

ALLAN BAUGHMAN  
ATTORNEY AT LAW  
500 AURORA FEDERAL BUILDING  
BALTIMORE, MARYLAND 21201

SAUERWEIN, BENSON & BOYD  
500 AURORA FEDERAL BUILDING  
CHARLES AND MARATOWN STREETS  
BALTIMORE, MARYLAND 21201

July 30, 1965

Board of Appeals  
County Office Building  
Towson, Maryland

Attention: Mr. Alderman

Re: N/S Byerly Road & E/S Western  
Maryland R. R. - 4th District

Gentlemen:

It will be appreciated if you will have the record in this case show that the petition for Resonance, presumably before your Board, be withdrawn, and you are hereby so authorized.

Thank you.

Very truly yours,

*John A. Slawik*  
J. Cookman Boyd, Jr.  
Attorney for National Dairy Products Corporation

JOHNS

NATIONAL DAIRY PRODUCTS  
505 OF THE NATIONAL  
6521-17  
1th

RE: PETITION FOR RECLASSIFICATION :  
from an R-6 Zone to an M-L Zone,  
VARIANCE from Sections 253.4,  
255.1 and 248.1 of the Zoning  
Regulations,  
N/S Byerly Road & E/S Western  
Maryland Railroad,  
4th District  
National Dairy Products Corp.,  
Petitioner

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 63-29-RV

OPINION

The above entitled matter having come before the Board of Appeals and counsel of record for the petitioner having notified the Board, by telephone, that the petitioner did not wish to proceed and offer evidence and testimony in the case, it is the ruling of the Board that no affirmative evidence of error in the original map or change in conditions has been shown to the petition for reclassification from an R-6 Zone to an M-L Zone and variance from Sections 253.4, 255.1 and 248.1 of the Zoning Regulations is, therefore, denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 30th day of August, 1965 by the County Board of Appeals, ORDERED that the reclassification and variances petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*R. Bruce Alderman*  
R. Bruce Alderman, Acting Chairman  
*W. Allen Parker*  
W. Allen Parker  
*John A. Slawik*  
John A. Slawik

VALLEY 6-2311

ROGER C. DUNCAN  
ATTORNEY AT LAW  
28 RICHMOND BUILDING  
TOWSON 4, MARYLAND



Mr. John G. Rose  
Zoning Commissioner of Baltimore County  
County Office Building  
Towson 4, Maryland

Re: Petition for Reclassification  
and Variances to Zoning Regulations  
N.S. 1, Byerly Road and E.S. Western  
Maryland Railroad, 4th District,  
National Dairy Products Corp.  
Petitioner - No. 63-29

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals from your  
Order of September 24th, 1963 in the above entitled case. Enclosed  
herewith is check for \$70.00 advance costs.

Very truly yours,

*Roger C. Duncan*  
Roger C. Duncan  
Attorney for Protestants

red/d

PETITION FOR ZONING RE-CLASSIFICATION #5912RV  
AND OR SPECIAL EXCEPTION VARIANCES 63-29

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, the undersigned, legal owner... of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an M-L zone; for the following reasons:

A. Change in neighborhood since the date of the original comprehensive land use map.

B. Error in original zoning.

(2) And for variances to certain sections of Zoning Law of Baltimore County, as follows:

A. Variance from Section 253.4, 255.1 and 248.1: to permit the manufacturing of cement products to be located within 25 feet from the northeast or south 60 degrees 15 minutes west 146.85 foot line instead of the required 100 feet setback from said boundary line; to permit a building to be located within 16 feet of a residential zone on the front or north line instead of the required 125 feet; and to permit front building line of 16 feet from the front property line and 11 feet from the center line of Byerly Road instead of the required 75 feet. Northside of Byerly Road and eastside of the Western Maryland Railroad. Being property of National Dairy Products.

See attached sheet

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

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

The C. E. Weaver Stone Company  
Rodger A. Weaver, President  
Box 96, Belkinstown, Maryland  
Contract purchaser

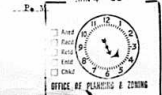
*John A. Slawik*  
John A. Slawik  
Attorney

*Roger C. Duncan*  
Roger C. Duncan  
Attorney

Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1963, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of July, 1963, at 2:00 o'clock.



