sharon Waller
Print and Sign

821 W. Lexington St.
Address

Tamara Sellers Tamara Sellers
Print and Sign

128 N. Summit Ave
Address

Carrie Campbell Carrie Campbell
Print and Sign

128 N. Fremont Ave
Address

Deborah Campbell Deborah Campbell
Print and Sign

830 Vine St.
Address

Chimee Ford Chimee Ford
Print and Sign

830 Vine St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shareen HARGIS

Shareen Hargis

Print and Sign

BARBARA Matthews

1238 Carey St.

Address

Barbara Matthews

Print and Sign

Anthony FORREST

1603 Danville St

Address

Anthony Forrest

Print and Sign

Rhonda FORREST

1344 Winston Ave

Address

Rhonda Forrest

Print and Sign

GREG GREEN

1344 Winston Ave.

Address

Greg Green

Print and Sign

STEVE LONG

1403 Stonewood Rd

Address

Steve Long

Print and Sign

SILVIA Long

1401 Stone wood Rd

Address

Silvia Long

Print and Sign

WARREN LAWSON

1401 Stonewood Rd

Address

Warren Lawson

Print and Sign

DAVID WISE

4917 St. Georges Ave.

Address

David Wise

Print and Sign

Tony Rantin

167 Saratoga St.

Address

Tony Rantin

Print and Sign

210 Tremont Ave.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Wallace Norris
Print and Sign

128 Fremont Ave
Address

Jerry Copeland
Print and Sign

830 Vine St.
Address

Ronald Hill
Print and Sign

830 Vine St.
Address

Hermita McCray
Print and Sign

902 W Lexington
Address

Regina Hubbard
Print and Sign

865 W Lexington
Address

Al Haggins
Print and Sign

818 A Vine St
Address

ERVIN JETT
Print and Sign

1207 Fremont Ave
Address

Alicia Rakes
Print and Sign

833 W. Lexington St apt B.
Address

James Lauer
Print and Sign

811 Lexington St
Address

Alie Herbert
Print and Sign

1600 Spry Ct
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

DERRICK TURRENTINE

Derrick Turrentine

Print and Sign

Demetrius McWayne

2003 Sunnyside Rd

Address

Demetrius McWayne

Print and Sign

505 Sunbridge Ave

Address

Monica Newton

Monica Newton

Print and Sign

Kerisha Gillyum

1400 Burnwood Rd

Address

Kerisha Gillyum

Print and Sign

Mario Lomax

11676 Northbourne Rd

Address

Marlo Lomax

Print and Sign

Willis Whitaker

3833 Kimber Rd

Address

Willis Whitaker

Print and Sign

Beverly Jett

2738 The Alameda

Address

Beverly Jett

Print and Sign

Caron Britt

628 35th St.

Address

Caron Britt

Print and Sign

Natasha Jones

1102 Burnwood Rd

Address

Natasha Jones

Print and Sign

Cecily Johnson

4548 Marble Hill Rd

Address

Wiley Johns

Print and Sign

1660 Skinston Ave

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

James Claxton
James Claxton
Print and Sign

4521 Marble Street Rd
Address

Myckle Claxton
Myckle Claxton
Print and Sign

30 Wheeler Ave.
Address

Joseph Caldwell
Joseph Caldwell
Print and Sign

4012 Marble Street Rd.
Address

Carlton Davis
Carlton Davis
Print and Sign

1900 Wolfe St.
Address

Vernon Floyd
Vernon Floyd
Print and Sign

1623 25th St.
Address

Terry Holton
Terry Holton
Print and Sign

823 Fremont Ave.
Address

Michael Jones
Michael Jones
Print and Sign

1719 Samson Ave.
Address

Deneitra Glenn
Deneitra Glenn
Print and Sign

1634 Northbourne Rd
Address

Aaron Glenn
Aaron Glenn
Print and Sign

1634 Northbourne Rd
Address

Booker Brady
Booker Brady
Print and Sign

1403 Druid Hill Ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Michelle Hall

Michelle Hall

Print and Sign

Kendra Tilghman

1211 Kitmore Rd.

Address

Kendra Tilghman

Print and Sign

Mary Cash

1012 Starwick Ave.

Address

Mary Cash

Print and Sign

Rita Lottin

1102 Ashburton Ave.

Address

Rita Lottin

Print and Sign

Nicole Robinson

4123 Greenwood Rd.

Address

Nicole Robinson

Print and Sign

Jerry Wyatt

931 Bevan St.

Address

Jerry Wyatt

Print and Sign

Juan Johnson

4920 St. Georges Ave

Address

Juan Johnson

Print and Sign

Thomas Bennett

1921 St Georges Ave.

Address

Thomas Bennett

Print and Sign

Darrick Chase

2631 West Park Drive

Address

Darrick Chase

Print and Sign

Willie Covington

2416 Harlem Ave.

Address

Willie Covington

Print and Sign

533 Sheridas Ave.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

DAVID MORRIS

David Morris

Print and Sign
Donyel Smith

514 Winston Ave.

Address

Donyel Smith

Print and Sign

ERIC LYLES

1058 Argyle Ave

Address

Eric Lyles

Print and Sign

Jemeion Fedd

4603 Gutman Ave

Address

Jemeion Fedd

Print and Sign

MARY BURGESS

1811 Chase St.

Address

Mary Burgess

Print and Sign

KON TAYLOR

1339 Winston Ave

Address

Kon Taylor

Print and Sign

Gunder Brown

1329 Winston Ave.

Address

Gunder Brown

Print and Sign

ROSE MURRAY

273 Herring Court

Address

Rose Murray

Print and Sign

TARA TURNER

124 Rosciter Ave Apt C

Address

Tara Turner

Print and Sign

CAROLYN WINGATE

1666 Burnwood Rd

Address

Carolyn Wingate

Print and Sign

351 2 1/2 St.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

TRINA Williams

Trina Williams

Print and Sign

1034 Pratt St.

Address

Carlos Rouse

Carlos Rouse

Print and Sign

1636 Smallwood St

Address

Cheryl Dixon

Cheryl Dixon

Print and Sign

5911 Arnhem Rd

Address

DARIA Washington

Daria Washington

Print and Sign

5920 Hillers Rd.

Address

Carmelita Jackson

Carmelita Jackson

Print and Sign

1333 Winston Ave.

Address

LISA RYOR

Lisa Ryor

Print and Sign

1332 Winston Ave.

Address

Alicia Watkins

Alicia Watkins

Print and Sign

1332 Winston Ave.

Address

Kimia Collins

Kimia Collins

Print and Sign

402 27th St.

Address

Jennifer Anderson

Jennifer Anderson

Print and Sign

19 Swan St.

Address

Danielle Johnson

Danielle Johnson

Print and Sign

80 Spring St.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

SHIRLEY FREDERICK

Shirley Frederick

Print and Sign

Shela Frederick

222 Lorraine Ave

Address

Shela Frederick

Print and Sign

Kevin Coleman

222 Lorraine Ave.

Address

Kevin Coleman

Print and Sign

Janielle Pointer

830 Vine St. Apt B

Address

Janielle Pointer

Print and Sign

Viola Hughes

838 Vine St. Apt A.

Address

Viola Hughes

Print and Sign

TREVOR Cheezum

669 Etting St.

Address

Trevor Cheezum

Print and Sign

Drew Cheezum

153 Lombard St.

Address

Drew Cheezum

Print and Sign

Leslie Richmond

153 Lombard St.

Address

Leslie Richmond

Print and Sign

Mary Nelson

7113 York Rd

Address

Mary Nelson

Print and Sign

Bernice Willis

2741 Druid Hill Ave.

Address

Bernice Willis

Print and Sign

1034 Pratt St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jackie LIEVERS

Jackie Livers

Print and Sign

206 Helmore St

Address

Everette Hill

Everette Hill

Print and Sign

205 Helmore St 3rd floor

Address

CHEAQUE' GAY

Cheaque' Gay

Print and Sign

2910 Lakebrook Circle Apt 303

Address

Nicole Thompson

Nicole Thompson

Print and Sign

2918 Lakebrook Circle Apt 301

Address

Angie Goode

Angie Goode

Print and Sign

2503 Calvert St.

Address

TAVON FREDERICK

Tavon Frederick

Print and Sign

822 Airaine Ave.

Address

Delroy Campbell

Delroy Campbell

Print and Sign

105 Poppleton St

Address

TRINA LYLES

Trina Lyles

Print and Sign

1112 Sarah Ann St.

Address

Pat Washington

Pat Washington

Print and Sign

812 Lexington St.

Address

MELVIN HARGIS

Melvin Hargis

Print and Sign

2910 Lakebrook Circle Apt 303

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Debbie Michie

Print and Sign

808 Lexington

Address

Brenda Green

Print and Sign

825 W. Lexington St.

Address

Annabell Davis

Print and Sign

816 Vine Street

Address

Bonita Webster

Print and Sign

818 Vine Street

Address

Dorothy Brauner

Print and Sign

848 Carberry Ln

Address

Annette Williams

Print and Sign

860 Vine St

Address

VAN DUPREE

Print and Sign

8755 W. LEXINGTON ST

Address

MELBA BURLEY

Print and Sign

867 W. LEXINGTON ST

Address

GORDON RICHARDS

Print and Sign

225 N. SCHROEDER ST

Address

KAREN DAVIS / KAREN DAVIS

Print and Sign

813 W. Lexington St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

La Donna Lacks

La Donna Lacks

Print and Sign
EVE JONES

1302 Kilmore Rd

Address

Eve Jones

Print and Sign

Kimyatta Rogers

937 Castle St.

Address

Kimyatta Rogers

Print and Sign

Jamie Winder

3300 Westward Ave.

Address

Jamie Winder

Print and Sign

Shauntay Brown

4608 Marble Hill Rd

Address

Shauntay Brown

Print and Sign

Timmy Braswell

1118 Franklin St.

Address

Timmy Braswell

Print and Sign

GREGORY BEAN

5000 Forrest Park Ave.

Address

GREGORY BEAN

Print and Sign

Jamie King

1353 Stonewood Rd

Address

Jamie King

Print and Sign

GREG LANE

2200 Aiken St.

Address

GREG LANE

Print and Sign

DOZIER JONES

1717 Wadsworth Way

Address

DOZIER JONES

Print and Sign

912 Lyndhurst

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Beulah Johnson

Beulah Johnson
Print and Sign

Bernard Gonzales

Bernard Gonzales
Print and Sign

Leslie Freeman

Leslie Freeman
Print and Sign

Wayne Forbes

Wayne Forbes
Print and Sign

Walter Ferguson

Walter Ferguson
Print and Sign

Carroll Evans

Carroll Evans
Print and Sign

Peter Dean

Peter Dean
Print and Sign

Christopher Corbett

Christopher Corbett
Print and Sign

Rebecca Corbett

Rebecca Corbett
Print and Sign

Mable Copeland

Mable Copeland
Print and Sign

2210 Saratoga St.
Address

1800 Lafayette Ave
Address

1700 Spring St.
Address

913 Gorsuch Ave.
Address

1710 Hillenwood Rd.
Address

3722 Boorman Ave.
Address

2431 Washington Blvd.
Address

3505 Calvert St
Address

3505 Calvert St.
Address

2013 Clayton Ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

COREY Tilghman
Corey Tilghman
Print and Sign
Robert Clarke

834 W. Vine Street
Address

Robert Clarke
Print and Sign
Raywood Bradley

1260 Guildford Ave
Address

Raywood Bradley
Print and Sign
Deborah Bradley

1625 Milton Ave
Address

Deborah Bradley
Print and Sign
Jeffrey Marshall

1625 Milton Ave.
Address

Jeffrey Marshall
Print and Sign
Diane Marshall

828 33RD St.
Address

Diane Marshall
Print and Sign

828 33RD St
Address

Joanne Chapman
Joanne Chapman
Print and Sign

844 Carberry Lane
Address

Régina Handford
Print and Sign

1892 Vine Street
Address

Mary Rich Boring
Mary Rich Boring
Print and Sign

3001 Wayne St
Address

Barbara Mathfe
Barbara Mathfe
Print and Sign

2019 Vince avenue
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jackie Turner

Print and Sign

3821 Cranston Ave

Address

Harold Turner

Print and Sign

3821 Cranston Ave

Address

Bunny Brown

Print and Sign

857 W. Lexington St

Address

Margaret Brown

Print and Sign

515 Warner St.

Address

Latima Jewell

Print and Sign

831 W. Lexington St

Address

Cherry Thomas

Print and Sign

755 31/2 Lexington St.

Address

Bonita Webster

Print and Sign

818 N. Vine St.

Address

Evelyn Smith

Print and Sign

774 W. Fayette St.

Address

Arthur Peacock

Print and Sign

776 W. Fayette St.

Address

Sharon Walker

Print and Sign

821 W. Lexington St.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Lisa Cooper
Print and Sign

811 W. Lexington St
Address

Ernestine Debo
Print and Sign

128 N Fremont Ave Apt C
Address

Tammy Davis
Print and Sign

841 W Lexington St
Address

Caroline Beverly
Print and Sign

841 W Lexington St
Address

Keya Hill
Print and Sign

841 W Lexington St
Address

Thomas Davis
Print and Sign

851 W Lexington St
Address

Steven Searley
Print and Sign

906 W Lexington
Address

Katricia Ann Searley
Print and Sign

906 W Lexington St Apt 4
Address

Kongell Brown
Print and Sign

846 Carberry Lane Apt A
Address

Eugene Whiting
Print and Sign

701 W Mulberry St Apt 210
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Charlene Charles
Print and Sign

831 W. Lexington St
Address

Yvonne Abouq
Print and Sign

130 Fremont Ave
Address

Timothy WHITFIELD
Print and Sign

818 VINE ST
Address

Jackie Barker
Print and Sign

755 W Lexington apt 701
Address

Bobby McKinney
Print and Sign

755 W. Lexington St apt 1002
Address

Kevin Knight
Print and Sign

823 W Lexington St
Address

Lemuel Thomas
Print and Sign

221 N. Fremont Ave.
Address

James Knight
Print and Sign

317 N. Cabron St.
Address

Aprilia Hunt
Print and Sign

701 W. mulberry St #1108
Address

Charles Allen
Print and Sign

800 W Lexington ST
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

BRENDA PORTER

Print and Sign

842 FAYETTE ST.

Address

TABITHA MOORE

Print and Sign

755 E HAYETT ST

Address

GILBERT SATTERWHITE

Print and Sign

806 VINE

Address

ALANA SMITH

Print and Sign

910 SARATOGA ST.

Address

D. ALICE ANES

Print and Sign

410 W FRANKLIN SE

Address

DEBORAH JACKSON

Print and Sign

764 W. Saratoga St.

Address

SHIRLEY TROTMAN

Print and Sign

202 N FREMONT AVE

Address

Gwendolyn Jones

Print and Sign

221 N. Fremont Ave

Address

Wayne White

Print and Sign

800 WEXINGTON

Address

CEDRIC ALLEN

Print and Sign

221 N. FREMOUNT

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Tarsha Barnes Tarsha Barnes 221 N. Fremont Ave Apt 1210
Print and Sign Address

Antonio Thompson Antonio Thompson 221 N. Fremont Ave apt 1210
Print and Sign Address

Quandara Blanford 221 N. Fremont Apt 1003
Print and Sign Address

Charles Cooper 221 N. Fremont Apt 1003
Print and Sign Address

Randy Cook 221 N. Fremont Apt 1004
Print and Sign Address

Marcia Turner Marcia Turner 765 W 30th St
Print and Sign Address

Merice Batts 806 Vine St.
Print and Sign Address

Naemeh Zalla 806 Vine St.
Print and Sign Address

James Cooper 627 S Homack St
Print and Sign Address

Gerald McFadden 6 Henley Ct.
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Stephanie Johnson
Print and Sign

770 W. Saratoga St.
Address

TYRONE CARTER
Print and Sign

3702 HARLEM AVE
Address

Vernette Louden
Print and Sign

904 W. Lexington Apt #11
Address

Verrell Louden
Print and Sign

214 N. Amity St.
Address

Maurice Louden
Print and Sign

214 N. Amity St.
Address

Sarguidine Louden
Print and Sign

214 N. Amity St.
Address

Wmi Robinson
Print and Sign

2395 Seamon Ave
Address

Danielle Robinson
Print and Sign

1903 W. Baltimore St
Address

Monique McCloud
Print and Sign

1606 W. Canvale St
Address

Kelly Turner
Print and Sign

1606 W. Canvale St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Cornelius Marshall
Print and Sign

904 West Lexington ST
Address

Lenny Campbell
Print and Sign

830 Vine St Apt. A.
Address

Vanessa Nelson
Print and Sign

524 Artlighter Ave.
Address

James Branch
Print and Sign

3007. Melrose St.
Address

Patricia Pettiford
Print and Sign

832 Vine St.
Address

Ursula Williams
Print and Sign

812 Vine St.
Address

Lisa Smith
Print and Sign

251 Fremont AVE
Address

Merle Dole
Print and Sign

1613 Olive St
Address

Mynera Whitaker
Print and Sign

2738 The Seameda
Address

Jammie Williams
Print and Sign

701 W. Mulberry Street
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

05 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Wayne A. Oliver (Wayne Oliver) 124 N. Fremont Ave Apt 124A
Print and Sign Address

Edith E. Conner 804 Fayette St A02
Print and Sign Address

Jamie Brown 804 W. Fayette St ¹⁰ 3
Print and Sign Address

Jerry Ellen 733 W Saratoga St
Print and Sign Address

Geraldine Garris (Geraldine Garris) 136 N. Fremont Avenue
Print and Sign Address

Leborah Johnson (Leborah Johnson) 130 N. Fremont Ave
Print and Sign Address

Linda Epps (Linda Epps) 207 N. Amity St.
Print and Sign Address

David Young 120 N. Fremont St.
Print and Sign Address

Sean Powell 122 N. Fremont St
Print and Sign Address

JARVIS DOUGHTY 118 N FREMONT St
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

05 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Latricia Harmon Patricia Harmon
Print and Sign

106-A N. Fremont Ave
Address

SEAN Douglas
Print and Sign

4620 mansordense Rd
Address

KEVIN LOCKHART
Print and Sign

317 N Calhoun St
Address

Claude Maryo
Print and Sign

1722 Argyle ave
Address

Penny Williams
Print and Sign

1020 Bruce St.
Address

TONY Brown Tony Brown
Print and Sign

864 W Fearley St.
Address

Eugene Whiting
Print and Sign

701 W molberry st
Address

Sharica Greenwood
Print and Sign

834 W. Fayette St.
Address

Briggett Vines
Print and Sign

701 W. molberry st
Address

Corey Jones
Print and Sign

1424 Prestman St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

05 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharon Langley
Print and Sign

108 Redbird Ave.
Address

Joanna Campbell
Print and Sign

2933 Tena Avenue
Address

Terna Pas
Print and Sign

857 Lexington
Address

Antoinette Wise
Print and Sign

231 W. Fremont Ave Apt 207
Address

Bryan Purkey
Print and Sign

2367 Seaman Ave
Address

Michelle N. Thomas
Print and Sign

612 W. Lexington St 2
Address

Lisa Anne
Print and Sign

756 N. Fayette St.
Address

Shawn Booker
Print and Sign

2446 Joseph Ave
Address

Robert Booker
Print and Sign

221 W. Fremont Ave 207
Address

Ronald Booker
Print and Sign

1400 Hollis St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Donyell Brown

Donyell Brown
Print and Sign

846 Carberry Ln.
Address

Kevin Ben

Kevin Ben
Print and Sign

104 N. Poppleton St.
Address

Russella Horton
Print and Sign

121 N Poppleton St.
Address

~~Mary Cates~~
Print and Sign

Address

Mamie Gilmore
Print and Sign

869 Lexington
Address

Aileen Bryant
Print and Sign

126 N Poppleton St
Address

Cynthia Bryant
Print and Sign

126 N poppleton - st
Address

Vertina Jones
Print and Sign

846 Carberry Lane
Address

Olessa Canada
Print and Sign

865 W Lexington St
Address

Rhonda Brown
Print and Sign

860 Vine St APT B
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Brenda Miles
Print and Sign

111 N Poppleton St
Address

Phyllis Fernandez
Phyllis Fernandez
Print and Sign

104 N. Fremont Ave
Address

Ladernmore Coilmore
Ladernmore Coilmore
Print and Sign

869 Lexington St Apt A
Address

Ernestine Debro
Print and Sign

128 N Fremont Ave ^{Apt} C
Address

Mrs. Dolores Mason
Print and Sign

806 Vine St Apt B
Address

Jackie Brown
Print and Sign

946 Carberry Lane Apt A
Address

Deborah Null
Print and Sign

814 Vine St apt A
Address

Sax Ann Mason
Print and Sign

1163 Carroll St.
Address

Kenya Davis
Print and Sign

863 W. Lexington St
Address

Cornelia Ellis
Cornelia Ellis
Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Luce Wallace
Print and Sign

823 1/2 Saratoga St #6
Address

Tommy Davis
Print and Sign

841 W Lexington St.
Address

Furman Lowmy
Print and Sign

7924 Westwood Ave
Address

Sheila Powell
Print and Sign

1104 Abbott Ct
Address

Paula Y. Perry Paula Gley
Print and Sign

838 Vine St. Apt. B
Address

James Jones
Print and Sign

810 W Lexington St.
Address

Ronald Gano
Print and Sign

904 W Lexington St
Address

Althea Coleman
Print and Sign

775 W. Mulberry St
Address

Lusie Gaither
Print and Sign

1320 W W. Lexington St
Address

Valencia Powell
Print and Sign

11021 Abbott St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Katherine McKnight 701 W. Mulberry St APT 107
Print and Sign Address
~~Katherine McKnight~~

Nena Smith 81 Saratoga St
Print and Sign Address

GRONDA CARTER 791 W Saratoga St
Print and Sign Address

DORC WALKER _____
Print and Sign Address

Janet Harrington 843 Lexington St.
Print and Sign Address
~~Janet Harrington~~

Diona Harrington 843 Lexington St.
Print and Sign Address
~~Diona Harrington~~

Phyllis Fernandez 104 Fremont ave.
Print and Sign Address
~~Phyllis Fernandez~~

Mamie Gilmore 869 W. Lexington St. #A
Print and Sign Address
~~Mamie Gilmore~~

Irvin Jones 749 W. Saratoga St
Print and Sign Address
~~Irvin Jones~~

Monica Lucon 755 W. Lexington St.
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

MARIE RICHARDSON
Print and Sign

131 N Aisquith St. ^{APT} 4D
Address

William T. BAKER JR.
Print and Sign

131 N. Aisquith ST. 4D
Address

Mike Brown
Print and Sign

131 N. Aisquith St ^{APT} B
Address

CHARLES JOHNSON
Print and Sign

1202 W. FAYETTE ST.
Address

Pat William
Print and Sign

Dot Wedd
Address

JACKIE ALLEN
Print and Sign

1203 RIGGS AVE
Address
APT 808 221 N. Fremont

Mary Jones
Print and Sign

and Mary Chesboro
Address

Mary Jones
Print and Sign

221 Fremont Ave.
Address

Print and Sign

TONY LUCAS
105 N Anity St
Address

Kiana Black
Print and Sign

842 30. Vine St ^{APT B}
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jessie [Signature]
Print and Sign

221 W. Fremont Ave.
Address

Sherry Hural
Print and Sign

108 W. Fremont Ave
Address

[Signature]
Print and Sign

732 W. Saratoga St
Address

Miketo Johnsons
Print and Sign
Robert Brown

812 W. Lexington
Address

Robert Brown
Print and Sign

818 B. W. Fayette St.
Address

Angaleque David
Print and Sign

898 Vine St.
Address

Brenda Capers
Print and Sign

823 W. Saratoga St.
Address

Eardene Cox
Print and Sign

771 W. Saratoga St.
Address

LaRae Green
Print and Sign

915 W. Fayette St
Address

Tracey Harper
Print and Sign

944 Abbott Ct
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Trinity Davis
Print and Sign

841 W Lexington
Address

Stephanie Thomas
Print and Sign

701 W Mulberry
Address

Muriel Lopez
Print and Sign

701 W Mulberry apt 205
Address

Greg Jones
Print and Sign

424 Reservoir St
Address

Charles P Williams
Print and Sign

202 N Fremont Ave #18
Address

Maria Bentley
Print and Sign

119 N Poppleton St
Address

Cynthia Carter
Print and Sign

117 N Poppleton St
Address

Eric Brown
Print and Sign

834 Vine St.
Address

LESA McCray
Print and Sign

135 W Lexington St
Address

Mary West Mary West
Print and Sign

2116 W Saratoga St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Dee Dee Rector
Print and Sign

258 W ~~Lexington~~ Lexington
Address

PAUL GLADDEN
Print and Sign

1137 SARATOGA
Address

SHAWN FRANK
Print and Sign

1137 Saratoga
Address

MAMIE J Waugh
Print and Sign

507 N. Amity St #17
Address

LA'chelle Taylor
Print and Sign

757 W. Saratoga Street
Address

Denise Little
Print and Sign

455 W. Lexington St 801
Address

Janeen Medington
Print and Sign

755 W. Lexington St 1103
Address

Jacqueline Linder
Print and Sign

214 Amity St
Address

Nelson Thomas
Print and Sign

214 Amity St
Address

Tarsha Barnes Vasha Barnes
Print and Sign

221 N. Fremont 1100 Apt
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Robin Scott
Print and Sign

806 W Lexington St #6
Address

Antoinette Dutton
Print and Sign

839 W. VINE St.
Address

JoAnn Boone
Print and Sign

770 W. Saratoga St. #707
Address

Ernest Maxwell
Print and Sign

1421 Pressman St.
Address

Ernest Maxwell
Print and Sign

2910 Lakebrook Circle Apt 808
Address

Keisha Jones
Print and Sign

221 N. Fremont Ave #805
Address

Mary Ann
Print and Sign

184 Freeman + Ave Apt #
Address

Deborah Johnson Deborah Davis
Print and Sign

849 Carberry Lane
Address

MARY TATE
Print and Sign

821 W. Saratoga St #7
Address

Robin Rollins
Print and Sign

770 W. Saratoga St #1107
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

G. MILTON Pines
G. Milton Pines
Print and Sign

810 W. Lexington St. APT 5
Address

Cynthia McCormick
Cynthia McCormick
Print and Sign

770 W. Saratoga St.
Address

Jackie Walker
Jackie Walker
Print and Sign

237 N. Fremont
Address

Eric Creshaw
Eric Creshaw
Print and Sign

1806 Etting Street
Address

Theresa Massaux
Theresa Massaux
Print and Sign

806 Vine St.
Address

Paul Wright
Paul Wright
Print and Sign

806 W. Lexington St.
Address

Vestura Cockrell
Vestura Cockrell
Print and Sign

810 W. Lexington St
Address

Central E. JENNINGS
Central E. Jennings
Print and Sign

823 W. Saratoga St #8
Address

Ruth Jackson
Ruth Jackson
Print and Sign

723 W SARATOGA ST.
Address

VAN DUPREE
Van Dupree
Print and Sign

755 W. LEXINGTON ST
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

CALVIN VAUGHN
Print and Sign

757 W. SARATOGA ST
Address

Jill Jones
Print and Sign

302 N. FREMONT AVE
Address

Wendy Brown
Print and Sign

100 N. FREMONT AVE.
Address

Sheronda Horne
Print and Sign

756 W. Fayette Street
Address

Genaroll A. Hooks
Print and Sign

3013 Herbert Street
Address

Carl Connolly
Print and Sign

221 FREMONT AVE POT 404
Address

Rydell Davis
Print and Sign

290 N. Fremont Ave
Address

ERIK THOMAS
Print and Sign

701 W. MULBERRY ST. #110
Address

Rhonda Nobles
Print and Sign

128^W Franklin St.
Address

Ernestine Debro
Print and Sign

128 N. Fremont Ave APT C
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Scarlette B. Reed

Print and Sign

844 West Fayette St.

Address

Patricia Gaithe

Print and Sign

808 West Lexington Apt 7

Address

Jeanise Atkins

Print and Sign

841 Lexington St

Address

Katica Montgomery

Print and Sign

831 W. Lexington St.

Address

Fannie Williams

Print and Sign

701 W. Mulberry St.

Address

Emmy Davis

Print and Sign

841. W Lexington St

Address

Leonard Tennessee

Print and Sign

Housing Police Lex. Sub-Station

Address

Lois Russell

Print and Sign

Russell's 24/7 Bail Bonding

Address

Dorothy Broadway

Print and Sign

755 Lexington Street

Address

Dorothy Rusk

Print and Sign

701 W Mulberry St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

GLORIA FREEMAN
Print and Sign

221 W. Fremont AVE. #1208
Address

Dale E Sweet
Print and Sign

835 W Lexington St
Address

Cax L Amat
Print and Sign

855 W Lexington
Address

Tommy Davis
Print and Sign

841 W Lexington St
Address

ANGELA JACKSON / Angela Jackson
Print and Sign

812 W. Lexington
Address

WANDA DRAPER
Print and Sign

755 W Lexington St
Address

Shawanda Dews
Print and Sign

751 W Lexington
Address

Ernestine Debre
Print and Sign

128 N Fremont Ave APT C
Address

ROCHAEZ F. ENRIE / Rochaez Enrie
Print and Sign

1600 KURTZMAN AVE APT 1005
Address

Lynette Stokes
Print and Sign

912 W. Cuyote Street.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sandra Brooks
Print and Sign

809 W Lexington
Address

Skema Rogers
Print and Sign

802 3/4 Lexington
Address

Jermaine
Print and Sign

Address

Dante jone
Print and Sign

2224 GARRISON Blvd
Address

Wons Simpson
Print and Sign

729 N Fulton
Address

Carole West
Print and Sign

831 W. LEXINGTON
Address

SHERRY TOWNSEND
Print and Sign

524 NORMANDY AVE
Address

Tammy Davis
Print and Sign

841 W Lexington
Address

Michelle DANE
Michelle DANE
Print and Sign

841 W. FAYETTE St.
Address

Tony Brown
Print and Sign

770 W. Saratoga St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Rence Barnes
Rence Barnes
Print and Sign

812 W Lexington St Apt 13
Address

FRANCINE HARRIS BRY
FRANCINE HARRIS BRY
Print and Sign

701 W. MULBERRY ST.
Address

DORIS KEARNEY
Doris Kearney
Print and Sign

BALTO. MD., 21201
1708 East Street.
Address

WILLIE LEE
Willie Lee
Print and Sign

709 Lager St
Address

Tamika will
Print and Sign

825 W Lexington
Address

Jame Robinson
Jame Robinson
Print and Sign

701 Mulberry St
Address

[Signature]
Print and Sign

1928 W Canute St.
Address

Joy Elizabeth Foster
Joy Elizabeth Foster
Print and Sign

221 N Fremont Ave Apt 1207
Address

Andrea Thomas
Andrea Thomas
Print and Sign

945 Lexington St.
Address

Gloria Townsend
Gloria Townsend
Print and Sign

221 N. Fremont Ave Apt 209
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Isha Wilson
Print and Sign

701 W. Mulberry St #905
Address

Sh
Print and Sign

Address

Regina Burns
Print and Sign

755 W. Lexington St #PT 709
Address

Shanon Waller
Print and Sign

821 W. Lexington St.
Address

Melika Jordan
Print and Sign

847 W. Lexington St
Address

Shirley Williams
Print and Sign

755 W. Lexington St. #1103
Address

SOAN Handy
Print and Sign

804 W. Lexington St
Address

Lynne Ray
Print and Sign

870 W. Fugate Street
Address

Beverly Briggs
Print and Sign

734 W. Lexington St.
Address

Doris Brown
Print and Sign

805 West Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

ALESTIA PARKER
Alestia Parker
Print and Sign

701 W. Mulberry St.
Address

MARY MAUD
Mary Maud
Print and Sign

770 W. Spouting St
Address

Elsaine Epps
Elsaine Epps
Print and Sign

861 West Lexington St
Address

Fredric Pratt
Fredric Pratt
Print and Sign

806 W. Lexington St. Apt. 13
Address

Beverly Clayton
Beverly Clayton
Print and Sign

806 W. Lexington St APT. 8
Address

TERI McCutcheon
Teri McCutcheon
Print and Sign

2966 CHERRY LAWN ROAD
Address

Ernest & Shaw
Ernest & Shaw
Print and Sign

1121 NORTH CAROLTON AVENUE
Address

Dajuan Felder
Dajuan Felder
Print and Sign

202 apartment
15 Fremont Ave.
Address

Courtney Williams
Courtney Williams
Print and Sign

814 Vine St.
Address

TYRA S. Lee
Tyra S. Lee
Print and Sign

755 W. Lexington St. #903
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Joy Ray
Print and Sign

701 W. Mulberry St
Address

Kim Humphries
Print and Sign

370 W. Fayette St.
Address

Sandra Keres
Print and Sign

221 N. Fremont Ave 1110
Address

Larza Sexton
Print and Sign

251 N. Fremont Ave 870
Address

Earl Paul
Print and Sign

760 W. Fayette St 3201
Address

Russell B. Wiley
Print and Sign

3316 West Fayette St
Address

Denise JONES
Print and Sign

701 W. Mulberry St
Address

Freddie JONES
Print and Sign

701 W. Mulberry St
Address

Haywood Smith
Print and Sign

701 W. Mulberry St.
Address

Glenn Hart
Print and Sign

817 Edmondson
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Ebony Wright
Ebony Wright

Print and Sign

SHERROD

755 W. Lexington St. Apt 502

Address

SHERROD JACKSON

Print and Sign

221 N. FREMONT AVE.

Address

HAREN PARKER

Print and Sign

221 N. FREMONT AVE.

Address

Ronnie Parker

Print and Sign

916 W. Fayette St

Address

DONALDA BROOK

Print and Sign

916 W Fayette St

Address

Candy Mason

Print and Sign

841 W. Lexington St.

Address

Myeshia Williams

Print and Sign

755 W. Lexington St #607

Address

Sandra Newman

Print and Sign

755 W Lexington St

Address

F. Collins

Print and Sign

755 W. Lexington St

Address

Norma P. [Signature]

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Yvonia McDaniel
Print and Sign

