

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Reclassification should be had, and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 197 _____ that the herein described property or area should be and the same is hereby reclassified, from a _____ zone to a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failures to prove error in the original zoning map, the Reclassification from an M.L. Zone to a B.L. Zone should NOT BE HAD.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197 _____ that the Petition for the aforementioned Reclassification be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE September 29, 1977

BY Stella P. Bandy, clerk

Deputy Zoning Commissioner of Baltimore County

MICROFILMED

Byrnes v. People's Counsel - 11/31/851

2.

Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, on this 27th day of June, 1979.

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

Baltimore County
The Department
TOWSON, MARYLAND 21204
301/825-7310

Paul H. Reincke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: George M. & Bertha W. Byrnes
Location: NW/S Milford Mill Rd. 280' SW Milford Industrial Rd.
Item No. 7 Zoning Agenda Cycle III

Gentlemen:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ violates the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: Stella P. Bandy Noted and Approved: Edith T. Eisenhart
Planning Group Special Inspection Division Fire Prevention Bureau

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RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.L. to B.L.
NW/S Milford Mill Road 280' : COUNTY BOARD OF APPEALS
SW of Milford Industrial Road :
3rd District : OF
George M. Byrnes, et ux : BALTIMORE COUNTY
Petitioners :
WAWA, INC. : No. 79-57-R
(Frederick S. Schroeder) :
Contract Purchaser :

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the requested zoning reclassification of this property from M.L. zoning to B.L. zoning, to permit the erection of a retail grocery store. The subject property is located on the northwest side of Milford Mill Road 280 feet southwest of Milford Industrial Road, and contains .71 acre, more or less.

Testimony presented in this case confirms the following description of the subject site and surrounding properties. The subject site fronts 126 feet on Milford Mill Road, has an average depth of 360 feet, narrows in the rear to a width of 60 feet, and contains .71 acre. The subject property is now improved by a two-story frame structure containing a general grocery-meat market store on the first level, and a living area on the second level. The north side of the property abuts D.R. 16 zoning. The west side abuts the Western Maryland Railroad tracks. To the west of these tracks there is vacant land zoned M.L. To the south of the property there is an industrial park zoned M.L. that appears, from exhibits filed, to be fully developed. To the east the same is true. The subject property is, therefore, encircled by M.L. zoning except for its 60 foot long northern boundary abutting the D.R. 16 zoning. From just this raw description of the subject property B.L. zoning would seem inappropriate, but testimony presents several mitigating circumstances to be considered.

Mr. Byrnes, the property owner, testified that he has owned and operated this business continuously since 1950, but was not aware that since 1971 he has been operating as a non-conforming use rather than a legally zoned use. Mr. Byrnes, being 64 years old and in questionable health, offered his property for sale and these problems

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Baltimore County
Dept. of Planning and Zoning
TOWSON, MARYLAND 21204
301/825-7310

John D. Seifert
Director

Mr. E. Eric McNamee, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. McNamee:

Consents on Item # _____ Zoning Advisory Committee Meeting.
see a follow-up
Property Owner: Retail Neighborhood Food Store
Location: Milford Mill Road 9 Western Maryland railway
Baltimore County
Proposed Change:

Area: 0.71
District: 3

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and Code and other applicable codes.
- A. A building permit shall be required before construction can begin.
- C. Additional _____ shall be required.
- D. Building shall be upgraded to new use - require alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 10' of a property line. Construct building separation if distance is between 10' and 20' of property line.
- H. Repeated setbacks variance conflicts with the Baltimore County Building Code. See Section _____
- I. No Comment.
- J. Comment.

Very truly yours,

Charles E. Bandy
Charles E. Bandy
Plant Review Chief

CEH:rz

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George M. Byrnes - #79-57-R

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then surfaced. Mr. Byrnes stated that he personally knows that this property was a retail grocery store in 1940, and that this use probably goes back further than that. It seems to this Board that continuous documented single use of a property for some forty years indicates a need for this use in the area. While placing the necessary zoning on a small parcel to match its long time use may in the broad sense be "spot zoning," does not the continuous use of this property deserve some consideration? Spot zoning is frowned upon in modern day zoning and planning procedures, however, in fact, the use to which the subject property is to be put already exists and has existed at the subject site for over forty years. The Courts have long recognized instances of good spot zoning as well as instances of bad spot zoning. Because of the circumstances in this instance, it is the judgment of the Board that this would be an example of good spot zoning. It is the opinion of the Board that the Council erred when they did not recognize the existing use at the subject site and zone same in a business classification, so as to allow the continuous retail use of this small parcel, when in 1971 legislation prohibited for the first time retail use, per se, in industrial classifications. In this Board's opinion, any single type small business that has survived for this length of time in today's society, without a single complaint, has evidenced that whatever use it enjoys should also be the zoning classification it should enjoy.

Testimony from expert witnesses indicated little value to the subject site if retained in the M.L. classification. The size of the subject site is generally too small for normal M.L. uses. The Western Maryland Railroad to the west negates its value in that direction. All abutting properties on the south and east are fully developed and, therefore, reduce its marketability in these areas. A grocery store is a retail use and testimony indicated several nearby retail uses in the area; i.e., Mrs. Posey's bakery products, Richard M. Horsey, Inc., retail outlet for kitchen improvements, and Western Mill and Lumber Co., to cite examples. Locating these retail uses in this area, a grocery store retail use does not seem to be completely out of character. It might also be noted at this point that to rezone a property from M.L. to B.L. in order to accommodate its already established use is not unheard of; for example, Golden Ring and Security Malls were rezoned B.M. for this reason. The subject property enjoyed its continuous use

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RE: PETITION FOR RECLASSIFICATION : IN THE
from M.L. to B.L. : CIRCUIT COURT
NW/S Milford Mill Road 280' :
SW of Milford Industrial Road :
3rd District : FOR
George M. Byrnes, et ux : BALTIMORE COUNTY
Petitioners :
WAWA, INC. : AT LAW
(Frederick S. Schroeder) :
Contract Purchaser : Misc. Docket No. 11
Case No. 79-57-R : Folio No. 311
People's Counsel for : File No. 6861
Baltimore County :
Appellant :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provision of Rule B-2 (d) of the Maryland Rules of Procedure; Robert L. Gilliland, William T. Hackett and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. and Mrs. George M. Byrnes, 4323 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Heslian, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. and Mrs. George M. Byrnes, 4323 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Heslian, Esquire, County

MICROFILMED

George M. Byrnes - #79-57-R

3.

long before the existence of either of these.

Mr. Moore, a traffic expert, testified that B.L. zoning on this site would increase trip densities from 71 to 350 trips per day, and would compound existing traffic problems at Milford Mill Road and Reisterstown Road, and at Seven Mile Lane and Reisterstown Road. While chart figures may indicate this, logic does not. The Petitioner's desire is to replace a grocery outlet with a grocery outlet, and logic says that there would be little, if any, traffic increase. A look at Petitioner's Exhibit No. 2 confirms this opinion. This aerial photo shows a large number of homes, townhouses and apartments between the two troublesome intersections. If the residents in all of these myriad dwellings decided to use the subject site for their shopping instead of using the mentioned two intersections, traffic problems at these intersections may actually decrease. The Board finds no logic in this instance in estimating trip densities on zoning classification alone when the use remains identical.

After reviewing all of the testimony presented in this case, carefully studying all the exhibits and considering the existing circumstances connected with it, it is the opinion of this Board that the Petitioner's request is a reasonable one and that, especially due to its long continuous use as a grocery store, the subject property should have been zoned B.L. to allow this use, and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of May, 1979, by the County Board of Appeals, ORDERED that the Deputy Zoning Commissioner's Order of September 28, 1978, be reversed, and that the reclassification petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

That the proposed use of the subject property be in conformity with the proposed use as evidenced on Petitioner's Exhibit No. 1, Plat prepared by George Lamoreaux, dated May 8, 1978.

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CT 13 1982

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland
Robert L. Gilland, Acting Chairman

William T. Hockett
William T. Hockett

John A. Miller
John A. Miller

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
from an M.L. zone to a B.L. zone : ZONING COMMISSIONER
4120 Milford Mill Road :
3rd Election District : OF BALTIMORE COUNTY
George M. Byrnes and :
Bertha P. Byrnes :

MEMORANDUM

The Petitioners respectfully request that the property described in said application be reclassified from an M.L. zone to a B.L. zone for the following reasons:

1. That said property is immediately adjacent to the right-of-way of the Western Maryland Railroad, which forms its westernmost boundary.

2. That it is abutted on the easternmost side by a sub station and offices of the C & P Telephone Company.

3. That immediately to the east of the C & P Telephone Company property is the yard and retail store of Western Mill and Lumber Company which conducts a retail operation as well as storage of lumber and mill work.

4. That directly across Milford Mill Road from the subject property is the premises of Major Mechanical, Inc. and the real estate offices of Richard Belman, all of which are used as offices and conducting operations of a commercial nature.

5. Also located thereon are the offices and salesroom of Richard M. Morsey which conducts a retail outlet for the sale of kitchen cabinets.

6. Also on the opposite side of the road there is proposed and under construction a new facility for the manufacture and sale of Mrs. Posey's Cheesecake.

7. On the northwest corner of the Western Maryland Railroad right-of-way and Milford Mill Road, there presently exists the Pikesville Lumber Company which also conducts retail sales from its premises. This property is designated as a station for the

Rapid Transit Subway and/or Railroad and is expected to be constructed within the next two years.

8. That Milford Mill Road is to be closed off at this location and relocated to the north of subject property and will overpass the right-of-way of the Western Maryland Railroad.

9. That subject property was erroneously placed in an M.L. zone since it has continuously been operated as a neighborhood grocery store since it was acquired by the Petitioners in 1952; and even prior thereto, since it was constructed and operated as Baker's General Store.

W. Lee Harrison
503 Equitable Building
401 Washington Avenue
Towson, Maryland 21204
332-8812
Attorney for Petitioners

GEORGE M. BYRNES, ET UX
WAWA, INC., contr. pur.

No. 79-57-R

NW/5 of Milford Mill Road 280' SW of Milford
Industrial Road

3rd District

Re: Reclassification from M.L. to B.L. zone

May 1, 1978 Petition filed
Sept. 28 Re. DENIED by D.Z.C.
Oct. 13 Order of Appeal to C.B. of A. filed by W. Lee Harrison, Esq. for Petitioner
Mar. 22, 1979 Hearing before C.S. of A.
May 28 Board reversed D.Z.C. Order of 9/28/78 - GRANTED, subject to restriction (Gilland, Hockett, Miller)
June 26 Order for Appeal to Circuit Court of Baltimore County filed by People's Counsel (661)
" 27 Certificate of Notice sent to interested parties
July 10 Order for Extension of Time to September 26, 1979
" 20 Motion to Dismiss appeal filed in Circuit Court for Baltimore County
Aug. 2 Record of proceedings filed in the Circuit Court for Baltimore County
Nov. 5 Motion to Dismiss DENIED - Trial - (Hearing on merits set for Wed. 4/2/80 at 9:30 am)
Apr. 2, 1980 Board AFFIRMED - Raine (from Docket sheet)

WITNESSES AND CLERK
BALTIMORE, MD. 21201

WITNESSES AND CLERK
BALTIMORE, MD. 21201

RE: PETITION FOR RECLASSIFICATION : IN THE
from M.L. to B.L. zone : CIRCUIT COURT
NW/5 of Milford Mill Road 280'
SW of Milford Industrial Rd.
3rd District : FOR
George M. Byrnes, et ux :
Petitioners : BALTIMORE COUNTY
WAWA, INC. :
(Frederick S. Schroeder) : AT LAW
Contract Purchaser :
Misc. Docket No. 11
Folio No. 311
File No. 661

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

I, now come Robert L. Gilland, William T. Hockett and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 79-57-R
May 1, 1978 Petition of George M. Byrnes and Bertha W. Byrnes (WAWA, Inc. contract purchaser) for reclassification from M.L. zone to B.L. zone on property located on the northwest side of Milford Mill Road 280' southwest of Milford Industrial Road, 3rd District - filed
" 1 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for September 7, 1978 at 1 p.m.
" 1 Comments of Baltimore County Zoning Plans Advisory Committee filed
Aug. 17 Certificate of Publication in newspaper - filed
" 21 Certificate of Posting of property - filed
Sept. 9 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner con. held sub cu to

George M. Byrnes, et ux - No. 79-57-R (#661) 2.
Sept. 28, 1978 Order of Deputy Zoning Commissioner denying reclassification
Oct. 13 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
Mar. 22, 1979 Hearing on appeal before County Board of Appeals - case held sub curia
May 28 Order of County Board of Appeals granting reclassification, subject to restriction
June 26 Order for Appeal filed in the Circuit Court for Baltimore County
" 27 Petition to occupy Order for Appeal filed in the Circuit Court for Baltimore County
" 27 Certificate of Notice sent to all interested parties
July 10 Petition to extend time for filing record of proceedings until September 26, 1979
" 17 Transcript of testimony filed - 1 volume
Petitioner's Exhibit No. 1 - Plat - proposed use by Kitty Consultants, by Mr. Smith
" " 2 - Aerial photo - 10-17 NW
" " 3 - Descriptive booklet of WAWA, INC.
People's Counsel Exhibit A - Copy of Bill 122-78
" " B - Copy of Bill 46-79
" " C - 1 thru 12 - Series of photos
Aug. 2 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectfully suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Harriet E. Buddenham
County Board of Appeals of
Baltimore County

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from M.L. to B.L. zone : FOR BALTIMORE COUNTY
NW/5 of Milford Mill Rd. 280'
SW of Milford Industrial Rd.
3rd District : AT LAW
George M. Byrnes, et ux, Petitioners : Misc. Docket No. 11
WAWA, Inc., Contract Purchaser : Folio No. 311
Zoning Case No. 79-57-R : File No. 661
John W. Harrison, III :
People's Counsel :
Appellant :

REQUEST FOR HEARING

Petitioner respectfully requests a hearing at the earliest possible time on the foregoing Answer to Motion to Dismiss.