*John A. Slawik*  
John A. Slawik  
Attorney

*Roger C. Duncan*  
Roger C. Duncan  
Attorney

7/11/63  
10:00 AM  
7/11/63

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 19, 1963

FROM: Mr. George R. Garvello, Deputy Director

SUBJECT: #5912-RV, R-6 to M-L and Variance to permit manufacturing of cement products to be located within 25 feet from the northeast or south 60 degrees 15 minutes west 146.85 foot line instead of the required 100 feet setback from said boundary line; to permit a building to be located within 16 feet of a residential zone on the front or north line instead of the required 125 feet; and to permit front building line of 16 feet from the front property line and 11 feet from the center line of Byerly Road instead of the required 75 feet. Northside of Byerly Road and eastside of the Western Maryland Railroad. Being property of National Dairy Products.

4th District  
Wednesday, July 31, 1963 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification and variances. It has no adverse comment to make.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 19, 1963

FROM: Mr. George R. Garvello, Deputy Director

SUBJECT: #5912-RV, R-6 to M-L and Variance to permit manufacturing of cement products to be located within 25 feet from the northeast or south 60 degrees 15 minutes west 146.85 foot line instead of the required 100 feet setback from said boundary line; to permit a building to be located within 16 feet of a residential zone on the front or north line instead of the required 125 feet; and to permit front building line of 16 feet from the front property line and 11 feet from the center line of Byerly Road instead of the required 75 feet. Northside of Byerly Road and eastside of the Western Maryland Railroad. Being property of National Dairy Products.

4th District  
Wednesday, July 31, 1963 (2:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for zoning reclassification and variances. It has no adverse comment to make.

RE: PETITION FOR RECLASSIFICATION  
from R-6 Zone to M-L Zone  
N. S. Byerly Road and E. S.  
Western Maryland Railroad  
Variances to Sections 253.4,  
255.1 and 248.1 of the  
Zoning Regulations  
National Dairy Products Corp.,  
Petitioner

BEFORE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
No. 63-29

The petitioner has requested a reclassification of property on the north side of Byerly Road and the east side of the Western Maryland Railroad, in the Fourth District of Baltimore County, from an "R-6" Zone to an "M-L" Zone and variances to Sections 253.4, 255.1, 248.1, and 243.1 of the Zoning Regulations.

The subject property was formerly used by the National Dairy Products Corporation, the building on the property being of general and manufacturing nature and has been there since approximately 1925. This building is located on a railroad.

The petitioners desire to use the property for manufacturing pre-cast, floor tile and wall covering, employing approximately 15 persons.

The use of this property by the C. E. Weaver Stone Company will not change the appearance from what it has been over a long period of years. All the residents, both the old and new, have been located at the building now located on the property for many years and the new residents were well aware of a factory type building on the property and that the probable use of the property would be the same type of commercial or manufacturing use.

The County Commissioners were in error in not zoning this property "M-L" at the time of the creation of the existing map.

For the above reasons the reclassification and variances should be granted.

It is this 24th day of September, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified from an "R-6" Zone to a "M-L" Zone and the variances requested are also granted as follows:

1. To permit manufacturing of concrete products to be located within 25 feet from the northeast or S 60 degrees 15 minutes west 146.85 foot line instead of the required 100 feet setback from said boundary line;

2. To permit a building to be located within 16 feet of a residential zone on the front or north property line, said line being N 16 degrees east 159.0 foot line of the description of the said property on Byerly Road and 25 feet on the rear or north property line, said line being the S 60 degrees 15 minutes west 146.85 foot line of said described property instead of the required 125 feet.

3. To permit a front building line of 16 feet from the front property line (said line being N 16 degrees east 159.0 foot line of said described property), and

4. To permit 11 feet from the center line of Byerly Road instead of the required 75 feet.

The granting of the variances as requested will give relief to the petitioner without substantial injury to the public health, safety and the general welfare of the locality involved.

The site plan for the development of said property is subject to approval by the Bureau of Public Services and the Office of Planning and Zoning.

*John G. Rose*  
John G. Rose  
Zoning Commissioner of Baltimore County

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Soga, Zoning Commissioner Date: August 20, 1963

FROM: George B. Carver, Deputy Director

SUBJECT: #63-29-47, R-6 to M-4 and Variance to permit manufacturing of cement products to be located within 25 feet from the northeast or south 60 degrees 15 minutes west 146.85 foot line instead of required 100 feet set back from said boundary lines and to permit a building to be located within 16 feet of a residential zone on the front or south property line, said line being the north 46 degrees east 158.40 foot line of the description of said property on Byerly Road and 25 feet on the rear or north of said described property, instead of the required 125 feet; to permit a front building line of 16 feet from the front property line (said line being the north 46 degrees east 158.40 foot line of said described property) and 41 feet from the center line of Byerly Road, instead of required 75 feet. North side of Byerly Road and East side of Western Maryland Railroad. Being property of Sealtest Foods - National Dairy Products Corp.