818a Vine Street
Address

Vivica Chase
Print and Sign

818a Vine Street
Address

Deborah Neal
Print and Sign

814 Vine Street apt. A
Address

Allen Jaynes
Print and Sign

755 w Lexington
Address

Mario Bentley
Print and Sign

119 N Poppleton St
Address

Vanessa Adams
Print and Sign

1507 W. Fairmount
Address

Ernestine Debra
Print and Sign

128 N Fremont Ave Apt C
Address

Tammy Brittle
Print and Sign

830 W. Vine St.
Address

Lawrence Brooks
Print and Sign

800 W Lexington St.
Address

Lyette Chow
Print and Sign

843 W. Vine St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shirley Roberts
Print and Sign

849 W. Lexington St. APT A
Address

KAREN Johnson
Print and Sign

221 N. Fremont Ave
Address

Antoinette Wise
Print and Sign

221 N. Fremont Ave
Address

NARRIE Johnson
Print and Sign

221 N. Fremont Ave
Address

Tom Smith
Print and Sign

940 W. Mulberry St.
Address

Carolyn Smith
Print and Sign

101 N Poppleton St.
Address

K. Baylon
Print and Sign

850 W. Fayette St
Address

SHARON WALLER
Print and Sign

821 W. Lexington St
Address

Will HASKINS
Print and Sign

126 N Poppleton St
Address

EARL EADS
Print and Sign

231 N Fremont ave
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shawn Pringle
Shawn Pringle
Print and Sign

4176 Apelman Ave
Address

Lisa Hope
Lisa Hope
Print and Sign

746 W. Fayette St.
Address

DEICK SHAW
Print and Sign

1112 N STOCKTON ST.
Address

E-Scott
Print and Sign

1116 N STOCKTON ST
Address

Robin Lipscomb
Robin Lipscomb
Print and Sign

859 Lexington
Address

Jenny Stephen
Print and Sign

870 W. Fayette St.
Address

Lauri Jarvis Bay
Print and Sign

Levi
Levi
Print and Sign

1922 Division St.
Address

Chantel Moore
Print and Sign

202 N. Fremont Ave.
Address

Robin Jennifer
Robin Jennifer
Print and Sign

755 W. Lexington St.
Address

100

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

KAROL BUISE
Print and Sign

2218 BALTIMORE ST^h
Address

Lacey Woolridge
Print and Sign

307 West Lexington St.
Address

Janet Brown
Janet Brown
Print and Sign

755 Lexington St.
Address

Sheila Jones
Print and Sign

1424 Resman St.
Address

Jeanne Gumes
Print and Sign

818 Vine St
Address

Moses Jennings
Print and Sign

804 W. Genesee St
Address

Byron Alexander
Print and Sign

904 W. Lexington
Address

Don Paul
Print and Sign

3618 Hillier Rd.
Address

ANDINETTE RILES
Print and Sign

1035 FULTON AVE.
Address

Denitta Parrine
Print and Sign

905 W. Lexington
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Donald Kosh
Print and Sign

2111 GARRISON Blvd
Address

Rodney E. Wooder
Print and Sign

755 W. Lexington St
Address

Joseph Vins
Print and Sign

755 Lexington #702
Address

Latasha Brown
Print and Sign

823 Fayette St
Address

Rasaul Coleman
Print and Sign

705 N Fremont Ave
Address

Justin S. Brant
Print and Sign

835W Lexington St
Address

LARRY C JONES
Print and Sign

221 N FREMONT APT 705
Address

LORRETTA-IMAN
Print and Sign

735 Lexington St. 306
Address

MAURICE HOWARD
Print and Sign

221 N FREMONT APT 501
Address

Gloria Plaster
Print and Sign

755W, Lexington St, - 307
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharon Barnes
Print and Sign

755 Lexington 510
Address

Gina Jones
Print and Sign

799 Saratoga St.
Address

Libby Wilson
Print and Sign

703 Saratoga St.
Address

Biggett Vines
Print and Sign

755 Lexington #702
Address

Carla Barnes
Print and Sign

204 N. Fremont ³⁰⁵
Address

Cindy Allen
Print and Sign

541 N Fremont ³⁰⁵
Address

Wilbert Harris
Print and Sign

120 S Canton
Address

Helen McNeill
Print and Sign

Helen McNeill 902 W Lexington St #8
Address

Mae Blackwell
Print and Sign

Mae Blackwell 902 W Lexington St #9
Address

Monica Clayborne
Print and Sign

Monica Clayborne 901 N Saratoga St #7
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Rhonda Jones
Print and Sign

808 W. Lexington St #9
Address

J. Green
Print and Sign

812 W. Lexington St #6
Address

J. Green
Print and Sign

812 W. Lexington #6
Address

C. Toliver
Print and Sign

812 W. Lexington #6
Address

D. Cooper
Print and Sign

812 W. Lexington #6
Address

B. Teal
Print and Sign

221 N Fremont Ave.
Address

Valerie Webb
Print and Sign

221 N. Fremont Ave #4
Address

Calvin Noii
Print and Sign

432 Oxford Court
Address

ANNETTE RILES
Print and Sign

1035 FALTON AVE
Address

MARTIN HINKSON
Print and Sign

785 LEXINGTON
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

JAMIL OWENS

Print and Sign

755 LEXTON TR

Address

Sheneq Webb

Print and Sign

221 Fremont Ave #2

Address

Kim Humphries

Print and Sign

1700 Euton Place #3E

Address

Charles Humphries

Print and Sign

870 W. Fayette St.

Address

Paulette Scott

Print and Sign

770 W. Saratoga St. #209

Address

Charlotte Mann

Print and Sign

906 Lexington St. #1

Address

PISA RIVERS

Print and Sign

505 Half Mile Ct.

Address

Janerio Mason

Print and Sign

505 Half Mile Ct.

Address

Shane Green

Print and Sign

701 N. Mulberry St

Address

Frances Patterson

Print and Sign

204 N. Fremont Ave

Address

Frances Patterson

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shen M. Woodz
Print and Sign

755 W. Lexington St
Address

Leanne Bangerfield
Print and Sign

801 W Lexington St
Address

Rickey Tate
Print and Sign

221 Fremont Ave
Address

Shachi Roper
Print and Sign

531 N. Fremont Ave.
Address

Nicola White
Print and Sign

5502 RUGER'S AVE.
Address

Raymond A McKenzie
Print and Sign

755 W. Lexington St.
Address

Willie Mae Burroughs
Print and Sign

731 West Lexington St
Address

LORIE SIMMONS
Print and Sign

770 W. Saratoga St
Address

KAREN DAVIS Karen Davis
Print and Sign

802 W Lexington St
Address

Kimberly Fortune Kay Fortune
Print and Sign

864 W. Myrtle St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Demetrius E. Cain 950 W Lexington St
Print and Sign Address

James Demary 900 W. Lexington St.
Print and Sign Address

Eric Thomas 901 W. Lexington St #100
Print and Sign Address

ANTHONY FAISON 804 S.W.F Lexington
Print and Sign Address

Faith McDowell 755 W Lexington St #201
Sally Maxwell
Print and Sign Address

Gyresha Thomas 701. W. Mulberry St. ^{APT 210}
Print and Sign Address

DAVID PAINE 785 W. MULBERRY ST APT. 2B.
Print and Sign Address

Donta Sampson 825. W. Lexington St.
Print and Sign Address

HERESA MUST 3935 Greenmount AVE
Print and Sign Address

Leslie Solomon 202 W. Fremont Ave
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Beverly Brock
Print and Sign

761 SW. Fayette St
Address

Donna Kelly
Print and Sign

764 SW. Fremont Ave.
Address

Tracy Widman
Print and Sign

955 W. Lexington St 707
Address

Inez Bates Tracy
Print and Sign

755 W. Lexington St,
Address

Joy Conaway
Print and Sign

755 W. Lexington
Address

bin Day
Print and Sign

755 Lexington
Address

Barbara McKenny
Print and Sign

755 Lexington
Address

Jackie Parker
Print and Sign

755 W. Lexington
Address

Karen Parker
Print and Sign

755 W. Lexington
Address

Paulette Parker
Print and Sign

755 N. Lexington
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

[Signature]
Print and Sign

913 [Signature]
Address

Wm [Signature] 206
Print and Sign

1059 W Fayette St
Address

Michale Maxwell
Michelle Maxwell
Print and Sign

755 W. Lexington st
Address

Steve Jackson
Print and Sign

728 W. Saratoga St
Address

Rona Peter
Print and Sign

815 W. Saratoga St #4
Address

[Signature] 100
Print and Sign

5114 Pensacola Ave.
Address

CALVIN VAUGHN
Print and Sign

757 W. SARATOGA ST
Address

Josie Richardson
Print and Sign

1005 Lexington St.
Address

Theresa Branch
Print and Sign

111 North AME St.
Address

Sharron Waller 100
Print and Sign

821 Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

David T. Bell
Print and Sign

755 W. Lexington St Apt. 801
Address

Dorothy Broadway
Print and Sign

755 W Lexington St Apt # 706
Address

Georgette Cephas
Print and Sign

755 W Lexington St Apt 607
Address

Haywood Bell 600
Print and Sign

755 W. Lexington St 806
Address

Christina Williams
Print and Sign

755 W Lexington St 908
Address

Daryl Boykin
Print and Sign

755 W. Lexington St. 806
Address

Nickell Boykin
Print and Sign

755 W Lexington St. 906
Address

Monica Queen 700
Print and Sign

755 W. Lexington St. 806
Address

Tyrrell Lee
Print and Sign

755 W. Lexington St. 903
Address

Sheryl Myers
Print and Sign

755 W. Lexington St. 903
Address

241

Residents of Lex-Poe Homes, Poppleton, & neighbors;

809 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Robert McGehee

Print and Sign

Robert McGehee

221 FLEMING AVE

Address

Reginald Nealy

Print and Sign

Reginald Nealy

910 Saratoga St.

Address

Sharon Saunders

Print and Sign

Sharon Saunders

221 N. FERMONT AVE.

Address

Regina Bryant

Print and Sign

Regina Bryant

770 W. Saratoga St. #104

Address

Sock S

Print and Sign

1268 Glynndon Ave

Address

Bandra Colson

Print and Sign

931 W. Lexington St.

Address

Scottie, John

Print and Sign

809 W. Lexington St.

Address

Richard Williams

Print and Sign

251 Robert St apt 24

Address

DAMIAN TOTA

Damian Tota

929 W Lexington St

Address

Print and Sign

Kevin Green

Print and Sign

1534 W. Lexington

Address

207

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharon Johnson ~~Sharon~~ 781 W. Saratoga St
Print and Sign Address

Shagion McKnight 701 W. Mulberry St Apt 10
Print and Sign Address

Teria Turner 907 N. Amity Street Apt 9
Print and Sign Address

Quintay Austin 701 W. Mulberry St Apt 10
Print and Sign Address

Corey Austin 701 W. Mulberry St Apt 10
Print and Sign Address

Ervin Turner 907 N. Amity St. Apt 9
Print and Sign Address

James Browne 234 Odell Court
Print and Sign Address

Malik Williams 791 W Saratoga St
Print and Sign Address

Aronda Carter 791 W Saratoga St
Print and Sign Address

Keypsonc Bryant 795 W Saratoga St
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Lammy Dread ✓
Print and Sign

755 W. Lexington St. 1001 ✓
Address

Carolyn E. Randolph ✓
Print and Sign

755 W. Lexington St. Apt. 904 ✓
Address

Dawn W. Pison ✓
Print and Sign

755 W. Lexington St. Apt. 904 ✓
Address

Brandy Bell ✓ ✓
Print and Sign

755 W. Lexington St #806 ✓
Address

Barbara McKinney ✓
Print and Sign

755 W. Lexington St #100? ✓
Address

Tiffine Burns ✓
Print and Sign

755 W. Lexington St #709 ✓
Address

Drielle Jones ✓
Print and Sign

755 W. Lexington St Apt 701 ✓
Address

Roslyn Broadway ✓
Print and Sign

755 W. Lexington St. Apt 709 ✓
Address

TERRI TODSON ✓
Print and Sign

755 W. Lexington St Apt 709 ✓
Address

Regina BURAS ✓
Print and Sign

755 W. Lexington St Apt 709 ✓
Address

209

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

MELUZAN COLEMAN Meluzan Coleman
Print and Sign

755 W. Lexington St Apt 705
Address

Marsha Franklin
Print and Sign

755 W. Lexington Apt. 810
Address

Wayne LEE
Print and Sign

755 W Lexington Apt 105
Address

P. S B.
Print and Sign

255 West Street Apt 85
Address

Cassandra Jones Cassandra Jones 755 W Lexington Apt 807
Print and Sign Address

Simla Brown
Print and Sign

755 W Lexington St Apt 1106
Address

Sam Williams
Print and Sign

755 W Lexington St Apt 509
Address

Sianesha Kirby
Print and Sign

755 W. Lexington St Apt 1007
Address

Katherine M Knight
Print and Sign

701 W. Mulberry St Apt 107
Address

Shantel Davis
Print and Sign

763 W. Mulberry St
Address

Shantel Davis

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Nekia Smith ✓

Print and Sign

Nekia Smith

781 W. Saratoga St ✓

Address

Jakia Smith ✓

Print and Sign

Jakia Smith

781 W Saratoga St ✓

Address

Chenera Jones ✓

Print and Sign

Chenera Jones

781 W. Saratoga St ✓

Address

Shan'a Kibufu ✓

Print and Sign

Shan'a Kibufu

763 W. Saratoga St ✓

Address

Sakeena Richards ✓ 1720 W. Saratoga St ✓

Print and Sign

Sakeena Richards

Address

Charlene Parlow ✓

Print and Sign

Charlene Parlow

773 W. Saratoga St ✓

Address

Babara Hunt ✓

Print and Sign

Babara Hunt

797 W. Saratoga St.

Address

Stachea Bednor ✓

Print and Sign

Stachea Bednor

773 W. Saratoga St ✓

Address

Latonya Anderson ✓

Print and Sign

Latonya Anderson

773 W. Saratoga St ✓

Address

Charles Parlow ✓

Print and Sign

Charles Parlow

773 W. Saratoga St ✓

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Mepshia Williams
Print and Sign Mepshia Williams

755 W. Lexington ^{st Apt 607}
Address

Shawn Ray
Print and Sign

701 W. Mulberry ^{Mulberry Apt 110}
Address

Victoria Harris
Print and Sign Victoria Harris

781 W. Saratoga St
Address

Hattie Shaw
Print and Sign Hattie Shaw

823 W. Saratoga ^{st Apt 1}
Address

Thelma Beams
Print and Sign Thelma Beams

1507 Poppleton ^{Core}
Address

Sharon Shaw
Print and Sign Sharon Shaw

North Ave.
Address

Travor Cephas
Print and Sign Travor Cephas

755 W. Lexington ^{st Apt 607}
Address

Jennifer Williams
Print and Sign Jennifer Williams

755 W. Lexington St ^{st Apt 607}
Address

R Raheem Moore
Print and Sign

496 W. Saratoga St
Address

Hakeem Moore
Print and Sign

796 W. Saratoga St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea please sign below :

Bianca Watkins
Print and Sign

783 W. Saratoga St
Address

Tayvon Darden
Print and Sign

701 W Mulberry St 100
Address

Shawn Ray
Print and Sign

101 W Mulberry St 110
Address

Jamal Matthews
Print and Sign

701 W Mulberry St 405
Address

Darius Sheppard
Print and Sign

205 N. Amity St.
Address

Carnelian Hawkins
Print and Sign

791 W. Saratoga St.
Address

Dara Walker
Print and Sign

791 W. Saratoga St.
Address

Eugene Pennington
Print and Sign

755 W. Lexington St 204
Address

Diana
Print and Sign

797 W. Saratoga St
Address

Joan Sneed
Print and Sign

755 W. Lexington St 208
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Michael Wilson
Print and Sign

755 W. Lexington St - 208
Address

Erica Anderson
Print and Sign

755 W. Lexington St 108
Address

Shorese Jolly
Print and Sign

221 N. Fremont Ave 60?
Address

Redmond Matthews
Print and Sign

225 Lexington St 20?
Address

Demetrice Johnson
Print and Sign

701 W. Mulbrey
Address

Demetrice Johnson
Print and Sign

126 N. Fremont
Address

Tamika Finch
Print and Sign

831 W. Lexington
Address

Charlene Tazewell
Print and Sign

831 W. Lexington
Address

Donetta Tazewell
Print and Sign

831 W. Lexington
Address

Towanda Hayes
Print and Sign

847 W. Lexington
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

William Jackson William Jackson
Print and Sign

755 W Lexington St. 105
Address

Rosalind Boone
Print and Sign

221 W Fremont Ave 1410
Address

Aminda Spalton (GALT)
Print and Sign

156 St. Fayette St
Address

Chaka Brown
Print and Sign

755 W Lexington St Apt 6
Address

Sharon Beed
Print and Sign

3039 Westwood AVE
Address

Andrew Williams
Print and Sign

4129 W. Lexington St
Address

Shelton Reming
Print and Sign

824 Saratoga St
Address

Hean Chan
Print and Sign

825 Vine St.
Address

Bernice Robinson
Print and Sign

221 W Fremont Ave.
Address

Cynthia Beasley
Print and Sign

1102 E HOYMAN ST
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Henrietta Harris 221 Fremont Ave,
Print and Sign Address

Henrietta Harris 221 W. Fremont Ave
Print and Sign Address

Charles Crockett 221 N. Fremont Ave,
Print and Sign Address

Wesley Korman 1908 Embury Ave (Rd)
Print and Sign Address

Robert Rogers 221 N. Fremont Ave
Print and Sign Address

Jimmie Sutton 221 N. FREEMONT AVE
Print and Sign Address

Antonio Sones 755 W. Lexington
Print and Sign Address

RAYMOND WILSON 738 W SARATOGA ST
Print and Sign Address

Evelyn Wilson 810 Vine St
Print and Sign Address

Tanya Matthews 810 Vine St
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Mavis Bentley
Print and Sign

119 N Poppleton St
Address

Waretta Blair
Print and Sign

Address

PRICE WILHELM
Print and Sign

770 West Saratoga
Address

Deseri Burrelle
Print and Sign

770 WEST Saratoga
Address

Coloia Townsend
Print and Sign

251 FREEMONT AVE
Address

ATIA SMITH
Print and Sign

725 Creagle St ^{APT} ~~BM~~
Address

Dawn Gilb
Print and Sign

1058 Argyle Ave ^{APT 121}
Address

Lorraine West
Print and Sign

835 W. Lexington ST
Address

Nickell Boykin
Print and Sign

755 W. Lexington
Address

Lateya Boykin
Print and Sign

755 W Lex
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Tamara Borden
Print and Sign

7035 Muller
Address

Janine Gray
Print and Sign

221 N. Fremont Avenue
Address

Dorothy CARTER
Print and Sign

202 N. FREEMONT AVE.
Address

JACKIE MILES
Print and Sign

1203 RIGGS AVE
Address

Vonne VASS
Yvonne Vass
Print and Sign

739 W. Lexington St.
Address

Tommy Kess
Print and Sign

66 S. Poppleton
Address

Tonya Jones
Print and Sign

221 Fremont Ave.
Address

Arlesia Claus
Print and Sign

816 Vine Street
Address

Patricia McAllen
Patricia McAllen
Print and Sign

770 W. Saratoga St. Apt. 304
Address

Phonda Sheppard
Print and Sign

201 N. Admity #9
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Miss Rhonda Brown
Print and Sign

860 Vine St Apt B
Address

J. Haskins
Print and Sign

865 W. Fayette St.
Address

A. Haskins
Print and Sign

628 Rieman Ct
Address

Lianesha Kiley
Print and Sign

45 W. Lexington Apt 107
Address

JOSE MARIN
Print and Sign

Address

Belena Jones
Print and Sign

1113 N. Gilmer St.
Address

Cheryl Myers
Cheryl Myers
Print and Sign

755 W. Lexington St.
Address

Diane Yates
Print and Sign

791 W. Saratoga St
Address

Tanya Matthews
Tanya Matthews
Print and Sign

810 Vine St
Address

[Signature]
Print and Sign

155 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jacqueline Brooks
Print and Sign

701 W. Mulberry St Apt 509
Address

Rhonda Jones Rhonda Jones
Print and Sign

808 W. Lexington St #9
Address

Victoria Harris
Print and Sign

781 W. Saratoga St
Address

Andre Egerton
Print and Sign

701 W. Mulberry St Apt 410
Address

Gale Bradford
Print and Sign

1736 E. Fayette St
Address

Gale Bradford
Print and Sign

Address

Nedal Blackwell
Print and Sign

80 W Lexington St
Address

Denise Fisher
Print and Sign

802 W. Lexington St. Apt. #7
Address

Donnell Adams
Print and Sign

24 Archer St
Address

Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shawn Bryant
Print and Sign

202 N. Fremont Ave.
Address

Joann Matthews
Print and Sign

478 N. Fremont Ave
Address

Renee Moore - Renee Moore
Print and Sign

913 W. Saratoga St 8
Address

Kesha L. Brown
Keisha L. Brown
Print and Sign

220 N. Fremont Ave.
Address

Regina Bullock
Print and Sign

755 W. Lexington St 709
Address

JAME S.M. Smith JR
Print and Sign

781 SARATOGA ST.
Address

Will CARTER
Print and Sign

781 SARATOGA ST.
Address

Linda Hawkins
Print and Sign

755 W. Lexington St 703
Address

EVA Holmes
Print and Sign

117 N. Fremont
Address

SHERMAN ROBERTS

817 W. SARATOGA ST.

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Erick Ashburn
Print and Sign

4912 Bernberg Ave
Address

Ameeah Hughes
Print and Sign

839 Vine Street
Address

Myreha Thomas
Print and Sign

701 W. Bernberg St²⁰⁵
Address

Courtney Williams
Print and Sign

714 Vine
Address

[Signature]
Print and Sign

815 Vine St
Address

Andre Stokes
Print and Sign

816 Vine st.
Address

Denoris Johnson
Print and Sign

1329 Woodpar St
Address

Astraya Jones
Print and Sign

124 Vine St
Address

Carmen Thompson
Print and Sign

75 W. Lexington St APT 501
Address

Cinder Brown
Print and Sign

755 W. Lexington St APT 106
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Taunya R. Sinkler
Print and Sign

5127 Pembroke Ave.
Address

Taunya R. Sinkler
Print and Sign

5127 Pembroke Avenue
Address

Maisha Williams
Print and Sign

849 Lexington St
Address

Tyra R. Hopkins
Print and Sign

779 W. Mulberry St
Address

Lomonique Bryant
Print and Sign

777 W. Mulberry St.
Address

GARY PALMER
Print and Sign

557 Hoffman St.
Address

Sandra Green
Print and Sign

812 W. Lexington St
Address

Tonya Pearson
Print and Sign

43 S. Stockton Street
Address

Bernard Green
Print and Sign

810 W Fayette St # A1
Address

Tonya King
Print and Sign

1287 Sugarwood Circle Essex MD
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Wyvetra A, Tibbs
Wyvetra Tibbs
Print and Sign

4271 n Fremont ^{APT} 804
Address

Ayresha Thomas
Print and Sign

mulberry st 219
~~701 w~~
Address

Tyrn Foster
Print and Sign

4707 Park Heights
Address

Aurica Hemphill
Print and Sign

1011 Wicklinton St
Address

Michelle Gordon
Michelle Gordon
Print and Sign

2608 Kent St
Address

TERINA CANAL
TERINA CANAL
Print and Sign

~~1011 Wicklinton St~~
Address

Brenda Davis
Print and Sign

1035 Park Heights
Address

Lakesha Collins
Print and Sign

1500 Fremont
Address

PAULA 7/10/01
Print and Sign

778 W FRENCH
Address

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharonda h.
Print and Sign

775 West Mulberry St.
Address

Allean Bryant Allean Bryant
Print and Sign

126 N Poppleton St
Address

Angela Green Angela Green
Print and Sign

915 West Saratoga Street #2
Address

Brenda Bryant
Print and Sign

405 N Fremont Ave
Address

Cecilia Burtwell
Print and Sign

202 N. Fremont Ave
Address

Denise Windmann
Print and Sign

755 Lexington
Address

Bryant Vines
Print and Sign

755 W. Lexington St
Address

Sabrina Headspeth
Print and Sign

819 W Saratoga St Apt 2
Address

Gina Woodbury
Print and Sign

755 West Lexington St
Address

URSULA Henderson
Print and Sign

755 West Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharon Respess
Sharon Respess

Print and Sign

1529 W. Balto St. apt
Address

Velma Roberts
Velma Roberts

Print and Sign

817 W. Saratoga St #2
Address

MIKETA JOHNSON
Miketa Johnson

Print and Sign

LEXINGTON #A
812 W. Lexington
Address

TAMICO ROBINSON
Tamico Robinson

Print and Sign

11 11
Address

Carolyn Stephens Carolyn Stephens

Print and Sign

882 W. Fayette St.
Address

Cynthia Bryant Cynthia Bryant

Print and Sign

126 W. Poppleton St
Address

Herbert J. Burman?

Print and Sign

758 W. Fayette St
Address

DESMOND TURNER

Print and Sign

765 W. Saratoga St
Address

Deborah Smith

Print and Sign

225 Fayette St
Address

John Hudson

Print and Sign

225 Fayette St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

SHARON PETERSON
Sharon Peterson
Print and Sign

806 W. Lexington St
Address

Shanika Williams
Print and Sign

812 W. Lexington St. Apt #12
Address

Sheneke Durham
Print and Sign

808 W. Lexington St Apt 10
Address

La-Sheta Lyles
Print and Sign

839 Vine St
Address

VERNON OWENS Vernon B. Owens
Print and Sign

1804 Mullin St
Address

hay hay
Print and Sign

FREMONT Ave.
Address

VONNIE
Print and Sign

FREMONT Ave.
Address

Precious
Print and Sign

FREMONT Ave.
Address

Gyrene Gray
Print and Sign

904 St. Paul St.
Address

Sean Powell
Print and Sign

839 Vine St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Angela Cross
Print and Sign

221 N. Fremont Ave Apt 800
Address

Umaesh Franklin
Print and Sign

755 W. Lexington Apt. 810
Address

Randy Lee
Print and Sign

255 W. Lexington
Address

Karen Huoturo
Print and Sign

205 North Emily Street
Address

Donald Campbell
Print and Sign

711 W. Monument St
Address

Amy Conaway
Print and Sign

155 W. Lexington St 706
Address

Dorothy Dorothy Broadway
Print and Sign

755 W. Lexington St 706
Address

ERIC Jubilee
Print and Sign

221 Fremont Apt 205
Address

David Young
Print and Sign

170 Fremont Ave
Address

Charles Little
Print and Sign

221 Fremont Ave
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Sharon Porter
Print and Sign

118 N Fremont Ave 3#
Address

Jolanda Thomas
Print and Sign

221 Fremont Ave Apt 12
Address

[Illegible Signature]
Print and Sign

714 Mulberry St
Address

Karen Cooper
Print and Sign

931 Mulberry St
Address

Antonia Marti
Print and Sign

126 N Poppleton St
Address

Tracey Harper
Print and Sign

944 Abbott Ct
Address

Kevin Campbell
Print and Sign

709 W. Poppleton St
Address

Yvette Hill
Print and Sign

308 N. Cecilmon St
Address

Dolores Dennis
Print and Sign

1105 W. Mulberry St
Address

Dee Ehan
Print and Sign

900 Carnegie Ave Apt
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Stephen Allen
Print and Sign

701 Mulberry St.
Address

ANDRE JACKSON
Print and Sign

755 LEXINGTON ST.
Address

James Knight
Print and Sign

221 Fremont
Address

NATHANIEL SHAW
Print and Sign

904 LEXINGTON ST
Address

Regina Bryant Regina Bryant
Print and Sign

770 W. Saratoga St.
Address

Delus E. Herlean
Print and Sign

735 W. Leighton St.
Address

Craigie Smith
Print and Sign

774 W. FAYETTE ST
Address

ERNEST ANDERSON
Print and Sign

750 SARATOGA
Address

Kendra Eggleston
Kendra Eggleston
Print and Sign

701 W. Mulberry Apt 518 E
Address

Linnette D. Wise
Print and Sign

Calvert St at Chase St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community.

If you support the idea, please sign below :

Ernest C. Smith, Jr

Ernest C. Smith Jr.
Print and Sign

802 W Lexington St
Address

Ricki Hawkins
Ricki Hawkins
Print and Sign

1104 W. Lexington St.
Address

Henry Britain
Print and Sign

10451 Campus way south
Address

Kim Brown
Kim Brown
Print and Sign

948 Bennett Pl.
Address

Craeontay Collins
Craeontay Collins
Print and Sign

948 Bennett Pl.
Address

Tina Lecato
Tina Lecato
Print and Sign

701 W. Mulberry St. Apt. 609
Address

Wardell Allen
Print and Sign

733 W. Saratoga St
Address

JARA JACKSON
Print and Sign

808 W. Lexington St.
Address

Ellerson Wilson
Print and Sign

3034 HARLEM AVE
Address

Yolonda SAVOY
Print and Sign

207 - N Amity St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

BECKY McCloud
Print and Sign

221 N. Fremont Ave
Address

Kenneth Chambers
Print and Sign

221 N. Fremont ave
Address

Sheronda Horne
Print and Sign

759 W. Fayette
Address

Tonya Brock
Print and Sign

761 W. Fayette St.
Address

Tommy Davis
Print and Sign

241 W. Lexington St.
Address

Becky Johnson
Print and Sign

Woodview
Address

Vernon Branch
Print and Sign

761 W. Fayette St
Address

Francine Scott
Print and Sign

870 W. Fayette St
Address

Kenika Lewis
Print and Sign

201 W. Mulberry St
Address

Roxean Ramsey
Print and Sign

755 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Colanda Thomas
Print and Sign

221 FREMONT AVE
Address

Alaretta Blair
Print and Sign

221 FREMONT AVE
Address

George Jones Jr.
Print and Sign

1001 ALQUIE AVE
Address

Althea Fox
Print and Sign

770 W. SARATOGA ST
Address

LABORE SESSIONS
Print and Sign

770 W. SARATOGA ST.
Address

Erma Smith
Print and Sign

819 W. SARATOGA ST. apt 9
Address

Gerrie Bass
Print and Sign

765 W Mulberry St
Address

William Hedder
Print and Sign

126 Poppleton
Address

RANDY FRANCIS
Print and Sign

315 W. SARATOGA ST. Apt 5
Address

Althea Coleman
Print and Sign

775 W. MULBERRY ST.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Don Douglas

Print and Sign

1421 Preston St

Address

Shawna Hattie Smith

Print and Sign

3015 Southland ave

Address

Reggie Douglas

Print and Sign

4670 Manordcan Rd.

Address

Donnell Adams

Print and Sign

624 Archer St.

Address

Angela Huffer

Print and Sign

815 Sanctora #9

Address

Henry Anderson

Print and Sign

755 W. Lexington St #707

Address

Tamiko

Print and Sign

Address

B. N.

Print and Sign

Address

Lesia McNeil

Print and Sign

1755 3/4 Lexington St

Address

Terrence Brooks

Print and Sign

805 W. Lexington St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Racey Harper
Print and Sign

944 Abbott Ct.
Address

Edna Brown
Print and Sign

944 Abbott Ct.
Address

TYRONS CARTER
Print and Sign

4612 PARKTON ST
Address

Pam hall
Print and Sign

755 W. Lexington St.
Address

Wanda
Print and Sign

Address

Tanya
Print and Sign

908 Fremont AVE 21201
Address

dISA
Print and Sign

832 W. Vine St.
Address

Tony Scott
Print and Sign

842 W VINE ST
Address

Shanetra Williams
Print and Sign

Lexington Terrace
Address

Sharlne Hargrove
Print and Sign

551 N. Fremont Ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Betty Harris Mrs Betty Harris 106 N. Schroeder St.
Print and Sign Address

Wanda Linton _____
Print and Sign Address

Theodore Cooper 501 Fremont Ave.
Print and Sign Address

Quelda Taylor _____
Print and Sign Address

Lydia Rogers 116 N. Fremont Ave.
Print and Sign Address

India Rogers _____
Print and Sign Address

Zula Home 156 W. Fayette St
Print and Sign Address

Baekie Scott 755 W. Lexington St
Print and Sign Address

Reon McGray 755 W. Lexington St
Print and Sign Address

Jolanda Thomas 201 Fremont Ave.
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

LATEASHA STERENS
Print and Sign

Woodview RD
Address

Janyia R. Sinkler
Print and Sign

Address

Janyia R. Sinkler
Print and Sign

755 W Lexington Street (Apt. 905)
Address

Frika Nichols
Print and Sign

701 W Mulberry St
Address

Sonya K. Tinnin
Print and Sign

770 W. Saratoga St. apt # 707
Address

Richard King
Print and Sign

Rayette St.
Address

Donna Kelly
Print and Sign

7621 W. Fayette St
Address

Bissy Bell
Print and Sign

701 W. Mulberry
Address

Danny Carter
Print and Sign

764 Payett St
Address

Pam Porter Pam Porter
Print and Sign

1445 EGER St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Paula Brown
Print and Sign

755 W Lexington St
Address

Jana Smith
Print and Sign

770 Building
Address

Jimmy Bittle
Print and Sign

755 W. Lexington St.
Address

Charles Cooper
Print and Sign

809 Fremont Ave 21201
Address

Anthony Wright
Print and Sign

807 Fremont Ave 21201
Address

Charlene Towell
Print and Sign

831 W. Lexington St
Address

Fatima Towell
Print and Sign

851 W Lexington St
Address

KAREN PARKER
Print and Sign

FREMONT AVE
Address

Sharon Shereod
Print and Sign

FREMONT AVE
Address

ROSSE DAVIS
Print and Sign

LAYETTE ST.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Antwan Matthews
Print and Sign

755 W. Lexington St.
Address

Kyasha Scherson
Print and Sign

770 W. Darby St
Address

Treva Scherson
Print and Sign

770 W. Darby St
Address

Sheneca Webb
Print and Sign

221 N. Fremont
Address

Felicia Dargan
Print and Sign

800 W. Lexington St.
Address

Annette Roles
Print and Sign

755 W. Lexington St.
Address

Shaliens
Print and Sign

755 W. Lexington St
Address

Tina Coleman
Print and Sign

775 W. Mulberry St.
Address

Tanyell Coleman
Print and Sign

LT
Address

Jerome Darganfield
Print and Sign

801 W. Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Lachelle Taylor Lachelle Taylor
Print and Sign

113 N. Poppleton Street
Address

Adrienne Duke-Brave
Print and Sign

938 W. Saratoga St.
Address

MARGARET WEEMS Margaret Weems
Print and Sign

812 W Lexington St Apt 402 56
Address

TURA LEE
Print and Sign

755 W. Lexington St.
Address

Sheila Patterson
Print and Sign

755 W. Lexington St. Apt. 207
Address

Theodore Jones
Print and Sign

~~775~~
Address

Laneshia Kiley
Print and Sign

755 W Lexington St. Apt 1007
Address

Jacqueline Lowe
Print and Sign

781 W. Mulberry St.
Address

DAVID JONES David Jones
Print and Sign

806 W. Lexington St. Apt. 14
Address

Bobby Quille
Print and Sign

800 Lexington St #1
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Mary Clay Mary Clay
Print and Sign

613 Mulberry Building
Address

Peggy Johnson Peggy Johnson
Print and Sign

118 W. Hayes St.
Address

Blondie McFadden Blondie McFadden
Print and Sign

755 3rd Lexington St.
Address

Beverly Whitley Beverly Whitley
Print and Sign

770 W. SACATOGA St.
Address

Kenneth R. Bacon Kenneth R. Bacon
Print and Sign

755 W. Lexington St.
Address

Vesula Williams Vesula Williams
Print and Sign

755 W. Lexington St.
Address

Kings Cornwall Kings Cornwall
Print and Sign

812 W. Vine Street
Address

Kenneth Banks Kenneth Banks
Print and Sign

221 N. Fremont Ave.
Address

Janelle A. Tasker Janelle A. Tasker
Print and Sign

770 3rd. Sacatoga St. 1003
Address

Edward Matthew Edward Matthew
Print and Sign

755 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jean Burley
Print and Sign