John W. Harrison, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2158

I HEREBY CERTIFY that on this 1st day of August, 1979, a copy of the foregoing Request for Hearing was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy mailed to W. Lee Harrison, Esquire, 503 Equitable Building, Towson, Maryland 21204, Attorney for Petitioner.

Peter Max Zimmerman

RECEIVED
BALTIMORE COUNTY
Aug 2 4 01 PM '79
OFFICE OF THE
CLERK

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from M.L. to B.L. zone : FOR BALTIMORE COUNTY
NW/5 of Milford Mill Rd. 280'
SW of Milford Industrial Rd.
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George M. Byrnes, et ux, Petitioners : Misc. Docket No. 11
WAWA, Inc., Contract Purchaser : Folio No. 311
Zoning Case No. 79-57-R : File No. 661
John W. Harrison, III :
People's Counsel :
Appellant :

ANSWER TO MOTION TO DISMISS

People's Counsel for Baltimore County, Appellant, in answer to the motion to dismiss appeal, states:

The People's Counsel is authorized under Section 24, 1(a) of the Baltimore County Charter to represent the public interest in proceedings before the Zoning Commissioner, the Board of Appeals, and the Courts in Baltimore County and to act in the same manner as an aggrieved party. The authority of the People's Counsel to appear to the Circuit Court under Maryland law was recently sustained in the opinion of Judge Albert Menchise (retired Judge of the Court of Special Appeals, assigned specially to the Circuit Court) in the case of Petition for Reclassification, A. V. Williams, Law No. 11/110/6680, a copy of which is attached hereto.

In the present case, a reclassification proceeding explicitly included within the aforesaid Charter authority, the People's Counsel entered a formal appearance on the record before the Deputy Zoning Commissioner of Baltimore County. From the decision of the Deputy Zoning Commissioner denying the reclassification, the Petitioner timely filed an appeal to the Baltimore County Board of Appeals pursuant to Section 22-27 of the Baltimore County Code.

The People's Counsel, having identified himself as a person interested in the outcome of the matter before the Deputy Zoning Commissioner acquired the same

interest as an aggrieved party at the Board of Appeals proceedings, wherein he participated at the above adjudicatory hearing.

The above is consistent with the principle of the Maryland Administrative Law which gives broad scope to party identification. As the Court of Appeals put it,

"Bearing in mind that the format for proceedings before administrative agencies is intentionally designed to be informal so as to encourage citizen participation, we think that absent a reasonable agency or other regulation providing for a more formal method of becoming a party, anyone clearly identifying himself to the agency for the record as having an interest in the outcome of the matter being considered by that agency, thereby become a party to the proceedings." Morris v. Howard Research & Development Corp. 278 Md. 417, 365 A.2d 34, 37 (1976)

Having acted in the same manner as a party to the Board of Appeals proceedings, the People's Counsel necessarily had authority to appeal to the Circuit Court from the Order of the Board of Appeals dated May 28, 1979 granting the subject reclassification, as outlined in Judge Menchine's opinion.

John W. Heslony, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of August, 1979, a copy of the foregoing Answer to Motion to Dismiss was delivered to the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy mailed to W. Lee Harrison, Esquire, 503 Equitable Building, Towson, Maryland 21204, Attorney for Petitioner.

Peter Max Zimmerman
Deputy People's Counsel

Peoples' Counsel for Baltimore County
Appellant
V.
A. V. Williams, Petitioner
Appellee
In the Circuit Court
for Baltimore County
Appeal No. 1110
Misc. Docket 11-110

MEMORANDUM AND ORDER

By Order dated September 25, 1978, the County Board of Appeals reclassified 13 acres of land fronting on the Southeast side of Philadelphia Road in the 15th Election District of Baltimore County from M.L. Zoning and J.M. District (Industrial) to a B.M. Zone (Business Major).

The Peoples' Counsel for Baltimore County, purporting to act under authority granted by the provisions of the Baltimore County Charter, entered an appeal from that Order to the Circuit Court for Baltimore County. No other party to the proceedings before the Board entered an appeal from the Order.

The property owner has filed a Motion to Dismiss the appeal upon the ground that the Peoples' Counsel has no standing to prosecute an appeal from the Board of Appeals in the absence of a true aggrieved party appellant.

He argues that the purported power to appeal conferred by Section 524.1 does not in law confer such right upon Peoples' Counsel by reason of the restrictive effect of Section 604 of the Baltimore County Charter and of Maryland Code Article 25 (Home Rule Article) Section 5 (u).

Section 524.1 of the Baltimore County Code (1976 Cum. Supp.) related to the appointment of a Peoples' Counsel. Section 324.1 (b) states, in pertinent part, that "the county executive shall appoint a Peoples' Counsel who shall represent the interests of the public in general zoning matters . . . (3) Powers and duties: The Peoples' Counsel shall have the following powers and duties: A. He shall appear as a party before the Zoning Commissioner of Baltimore County. . . the County Board of Appeals, and the Courts on behalf of the interests of the public in general, to defend the comprehensive zoning maps as adopted by the County Council and in any matter . . . involving zoning reclassification . . . in which he may deem the public interest to be involved. He shall have in such appearance, all the rights of counsel for a party in interest, including but not limited to the right to . . . prosecute an appeal in his capacity as Peoples' Counsel from any order or act of . . . the County Board of Appeals to the Courts as an aggrieved party pursuant to the provisions of Section 604 of this Charter to promote and protect the health, safety and general welfare of the community." (Emphasis added)

The plain language of Section 524.1 (b) (1976 Cum. Supp.) states that the Peoples' Counsel is appointed "to promote and protect the . . . general welfare of the community." To perform this function, he is given the status of an aggrieved party pursuant to Section 604 of the Baltimore County Charter. Section 604, "Appeals from decisions of the Board", states, in part, "Within thirty days after any decision by the County Board of Appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County . . ."

- 2 -

Article 25, Section 5 (u), "County Board of Appeals," states, in pertinent part, that "(a) any person aggrieved by the decision of Board and a party to the proceeding before it may appeal to the Circuit Court for the County which shall have power to affirm the decision of the Board, or if such decision is not in accordance with law, to modify or reverse such decision . . ."

The language of the earlier adopted Section 604 cannot be interpreted as imposing a limitation upon the power later to enlarge the ambit of the phrase "aggrieved party" nor does Article 25, Section 5 (u) accomplish such a purpose.

Nor does the Court interpret the provisions of Article 25 (u) as restrictive of the right of Baltimore County to provide by law that "(the Peoples' Counsel shall appear as a party before . . . the County Board of Appeals, and the Courts." (Emphasis added) The Court sees no violation of the express powers provisions of Article 25 A.

In the subject case, Peoples' Counsel appeared at the hearing before the Board; cross-examined witnesses offered in behalf of the land owner; and called, as witnesses, a Baltimore County Traffic Engineer and a Planner of the County Planning Office, both of whom opposed the requested reclassification.

For the reasons heretofore stated, the Motion to Dismiss the Appeal is denied.

W. Albert Menchine
Judge
Specially Assigned
January 24, 1979
Date

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RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from M.L. to B.L. : FOR BALTIMORE COUNTY
NW/5 Milford Industrial Road :
3rd District : AT LAW
George M. Byrnes, et ux :
Petitioners : Misc. Docket No. 11
WAWA, INC. :
(Frederick S. Schroeder) : Folio No. 311
Contract Purchaser :
Zoning Case No. 79-57-R : File No. 6861

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT OF PROCEEDINGS

The People's Counsel for Baltimore County, Petitioner below and Appellant herein, petitions this Court, pursuant to Maryland Rule 87(b), for an extension of time within which to file the transcript of proceedings before the Baltimore County Board of Appeals and in support of this Petition states:

1. That C. Leonard Perkins, Court Reporter for the County Board of Appeals at the time of the hearing before said Board in the above-entitled case, on or about June 26, 1979 was requested to prepare the transcript of proceedings before the County Board of Appeals.

2. That Mr. Perkins has informed the People's Counsel that due to a backlog of work, he will be unable to prepare the transcript prior to the filing deadline of July 27, 1979, and will require an additional sixty days to do so.

WHEREFORE, Appellant prays this Honorable Court to extend the time for filing the transcript of proceedings until September 26, 1979, 90 days after the first Petition on Appeal was filed.

John W. Heslony, III
People's Counsel for Baltimore County

I HEREBY CERTIFY that on this 17th day of July, 1979, a copy of the foregoing Petition for Extension of Time to File Transcript of Proceedings was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204; and a copy was mailed to W. Lee Harrison, Esquire, 503 W. Jopps Road, Towson, Maryland 21204, Attorney for Petitioners and Contract Purchaser.

Peter Max Zimmerman
Deputy People's Counsel

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from M.L. to B.L. : FOR BALTIMORE COUNTY
NW/5 Milford Industrial Road :
3rd District : AT LAW
George M. Byrnes, et ux :
Petitioners : Misc. Docket No. 11
WAWA, INC. :
(Frederick S. Schroeder) : Folio No. 311
Contract Purchaser :
Zoning Case No. 79-57-R : File No. 6861

ORDER

Upon the foregoing Petition for Extension of Time to File Transcript of Proceedings, it is hereby ORDERED this 10th day of July, 1979, that the time for filing in Court the transcript of proceedings before the Board of Appeals is hereby extended until September 26, 1979.

JUDGE

RE: PETITION FOR RECLASSIFICATION * IN THE CIRCUIT COURT
from M.L. to B.L. * FOR
NW/5 Milford Industrial Road *
3rd District * BALTIMORE COUNTY
George M. Byrnes, et ux *
Petitioners * AT LAW
WAWA, INC. *
(Frederick S. Schroeder) * Misc. Docket No. 11
Contract Purchaser * Folio No. 311
Zoning Case No. 79-57-R * File No. 6861

ANSWER TO PETITION ON APPEAL

Now comes George M. Byrnes, et ux, Petitioners, by W. Lee Harrison, their attorney, and for answer to the Petition on Appeal filed in the above captioned matter, say:

1. That the Petition for Reclassification in the above case was filed prior to May 1, 1978, and was accepted for filing by the Office of Planning and Zoning on that date. That Council Bill 46-79 was enacted March 5, 1979 and pertains to and establishes procedures to be followed by the County Board of Appeals pursuant to Charter Amendment adopted by the electorate on November 7, 1978, whereby the Charter conferred upon the County Board of Appeals original and exclusive jurisdiction over all Petitions for Reclassification. That Council Bill 46-79 obviously was not intended to and could not apply to pending Petitions which had already been heard by the Zoning Commissioner or his deputy and which, as in the case at bar, were pending on appeal before the County Board of Appeals and where many of the procedural requirements required to be performed by the Planning Board and other County agencies were not done and said bill does not profess to be retroactive.