4th District

HEARING: Wednesday, September 11, 1963 (10:00 A.M.)

COMMENT MADE:

080thms

## KELLER &amp; KELLER

State Registered Land Surveyors

3914 WOODLEE AVENUE  
BALTIMORE 6, MARYLAND

## DESCRIPTION

BEGINNING for the same at a concrete block heretofore planted on the Northwest side of Byerly Road, 30' wide, at the beginning of the lot of ground secondly described in a Deed dated February 13th, 1928 and recorded among the Land Records of Baltimore County in Liber W.M.M. No. 652 folio 486 from Fairfield Farm Dairy, Incorporated, to Western Maryland Dairy Corporation; said place of beginning being also at a point distant approximately 366.40' Northeastly, measured along the said Northwest side of said Byerly Road, from the center of the Old Hanover Road; said place of beginning being also at the end of the 3rd line of a Deed from Newton S. Watts to Elva C. Watts, dated April 23, 1902 and recorded among the Land Records of Baltimore County in Liber W.M.M. #258 folio 561; and running thence from said place of beginning, binding on the 1st, 2nd, 3rd, 4th and 5th lines of said Deed first above mentioned, the five following courses and distances, viz: North 31°30' West 186.45' to a concrete block; South 60°15' West 146.85' to a concrete block and to intersect the Easement Right-of-Way of the Western Maryland Railway Company; thence South 29°38' East, binding on said Right-of-Way, 240.34' to the center line of Byerly Road; thence binding on the said center line of said Byerly Road and running North 46° East 158.40'; thence North 31°30' West 15' more or less; to the place of beginning.

CONTAINING 0.763 ACRE of land more or less, and BEING improved by a one story frame building and a frame garage.

Deey Atten

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE

No. 19234

DATE 1/29/63

Division of Collection and Receipts  
COURT HOUSE  
TOWNSHIP 4, MARYLANDMAIL TO Zoning Department of  
Baltimore CountyTO: The C.B. Weaver Stone Co.  
Pleasanton, Maryland

| DEPOSIT TO ACCOUNT NO.                   | QUANTITY | DEBIT | CREDIT |
|------------------------------------------|----------|-------|--------|
| 01622                                    |          |       | 57.00  |
| Advertising and posting of your property |          |       |        |
| #5912-47                                 |          |       | 7.00   |
| 1-4364 1.815 = 19234-TIP                 |          |       |        |

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND  
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWNSHIP 4, MARYLAND  
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PHONE: HAMILTON 6-0322

Municipal Engineering  
Construction Techniques  
Road Layouts, Easements  
Plans and SpecificationsPETITION FOR  
RECLASSIFICATION AND  
VARIANCES

ZONING: From R-6 to M-4.  
4th District  
Zone Petition for Variance to the  
Zoning Regulations of Baltimore  
County to permit the man-  
ufacturing of cement products  
to be located within 25 feet from  
the northeast or south 60 degrees  
15 minutes west 146.85 foot line  
instead of the required 100 feet  
set back from said boundary  
line; and to permit a building  
to be located within 16 feet of a  
residential zone on the front or  
south property line, said line  
being the north 46 degrees east  
158.40 foot line of the descrip-  
tion of the said property on Byerly  
Road and 25 feet on the rear or  
north of said described property, in-  
stead of the required 125 feet; and  
to permit a front building line of  
16 feet from the front property line  
(said line being the north 46 de-  
grees east 158.40 foot line of  
said described property) and 41  
feet from the center line of Byerly  
Road, instead of the required  
75 feet.

LOCATION: North side of  
Byerly Road and the East side  
of the Western Maryland Rail-  
road.  
DATE & TIME: WEDNESDAY,  
SEPTEMBER 11, 1963 at 10:00  
A.M.

PUBLIC HEARING: Room 206  
County Office Building, 101 W.  
Chesapeake Avenue, Towson,  
Maryland.

The Zoning Regulations to be  
changed as follows:  
Section 23A.4, 25A.1 and 24B.1.  
15 feet of residential zone on  
South 60°15' West 146.85' line  
Section 24A.4: No building or  
other structure shall be closer  
than 125 feet of any point to the  
nearest boundary line of a resi-  
dential zone.  
Section 24B.1 - Front Yard -  
75 feet.