867 W Lexington
Address

Gloria Krenor
Print and Sign

221 N. Fairmont Ave.
Address

Denise Lee
Print and Sign

806 W. LEXINGTON ST.
Address

Paula Surmer
Print and Sign

755 Lexington St.
Address

Antonio Jones
Print and Sign

755 W. Lexington
Address

Dernita Smith
Print and Sign

755 W Lexington St
Address

Panellape Potts
Print and Sign

863 W. Lexington St.
Address

Tyra Pearson
Print and Sign

701 W. Mulberry St.
Address

Trinda Cooper
Print and Sign

766 W. Fayette
Address

Maria Bentley
Print and Sign

119 N Poppleton St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Wayne Matthews
Print and Sign

762 W. Fayette St. 539-6070
Address

Coretha Hammond
Print and Sign

788 W. Saratoga St.
Address

Linda Jackson
Print and Sign

130 W. Saratoga St.
Address

Kimberly Nacker
Print and Sign

221 N. Fremont Ave
Address

Jenie Henderson
Print and Sign

221 N. Fremont Ave
Address

Shana Henderson
Print and Sign

221 N. Fremont Ave
Address

SHARON WALKER
Print and Sign

821 W. Lexington St
Address

ANDRE LIGGINS
Print and Sign

325 N. Carey St
Address

Carol McKoy
Print and Sign

907 W. Saratoga Str
Address

FORTIA REED
Print and Sign

110 W Saratoga Apt 109
Address

Apt 10

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Cassandra Starks
Print and Sign

836 Fayette St.
Address

Brenda Hill
Print and Sign

111 N Poppleton St
Address

John Knight
Print and Sign

823 W. LEXINGTON ST.
Address

Pat Haggaman
Print and Sign

VTZ Quality Feet
Address

James G. Owens
Print and Sign
755 W. Lexington St apt 906

Address

Doreen Morris
Print and Sign

755 W. Lexington St
Address

Carline Beverly
Print and Sign

841 W. Lexington St.
Address

Taney Davis
Print and Sign

841. W Lexington
Address

Joseph WATFORD
Print and Sign

220 N FREEMONT AVE
Address

Willie R. Rye
Print and Sign

200 N Fremont Ave
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Yvonne Williams
Print and Sign

220 Free Montauk
Address

Akelya Vaughan
Print and Sign

128 C.N. Fremont Ave
Address

Donna Demunds
Print and Sign

770 W SARATOGA
Address

Geraldyn Boone
Print and Sign

871 Fayette St
Address

Sharon Green
Print and Sign

830 Spelman St.
Address

Lynthia Jackson
Print and Sign

755 West Lexington Apt 105
Address

Jeanne Dangelield
Print and Sign

821 W Lexington St.
Address

BRANTA DRAPER
Print and Sign

755 W Lexington St
Address

Virginia Lyons
Print and Sign

847 Lexington St.
Address

Charmaine Parker
Print and Sign

201 N. Fremont Ave.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Tanya Crowell
Print and Sign

1016 W. Lexington St. #B
Address

Ursula Williams
Print and Sign

755 W. Lexington St #B
Address

R. Caldwell
Print and Sign

221 N. Fremont Ave
Address

Kamika Lewis
Print and Sign

701 W. Mulberry St.
Address

Jimmie Parker
Print and Sign

829 George St.
Address

Tyra Byrd Tyra Byrd
Print and Sign

810 W. Lexington St
Address

Chiffon Sewage
Print and Sign

755 W Lexington St
Address

CRONDA CARTER
Print and Sign

791 W Lexington
Address

Deseri Burrell
Print and Sign

770 W Saratoga St
Address

Print and Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Michael Miller
Print and Sign

717 W. Saratoga St
Address

Larry Morris
Larry Morris
Print and Sign

770 W. Saratoga St
Address

Antonio
Print and Sign

770 W. Saratoga St
Address

George Milburn
Print and Sign

755 W. Lexington St.
Address

Thomas Jefferson
Print and Sign

130 Fremont St.
Address

ARA SMITH
Print and Sign

755 W. Lexington St
Address

Andrea Brown
Print and Sign

755 W. Lexington St.
Address

Jawana Hill
Print and Sign

112 N Fremont Ave
Address

Wanda Cromwell
Wanda Cromwell
Print and Sign

835 W. Lexington St
Address

Peggy Jackson
Print and Sign

857 Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

James Langefeld Jr.
Print and Sign

304 N. Arlington Ave.
Address

Melvin J White
Print and Sign

202 N Fremont Ave # 8
Address

Wilhemina Eaton
Print and Sign

755 Lexington St. Apt 108
Address

DAVID
Print and Sign

755 Lexington St
Address

WANDA DRAPER
Print and Sign

755 Lexington St
Address

WANDA DRAPER
Print and Sign

755 W Lexington St
Address

Sharon
Print and Sign

Address

Liaresha
Print and Sign

755 W. Lexington St
Address

Helen Taylor H.T
Print and Sign

701 W Mulberry Street
Address

Vivian Young
Print and Sign

2619 Kent Street
Address



Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Michelle Thomas
Print and Sign

412 W. Lexington St
Address

Roosevelt Bese Barrell Bese
Print and Sign

121 Andr St. Apt. #302
Address

P Cooper
Print and Sign

811 Lexington St
Address

Daphne Green
Print and Sign

901 West Saratoga Street
Address

Cynthia Tucker
Print and Sign

901 W Saratoga St Apt 6
Address

Jessica King
Print and Sign

901 W Saratoga St
Address

Melvin Williams
Print and Sign

3039 Southland
Address

Catherine Bacon
Print and Sign

755 W Lexington
Address

Shawn Washington
Print and Sign

75
Address

Eugene
~~Edith King~~
Print and Sign

701 W mulberry
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

GARY PALMER NO
Gary Palmer
Print and Sign

221 N. FREMONT AVE APT 202
Address

Cynthia Allen
Print and Sign

551 W. Fremont AVE
Address

Charles Rhodes
Print and Sign

815 Vine St.
Address

Nellie Maddox
Print and Sign

801 Vine St
Address

Jane Handbrook
Print and Sign

221 N. Fremont Ave
Address

Linda Brown
Print and Sign

808 Woodward St
Address

Thrice Cooper
Print and Sign

1105 Lexington
Address

NORMA FLEMING
Norma Fleming
Print and Sign

755 W. Lee St.
Address

Patricia Epps
Print and Sign

755 W. Lexington St.
Address

Michelle Johnson
Print and Sign

812 W. Lexington St.
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Darryl Jones
Darryl Jones
Print and Sign

221 N. Fremont Ave.
Address

LATIERA BELL
Latiera Bell
Print and Sign

800 W. FAYETTE ST.
Address

Rich BURGER
Rich BURGER
Print and Sign

227 N. FREMONT AVE.
Address

David Springs
Print and Sign

739 PARK PLACE
Address

Chara Edwards
Chara Edwards
Print and Sign

802 W. Lexington St. #12
Address

Keith A. Andrews
Keith A. Andrews
Print and Sign

755 W. Lexington St. #308
Address

Tiffany Ranting
Tiffany Ranting
Print and Sign

830 VINE STREET APT B
Address

Barry Jenkins
Barry Jenkins
Print and Sign

755 W Lexington

Velvet Thomas
Velvet Thomas
Print and Sign

105 N. Poppleton St.
Address

Tonya S. Fogg
Tonya S. Fogg
Print and Sign

221 N. Fremont Ave
210
Address

Marie Hevins
Marie Hevins
Print and Sign

1117 W. Lexington
Address

250

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

TANYA JENKINS
Print and Sign

755 Lexington St apt 301
Address

Charmaine Parker
Print and Sign

221 N. Fremont Ave
Address

Nancy
Print and Sign

221 N. Fremont Ave
Address

BOBBY GUILLE
Print and Sign

800[#] LEXINGTON ST
Address

Maria
Print and Sign

119 N Poppleton
Address

Patricia Lee
Print and Sign

800 W LEXINGTON ST #4
Address

SG/VIA Gooden
Print and Sign

900 W. Lexington St #9
Address

Wayne L. Matthews
Print and Sign

762 W. Fayette St
Address

Sally Bethel
Print and Sign

618 W. Franklin St apt 2
Address

James A. Simon
Print and Sign

221 N. Fremont Ave apt 1308
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Peggy Cook Peggy Cook
Print and Sign

742 W. Saratoga St.
Address

Kim Coates
Print and Sign

253 W Lexington St.
Address

Tammy Davis
Print and Sign

841 W Lexington St
Address

James J.
Print and Sign

221 N Fremont Ave
Address

Jerome Dangelhoff
Print and Sign

821 W. Lexington St
Address

Lilla Pitts
Print and Sign

155 W. Lexington St. Apt 409
Address

Robin Robin Hensley
Print and Sign

426 W. George St Apt 3
Address

Towanda Broden
Print and Sign

701 3/4 Mulberry St.
Address

Kim Hart
Print and Sign

701 W. Mulberry St.
Address

DENISE LOVE
Print and Sign

1255 1/2 Broadway
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Aliona - Alisha Ramsey
Print and Sign

755 W Lexington St. #603
Address

Sonyia - Sonya McCafferty
Print and Sign

755 W Lexington St. #601
Address

Wil - Nina Hankins
Print and Sign

755 N Lexington St. #601
Address

Menyande Lewis - Menyande Lewis
Print and Sign

810 W. Lexington St. Apt. #8
Address

Kayandra Blutt
Print and Sign
Kayandra Blutt

755 W. Lexington St. Apt 1008
Address

Shund Johnson
Print and Sign

771 N. Fremont St.
Address

Jada Wells
Print and Sign

771 N. Fremont Ave #409
Address

Vivian McCloud
Print and Sign
Vivian McCloud

404 S. Bond
Address

Red Bell
Print and Sign

815 W. Spentosa
Address

Monica Jackson
Print and Sign

Fremont St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Gloria Freeman
Print and Sign

221 N. Fremont Ave.
Address

Robert Short
Print and Sign

911 Barre St.
Address

Fenny Williams
Print and Sign

1030 Booth Street
Address

PAMELA Young
Print and Sign

923 Joplea Ave.
Address

Andoinette Moulden
Print and Sign

222 N. Fremont Ave.
Address

James Lyons
Lane A. Lyons
Print and Sign

810 W. Lexington St
Address

DAKLEY CAPPS
Print and Sign

834 VINE ST
Address

P. Shellington
P. Shellington
Print and Sign

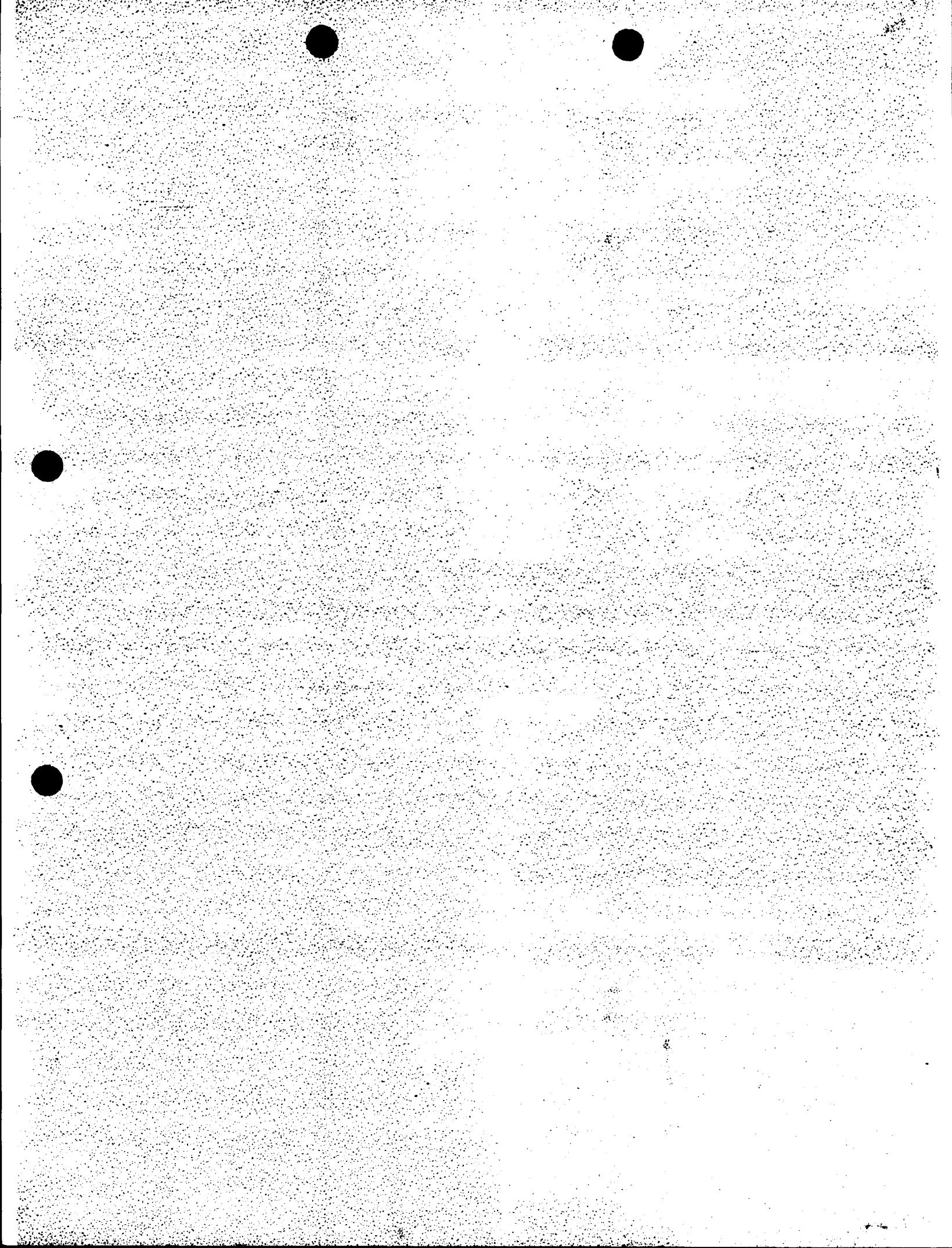
869 Poppleton St. apt F
Address

Keith A Andrews
Print and Sign

755 W. Lexington St 328
Address

Damon DAX
Print and Sign

755 W Lexington #404
Address



Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

TRACY BROWN

Print and Sign

833 W. Lexington St.

Address

Kandy Jones

Print and Sign

223 N. Schroeder

Address

Sherrille Buchanan

Print and Sign

808 W. Lexington

Address

Shantia M. Davis

Print and Sign

818 W. Lexington

Address

177 Marcus Blue

Print and Sign

Address

~~Tracy~~ ~~NEPTER~~

Print and Sign

944 Abbott Ct.

Address

SHERIE WIFE

Print and Sign

291 N. FRONT AVE #419

Address

JENNIS DAVIS

Print and Sign

841 W. Lexington

Address

Sean Calloway

Print and Sign

767 ~~St~~ Sarafaga St

Address

regha Kirby

1 Sign

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

FLORENCE A. ROGERS
Florence A. Rogers
Print and Sign

802 W. Lexington St #9
Address

ELLEN Hawkins
Ellen Hawkins
Print and Sign

507 Otterbein St
Address

Jimmie Sutton
Jimmie Sutton
Print and Sign

221 Fremont Apt 204
Address

ANTHONY MCKoy
Anthony McKoy
Print and Sign

906 W. Saratoga Street
Address

Nicki Jreed
Nicki Jreed
Print and Sign

903 W. Saratoga St. Apt 8
Address

Maie Barroughs
Maie Barroughs
Print and Sign

731 W Lexington St
Address

James Ziborn
James Ziborn
Print and Sign

221 Fremont Ave
Address

Antonio Mast
Antonio Mast
Print and Sign

126 W Poppleton St
Address

Kelly Robinson
Kelly Robinson
Print and Sign

35241 Elmwood Ave
Address

Print and Sign

~~Barroughs~~
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

OLANDAMUMA
Print and Sign

747 W. Lexington
Address

Sharon White
Print and Sign

202 Freemount
Address

Donnell Adams
Print and Sign

202 Freemount
Address

Harry Cokley
Print and Sign

202 Freemount
Address

Shirley Trotman
Print and Sign

202 Freemount
Address

MRS. YVONNE ALLSOP
Print and Sign

130 APTC No Freemount
Address

Eddie Ray
Print and Sign

221 Freemount Ave
Address

Ernest Saunders
Print and Sign

906 W. Lexington ST
Address

Janice Dinkler
Print and Sign

110 W. Santa Street.
Address

Downer Family
Print and Sign

900 E. Fayette ST MPD
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Willie S. Stevenson
Print and Sign

817 W. Saratoga APT 11
Address

Galaxia Thomas
Print and Sign

221 FREMONT Ave Apt 12
Address

LINA Wright
Print and Sign

120 FREMONT Ave
Address

Clivia Anderson Clivia Anderson
Print and Sign

913 W. Saratoga St Apt #1
Address

Christina Williams
Print and Sign

755 W LEXINGTON ST 908
Address

Trone Baskerville
Print and Sign

755 W LEXINGTON ST 908
Address

Charita Busker
Print and Sign

1778 W. Fayette
Address

Sandra King
Print and Sign

864 W. Fayette
Address

Billy Smith
Print and Sign

221 W. Fremont
Address

Kevin Knight Kevin Knight
Print and Sign

923 W Lexington St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Vanessa Price
Print and Sign

806 VINE ST
Address

Maria Bentley
Print and Sign

119 N POPPLETON ST
Address

Charles Collins
Print and Sign

119 N POPPLETON ST
Address

Joseph McFadden
Print and Sign

221 Fremont
Address } Police

Christina Cook
Print and Sign

500 E BALTO ST
Address

Wanda Draper
Print and Sign

755 W Lexington St
Address

Bonita Hanson
Print and Sign

755 W. Lexington St
Address

Saresha Kirby
Print and Sign

755 W Lexington ST
Address

Tommy Sneed
Print and Sign

755 W. Lexington St.
Address

Deborah Broadway
Print and Sign

755 W. Lexington St,
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Charlene Cooper

Print and Sign

755 W. Lexington St. #308

Address

Regina White

Print and Sign

1112 Mulberry

Address

Mrs. C. Walker

Print and Sign

2217 Fremont Ave. Apt. 702

Address

Michael Marshall

Print and Sign

907 - W. Saratoga St.

Address

Tanya Brooks

Print and Sign

901 W. Saratoga St

Address

RAG Brock

Print and Sign

761 W. FAYETTE

Address

Danielle Billups

Print and Sign

783 Mulberry

Address

Sandra Holstein

Print and Sign

784 Mulberry

Address

Tony Davis

Print and Sign

712 Reed Bird Av

Address

Charles Kelly

Print and Sign

743 W. Saratoga St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Mary West
Print and Sign

2116 W. Saratoga St
Address

Darren Fauntleroy
Print and Sign

810 W. Lex
Address

Mar. L. Dent
Print and Sign

904 W. Lexington St
Address

Sandra Wilson
Print and Sign

221 Fremont Avenue
Address

Michelle Brown
Michelle Brown
Print and Sign

834-B W. Vine St.
Address

Thomas Lewis
Print and Sign

841 W Lexington St
Address

Forrest E
Print and Sign

2449 N. Albany St
Address

GLORIA GREEN
Print and Sign

918 N. Lexington Ave.
Address

Robin Robin Pollins
Print and Sign

770 W. Saratoga St 1107
Address

Darlene Butler
Darlene Butler
Print and Sign

438 Oxford Ct
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Shereay Snowden

Shereay Snowden
Print and Sign

846 N. Vine St

Address

Alicia Bryant

Print and Sign

226 N Poppleton St

Address

Courtney Williams

Print and Sign

814 N. Vine St

Address

Kim Chambers

Print and Sign

806 W. Lexington St #118

Address

Kath McDowell

Gerard Lawson

Print and Sign

955 West Laurel St. Apt 801

Address

Nicole Eaton

Wanda Eaton

Print and Sign

755 W. Lexington St. Apt 1026

Address

Wilhemina Eaton

Wilhemina Eaton

Print and Sign

755 W. Lexington St Apt 1006

Address

Kemular Carter

Kemular Carter

Print and Sign

755 W. Lexington St. Apt. 1009

Address

Jacques Ben

Jacques Ben

Print and Sign

114 N. Poppleton St.

Address

Moria Planters

Moria Planters

Print and Sign

755 W. Lexington St

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

MONIQUE JACKSON 755 W. Lexington St.
Print and Sign Address

Anthony Trayham 4803 Midwood ave.
Print and Sign Address

Miss Bennett 1001 Fremont Ave.
Print and Sign Address

CRAIG BROCK 761 W. FAYETTE ST
Print and Sign Address

Gynthia Peak 778 Saratoga St.
Print and Sign Address

LITA JACKSON 23 N. Pulaski St
Print and Sign Address

TURNER Paula 755 Lexington St.
Print and Sign Address

Gloria Quince Gloria Quince 804 W Lexington St
Print and Sign Address

WANDA REED 808 W. Lexington ST #9
Print and Sign Address

CRAIG BROCK 759 W. FAYETTE ST
Print and Sign Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Danny Davis

Print and Sign

841 W Lexington

Address

Joseph Mandayak

Print and Sign

119 N POPPLETON ST

Address

Robin

Print and Sign

Address

Diana S. Hudson

Print and Sign

755 W. Heights St. Apt 1105

Address

Carita Rhodes

Print and Sign

810 W. Lexington St Apt 7

Address

Mae H. Deans

Print and Sign

1625 DIVISION ST

Address

DAVIDA JONES

Print and Sign

202 N. Fremont Ave #12

Address

Jyllene Edwards

Print and Sign

747 W. Saratoga St.

Address

Jyllene Edwards

Print and Sign

LISA HORNE

Lisa Horne

Print and Sign

756 W. Fayette St.

Address

Shonda Sabon

Print and Sign

756 W. Fayette St.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

305 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Rosa M. Prof
Print and Sign

755 31 Lexington St.
Address

DAWIA KELLY
Print and Sign

7621 W. Fayette St
Address

Ronald Mack
Print and Sign

764 W. Fayette St.
Address

Almena Mack
Print and Sign

764 W Fayette St
Address

Dwight Dukes
Dwight Dukes
Print and Sign

130 Fremont Ave
Address

Morgan Miller
Print and Sign

732 W. Saratoga St.
Address

William Heston
Print and Sign

122 N Poppleton
Address

Sara Jackson
Print and Sign

908 W. Lexington St.
Address

Jean Conway
Print and Sign

202 N Fremont Ave.
Address

Marie Ansel
Print and Sign

1117 W Lex
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jonga Wilson

Print and Sign

755 Lexington St. APT 2B

Address

KENNETH BANKS
Kenneth Banks

Print and Sign

221 N. FREMONT AVE ^{APT} 1404

Address

Michael Jones
Michael Jones

Print and Sign

221 N. FREMONT Ave. 1404

Address

Tyra Byrd
Tyra Byrd

Print and Sign

810 W. Lexington St Apt 3

Address

Eleanor Ware
Eleanor Ware

Print and Sign

701 W. Mulberry St.

Address

Turner Paula

Print and Sign

755 W. Lexington St.

Address

Shawn Bryant

Print and Sign

209 Fremont Ave

Address

Brenda Bryant

Print and Sign

209 Fremont Ave

Address

MARIA MAYO

Print and Sign

770 W. Sandoz St

Address

P. Davis

Print and Sign

75' Lexington St.

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Darryl Hairston Darryl Hairston
Print and Sign

221 N. Fremont Ave Apt 505
Address

Cynthia Allen Cynthia Allen
Print and Sign

221 N. Fremont Ave 505
Address

Devon Smith
Print and Sign

221 N. Fremont Ave 901
Address

Jhawn Johnson
Print and Sign

904 W. Lexington St
Address

Randall Hyman
Print and Sign

243 N. Gilmore St
Address

Alvin Uo'D
Print and Sign

1812 Whitmore Ave
Address

Jdanda Thomas
Print and Sign

221 Fremont Ave
Address

KURT LEWIS Kurt Lewis
Print and Sign

755 W. Lexington St.
Address

Marlon Fortune
Print and Sign

812 W. Lexington St
Address

Laurita Ford
Print and Sign

468 Oxford Ct
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

DEBORAH Mitchell
Print and Sign

701 Mulberry St
Address

Russell Ford
Print and Sign

701 Mulberry St
Address

Naura Kennedy
Print and Sign

561 N. Kemment Ave
Address

Gary Foster
Print and Sign

531 N. Kemment Ave
Address

Michael Dorsey
Print and Sign

823 W. Saratoga St.
Address

Hezy Thomas
Print and Sign

905 N. Amity St
Address

Kushia Thomas
Print and Sign

905 N. Amity St
Address

Diane Smith
Print and Sign

905 N. Amity St
Address

Rosa Boone
Print and Sign

831 Vine St
Address

Antonia Rust
Print and Sign

701 Mulberry St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Coelin 4th 43rd
Print and Sign

1841 Eagle St
Address

BRYANT Noakes
Print and Sign

701 W Mulberry St Apt 210
Address

VANESSA MARSHALL
Print and Sign

762 W. Fayette St
Address

Colivia Linton
Print and Sign

896 W. Lombard
Address

Sharon Cash
Print and Sign

904 W Lexington St
Address

MARREN JOHNSON
Print and Sign

904 W Lexington St
Address

MELVIN DAVIS
Print and Sign

909 W Lexington St
Address

Glaine Skypa
Print and Sign

861 Lexington St
Address

Evelyn Epps
Print and Sign

861 Lexington St
Address

TERRY DANIEL
Print and Sign

811 W. Vine St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

MARIE MUEL

Print and Sign

1770 W. Saratoga St 1001

Address

Barbara Sellman

Print and Sign

976 W. Saratoga St 1001

Address

Monique

Print and Sign

808 W. Vine Street

Address

Kennetha

Print and Sign

837 Vine Street

Address

Bene Bernetta Rouse

Print and Sign

755 W. Lexington St, 102

Address

Bernetta Rouse

Print and Sign

Address

Pat Jackson

Print and Sign

Address

Don Paul

Print and Sign

1301 Hillside Dr.

Address

Victor Gordon

Print and Sign

901 W. Saratoga Street

Address

is

701 W. Mulberry St apt 706

Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Pearl Fisher
Print and Sign

802 W. Lexington St
Address

Thorman B. Gladden
Print and Sign

221 N Fremont Ave Apt 309
Address

Jimmie L. Harkless
Print and Sign

775 W. Lexington St.
Address

Clarence Dixon
Print and Sign

221 N. Fremont Apt 905
Address

Yvonne Scriber
Print and Sign

503 N. Loudon Ave
Address

Donella Thomas
Print and Sign

905 W. Saratoga St. #14.
Address

Harry Dorsey
Print and Sign

905 W. Saratoga St. #14
Address

Norma Robinson
Print and Sign

415-P-2 Saratoga St
Address

Sharesha
Print and Sign

755 W. Lexington St Apt 1007
Address

Anthony Jones, Anthony Jones
Print and Sign

701 N. Mulberry St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Jamika Reynolds
Jamika Reynolds
Print and Sign

755 W Lexington St
Address

Robert Barber
Print and Sign

221 Biltm Apt 201 Fremont
Address

Angelina Robinson
Print and Sign

774 W. Fayette St
Address

Lester Fisher
Print and Sign

1058 Angyle Ave.
Address

~~Ramona Benton~~
Print and Sign

~~309 W arlington ave~~
Address

~~[Scribbled out signature]~~
Print and Sign

Address

Franklin Johnson
Print and Sign

Address

Katy Lewis
Print and Sign

221 N. A Rem on Ave.
Address

Briggett Vines
Print and Sign

755 W. Layette
Address

TUREA willis
Print and Sign

736 W Layette
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Daniel Morris
Print and Sign

765 West saratoga St
Address

Charisse Davis
Print and Sign

1401 W. Fayette
Address

Juwel Hudson
Print and Sign

755 W. Lexington St #805
Address

Barbara Williamson
Print and Sign

812 W. Lexington St
Address

Derrick Black
Print and Sign

501 W Stockton St
Address

Debra B. Young
Print and Sign

202 N. Fremont Apt. 4
Address

Patricia Johnson
Print and Sign

" " "
Address

Derrick Wilson
Print and Sign

709 W. Monroe Ave
Address

John Johnson
Print and Sign

701 W. Mulberry St
Address

Joyce Parcham
Print and Sign

701 W. Mulberry St
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

Derwin Turner
Print and Sign

765 W. Saratoga St.
Address

Charlie Allen
Print and Sign

805 Saratoga St
Address

Gale Bradford Hale
Print and Sign

1736 E Fayette St
Address

JERRY TEAL
Print and Sign

221 N. Fremont Ave.
Address

Topper Taylor
Print and Sign

PATRICK Langley
Address

Danica Miller
Print and Sign

761 W. Fayette Apt. D.F.
Address

Wendy B. N.
Print and Sign

727 W. Curwood Ave
Address

John Handy
Print and Sign

704 West Lexington St
Address

Howard Mitchell
Print and Sign

221 N. Fremont Ave Apt 803
Address

Wanda Reed
Print and Sign

906 W. Lexington St Apt 4
Address

Residents of Lex-Poe Homes, Poppleton, & neighbors;

805 W. Lexington Street has been vacant for a long period of time and renovated into a decent mini market with good merchandises and clean atmosphere. It will be a clean drug free store as a part of the community. If you support the idea, please sign below :

2ARRY BUSH

Print and Sign

904^{APT 5} - W LEXINGTON

Address

Cynthia Beasley

Print and Sign

1102 HOFFMAN ST

Address

Lachelle Taylor

Print and Sign

1114 HOFFMAN

Address

Victoria Hunt

Print and Sign

739 George St

Address

Gene Miller

Print and Sign

806 W Saratoga St APT 9

Address

Lance Jones

Print and Sign

1133 W. Lexington St

Address

Sharesha Kirby

Print and Sign

755 W. Lexington St APT 1027

Address

Shana Smith

Print and Sign

745 W. Lexington St APT 2001

Address

Sharon Tine Sherone

Print and Sign

507 N. G. W. St APT 6

Address

MR DEAN SAMES (D.N.D)

Print and Sign

406 Fremont Ave

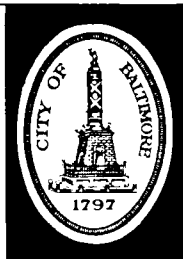
Address

[Handwritten signature]

FROM	NAME & TITLE	Daniel P. Henson III, Commissioner
	AGENCY NAME & ADDRESS	Department of Housing and Community Development - 417 E. Fayette Street
	SUBJECT	Poppleton: 805 W. Lexington Street Appeal to BMZA (Use)

CITY of
BALTIMORE

MEMO



TO

DATE: December 6, 1993

Mr. Gilbert V. Rubin
Board of Municipal & Zoning Appeals

390-93X

LATE

Mr. Domingo Hyeak Kim has submitted an application and site plan to use the first floor of 805 W. Lexington Street as a grocery. The property is located within an R-8 zoning district in the Poppleton Urban Renewal area.

According to the Zoning Ordinance, Section 4.8-1a, the proposed use is not permitted within the R-8 Zoning District. Therefore, this Department opposes the proposed use at this location. In addition, based on our neighborhood planning strategies which are prepared in coordination with the neighborhood association, the participating residents have designated the 800 block of West Lexington for residential use.

On July 12, 1993, the appellant met with representatives of the community. At that time, some residents expressed support and others (the members of Concerned Citizens of Poppleton and the Project Area Committee) vehemently opposed the grocery.

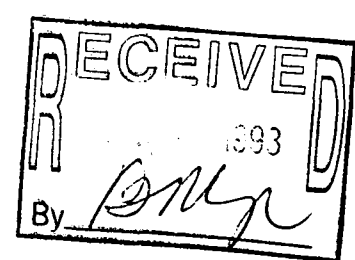
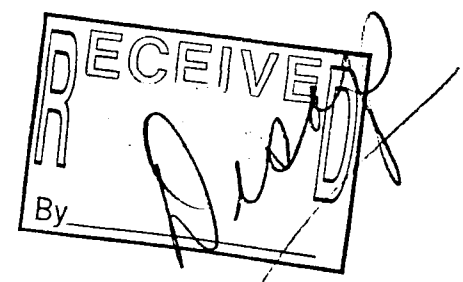
Again, this department opposes the proposed use.

The Concerned Citizens of Poppleton have been notified of this appeal and may communicate directly to the Board.

DPH/RM/II

cc: Mr. Domingo H. Kim
3509 Branch Court Road
Rockville, Maryland 21234

Ms. Jackie Brown, President
Concerned Citizens of Poppleton
838 W. Fairmount Avenue 21201



FROM

NAME & TITLE	David C. Tanner, Zoning Administrator
AGENCY NAME & ADDRESS	Department of Housing and Community Development Zoning Enforcement Section 417 E. Fayette Street, Room 101
SUBJECT	805 W. Lexington Street Permit No. B-73305

CITY of
BALTIMORE
MEMO



TO

DATE:
August 12, 1993

Rudy Janssen, Director
Construction and Building
Inspection
417 E. Fayette Street
Room 310

This is in reference to permit No. B-73305 issued on May 19, 1993 authorizing the continued use of the first floor of 805 W. Lexington Street as a grocery store. This property is located in a R-8 General Residence Zoning District. Grocery stores are not permitted. The application was approved based on an error in the Zoning Office showing the property to be located in a B-1 Neighborhood Business District.

I am requesting that permit No. B-73305 be declared null and void because it was issued in error.

MAYOR AND CITY COUNCIL OF BALTIMORE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CONSTRUCTION BUILDINGS INSPECTION

AUTHORIZATION
No. B 73305

THIS WRITTEN INSTRUMENT, WHEN PROPERLY VALIDATED, CONSTITUTES AUTHORITY FOR DOING OR RECEIVING THE THINGS INDICATED BY THE FEES OR CHARGES SHOWN IN THE APPROPRIATE SPACES BELOW. ANY AND ALL THINGS TO BE DONE OR RECEIVED UNDER THIS WRITTEN INSTRUMENT SHALL BE DONE OR RECEIVED IN STRICT COMPLIANCE WITH THE APPLICATION HERETOFORE FILED IN THIS DEPARTMENT FOR THE AUTHORITY CONTAINED HEREIN, INCLUDING ANY AND ALL APPROVED DRAWINGS AND OTHER DATA OR INFORMATION ATTACHED THERETO, AND SUBJECT TO ANY AND ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN EFFECT IN THE CITY OF BALTIMORE AND THE STATE OF MARYLAND.

WARNING: IT IS UNLAWFUL TO CONCEAL ANY WORK UNTIL INSPECTED AND APPROVED BY THIS DEPARTMENT.