2. That the Petitioners deny the allegations of paragraph 2 and, to the contrary, allege that the Board acted upon substantial evidence in the record and that said reclassification to B.L. was consistent with the

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OFFICE

public safety, health and welfare of the community.

3. Petitioners deny the allegations of paragraph 3 of said Petition on Appeal and allege that error was clearly demonstrated, in that, the County Council failed to recognize that a use which had existed for more than 50 years as a legitimate use was rendered a non-conforming use by an amendment to zoning regulations in 1971 rather than by any change of classification on a comprehensive map. The error consisted of failure by the Council to recognize this change in the regulations and allowing the M.L. classification to continue on the property. Moreover, the so called spot zoning was not of an invidious nature but is one which fulfills and serves a need in the community.

4. The Petitioners deny the allegations of paragraph 4 and in further answering said paragraph, say that the M.L. classification deprives the owners of any reasonable use of their property within the M.L. classification because of its irregular shape, the existing improvements thereon and the fact that its small size virtually precludes its use within the M.L. classification.

WHEREFORE, the Appellees pray that the Order of the Board of Appeals, dated May 28, 1979, be affirmed.

W. Lee Harrison
W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
828-1335
Attorney for Appellees

I hereby certify that on this 27th day of July, 1979, copy of the foregoing Answer to Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House,

-2-

Towson, Maryland 21204 and to John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

W. Lee Harrison
W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
828-1335
Attorney for Appellees

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
from M.L. to B.L.
NW/4 Milford Industrial Road
3rd District
George M. Byrnes, et ux
Petitioners
WAWA, INC.
(Frederick S. Schroeder)
Contract Purchaser
Zoning Case No. 79-57-R

FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 311
File No. 6861

MOTION TO DISMISS

Now comes George M. Byrnes, et ux, Petitioners, by W. Lee Harrison, their attorney, and move to dismiss the appeal filed in the above captioned case by John W. Hession, III and his deputy, for the reasons set forth below, and in further answering said Order and Petition on Appeal, say:

1. That, from the inception of Charter Government in Baltimore County, appeals from Orders relating to zoning specifically directed that "in all cases, the order of the County Board of Appeals shall be final unless an appeal be taken therefrom in the manner provided in Section 604 of this Article".

2. Section 604 of the Charter which pertains specifically to appeals from decision of the Board of Appeals mandates that such an appeal may only be taken by one who was a party to the proceeding before the Board and who is "aggrieved" by the Board's decision. In other words, in order for a party to possess the necessary status as a "person aggrieved", he must be one whose personal or property rights are adversely affected by the decision of the Board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specifically affected in a

way different from that suffered by the public generally.

Dubay v. Crane, 240 Md. 180, 185.
Wier v. Witney Land Co., 257 Md.
800, 810.

3. Although Section 524.1 of the Baltimore County Charter (1976 Cum. Supp.) created the office of "People's Counsel" no change was made in Section 604 of the Charter as construed by innumerable decisions of the Maryland Court of Appeals as to exactly what constitutes "an aggrieved party".

4. No party who demonstrated any injury or damage to his personal or property rights appeared before the County Board of Appeals at its public hearing and the "Petition on Appeal" is totally devoid of any allegations whatsoever which would tend to show or establish that the "People's Counsel" or the "Deputy People's Counsel" are in any way "aggrieved parties" and there are no allegations whatsoever which would indicate or show that their personal or property rights are affected in any way.

5. That it is well established under Maryland law that zoning regulations and ordinances are in derogation of a common law right and must be strictly construed against the municipality and in favor of the property owner.

Cino's v. Baltimore City, 250 Md.
621, 642.

6. It is also true that great weight must be given by the Courts in interpreting the legislative intent, particularly in regard to the determination of what is to be construed "a party aggrieved" or "aggrievedness". The Maryland Courts have repeatedly and uniformly held that one must be a person whose personal or property rights are affected in a manner specially and differently from those of the general public.

-2-

7. The practical effect of the Charter Amendment designated as Section 524.1 (1976 Cum. Supp.) was to authorize "People's Counsel" to participate in Court hearings where an appeal was taken from a decision of the County Board of Appeals by an "aggrieved party". No further powers were conferred and it cannot be construed that such additional powers were conferred in view of the decisions of the Courts of this state as to what constitutes "an aggrieved party".

W. Lee Harrison
W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
828-1335
Attorney for Appellees

I hereby certify that on this 27th day of July, 1979, copy of the foregoing Motion to Dismiss was served on the Administrative Secretary of the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, and to John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204.

W. Lee Harrison
W. Lee Harrison
306 W. Joppa Road
Towson, Maryland 21204
828-1335
Attorney for Appellees

-3-

RE: PETITION FOR RECLASSIFICATION IN THE
from M.L. to B.L.
NW/4 Milford Mill Road 280'
SW of Milford Industrial Road
3rd District
George M. Byrnes, et ux
Petitioners
WAWA, INC.
(Frederick S. Schroeder)
Contract Purchaser
Case No. 79-7-R
People's Counsel for
Baltimore County
Appellant

CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 311
File No. 6861

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2 (d) of the Maryland Rules of Procedure, Robert L. Gilliland, William T. Hackett and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal in the representative of every party to the proceeding before it; namely, W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. and Mrs. George M. Byrnes, 4320 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Hession, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3180

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. and Mrs. George M. Byrnes, 4320 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Hession, Esquire, County

Byrnes v. People's Counsel - 11/311/6861

2.

Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, on this 27th day of June, 1979.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION IN THE CIRCUIT COURT
from M.L. to B.L.
NW/4 Milford Industrial Road
3rd District
George M. Byrnes, et ux
Petitioners
WAWA, INC.
(Frederick S. Schroeder)
Contract Purchaser
Zoning Case No. 79-57-R

FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 311
File No. 6861

PETITION ON APPEAL

The People's Counsel for Baltimore County, Protestants below and Appellant herein, having heretofore filed an Order for Appeal from the decision of the Baltimore County Board of Appeals under date of May 28, 1979, granting zoning reclassification on the subject property from M.L. to B.L., in compliance with Maryland Rule 2-2(a), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. The Petitioner for reclassification, in presenting the case, and the Board of Appeals, in conditionally granting said reclassification, failed to comply with Bill 46-79 by ignoring the prerequisite of documentation regarding environmental impact statement and other information to be incorporated in or submitted with the site plan. See Section 2-40.1 of the Baltimore County Code, particularly Subsections (b) through (n).

2. The granting of said reclassification was further arbitrary, capricious, and without lawful authority because the record reflected compelling evidence that the County Council, in designating the subject property M.L. on the comprehensive map, acted reasonably and consistently with the public safety, health and welfare.

3. Otherwise stated, the record failed to reflect any error in the comprehensive zoning map. More particularly, the evidence indicated that M.L. zoning was in character with the neighborhood and that reasonable property uses were available in said zone. The record was uncontradicted that a reclassification to B.L. would be spot zoning of an invidious nature. In addition, there was uncontradicted evidence that the proposed

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BY

rezoning would affect adversely and substantially the already congested traffic situation at nearby intersections on Reisterstown Road.

4. The Board of Appeals, in its Opinion, acknowledged the nature of the request as spot zoning, but relied on the continuity of a non-conforming grocery store on the subject property as support for the present proposal. In so doing, the Board of Appeals erred because it is in the nature of comprehensive zoning to develop a new and rational land use pattern. In this process, it is inevitable that some uses will be non-conforming, eventually to be eliminated under the well recognized concepts of the law of non-conforming uses. It is simply no basis for a piecemeal zoning reclassification that a use, now non-conforming, has existed for many years at a site without apparent particularized complaints from neighbors. The zoning process is not determined upon the approval or disapproval of neighbors, but rather upon the legislative judgment of the County Council, which must be upheld unless clearly illegal, being in error and leaving the property owner no reasonable use of his property.

5. Based on the foregoing, there was no legally sufficient evidence to warrant the conclusion of the Board of Appeals. The absence of substantial evidence is reflected in the erroneous reasoning contained in the Board's Opinion.

WHEREFORE, Appellant prays that the Order of the Board of Appeals dated May 28, 1979 be reversed, and that the matter be remanded to the Board with instructions that an Order be entered denying said petition for reclassification.

John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of June, 1979, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to W. Lee Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorney for Petitioners and Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION : IN THE CIRCUIT COURT
from M.L. to B.L. :
NW/4 Millard Mill Road 280' :
SW of Millard Industrial Road :
3rd District : FOR BALTIMORE COUNTY
George M. Byrnes, et ux :
Petitioners : AT LAW
WAWA, INC. : Misc. Docket No. 11
(Frederick S. Schroeder) :
Contract Purchaser :
Folio No. 311
Zoning Case No. 79-57-R :
File No. 6861

ORDER FOR APPEAL

MR. CLERK:

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals of Baltimore County, under date of May 28, 1979, granting a zoning reclassification on the subject property from M.L. to B.L. to permit the erection of a retail grocery store.

John W. Hession, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of June, 1979, a copy of the foregoing Order for Appeal was served on the Administrative Secretary of the County Board of Appeals of Baltimore County, Room 219, Court House, Towson, Maryland 21204, prior to the presentation of the original to the Clerk of the Circuit Court for Baltimore County; and that a copy thereof was mailed to W. Lee Harrison, Esquire, 306 W. Joppa Road, Towson, Maryland 21204, Attorney for Petitioners and Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR RECLASSIFICATION : BEFORE
from M.L. to B.L. :
NW/4 Millard Mill Road 280' : COUNTY BOARD OF APPEALS
SW of Millard Industrial Road :
3rd District : OF
George M. Byrnes, et ux :
Petitioners : BALTIMORE COUNTY
WAWA, INC. :
(Frederick S. Schroeder) : No. 79-57-R
Contract Purchaser :

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the requested zoning reclassification of this property from M.L. zoning to B.L. zoning, to permit the erection of a retail grocery store. The subject property is located on the northwest side of Millard Mill Road 280 feet southwest of Millard Industrial Road, and contains .71 acre, more or less.

Testimony presented in this case confirms the following description of the subject site and surrounding properties. The subject site fronts 126 feet on Millard Mill Road, has an average depth of 360 feet, narrows in the rear to a width of 60 feet, and contains .71 acre. The subject property is now improved by a two-story frame structure containing a general grocery-meat market store on the first level, and a living area on the second level. The north side of the property abuts D.R. 16 zoning. The west side abuts the Western Maryland Railroad tracks. To the west of these tracks there is vacant land zoned M.L. To the south of the property there is an industrial park zoned M.L. that appears, from exhibits offered, to be fully developed. To the east the same is true. The subject property is, therefore, encircled by M.L. zoning except for its 60 foot long northern boundary abutting the D.R. 16 zoning. From just this raw description of the subject property B.L. zoning would seem inappropriate, but testimony presented several mitigating circumstances to be considered.

Mr. Byrnes, the property owner, testified that he has owned and operated this business continuously since 1950, but was not aware that since 1971 he has been operating as a non-conforming use rather than a legally zoned use. Mr. Byrnes, being 64 years old and in questionable health, offered his property for sale and these problems

George M. Byrnes - #79-57-R

then surfaced. Mr. Byrnes stated that he personally knows that this property was a retail grocery store in 1940, and that this use probably goes back further than that. It seems to this Board that continuous documented single use of a property for some forty years indicates a need for this use in the area. While placing the necessary zoning on a small parcel to match its long time use may in the broad sense be "spot zoning," does not the continuous use of this property deserve some consideration? Spot zoning is frowned upon in modern day zoning and planning procedures, however, in fact, the use to which the subject property is to be put already exists and has existed at the subject site for over forty years. The Courts have long recognized instances of good spot zoning as well as instances of bad spot zoning. Because of the circumstances in this instance, it is the judgment of the Board that this would be an example of good spot zoning. It is the opinion of the Board that the Council erred when they did not recognize the existing use at the subject site and zone same in a business classification, so as to allow the continued retail use of this small parcel, when in 1971 legislation prohibited for the first time, retail use, per se, in industrial classifications. In this Board's opinion, any single type small business that has survived for this length of time in today's society, without a single complaint, has evidenced whatever use it enjoys should also be the zoning classification it should enjoy.