The Zoning Commissioner of  
Baltimore County by authority  
of the Zoning Act and Regulations  
of Baltimore County, will hold a  
public hearing.  
Consent: all that parcel of  
land in the Fourth District of  
Baltimore County.

BEGINNING for the same at  
a concrete block heretofore  
planted on the Northwest side of  
Byerly Road, 30' wide at the be-  
ginning of the lot of ground  
secondly described in a Deed  
dated February 13th, 1928 and re-  
corded among the Land Records  
of Baltimore County in Liber  
W.M.M. No. 652 folio 486 from  
Fairfield Farm Dairy, Incorpo-  
rated, to Western Maryland Dairy  
Corporation; said place of be-  
ginning being also at a point  
distant approximately 366.40'  
Northeastly, measured along  
the said Northwest side of said  
Byerly Road, from the center of  
the Old Hanover Road; said place  
of beginning being also at the  
end of the 3rd line of a Deed  
from Newton S. Watts to Elva  
C. Watts, dated April 23, 1902  
and recorded among the Land  
Records of Baltimore County in  
Liber W.M.M. #258 folio 561; and  
running thence from said place  
of beginning, binding on the 1st,  
2nd, 3rd, 4th and 5th lines of  
said Deed first above mentioned,  
the five following courses and  
distances, viz: North 31°30'  
West 186.45' to a concrete  
block; South 60°15' West  
146.85' to a concrete block and  
to intersect the Easement Right-  
of-Way of the Western Maryland  
Railway Company; thence South  
29°38' East, binding on said  
Right-of-Way, 240.34' to the  
center line of Byerly Road; thence  
binding on the said center line of  
said Byerly Road and running  
North 46° East 158.40'; thence  
North 31°30' West 15' more  
or less, to the place of  
beginning.

CONTAINING 0.763 ACRE, more  
or less, and BEING improved by  
a one story frame building and  
a frame garage.  
Being the property of National  
Dairy Products Corporation, as  
shown on plat plan filed with  
the Zoning Department.

BY ORDER OF JOHN ROSE,  
Zoning Commissioner  
OF BALTIMORE COUNTY  
JUL 25.

OFFICE OF  
THE BALTIMORE COUNTY

THE COMMUNITY NEWS

Baltimore, Md

THE HERALD, ARGUS

Catonville, Md

No. 1 Newburg Avenue

CATONVILLE, MD.

August 18, 1963.

THIS IS TO CERTIFY, that the annexed advertisement of

John G. Rose, Zoning Commissioner  
of Baltimore County

was inserted in THE BALTIMORE COUNTEAN, a group of  
three weekly newspapers published in Baltimore County, Mary-  
land, once a week for One Week successively before  
the 26th day of August, 1963 that is to say  
the same was inserted in the issue of

## THE BALTIMORE COUNTEAN

By Paul J. Morgan  
Editor and ManagerCERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 4th Date of Posting Aug 24, 1963  
Posted for Hearing and Sept 11, 1963 at 10:00 A.M. Release from R-6 to M-4  
Petitioner: National Dairy Products Corp.  
Location of property: N/S. Byerly Rd. and the Western Md. RR.  
Relax  
Location of Signs: N/S. Byerly Rd. 87' E of Western Md. RR. Tracks.  
Variance: Allow B. Var. 87' East of Western Md. RR. on Subject  
Relax  
Relax  
Posted by J. B. Rose  
Signature  
Date of return: Aug 29, 1963  
By signature

Variance B. To permit the mfg. of cement products to be located  
within 16 feet of a residential zone on the front or south  
property line. said line being the north 46 degrees east 158.40  
foot line of the description of the said property on Byerly Rd and 25'  
on the rear or north property line, said line being the north 60  
15 min west 146.85' line of the said described property, instead  
of the required 125'.

Var. C. Variance To permit a front building line of 16' from the front  
property line (said line being the north 46° East 158.40 foot line  
of said property) and 41' from the center line of Byerly Rd instead  
of the required 75 feet.

Var. A. To permit the mfg. of cement products to be located within  
35' from the northeast or south 60° 15 min west 146.85 foot  
line instead of the required 100 feet set back from said  
boundary line.

R-6

# ZONING PLAT

Present Zoning - R-6

Proposed Zoning - ML

Owner - The C.E. Weaver Stone Co.

Area - 0.763 Acre<sup>±</sup>

4<sup>th</sup> Election Dist, Baltimore Co., Md.

Scale: 1"=20'

May 29, 1963  
REV. JUN 12, 1963

3914 Woodlea Ave., Balto., Md.