WARD 18 11	SECT. 188	BLOCK 33	LOT	DATE 5 18 93	DIST. NO. 18	MP NO.	PLANS NO.
---------------	--------------	-------------	-----	-----------------	-----------------	--------	-----------

PROPERTY ADDRESS: 805 W LEXINGTON ST

OWNER DOMINGO KIM Address _____

LESSEE _____ Address _____

PRIME CONTRACTOR _____ Address _____ Lic. No. _____

ELECTRICAL CONTRACTOR _____ Address _____ Lic. No. _____

PLUMBING CONTRACTOR _____ Address _____ Lic. No. _____

GAS FITTER _____ Address _____ Lic. No. _____

WORK COST	COMP. DATE	CODE DESC.	NOTES A	SEWER CONN.	ELEC. SER.	ELEV. SER. NO.
-----------	------------	------------	------------	-------------	------------	----------------

SCOPE OF AUTHORITY:

CONTINUE TO USE 1ST FLOOR AS A GROCERY STORE

A-001-138-260-00-000 SMDKE	A-001-139-260-00-000 PER. INSP.	A-001-131-260-09-000 MISC.	A-001-131-260-09-000 CH. OCC 13	A-001-623-583-00-000 ZONING
A-001-132-260-01-000 NEW BLDG.	A-001-132-260-02-000 ADDITIONS	A-001-132-260-03-000 ALTERATIONS	A-001-132-260-04-000 REPAIRS	A-001-132-260-06-000 MISC. CONST.
A-001-132-260-06-000 ELECT.	A-001-133-260-00-000 ELECT.	A-001-134-260-01-000 HEAT	A-001-134-260-02-000 REFRIG.	A-001-134-260-03-000 AIR COND.
A-001-134-260-04-000 P & T	A-001-134-260-05-000 FIRE	A-001-134-260-06-000 GAS	A-001-136-260-00-000 ELEVATOR	A-001-135-260-00-000 PLUMB.
A-001-132-260-07-000 S & E CONTROL	A-001-868-570-01-000 CHAP	SUB TOTAL FEES ONLY 13	A-001-051-150-00-000 TAX 1	TOTAL FEES + TAX 14

THE AUTHORITY CONTAINED HEREIN DOES NOT AUTHORIZE THE PERFORMANCE OF ANY WORK IN, ON, UNDER OR OVER ANY STREET, HIGHWAY, ALLEY, SIDEWALK OR ANY OTHER PUBLIC WAY, UNLESS PERMISSION TO DO SO HAS BEEN FIRST SECURED FROM THE PROPER AUTHORITY.

THE AUTHORITY CONTAINED HEREIN MAY NOT BE VALIDLY EXERCISED UNTIL AND AFTER ALL OF THE FEES APPEARING HEREON HAVE BEEN PAID AND EVIDENCE THEREOF APPEARS IN THIS SPACE.



ISSUED BY

Delphi E. James
DIRECTOR
CONSTRUCTION AND BUILDINGS
INSPECTION

B#01 PAID M&CC BALTO
0005 MAY.20 '93 08:58AM
9693 MISC 14.00

SB

PER _____

J COLE

NUMERIC FILE

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor



DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

ROBERT W. HEARN, Commissioner
417 East Fayette Street
Baltimore, Maryland 21202

August 16, 1993

Mr. Domingo Hyeok Kim
9417 Seven Courts Drive
Baltimore, MD 21236

Re: 805 W. Lexington Street

Dear Mr. Kim:

This is to advise you that Building Permit No. B73305 issued on May 19, 1993, authorizing use of first floor at 805 W. Lexington Street as a grocery store was issued in error and is hereby revoked.

Authority for this action is set forth in the Baltimore City Building Code (1990) Paragraph 112.6, "Revocation of Permits" which states in part that such permits are null and void and that their status shall be the same as though they had never been issued.

The revocation is based on a report from our Zoning Enforcement Section that:

1. The Zoning Office showed the property to be located in a B1 Neighborhood Business District, when in fact it is listed in an R8 District where grocery stores are not permitted.


Therefore, you are directed to cease all use at once.

Mr. David Tanner, who may be reached directly at 396-4185, is the person most familiar with this matter.

Sincerely,

Arthur A. Felicebus
Arthur A. Felicebus
Acting Chief
Construction and
Buildings Inspection

RFJ/AAF/ma

FROM	NAME & TITLE	David C. Tanner, Zoning Administrator	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Dept. of Housing & Community Development Zoning Enforcement Section 417 East Fayette Street, Room 100		
	SUBJECT	ZONING SUMMARIES		

TO Board of Municipal and Zoning Appeals
417 East Fayette Street - Room 1432

DATE: December 7, 1993

The Zoning Administrator brings to your attention the following facts concerning the property noted below. It is suggested that this information be considered and made a part of the Hearing record. Department files will be made available upon request.

PROPERTY 805 W. Lexington Street APPEAL NO. 370-93X

1. This appeal arises from:
 - an application disapproved or referred by the Zoning Administrator.
 - a Violation Notice issued by the Zoning Administrator.
2. The Police Survey of 1931 records the use of the property as:
No Police Survey on file.
3. No Multiple Dwelling License on file.
4. The last permit issued was February 5, 1990, No. A36423 to continue to use as two (2) dwelling units. The last application on file was for same. The application was signed by Joyce Robinson. The application indicates building now used for two (2) dwelling units. The application further indicated building to be used for same.

David C. Tanner

PROTESTANTS:

NAME: Please Print ADDRESS:

CHARLES PURNELL 19 N. FARMONT AVE

FUGENE SNEAD 763 W FAYETTE ST

DATE 12/7/93

APPEAL No 376-931 PROPERTY 805 W. LEXINGTON ST.

LAW OFFICES OF
DENICK & HYMAN, P.A.
201 NORTH CHARLES STREET
SUITE 1702
BALTIMORE, MARYLAND 21201-4121

JOHN H. DENICK
GARY M. HYMAN
CASSIA W. PARSON
ELISSA F. BORGES

OF COUNSEL
THEODORE C. DENICK

TELEPHONE: (410) 727-6900
FAX: (410) 727-6904

October 4, 1993

Mr. Gilbert Rubin
Zoning Administrator
Room 1432, Rivoli Building
417 E. Fayette Street
Baltimore, Maryland 21202

RE: 805 W. Lexington Street

Dear Mr. Rubin:

Our office, counsel for Charles Purnell, is requesting that it be notified of any hearings schedule for 805 W. Lexington Street to have the zoning changed from a residential to a business purpose.

As you may be aware, the neighborhood where this property is located is primarily residential. The premises which is currently being used as a grocery store has been and currently remains zoned as a residential dwelling. The owner of the property was advised that the property was residential when he introduced a commercial purpose. To permit a citizen to take a residential premises and convert it for business purposes and then adopt a spot zoning change is a dangerous precedent for our city.

Mr. Purnell is adamantly opposed to the Board of Municipal and Zoning Appeals making any modification to the existing zoning of the premises. He wants to appear in person along with his neighbors to testify in opposition to the zoning appeal.

We appreciate your keeping us advise as this matter moves forward toward a hearing.

Very truly yours,

John H. Denick
John H. Denick

cc: Daniel W. Quasney, Esquire
Mr. Charles Purnell
Mr. David Tanner

hblpur.gen

*Sub advised Atty
Denick by phone
that appeal is
Pending 10/6/93*

Ward 10
 Sec. 11
 Blk. 188
 Lot 33

This Application Must Be Filled Out in Black Ink or on Typewriter
See inside for instructions
MAYOR AND CITY COUNCIL OF BALTIMORE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CONSTRUCTION AND BUILDINGS INSPECTION DIVISION
PERMIT APPLICATION

Dist. No.
 Date Issued
 Permit No.
 Minor Pr. No.

PLANS NO.

Official Designation: _____
 DO NOT WRITE ABOVE THIS LINE

PROPERTY ADDRESS 805 W. Lexington Street

K/A

OWNER ... Domingo Hyeok Kim Address 3509 Branch Court Road, Parkville, MD

LESSEE Address Lic. No. 21234

PRIME CONTRACTOR Address Lic. No.

ELECTRICAL CONTRACTOR Phone Lic. No.

PLUMBING CONTRACTOR Address Lic. No.

GAS FITTER Address Lic. No.

ARCHITECT OR ENGINEER Address Lic. No.

TYPE OF IMPROVEMENT

- NEW CONSTRUCTION ADDITION/ALTERATION OTHER c/o

DESCRIPTION OF ^{USE} ~~WORK~~ (Be specific when plans are not submitted):

..... To continue to use the first floor of 805 W. Lexington Street as a grocery.

	DEPARTMENT	DATE	APPROVED BY	DISAPPROVED	AREA/PLANNER
	C.H.A.P.				
	CENTER CITY INNER HARBOR				
	DEPT. OF PLANNING				
X	DHCD PLANNING				<u>ROBERTSON FEWICK</u>

REFER FD HD PD NOTES

EXISTING USE(S) .. Grocery business (Permit B73305 allegedly issued in error)

PROPOSED USE(S) .. Grocery business

Estimated total cost of work \$ Expected Date of Completion

DIMENSIONS	Front (Ft.)	Depth (Ft.)	Height (Ft.)	Stories	Area (Sq. Ft.)	Volume (Cu. Ft.)
Present Building						
Proposed Building						
Lot			X	X		X

METERS: Electric Existing New Relocate Enlarge Total
 Gas Existing New Relocate Enlarge

PERMIT CHARGES: Applicant must complete information in category columns only.

CATEGORY	FEE	CATEGORY	FEE
SMOKE CONTROL		DISPENSERS & TANKS	
PERIODIC INSPECTION		No. of Tanks..... Gals. Ea.	
MISCELLANEOUS		No. of Dispensers Intake Dia.	
CHANGE OF OCCUPANCY		FIRE PROTECTION	
CHAP		Sprinklers:	
CONSTRUCTION		No. New	
New Building		No. Relocated	
Addition		Standpipes: No.	
Alteration		CO ² System: Cu. Ft. Protected	
Repair		GAS FUEL BURNING EQUIPMENT	
Misc. Const.		No. Units Type BTU Input	
Sediment and Erosion Control			
Storm Water Management			
Cost of Const Work Only \$			
ELECTRICAL		ELEVATORS	
New Service Amps		No. to be installed	
No. of circuits to be installed or altered		No. to be altered	
Fixtures only		Type Use	
Temp. wiring kw.		Serial No.	
Other		PLUMBING	
HEATING & FUEL BURNING EQUIP. (other than gas)		No. fixtures to be installed	
No. Units Type BTU Input		No. fixtures to be reconstructed	
		No. electric water heaters	
		Water service pipe	
		Sanitary sewer connection?	
REFRIGERATION & AIR CONDITIONING		Storm water connection?	
No. Units Type		Other	
Refrigerant		TOTAL FEES	
Total Rating BTU Tons		5% TAX	
Alterations or Repairs		TOTAL	
Ventilation System CFM			

Fees Checked By: Date:

The owner of the above described property hereby approves this application and agrees to comply with all ordinances of the Mayor and City Council of Baltimore and to do no work not specifically covered by this application.

"I declare under penalties of perjury that this application, including any accompanying plans, specifications, etc. has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of the work to be covered by this application." "I also declare that I am the owner or have specific approval of the owner to act as agent for this application."

SIGNED: Domingo Jimenez DATE: Sep 23, 1993
Signature of Owner or Authorized Agent
 ADDRESS: 3509 Branch Court Rd Parkville MI 21234 (416) 668-3218
Print Number and Name of Street City State Zip Code Phone

ZONING: Dist 1000
 By: BJ Date: 9-27-93
 REFERRALS APPROVED
 By: Date:
 PRELIMINARY INSPECTION
 By: Date:

APPROVALS
 STRUCTURAL (DESIGN) (FEE) CHECKED
 By: Date:
 ELECTRICAL (DESIGN) (FEE) CHECKED
 By: Date:
 MECHANICAL (DESIGN) (FEE) CHECKED
 By: Date:

APPROVED
 RUDOLPH F. JANSSEN
 Director-Construction
 & Buildings Inspection
 Per:
 Date:

NOTICE OF APPEAL
TO THE
BOARD OF MUNICIPAL AND ZONING APPEALS

7775

TO: THE BOARD OF MUNICIPAL AND ZONING APPEALS
Room 1432, Rivoli Building, 417 E. Fayette St.
Baltimore, Maryland 21202

FROM: Domingo Hyeok Kim, 3509 Branch Court Road, Baltimore, Maryland 21234
(Name) (Address)

GENTLEMEN: REFERRING TO MY APPLICATION DATED September 27, 1993

FOR PERMIT TO To continue to use the first floor of 805 W. Lexington Street
as a Grocery

AT PREMISES DESIGNATED AS 805 W. Lexington Street

WHICH WAS (DISAPPROVED) ~~XXXXXXXXXX~~ (REFERRED) ON September 27 19 93

UNDER SEC. 4.8-1a OF THE ZONING ORDINANCE

FOR THE REASON THAT IT VIOLATES THE ZONING ORDINANCE IN THE FOLLOWING RESPECTS:

4.8-1a: Use

N.C.

Zoning District: R-8

A copy of application is attached herewith.

Notice of an appeal from this decision is hereby given within ten days from date of the decision as required by the rules of the Board.

I will file, within the prescribed time limit, an appeal on proper form, a copy of the decision of the Zoning Commissioner and blueprints as required.

When you have set a date for hearing the appeal, I will post the premises as required by your Board.

Respectfully, B#01 PAID M&CC BALTO
0005 SEP.28.93 02:21PM
7021 MISC .01

Signature of Applicant

Date _____

2-56

PLEASE PRINT OR TYPE

Form 1 BMZA 1410-14-1 REV. 7/88

Appeal No. 370-93X Notice of Appeal Filed 9-27 19 93

**APPEAL FROM THE DECISION OF THE ZONING ADMINISTRATOR
UNDER THE ZONING ORDINANCE.**

TO: The Board of Municipal and Zoning Appeals, Baltimore, Md. _____ 19_____
14th floor — 417 E. Fayette St.

An appeal is hereby taken from the decision of the Zoning Administrator, and application is hereby made for an order, reversing said decision or authorizing an exception to the requirements of the Zoning Ordinance or approving an application, under the power vested in your Board, so as to permit the:

Retention } of 805 W. Lexington Street, First Floor as a grocery store
Construction }
Extension }
Alteration }
Conversion }
Use }

in accordance with the application and plans filed with the Zoning Administrator, and as hereinbelow described:

Premises designated as 805 W. Lexington Street _____ St., Rd. Ave.

Located on the North, East side of W. Lexington _____ St., Rd. Ave., and

distant 90 feet North, East of the corner formed by the intersection of N. Fremont St., Rd. Ave. and W. Lexington St., Rd. Ave.

Name of Appellant Domingo Hyeok Kim _____ Address 3509 Branch Court Road _____ (_____) P. O. Zone

Name of Owner Same _____ Address Parkville, Maryland 21234 _____ (_____) P. O. Zone

Size of Lot Map Attached ft. front X 100 ft. deep (or if irregular see plat.)

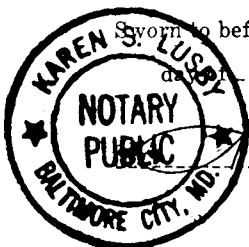
**DESCRIPTION OF ALL BUILDINGS AND USES ON THE LOT
IF MORE THAN ONE BUILDING USE SPACE IN REMARKS TO DESCRIBE ADDITIONAL BUILDINGS**

	Existing	Proposed (purpose of appeal)
Size of Building	<u>14</u> ft. front & <u>65</u> ft. deep	_____ ft. front & _____ ft. deep
Height	_____ ft. <u>3</u> stories	_____ stories
Character of Const.	Frame <input checked="" type="checkbox"/> Brick Masonry Metal	Frame Brick Masonry Metal
No. of families housed	N/A	
Describe use of each floor of a building	1st Floor - Grocery 2nd Floor - Storage 3rd Floor - Vacant	Same
Date of Construction	Unknown	
REMARKS:		

Has there been any previous appeal to this Board on these premises? NO Appeal No. 440-50

Located in a R-8 District (Zoning Office originally advised R-8 Zoning District.)

Attached hereto and made a part of this application, is submitted all papers as required on the sheet of instructions furnished me. I hereby depose and say that all the above statements and the accompanying statements are correct and true.



Sworn to before me, this 23rd day of SEPTEMBER 19 93 } Domingo Hyeok Kim
(Appellant to sign here.)
Karen S. Lusby
(Notary.) MY COMMISSION EXPIRES 10-1-97

NOTE: In Positive Appeals when the Appellant is not the Owner, the affidavit on the reverse side must be executed.

COMPLETE STATEMENT OF APPELLANT ON REVERSE SIDE

287

A STATEMENT OF FACTS IN SUPPORT OF THE APPEAL MUST BE MADE IN THE SPACE BELOW BEFORE THE CASE CAN BE SCHEDULED FOR A HEARING.

TO: THE BOARD OF MUNICIPAL AND ZONING APPEALS:

Referring to the application on reverse side of this sheet, I submit the following reasons in support of the appeal:

The Appellant purchased the subject property in approximately June 1992. with the intent of operating a grocery store in the first floor of the property. Pursuant to said intention, the applicant checked the zoning relating to the property and was advised by the Zoning Office that the property was in a B1 zoning district in which the operation of a grocery store is a permitted use. In reliance upon this information, the Appellant did extensive renovations to the property, expended considerable sums of money to buy appropriate equipment and to stock the property for use as a grocery. The Appellant further performed considerable work to the premises and expended additional sums in order to secure all of the appropriate permits in order to operate a grocery at the premises, including a permit from the Baltimore City Health Department, Bureau of Food Control and a permit from the Department of Housing and Community Development authorizing the use of the first floor of the property as a grocery store. Finally, in reliance on the prior information provided by the Zoning Office and the above Permit #B73305 from the Department of Housing and Community Development, the Appellant discontinued a grocery business he operated at another location to conduct business at the subject location. Given the appropriateness of Appellant's conduct in consulting the Zoning Office and obtaining all the required permits prior to operating, coupled with the extreme hardship which will result to the Appellant solely as a result, an error by the Zoning Office, Appellant requests that he be granted a non-conforming use for the subject property to operate as a grocery.

Domingo Hyeok Kim
Signature of Appellant.

Affidavit of Ownership (To be used in Positive Appeals if the Appellant is not the Owner.)

STATE OF MARYLAND, } ss: Domingo Hyeok Kim being duly sworn
CITY OF BALTIMORE, }

deposes and says that he resides at 3509 Branch Court Road St., Ave.,

in the City of Parkville in the State of Maryland 21234, and

(1st) That he is the owner of all that certain lot, piece or parcel of land situated, lying and being in the City of Baltimore aforesaid and known and designated as 805 W. Lexington Street St. Ave., and

(2nd) That the statements of fact contained in the annexed application are true, and

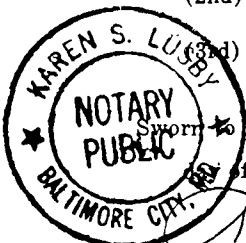
That he hereby authorizes to make said application in his behalf.

Domingo Hyeok Kim
(Appellant's name)

Sworn to before me, this

23rd SEPTEMBER 1993

Domingo Hyeok Kim
(Owner sign here)



Karen S. Lusby
(Notary)

my COMMISSION EXPIRES 10-1-97

(over)

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

GILBERT V. RUBIN, Executive Director
14th Floor, 417 E. Fayette Street
Baltimore, Maryland 21202

October 20, 1993

Mr. Charles Purnell
19 N. Fremont Avenue
Baltimore, Md. 21201

RE: Appeal No. 370-93X-Application of
Domingo Hyeok Kim to use first floor
as a grocery store at 805 W. Lexington
Street

Dear Sir:

In accordance with your request, this is to advise you
that the above cited case has been scheduled for public
hearing before the Board of Municipal and Zoning Appeals on
TUESDAY, DECEMBER 7, 1993 AT 1:30 P.M. IN ROOM 215, CITY
HALL.

All parties in interest should be present on this
date, and you are accordingly so notified.

Very truly yours,

GILBERT V. RUBIN
EXECUTIVE DIRECTOR

GVR:png

CC - John H. Denick, Esquire
201 N. Charles St. 21201-4121

BOARD MUNICIPAL AND ZONING APPEALS

14th Floor

417 E. FAYETTE STREET - 21202

805 W. JERINGTON ST.

Baltimore, Md.,

OCT. 20 19 93

To the Appellant:

Your appeal to the Board of Municipal and Zoning Appeals has been assigned Number 370-93X and scheduled for a Public Hearing as indicated on the form below. Hereafter refer to this matter by Appeal Number. Everything included within the heavy black lines is required to appear on the sign.

The certificate of posting at bottom of this form shall be dated, signed and filed at the office of the Board prior to the Public Hearing.

Owner/appellant or an authorized representative, previously approved by the Executive Director, must be present at the public hearing.

The sign shall be posted not later than NOV. 27 19 93

By Order of the Board J. C. J.

Rule of the Board of Municipal and Zoning Appeals for posting:

Posting - The premises shall be posted in accordance with the following rules:

- A. The sign shall be not less than four (4) feet long and three (3) feet high, with black lettering not less than two (2) inches high, on white background.
B. The sign shall be posted in a conspicuous manner, not over ten feet above the ground level, and where it will be clearly visible and legible to the public.
C. The sign shall be posted not later than ten (10) days prior to the date of the Public Hearing, and shall be maintained in good condition until after the Public Hearing. Where proposed structures or uses are to be on the rear of the lot, the sign shall nevertheless be posted on the front of the premises, unless otherwise directed.

POST SIGN CONSPICUOUSLY ON FRONT OF PROPERTY

WORDING OF SIGN TO BE POSTED ON PREMISES

To Whom it May Concern:

Notice is hereby given by the Board of Municipal and Zoning Appeals that it will hold a public hearing Tuesday DEC. 7, at 1:30 P.M. in Room 215, City Hall on Appeal No. 370-93X for a permit To use FIRST FLOOR A. A. GROCERY STORE on these premises located in a R-8 Zoning District.

To the Board of Municipal and Zoning Appeals

14th Floor

417 E. Fayette Street - 21202

Baltimore, Md., 19

I hereby certify that the sign was posted on the premises in question in accordance with the above

instructions on 19

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

GILBERT V. RUBIN, Executive Director
14th Floor, 417 E. Fayette Street
Baltimore, Maryland 21202

September 30, 1993

Mr. Domingo Hyeok Kim
3509 Branch Court Road
Parkville, Maryland 21234

Daniel Quasney
341 N. Calvert
SV
21202
685-0111

Dear Sir:

This is to advise you that your application to use first floor as a grocery store at 805 W. Lexington Street is now ready for final processing.

If you will appear in person at this office between 8:30 A.M. and 4:30 P.M., this matter will be scheduled for public hearing.

In the event you no longer wish to pursue this appeal, please contact this office.

Very truly yours,

GILBERT V. RUBIN
EXECUTIVE DIRECTOR

GVR:png

CC - Zoning Enforcement Section

Receipts from Minute

Meeting of 12-7-93.

Park Heights Avenue, was scheduled for public hearing today, but the property was not properly posted, and the appellant was advised to obtain a new hearing date and repost the premises in accordance with the rules of the Board.

22. Appeal No. 369-93X, application of Henry C. Brown to house a goose at 2219 E. North Avenue, was scheduled for public hearing today, but the property was not properly posted, and the appellant was advised to obtain a new hearing date and repost the premises in accordance with the rules of the Board.

Start

23.* The following resolution was adopted by the Board:

RESOLVED, that in the matter of Appeal No. 370-93X, Domingo Hyeok Kim, 3509 Branch Court Road, Appellant, to permit the use of first floor as a grocery store at 805 W. Lexington Street, the Board of Municipal and Zoning Appeals, after giving public notice, inspecting the premises, holding a public hearing, considering all data submitted, and by authority of Ordinance No. 1051, approved April 20, 1971, known as the Zoning Ordinance, made a study of the premises and neighborhood and finds that the property is on the south side of Lexington Street, 90 feet west of Fremont Avenue in an R-8 Zoning District.

The premises is improved by a three story, brick building, 14 feet by 65 feet. The first floor is used for a grocery store, the second floor is used for storage, and the third floor is vacant. It is proposed to use the first floor as a grocery store.

Prior to April 20, 1971, the date of passage of the New Comprehensive Zoning Ordinance No. 1051, the property was zoned Residential Use, B-1-1/2 Height and Area District.

Under the provisions of Section 4.8-1-a and c, a grocery store is not listed as a permitted or conditional use in the R-8 Residence District.

Any lawfully existing non-conforming use or structure may be continued under Sections 8.0-1 and 13.0-2.

A Class III non-conforming use shall not be changed to any other non-conforming use except that the Board, in accordance with the authority and procedures established in Section 8.0-7, may authorize a change of a Class III non-conforming use to a use listed in the B-1 Neighborhood Business District under the provisions of Section 8.0-4-d

Under the provisions of Section 6.1-1-(b), Item 15, a grocery store is listed among the permitted uses in the B-1 District.

Under the provisions of Section 8.04-f, whenever any Class III non-conforming use or part thereof, has been discontinued for a period of twelve consecutive months, such discontinued non-conforming use or part thereof, shall not thereafter be re-established, any subsequent use of that land, structure or part thereof, shall conform to the regulations of the district in which the land or structure is located. Such discontinuance of the active and continuous operation of such non-conforming use, or any part thereof, for such period of twelve months, shall constitute an abandonment of such non-conforming use, or part thereof, respectively, regardless of any reservation of an intent not to abandon same or of an interest to resume active operations. If, within a period of less than twelve months, actual abandonment, in fact, is evidenced by the removal of structures, machinery or equipment or by alterations indicating a change in the use of the land, structure or part thereof, the abandonment shall be completed at the time of such event and all rights to re-establish or continue such non-conforming use, or part thereof, shall terminate as of that time.

The provisions of this Section concerning discontinuance and abandonment do not apply to Class III non-conforming uses in the R-6, R-7, R-8, R-9 and R-10 Districts, in which the Board may authorize a change to a new use at any time.

The testimony shows that this appeal presents a request for authorization to use the first floor of an attached structure as a grocery store in the R-8 Residence District. The testimony indicates that this property was purchased at a Tax Sale for \$2000.

The testimony of an official from the Department of Housing and Community Development related that the original permit was issued for the use of these premises in error due to the incorrect zoning on the Card Index File of that Agency. Based on the fact that an error had occurred, the permit was revoked by the Department of Housing and Community Development, and the appellant was directed to file an appeal to the Board of Municipal and Zoning Appeals. Based on the incorrect information, the property was approved and a grocery store was established on this site. The appellant did extensive renovations to the building and expended considerable sums of money to buy appropriate equipment and stock the premises for use as a grocery store. The appellant further performed considerable work to the premises and expended additional sums in order to secure the appropriate permits in order to operate a grocery store from the premises, including a permit from the Baltimore City Health Department, Bureau of Food Control. The testimony further reveals that presently the appellant has neighborhood support to continue to operate the grocery store at this site. The attorney, representing the appellant, indicated that it would be a severe, prac-

tical difficulty to the owner to cease the operation since it was due to no fault of his, but an error on the part of the City official.

The Board heard testimony from representatives of the community, indicating their support of this proposal.

The Board was also made aware of the fact that there are other grocery stores in the block that have noted a decrease in their volume since this property has operated as a store.

Subsequent to the public hearing, the Board received a letter, dated December 6, 1993 from the Department of Housing and Community Development, which states that they oppose the proposed use at this location. In addition, based on their neighborhood planning strategies, which are prepared in coordination with the neighborhood association, the participating residents have designated the 800 block of West Lexington Street for residential use. On July 12, 1993, the appellant met with the representatives of the community. At that time, some residents expressed support and others, the members of the Concerned Citizens of Poppleton and Project Area Committee, vehemently opposed the grocery store. Again, this Department opposes the proposed use.

Three Members of the Board felt that the application should be approved and would, in fact, not have an adverse effect on the community. They were also aware of the large expenditure of funds that have been laid out for the use of the premises as a grocery store, based on the incorrect issuance of the permit. Two Members of the Board felt, after reviewing the testimony, the facts and law in this case, that they are without authority to permit a grocery store in the R-8 District, especially since there has been no prior commercial use of the site for a business or grocery at this location.

In accordance with the above facts and findings, the Board disapproves the application.

Mrs. Blattermann and Mr. Smith voted for the adoption of the resolution. Messrs. Gadhia, Brown and Mrs. Green voted against the adoption of the resolution. WHEREUPON, the Chairperson ruled that there not being the concurring vote of as many as four members of the Board in favor of granting the permit, the motion of approval was not carried, and the appeal was defeated.

End

24.* The following resolution was adopted by the Board:

RESOLVED, that in the matter of Appeal No. 377-93X, William J. Schmidt, Director, Division of Fiscal Operations -Housing Authority of Baltimore City, 417 E.Fayette Street, Appellant, to

Circuit Court for Balto. City
111 N. Calvert St. Rm. 462
21202

Daniel W. Quasney, Esquire
341 North Calvert Street
Baltimore, Maryland 21202

Circuit Court for Balto. City
111 N. Calvert St. Rm. 462
21202

Sandra R. Gutman
Dept. of Law
143 City Hall
100 Holliday Street
Baltimore, Maryland 21202

NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE 7-207

Domingo Hyeok Kime

vs.

Bd. of Municipal and Zoning Appeals

Docket:

Folio:

File 03350027/CL173927

Date of Notice: 2-8-94

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 1st day of February,
Nineteen Hundred and ninety-four, I received from the Administrative
Agency, the record, in the above captioned case.

SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

MARYLAND RELAY SERVICE VOICE 1-800-735-2258



NOTICE SENT IN ACCORDANCE WITH MARYLAND RULE 7-207

Domingo Hyeok Kime

vs.

Bd. of Municipal and Zoning Appeals

Docket:

Folio:

File 03350027/CL173927

Date of Notice: 2-8-94

STATE OF MARYLAND, ss:

I HEREBY CERTIFY, That on the 1st day of February,
Nineteen Hundred and ninety-four, I received from the Administrative
Agency, the record, in the above captioned case.

SAUNDRA E. BANKS, Clerk
Circuit Court for Baltimore City

CC-39

MARYLAND RELAY SERVICE VOICE 1-800-735-2258



COALITION OF SOUTHWEST BALTIMORE NEIGHBORHOODS
44 S CARROLTON AVE SUITE 110 BALTIMORE MD, 21223

HOLLINS MARKET
ROUNDHOUSE NEIGHBORHOODS COALITION

Concerned Citizens of Poppleton Neighborhoods

28 A 8:46

CIVIL DIVISION

Circuit Court of Baltimore
111 North Calvert Street
Baltimore, Md 21202

January 25, 1994

RE: Civil Action Number 93350027/CL173927

Dear Honorable Members of the Court,

The community groups in the Poppleton Urban Renewal unanimously oppose the petition of Domingo Kim. The grocery store at 805 W. Lexington Street was opened illegally. There are no zoning variances as needed for a store in a residential area, furthermore it is in an urban renewal area where all permits must go thru Housing and Community Development and the community, this was not the case.

The existance of this store is prohibited by the City Council Ordinances creating the Poppleton Urban Renewal Plan and the Zoning Regualtions of Baltimore City. It furthermore makes a farce of the countless hours spent by community people trying to improve their neighborhood within this framework. We do not wish to have another store in our community and ask that you deny this petition. Thank you for your attention in this matter.

Sincerely,

Jodie Brown



President, Concerned Citizens of Poppleton

David Ramsay



President, Coalition of Roundhouse Neighborhoods

Warren Whipple



President, Hollins Market Neighborhood Association

Eugene Sneed
763 W FAYETTE ST
BALTO. 21201
Ph 685-1671

Eugene Shead
763 West Fayette Street
Baltimore MD 21201



Circuit Court of Baltimore
111 North Calvert Street
Baltimore Maryland
21202



CIVIL POSTPONEMENT FORM

DATE: 2/17/93

DOMINGO KIEM

Plaintiff(s)

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY

g

v.

BOARD OF MUNICIPAL and
ZONING APPEALS

Defendant(s)

Computer #: 93350027
File #: CL173927

Jury _____ CT. CTF. _____ MOT. GEN 2-507

DOMESTIC JUDGE: _____ DOMESTIC MASTER: _____

PLEASE PRINT

To be postponed from: DATE: 2/18/94 @ 9:30 PRIOR POSTPONEMENTS: Y N

Postponement requested by: ~~the~~ Plaintiff

Postponement reason: (please specify):
Plaintiff's counsel is required to be in the
Circuit Court for Allegany County. - the hearing is simply
on Plaintiff's motion to stay the Order of the Zoning Board
pending a merits hearing - this is an Administrative Appeal

Plaintiff(s) Attorneys: Daniel W. Quessway	Defendant(s) Attorneys: Michael Dozzer

New Trial Date: Cancel Motion hearing

Approved: Denied: _____ : EJH.
(JUDGE'S SIGNATURE)

Rec'd 2/17/94

\$137.50

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

FILED

74

SEP 27 1994

DOMINGO HYEOK KIM,

Appellant,

vs.

Case No. 93350027/CL173927

BOARD OF MUNICIPAL AND
ZONING APPEALS,

Appellee.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

Baltimore, Maryland

Thursday, May 5, 1994

BEFORE:

HONORABLE ELLEN L. HOLLANDER, JUDGE

APPEARANCES:

For the Appellant:

DANIEL W. QUASNUI, ESQ.

For the Appellee:

SANDRA GUTMAN, ESQ.

JOHN T. TROWBRIDGE
Official Court Reporter
533 Courthouse East
111 North Calvert Street
Baltimore, Maryland 21202

1 P R O C E E D I N G S

2 THE COURT: We have before the Court this morning
3 the case of Kim versus Zoning Board, Case Number 93350027/
4 CL173927.

5 MR. QUASNUI: Good morning, Your Honor.

6 THE COURT: Good morning. Let me ask everyone to
7 identify themselves.

8 MR. QUASNUI: For the record, Your Honor, Daniel W.
9 Quasnui, Q-U-A-S-N-U-I, here on behalf of Mr. Kim. To my
10 right is Domingo Kim, Your Honor.

11 MS. GUTMAN: Sandra Gutman on behalf of the Board
12 of Municipal and Zoning Appeals.

13 THE COURT: You can have a seat, sir. Let me call
14 on you, counsel, to begin since this is your appeal.

15 MR. QUASNUI: Thank you, Your Honor. Your Honor,
16 this is certainly a case of first impression for me and I
17 would hope that it is one of last impression for the Zoning
18 Administrator and the --

19 THE COURT: Well, it doesn't seem like it's a case
20 of first impression though.

21 MR. QUASNUI: Well, I think this particular factual
22 scenario may be, Judge. Just briefly, I think a discussion
23 of the facts is pertinent to the discussion of the relevant
24 law, Your Honor. This is a case --

25 THE COURT: And I should tell you, counsel, I am

1 fully familiar. I have reviewed everything. I have read the
2 transcript. You can summarize anything you would like.

3 MR. QUASNUI: Yes.

4 THE COURT: Okay.

5 MR. QUASNUI: I think I want to summarize certain
6 facts, Your Honor, because they relate to the particular
7 argument I am going to make.