Testimony from expert witnesses indicated little value to the subject site if retained in the M.L. classification. The size of the subject site is generally too small for normal M.L. uses. The Western Maryland Railroad to the west negates its value in that direction. All abutting properties on the south and east are fully developed and, therefore, reduce its marketability in these areas. A grocery store is a retail use and testimony indicated several nearby retail uses in the area; i.e., Mrs. Pusey's bakery products; Richard M. Honeys, Inc., retail outlet for kitchen improvements; and Western Mill and Lumber Co., to cite examples. Noting these retail uses in this area, a grocery store retail use does not seem to be completely out of character. It might also be noted at this point that to rezone a property from M.L. to B.L. in order to accommodate its already established use is not unheard of; for example, Osiden Ring and Security Malls were rezoned B.M. for this reason. The subject property enjoyed its continuous use

George M. Byrnes - #79-57-R

long before the existence of either of these.

Mr. Moore, a traffic expert, testified that B.L. zoning on this site would increase trip densities from 1 to 350 trips per day, and would compound existing traffic problems at Millard Mill Road and Reisterstown Road, and at Seven Mile Lane and Reisterstown Road. While chart figures may indicate this, logic does not. The Petitioner's desire is to replace a grocery outlet with a grocery outlet, and logic says that there would be little, if any, traffic increase. A look at Petitioner's Exhibit No. 2 confirms this opinion. This aerial photo shows a large number of homes, townhouses and apartments between the two troublesome intersections. If the residents in all of these myriad dwellings decided to use the subject site for their shopping instead of using the mentioned two intersections, traffic problems at these intersections may actually decrease. The Board finds no logic in this instance in estimating trip densities on zoning classification alone when the use remains identical.

After reviewing all of the testimony presented in this case, carefully studying of the exhibits and considering the existing circumstances connected with it, it is the opinion of this Board that the Petitioner's request is a reasonable one and that, especially due to its long continuous use as a grocery store, the subject property should have been zoned B.L. to allow this use, and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of May, 1979, by the County Board of Appeals, ORDERED that the Deputy Zoning Commissioner's Order of September 28, 1978, be reversed, and that the reclassification petitioned for, be and the same is hereby GRANTED, subject to the following restriction:

That the proposed use of the subject property be in conformity with the proposed use as evidenced on Petitioner's Exhibit No. 1. Plot prepared by George Lambros, dated May 8, 1979.

George M. Byrnes - #79-57-R

Any appeal from this decision must be in accordance with Rules 3-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilliland, Acting Chairman

William T. Hackett

John A. Miller

494-3180

County Board of Appeals

Room 219 Court House
TOWSON, MARYLAND 21204

March 15, 1979

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #123

CASE NO. 79-57-R

GEORGE M. BYRNES, ET UX
(WAWA, INC., C.P.)

for reclassification from M.L. to B.L.

NW/4 Millard Mill Rd., 280'

SW of Millard Industrial Road

3rd District

9/28/78 - D.Z.C. DENIED PETITION

Scheduled for hearing on Thursday, March 15, 1979 at 9:30 a.m. has been POSTPONED at the request of the Petitioner, and

REASSIGNED FOR:

THURSDAY, MARCH 22, 1979 at 9:30 a.m.

cc: W. Lee Harrison, Esquire

Counsel for Petitioners

Mr. and Mrs. George M. Byrnes

Petitioners

John W. Hession, III, Esquire

People's Counsel

Mr. S. E. DiNenna

Mr. J. E. Dyer

Mr. L. H. Graef

Mr. Richard Latini

Board of Education

Mrs. Carol Beresh

Edith T. Eshenart, Administrative Secretary

County Board of Appeals
Room 218, Court House
Towson, Maryland 21204
March 1, 1979
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 7(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #109

CASE NO. 79-57-R *

GEORGE M. BYRNES, ET UX
WAWA, Inc. (Fred. S. Schroeder, con. pur.)
for Reclassification from M.L. to B.L. zone
NW/S Milford Mill Rd. 280' SW of Milford Industrial Road
3rd District
9/28/78 - D.Z.C. Denied Rec.

ASSIGNED FOR:

cc: W. Lee Harrison, Esq.

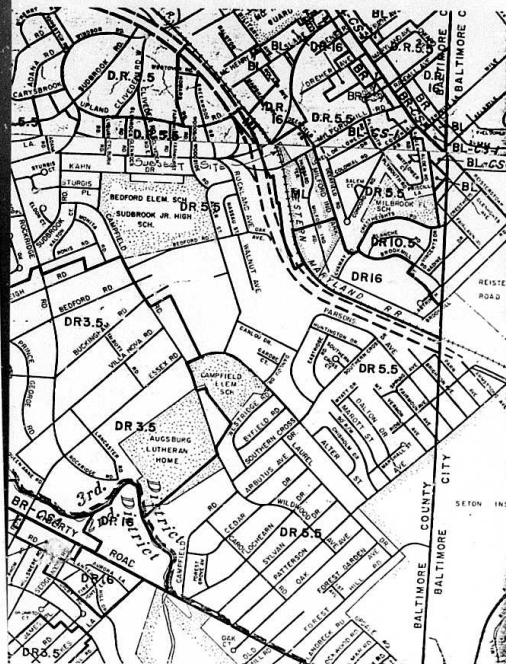
Mr. and Mrs. George M. Byrnes

John W. Hession, III, Esq.

Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. Leslie Grand
Mr. Richard Latini
Board of Education
Mrs. Carol Berish

Counsel for Petitioners
Petitioners
People's Counsel

Malet E. Buddemeier
County Board of Appeals



RE: PETITION FOR RECLASSIFICATION : BEFORE THE
from an M.L. zone to a B.L. zone ZONING COMMISSIONER
4320 Milford Mill Road
3rd Election District
George M. Byrnes and
Bertha P. Byrnes
OF BALTIMORE COUNTY

MEMORANDUM

The Petitioners respectfully request that the property described in said application be reclassified from an M.L. zone to a B.L. zone for the following reasons:

1. That said property is immediately adjacent to the right-of-way of the Western Maryland Railroad, which forms its westernmost boundary.
2. That it is abutted on the easternmost side by a sub station and offices of the C & P Telephone Company.
3. That immediately to the east of the C & P Telephone Company property is the yard and retail store of Western Mill and Lumber Company which conducts a retail operation as well as storage of lumber and mill work.
4. That directly across Milford Mill Road from the subject property is the premises of Major Mechanical, Inc. and the real estate offices of Richard Selman, all of which are used as offices and conducting operations of a commercial nature.
5. Also located thereon are the offices and salesroom of Richard M. Horsey which conducts a retail outlet for the sale of kitchen cabinets.
6. Also on the opposite side of the road there is proposed and under construction a new facility for the manufacture and sale of Mrs. Posey's CheeseCake.
7. On the northwest corner of the Western Maryland Railroad right-of-way and Milford Mill Road, there presently exists the Pikesville Lumber Company which also conducts retail sales from its premises. This property is designated as a station for the

Rapid Transit Subway and/or Railroad and is expected to be constructed within the next two years.

8. That Milford Mill Road is to be closed off at this location and relocated to the north of subject property and will overpass the right-of-way of the Western Maryland Railroad.

9. That subject property was erroneously placed in an M.L. zone since it has continuously been operated as a neighborhood grocery store since it was acquired by the Petitioners in 1952; and even prior thereto, since it was constructed and operated as Baker's General Store.

W. Lee Harrison
503 Equitable Building
401 Washington Avenue
Towson, Maryland 21204
312-8812
Attorney for Petitioners

Case No. 79-57-R (Item No. 7)

George M. Byrnes, et ux
NW/S of Milford Mill Rd., 280' SW of
Milford Industrial Rd. - 3rd District

RE: PETITION FOR RECLASSIFICATION : BEFORE THE ZONING COMMISSIONER
NW/S of Milford Mill Rd., 280'
SW of Milford Industrial Rd.,
3rd Election District : OF BALTIMORE COUNTY

GEORGE M. BYRNES, et ux,
Petitioners : Case No. 79-57-R

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 9th day of August, 1978, a copy of the foregoing Order was mailed to W. Lee Harrison, Esquire, 503 Equitable Building, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III



- ✓ 1. Copy of Petition and Order Denied by the D.Z.C. 9/28/78
- ✓ 2. Copy of Description of Property
- ✓ 3. Copy of Certificate of Posting
- ✓ 4. Copy of Certificates of Publication
- ✓ 5. Copy of Zoning Advisory Committee Comments
- ✓ 6. Copy of Comments from the Director of Planning
- ✓ 7. Planning Board Comments and Accompanying Map
- ✓ 8. Copy of Order to Enter Appearance, John W. Hession, III
- ✓ 9. Copy of order - Zoning/Deputy Zoning Commissioner
- ✓ 10. Copy of Plat of Property
- ✓ 11. 200' Scale Location Plan
- ✓ 12. 1000' Scale Location Plan
- ✓ 13. Memorandum in Support of Petition
- ✓ 14. Letter(s) from Protestants(s)
- ✓ 15. Letter(s) from Petitioners(s)
- ✓ 16. Protestants' Exhibits _____ to _____
- ✓ 17. Petitioners' Exhibits 1 to 2 Exhibit 1 - Plat Exhibit 2 - 6 Photos & description
- ✓ 18. Letter of Appeal
- ✓ 19. Aerial Map
- ✓ 20. Booklet about Wawa Inc.

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

Counsel for Petitioner

Mr. & Mrs. George M. Byrnes
4320 Milford Mill Rd.
Pikesville, Maryland 21208

Petitioners

John W. Hession, III, Esquire

People's Counsel

James E. Dyer

Request Notification

Baltimore County
Office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3323
S. ERIC DINENHA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

September 28, 1978

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

RE: Petition for Reclassification
NW/S of Milford Mill Road, 280' SW
of Milford Industrial Road - 3rd
Election District
George M. Byrnes, et ux -
Petitioners
NO. 79-57-R (Item No. 7)

Dear Mr. Harrison:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

CJM:mr

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

KIDDE CONSULTANTS, INC.
Subsidiary of Walter Kidde & Company, Inc.

Circle KIDDE/Gr
Toll 87769
1000 Corner Bridge Road
Baltimore, Maryland 21201
(410) 381-1500

Direct Dial Number

DESCRIPTION

0.71 ACRE PARCEL, MORE OR LESS, NORTHWEST SIDE OF
MILFORD MILL ROAD, SOUTHWEST OF MILFORD
INDUSTRIAL ROAD, THIRD ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND.

This Description is for Reclassification to a "B.L." Zone

Beginning for the same at a point on the centerline of Milford Mill Road and at the beginning of the last line of the last described in the deed to George M. Byrnes and wife dated March 18, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2087, page 156, said pt. of beginning being distant 280 feet, more or less, as measured southwesterly along the centerline of said Milford Mill Road from its intersection with the centerline of Milford Industrial Road, running thence binding on the centerline of said Milford Mill Road and on said last line, (1) S 63° 34' W 125.93 feet, more or less, thence still binding on the outlines of said land to Byrnes, three courses; (2) northerly, by a curve to the left with the radius of 1943.08 feet and the arc distance of 360.33 feet, more or less, (3) N 58° 06' E 60.10 feet, more or less,

ENGINEERS • ARCHITECTS • LANDSCAPE

MICROFILMED

2.

and (4) S 25° 57' E 358.90 feet, more or less, to the place of beginning.

Containing 0.71 of an acre of land, more or less.

CAE:mp J.O. 1-77192 2/20/78
W.O. 20434-G



MICROFILMED

PETITION FOR RECLASSIFICATION

3rd District

ZONING: From M.L. to N.L.
LOCATION: Northwest side of Milford Mill Road, 200 feet Southwest of Milford Industrial Road
DATE & TIME: Thursday, September 7, 1978 at 1:00 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning/Deputy Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing
Present: Senator M.L.
Proposed Zoning: N.L.
All that parcel of land in the Third District of Baltimore County

Before the property of George M. and Bertha W. Byrnes, as shown on plan filed with the Zoning Department
Hearing Date: Thursday, September 7, 1978 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD.

