

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if you will have the record in this case show that the petition for Resonance, presumably before your Board, be withdrawn, and you are hereby so authorized.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 CORPORATION
65212-17
E/S of the National Dairy Products Corporation

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; and 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.

B. 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.

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, Reisterstown, Maryland
Contract purchaser

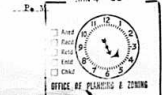
John A. Slawik
John A. Slawik
Attorney

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

200 PM
7/31/63
1:00 AM
7/31/63

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: Mr. George R. Garveris, 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. Garveris, 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. Soga, Zoning Commissioner Date: August 20, 1963

FROM: George B. Cavallaro, 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 & 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, MARYLANDTO: The C.B. Weaver Stone Co.
Felsiterstown, MarylandBALTIMORE Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS OF DEBIT AND RETURN WITH YOUR REMITTANCE	COURT
01622		Advertising and posting of your property #5912-47	57.00
		1-4364 1.815 = 19234-TIP =	7.00

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 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 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 description of the 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 the required 75 feet.

LOCATION: North side of Byerly Road and the East side of the Western Maryland Railroad.
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, 23A.5 and 24B.1.1. (b) feet of residential zone on the front or south property line. (c) feet of residential zone on the front or south property line shall be closer than 125 feet of any point to the nearest boundary line of a residential zone.
Section 24B.1.1 - 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.

RECOMMENDATION 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, 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, Maryland, 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[±]

4th Election Dist, Baltimore Co., Md.

Scale: 1"=20'

May 29, 1963
REV. JUN 12, 1963

3914 Woodlea Ave., Balto., Md.