8 THE COURT: This is clearly a very unfortunate
9 situation.

10 MR. QUASNUI: No question, Your Honor.

11 THE COURT: And there is no question, it's
12 undisputed that the whole mess is basically the result of
13 misinformation provided to Mr. Kim by Mr. Tanner.

14 MR. QUASNUI: Correct, Your Honor, and I will
15 accept the Court's characterization as unfortunate. I think
16 I would take it a step further. I think it goes beyond that.
17 I think there was ample opportunity in this case based on
18 the facts for the Zoning Administrator, the Director of the
19 Construction and Permit Department, or someone else to
20 discover this situation before it went as far as it did.

21 THE COURT: Could you, before you get into your
22 argument, explain to me exactly procedurally what your
23 posture is? I was trying to figure out --

24 MR. QUASNUI: Well, Your Honor --

25 THE COURT: Well, let me tell you what is confusing

1 me. Basically, it appears to me that the Board treated this
2 either as an application for a special exception or a
3 nonconforming use, but it appeared that all that was noted
4 was an appeal from the revocation of the various permits.

5 MR. QUASNUI: Correct.

6 THE COURT: And then the Board went on to analyze
7 it. Am I right about that?

8 MR. QUASNUI: That's --

9 THE COURT: You haven't actually asked for -- I
10 don't know whether you could prevail, but you haven't asked
11 for, to be treated as a nonconforming use or a special
12 exception or a variance or whatever else all those zoning
13 terms might entail.

14 MR. QUASNUI: That's correct, Your Honor, and
15 particularly we asked to be treated in any way that would
16 properly afford my client the right to continue operating as
17 a grocery. The appeal --

18 THE COURT: Is he still operating as we speak?

19 MR. QUASNUI: Today, yes, he is, Your Honor. The
20 City has taken no action. Essentially, there has been an
21 informal agreement to stay until there was an ultimate
22 resolution of this matter. That's nothing that has been
23 reduced to writing but they have taken no action to cease
24 operation of the business.

25 But, Your Honor, particularly when the appeal was

1 filed, it did use the term "nonconforming use", but I
2 supplemented that appeal with a letter to Mr. Rubin which
3 was accepted which essentially said if a special exception
4 is the appropriate mechanism to allow this continued use, we
5 want that. If a variance is the appropriate avenue, we want
6 that. We want whatever it takes.

7 So I think the subject --

8 THE COURT: Is that in the record anywhere?

9 MR. QUASNUI: Yes. It is a letter of November 1,
10 Your Honor. It should be part of the records that I sent to
11 Mr. Rubin. It's part of the appeal. It's November 1 of '93.
12 It specifically says, "to amend the request for appeal to
13 include a request that my client be granted a special
14 exception to operate the property as a grocery or be
15 provided with such other relief as may be necessary in order
16 to allow him to further continue to make use of the property
17 as a grocery store."

18 So it was clear that the intention was that we be
19 afforded whatever relief was appropriate to allow the
20 continued use. Now, the point is, Your Honor, the reason
21 why I think it was categorized as the continuance of a non-
22 conforming use was due to the specific direction that Mr.
23 Tanner gave Mr. Kim. When Mr. Kim gets his letter in
24 August, this shocking letter, saying you must close down,
25 he goes to see Mr. Tanner. Mr. Tanner explains the

1 unfortunate situation and specifically directs Mr. Kim --

2 THE COURT: Well, you mean -- you know what they
3 say, counsel, once spurned, twice a fool, or something like
4 that. He went to Mr. Tanner in the first place and was told
5 by mistake it was a B-1 when it was really an R-8 district,
6 and then he went back to him for more advice.

7 MR. QUASNUI: Well, the point is, Your Honor, that
8 is the avenue that he has to go to. I mean, there is no
9 other place for Mr. Kim to go. Mr. Tanner is the Zoning
10 Administrator.

11 THE COURT: Well, no, I'm talking about in terms of
12 what to do once the notice came.

13 MR. QUASNUI: My point is, Your Honor, that's why
14 I supplemented and asked for everything under the sun.

15 THE COURT: Okay. So that's preserved as well on
16 that.

17 MR. QUASNUI: Yes. So the Board has the latitude
18 to provide whatever relief is appropriate.

19 THE COURT: And they treat it that way. I just
20 wasn't sure because it appeared from the way the briefs are
21 written that basically what had happened was this was an
22 appeal of the decision to revoke all those permits, as
23 opposed to actually -- I didn't remember seeing that letter
24 you are talking about but I will go back and look for it.

25 MR. QUASNUI: Yes, it certainly should be in the

1 file, Your Honor.

2 THE COURT: Okay.

3 MR. QUASNUI: Now, Your Honor, just briefly on the
4 facts, and I understood the Court has read the memos, but I
5 think the facts are important for at least one of the
6 arguments I am going to make.

7 Your Honor, in 1992, late 1992, Mr. Kim discovers
8 this property on the tax sale list and decides, hey, it's
9 something I am interested in, and he goes and looks at the
10 property. Its appearance is acceptable to him. Before he
11 makes the decision to make a purchase, he goes to the Zoning
12 Administrator, Mr. Tanner, and he inquires about the zoning
13 because he is in the grocery business. He has an existing
14 grocery at the time on Madison Street that he is operating.
15 He is interested in transferring his operation to this new
16 location.

17 He specifically asks Mr. Tanner as to the zoning
18 for the property. Now, it's important, Judge, because Mr.
19 Tanner is not just an employee of the office. Mr. Tanner
20 is the Zoning Administrator. He has the function under the
21 law, as set forth in our memorandum, to, number one,
22 establish a practice of keeping the zoning records, and also
23 to establish a public information system or network whereby
24 that zoning information can be communicated to the public.
25 So, clearly, Your Honor, Mr. Tanner is the sole means that a

1 guy like Mr. Kim has to determine the zoning on a particular
2 property.

3 I would submit the district zoning maps, which is
4 the end all/be all of what the zoning designation is, are not
5 available because of this computerized practice to Mr. Kim.
6 He can't go to them. The place he goes to is the Zoning
7 Administrator who, at the time, looks on a computer and gets
8 the zoning designation out of the computer and --

9 THE COURT: Well, it's egregious. You don't have
10 to persuade me of that. It's egregious.

11 MR. QUASNUI: Well, here is the point in the timing,
12 Your Honor. That happens in '92. Mr. Tanner gives him that
13 information in December of '92. Now, based on that, Mr. Kim
14 tells him he wants to operate a grocery, and Mr. Tanner sends
15 him to the Building Inspector's office or where you would
16 get a building permit.

17 At that time, Mr. Kim is advised that in order to
18 get a building permit to operate a grocery, he has to do
19 substantial renovations, including putting up, repairing a
20 wall, to the tune of \$38,000, Your Honor, based on that
21 instruction again. Now, we are now five months down the road
22 from the initial statement that it is classified as B-1. He
23 gets instruction from the construction supervisor that he has
24 to do all these renovations May 18 of '93 and he gets a
25 building permit May 18, 1993.

1 Again, a second opportunity for city officials,
2 Your Honor, to check the zoning and make sure it's right
3 before they send a person down the road to spending to the
4 tune of \$38,000 to do renovations. That's the second
5 opportunity.

6 Now, Your Honor, after that, Mr. Kim goes ahead
7 and makes all these repairs, spends all this money, expends
8 additional money to stock his grocery, get inventory, get
9 suppliers worked up, buy trade fixtures such as cold boxes
10 and what have you, and gets a use and occupancy permit on
11 October 16th. Let me just check those dates, Your Honor.
12 Excuse me, Your Honor, that use and occupancy permit I
13 believe was May 18th of 1993. The building permit was in
14 December of '93. Excuse me, December of '92.

15 THE COURT: Excuse me.

16 (Brief pause.)

17 THE COURT: Okay. Counsel, go ahead. You are up
18 to the use and occupancy permit.

19 MR. QUASNUI: Yes, he gets the use and occupancy
20 on May 18th of '93 after getting a building permit in
21 December of '92. Now, at the time, it's curious, the use
22 and occupancy permit indicates, and it's prepared by the
23 zoning office, indicates, "to continue to operate the store
24 as a grocery". Now, that's important.

25 Mr. Kim then goes, based on now he has got a use

1 and occupancy permit, and he sells his business on Madison
2 Street because his intention all along was to move that
3 operation to this location. So now he has sold a viable
4 means of support for him and his family to put his eggs in
5 one basket at this location, and he operates from May 18th
6 to August 16th of 1993 when ultimately this error, according
7 to Mr. Tanner, is discovered. He notifies the Director of
8 Building and Construction Permits who issues the revocation
9 notice.

10 Now, the important part of all that, Your Honor,
11 between May 18th of 1993 and August 16th of 1993, Mr. Kim
12 gets heavily involved in this community. He addresses a
13 serious rodent problem that the community is facing. He helps
14 fight a drug problem. He is active in the community
15 association. It's important to note, Your Honor, that at
16 this hearing we had a petition signed by over 600 individuals
17 in support of Mr. Kim's use. Excuse me, that's 1,600. And
18 in addition to that, Your Honor, everyone who testified, with
19 one exception, was in favor of Mr. Kim's continued use. That
20 one exception was a competing business owner whose testimony
21 I would like to discuss later.

22 Now, Your Honor, the point is simple. I mean, the
23 issue is --

24 THE COURT: Well, I don't think the other business
25 owner's position is particularly salient to any issue.

1 MR. QUASNUI: Well, it's salient on one point,
2 Your Honor, because it's testimony about the knowledge of
3 the R-8 district of the zoning officer prior to when they
4 sent their revocation, and I'll get to that because it's
5 important, Your Honor.

6 The two issues I think that go hand in hand in this
7 case and are the principal point of our appeal are the issues
8 of estoppel and also latches. Now, Your Honor, the clear
9 case and the principle upon which the doctrine of latches,
10 or I mean the doctrine of estoppel is founded is I think
11 eloquently set forth in the case of the Elgren (phonetic)
12 case, on page seven of our memo, which says "Estoppel
13 operates to prevent a party from asserting his rights under
14 general technical rules of law when that party has so
15 conducted himself that it would be contrary to equity and
16 good conscience to allow him to prove a situation other than
17 represented."

18 And that's clearly the case we have here, Judge.
19 It was represented to Mr. Kim that he had proper zoning, B-1,
20 to operate a grocery store. His only avenue to get that
21 information was at the time Mr. Tanner because he had no
22 access to the district zoning maps.

23 Now, there are some cases cited by opposing counsel
24 that a party is charged with knowledge of the scope of
25 authority of a municipal officer with whom they deal. Well,

1 clearly, the only knowledge Mr. Kim could have had of the
2 scope of Mr. Tanner's authority was that he was the Zoning
3 Administrator. Essentially, he ran the office. So what he
4 said concerning a zoning designation had to be right. There
5 is no other knowledge Mr. Kim could have had or acquired from
6 any other site or location.

7 THE COURT: Well, have you read Lipsitz versus
8 Parr?

9 MR. QUASNUI: I sure have, Judge.

10 THE COURT: And Hagerstown versus Longmeadow?

11 MR. QUASNUI: I sure have, and I am getting to those.
12 Now, Your Honor, I understand the principle that is cited by
13 counsel in those cases and that is that a municipality cannot
14 be estopped to assert the illegality of a permit once issued.
15 However, Your Honor, that case and subsequent cases addressing
16 that doctrine note that there are exceptions to the rule.
17 Specifically, Judge, if you look at the case of Berwin
18 Heights, the Berwin Heights case and the town of Berwin
19 Heights that is cited. It's in the line of cases with
20 Lipsitz versus Parr. It indicated in the holding that the
21 court ultimately refused to grant a final injunction to the
22 city. This is a case where a party wanted to build an
23 addition onto the side of a property, I believe, and the city
24 moved for an injunction to stop that because they said it
25 wasn't a proper permit. The court refused in that case to

1 issue a final injunction because -- and it's important --
2 because there was substantial improvements made to the
3 property. As a result, the court remanded the case to the
4 zoning authorities to see if there was another possible way
5 that appropriate relief could be granted to the movement by
6 way of special exception, variance, or whatever.

7 That's kind of precisely where we are in this case.
8 The Zoning Board dealt with this case solely as a request to
9 continue a nonconforming use. My request was other than that,
10 Judge. I asked for everything under the sun that could
11 afford Mr. Kim appropriate relief. Now, the point is the
12 court in the town of Berwin, even though acknowledging the
13 authority of Lipsitz, said, hey, but we have got a special
14 circumstance here. We have got a situation where someone has
15 made a substantial improvement and we are going to try to
16 find an exception to the doctrine that estoppel wouldn't
17 apply. That's important, Judge, because cases after the fact
18 continue with that line of thought.

19 The principal case, Judge, and I think it's the
20 seminal case on the point, is the case of Kent County Planning
21 Inspector versus Able. This is a 1967 case. It's Court of
22 Appeals of Maryland, Judge. It kind of reviewed the entire
23 line of cases on this point. It reviewed the Lipsitz case.
24 It reviewed the Hagerstown case. It reviewed the town of
25 Berwin case. It cited all the authorities that counsel has

1 cited including the authority that a city may not be estopped
2 from asserting the illegality of a permit.

3 However, after stating that, it went on to state
4 the following principal: "While --

5 THE COURT: Is that reference in your brief, that
6 case?

7 MR. QUASNUI: No, it isn't, Your Honor, and I
8 apologize.

9 THE COURT: It's the seminal case and it's not in
10 your brief.

11 MR. QUASNUI: I apologize. I found the case after.
12 I just got opposing counsel's memo. I found the case after
13 that based on their memo.

14 THE COURT: What's the cite on that case?

15 MR. QUASNUI: The cite, Your Honor, is -- I only
16 have an Atlantic Second cite, Your Honor. It's 228 A.2d 247.
17 I'll be happy to furnish the court with a copy, however. It's
18 a 1967 case, Your Honor. It's 228 A.2d 247. Now, Your Honor,
19 reading from page 251 of that opinion, the court went on to
20 state, after reviewing the line of cases, the Lipsitz case
21 and all those cases, the court went on to state, "While
22 ordinarily the doctrine of equitable estoppel is not invoked
23 against a municipal corporation in the exercise of
24 governmental functions, exceptions are sometime made where
25 right and justice demand and where there have been positive

1 acts by municipal officers which have induced action of a
2 party and it would be inequitable to permit a retraction of
3 such rights."

4 Clearly, Judge, the court is acknowledging in that
5 case that there are special exceptions where the harm done
6 by the acts of municipal officers is so egregious that we
7 have to make an exception to that rule.

8 Now, it went on after saying that, "We do not find
9 authorities persuasive when the facts are applied to the
10 instant case, nor do we find that special circumstances
11 exist in this case to justify the application of estoppel."
12 And here is the reasoning why. "Our feeling in this regard
13 is strengthened by the action of the appellees in disregarding
14 notice given by Kent County Planning Commissioners in December
15 of 1965, at which time the greater portion of the work
16 remained to be done."

17 In this case, Judge, what had happened was the
18 county put the movant on notice of the impropriety of the
19 permit, which is a situation where they moved to extend a
20 nonconforming use. They were put on notice of the
21 impropriety of the permit by the county and, even after that
22 fact, they went on to expend substantial expenses to continue
23 with what they were doing. Now, that case is distinguished
24 from our case, Judge, because clearly in our case, Mr. Kim
25 expended all the sums, expended all the monies before he had

1 any knowledge whatsoever as to the lack of propriety of the
2 permit that was given to him.

3 So, clearly, it's distinguishable. But, Judge, the
4 important point is the court noticed an exception. Now, the
5 court said, hey, it doesn't apply to this case because we
6 have got a situation essentially where the party harmed is
7 harmed at his own risk because he continued to do work after
8 being put on notice of the situation. But, Judge, the
9 important point is the court acknowledged that there are
10 exceptions. I think that is the crucial element in this case,
11 Judge. This case cries out to be an exception. Mr. Kim all
12 along, all through his conduct, felt that he was acting under
13 claim of right. That's the crucial point on the estoppel
14 argument, Your Honor.

15 Now, the courts -- especially the Lipsitz case --
16 the courts have found that one can't really reasonably review
17 the issue of estoppel without also looking at the issue of
18 latches. I think it's important in this case, Judge. I think
19 latches may well bar the city from revoking the permit to
20 Mr. Kim.

21 Here is the point, Judge. The cases in latches
22 read, and I'll read directly from the Lipsitz opinion which
23 was cited in opposing counsel's memo. "Latches is an
24 equitable defense. It is an inexcusable delay without
25 necessity, necessary reference to duration in the assertion

1 of the right. No basis is found for the application of that
2 doctrine to the facts in this case." And the reason was that
3 in Lipsitz they issue a permit and twenty-one days after the
4 permit was issued, they revoke it. Now, that's not the case
5 we have here. We have a case where Mr. Kim was given this
6 information in 1992 about the zoning district and doesn't
7 get a letter revoking his permit until August of '93. So
8 it's almost nine or ten months after the fact. There is a
9 big difference, Judge, because we have got a lot of
10 performance on Mr. Kim's behalf in that interim period which
11 is not present in the Lipsitz case.

12 The court went on there, however, to say, "Latches
13 and estoppel possess elements in common and difficulty is
14 encountered in clearly stating the distinction, particularly
15 as the courts have studiously avoided a general inflexible
16 definition of latches in order to be free to apply its
17 principle to the particular circumstances of the instant case."

18 So it's clear, Judge, that even in a case based on
19 the Lipsitz opinion, even in a case where the court says,
20 okay, we are not going to apply the principle of equitable
21 estoppel to prevent a city or a municipality from asserting
22 the illegality of a permit, the court does in fact
23 acknowledge that that issue can be raised, the issue of
24 latches can be raised in that circumstance. There is no
25 question that that is an acknowledgement. And that is

1 confirmed in the case, Judge, of Permanent Financial Corp. vs.
2 Montgomery County. The cite on that case is 308 Md. 239, 518
3 A.2d 123. It's a 1986 Court of Appeals case.

4 That case also stands for another proposition with
5 respect to estoppel. That is, that there are again
6 circumstances where, even in the case of a faulty permit,
7 there are special circumstances which would merit the
8 allowance of the use or the requested right. In that case
9 there was some dispute concerning what the appropriate
10 interpretation of a zoning characteristic or ordinance was.
11 What the court found, that where there are these two
12 conflicting interpretations, that's a special circumstance,
13 even in a case where the permit was improperly issued because
14 the moving party or the party requesting the permit was
15 injured because of his innocent misinterpretation of what
16 the zoning regulation meant.

17 Now, Judge, here is why I think the testimony of
18 the competing store owner is important in this case, and it
19 really bears on the issue of latches, Judge. I will refer
20 the Court's attention to page forty-three of the transcript.
21 In that transcript, a Mr. Sismit -- that's S-I-S-M-I-T, I
22 believe, Your Honor -- who was this competing business owner,
23 testified -- well, let me back up a minute, Judge. The
24 reason in the Lipsitz case and in the Permanent Financial
25 Corp. case the Court found latches didn't apply, because in

1 both cases the Court found that there was no improper delay
2 or resting on the rights of the municipality once it learned
3 of the error. That was the holding why laches didn't apply.
4 Both cases said as soon as the city found out about its error
5 it took action. And it's certainly clear in Lipsitz, it was
6 done twenty-three days after the initial permit was issued.

7 Here is the distinction in our case: Mr. Sismit
8 testified that he knew all along because he was familiar with
9 the area, he had a store in the area, what the zoning
10 designation was where the store was, R-8. He testified that
11 in December of '92, January of '93, and February of '93, Mr.
12 Tanner was advised of what was going on at this building, and
13 we wanted to know how this man came into an R-8 zone and built
14 a grocery. That's the specific testimony from Mr. Sismit on
15 page forty-three of the transcript, Judge. Now, that's
16 important because the city doesn't take action until August
17 of 1993, when they know in December of '92, or at least they
18 have reason to suspect in December of '92 that they have made
19 this error.

20 Now, it's curious, after Mr. Sismit testified, and
21 Mr. Tanner was there for the whole hearing, Mr. Tanner never
22 got up and said, no, that discussion didn't take place, I
23 never heard about that. So the point is, Judge, I think we
24 do have -- I think in this case, as distinguished from Lipsitz
25 and the other case, I think we do have an inexcusable delay

1 on the part of the city. I think we have a situation where
2 comething comes to the attention of Mr. Tanner in December
3 of '93 to put him on notice of the fact that, hey, something
4 is wrong here. And I think it is incumbent upon him, once
5 given that information, to take action, to investigate and
6 find out, hey, maybe this was issued in error. The point,
7 Judge, is that if that was done in December of '92, Mr. Kim
8 hasn't expended \$40,000 to renovate this building, hasn't
9 sold his other grocery store, hasn't put all of his eggs in
10 one basket in this store.

11 So, the point, Judge, is there are all the elements
12 of latches in this case, as distinguished from the Lipsitz
13 and the other case. We certainly do have an inexcusable
14 delay on the part of the city and we certainly do have
15 substantial harm, as Your Honor has acknowledged, occurring
16 to Mr. Kim. Thank you.

17 THE COURT: Excuse me, please.

18 (Brief pause.)

19 THE COURT: All right. Why don't I give you a
20 chance to rebut after I call on Ms. Gutman.

21 MR. QUASNUI: Thank you.

22 MS. GUTMAN: May it please the Court, I agree it
23 is a very unfortunate situation. From reading the transcripts,
24 I think it is easy to detect that all people involved thought
25 it was unfortunate. Mr. Tanner was most apologetic and took

1 the entire blame on his shoulders. However, what happened is
2 that, as the Zoning Administrator explained, the input into
3 the computer as to the use of each zoning district was not
4 done by the zoning office. It was done by, I think he said
5 the --

6 THE COURT: The State Department of Assessments.

7 MS. GUTMAN: -- State Department of Assessments, yes.
8 He was not aware that there was any error and was relying on
9 the information that was in his computer. So when Mr. Kim
10 came to him and said, can I open a grocery store in this
11 neighborhood at this property, he checked and the computer
12 indicated that it was located in a --

13 THE COURT: Well, how he made the mistake is --

14 MS. GUTMAN: It was in a B-1.

15 THE COURT: -- clear in the record.

16 MS. GUTMAN: Yes.

17 THE COURT: The question is, now that the mistake
18 we know was made, made by the Zoning Administrator himself,
19 and there is no dispute I gather from everything I have read,
20 and Mr. Tanner does candidly assume all the responsibility,
21 and he even says he can't blame anyone in his office, he did
22 it himself, and months go by before Mr. Kim is ever notified
23 that, indeed, it isn't a B-1 district, and he spends almost
24 \$40,000 in renovations, closes up his other store -- I mean,
25 I can't think of a more justifiable case in which if there

1 is anything that could be done it should be done. So where
2 are we?

3 MS. GUTMAN: Where we are --

4 THE COURT: What authority did the Zoning Board have
5 to make an exception to this man, based on the fact that all
6 of the equities are in his favor since this is clearly the
7 mistake of the city and months go by before they correct it?
8 I mean, I read the cases that you cite. They are persuasive.
9 I haven't read what counsel just presented to the court today.
10 Lipsitz, I did note only about twenty days or so went by
11 between the time he got his permit in the Lipsitz case and
12 the time he was notified that it was a mistake. This is quite
13 a different situation.

14 MS. GUTMAN: Yes, but as soon -- but the testimony
15 is that as soon as Mr. Tanner became aware of the error, then
16 he wrote to Mr. Janson to revoke the permit.

17 THE COURT: Right.

18 MS. GUTMAN: Latches isn't applicable here because
19 he acted as soon as he knew.

20 THE COURT: Well, what about Mr. --

21 MS. GUTMAN: Well, that --

22 THE COURT: What about counsel's argument from the
23 businessman that really Mr. Tanner was made aware as early
24 as months before?

25 MS. GUTMAN: Yes. Mr. Sismit said we wanted to

1 know how this man could come into an R-8 and build a grocery
2 store, but at that time --

3 THE COURT: Could I remand for the Zoning Board to
4 consider the latches issue? I mean, they don't even really
5 address that. They don't make any findings on that.

6 MS. GUTMAN: Because obviously at the time in 1992
7 when this businessman came in, Mr. Tanner would go back to
8 the computer and check and it was in B-1. He believed it was
9 in B-1 until he became aware that -- he believed it was in
10 B-1 until he became aware. He went back again, obviously
11 there was another complaint, and he went back again and
12 discovered that it was not B-1, that it was R-8. He obviously
13 checked other records.

14 THE COURT: But that's the point though. He relied
15 on the computer and we understand a mistake was made. Mistakes
16 are made, that's life, that's reality, but he had access to
17 other information. He didn't go and pursue it. And it's not
18 a criticism of Mr. Tanner but the point is, when I look at
19 who should be left holding the bag here, Mr. Tanner, who
20 could have explored other avenues to verify what the
21 complaining competing grocery stores were saying, or Mr. Kim,
22 who spent \$40,000, closed up his other shop, has two little
23 kids he supports, all of that is in the record, and was just
24 a little businessman trying to make a living, why isn't it
25 the responsibility of the city to have done a more thorough

1 investigation once these competing businessmen bring it to
2 his attention?

3 MS. GUTMAN: But there was nothing to indicate that
4 he didn't but he went back to the computer on which he relied
5 and on which he believed that reliable information had been
6 placed.

7 THE COURT: Well, let me ask you this, because you
8 practice in this field and you, I know, have a great deal of
9 familiarity and expertise with the Zoning Board. They don't
10 reach the issue, it seems to me in looking at their ruling,
11 and whether it was argued in the same way I really don't
12 know because these cases counsel says he has just found, but
13 on the latches issue, for example, they don't address whether
14 that somehow alters or could be found to have altered the
15 outcome. They don't make any findings of fact of what the
16 city, whether or not what the businessman made known to Mr.
17 Tanner was information on which they then sat.

18 Moreover, I guess my other question to you would
19 be what -- apart from the decision strictly it's not B-1, you
20 can't have a grocery store, this grocery store wasn't in that
21 location when the zoning ordinance went into effect in 1971,
22 therefore, you can't be a nonconforming use -- if the Zoning
23 Board had wanted, and they voted three to two, didn't they?
24 I think that's what the vote was.

25 MS. GUTMAN: Yes, they did.

1 THE COURT: If they wanted to let him continue to
2 operate, what would they have to rule to do it? In other
3 words, what ground would there be?

4 MS. GUTMAN: I, frankly, don't know because --

5 THE COURT: There can't be a special exception
6 because it doesn't -- I don't think.

7 MS. GUTMAN: No, it can't be, and it can't be a
8 conditional use because that is clearly not the kind of use
9 that is contemplated under the conditional use provisions.
10 The Board, if four members of that Board had voted to continue
11 this use as a nonconforming use, and no one had appealed, we
12 wouldn't be in court. However, if someone had appealed, and
13 I picked up that decision, I would have thought that they
14 were clearly wrong in their action because they cannot in
15 1994 establish a nonconforming use, not under the zoning
16 ordinance. That use would have had to have been established
17 prior to 1971. The Board has absolutely no authority to
18 establish a nonconforming use. That is the point. I believe
19 the Board thought, as I thought, that this was a case where
20 they were requesting a nonconforming use.

21 THE COURT: It didn't seem that it could meet the
22 definition of a nonconforming use. It didn't seem that it
23 could meet the definition of a special exception. And I
24 don't believe it would be a variance. I mean, that has to
25 do with --

1 MS. GUTMAN: No, that has to do with square footage.

2 THE COURT: Right.

3 MS. GUTMAN: Yes.

4 THE COURT: So I guess what I'm asking is what's
5 left?

6 MS. GUTMAN: I, frankly, don't know the answer to
7 that.

8 THE COURT: Other than some kind of latches or
9 estoppel argument?

10 MS. GUTMAN: Well, the estoppel argument is not
11 applicable. I think the cases are really very clear. I
12 think the Kent County case which counsel just cited, that's
13 a 1967 case, and the case which I cited, the City of
14 Hagerstown case, was a 1972 case, and those cases say that
15 when a permit has been issued, although the permittee may
16 have acted on it, and it may be unfortunate, if the permit is
17 in violation of the law, then the city may not be estopped
18 from revoking.

19 THE COURT: Well, they are very harsh but they do
20 seem to say that, and I haven't studied the cases that were
21 just presented today, and I will.

22 MS. GUTMAN: In addition, the other case, the name
23 of which I did not catch, 308 Md. 239, which was just cited,
24 that --

25 MR. QUASNUI: Permanent Financial Corp.

1 THE COURT: That's the Permanent Financial Corp.
2 versus Montgomery County.

3 MS. GUTMAN: Yes. That concerned a city, if there
4 are conflicting provisions, if the provisions are somehow
5 ambivalent. There are no conflicting -- excuse me,
6 interpretations -- and there are no conflicting interpretations.
7 There was a mistake. If I could think of a way to remand it
8 to the Board and get some relief for Mr. Kim, I would suggest
9 that. But if we remand it --

10 THE COURT: That's basically what I'm asking.

11 MS. GUTMAN: -- I don't know what the Board's
12 authority at that point would be. They would have no
13 authority to grant a nonconforming use. It is not a
14 conditional use. It is not a variance. I don't know where
15 they would get the authority to grant this use. I believe
16 that, you know, when Mr. Tanner suggested they go to the
17 Board for a nonconforming use, that was the only -- he does
18 know the zoning ordinance backwards and forwards and he is
19 the most honest of public servants that I have ever met, and
20 I believe that he was trying to assist Mr. Kim when he told
21 him to go back to the Board for a nonconforming use. But I
22 don't believe that he really held out much hope for that.

23 I just don't know the answer, Your Honor. I think
24 the cases are clear that the city did have the authority to
25 revoke the permit. But the solution for Mr. Kim, I don't know

1 the answer to that.

2 THE COURT: All right. Any rebuttal?

3 MR. QUASNUI: Yes, briefly, Your Honor. Your Honor,
4 firstly, I am in total agreement with Ms. Gutman concerning
5 Mr. Tanner. There is not even the allegation that Mr. Tanner
6 did anything improper.

7 THE COURT: No, this was a mistake.

8 MR. QUASNUI: Yes, absolutely, Judge.

9 THE COURT: I don't think anyone would characterize
10 it any other way.

11 MR. QUASNUI: No question. Your Honor, I do take
12 issue with a couple points that Ms. Gutman makes. Firstly,
13 Judge, I agree with her in a sense that I don't know if --
14 I guess you could send it back to Zoning for rehearing on
15 latches, but my point is, Judge, I don't think that you have
16 to. I think it's clear that the cases say you are not
17 entitled to substitute your opinion for that of the Zoning
18 Board, and we acknowledge those cases. They are in counsel's
19 memo. I don't think you have to do that here.

20 I think the testimony is clear and unrefuted here,
21 based on Mr. Sismit's testimony, about the knowledge --

22 THE COURT: But do you agree with Ms. Gutman that
23 under the facts that the Board had, there is no way these
24 facts would establish any grounds for the Board to have
25 deemed this, approved this as a nonconforming use or

1 conditional use?

2 MR. QUASNUI: Well, Judge, the first thing I would
3 say is I am not -- I wouldn't present to the Court that I am
4 as familiar with the zoning regulations as Ms. Gutman is. I
5 mean, she deals with them every day. I have read all the
6 provisions, Judge. There are very narrow boxes that each one
7 of these things has to fit into to be a special exception,
8 to be a variance, to be a conditional use. It's possible
9 that our action doesn't fit squarely into those boxes but
10 the point, Judge, is even if that's the case, the case is
11 still clear, and Ms. Gutman can't refute them because it's
12 clear from the Lipsitz case and the other cases that latches
13 would apply to this situation.

14 THE COURT: Well, I am going to take a look at
15 those cases. I really do understand the issues. I don't
16 really think you have to say much more.

17 MR. QUASNUI: Well, there is just one other point
18 I want to make, Judge, about that Ms. Gutman did make a point
19 of excusing Mr. Tanner's conduct by saying that when the
20 business owner came back to him and told him in '92 that,
21 hey, this is an R-8 and this shouldn't be going on here, it
22 was excusable that he went back to the same computer and saw
23 B-1 and dismissed it.

24 Now, number one, there was no testimony to that,
25 that he did that. But, secondly, even if he did, I would

1 submit, Judge, that's negligent, that's not right, because
2 why --

3 THE COURT: Well, these are the kind of issues that
4 weren't explored at the hearing. I mean, there was nothing
5 elicited from Mr. Tanner about what he could have done to
6 verify the actual district, characterization, or whatever
7 classification.

8 MR. QUASNUI: Well, Judge, it's easy enough for you
9 to discern what he could have done because he did it in August
10 of '93 when Mr. Purnell, the other business owner who made the
11 paper about all of this, came in and said, no, this is an R-8.
12 At that point, Mr. Tanner went to the zoning map, the district
13 zoning map, and found the mistake. He should have done it in
14 December of '92 and, had he done it, Mr. Kim wouldn't have
15 suffered all these damages.

16 That's the point, Judge. That's why I'm saying that
17 I don't think you have to substitute your opinion for that of
18 the Zoning Board. You have got ample evidence here to say
19 there should be a latches application here and Mr. Kim should
20 be allowed to continue with his use. Thank you, Your Honor.

21 THE COURT: I will say this, counsel. Ms. Gutman
22 has indicated, and I appreciate your saying you really aren't
23 as familiar with the procedures perhaps, but, if the Board
24 could not authorize the operation of the store as a
25 nonconforming use or a conditional use, and it certainly

1 wouldn't be a situation of a variance, whether or not latches
2 or estoppel applies I certainly will be taking a very close
3 look, but it sounds to me like this is a situation where
4 everybody agrees that Mr. Kim is in a very unfortunate
5 situation through absolutely no fault of his own, and I don't
6 think there are any sinister suggestions that Mr. Tanner did
7 anything but make a mistake, as happens.

8 MS. QUASNUI: Not implied, Your Honor.

9 THE COURT: Especially where people are converting
10 to computers. And it may be a perfect case for the court above
11 to take a look and decide whether they want to create some
12 exceptions in circumstances like this. But I am only a trial
13 judge and I have to apply the law as it presently exists, and
14 whether I can fashion some relief remains to be seen, even
15 though, if there were a way to do it, I would certainly like
16 to. I can tell you that right now. I think Ms. Gutman even
17 is sort of saying the same thing, notwithstanding her duty
18 to her client. Everybody could look at the facts of this
19 case and say that it appears that a wrong was done to Mr. Kim.

20 But if I don't have the power to change the law as
21 a trial judge, and I only apply the existing law, you might
22 have to take it one step further.

23 MR. QUASNUI: Your Honor, I agree with all that. I
24 think your position is correct. With all due respect, I think
25 the Kent case and those cases on the latches give you --

1 THE COURT: Well, I will look at them.

2 MR. QUASNUI: -- give you the tool you need to do
3 just that, Judge.

4 THE COURT: I can tell you, I have a sense of how
5 I would like the case to end up but whether I can -- I can't
6 make rulings based on sympathy. I can only follow the law.
7 So I will do the best I can. If it isn't the result you want,
8 I'm not sure, I guess you would have to apply for certiorari
9 to the Court of Appeals because this is your appeal of right.