BY ORDER OF
S. ERIC DI NENNA, ZONING COMMISSIONER
JAN
GEORGE J. HARTMAN, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3311
LESLIE H. GRAFF
DIRECTOR

April 21, 1978

Mr. Eric S. DiNenna: Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 7, Zoning Cycle, April 1978, are as follows:

Property Owner: George M. and Bertha W. Byrnes
Location: NW/4 Milford Mill Road 200' SW Milford Industrial Road
Existing Zoning: M.L.
Proposed Zoning: N.L.
Acre: 0.71
District: 3d

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wintley
Planner III
Current Planning and Development

MICROFILMED

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3311
ERIC DINENNA
COMMISSIONER

August 31, 1978

V. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/4 Milford Mill Rd., 200' SW of Milford Industrial Rd. - 3rd District
George M. Byrnes, et al - Petitioners
No. 79-57-R

Dear Sir:

This is to advise you that \$225.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Mrs. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

Eric S. DiNenna
Zoning Commissioner

SDJ/sa

MICROFILMED

V. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification, NW/4 of Milford Mill Rd., 200' SW of Milford Industrial Rd. - 3rd District, George M. Byrnes, et al - Petitioners, Case No. 79-57-R

TIME: 1:00 P.M.

DATE: Thursday, September 7, 1978

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Deputy ZONING COMMISSIONER OF BALTIMORE COUNTY

MICROFILMED

BALTIMORE OFFICE
ZONING DEPARTMENT
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3311

TOWSON OFFICE
ZONING DEPARTMENT
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3311

LAW OFFICES
WEINBERG AND GREEN
NINETEENTH FLOOR
1100 LIGHT STREET
BALTIMORE, MD 21202

332-8812
October 10, 1978

S. Eric DiNenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification, NW/4 of Milford Mill Road, 200' SW of Milford Industrial Road - 3rd District, George M. Byrnes, et al Petitioners, No. 79-57-R (Item No. 7)

Dear Mr. DiNenna:

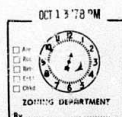
Please note an appeal to the County Board of Appeals from the decision and order dated September 28, 1978, denying the Reclassification in connection with the above captioned petition.

I enclose herewith check in the amount of \$75.00 to cover the costs of said appeal.

Very truly yours,

W. Lee Harrison
W. Lee Harrison

Enc.

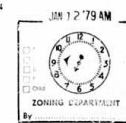


MICROFILMED

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
January 8, 1979



W. Lee Harrison, Esq.
503 Equitable-Towson Bldg.
Towson, Maryland 21204

Re: Reclassification Petition
79-57-R - George M. Byrnes, et al.
WAPA, Inc.

Dear Mr. Harrison:

Enclosed please find a copy of the recently enacted Bill 122-78 which affects your petition. No further hearing on reclassification petitions will be held until the petitioners advise the Board as to their intentions within the purview of this act.

Your prompt reply is requested.

Very truly yours,

Walter A. Reiter, Jr., Chairman

MICROFILMED

WAR:an
Enclosure: Bill 122-78
cc: Mr. and Mrs. George M. Byrnes
John W. Heslin, III, Esq.
Mr. S. E. DiNenna
Mr. George Martinak
Mr. James E. Dyer
Mr. Leslie Graff
Mr. Gary Burl
Board of Education
Mrs. Carol Borell

1979
JAN 12
OK-16

May 28, 1979

W. Lee Harrison, Esq.
503 W. Jones Road
Towson, Maryland 21204

Re: Case No. 79-57-R
George M. Byrnes, et al.

Dear Mr. Harrison:

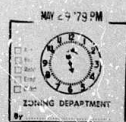
Enclosed herewith is a copy of the Decision and Order passed today by the County Board of Appeals in the above captioned case.

Very truly yours,

John T. Henshaw, Jr., Secretary

Enclosure

cc: Mr. and Mrs. George M. Byrnes
John W. Heslin, III, Esq.
Mr. James E. Dyer
Mr. L. Graff
Mr. J. Heslin
Mr. William L. Hammond
Board of Education



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas B. Commodari, Zoning Date: April 18, 1978

FROM: Rosellen J. Plant, Industrial Development Commission

SUBJECT: No. 7...Property Owner: George M. & Bertha W. Byrnes
Location: NW/4 Milford Mill Rd. 280' SW Milford Industrial Rd.
Existing Zoning: M. L.
Proposed Zoning: B. L.

The Industrial Development Commission is in agreement with the Baltimore County 1976 Comprehensive Zoning Maps, as adopted by the County Council, in obvie cases of change of neighborhood or technical errors in the maps.

Rosellen J. Plant
ROSELLEN J. PLANT

RJP:pk

MICROFILMED

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 24, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Cycle III

RE: Item No: 7
Property Owner: George M. & Bertha W. Byrnes
Location: NW/4 Milford Mill Rd. 280' SW Milford Industrial Road
Present Zoning: M.L.
Proposed Zoning: B.L.

District: 3rd
No. Acres: 0.71

Dear Mr. DiNenna:

Re: Hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

JOSEPH W. MCGLOTHLIN, PRESIDENT
Y. BARBAR WILLIAMS, JR., VICE-PRESIDENT
MARTIN W. MCGLOTHLIN

THOMAS H. ROYER
HRS. LORRAINE P. CORCORAN
ROGER B. HAYDEN

ALVIN LORRICK
HRS. MILTON W. SMITH, JR.
RICHARD W. TRACY, DVM.

ROBERT F. BURKE, SUPERINTENDENT

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-2351

S. ERIC DIENNA
ZONING COMMISSIONER

October 16, 1978

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21201

RE: Petition for Reclassification
SW/4 of Milford Mill Rd., 280' SW of
Milford Industrial Road - 3rd District
George M. Byrnes, et ux - Petitioners
30. 79-57-R (Item No. 7)

Dear Mr. Hession:

Please be advised that an appeal has been filed by W. Lee Harrison, Esquire, in behalf of the Petitioner, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

W. Lee Harrison
W. LEE HARRISON
Zoning Commissioner

SJD/mc

MICROFILMED

LAW OFFICES
HARRISON & HARRISON
306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204

AREA CODE 301
809-1700

February 24, 1980

Mr. Frank Moser
Assignment Office
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Reclassification from M. L. to B. L.
George M. Byrnes, et ux
Petitioners
WaWa, Inc.
Contract Purchaser
Zoning Case No. 79-57-R
Misc. Docket No. 11, Folio 311, File No. 6861

Dear Mr. Moser:

At this time, I am requesting that the above referenced matter be scheduled in for trial on its merits. The hearing should take approximately one-half hour and I would appreciate it if you would set it in on the next available date.

Thank you for your attention and cooperation in this matter. Please advise.

Very truly yours,

W. Lee Harrison

cc: John W. Hession, III, Esq.
Peter Max Zimmerman, Esq.
Secretary, County Board of Appeals

RECEIVED
BALTIMORE COUNTY
CLERK
FEB 25 1980
BY J. L. ALB

494-3160

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

June 27, 1979

W. Lee Harrison, Esquire
306 West Joppa Road
Towson, Maryland 21204

Re: Case No. 79-57-R
George M. Byrnes, et ux

Dear Mr. Harrison:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. and Mrs. George M. Byrnes

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

June 27, 1979

John W. Hession, III, Esquire
People's Counsel for Baltimore County
County Office Building
Towson, Md. 21204

Re: Case No. 79-57-R
George M. Byrnes, et ux

Dear Mr. Hession:

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

May 28, 1979

W. Lee Harrison, Esq.
306 W. Joppa Road
Towson, Maryland 21204

Re: Case No. 79-57-R
George M. Byrnes, et ux

Dear Mr. Harrison:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosures

cc: Mr. and Mrs. George M. Byrnes
John W. Hession, III, Esq.
Mr. James L. Dyer
Mr. L. Groat
Mr. J. Hosell
Mr. William E. Hammond
Board of Education

12-14-78 - Notified of appeal hearing scheduled for TUESDAY, MARCH 6, 1979 at 9:30 am

W. Lee Harrison, Esq.

Counsel for Petitioner (Sent L72 & B72)

Mr. and Mrs. George M. Byrnes

Petitioners

John W. Hession, III, Esq.

People's Counsel

Mr. James Dyer

Notify

3/1/79 - Above notified of appeal hearing scheduled for THURSDAY, MARCH 15, 1979 at 9:30 a.m. on Bill 122-78
3-15-79 Outgoing at hearing

3/15/79 - Above notified of POSTPONEMENT and REASSIGNMENT for THUR., MAR. 22, 1979 at 9:30 am

DATE 12/6/77

Mr. S. Eric Dinenna
Zoning Commission
Baltimore County
Office of Planning and Zoning
Towson, Maryland-21204

Re: Rezoning Reclassification
Milford Grocery
4320 Milford Mill Road
Pikesville, Maryland-2108

Dear Mr. Dinenna:

This is to advise you that I have been a regular customer of Milford Grocery for the past 25 years. From 1953 to date I have been patronizing Mr. Byrne's grocery store, and to the best of my knowledge it has been in continued operation since then.

Sincerely yours,
C. A. Miller
C. A. MILLER
601 Conyngham Rd.
Pikesville Md 21088

DATE 12-10-77

Mr. S. Eric Dinenna
Zoning Commission
Baltimore County
Office of Planning and Zoning
Towson, Maryland-21204

Re: Rezoning Reclassification
Milford Grocery
4320 Milford Mill Road
Pikesville, Maryland-2108

Dear Mr. Dinenna:

This is to advise you that I have been a regular customer of Milford Grocery for the past 20 years. From March 1957 to date I have been patronizing Mr. Byrne's grocery store, and to the best of my knowledge it has been in continued operation since then.

Sincerely yours,
D. Handrick Barnett
D. Handrick Barnett
5312 Wealey Cr.
Baltimore, Md
21207

ESSKAY MEATS
SCHLUDERBERG-KURLE CO., INC.
December 2, 1977

Mr. G. & Mrs. B. Byrnes
4320 Milford Mill Road
Baltimore, Maryland 21088

File No. #311-1382

Dear Mr. & Mrs. Byrnes:

As requested, with reference to the zoning commission in Towson, S. Eric Dinenna, this letter serves to confirm that we have sold you at your grocery store at 4320 Milford Mill Road since 1952.

We trust this confirming letter is satisfactory.

Very truly yours,
John Di Pietro
John Di Pietro
Assistant Credit Manager

JD/sb

KIDDE CONSULTANTS, INC.
Subsidiary of Walter Kidde & Company, Inc.

Circle KIDDEGRAPH
Form K-709
157, Cornwell Bridge Road
Baltimore, Maryland 21204
(410) 321-5500

DESCRIPTION OF PHOTOGRAPHS
#4320 Milford Mill Road

Circled Date Number
J.O. 1-77192

No.	Description
1.	From south side of Milford Mill Road looking northwest at the subject site.
2.	From south side of Milford Mill Road looking north along east property line of site and the C & P Telephone Company Building.
3.	From south side of Milford Mill Road looking north at the subject site.
4.	From north side of Milford Mill Road looking southeast at office building.
5.	From Western Maryland Railroad track looking north along the west property line of the subject site.
6.	From north side of Milford Mill Road and east of the subject property looking southeast.

NOTE: Pictures taken by witness on September 5, 1978 between 2:00 and 3:00 P.M.

EXHIBIT 2

PETITION FOR RECLASSIFICATION
FROM M.L. TO B.L.
NO. 5 MILFORD INDUSTRIAL ROAD,
3RD DISTRICT
GEORGE H. BYRNES, ET UX
Peticioners * BALTIMORE COUNTY
VS. * Misc. Law §661
PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY * April 2, 1960

BEFORE THE HONORABLE JOHN E. RAINE, JR., Presiding.

APPEARANCES:

W. LEE HARRISON, ESQUIRE,
On Behalf of Peticioners.

JOHN W. HESSIAN, III, ESQUIRE,
People's Counsel for
Baltimore County.

Reported By:
NELISSA M. STANSBURY

(EXCERPT)

THE COURT: The County Board of Appeals reclassified a seven-tenths of an acre property adjacent to the Western Maryland Railroad tracks from manufacturing-light to business-local.

The People's Counsel took an appeal, properly believing that the integrity of the maps should be maintained. He points out that this reclassification of a small portion of the manufacturing-light to business-local constitutes spot zoning, and he argues that there was no error in the comprehensive map in 1976, when the area in question that encompasses the subject property was put into a manufacturing-light classification.

