

IN RE: PETITION OF FRANK H. & KATHERINE ALBAN FOR A SPECIAL HEARING TO HAVE CONSIDERED THE PROVISIONS OF THE ZONING REGULATIONS OF BALTIMORE COUNTY RELATING TO NON-CONFORMING USES - 1ST DISTRICT.

ORDER OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

This case originated by the filing of a Petition by Frank H. and Katherine Alban on November 23, 1948, for a Special Hearing under the Zoning Regulations for Baltimore County to have considered the provisions of said regulations relating to lawful non-conforming uses and more specifically to have determined whether or not a lawful non-conforming use to conduct a retail meat, grocery and provisions store in a residential zone includes the right to sell beer, wine and alcoholic beverages for off-the-premises consumption on the premises known as 31 Wade Avenue, Catonsville, Maryland.

The object and purpose and the time and place of the hearing was posted on the premises and advertised in the Jeffersonian, a newspaper printed in Baltimore County, and on Monday, December 13, 1948, at 3 P. M. in pursuance to said notice and advertisement, a public hearing was held on said petition and it appears from the evidence and data submitted that the selling of beverages, including alcoholic and intoxicating beverages, is usual, ordinary and customary in a retail meat, grocery and provisions store for off-the-premises consumption, and that the selling of such beverages does not amount to a change of the non-conforming use as contemplated by the Zoning Regulations for Baltimore County.

Therefore, it is ordered and determined by the Zoning Commissioner of Baltimore County that the applicants, Frank H. and Katherine Alban, have the right to sell beer, wine and alcoholic beverages for off-the-premises consumption in connection with the meat, grocery and provisions store conducted by them on the said premises, known as 31 Wade Avenue, Catonsville, Maryland, and that due application to the Clerk of the Circuit Court for Baltimore County for a Class "A" off-sale beer and light wine license should be and the same is hereby approved as to zoning.

Charles H. ...
Zoning Commissioner of Baltimore County

Dated:

December 28, 1948

PETITION FOR INTERPRETATION OF THE ZONING REGULATION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The Petition of Frank H. and Katherine Alban respectfully petition the Zoning Commissioner to interpret the Zoning Regulation and Restrictions for Baltimore County, in order that an application for a Class A (off sale) Beer and Light Wines License may be granted by the Clerk of the Court for Baltimore County, permitting them to engage in such business in addition to the general meat, grocery and provision business which they are now conducting as a non-conforming use in the premises, 31 Wade Avenue, Catonsville 28, Maryland.

Jurisdiction is vested in the Commission by virtue of the powers granted under Paragraph Five of the Regulation, titled "Zoning Commissioners".

Year Petitioners, owners of the aforesaid premises, have for a period of two and one-half years preceding the filing of this Petition, conducted therein a retail meat, grocery and provision business, the same being a non-conforming use by virtue of the operation of such use by former owners, antedating the enactment of Zoning laws and regulations for Baltimore County, said use having continued uninterruptedly to this date.

The Petitioners allege that the sale of Beer and Light Wines for off sale consumption as permitted by a Class A. License in conjunction with the existing use of a meat, grocery and provision business is a proper extension of an existing use and is not a new use such as would violate the Zoning laws or regulations and that an application for a Class A off sale Beer and Light Wines License should be approved by the Zoning Commissioner, there being no other Zoning questions involved.

The Petitioners agree to pay expenses of posting and such other costs as may be necessary or incident.

Frank H. Alban
Frank H. Alban
Katherine Alban
Katherine Alban

2- MICROFILM

RECD DEC 4 1948

1336-M

CERTIFICATE OF PUBLICATION

TOWSON, MD. *December 3, 1948*

THIS IS TO CERTIFY That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. on each *2 times* *before the 13th* day of *December* *1948* the first publication appearing on the *10th* day of *December* *1948*.

THE JEFFERSONIAN,

Manager:

Cost of Advertisement, \$.....

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

1336-M

District: *1st* Date of Posting: *Dec 3/48*

Posted for: *Beer & Light Wines*

Petitioner: *Frank H. Alban*

Location of property: *S.E. cor. of Wade & Glencoe*

Location of Signs: *S.E. cor. of Wade & Glencoe Ave*

Remarks: *Harry E. ...*

Posted by: *Harry E. ...* Date of return: *Dec 3/48*

MICROFILMED

November 24, 1948

RECEIVED OF A. P. Walker, Attorney for Frank P. Alban, \$13.00, the sum of Thirteen (\$13.00) Dollars, being cost of notice for special hearing, advertising and posting of property, 31 Wade Avenue, 1st District of Baltimore County.

Zoning Commissioner

Hearing:
Monday, Dec. 13, 1948
at 3:00 P.M.

PAID
NOV 24 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY *A. P. Walker*

MICROFILMED

ORDERED By the Zoning Commissioner of Baltimore County,

this 23rd day of November, 1948, that the subject matter of this advertised and the property petition be posted ~~on the premises~~, and that public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Record Building, in Towson, Baltimore County, on the 13th day of December 1948, at 3:00 o'clock P. M.

Zoning Commissioner of Baltimore County

MICROFILMED

WADE AVENUE

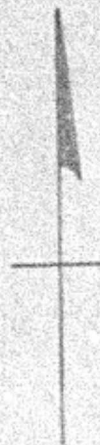
N 4° 26' W 84'

GLENCOE AVENUE

N 79° 55' E 115'

S 11° 5' E 85 3/4'

S 79° 1' W 124 1/2'



SCALE 1" = 20'