10 MR. QUASNUI: I'm not certain, Judge. Actually in
11 other cases, and now it's a home improvement commission case,
12 but I have taken direct appeals to the Court of Special
13 Appeals. I, frankly, would have to look at the rules again.

14 THE COURT: I'm not sure.

15 MR. QUASNUI: Thank you, Your Honor.

16 THE COURT: But I'll keep this under advisement and
17 read the cases you have provided today and sort it out as soon
18 as I can.

19 MR. QUASNUI: Thank you, Your Honor.

20 THE COURT: And actually I guess this is a case in
21 which you just as soon --

22 MR. QUASNUI: It would never happen, Judge, as long
23 as this --

24 THE COURT: You probably wouldn't care if this got
25 listed on my sub curia report for the next couple of months.

1 MR. QUASNUI: That's correct, Your Honor. Your
2 Honor, just one note I would make for the file. I don't know
3 if my change of address has made it into the file. My new
4 address is 1414 Reisterstown Road.

5 THE COURT: Did you get that down?

6 THE CLERK: Yes.

7 THE COURT: Okay.

8 MR. QUASNUI: And that is Baltimore, Maryland 21208.

9 THE COURT: Okay. Thank you.

10 MS. GUTMAN: Thank you.

11 MR. QUASNUI: Thank you, Your Honor.

12 (Recess.)

13 AFTERNOON SESSION
14 (2:25 p.m.)

15 THE CLERK: All rise.

16 The Circuit Court for Baltimore City, Part 20,
17 resumes in its afternoon session, the Honorable Ellen L.
18 Hollander presiding.

19 THE COURT: Please be seated. All right. We are
20 resuming on the Kim versus Zoning Board case, 93350027. At
21 the end of what I would characterize as a lengthy oral
22 argument on the issues in the case, a man named Mr. Purnell
23 came forward and essentially identified himself as a party to
24 the proceedings and I think was asking the Court to
25 participate. And this was literally when I had already

1 excused counsel. Because, frankly, the Court was not familiar
2 with what rights, if any, people such as Mr. Purnell have to
3 participate in these proceedings, we had a dialogue about it
4 that went on for sometime. I had a courtroom full of other
5 people for other cases and I just felt I had to move on to
6 those cases and asked counsel and everyone else to come back.
7 So I am sorry you all had to wait but, quite frankly, I had
8 no choice. It took until about 1:30 to complete the docket
9 as it was and I just couldn't allow this case to take up the
10 whole morning, and I didn't want to rush anybody either.

11 Mr. Purnell represented to the Court -- counsel
12 had mentioned that if he were to participate in this appeal
13 that he would have had to have filed something with the clerk.
14 Mr. Purnell said he did file something with the clerk. I
15 certainly didn't have it in the court file. The last pleading
16 I had was that of Ms. Gutman from May 2nd. Accordingly, I
17 directed my law clerk to contact the clerk's office to find
18 out if there were any other pleadings that had been filed by
19 anybody and the answer, according to my clerk, was, no, there
20 are no other pleadings after Ms. Gutman's.

21 So that is basically where we are. Now, everybody
22 has had more time, I gather, during the recess to reflect on
23 exactly where we are and what this is all about. I do believe
24 or hope, at least, that I was correct in saying to Mr. Purnell
25 this was not the forum to take new evidence. There are

1 administrative proceedings where that happens but I am not
2 aware that is the case in an appeal from a decision of the
3 Zoning Board.

4 Counsel, I am going to call on you, Ms. Gutman, as
5 we all agree you are the one with the most familiarity with
6 zoning appeals, to tell me procedurally what you understand
7 Mr. Purnell's posture to be at this point. Excuse me.

8 (Brief pause.)

9 THE COURT: Do you want to address the Court on
10 this issue, Ms. Gutman?

11 MS. GUTMAN: Yes. To the best of my knowledge, the
12 only procedure that I know that is set forth in the Maryland
13 Rules under Rule -- under old Maryland Rule B(9) -- and I
14 don't know where it is --

15 THE COURT: I think that is 7-204 now but I'm not
16 sure.

17 MS. GUTMAN: And that is that where an appeal is
18 filed that anyone wishing to respond to the appeal, including
19 the agency, must file responsive pleadings within thirty days.

20 THE COURT: How would he know though if Mr. Kim's
21 attorney didn't send -- I mean, in other words, how can he
22 respond to a petition he may not have gotten?

23 MS. GUTMAN: Because when an appeal is filed, the
24 Zoning Board is under an obligation to notify all those who
25 were parties before the Zoning Board. There is usually a

1 list of names that the Board has that it has sent a notice to.
2 The Board has a printed notice on a post card that it sends
3 out. It states that an appeal has been taken. It quotes
4 from Rule B(9) what the requirements are for anyone wishing
5 to remain a party to the appeal in the Circuit Court, and
6 then gives my name and telephone number in the event they
7 have questions. Frequently people call me and want to know
8 how they can remain a party in the appeal, and I explain that
9 to them.

10 As to Mr. Purnell, I did not hear from him. I did
11 hear from Mr. Snead, his friend, who is not here now, who did
12 not address the Court this morning. I never received any
13 pleadings from Mr. Purnell. So I mean, as far as I am
14 concerned, he is not a party to this appeal because he didn't
15 follow the directive of the Maryland Rules.

16 THE COURT: If he were a party, what would he be
17 entitled to do, argue?

18 MS. GUTMAN: Yes, he would be entitled to argue but
19 not to present any additional evidence because additional
20 evidence, and there is a substantial amount of case law on
21 this, is not permitted in these appeals because if it were,
22 if new evidence were to be permitted, then the court would
23 be substituting its judgment for that of the Board, so no
24 new evidence.

25 THE COURT: But there are administrative matters

1 where new evidence can be presented.

2 MS. GUTMAN: Only if it --

3 THE COURT: So that's why I don't know whether that
4 would be the case in this, like in insurance matters.

5 MS. GUTMAN: Well, in zoning cases --

6 THE COURT: Workers Comp, sometimes.

7 MS. GUTMAN: No, only if it's a matter of public
8 record, then that can be submitted. But evidence as to things
9 that happened or were not raised before the Zoning Board --

10 THE COURT: In fact, in the Liquor Board case that
11 followed you, there was new evidence presented and each side
12 agreed I could consider it. So that's why I wasn't sure here,
13 if he could participate, what he would be entitled to, and
14 your position is there is no provision here in a case of
15 this nature for him to present new evidence.

16 MS. GUTMAN: No, and I will be happy to supply the
17 Court with the citations that say that.

18 THE COURT: All right. Who do you have with you
19 here now?

20 MS. GUTMAN: I have with me David Tanner, the
21 Zoning Administrator.

22 THE COURT: Whose name was bandied about this
23 morning.

24 MS. GUTMAN: Yes.

25 THE COURT: Okay. I thought I would ask since I

1 knew he wasn't here this morning.

2 MS. GUTMAN: Sorry.

3 THE COURT: It was my educated guess that is who
4 he was. Okay. And, counsel, I will ask you if you want to
5 add anything?

6 MR. QUASNUI: Your Honor, my position is the same
7 as Ms. Gutman's, that Mr. Purnell isn't a proper party to
8 these proceedings. My position goes a little bit further
9 than that. I don't think he was a party to the prior
10 proceedings before the Zoning Board. He was not a protestant.
11 In fact, his attorney testified in favor of the use. And,
12 therefore, I don't see how he is a party. He certainly didn't
13 at the time of the zoning appeal take a position in
14 opposition to that of Mr. Kim. His chance to do that was at
15 that time.

16 The only thing I think the gentleman could add
17 today would be what would be considered by the Court new
18 evidence. So, therefore, I don't think he has the right to
19 make any argument today.

20 THE COURT: Ms. Gutman, if it were to turn out that
21 Mr. Purnell had filed a response to the petition, would that
22 satisfy you that he met the criteria of a party?

23 MS. GUTMAN: I am not sure about that. He did
24 appear in favor of the permit. That's when he appeared before
25 the Zoning Board. I don't know, the fact that he now is

1 protesting the issuance of a permit, whether that would
2 change things if he were to have complied with the rule, since
3 he was a party. He was a party before the Board. I mean, I
4 don't think the rules state that he would have to be an
5 opposing party before the Board. He was a party before the
6 Board.

7 THE COURT: What made him a party before the Board
8 though?

9 MS. GUTMAN: Well, he was represented by counsel
10 before the Board.

11 THE COURT: Well, I sensed he was there with counsel
12 as a witness. I mean, what made him a party?

13 MS. GUTMAN: Well, I think anybody that appears
14 before the Board and testifies is considered a party. I mean,
15 I think the courts have even ruled where a person comes in
16 and signs in on some kind of sign-in sheet, as long as they
17 are there, but sometimes they have --

18 THE COURT: It wouldn't meet the definition of a
19 party in a court of law --

20 MS. GUTMAN: No.

21 THE COURT: -- just because you show up, that you
22 are deemed a party.

23 MS. GUTMAN: That's true.

24 THE COURT: Agencies may have some different
25 definition. I'm unaware of it and that's why I was asking.

1 I could understand why someone opposing the permit might even
2 be construed as a party, but in his case he wasn't. His
3 counsel was there and he was there and, indeed, were there
4 to specifically say they weren't opposing the issuance of the
5 permit.

6 MS. GUTMAN: I just don't think that that --
7 frequently people will call me and they are in agreement with
8 what the Board has decided and will say I want to be a party
9 in court because an appeal has been taken. I don't think
10 that that means that they don't have a right to appear and
11 to address the court. He was represented by counsel and he
12 did address the Board through his counsel. I think that he
13 was a party before the Board, in my opinion.

14 THE COURT: So then it all turns on whether he can
15 substantiate that he filed a --

16 MS. GUTMAN: But he did not file anything.

17 THE COURT: Excuse me one minute, counsel.

18 (Brief pause.)

19 THE COURT: Okay. Sir, let me call on you. You
20 said this morning that you had filed a response to the
21 petition with the clerk. And, as you heard me say, I attempted
22 to verify that because nothing was in my official court file.
23 They don't show any such filing. Do you have a copy that you
24 can show me?

25 MR. PURNELL: It was only on one piece of paper.

1 It was a piece of paper from the zoning office saying that
2 you had thirty days from the date of the appeal.

3 THE COURT: Well, what did your pleading say?

4 MR. PURNELL: I'm sorry.

5 THE COURT: In other words, the rule that I'm
6 looking at, if it applies here, is Rule 7-204, and it says
7 that any person who is entitled by law to be a party, so I
8 am now assuming that you fit that definition -- I don't know
9 if you really do but for the sake of this discussion I'll
10 assume that you do -- any person who is entitled by law to
11 be a party and wishes to participate as a party shall file a
12 response to the petition. The response shall state the
13 intent to participate in the action for judicial review.

14 So did you file that?

15 MR. PURNELL: The paper, I filled the paper out to
16 the best of my knowledge and put a stamp on it, put a stamp
17 on the envelope, and sent it in.

18 THE COURT: Excuse me.

19 (Brief pause.)

20 THE COURT: I don't remember seeing it but that
21 doesn't mean it isn't in here. What date did you file it, sir?

22 MR. PURNELL: It was around about two weeks before
23 the deadline on the letter or the timing on it.

24 THE COURT: Two weeks before when?

25 MR. PURNELL: Before the thirty days was up.

1 THE COURT: Well, this is what I have docketed. I
2 have a printout from the clerk's office, which is the computer
3 printout as of April 26, and as of April 26, and this I am
4 going to ask, Madam Clerk, to be made a part of the record,
5 and I know Ms. Gutman's brief came in after that. It was
6 dated May 2nd and it did arrive in the court file. But my
7 printout was as of April 26, when we got the case to get
8 ready for today's hearing. This is what it shows. 12/16/93,
9 file order of appeal and petition on behalf of the claimant
10 from the decision of the Board of Municipal and Zoning
11 Appeals filed. 12/16/93, claimant's motion for stay and
12 request for hearing. 12/23/93, copy of appeal, petition,
13 and motion to stay mailed to the Board of Municipal and Zoning
14 Appeals. 1/4/94, plea, petition for judicial review and
15 exhibit filed. I don't know what that is.

16 MR. QUASNUI: Judge, I can explain that to you.

17 THE COURT: Yes.

18 MR. QUASNUI: When I originally filed this appeal
19 I was under the impression that the old "B" rules still
20 applied and I complied with the "B" rules, and I was quickly
21 informed by the --

22 THE COURT: So that's your filing?

23 MR. QUASNUI: Yes, and I was quickly informed by the
24 clerk that I was not apprised of the new rule, the 700 rule,
25 so I had to do it all over again.

1 THE COURT: Okay.

2 MR. QUASNUI: So it's not a petition for appeal
3 anymore, it's a petition for judicial review and that's what
4 I had to file.

5 THE COURT: Okay. Then on 1/21/94, responsive
6 petition by appellee Sandra Gutman, attorney. 2/1/94,
7 transcript of record. 2/8/94, notice sent in accordance
8 with Maryland Rule 7-207(6). That's pleading six. Then
9 there are matters relating to postponements. Then 3/10/94,
10 memo of Mr. Kim in support of petition. And 3/10/94 is the
11 last entry.

12 So when do you think you filed it? This is as of
13 April 26th, '94 and it doesn't show you filed anything.
14 Madam Clerk, I am going to ask that this be marked for the
15 record.

16 (Court Exhibit Number 1 was
17 marked for purposes of
18 identification and received
19 into evidence.)

20 THE COURT: I don't know what the definition for
21 an agency is of a party and whether or not you were a party
22 by virtue of having appeared there. At the time you were
23 not opposed to the request filed by Mr. Kim. So, quite
24 frankly, I mean, I just don't understand what you are doing
25 here.

1 MR. PURNELL: Well, the councilman wasn't agreeing
2 with me. He didn't agree with me filing it. He said to let
3 the thing die, you know, and I told him -- I even told him
4 that he didn't represent me to my best interests, you know,
5 and that he misled me, and even in the agreement that he had
6 me, that I ended up making. So he left me with no choice,
7 either I took it or I got nothing or they could rule in his
8 favor and the man still would have been there and you still
9 wouldn't have got nothing.

10 I was talking to Melvin Stokes also --

11 MR. QUASNUI: Objection, Your Honor.

12 MR. PURNELL: -- and, you know, he also made the
13 same or similar comment. Melvin sued the city councilman
14 from my district. When the problem came down I confronted
15 him first with it. That's where the problem had already
16 been made. The city councilman must have changed the zoning.
17 So that's why I went to him.

18 MR. QUASNUI: Objection, Your Honor, and move to
19 strike.

20 THE COURT: Overruled. Do you have, sir, a copy
21 of what you filed with the clerk's office just so I can be
22 sure one way or the other since I can't verify what you are
23 telling me. In fact, when I try to verify it, I show that
24 you never filed anything according to the information I have
25 referred to already. It seems, as I am looking at these

1 rules and reading them, properly that you are not a party or
2 you haven't made yourself a party by virtue of your failure
3 to timely file a response. That begs the question, as far as
4 I am concerned, of whether you ever really were a party.
5 But assuming you were a party, I don't think you have a right
6 to participate here. But, sir, even if you had a right to
7 participate, you would be confined to arguing the record.
8 In other words, you can't present -- this is my understanding
9 of these proceedings -- you could not give me new evidence.
10 You would have to make arguments limited to what the record
11 shows. The record would be the transcript of the testimony.
12 The arguments that were made there you could make again or
13 make arguments based on the testimony. You could talk about
14 the exhibits that were received in evidence. You could
15 challenge by way of a challenge here any issues that were
16 preserved at the zoning hearing. For example, if an objection
17 was made but the Zoning Board overruled the objection and you
18 think it was a good objection, you could tell me today why
19 the Zoning Board was wrong. Those are the kinds of things
20 you could address. But you could not tell me -- it wouldn't
21 be pertinent to tell me why your lawyer let you down. You
22 may have legal recourse but that would be a separate matter
23 not germane to the limited issue this court must resolve today
24 about whether or not the Zoning Board erred in upholding the
25 revocation of Mr. Kim's permit.

1 So basically I may entertain listening to what you
2 have to say limited to the record and the kinds of things
3 that are said on an appeal since we have gone to the trouble
4 of bringing everybody back. Do you want to address anything?

5 MR. PURNELL: When you say address anything, are
6 you saying that I can't bring in no evidence, no new evidence?

7 THE COURT: No new evidence. As far as I am aware,
8 this is not an evidentiary procedure. The evidentiary
9 procedure was the hearing before the Zoning Board. But I
10 gather that you want to uphold the decision of the Zoning
11 Board.

12 MR. PURNELL: Yes.

13 THE COURT: I am aware of that.

14 MR. PURNELL: Well, I did have a couple of questions
15 I wanted to ask Mr. Tanner or even Mr. Domingo because
16 originally no one wanted to talk to me at all until after
17 the article came out, you know, with the report about the
18 department. I was totally ignored by Mr. David Tanner and,
19 you know, he didn't talk to me much at all.

20 Like I said, I had did research on this property
21 because I saw what was happening and I saw that I was going
22 to end up in the street which that is what would have
23 happened. And the question was, I went to Zoning Enforcement
24 in September of '92, you know --

25 MR. QUASNUI: Objection, Your Honor.

1 MS. GUTMAN: I am going to object just because this
2 is not in the record.

3 MR. QUASNUI: It's not in the record, Your Honor.
4 Here we go.

5 MR. PURNELL: Well, the question is -- can I -- I
6 spoke to Mr. Tanner prior to Mr. Domingo opening up. Is that
7 new evidence?

8 THE COURT: Well, you never testified at the
9 hearing, as far as I am aware. I did review this transcript
10 and I remember Mr. Dennick (phonetic) alluding to a settlement
11 agreement and, as a result of that agreement, you are not
12 opposing Mr. Kim's position. Am I right, counsel? Is that
13 your memory?

14 MR. QUASNUI: That's exactly right, Your Honor.

15 MS. GUTMAN: Yes, it is. No, he didn't.

16 MR. PURNELL: Okay.

17 THE COURT: So he never testified. So if he
18 testifies now or offers anything to the Court about what he
19 did or didn't do, then it wouldn't have been in the record.

20 MS. GUTMAN: Yes.

21 MR. PURNELL: Okay. The question is, the lawyer,
22 and the lawyer's testimony was that, yes, I would be forced
23 out of business eventually, yes, and what do we do to prevent
24 these things from happening to someone else like myself. And
25 the question was, the chances are it hadn't happened before

1 and it won't happen again, which the lady who voted against
2 it said but, Mr. Tanner, it had happened before.

3 THE COURT: Well, what you are telling me, whether
4 or not I can consider it, what you are telling me is that
5 this unfortunate situation had ramifications for several
6 people, not just Mr. Kim.

7 MR. PURNELL: The bottom line is that there was
8 wrongdoing or the people didn't do their job in the Zoning
9 Department and they let this thing go on and this is where
10 it ended up. They said let the Zoning Board and the Court
11 do the dirty work, you know, and straighten it out, you know.
12 That's why it has ended up at this point. But still that
13 don't stop me from, you know, being in my predicament.

14 So at this point, like I say, I might not get much
15 satisfaction out of this situation but I just have to go
16 another step further to try to get someone to at least get
17 into the root of this situation.

18 THE COURT: Well, I don't know how I will rule, sir,
19 but when I do, I certainly would like to send you a copy in
20 case you are a party. So could you make sure before you
21 leave that you give my clerk your name and address so that
22 the court will be sure that a copy of the decision, whatever
23 it might be, goes out to you.

24 MR. PURNELL: Yes.

25 THE COURT: Are you telling me you are already out

1 of business?

2 MR. PURNELL: I'm down to \$131 a day. That's even
3 on the first of the month. You know, I filed bankruptcy
4 last month, a day before the sale of one property, to try to
5 stop the sale, which it did. Meanwhile, I'm still going to
6 have to give up everything because my business is not
7 bringing in enough money to make the payments or even the
8 bankruptcy. You know, that's where I'm standing. That's
9 where I'm at at this particular time. So I will end up with
10 nothing as a result of this embezzlement in the city system
11 dealing with this zoning problem, you know.

12 MR. QUASNUI: Objection, Your Honor.

13 THE COURT: Overruled.

14 MR. PURNELL: Well, like I said, I don't know what
15 kind of results I will get or will come out of this situation
16 here but I'll just have to take it a step further to at least
17 let the people know that, yes, I might end up in the street
18 but I want someone to know that this, you know, wasn't right.
19 It wasn't right for this man here. He said he had some kids
20 too. Well, I have some kids too. When I went into business
21 down here I checked with zoning and I checked with the clerk,
22 which is the planner, and I asked was there any businesses
23 permitted in the area and she said no because they had lost,
24 because they had spent 4.9 million dollars in the town, a
25 block of Baltimore Street, and they would not endorse no more

1 business because it was a failure up in that area. So being
2 in the area, where I lived before I moved from the 1100 block
3 of Whitelock Street in 1982, I checked to see whether any
4 business was permitted, and they said no, and Clara Fenwick
5 was saying no, it was basically residential. If anything,
6 she said any property that would become available down there
7 would be put into the --

8 MS. GUTMAN: I am going to make a blanket objection
9 to all this testimony.

10 MR. QUASNUI: Yes, me too, Your Honor, so I don't
11 have to keep interrupting.

12 MS. GUTMAN: None of which is in the record, and
13 this is an appeal on the record.

14 MR. QUASNUI: Just for the record, Judge, I make
15 an objection to all this, and I won't say another word.

16 THE COURT: All right. I want to give the man an
17 opportunity to say his piece.

18 MR. PURNELL: Okay. So basically even the building
19 directly across the street from me, which is the old casket
20 company, I spoke to Ms. Clara Fenwick about purchasing that
21 building, and she said we are not endorsing any more
22 commercial activities, that we are not accepting any more
23 businesses by it being an urban renewal area in that particular
24 area and they were not endorsing it.

25 So it was a situation that they didn't need no more

1 additional traffic. The businesses, the area where I am at
2 has got three stores, yes, and the rest of the area is
3 basically low income, subsidized newly renovated homes and
4 some freshly built homes. I mean, I wouldn't have put myself
5 into that position to be wiped off the map. I mean, I had a
6 couple of oriental business people come and offer me \$100,000
7 for my business and I turned it down because I knew within
8 myself that the planner said that there was no more businesses
9 permitted in the area, and I was doing a good income and I was
10 living and paying my mortgage, so why should I sell, you know.
11 But this way, on the other hand, I didn't sell my business
12 for \$100,000 and now someone else is coming in and cutting
13 my throat and, you know, now we want to take it out of your
14 hands, you know, like stealing candy from a baby and steal it,
15 you know.

16 THE COURT: Just out of curiosity, where is your
17 store in relation to Mr. Kim's store?

18 MR. PURNELL: My store is located down on the
19 corner. This is my store where this desk is down on this
20 end (indicating), and Mr. Kim's store is like a block and a
21 half up Fremont Avenue, I would say thirty feet from going up
22 Lexington Street.

23 The problem is, first, the city came through and
24 shut down a number of high rise buildings because they said
25 they were in bad shape or bad living conditions. So business

1 dropped then. Now, the buildings that are occupied now is
2 across Fayette Street, which would be Lexington, Saratoga,
3 Marberry. So now, what is happening is that the people just
4 don't bother now -- they had no choice at that time but to
5 come down in this, Your Honor, the 900 block or the 1100 block
6 of Fremont Avenue. But now that they have a place directly
7 across from them, they don't have to walk that block to
8 support me. So, therefore, my business has suffered as a
9 result of that. Like I said, I can't pay my mortgages. A
10 bunch of people did work with me and my attorneys worked with
11 me as long as they could because I had like six mortgages.
12 I am also in the house business, the real estate business,
13 buying and selling houses that I fix up, you know. But now
14 that my business has fell to nothing, I have no income to
15 make my mortgages because I was depending on my store to help
16 me fix the properties up. A couple of them I did buy and
17 sell. But by me falling so far behind, I was so far behind
18 in my mortgage payments that when I did sell a couple of them,
19 because the economy had fell, that was just enough to -- that
20 was like a spit in the ocean. It didn't even touch where I
21 had fell behind. Then I started recuperating because what
22 happened was my mother had passed and I was taking care of
23 her, so my store was closed a lot then. So after I started
24 gaining recovery, she died, and I didn't have no insurance
25 on her but I put her away. Then I started recuperating and

1 paying my bills but then when Mr. Domingo opened up, I came
2 right back down to zero. So at this particular time I haven't
3 even recovered, and it's just a matter -- it has been a year
4 now. He opened up around May the 14th and within a year I
5 have been forced to file bankruptcy. And I have been in this
6 business since -- I came in there August the 10th of 1984.
7 That's when I came to this on Fremont Avenue. Then in one
8 year he came in and wiped me off the map, in one year, and I
9 have been down there since 1984, August the 10th, 1984. It
10 isn't fair to me to go onto the street. How am I going to
11 live? I mean, he did have another store.

12 THE COURT: Okay. Well, I can see this is a case
13 of very great passion on all sides. Make sure, sir, that you
14 leave your address so I can have a copy of my decision mailed
15 to you. While what you tell me is of course very unfortunate,
16 no matter how I look at it, I have one and possibly two losers
17 here in terms of businessmen. It sounds like you have some
18 genuine problems. Whether they are Mr. Kim's fault or not,
19 I really can't say. Whether they have really anything to do
20 with what are the issues before me, sir, I need you to
21 understand most of what you have said is really not a matter
22 that has been presented at the Zoning Board and is probably
23 not going to be anything I can really consider even though I
24 have a great deal of sympathy for your position, just as I
25 had said I had a great deal of sympathy for Mr. Kim's position.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PURNELL: I understand that.

THE COURT: Whatever ruling I make will be my best shot at interpreting the law and trying to make the correct decision.

Okay. Counsel, it's sub curia, and in the case of the participant, we will send you a copy when the decision is ready. Good luck to everybody.

MR. QUASNUI: Thank you, Your Honor.

MS. GUTMAN: Thank you, Your Honor.

THE COURT: We will stand in recess.

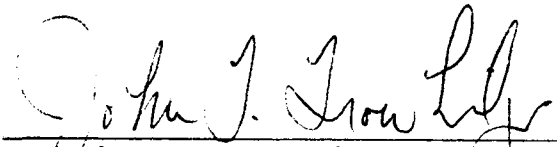
(Whereupon, the proceedings were concluded.)

1 REPORTER'S CERTIFICATE

2 I, John T. Trowbridge, an Official Court Reporter
3 of the Supreme Bench of Baltimore City, do hereby certify
4 that I stenographically recorded the proceedings in the
5 matter of Domingo Hyeok Kim vs. Board of Municipal and Zoning
6 Appeals, in the Circuit Court for Baltimore City, Case No.
7 93350027/CL173927, on May 5, 1994, before the Honorable
8 Ellen Hollander, Judge.

9 I further certify that the page numbers one
10 through fifty-four constitute the official transcript of
11 the proceedings as transcribed by me from my stenographic
12 notes to the within typewritten matter in a complete and
13 accurate manner.

14 In Witness Whereof, I have affixed my signature
15 this 24th day of September, 1994.

16 
17 _____
18 John T. Trowbridge
19 Official Court Reporter
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

8
A.

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94 MAR 10 PM 4:18
CIVIL DIVISION

IN THE CIRCUIT COURT FOR
BALTIMORE CITY
PETITION OF DOMINGO HYEOK KIM

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS
OF BALTIMORE CITY

* CASE NO: 93350027/
* CL173927

IN THE CASE OF DOMINGO HYEOK KIM,
805 W. LEXINGTON STREET
APPEAL NUMBER 370-93X

* * * * *

MEMORANDUM OF DOMINGO HYEOK KIM
IN SUPPORT OF PETITION FOR JUDICIAL REVIEW

Domingo Hyeok Kim, Petitioner, by and through his undersigned attorneys, pursuant to Maryland Rule 7-207 submits this Memorandum in support of the Petition for Judicial Review filed in these proceedings.

I. QUESTIONS PRESENTED FOR REVIEW

A. Should the Chief of Construction and Building Inspection of Baltimore City be estopped from revoking the building permit issued to Petitioner; and should the Board of Municipal and Zoning Appeals be estopped from denying Petitioner the right to use the first floor of 805 W. Lexington Street (the "property") as a grocery in light of the conduct of the Zoning Administrator in misrepresenting to the Petitioner prior to his purchase of the property that it was zoned for use as a grocery; the conduct of the Director of Construction and Buildings Inspection of Baltimore City in requiring the Petitioner to perform substantial improvements to the property in order to acquire building and use and occupancy permits to use the property as a grocery; and in light of the considerable expenses incurred by the Petitioner in renovating the

299

property and in preparing the same for operation as a grocery in justifiable reliance upon the misrepresentations of the zoning officials of the City of Baltimore?

B. Does the Board of Municipal and Zoning Appeals of Baltimore City have the authority to permit the Petitioner to operate a grocery store at the property given it is located in an R-8 zoning district?

II. STATEMENT OF MATERIAL FACTS

Sometime during the year 1992 the Petitioner, Domingo Hyeok Kim ("Kim") discovered that the property was included on the list of Baltimore City properties scheduled for tax sale. Kim was looking for a new location from which to operate his grocery business. After making a visual inspection of the property Kim went to the Zoning Enforcement Office of Baltimore City to inquire about the zoning for the property. (See, Transcript of December 7, 1993 at page 4, hereinafter referred to as "T, page____"). At the Zoning Enforcement Office Kim spoke directly with the Zoning Administrator, David Tanner, who personally advised Kim that the property was located in a B-1 zoning district. Being unfamiliar with district zoning designations Kim asked Mr. Tanner specifically whether a grocery could be operated at the property and was advised by Mr. Tanner that a grocery was in fact a permitted use within a B-1 district. (T, pgs. 5, 7 and 8). Based on this information Kim purchased the property at a tax sale for approximately Two Thousand Dollars (\$2,000.00). (T, p-12).

After acquiring the property Kim sought the appropriate permits to improve and operate a grocery business on the first floor of the property. In order to acquire a use and occupancy permit to operate a grocery at the property Kim was in fact required by the Office of Construction and Buildings Inspection of Baltimore City to make substantial improvements to the property, including major structural renovations at a considerable expense. (T, pgs. 5-6).

A building permit concerning the necessary renovations and improvements to the property was issued by the Director of Construction and Building Inspection on December 22, 1992. (See, Building Permit No. B-67894). Thereafter, in continued reliance upon the representations of the Zoning Administrator concerning the zoning applicable to the property Kim expended an additional Thirty Eight Thousand Dollars (\$38,000.00) in preparing the property to accommodate his grocery business. (T, p. 6). Expenditures included the renovation of both the exterior and interior of the building, the purchase of inventory, the purchase of trade fixtures, and fees associated with the procurement of necessary permits and licenses. (See, List of Expenses introduced as an exhibit before the Board of Municipal and Zoning Appeals).

On May 18, 1993, the Director of Construction and Building Inspection issued a use and occupancy permit to Kim to use the first floor of the property as a grocery store. (See, Permit No. B-73305). After acquiring this permit, and in continued reliance upon both the representations of the Zoning Administrator

and the Director of Building Inspection Kim sold the grocery business he was previously operating on Madison Street in Baltimore and transferred all items not sold to the property. (T, p. 25). Thereafter, the operation of a grocery business at the property became the principal means of support for Mr. Kim, his wife and two small children. (T, p. 26).

Upon the receipt of the use and occupancy permit Mr. Kim began operating his grocery business at the property, and Kim and his family became active members of the community. (T, p. 15). To address a rodent problem in the community he donated and distributed 150 bags of rat poison (T, p.15); he became active in association with community leaders in combatting the drug situation in the community (T, p. 15); and he became involved with the community association (T, p. 16).

~~At the time~~ At the time Kim purchased the property it was abandoned and vacant. The boards previously across the windows and doors were torn away and vagrants and drug addicts were making use of the property. The property was infested with rats and trash and used drug paraphernalia was everywhere. (T, pgs. 13-14).

As a result of Mr. Kim's purchase and renovation of the property for use as a grocery the community has benefited. It now has a clean property at which a family atmosphere is apparent, allowing residents to permit their children to frequent the store without fear. (T. p.14).

~~From~~ From May 18, 1993 until on or about August 16, 1993 Kim operated his grocery business at the property believing he was in

complete compliance with all appropriate regulations, including zoning ordinances. In reliance upon the representations of the Zoning Administrator and the Office of Construction and Building Inspections, concerning the property's zoning he entered into contracts with suppliers, procured long term insurance and security coverages respecting the property; and increased his connections with the community. Following these actions, however, on or about August 16, 1993 Mr. Kim received a letter from the Chief of Construction and Building Inspection of Baltimore City indicating that his building permit, (and presumably therefore his use and occupancy permit), for the property was revoked apparently as a result of an error made by the Zoning Administrator. (T. p.7). After receiving this letter Mr. Kim again visited the Zoning Administrator who indicated that he made an error in advising Mr. Kim that the property was located in a B-1 zoning district and that in fact the property was zoned R-8. Mr. Tanner then instructed Mr. Kim to take an appeal to the Board of Municipal and Zoning Appeals (the "Board") to request a continuance of his non-conforming use of the property as a grocery. (T, p. 11). Based on the instructions of Mr. Tanner, Kim filed an appeal with the Board seeking the authority to continue his operation of a grocery at the property given the circumstances surrounding the revocation of his right to conduct business.

Pursuant to Kim's appeal a hearing was conducted before the Board on December 7, 1993. At the hearing Mr. Tanner testified that in an effort to modernize and computerize the permit process,

his office, in December of 1992, utilized a computer screen to call up zoning district information for members of the public. (T, p.8). Mr. Tanner stated that the State Department of Assessments was responsible for inputting zoning district information into the real property file (T. p.9); and that since the error concerning the property was discovered his office had uncovered hundreds of other errors in zoning designations inputted into the computer. (T, p.9).

Mr. Tanner admitted that he personally made the misrepresentation to Mr. Kim concerning the zoning designation for the property; and that as a result of that misrepresentation Mr. Kim was required to replace the front wall of the property and do other substantial renovations. (T, p.9).

At the hearing the Board also received testimony from numerous members of the community supporting Mr. Kim's continued use of the property as a grocery. (T, pgs. 16-20). (See, also the decision of the Board dated December 13, 1993, at page 4). Evidence was also presented as to the extreme hardship which would be imposed upon Mr. Kim should he be unable to continue the operation of his business at the property. Essentially should said event occur he would go bankrupt. (T, p.25).

At the conclusion of the hearing three members of the Board felt that the application should be approved while two members voted to disapprove the application of the Petitioner. As a result, Mr. Kim's application was denied in accordance with the Maryland Annotated Code, Article 66B, § 2.08(b) which requires the

concurring vote of four members of the Board to decide in favor of an applicant. (See, Decision of December 13, 1993, at page 5).

III. ARGUMENT

A. The Chief of Construction and Buildings Inspection of Baltimore City, the Zoning Administrator, and the Board of Municipal and Zoning Appeals are barred from revoking Kim's building permit and use and occupancy permit and from refusing to permit the operation of a grocery on the first floor of the property pursuant to the doctrine of estoppel.