At one time, the regulations allowed the subject property to be used for non-manufacturing purposes; but when the regulations were changed, the property owner, after forty or fifty years, suddenly became a non-conforming use.

There is expert testimony on which the Board could rely, and it is certainly debatable, that the subject property is too small for those normal uses in an M.L. zone. The Court is inclined to believe that seven-tenths of an acre has some utility for M.L. uses, but the Court can't substitute its judgement for that of the Board. And the testimony on that issue makes it fairly debatable, and the Board, in effect,

found that Mr. Burns, who owned the property, was responsible for the use of the subject property, because of its size and configuration.

The Board also found that the operation of a grocery store on this property, or any other reasonably respectable business-local use, would not have any adverse effect on the traffic situation.

I think that is a conclusion that the Board, in their good judgment, could reach, and I am not inclined to disturb that.

The other effects on the general public would not be of any adverse nature, because you're dealing here with a business-local use on a small piece of property, stuck right into the middle of a light manufacturing property. So we don't have to consider things like schools and noise, overtaxing of the utilities and things of that kind.

Any time a piece of property is reclassified where it is not encompassed within or immediately adjacent to other property of like classification, it is, in effect, the zoning of a particular spot, and zoning authorities and zoning principles generally condemn spot zoning. But this rezoning, because of the nature of the case, lacks all of the invidious attributes of improper spot zoning, so I don't think that it presents an obstacle to the rezoning.

Spot zoning, is not a matter of law, it's a matter

of just sound zoning practice. It's a zoning principle, rather than a statute.

The comprehensive maps can only be altered where there's a showing of error. The clear inference in this case is that when this business-local use of long standing was thrust into a manufacturing-light zone, it was done without any consideration by the zoning authorities of the existing use and status of this particular small tract.

I don't fault the planners and zoners. They cannot be expected to have intimate knowledge of every nook and cranny of this fairly large County. But absent any showing to the contrary, the Court infers or assumes that nobody paid any attention to this particular property, and its zoning was of a blanket nature.

The Board introduced into the case in their opinion the fact that large shopping centers that had been begun more recently than Mr. Burns' small grocery store were placed into the proper zoning category, the property at the Golden Ring Mall and Security Mall being changed in the map from manufacturing-light to business-major.

I don't see any difference in principle, and it follows that if they were correct in giving that zoning treatment to the big shopping centers, that this little man ought to have been given the same consideration, when it could be done without any adverse effect on or detriment to anybody.

1 I agree with Mr. Harrison; I've said this time and
2 time again, that the courts ought to strive to uphold the in-
3 tegrity of the zoning maps in order to achieve zoning stability.
4 On the other hand, there are always exceptions to the general
5 rule.

6 And I believe this to be an exceptional and unusual
7 case, and I believe that their failure to give effect to the
8 long term use of the subject property, which had only been made
9 into a non-conforming use by a change in the regulations, con-
10 stitutes sufficient error upon which a reclassification can be
11 predicated.

12 That would be the only basis for the Board's action
13 and would be the only basis for the Court's action. We have
14 to have change of circumstances, and none has been shown here,
15 or we have to have error. But I believe that the Board was in
16 error in this particular case.

17 I think you have to look at all these cases --
18 MR. HARRISON: You say you think the Board was in
19 error.

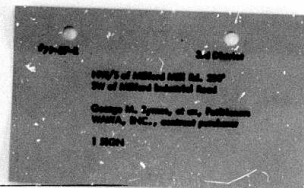
20 THE COURT: I think the Board was correct in find-
21 ing that the Council erred in the adoption of the comprehensive
22 map in 1976.

23 I think you have to look at all these cases on a
24 case by case basis.

25 It further seems to me that the question of error

1 is a judgment call, and that the Board felt there was error.
2 And if I say the Board is wrong, then the effect is to do what
3 I am not supposed to do, to wit substitute my judgment for that
4 of the Board.

(Conclusion of Excerpt.)



W. Lee Harrison, Esquire
501 Equitable Building
Towson, Maryland 21204

Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 1st day of May, 1978

Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: George M. Byrnes
Petitioner's Attorney: Louis H. Harden
Reviewed by: Nicholas E. Commodari
Nicholas E. Commodari
Chairman, Zoning Plans
Advisory Committee

Kidd Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

MICROFILMED

79-57-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: August 21, 1978

Posted for: PETITION FOR RECLASSIFICATION

Petitioner: GEORGE M. BYRNES, ET AL

Location of property: NW 1/4 of MILEBROOK RD. 280' SW of
MILEBROOK INDUSTRIAL RD.

Location of Signs: FRONT 432.0 MILEBROOK RD.

Remarks:

Posted by: Thomas F. Roland Date of return: August 23, 1978

MICROFILMED

1-SIGN

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>			Revised Plans: Change in outline or description		Yes		No			
Previous case: <i>N</i>			Map # <i>NW66</i>							

MICROFILMED

79-57-R

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: Oct. 24, 1978

Posted for: APPEAL

Petitioner: GEORGE M. BYRNES, ET AL

Location of property: NW 1/4 of MILEBROOK RD. 280' SW of
MILEBROOK INDUSTRIAL RD.

Location of Signs: INSIDE FRONT WINDOW 432.0 MILEBROOK RD.

Remarks:

Posted by: Thomas F. Roland Date of return: Oct. 26, 1978

MICROFILMED

1-SIGN

CERTIFICATE OF PUBLICATION

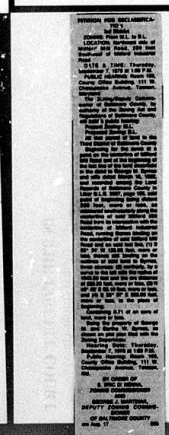
TOWSON, MD. August 17, 1978.

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 or about the 15th day of August, 1978, the 12th day of August, 1978.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$.....

MICROFILMED



OFFICE OF THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 August 17 1978

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR RECLASSIFICATION - Geo. M. Byrnes was inserted in the following:

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 18th day of August, 1978, that is to say, the same was inserted in the issue of August 17, 1978

MICROFILMED

STROMBERG PUBLICATIONS, INC.
BY: *Ester Burge*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 17th day of
MARCH 1978. Filing Fee \$ 50.00 Received ☒ Cash
Other

Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: GEORGE M. BYRNES Submitted by: Lee H. Harden
Petitioner's Attorney: Lee H. Harden Reviewed by: *[Signature]*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76079

DATE: Sept. 14, 1978 ACCOUNT: 01-666

AMOUNT: \$75.00

RECEIVED BY: *[Signature]*
FROM: *[Signature]*
FOR: Cost of Advertising and Posting for Case No. 79-57-R

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73528

DATE: Sept. 25, 1978 ACCOUNT: 01-666

AMOUNT: \$229.07

RECEIVED BY: *[Signature]*
FROM: *[Signature]*
FOR: Cost of Advertising and Posting for Case No. 79-57-R

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73446

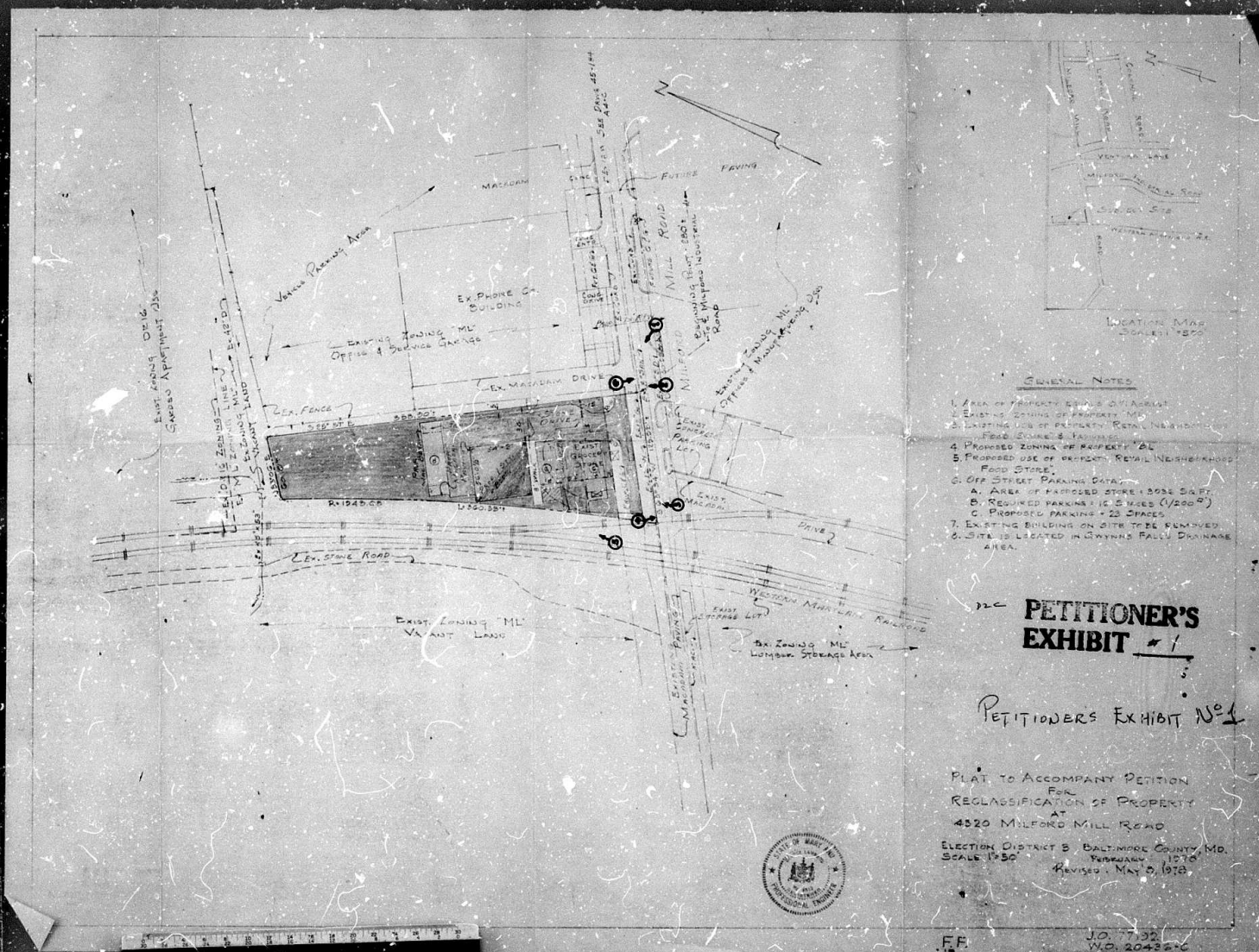
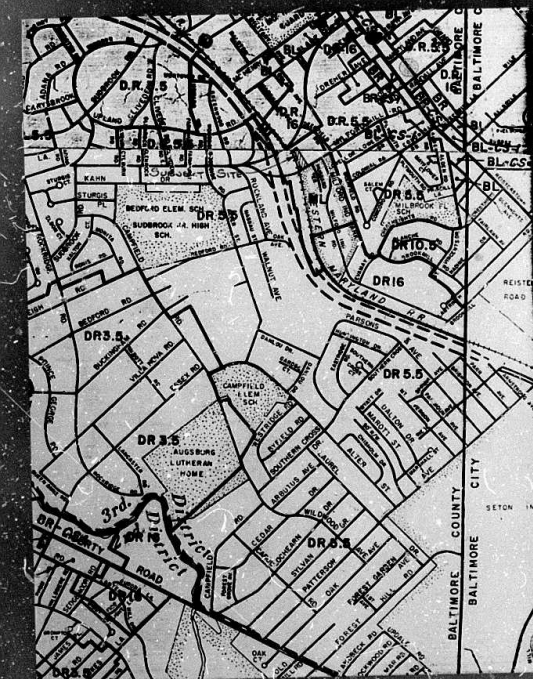
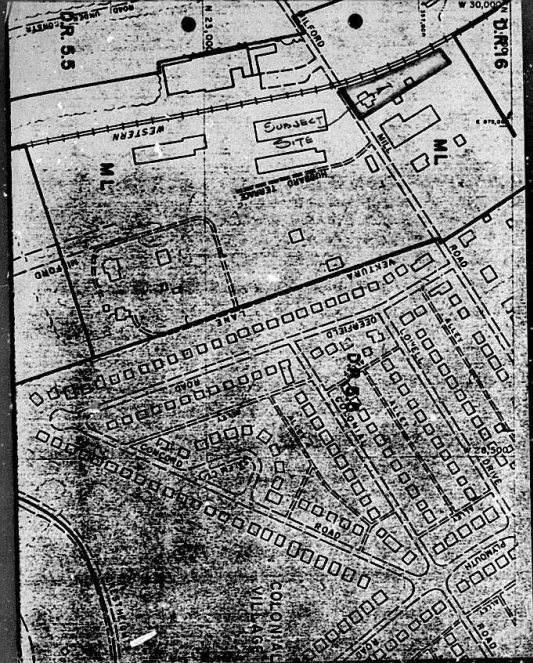
DATE: August 9, 1978 ACCOUNT: 01-666

AMOUNT: \$50.00

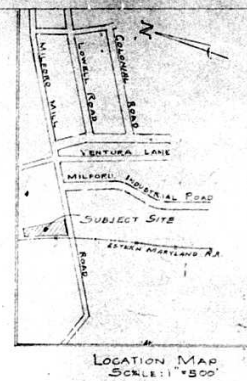
RECEIVED BY: *[Signature]*
FROM: *[Signature]*
FOR: Filing Fee for Case No. 79-57-R

VALIDATION OR SIGNATURE OF CARRIER





OCT 14 1983



J.O. 77192
W.O. 20436-C

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, George M. Byrnes, Esquire, W. Lee Harrison, III, Esquire, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from M.L. to B.M. and (2) for a special exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for miscellaneous purposes.