Equitable estoppel is the effect of the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which may have otherwise existed, either of property, of contract, or of remedy, against another person who has in good faith relied on such conduct to change his position for the worse. Estoppel operates to prevent a party from asserting his rights under general technical rules of law when that party has so conducted himself that it would be contrary to equity and good conscience to allow him to prove a situation other than as represented. See, 10 M.L.E. § 21, at p. 54; Elgin v. Housing Authority of City of Frederick, 52 F.Supp. 250 (D.C. Md. 1943).

The doctrine is based upon grounds of public policy and good faith, and is interposed to prevent injustice by denying a party the right to repudiate his admissions when they have been acted upon by persons to whom they were directed, and whose conduct they were intended to influence. See, Carroll Springs Distilling Co. of Baltimore City v. Schnepfe, 111 Md. 420,^v 74 A. 828 (1909).

Given the undisputed facts surrounding Kim's purchase of the property, his acquisition of building and use and occupancy permits, and their subsequent revocation the instant case presents a circumstance which cries out for the application of the doctrine of estoppel. Acting in good faith and with prudence before purchasing the property Kim approached the Zoning Administrator to inquire as to the applicable zoning. Mr. Kim acted reasonably in relying on representations made by Mr. Tanner that the property was zoned B-1 and that a grocery could be operated. In providing this information, Mr. Tanner was operating directly within the scope of this authority as Zoning Administrator. Specifically, Section 11.0-2(b) of the Zoning Ordinances of Baltimore City provides:

"b. Duties. The Zoning Administrator shall administer and enforce this ordinance and, in addition thereto and in furtherance of said authority, he shall: . . .

4. maintain permanent and current records of this ordinance, including, but not limited to: maps, amendments, the rules of practice and procedure of the Board, conditional uses, special exceptions, variances, appeals, and applications therefor--including the recording of district amendments and planned developments on the zoning maps; . . .
6. provide and maintain a public information service relative to matters arising out of this ordinance;

Further, given his above duties, Mr. Tanner knew that the information he relayed to Kim would be relied upon, especially in light of Kim's specific question concerning whether or not a grocery could be operated on the premises.

Mr. Tanner's testimony further makes clear that he understood at the time of advising Kim that the property was in fact in a B-1 District that Mr. Tanner understood that Kim contemplated expending substantial sums of money to renovate the property to operate a grocery on the first floor. It is also undisputed that Mr. Tanner knew or should have known that if his representations proved to be incorrect Kim, in good faith reliance upon Tanner's statements, intended to change his position dramatically for the worse.

In fact, that is precisely what happened. In reliance upon the Zoning Administrator's misrepresentations, Mr. Kim expended Thirty Eight Thousand Dollars (\$38,000.00) in renovating the property; he sold his existing grocery business in order to open a business at the property and in so doing entrusted his entire family's financial future upon the understanding that he would be entitled to operate a grocery at the property. In the face of these facts and after granting Kim building and use and occupancy permit, and after allowing him to operate his grocery business for some three months, the Director of Construction and Building Inspection, the Zoning Administrator, and the Board now seek to assert, or more appropriately hide behind, the technical provisions of the zoning ordinances in denying Kim the right to continue his grocery business. Public policy, good faith and fair play will not allow such conduct.

There can be no dispute that the doctrine of estoppel in proper cases, such as the present one, may be applied to a

municipality or an administrative agency of a municipality such as the Board. See, Mayor, etc., City of Hagerstown v. Hagerstown Ry Co., 91 A. 170 (Md. 1941); City of Baltimore v. Chesapeake Marine Ry. Co., 233 Md. 559, 197 A2d 821 (1964). In circumstances where great injustice and loss would otherwise result, a municipality which had the power to act and did act by officials authorized to do so, so as to induce another to expend efforts and monies, may be estopped to deny its official and bending consent. City of Baltimore v. Chesapeake Marine Ry. Co., 197 A2d at 830. This is especially true where a municipal official, such as Mr. Tanner in this case, engaged in affirmative action while acting within the scope of his specific authority. Id., at 831.

The issuance of permits to Kim and the conduct of the Zoning Administrator and the Board in allowing the operation of his grocery business over a three (3) month period mandate the application of the doctrine of estoppel in the present action. See, Mayor and City Council of Baltimore v. Shapiro, 51 A2d 273 (Md. 1947) (where the Court of Appeals of Maryland inferred that such conduct may create vested rights in the permit holder estopping municipal authorities from revoking the permit). These conditions or circumstances coupled with the substantial expenses incurred by Kim in reliance upon the misrepresentations of the Zoning Administrator extinguish any ability by the Board in the present case to assert the illegality of the issuance of the building and use and occupancy permits to Mr. Kim.

Given the above authority, the Director of Construction and Building Inspection of Baltimore City had no right on August 16, 1993 to revoke Kim's building permit and in fact should be estopped from doing so. Likewise, the Board is estopped to deny Kim the right to continue his non-conforming use of the property as a grocery.

B. The Board does in fact have the authority to authorize a non-conforming use to Petitioner to permit him to operate a grocery store at the property.

The minority of the Board which voted to deny Mr. Kim's application to continue his non-conforming use at the property base their denial on the mistaken impression that the Board would be required to establish a non-conforming use in an R-8 zoning district where no prior commercial use had been made of the location in order to grant Kim's application. (See, Decision dated December 13, 1993, at p. 5). In arriving at this conclusion these Board members improperly examined the Petitioner's application as a matter of first impression in total ignorance of the facts and circumstances giving rise to Kim's request for relief from the Board. Although clearly acknowledging the Board's authority pursuant to Section 8.0-1 of the Zoning Ordinances to continue any non-conforming use or structure or to change a Class III non-conforming use in an R-8 district to any use listed in the B-1 Neighborhood Business District pursuant to 8.0-4-d, said members use ill-fated logic to argue that the Board can't in this case establish a new non-conforming use. The simple answer is

that in granting the Petitioner's application to use the property as a grocery the Board would not be establishing a new use, but would simply be continuing an existing non-conforming use pursuant to its authority under Section 8.0-1 of the Zoning Ordinances.

If the preceding discussion concerning the application of the principle of estoppel to this action illustrates anything it is that public policy and good faith will not allow the Board to examine Mr. Kim's application absent the egregious circumstances giving rise to that application. Clearly, the Zoning Administrator's misrepresentation was the impetus of Kim's decision to purchase the property, to expend substantial sums on its renovation, to acquire building and use and occupancy permits, and to operate a grocery business at the property for three (3) months prior to the improper attempt to revoke his building permit. Clearly, as a result of the conduct of the Zoning Administrator and other Baltimore City officials a non-conforming use was in fact made of the property by Mr. Kim from May 18, 1993 to August 16, 1993 with the authority and consent of the Zoning Enforcement Office and the Department of Construction and Buildings Inspection. The Board is without question estopped from denying the existence of this use. Therefore, in that such non-conforming use was made of the property prior to Mr. Kim's appeal on September 23, 1993 seeking the right to continue to use the first floor of the property as a grocery the Board must consider the Appeal as one requesting the right to continue an existing non-conforming use as opposed to one requesting the establishment

of a new use. Although a mere intention to make a certain use of a property is not enough to establish a non-conforming use, the actual use of the property under authority granted by government officials acting within the scope of their appointed office certainly must establish such a use. See, Board of County Commissioners v. Snyder, 46 A2d 689 (Md. 1946). Given the Board has clear authority under Section 8.0-1 to continue any non-conforming use or structure it did in fact have the authority to grant and in that should have granted Petitioner's application in the present action.

For the above reasons, the Decision of the Board of Municipal and Zoning Appeals dated December 13, 1993 should be reversed and the Petitioner should be allowed to continue his operation of a grocery at the first floor of the property.

Respectfully submitted,

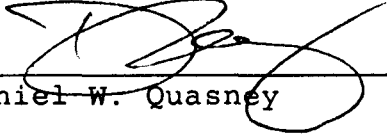
WARTZMAN, OMANSKY, BLIBAUM, SIMONS,
STEINBERG, SACHS & SAGAL, P.A.

BY: 

DANIEL W. QUASNEY, ESQUIRE
341 N. Calvert Street
Baltimore, Maryland 21202
(410) 685-0111
Attorneys for Petitioner,
Domingo Hyeok Kim

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, this 10th day of March, 1994, a copy of the foregoing Memorandum was mailed first class, postage prepaid, to Sandra R. Gutman, Esquire, Department of Law, 143, City Hall, 100 Holliday Street, Baltimore, Maryland 21202, Attorney for Board of Municipal and Zoning Appeals..



Daniel W. Quasney

A:\Km.Mem\62719.01

45.

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94 MAY -2 PM 3:26

CIVIL DIVISION

PETITION OF
DOMINGO HYEOK KIM
2509 Branch Court Road
Baltimore, MD 21234

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS

IN THE CASE OF Domingo Hyeok
Kim, 805 W. Lexington St.
Appeal No. 370-93X

Case No. 93350027/CL173927

* * * * *

MEMORANDUM OF LAW

Statement of the Case

This case is before the Court on an appeal from Domingo Hyeok Kim, hereafter the "Appellant", from a final decision of the Board of Municipal and Zoning Appeals, hereafter the "Board", denying Appellant's application to permit the use of the first floor of property known as 805 West Lexington Street, Baltimore, Maryland, as a grocery store.

Question Presented

Whether the decision of the Board is supported by substantial evidence and is therefore correct.

Statement of Facts

The subject property is located at 805 West Lexington Street in an R-8 residential zoning district. The premises is improved by an three story brick building, the first floor of which is presently being used for a grocery store.

According to the City's files, the property had always been

used as a residence. In 1992, Appellant purchased the property at a tax sale. Prior to his purchase, he was informed by David Tanner, the City's Zoning Administrator, that the property was zoned for commercial use and that Appellant could operate a grocery store on the premises.

Subsequent to his purchase of the property, Appellant was issued a building permit, pursuant to which, he commenced alterations at the property.

On May 19, 1993, Appellant was issued a use and occupancy permit authorizing the use of the first floor of 805 West Lexington Street as a grocery store. However, upon discovering that due to an error in computer programming, the property was actually located in an R-8 residential zoning district and not the B-1 business zoning district originally believed, the Zoning Administrator recommended that the permit be revoked. In accordance with these instructions, on August 12, 1993, Rudolph Janssen, Director of Construction and Building Inspection, revoked the permit. Exhibit A.

Thereupon, Appellant filed an application with the Board requesting that the use be approved as a non-conforming use.

The Board's hearing on the application was held on December 7, 1993. The circumstances surrounding the application were fully explained to the Board. The Zoning Administrator testified that, although sympathetic with Appellant's situation, when he realized that the permit had been issued in error, he was bound to revoke it. T.10.

Several times during the course of the hearing, the Board's chairman stated that the application concerned the establishment of a non-conforming use, the only avenue by which Appellant could continue the use. T.11,12,35,44. Nonetheless, for inexplicable reasons, Appellant's counsel attempted to show that the request was for a special exception and that all of the standards applicable to the granting of a special exception had been met. T.22-30.

After weighing the evidence, the Board disapproved the application, determining that it was without authority to permit the establishment of a non-conforming commercial use in a residential zoning district.

Discussion

I. ESTOPPEL

Appellant argues that the doctrine of equitable estoppel is applicable and the City is thus barred from revoking the permit. While all parties are in agreement that an unfortunate error occurred when the incorrect zoning district was inserted in the computer used by the Zoning Administrator, the cases clearly support the City's action.

In Lipsitz v. Parr, 164 Md. 222 (1932), a case almost identical to the present case, a permit was issued to erect an ice manufacturing plant. The permit stated that the use of the property was in conformity with the provisions of the Baltimore City zoning ordinance. After the plant had been erected, the

City learned that the zoning district where it was located prohibited ice factories. Accordingly, the City notified the property owner that the permit was revoked.

When considering the issue of estoppel that was raised by the appellant, the Court of Appeals ruled that while a municipality may be estopped by the acts of its officers if done within the scope of their employment, estoppel does not arise should the act be in violation of law.

The Lipsitz Court reasoned that where the provision of the ordinance in question was constitutional, it was unlawful for the officers of the municipality to grant the permit and it would be equally unlawful for the permittee to act on such a permit. The Court stated:

A permit thus issued without the official power to grant does not, under any principle of estoppel, prevent the permit from being unlawful nor from being denounced by the municipality because of its illegality.
164 Md. at 227.

The Court also held that where the city was discharging a governmental function, the doctrine of equitable estoppel could not be invoked to defeat the municipality in the enforcement of its ordinance because of an error committed by one of its officers which had been relied on by a third party to his detriment. The Court further reasoned:

Everyone dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and the extent of their powers, and therefore such a person cannot be considered to have been deceived or misled by their acts when done without legal authority. 164 Md. at 227-28.

Thus, the Court determined that a municipality is not estopped by wrongful acts of its officers in issuing a permit that is forbidden by the explicit terms of the ordinance. Where, in Lipsitz, the ordinance prohibited the use of the premises for an ice manufacturing plant, the Court found that the permit issued was void and the person receiving the permit would derive no benefit from its issuance.

Not only are the facts of Lipsitz similar to this case, but the law of the case is applicable and must be applied by this Honorable Court.

Also applicable is City of Hagerstown v. Long Meadow, 264 Md. 481 (1972), where the facts are also similar. In 1956, Long Meadow acquired a permit from the City of Hagerstown to build a shopping center. In 1969, Long Meadow desired to demolish a store in the shopping center and construct a twin movie theater. The City Building Inspector informed the construction company that a building permit was not required since most of the proposed structure would be outside of the City limits. In reliance, Long Meadow employed an architect and commenced demolition of the existing store. Demolition work was halted when Long Meadow was told that a demolition permit and a building permit should be acquired. After expending \$25,950.00 on the project and after entering into a lease agreement with a tenant for the theater space, the permit applications were denied because it was found that a motion picture theater was not an allowable use in that district under the Hagerstown Zoning Ordinance.

The Court of Appeals cited Lipsitz v. Parr, supra, as standing for the basic principles of law applicable to situations where a property owner proceeds with plans or construction after receiving a permit which has been invalidly or mistakenly issued. The Court also cited Berwyn Heights v. Rogers, 228 Md. 271 (1962), where it was stated:

[T]he cases and text-writers very generally state that a municipality is not estopped to set up the illegality of a permit. (citations omitted). And the issuance of an illegal permit creates no 'vested rights' in the premises. (citations omitted). We have held above that the permits issued to the appellee were in violation of the zoning ordinance; consequently, they were unlawful and did not estop the appellant from prosecuting this suit. 264 Md. at 495.

See also, Nat'l Inst. of Health Fed. Credit Union v. Hawk, 47 Md.App. 189, 201 (1981), where the Court stated that "estoppel cannot successfully be invoked against municipal authorities based on zoning actions."

Based on the foregoing, although the City understands and is sympathetic to the hardship which Appellant will bear, Maryland law necessitates upholding the revocation of the permit.

II. THE BOARD'S AUTHORITY

Appellant's argument that he has established a lawful non-conforming use is without merit. The zoning district in which Appellant's property is located is R-8 residential. Grocery stores are neither permitted nor conditional uses in the R-8 zoning district. Under the provisions of §8.0-1 of the Zoning

Ordinance, any lawfully existing non-conforming use may be continued. Section 13.0-2(61) of the Zoning Ordinance defines a non-conforming use as "any lawfully existing use of a building or other structure or of land which does not conform to the applicable use regulations of the district in which it is located." In Board of Zoning Appeals of Howard County v. Meyer, 207 Md. 389 (1955), the Court said that where the evidence conclusively established that a property owner before and at the time of the adoption of the zoning ordinance was using the property for a lawful use which by legislative action became non-permitted, the owner had established a lawful non-conforming use. This means, in relation to the case at bar, that had Appellant been using the property for a grocery store prior to 1971 when the Baltimore City Zoning Ordinance was adopted, and such use at that time was lawfully established, and such use continued uninterrupted until the present, a lawful non-conforming use would have been established.

Appellant argues that the issuance of the erroneous permit on May 1, 1993, established a lawful non-conforming use. However, by its definition, a non-conforming use must be lawfully established and thus the grocery store would have had to have been in effect at the time of passage of the 1971 Zoning Ordinance. Since this use cannot satisfy those requirements, it is not a non-conforming use and the Board was correct in stating that it had no authority to establish the use.

It is often stated that non-conforming uses pose a

formidable threat to the success of zoning and should be reduced to conformance as speedily as possible. County Council of Prince George's County v. Gardner, 293 Md. 259 (1982); County Comm'rs of Carroll County v. Uhler, 78 Md.App 140 (1989). The burden of establishing a non-conforming use is on the claimant of the use and it is held that this burden necessarily includes the burden of establishing the existence of a non-conforming use at the time of the passage of the prohibiting ordinance. Calhoun v. County Board of Appeals, 262 Md. 265 (1971).


Where Appellant argues that the establishing date of the use in question is May 1993, he is clearly unable to satisfy the standards set forth by the Court of Appeals. The Board was thus correct in determining that a non-conforming use had not been established and that it was without authority to do so.

The weighing of the evidence is left to the Board's expertise, and it is the duty of the Board to decide the application of the Ordinance to the facts at hand. Prince George's County v. Meininger, 263 Md. 148 (1978). It is well settled that the Court cannot substitute its judgment for that of the Zoning Board so long as the question before the agency is fairly debatable and is supported by substantial evidence. Sembly v. County Board of Appeals, 269 Md. 177 (1983).

In this case, the Board applied the facts and the relevant case law and correctly determined that it was without authority to grant the use. No grounds exist for a reversal of the Board's decision.

Conclusion

For the reasons stated herein, the Board's decision should be affirmed.



Sandra R. Gutman
Principal Counsel
Department of Law,
Housing Division,
Housing Litigation Unit
143 City Hall
100 Holliday Street
Baltimore, MD 21202
Telephone: 410-396-3933

Attorney for Board of
Municipal and Zoning
Appeals

Certification of Hand Delivery

I HEREBY CERTIFY that on this 2 day of May, 1994,
a true and correct copy of the foregoing
MEMORANDUM OF LAW
was **HAND DELIVERED** to

Daniel W. Quasney, Esquire
341 North Calvert Street
Baltimore, MD 21202


SANDRA R. GUTMAN
Principal Counsel

PETITION OF
DOMINGO HYEOK KIM
2509 Branch Court Road
Baltimore, MD 21234

FOR JUDICIAL REVIEW OF THE
DECISION OF THE BOARD OF
MUNICIPAL AND ZONING APPEALS

IN THE CASE OF Domingo Hyeok
Kim, 805 W. Lexington St.
Appeal No. 370-93X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

* Case No. 93350027/CL173927

* * * * *

MEMORANDUM OF LAW

Statement of the Case

This case is before the Court on an appeal from Domingo Hyeok Kim, hereafter the "Appellant", from a final decision of the Board of Municipal and Zoning Appeals, hereafter the "Board", denying Appellant's application to permit the use of the first floor of property known as 805 West Lexington Street, Baltimore, Maryland, as a grocery store.

Question Presented

Whether the decision of the Board is supported by substantial evidence and is therefore correct.

Statement of Facts

The subject property is located at 805 West Lexington Street in an R-8 residential zoning district. The premises is improved by an three story brick building, the first floor of which is presently being used for a grocery store.

According to the City's files, the property had always been

used as a residence. In 1992, Appellant purchased the property at a tax sale. Prior to his purchase, he was informed by David Tanner, the City's Zoning Administrator, that the property was zoned for commercial use and that Appellant could operate a grocery store on the premises.

Subsequent to his purchase of the property, Appellant was issued a building permit, pursuant to which, he commenced alterations at the property.

On May 19, 1993, Appellant was issued a use and occupancy permit authorizing the use of the first floor of 805 West Lexington Street as a grocery store. However, upon discovering that due to an error in computer programming, the property was actually located in an R-8 residential zoning district and not the B-1 business zoning district originally believed, the Zoning Administrator recommended that the permit be revoked. In accordance with these instructions, on August 12, 1993, Rudolph Janssen, Director of Construction and Building Inspection, revoked the permit. Exhibit A.

Thereupon, Appellant filed an application with the Board requesting that the use be approved as a non-conforming use.

The Board's hearing on the application was held on December 7, 1993. The circumstances surrounding the application were fully explained to the Board. The Zoning Administrator testified that, although sympathetic with Appellant's situation, when he realized that the permit had been issued in error, he was bound to revoke it. T.10.

Several times during the course of the hearing, the Board's chairman stated that the application concerned the establishment of a non-conforming use, the only avenue by which Appellant could continue the use. T.11,12,35,44. Nonetheless, for inexplicable reasons, Appellant's counsel attempted to show that the request was for a special exception and that all of the standards applicable to the granting of a special exception had been met. T.22-30.

After weighing the evidence, the Board disapproved the application, determining that it was without authority to permit the establishment of a non-conforming commercial use in a residential zoning district.

Discussion

I. ESTOPPEL

Appellant argues that the doctrine of equitable estoppel is applicable and the City is thus barred from revoking the permit. While all parties are in agreement that an unfortunate error occurred when the incorrect zoning district was inserted in the computer used by the Zoning Administrator, the cases clearly support the City's action.

In Lipsitz v. Parr, 164 Md. 222 (1932), a case almost identical to the present case, a permit was issued to erect an ice manufacturing plant. The permit stated that the use of the property was in conformity with the provisions of the Baltimore City zoning ordinance. After the plant had been erected, the

City learned that the zoning district where it was located prohibited ice factories. Accordingly, the City notified the property owner that the permit was revoked.

When considering the issue of estoppel that was raised by the appellant, the Court of Appeals ruled that while a municipality may be estopped by the acts of its officers if done within the scope of their employment, estoppel does not arise should the act be in violation of law.

The Lipsitz Court reasoned that where the provision of the ordinance in question was constitutional, it was unlawful for the officers of the municipality to grant the permit and it would be equally unlawful for the permittee to act on such a permit. The Court stated:

A permit thus issued without the official power to grant does not, under any principle of estoppel, prevent the permit from being unlawful nor from being denounced by the municipality because of its illegality.
164 Md. at 227.

The Court also held that where the city was discharging a governmental function, the doctrine of equitable estoppel could not be invoked to defeat the municipality in the enforcement of its ordinance because of an error committed by one of its officers which had been relied on by a third party to his detriment. The Court further reasoned:

Everyone dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and the extent of their powers, and therefore such a person cannot be considered to have been deceived or misled by their acts when done without legal authority. 164 Md. at 227-28.

Thus, the Court determined that a municipality is not estopped by wrongful acts of its officers in issuing a permit that is forbidden by the explicit terms of the ordinance. Where, in Lipsitz, the ordinance prohibited the use of the premises for an ice manufacturing plant, the Court found that the permit issued was void and the person receiving the permit would derive no benefit from its issuance.

Not only are the facts of Lipsitz similar to this case, but the law of the case is applicable and must be applied by this Honorable Court.

Also applicable is City of Hagerstown v. Long Meadow, 264 Md. 481 (1972), where the facts are also similar. In 1956, Long Meadow acquired a permit from the City of Hagerstown to build a shopping center. In 1969, Long Meadow desired to demolish a store in the shopping center and construct a twin movie theater. The City Building Inspector informed the construction company that a building permit was not required since most of the proposed structure would be outside of the City limits. In reliance, Long Meadow employed an architect and commenced demolition of the existing store. Demolition work was halted when Long Meadow was told that a demolition permit and a building permit should be acquired. After expending \$25,950.00 on the project and after entering into a lease agreement with a tenant for the theater space, the permit applications were denied because it was found that a motion picture theater was not an allowable use in that district under the Hagerstown Zoning Ordinance.

The Court of Appeals cited Lipsitz v. Parr, supra, as standing for the basic principles of law applicable to situations where a property owner proceeds with plans or construction after receiving a permit which has been invalidly or mistakenly issued. The Court also cited Berwyn Heights v. Rogers, 228 Md. 271 (1962), where it was stated:

[T]he cases and text-writers very generally state that a municipality is not estopped to set up the illegality of a permit. (citations omitted). And the issuance of an illegal permit creates no 'vested rights' in the premises. (citations omitted). We have held above that the permits issued to the appellee were in violation of the zoning ordinance; consequently, they were unlawful and did not estop the appellant from prosecuting this suit. 264 Md. at 495.

See also, Nat'l Inst. of Health Fed. Credit Union v. Hawk, 47 Md.App. 189, 201 (1981), where the Court stated that "estoppel cannot successfully be invoked against municipal authorities based on zoning actions."

Based on the foregoing, although the City understands and is sympathetic to the hardship which Appellant will bear, Maryland law necessitates upholding the revocation of the permit.

II. THE BOARD'S AUTHORITY

Appellant's argument that he has established a lawful non-conforming use is without merit. The zoning district in which Appellant's property is located is R-8 residential. Grocery stores are neither permitted nor conditional uses in the R-8 zoning district. Under the provisions of §8.0-1 of the Zoning

Ordinance, any lawfully existing non-conforming use may be continued. Section 13.0-2(61) of the Zoning Ordinance defines a non-conforming use as "any lawfully existing use of a building or other structure or of land which does not conform to the applicable use regulations of the district in which it is located." In Board of Zoning Appeals of Howard County v. Meyer, 207 Md. 389 (1955), the Court said that where the evidence conclusively established that a property owner before and at the time of the adoption of the zoning ordinance was using the property for a lawful use which by legislative action became non-permitted, the owner had established a lawful non-conforming use. This means, in relation to the case at bar, that had Appellant been using the property for a grocery store prior to 1971 when the Baltimore City Zoning Ordinance was adopted, and such use at that time was lawfully established, and such use continued uninterrupted until the present, a lawful non-conforming use would have been established.

Appellant argues that the issuance of the erroneous permit on May 1, 1993, established a lawful non-conforming use. However, by its definition, a non-conforming use must be lawfully established and thus the grocery store would have had to have been in effect at the time of passage of the 1971 Zoning Ordinance. Since this use cannot satisfy those requirements, it is not a non-conforming use and the Board was correct in stating that it had no authority to establish the use.

It is often stated that non-conforming uses pose a

formidable threat to the success of zoning and should be reduced to conformance as speedily as possible. County Council of Prince George's County v. Gardner, 293 Md. 259 (1982); County Comm'rs of Carroll County v. Uhler, 78 Md.App 140 (1989). The burden of establishing a non-conforming use is on the claimant of the use and it is held that this burden necessarily includes the burden of establishing the existence of a non-conforming use at the time of the passage of the prohibiting ordinance. Calhoun v. County Board of Appeals, 262 Md. 265 (1971).

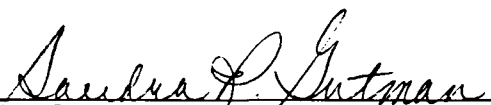
Where Appellant argues that the establishing date of the use in question is May 1993, he is clearly unable to satisfy the standards set forth by the Court of Appeals. The Board was thus correct in determining that a non-conforming use had not been established and that it was without authority to do so.

The weighing of the evidence is left to the Board's expertise, and it is the duty of the Board to decide the application of the Ordinance to the facts at hand. Prince George's County v. Meininger, 263 Md. 148 (1978). It is well settled that the Court cannot substitute its judgment for that of the Zoning Board so long as the question before the agency is fairly debatable and is supported by substantial evidence. Sembly v. County Board of Appeals, 269 Md. 177 (1983).

In this case, the Board applied the facts and the relevant case law and correctly determined that it was without authority to grant the use. No grounds exist for a reversal of the Board's decision.

Conclusion

For the reasons stated herein, the Board's decision should be affirmed.


Sandra R. Gutman
Principal Counsel
Department of Law,
Housing Division,
Housing Litigation Unit
143 City Hall
100 Holliday Street
Baltimore, MD 21202
Telephone: 410-396-3933

Attorney for Board of
Municipal and Zoning
Appeals

Certification of Hand Delivery

I HEREBY CERTIFY that on this 2 day of May, 1994,
a true and correct copy of the foregoing
MEMORANDUM OF LAW
was **HAND DELIVERED** to

Daniel W. Quasney, Esquire
341 North Calvert Street
Baltimore, MD 21202


SANDRA R. GUTMAN
Principal Counsel

DOMINGO HYEOK KIM

Appellant

v.

BOARD OF MUNICIPAL
AND ZONING APPEALS

Appellee

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO. 93350027/CL173927

*entered by
Clark
6-24-94
(19)*

MEMORANDUM OPINION AND ORDER

Factual Background

This is an appeal by Petitioner Domingo Hyeok Kim ("Petitioner" or "Kim") from the decision of the Board of Municipal Zoning Appeals (the "Board")¹ denying him a non-conforming use or special exception.² The relevant facts are undisputed.

Kim, who operated a small grocery store on Madison Street, wanted to relocate his

¹The administrative record has not been sequentially numbered. Accordingly, documents in the record will be described herein by name, so as to permit their identification. References to the transcript of the Board's hearing held on December 7, 1993 are abbreviated by "T", along with the particular page number of the transcript.

²Kim never actually filed a formal application for a conditional use or special exception, but the Board effectively treated his appeal as an application for a non-conforming use or special exception. Several times during the course of the zoning hearing, the Board's chairman stated that posture of the case concerned the establishment of a non-conforming use (T.11, 12, 35, 44), but invited counsel to address the ten conditions for granting a special exception (T.16-17, 22-31).

Applications for continuations of non-conforming uses are governed by Baltimore City Code of 1976, Art. 30, §§ 8.0-1 (continuations generally), 8.0-4 (regulation of non-conforming uses of conforming structures), and 8.0-7 (procedure) (1983 & Supp. 1993). Applications for conditional uses are governed by Baltimore City Code of 1976, Art. 30, §§ 4.8-1(c) (authorized conditional uses), 11.0-3(c) (procedure), and 11.0-5(a) (standards for conditional uses) (1983 & Supp. 1993). Applications for special exceptions are governed by Baltimore City Code of 1976, Art. 30, §§ 11.0-3(d)(3) (authorized special exceptions) and 11.0-5(b) (standards for special exceptions) (1983 & Supp. 1993).

store. When he learned that the property located at 805 West Lexington Street (the "Property") was listed for tax sale, he consulted with David Tanner ("Tanner"), the Zoning Administrator for Baltimore City, to determine if the Property could be used for a grocery store. Tanner advised Kim that the Property was located in a B-1 district, so that the Property could be used as a grocery store. In reliance on Tanner's statements, Kim bought the Property for \$2,000, sold his Madison Street store, and acquired the necessary building and zoning permits from the City of Baltimore (the "City"). Thereafter, he invested nearly \$40,000 to renovate the Property. On May 18, 1993, Kim obtained a use and occupancy permit and began to operate a grocery store out of the first floor of the Property.

In December of 1993, after Kim had purchased the Property, the owners of nearby stores complained to Tanner that Kim was building a commercial unit in a residential zone. Nevertheless, Tanner advised them that Kim's property was, in fact, in a B-1 zone. T.38-40. In August, 1993, it was discovered that the zoning computer file for the Property erroneously indicated that it was located in a B-1 zone, when in fact it was located in an R-8 zone.³ As a result, Kim's permits had been improperly issued, based on the incorrect

³The Zoning Administration had installed a new computer system to modernize and expedite the permit process. R.8. After the error in issue, Tanner discovered hundreds of other errors in the files which had been entered in the computer by the State Department of Assessments and Taxation. R.8-9. With regard to Kim's permit, Tanner said, in pertinent part:

This is hopefully the first and last time such an error will occur.

* * *

I'm not saying that errors have not happened before, but this kind of [sic] happened because of our efforts to modernize and computerize the permit process.

* * *

I guess the only thing I can say is we have learned from this error. . . .

T.8-9.

information. T.7-8. Tanner candidly acknowledged responsibility for the mistake.⁴ Because of this mistake, Kim's zoning and building permits were revoked on August 12, 1993. Thereafter, Kim appealed the decision of the Zoning Administrator to the Board under Baltimore City Code of 1976, Art. 30, § 11.0-3 (1983).⁵

On December 7, 1993, the Board heard testimony from Kim and eleven witnesses concerning the proposed use.⁶ In a certificate dated December 13, 1993, the Board issued a resolution that stated in pertinent part as follows:

Three members of the Board felt that the application should be approved, and would, in fact, not have an adverse effect on the community. They were also aware of the large expenditure of funds that have been laid out for the use of the premises as a grocery store, based on the incorrect issuance of the permit. Two members of the Board felt, after reviewing the testimony, the facts and law in this case, that they are without authority to permit a grocery store in the R-8 District, especially, since there has been no prior commercial use of the site for a business or grocery at this location.

In accordance with the above facts and findings, the Board disapproves the application.

Two members of the Board voted in favor of adopting the resolution, three members of the Board voted against the adoption of [the] resolution. Whereupon, the Chairman ruled that there not being the concurring vote of as

⁴Tanner said, in pertinent part:

I'm the one that approved [Kim's application]. I'm the one who made the error It was my mistake and based on his approval he went ahead and got a building permit . . . and did these improvements to the property.

T.9. In his testimony at the hearing before this court, Tanner again acknowledged the mistake was his responsibility.

⁵Hereinafter, all references to Code shall refer to Baltimore City Code of 1976, Art. 30, (1983 & Supp. 1993). See footnote 1, supra.

⁶Nine witnesses were members of the community supporting Kim's use; the tenth was Tanner himself. Only one witness, Eugene Simit, testified against the use. The Board also received a letter dated December 6, 1993 from the Department of Housing and Community Development stating its opposition to the proposed use.

many as four members of the Board in favor of granting the permit, the application stands as disapproved.

Decision of the Board, at 3.

On appeal to this court, Kim asserts that it was Tanner's mistake which led to the issuance of the original permits and that he reasonably relied, to his detriment, on the City's permission to use. Kim contends that he will suffer great hardship if he is denied the proposed use, and he argues that the City is estopped from denying him his use.

Scope of Review

The Board's decisions concerning factual issues must be supported by "substantial evidence" on the record. A scintilla of evidence is not enough. Prince George's Co. v. Meininger, 264 Md. 148, 152 (1972). Moreover, this court may not engage in judicial fact-finding. Findings of fact made by the Board are binding upon the reviewing court, if supported by substantial evidence. See Board of County Comm'rs v. Holbrook, 314 Md. 210, 218 (1988). Any inference that can reasonably be drawn from the facts is also to be left to the Board. Snowden v. Mayor & City Council of Baltimore, 224 Md. 443, 448 (1961). "The Court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness." Id. Cf. Eger v. Stone, 253 Md. 533, 542 (1969) (court may not substitute judgment for that of the administrative body when a question is "fairly debatable"); Floyd v. County Council of P.G. Co., 55 Md. App. 246, 258 (1983) (court must give due deference to zoning agency, having particular expertise).

But the Board's authority is not unchecked. Where the action of the Board is arbitrary, capricious, or discriminatory, or if the Board has made an erroneous interpretation of law, the decision will not stand. See, e.g., Hardesty v. Zoning Board, 211 Md. 172, 177 (1956); Heath v. Mayor & City Council of Baltimore, 187 Md. 296, 304 (1946). On review, then, this court must consider whether a reasoning mind could have reached the decision made by the Board, Holbrook, 314 Md. at 218, and whether the Board properly applied the law.