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, etc., upon filing of this petition, and further agree to and are to be bound by the zoning laws and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

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, etc., upon filing of this petition, and further agree to and are to be bound by the zoning laws and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

George M. Byrnes
W. Lee Harrison, III
Bartha W. Byrnes
Address: 4320 Milford Mill Road
Pikesville, Maryland 21208

W. Lee Harrison, Esquire
Address: 503 Equitable Building
Towson, Maryland 21204 (332-8812)

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of September, 1978, 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 106, County Office Building in Towson, Baltimore County, on the 7th day of September, 1978, at 1:00 o'clock P.M.

George J. Martinak
Zoning Commissioner of Baltimore County
(over)

RE: PETITION FOR RECLASSIFICATION IN THE
from M.L. to B.M.
NW/5 Milford Mill Road 280'
SW of Milford Industrial Road
3rd District
George M. Byrnes, et ux
Petitioners
WAWA, INC.
(Frederick S. Schroeder)
Contract Purchaser
Case No. 79-57-R
People's Counsel for
Baltimore County
Appellants
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 11
Folio No. 311
File No. 6861

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2 (d) of the Maryland Rules of Procedure; Robert L. Gilland, William T. Hockett and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it; namely, W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. C. and Mrs. George M. Byrnes, 4320 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Hession, Esquire, County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County
Room 219, Courthouse, Towson, Md. 21204
494-3182

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to W. Lee Harrison, Esquire, 306 West Joppa Road, Towson, Maryland 21204, Attorney for the Petitioner, and Mr. and Mrs. George M. Byrnes, 4320 Milford Mill Road, Pikesville, Maryland 21208, Petitioners, and John W. Hession, Esquire, County

Byrnes v. People's Counsel - 11/31/6861

Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, on this 27th day of June, 1979.

Edith T. Eisenhart
Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Zoning, M. Campaigne
Planning, J. Howell

Case No. 79-57-R (Item No. 7)

George M. Byrnes, et ux
NW/5 of Milford Mill Rd., 280' SW of
Milford Industrial Rd. - 3rd District

1. Copy of Petition and Order Denied by the E.L.C. 9/28/78
2. Copy of Description of Property
3. Copy of Certificate of Posting
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance, John V. Hession, III
9. Copy of Order - Zoning/Deputy Zoning Commissioner
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits 1 to 2 Exhibit 1 - Plat
Exhibit 2 - 4 Photos & Description
17. Petitioners' Exhibits 1 to 2
18. Letter of Appeal
19. Aerial Map
20. Booklet about Wawa Inc.

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

Counsel for Petitioner

Mr. & Mrs. George M. Byrnes
4320 Milford Mill Rd.
Pikesville, Maryland 21208

Petitioners

John V. Hession, III, Esquire

People's Counsel

James E. Dyer

Request Notification

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(332-8812)

5, ENC. COUNCILMAN
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

September 28, 1978

RE: Petition for Reclassification
NW/5 of Milford Mill Road, 280' SW
of Milford Industrial Road - 3rd
Election District
George M. Byrnes, et ux -
Petitioners
NO. 79-57-R (Item No. 7)

Dear Mr. Harrison:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mr

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

KIDDE CONSULTANTS, INC.
Subsidiary of Walter Kidde & Company, Inc.

Circle KIDDE/NCB
New 8770
1000 Cornwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500

DESCRIPTION

Direct Dial Number

0.71 ACRE PARCEL, MORE OR LESS, NORTHWEST SIDE OF
MILFORD MILL ROAD, SOUTHWEST OF MILFORD
INDUSTRIAL ROAD, THIRD ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND.

This Description is for Reclassification to a "B.L." Zone

Beginning for the same at a point on the centerline of Milford Mill Road and at the beginning of the last line of the land described in the deed to George M. Byrnes and wife dated March 18, 1952, and recorded among the Land Records of Baltimore County in Liber G. L. B. 2087, page 156, said point of beginning being distant 280 feet, more or less, as measured southwesterly along the centerline of said Milford Mill Road from its intersection with the centerline of Milford Industrial Road, running thence binding on the centerline of said Milford Mill Road and on said last line, (1) S 63° 34' W 125.93 feet, more or less, thence still binding on the outlines of said land to Byrnes, three courses; (2) northerly, by a curve to the left with the radius of 1043.08 feet and the arc distance of 360.33 feet, more or less, (3) N 58° 06' E 60.10 feet, more or less,

KIDDE CONSULTANTS, INC.
Subsidiary of Walter Kidde & Company, Inc.

2.

and (4) S 25° 57' E 358.90 feet, more or less, to the place of beginning.

Containing 0.71 of an acre of land, more or less.

CAEmpp J.O. 1-77192 2/20/78
W.O. 20436-C

PETITION FOR RECLASSIFICATION

3rd District

ZONING: From M.L. to B.L.
LOCATION: Northwest side of Milford Mill Road, 280 feet Southwest of Milford Industrial Road
DATE & TIME: Thursday, September 7, 1978 at 1:00 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning/Deputy Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present: Senator M.L.
Proposed: Senator B.L.

All that parcel of land in the Third District of Baltimore County

Being the property of George M. and Bartha W. Byrnes, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, September 7, 1978 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. FRIC DE NEVINS, ZONING COMMISSIONER
AND
GEORGE J. MARTINAK, DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

the above Reclassification should be had; and it further appearing that by reason of...

a Special Exception for a... should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this... day of... 197...

and the same is hereby reclassified; from a... zone to a... zone, and/or a Special Exception for a... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to prove error in the original zoning map...

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this... day of... 197...

and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE September 28, 1978

BY [Signature]

Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR RECLASSIFICATION
FROM AN M.L. ZONE TO A B.L. ZONE
4130 Milford Mill Road
3rd Election District
George M. Byrnes and
Bertha P. Byrnes

MEMORANDUM
TO THE ZONING COMMISSIONER
FROM THE ZONING COMMISSIONER

The Petitioners respectfully request that the property described in said application be reclassified from an M.L. zone to a B.L. zone for the following reasons:

1. That said property is immediately adjacent to the right-of-way of the Western Maryland Railroad, which forms its westernmost boundary.

2. That it is abutted on the easternmost side by a sub station and offices of the C & P Telephone Company.

3. That immediately to the east of the C & P Telephone Company property is the yard and retail store of Western Mill and Lumber Company which conducts a retail operation as well as storage of lumber and mill work.

4. That directly across Milford Mill Road from the subject property is the premises of Major Mechanical, Inc. and the real estate offices of Richard Bolman, all of which are used as offices and conducting operations of a commercial nature.

5. Also located thereon are the offices and salesroom of Richard M. Horey which conducts a retail outlet for the sale of kitchen cabinets.

6. Also on the opposite side of the road there is proposed and under construction a new facility for the manufacture and sale of Mrs. Posey's Cheesecake.

7. On the northwest corner of the Western Maryland Railroad right-of-way and Milford Mill Road, there presently exists the Pikeville Lumber Company which also conducts retail sales from its premises. This property is designated as a station for the

WEINBERG AND GREEN
BALTIMORE, MD. 21204

Rapid Transit Subway and/or Railroad and is expected to be constructed within the next two years.

8. That Milford Mill Road is to be closed off at this location and relocated to the north of subject property and will overpass the right-of-way of the Western Maryland Railroad.

9. That subject property was erroneously placed in an M.L. zone since it has continuously been operated as a neighborhood grocery store since it was acquired by the Petitioners in 1952; and even prior thereto, since it was constructed and operated as Baker's General Store.

W. Lee Harrison
Equitable Building
41 Washington Avenue
Towson, Maryland 21204
332-8812
Attorney for Petitioners

WEINBERG AND GREEN
BALTIMORE, MD. 21204

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 464-3351
ERIC DINENNA
ZONING COMMISSIONER

August 31, 1978

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/4 of Milford Mill Rd., 280' SW of Milford Industrial Rd. - 3rd District
George M. Byrnes, et ux - Petitioners
No. 79-57-R

Dear Sir:

This is to advise you that \$75.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mr. Campagna, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

[Signature]
Eric Dinenna
Zoning Commissioner

SEB/mc

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification, NW/4 of Milford Mill Rd., 280' SW of Milford Industrial Rd. - 3rd District, George M. Byrnes, et ux - Petitioners, Case No. 79-57-R

DATE: 1:00 P.M.

DATE: Thursday, September 7, 1978

PLACE: ROOM 105 COUNTY OFFICE BUILDING, 111 W. CHRISTIAN AVENUE,

TOWSON, MARYLAND

[Signature]
Deputy Zoning Commissioner of Baltimore County

BALTIMORE OFFICE
W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204
332-8812

TOWSON OFFICE
W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204
332-8812

LAW OFFICES
WEINBERG AND GREEN
NINETEENTH FLOOR
10 LIGHT STREET
BALTIMORE, MD. 21202

332-8812
October 10, 1978

S. Eric Dinenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification, NW/4 of Milford Mill Road, 280' SW of Milford Industrial Road - 3rd Election District, George M. Byrnes, et ux - Petitioners, Case No. 79-57-R (Item No. 7)

Dear Mr. Dinenna:

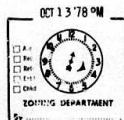
Please note an appeal to the County Board of Appeals from the decision and order dated September 28, 1978, denying the Reclassification in connection with the above captioned Petition.

I enclose herewith check in the amount of \$75.00 to cover the costs of said appeal.

Very truly yours,

[Signature]
W. Lee Harrison

b/enc.



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 464-3351
S. ERIC DINENNA
ZONING COMMISSIONER

October 16, 1978

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/4 of Milford Mill Rd., 280' SW of
Milford Industrial Road - 3rd District
George M. Byrnes, et ux - Petitioners
No. 79-57-R (Item No. 7)

Dear Mr. Hession:

Please be advised that an appeal has been filed by W. Lee Harrison, Esquire, in behalf of the Petitioner, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

[Signature]
S. Eric Dinenna
Zoning Commissioner

SEB/mc

494-3180
7/4/78

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 8, 1979



W. Lee Harrison, Esq.
503 Equitable Building
Towson, Maryland 21204

Re: Reclassification Petition
79-57-R - George M. Byrnes, et ux
WAWA, Inc.

Dear Mr. Harrison:

Enclosed please find a copy of the re-entitled enacted Bill 122-78 which affects your petition. No further hearing on reclassification petition will be held until the petitioner advise the Board as to their intentions within the purview of this act.

Your prompt reply is necessary.

Very truly yours,

[Signature]
Walter A. Reiter, Jr., Chairman

WAWA
Enclosure: Bill 122-78
cc: Mr. and Mrs. George M. Byrnes
John W. Hession, III, Esq.
Mr. S. E. Dinenna
Mr. George MacLennan
Mr. James E. Dyer
Mr. Leslie Groff
Mr. Gary Burt
Board of Education
Mrs. Carol Berish

FEB 15 1980

W. Leo Harrison, Esq.
600 W. Avenue Road
Towson, Maryland 21204

May 28, 1978

See Case No. 79-57-R
County of Baltimore, Md.