Discussion

A. Estoppel

Kim argues that the City (and, presumably, the Board as agent of the City) is estopped from "asserting its rights under general technical rules of law," because the City's Zoning Administrator indisputably made an erroneous representation upon which Kim relied to his detriment.⁷ The doctrine of equitable estoppel may be applied against an administrative agency of a municipality, such as the Board, for actions by agents of the municipality when the agent was acting within the scope of the agency. See, e.g., Berwyn Heights v. Rogers, 228 Md. 271, 279 (1961); Mayor & City Council of Hagerstown v. Hagerstown Ry. Co., 123 Md. 183, 195 (1914). The Board argues, however, that notwithstanding the harshness of the result, the doctrine of estoppel does not apply here because Tanner's conduct was not authorized by law, and therefore was outside the scope of

⁷Memorandum of Kim in Support of Petition for Judicial Review, at 7-8 (hereinafter "Kim Memorandum").

the agency.

In Inlet Associates v. Assateague House, 313 Md. 413 (1988), the Court acknowledged that "[t]here is no settled rule in this country as to when, and under what circumstances, equitable estoppel is available against a municipal corporation." Id. at 434.⁸ Nonetheless, Maryland courts have generally "applied the doctrine more narrowly," Id. at 435; the courts have consistently held that a municipality cannot be estopped by the action of an official that was illegal. A discussion of some of the relevant cases follows.

In Lipsitz v. Parr, 164 Md. 222 (1932), Lipsitz obtained the necessary permits to build a business in a district where it was not permitted, based upon an erroneous representation by the zoning clerk. Lipsitz immediately commenced building. Shortly thereafter, the error was discovered and the permit was revoked. On the grounds of estoppel, Lipsitz sought an injunction to enjoin interference with the nascent construction and use. What the Court of Appeals said is apposite here:

A municipality may be estopped by the act of its officers if done within the scope and in the course of their authority or employment, but estoppel does not arise should the act be in violation of law. . . .

If the provision of the [zoning] ordinance be constitutional, it was therefore unlawful for the officers and agents of the municipality to grant the permit, and it would be unlawful for the licensee to do what the purporting permit apparently sanctioned. *A permit thus issued without the official power to grant does not, under any principle of estoppel, prevent the permit from being unlawful nor from being denounced by the municipality because of its illegality. . . . [T]he doctrine of estoppel cannot be here invoked to defeat the municipality in the enforcement of its ordinances, because of an error or mistake committed by one of its officers or agents which has been relied on by the third party to his detriment.* Everyone dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and

⁸See note 13, infra.

the extent of their powers, and therefore such a person cannot be considered to have been deceived or misled by their acts when done without legal authority.

Id. at 227-28 (italics added).

In City of Hagerstown v. Long Meadow Shopping Center, 264 Md. 481 (1972), Long Meadow began demolition of a building, based on the mistaken representation by the City Building Inspector that no demolition or building permit was necessary.⁹ In spite of the great hardship to Long Meadow, the Court held that Hagerstown was not estopped from prohibiting Long Meadow to use its land without a valid zoning permit. The Court there said:

This rule [of estoppel], when applicable, must be bottomed on the need for *interpretation or clarification of an ambiguous statute or ordinance*, which latter element is not here present.

The Board which originally heard the request for the permit, noted that this was a hard case, with sympathy flowing toward Long Meadow, *because of its reliance upon faulty advice from a source from which it should have expected better and that it did so at substantial detriment to itself*. We also recognize the hardship presented by this case, however, we are faced with the realization that to affirm the decision of the chancellor below would unsettle a principle of law which has become stabilized in this jurisdiction by application in many cases.

Although the City issued no permit in the case at bar, nonetheless, the contractor and Long Meadow were told that it was all right for them to proceed without a permit. Accordingly, we view their position as being at least as well off as one who has been issued a permit. . . .

* * *

The above cases and authorities are apposite to the case at bar and persuade us, that despite the hardship which will evolve on Long Meadow, we

⁹During the pendency of the litigation, Long Meadow was permitted, by the Circuit Court chancellor, to complete the demolition and begin construction. Pending the appeal, Long Meadow spent some \$200,000 in the construction of the theater. Id. at 490.

must reverse the decision of the chancellor below.

Id. at 493-96 (italics added).¹⁰ See also, Berwyn Heights, 228 Md. at 280.

The case of Mayor & Council of Hagerstown v. Hagerstown Ry. Co., 123 Md. 183 (1914) is also illuminating. There, the City Council contracted with an electric company to construct electric poles for municipal purposes. After Hagerstown Ry. acquired assignment of the contract, the Council passed an ordinance adopting the assignment. Some twelve years later, after the City had built its own power plant, the City Council demanded that Hagerstown Ry. remove its poles and cease supplying electricity. Although the Council argued that the ordinance authorizing the contract was illegal, and thus the contract was void, the Court disagreed. It held that the City was estopped from denying the contract because the City had the power to grant a franchise, and to consent. Id. at 192. The Court distinguished circumstances where the municipality has the power to act from those where it does not. It also restated, as settled law, that a municipality cannot be estopped where it had no power to grant the franchise at all. Id.

More recently, in Inlet Assoc. v. Assateague House, 313 Md. 413 (1988), a developer sought an injunction forcing Ocean City to convey public land in accordance with a resolution passed by the City Council, although the city charter clearly required an ordinance for the City to convey public land. After an analysis of many Maryland cases discussing the use of the doctrine of estoppel against a municipality, the Court observed:

¹⁰The Court observed that the hardship was ameliorated by the fact that most of the expenses were incurred during the pendency of the appeal, and that therefore the hardship resulted from a calculated risk. Id. at 496.

[T]he present case does not turn on the ambiguity *vel non* of a county ordinance which was subject to two reasonable interpretations. Rather, we are now considering whether a municipality may be estopped when its city council, in clear violation of a fundamental charter requirement that it act by ordinance, . . . purports to bind the municipality through the passage or a simple resolution which is neither subject to executive approval nor veto nor the public right of referendum. Of course, no principle is better settled than that persons dealing with a municipality are bound to take notice of limitations upon its charter powers. . . . When, as here, it is a patent violation of one of the most fundamental provisions of a municipal charter . . . it cannot matter that a party relies upon erroneous official advice to its detriment.

Id. at 436-37 (citations omitted).

The lessons of the foregoing cases are clear. Here, as in Lipsitz, an erroneous representation culminating in the issuance of an unlawful permit, even where combined with detrimental reliance, does not create estoppel against a municipality. Moreover, if the City of Hagerstown was not bound by a contract that it lacked the power to enter, then the City here cannot permit operation of Kim's store on the basis of authority it did not have the power to give. Similarly, as in Assateague, no interpretation of the City zoning ordinances would have given Tanner the lawful authority to issue a permit to Kim. Accordingly, Kim's claim of estoppel must fail.

B. Authority

Kim also contends that, contrary to the assertions by the Board, the Board has the authority to grant him a non-conforming use.¹¹ Under the Board's interpretation of Code §§ 8.0-1 through 8.0-7, it cannot authorize a new non-conforming use to be introduced to

¹¹Kim Memorandum, at 11-13.

an R-8 district. Clearly, Code § 8.0-1 authorizes the Board to continue any non-conforming use or structure; Kim argues that this is precisely what he is asking the Board to do. Code § 13.0-2(61) defines a "non-conforming use" as, "any *lawfully* existing use of a building or other structure or of land which does not conform to the applicable use regulations of the district in which it is located." (Italics added). Thus, in order for the Board to be able to apply § 8.0-1, the use in question must be both lawfully existing and non-conforming.

The burden of establishing a lawful non-conforming use is on the claimant of the use. Calhoun v. County Bd. of Appeals, 262 Md. 265 (1971). In Bd. of Zoning Appeals of Howard Co. v. Meyer, 207 Md. 389 (1955), the Court said that where the evidence established that a property owner was using the property for a lawful use at the time of the adoption of a zoning ordinance rendering the use unlawful, the property owner had established a lawful non-conforming use.¹² Even assuming Petitioner's analysis is correct, the Board could not have found as a matter of law that Kim's use was lawful, and thus could not have authorized its continuation under § 8.0-1.

Conclusion

This court is not unmindful of Petitioner's unfortunate situation. Kim took every step necessary to protect himself; he went "right to the top" in speaking with Tanner. The City

¹²Respondent argues that in order to constitute a lawful non-conforming use, the use must comport with Meyer. Board's Memorandum of Law, at 7-8. However, in at least one appellate case, the Court of Special Appeals declined to consider whether an "unlawful" use can provide the basis for a continuation of a non-conforming use. See Newman v. Mayor & City Council of Baltimore, 23 Md. App. 13, 17-18 (1974) (property owner did not have a certificate of occupancy, rendering the use statutorily unlawful; question of whether appellant was entitled to continue his non-conforming use was not properly preserved).

mistakenly advised Kim as to the zoning district for the Property, and Kim relied on Tanner's representations, to his detriment. Thereafter, the City had several opportunities to correct the mistake that had been brought to the attention of the zoning administrator by the neighboring store owners. Moreover, Kim gave up an existing, viable store and spent thousands to renovate the Property. Indeed, it was the City that required Kim to renovate the Property before it would actually issue a building permit to him.

Nevertheless, this court is obliged to follow and apply the law of Maryland--not to create new law. Under the pertinent case law, this State does not provide relief for Kim's reliance on an invalid permit.¹³ Zoning laws are understandably harsh and unbending in

¹³In contrast, at least three states have effectuated an exception to the harsh general rule barring application of estoppel to a municipality where its agent's actions are illegal. See generally, 9A McQuillin, §§ 26.213-14 (3d ed. 1990).

In Marziani v. Lake City Zoning Bd. of Appeals, 409 N.E.2d 118 (Ill. App. 1980), plaintiffs purchased a small island upon which they wanted to build a house. The Zoning director advised plaintiffs that they had to construct a bridge to the island before they could acquire a building permit. They proceeded to construct a 60 foot bridge, at considerable expense. When the bridge was built, a building permit was issued, and plaintiffs began construction. Several years and thousands of dollars after the original permit was issued, the permit was revoked, because it violated a statute prohibiting construction of a residence on a flood plain.

On appeal, the defendants argued that the official who issued the permit exceeded his authority and the permit was a nullity. They claimed, too, that a government agency cannot be estopped because of an agent's unauthorized action. The Illinois Court of Appeals held that the affirmative acts by the zoning board supported application of the doctrine of equitable estoppel. Id. at 122. The court said: "Plaintiffs in apparent good faith made substantial expenditures in reliance upon a series of official acts amounting to inducement by agents of the county." Id.

In discussing the exception, the Marziani Court also relied on Cities Service Oil Co. v. City of Des Plaines, 171 N.E.2d 605, 607-08 (Ill. 1961). Cities Service involved the revocation of a permit, on the grounds that the permit violated an ordinance governing construction near churches. There the court said:

The general rule is that a city cannot be estopped by an act of its agent beyond the authority conferred upon him. It has been stated that anyone dealing with

intolerance of uses not explicitly authorized for a particular zone. The Zoning Administrator was therefore correct in revoking the permit, and the Board properly concluded that it lacks the authority to permit Kim to operate a grocery store at the Property.

a governmental body takes the risk of having accurately ascertained that he who purports to act for it stays within the bounds of his authority, and that this is so even though the agent himself may have been unaware of the limitations on his authority. . . . *The general rule is qualified, however, to enable a party to invoke the doctrine where his action was induced by the conduct of municipal officers, and where in the absence of such relief he would suffer a substantial loss and the municipality would be permitted to stultify itself by retracting what its agents had done.*

Id., 171 N.E.2d at 607-08. (emphasis added; citations omitted). See also, Pioneer Processing, Inc. v. Ill. Environmental Protection Agency, 444 N.E.2d 211, 216-18 (Ill. App. 1982); City of Marseilles v. Hustis, 325 N.E.2d 767 (Ill. App. 1975).

In Abbeville Arms v. City of Abbeville, 257 S.E.2d 716 (S.C. 1979), the developer checked the official zoning maps, read the zoning statutes, and acquired a letter from the City Zoning Administrator confirming that the developer could build his complex on the land. After the developer had expended nearly \$100,000, he was denied a building permit because, in the interim, "the City Council adopted a resolution declaring that through 'inadvertence, mistake, or oversight' the 'Official Zoning Map . . . was made up defectively and that the subject property is now and always has been zoned [in a way that] would not allow the proposed multi-family housing project.[']" Id. at 717. Although the South Carolina Supreme Court recognized that estoppel does not apply when the underlying actions were not authorized by law, it found that the City Council had the authority to adopt the map, and in addition, that the Zoning Administrator had the power to issue the letter confirming the zoning, no matter how erroneous the map might have been. Id. at 718.

In Anderson v. City Of La Mesa, 118 Cal.App.3d 657, 173 Cal.Rptr. 572 (1981), the California Court of Appeals affirmed the application of estoppel against a municipality. There, the builder received a building permit for a house, which required a setback of five feet from the lot lines. After construction had been completed and after the city had conducted at least six inspections of the property, the city refused to issue an occupancy permit because the zoning statute actually required a setback of at least ten feet, and the building permit was therefore invalid. The City argued that a municipality cannot be estopped from denying the validity of a building permit issued in violation of a zoning ordinance. Rejecting this argument, the court said: "A government entity may be estopped, however, where, as here, 'the injustice which would result from a failure to uphold an estoppel is of sufficient dimension to justify any effect upon public interest of policy which would result from the raising of an estoppel.'" Id., 118 Cal.App.3d at 661.

Accordingly, it is, this 21st day of June, 1994, by the Circuit Court for Baltimore City, ORDERED that the decision of the Board be, and the same hereby is, AFFIRMED.

Costs to be paid by Petitioner.

Ellen L. Hollander
Judge Ellen L. Hollander

cc: Mr. Charles J. Purnell
All counsel

RECEIVED
CIRCUIT COURT FOR
BALTIMORE

94 JUL 20 PM 12:51
IN THE

DOMINGO HYEOK KIM

Appellant

v.

BOARD OF MUNICIPAL AND

ZONING APPEALS

Appellant

* CIVIL CIRCUIT COURT

* FOR

* BALTIMORE CITY

*

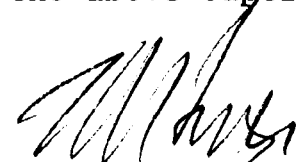
* Case #93350027\CL173927

* * * * *

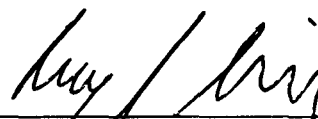
NOTICE OF APPEAL

Dear Mr. Clerk:

Please enter an appeal to the Court of Special Appeals on behalf of the Appellant, DOMINGO HYEOK KIM, from the Memorandum Opinion and Order by the Honorable Ellen L. Hollander on June 21, 1994 in the above captioned case.



F. VERNON BOOZER
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441



ROGER J. SULLIVAN
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441

Attorneys for Appellant

*PHC Info Report
& mems mailed
(fpo)*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 1994, a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to:

Gilbert B. Rubin
Executive Director
Board of Municipal and Zoning Appeals
14th Floor
417 East Fayette Street
Baltimore, Maryland 21202



ROGER J. SULLIVAN

FRAN

Duc

14-94

FILED

AUG 17 1994

CSA/PHC Form No. 2

Mailed: August 15, 1994

IN THE COURT OF SPECIAL APPEALS

(12)

APP 7-20-94

DOMINGO HYEOK KIM

*
*
*
*
*

vs.

PHC No. 564
September Term, 1994

MAYOR AND CITY COUNCIL OF
BALTIMORE

ORDER

The Court of Special Appeals, pursuant to Maryland Rule 8-206(a)(1), orders and directs that the above captioned appeal proceed without a Prehearing Conference.

BY THE COURT

Paul E. Alpert
JUDGE

Date: August 15, 1994

cc:* Sandra E. Banks, Clerk
Circuit Court for Baltimore City
F. Vernon Boozer, Esquire
Roger J. Sullivan, Esquire
Neal M. Janney, Esquire

*Mr./Ms. Clerk: Will you kindly place this Order with the record in this cause (Your 93350027/CL173927). The date of this Order establishes commencement of the 10 day period under Md. Rule 8-411(b) and the 60 day period for transmittal of the record under Md. Rule 8-412(a).

Leslie D. Gradet
Leslie D. Gradet, Clerk

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DI PAULA *
THOMAS P. DORE
ROGER J. SULLIVAN

FAX 410-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

* ALSO ADMITTED TO D. C. BAR

August 30, 1994

RECEIVED FOR
CIRCUIT COURT CITY
BALTIMORE CITY
94 SEP - 1 AM 9:42
CIVIL DIVISION

Clerk, Circuit Court for Baltimore City
111 North Calvert Street
Baltimore, Maryland 21202

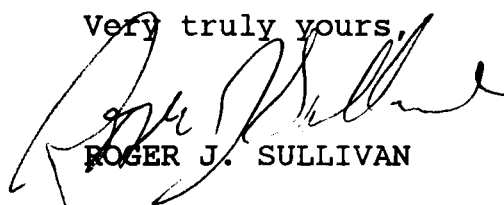
RE: Domingo Hyeok Kim v. Board of Municipal
and Zoning Appeals
Case No. 93350027/CL173927

Dear Sir/Madam:

Enclosed for filing please find a copy of my 8/19/94 letter to the Court Reporter in this case. Pursuant to Maryland Rule 8-411, the attached 8/19/94 should be included in the record in this matter.

Thank you for your attention to this matter.

Very truly yours,


ROGER J. SULLIVAN

RJS/gab
cc: Neal M. Janney, Esq.
City Solicitor

29`gab.01

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

MARK S. DEVAN

ANTHONY J. DiPAULA *

THOMAS P. DORE

ROGER J. SULLIVAN

ANNEX OFFICE

SUITE 101

606 BALTIMORE AVE.

TOWSON, MD. 21204

* ALSO ADMITTED TO D. C. BAR

August 19, 1994

Mr. John Trowbridge
Court Reporter
Room 533
111 North Calvert Street
Baltimore, MD 21202

RE: Domingo Hyeok Kim v. Board of Municipal
and Zoning Appeals
Case No. 93350027/CL173927
Judge Hollander
Date of Hearing - 5/5/94

Dear Mr. Trowbridge:

Please be advised that I represent Mr. Kim in his appeal of the above referenced case to the Court of Special Appeals. Please treat this letter as a formal request pursuant to Maryland Rule 8-411 to have the transcript of the above captioned hearing prepared. Please forward one copy of the completed transcript to my office and cause the original transcript to be filed promptly with the Clerk of the Circuit Court for Baltimore City for inclusion in the record in this matter.

Your immediate attention to this matter is greatly appreciated. If you have any questions with respect to this matter, do not hesitate to give me a call.

Very truly yours,


ROGER J. SULLIVAN

RJS/gab

cc: Neal M. Janney, Esquire
City Solicitor

19`gab.01

No. SEPTEMBER TERM, 19
(LEAVE BLANK)

TRANSCRIPT OF RECORD

FROM THE

CIRCUIT COURT FOR BALTIMORE CITY

Judge: THE HONORABLE ELLEN L. HOLLANDER

IN THE CASE OF

DOMINGO HYEOK KIM

Appellant

V S.

MAYOR AND CITY COUNCIL OF BALTIMORE

Appellee

TO THE

COURT OF SPECIAL APPEALS

F. VERNON BOOZER, ESQUIRE - ROGER J. SULLIVAN, ESQ.
COVAHEY AND BOOZER, P.A.

614 BOSLEY AVENUE

FOR APPELLANT

TOWSON, MARYLAND 21204

(410) 828-9441

NEAL M. JANNEY, ESQ., CITY SOLICITOR
GILBERT B. RUBIN

EXECUTIVE DIRECTOR

BOARD OF MUNICIPAL AND ZONING APPEALS

FOR APPELLEE

14TH. FLOOR

417 EAST FAYETTE STREET

BALTIMORE, MARYLAND 21202

Filed
(LEAVE BLANK)

Domingo Hyeok Kim v. Mayor and City Council of Baltimore
Case No. 93350027/CL173927

INDEX

<u>Items</u>	<u>Pages</u>
Docket Entries	
Order of Appeal & Petition	01 - 06
Plaintiff's Motion for Stay	07 - 12
Petition for Judicial Review	13 - 36
Response to Petition	37
Transcript of Record	38 - 297
Civil Postponement Approved (Angeletti,J.)	298
Memorandum	299 - 312
Defendant's Memorandum of Law	313 - 330
Memorandum Opinion & Order (Hollander,J.)	331 - 343
Notice of Appeal	344 - 345
Order to Proceed	346
Steno. Test., dtd. 5/5/94, Pgs. 1 - 55	347

Original papers forwarded to the Court of
Special Appeals via Certified Mail #P842 338 815

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:54

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927

CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94
STATUS DATE: 07/20/94 PROTRACTED:

DATE: CODE: EVENT TEXT

092993 MEMO REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS ON MAY 5, 1994
121693 FILE ORDER OF APPEAL AND PETITION ON BEHALF OF THE CLAIMANT FROM
121693 A DECISION OF THE BOARD OF MUNICIPAL AND ZONING APPEALS FD. (1)
121693 MOTN PLAINTIFF'S MOTION FOR STAY AND REQUEST FOR HEARING FD. (2)
122393 PLEA COPY OF APPEAL, PETITION AND MOTION TO STAY MAILED TO THE BOARD
122393 OF MUNICIPAL AND ZONING APPEALS.
010494 PLEA PETITION FOR JUDICIAL REVIEW AND EXHIBIT FD. (3)
012194 ANSW DEFT RESPONSE TO PETITION BY THE APP. OF SANDRA R. GUTMAN ATTY FD
012194 (4)
020194 PLEA TRANSCRIPT OF RECORD (5)
020894 NOTICE SENT IN ACCORDANCE TO MD RULE 7-207 (6)
021794 ORDR CIVIL POSTPONEMENT APPROVED (J., ANGELETTI) (7)

PAGE 001

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:55

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927

CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94
STATUS DATE: 07/20/94 PROTRACTED:

DATE: CODE: EVENT TEXT

021894 CAL P03 09:30 428W MOT MOT POST PJ ANGELETTI, E. J 8838
021894 CAL P03 09:30 428W MOT MOT CANC CAN ADMINISTRATIVE 8800
031094 PLEA MEMORANDUM OF DOMINGO HYEOK KIM IN SUPPORT OF PETITION FOR
031094 JUDICIAL REVIEW (8)
050294 PLEA DEFT'S MEMORANDUM OF LAW (9)
050594 CAL 09:30 219W CTF CANC CANC CAN ADMINISTRATIVE 8800
062494 CLOS MEMORANDUM OPINION & ORDER OF COURT DATED JUNE 21, 1994
062494 AFFIRMING DECISION OF THE BOARD (HOLLANDER, J) (10)
072094 APPL NOTICE OF APPEAL TO THE COURT OF SPECIAL APPEALS ON BEHALF OF
072094 THE APPELLANT, FD. (11).
081794 ORDR ORDER TO PROCEED WITHOUT A PREHEARING CONFERENCE, FD. (12).
090194 PLEA COPY OF ROGER J. SULLIVAN'S LETTER TO CT. REPORTER FD. (13)

PAGE 002

CIRCUIT COURT FOR BALTIMORE CITY MSV534
TERMINAL: V149 EVENT DATA

DATE: 10/06/94
TIME: 10:55

CASE NUMBER: 93350027 KIM VS. ZONING BOARD CL173927

CATEGORY: APPAA
ORIG COURT: CL TRANSCRIPT PAGES: 48 TERMINATION DATE: 09/01/95
STATUS: P CONSOLIDATED: LAST CHANGE: 09/29/94

DATE: CODE: EVENT TEXT
092794 REPORTED BY JC T. TROWBRIDGE (14)
100694 MEMO ORIGINAL PAPERS FORWARDED TO THE COURT OF SPECIAL APPEALS VIA
100694 CERTIFIED MAIL #P842 338 815, FD.

PAGE 003

DOMINGO HYEOK KIM

PLAINTIFF

VS.

MAYOR AND CITY COUNCIL OF BALTIMORE

DEFENDANT

NO. 93350027/CL173927

PAGE:

DOCKET:

**IN THE
CIRCUIT COURT FOR
BALTIMORE CITY**

Sandra E. Banks, Clerk

CERTIFICATE BY CLERK OF THE COURT, TO TRANSCRIPT OF RECORD.

State of Maryland, Baltimore City, Set.:

I, Sandra E. Banks, Clerk of the Circuit Court for Baltimore City, hereby certify that the foregoing is a true transcript, taken from the record and proceedings of the said Court, in the Therein entitled cause.

I further certify that all counsel of record, heretofore, have been notified to inspect the foregoing transcript of record, prior to its transmission, and that said counsel have had ample opportunity for such inspection.

In testimony whereof, I hereunto set my hand and affix the seal of the Circuit Court for Baltimore City aforesaid, on this day of 31st. day of August , 19 94 .

COSTS PAID IN THE CIRCUIT COURT FOR BALTIMORE CITY:

Transcript of Record	\$ 60.00	
Open Court Costs		
Total Costs	<u>\$ 60.00</u>	
Steno. Test.	\$137.50	Postage \$5.45
Court Reporter - John Trowbridge		

SEAL OF
THE COURT

Sandra E. Banks
Clerk of the Circuit Court for Baltimore City

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

94 JUL 20 PM 12:51
IN THE

copy

DOMINGO HYEOK KIM

Appellant

v.

BOARD OF MUNICIPAL AND

ZONING APPEALS

Appellant

* CIVIL DIVISION
CIRCUIT COURT

* FOR

* BALTIMORE CITY

* Case #93350027\CL173927

* * * * *

NOTICE OF APPEAL

Dear Mr. Clerk:

Please enter an appeal to the Court of Special Appeals on behalf of the Appellant, DOMINGO HYEOK KIM, from the Memorandum Opinion and Order by the Honorable Ellen L. Hollander on June 21, 1994 in the above captioned case.

[Handwritten Signature]

F. VERNON BOOZER
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441

[Handwritten Signature]

ROGER J. SULLIVAN
Covahey and Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(410) 828-9441

Attorneys for Appellant

*PHC Info Report
& Memo mailed
(8/90)*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 1994, a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to:

Gilbert B. Rubin
Executive Director
Board of Municipal and Zoning Appeals
14th Floor
417 East Fayette Street
Baltimore, Maryland 21202



ROGER J. SULLIVAN

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR FRIDAY FEBRUARY 18, 1994 P03 9:30

CASE NUMBER - 93350027
CASE TITLE - KIM VS. ZONING BOARD CL173927
CATEGORY - APPEAL FROM ADMINISTRATIVE AGENCY
PROCEEDING - MOTION HEARING - GENERAL

CL

GUTMAN, SANDRA
QUASNEY, DANIEL W

DEFENSE ATTORNEY
PLAINTIFF ATTORNEY

396-3933
484-5355

Postponed per Fran

TYPE OF PROCEEDING: (___ JURY) (___ NON-JURY) (___ OTHER)

DISPOSITION (CHECK ONE)

(___ SETTLED) (___ CANNOT SETTLE) (___ NEXT COURT DATE)

(___ VERDICT) (___ REMANDED) (___ NON PROS/DISMISSED)

(___ JUDGEMENT NISI) (___ ORDER/DECREE SIGNED) (___ OTHER)
PLEASE EXPLAIN:

(___ JUDGEMENT ABSOLUTE) (___ ORDER/DECREE TO BE SIGNED)

(___ POSTPONED) (___ MOTION GRANTED)

(___ SUB CURIA) (___ MOTION DENIED)

JUDGE SIGNATURE *[Signature]*

DATE *2/18/94*

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR THURSDAY MAY 05, 1994

CASE NUMBER - 93350027

CASE TITLE - KIM VS. ZONING BOARD CL173927

CL

CATEGORY - APPEAL FROM ADMINISTRATIVE AGENCY

PROCEEDING - COURT TRIAL - FAST TRACK

GUTMAN, SANDRA
QUASNEY, DANIEL W

DEFENSE ATTORNEY
PLAINTIFF ATTORNEY

396-3933
484-5355

TYPE OF PROCEEDING: (___ JURY) (___ NON-JURY) (___ OTHER)

DISPOSITION (CHECK ONE)

- (___ SETTLED) (___ CANNOT SETTLE) (___ NEXT COURT DATE)
- (___ VERDICT) (___ REMANDED) (___ NON PROS/DISMISSED)
- (___ JUDGEMENT NISI) (ORDER/DECREE SIGNED) (___ OTHER)
- (___ JUDGEMENT ABSOLUTE) (___ ORDER/DECREE TO BE SIGNED) PLEASE EXPLAIN:
- (___ POSTPONED) (___ MOTION GRANTED)
- (___ SUB CURIA) (___ MOTION DENIED)

JUDGE SIGNATURE Allen Hollander DATE 6/22/94

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR THURSDAY MAY 05, 1994

CASE NUMBER - 93350027

CASE TITLE - KIM VS. ZONING BOARD CL173927

CL

CATEGORY - APPEAL FROM ADMINISTRATIVE AGENCY

PROCEEDING - COURT TRIAL - FAST TRACK

GUTMAN, SANDRA
QUASNEY, DANIEL W

DEFENSE ATTORNEY
PLAINTIFF ATTORNEY

396-3931
484-5355

TYPE OF PROCEEDING: (___) JURY (___) NON-JURY (___) OTHER

DISPOSITION (CHECK ONE)

- (___) SETTLED (___) CANNOT SETTLE 7 (___) NEXT COURT DATE)
- (___) VERDICT (___) REMANDED (___)
- (___) JUDGEMENT NISI () ORDER/DECREE SIGNED (___) OTHER) PLEASE EXPLAIN:
- (___) JUDGEMENT ABSOLUTE) (___) ORDER/DECREE TO BE SIGNED)
- (___) POSTPONED) (___) MOTION GRANTED)
- () SUB CURIA) () MOTION DENIED)

SIGNATURE

Ellen Hollander

DATE

6/22/94

PRESIDING JUDGE

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR THURSDAY MAY 05, 1994

CASE NUMBER - 9330027

CASE TITLE - KIM VS. ZONING BOARD CL173927

- APPEAL FROM ADMINISTRATIVE AGENCY

HEARING - COURT TRIAL - FAST TRACK

GUTMAN, SANDRA
QUASNEY, DANIEL W

DEFENSE ATTORNEY
PLAINTIFF ATTORNEY

396-393
484-...

(___) JURY (___) NON-JURY (___) OTHER

DISPOSITION (CHECK ONE)

- (___) SETTLED
- (___) CANNOT SETTLE
- (___) EXT COURT DATE
- (___) REMA
- (___) PROS/
- (___) JUDGEMENT
- () DECREE
- (___) OTHER
- (___) JUDGEMENT
- (___) ORDER/DEC
- (___) SIGNED
- (___) MOTI
- () MOTI
- (___) SUB CURIA

PLEASE EXPLAIN:

4/22/94

COURTROOM CLERK

STENOGRAPHER

ASSIGNMENT FOR THURSDAY MAY 05, 1994

CASE NUMBER - 93350027

CASE TITLE - KIM VS. ZONING BOARD CL173927

- APPEAL FROM ADMINISTRATIVE AGENCY

- COURT TRIAL - FAST TRACK

GLTMA ANDRA
QUASNEY, DANIEL

DEFENSE ATTORNEY

394

PLAINTIFF ATTORNEY

484

TO ACCEPT () JURY () NON-JURY () OTHER ()

(CHECK)

() CANNOT SETTLE ()

() REMANDED ()

EMENT () /DECISION SIGNED ()

JUDGEMENT ABSOLUTE) () ORDER/DEC ()

4/06/94

DOMINGO HYEOK KIM
3509 Branch Court Road
Baltimore, Maryland 21234

Appellant

v.

BOARD OF MUNICIPAL AND
ZONING APPEALS
14th Floor
417 E. Fayette Street
Baltimore, Maryland 21202

Appellee

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

* Case No.:

* * * * *

ORDER

IT IS THIS _____ day of _____, 199__, by
the Circuit Court for Baltimore City;

ORDERED, that the effect of the decision of the Board of
Municipal and Zoning Appeals dated December 13, 1993 shall be
stayed pending the disposition of the appeal filed in these
proceedings by the Appellant; and it is

FURTHER ORDERED, that the Appellant shall be excused from
the posting of bond or any other security as a condition to the
stay granted herein.

JUDGE

LAW OFFICES
WARTZMAN, OMANSKY, BLIBAUM,
SIMONS, STEINBERG, SACHS & SAGAL, P.A.

341 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

Telephone (410) 685-0111
FAX (410) 685-4729

PAUL WARTZMAN
SAMUEL BLIBAUM
LEE N. SACHS
HOWARD CASSIN
ALVIN J. FILBERT, JR.
MINDA F. GOLDBERG
VICKIE L. GAUL

JOSEPH H. OMANSKY
MICHAEL H. SIMONS
STUART L. SAGAL
ROBERT J. STEINBERG
DANIEL W. QUASNEY
DANNY R. SEIDMAN

STANLEY I. MORSTEIN
OF COUNSEL
RONALD L. SCHREIBER
(1934-1980)

December 16, 1993

Clerk
Circuit Court for Baltimore City
Court House East
111 N. Calvert Street
Baltimore, Maryland 21202

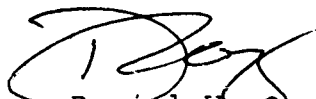
RE: Domingo Hyeok Kim vs. Bd of Municipal and Zoning Appeals

Dear Mr./Ms. Clerk:

Enclosed herewith please find an Order of Appeal for filing with the Court concerning the above captioned matter. Also enclosed please find our check in the appropriate amount to cover the cost of filing this item. In addition, please find a Petition in Support of the Appeal pursuant to Maryland Rule B-2, as well as a Motion to Stay the Action of the Board of Municipal and Zoning Appeals and corresponding Request for Hearing and Order. You will note that a copy of each of these documents have been hand delivered to the Board of Municipal and Zoning Appeals pursuant to the Maryland "B" Rules.

I thank you for your anticipated cooperation in properly filing this item.

Sincerely yours,


Daniel W. Quasney

DWQ:mp

cc: Gilbert B. Rubin, Executive Director
Board of Municipal and Zoning Appeals

1993

*F.L.
2-4-10
461 Images*

DISC. DAYS CHILD CARE V NUTRITION & TRANS Box 481
Case No. 93258067 [MSA T2691-5556, OR/22/10/31]

YATES VS MD INSURANCE COMMISSIONER, ET Box 499 Case
No. 93270059 [MSA T2691-5574, OR/22/11/1]

BOARMAN VS LITTON SYSTEM INC Box 551 Case No.
93308008 [MSA T2691-5627, OR/22/12/6]

KINZIE VS.MD DEPT OF ECON.& EMP. DEV. Box 599 Case No.
93337061 [MSA T2691-5675, OR/22/13/7]

KIM VS. ZONING BOARD Box 614 Case No. 93350027 [MSA
T2691-5690, OR/22/13/22]

*F.L.
2-4-10
461 Images*