Dear Mr. Harrison:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

W. Leo Harrison, Esq.

Enclosure
cc: Mr. and Mrs. George M. Byrnes
John W. Harrison, Esq., Rep.
Mr. James L. Byer
Mr. L. Conrad
Mr. J. Hensel
Mr. William L. Hymowitz
Board of Education



George M. Byrnes - #79-57-R

4.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilliland, Acting Chairman

William T. Hackett

John A. Miller

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

RE: PETITION FOR RECLASSIFICATION :
from M.L. to B.L. :
NW/4 Millford Mill Road 280' :
SW of Millford Industrial Road :
3rd District :
George M. Byrnes, et ux :
Petitioners :
WAWA, INC. :
(Frederick S. Schroeder) :
Contract Purchaser :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 79-57-R :
BEFORE :

OPINION

This case comes before this Board on appeal from an Order of the Deputy Zoning Commissioner denying the requested zoning reclassification of this property from M.L. zoning to B.L. zoning, to permit the erection of a retail grocery store. The subject property is located on the northwest side of Millford Mill Road 280 feet southwest of Millford Industrial Road, and contains .71 acre, more or less.

Testimony presented in this case confirms the following description of the subject site and surrounding properties. The subject site fronts 126 feet on Millford Mill Road, has an average depth of 360 feet, narrows in the rear to a width of 60 feet, and contains .71 acre. The subject property is now improved by a two-story frame structure containing a general grocery-meat market store on the first level, and a living area on the second level. The north side of the property abuts D.R. 16 zoning. The west side abuts the Western Maryland Railroad tracks. To the west of these tracks there is vacant land zoned M.L. To the south of the property there is an industrial park zoned M.L. The subject property is, therefore, encircled by M.L. zoning except for its 60 foot long northern boundary abutting the D.R. 16 zoning. From just this raw description of the subject property B.L. zoning would seem inappropriate, but testimony presented several mitigating circumstances to be considered.

Mr. Byrnes, the property owner, testified that he has owned and operated this business continuously since 1950, but was not aware that since 1971 he has been operating as a non-conforming use rather than a legally zoned use. Mr. Byrnes, being 64 years old and in questionable health, offered his property for sale and these problems

George M. Byrnes - #79-57-R

2.

then surfaced. Mr. Byrnes stated that he personally knows that this property was a retail grocery store in 1940, and that this use probably goes back further than that. It seems to this Board that continuous documented single use of a property for some forty years indicates a need for this use in the area. While placing the necessary zoning on a small parcel to match its long time use may in the broad sense be "spot zoning," does not the continuous use of this property deserve some consideration? Spot zoning is frowned upon in modern day zoning and planning procedures, however, in fact, the use to which the subject property is to be put already exists and has existed at the subject site for over forty years. The Courts have long recognized instances of good spot zoning as well as instances of bad spot zoning. Because of the circumstances in this instance, it is the judgment of the Board that this would be an example of good spot zoning. It is the opinion of the Board that the Council erred when they did not recognize the existing use at the subject site and zone same in a business classification, so as to allow the continued retail use of this small parcel, when in 1971 legislation prohibited for the first time retail use, per se, in industrial classifications. In this Board's opinion, any single type small business that has survived for this length of time in today's society, without a single complaint, has evidenced that whatever use it enjoys should also be the zoning classification it should enjoy.

Testimony from expert witnesses indicated little value to the subject site if retained in the M.L. classification. The size of the subject site is generally too small for normal M.L. uses. The Western Maryland Railroad to the west negates its value in that direction. All abutting properties on the south and east are fully developed and, therefore, reduce its marketability in these areas. A grocery store is a retail use and testimony indicated several nearby retail uses in the area; i.e., Mrs. Posey's bakery products; Richard M. Horsey, Inc., retail outlet for kitchen improvements; and Western Mill and Lumber Co., to cite examples. Noting these retail uses in this area, a grocery store retail use does not seem to be completely out of character. It might also be noted at this point that to rezone a property from M.L. to B.L. in order to accommodate its already established use is not unheard of; for example, Golden Ring and Security Malls were rezoned B.M. for this reason. The subject property enjoyed its continuous use

George M. Byrnes - #79-57-R

3.

long before the existence of either of these.

Mr. Moore, a traffic expert, testified that B.L. zoning on this site would increase trip densities from 71 to 350 trips per day, and would compound existing traffic problems at Millford Mill Road and Reisterstown Road, and at Seven Mile Lane and Reisterstown Road. While chart figures may indicate this, logic does not. The Petitioner's desire is to replace a grocery outlet with a grocery outlet, and logic says that there would be little, if any, traffic increase. A look at Petitioner's Exhibit No. 2 confirms this opinion. This aerial photo shows a large number of homes, townhouses and apartments between the two troublesome intersections. If the residents in all of these myriad dwellings decided to use the subject site for their shopping instead of using the mentioned two intersections, traffic problems at these intersections may actually decrease. The Board finds no logic in this instance in estimating trip densities on zoning classification alone when the use remains identical.

After reviewing all of the testimony presented in this case, carefully studying all the exhibits and considering the existing circumstances connected with it, it is the opinion of this Board that the Petitioner's request is a reasonable one and that, especially due to its long continuous use as a grocery store, the subject property should have been zoned B.L. to allow this use, and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of May, 1978, by the County Board of Appeals, ORDERED that the Deputy Zoning Commissioner's Order of September 20, 1978, be reversed, and that the reclassification petitioned for, be and the same is hereby GRANTED, subject to the following restriction:

That the proposed use of the subject property be in conformity with the proposed use as evidenced on Petitioner's Exhibit No. 1, Plat prepared by George Lombos, dated May 8, 1978.



April 21, 1978

Mr. Eric S. DiNenna: Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #7, Zoning Cycle, April 1978, are as follows:

Property Owner: George M. and Bertha W. Byrnes
Location: NW/4 Millford Mill Road 280' SW Millford Industrial Road
Existing Zoning: M.L.
Proposed Zoning: B.L.
Acre: 0.71
District: 3d

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Winkley
Planner III
Current Planning and Development

W. Leo Harrison, Esquire
600 Equitable Building
Towson, Maryland 21204

Item #7

County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 1st day of May, 1978

Eric S. DiNenna
Zoning Commissioner

Petitioner: George M. Byrnes
Petitioner's Attorney: W. Leo Harrison

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plan-
Advisory Committee

Eric S. DiNenna, Inc.
1000 Cromwell Bridge Road
Baltimore, Maryland 21204

FEB 15 1980

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1978

COUNTY OFFICE BUILDING
111 N. Chesapeake Street
Towson, Maryland 21204

who
Nicholas B. Commodari
Chairman

W. Lee Harrison, Esquire
503 Equitable Building
Towson, Maryland 21204

RE: Cycle III
Reclassification Petition
Item Number 7
Petitioner - George M. Byrnes

Dear Mr. Harrison:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Located at the northeast corner of Milford Hill Road and the Western Maryland Railroad, this M.L. zoned property is presently improved with a two-story frame grocery store/deli. Surrounding properties to the east and south are also zoned M.L. and are improved with a telephone company service center and offices, respectively, while vacant M.L. zoned land and apartments exist to the west and north.

This use apparently enjoys a nonconforming status; however, because of your client's proposal to raise this structure and construct a new one-story building, this Reclassification is required.

W. Lee Harrison, Esquire
Page 2
Item Number 7
May 1, 1978

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plans, as may have been requested by this Committee, shall be submitted to this office prior to June 1, 1978 in order to allow time for final Committee review and advertising. All changes must be accompanied by a cover letter indicating these corrections. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between September 1, 1978 and October 15, 1978 will be forwarded to you well in advance.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI

Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Kiddo Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204

THOMAS H. HEINCKE, P.E.
DIRECTOR

April 20, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #7 (Cycle III April-October 1978)
Property Owner: George M. & Bertha W. Byrnes
1915 Milford Hill Rd. 280' S/W Milford Industrial Rd.
Existing Zoning: M.L.
Proposed Zoning: B.L.
Acres: 0.71 District: 3rd

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Milford Hill Road-Slide Avenue Relocation, a State Highway Administration project, lies immediately north of this site.

Milford Hill Road, an existing public road, is proposed to be improved in the future as a 50-foot closed section roadway on a 70-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drainage:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Corrective of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Item #7 (Cycle III April-October 1978)
Property Owner: George M. & Bertha W. Byrnes
Page 2
April 20, 1978

Water and Sanitary Sewer:

There is a public 12-inch water main, and a public 8-inch sanitary sewer (cast iron, and formerly a force main) in Milford Hill Road.

Very truly yours,

Edward M. Dwyer
EDWARD M. DWYER, P.E.
Chief, Bureau of Engineering

END:EAM:FWH:se

cc: J. Trimmer
J. Somers

C-5W Key Sheet
24 NW 20 Pos. Sheet
NW 6 E Topo
78 DEC Map

April 13, 1978

Mr. S. Eric DiMenna
Zoning Commissioner
First Floor, County Office Building
Towson, Maryland 21204

Re: Item #7 - ZAC - Cycle 3 - April, 1978
Property Owner: George M. & Bertha W. Byrnes
Location: NW/8 Milford Hill Rd. 280' SW Milford Industrial Road
Existing Zoning: M. L.
Proposed Zoning: B. L.
Acres: 0.71
District: 3rd

Dear Mr. DiMenna:

The subject petition is requesting a change from M. L. to B. L. of 0.71 acres.

This should increase the trip density from 71 to 350 trips per day. Although this is a small increase in numbers, it does compound the existing traffic problems which exist along Milford Hill Road as well as with its intersection with Reisterstown Road.

Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRM/sea

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 21, 1978

Mr. S. Eric DiMenna
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item #7, Zoning Advisory Committee Meeting for Cycle III, are as follows:

Property Owner: George M. & Bertha W. Byrnes
Location: NW/8 Milford Hill Rd. 280' SW Milford Industrial Rd.
Existing Zoning: M.L.
Proposed Zoning: B.L.
Acres: 0.71
District: 3rd

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Donald J. Roop
DONALD J. ROOP
BUREAU OF ENVIRONMENTAL SERVICES

JMR/SLH

cc: J. J. Minter

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204

Paul H. Heincke
Chief

Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: George M. & Bertha W. Byrnes
Location: NW/8 Milford Hill Rd. 280' SW Milford Industrial Rd.

Item No. 7 Zoning Agenda Cycle III

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle stand on condition shown at _____

~~within the maximum allowed by the Fire Department.~~

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *HTP*Noted and Approved: *Paul H. Heincke*

Special Inspection Division

Fire Prevention Bureau

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204

JOHN B. SHERR

DIRECTOR

April 6, 1978

Mr. S. Eric DiMenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiMenna:

Comments on Item #7, Zoning Advisory Committee Meeting, are as follows:

Property Owner: Retail Neighborhood Food Store
Location: Milford Hill Road & Western Maryland railway
Existing Zoning: M.L.
Proposed Zoning: B.L.

Acres: 0.71

District: 3

The items checked below are applicable:

X A. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and other applicable codes.

X B. A building permit shall be required before construction can begin.

X C. Additional zoning and miscellaneous shall be applied.

D. Building shall be upgraded to new use - requires alteration permit.

E. Three sets of construction drawings will be required to file an application for a building permit.

X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

G. Wood frame walls are not permitted within 3'0" of a property line.

H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

I. No Comments.

J. Comments:

Very truly yours,

Charles E. Sumner
Charles E. Sumner
Plans Review Chief

CRJ

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 24, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: Cycle III

RE: Item No: 7
Property Owner: George M. & Bertha W. Byrnes
Location: NW/4 Milford Mill Rd. 280' SW Milford Industrial Road
Present Zoning: M.L.
Proposed Zoning: B.L.

District: 3rd
No. Acres: 0.71

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

NNP/np

JOSEPH M. HUGHES, PRESIDENT
V. BAYARD WILLIAMS, JR., VICEPRESIDENT
HAROLD M. BURNHAM
THOMAS H. ROYER
MRS. LORRAINE P. CHURCH
ROBERT S. HAYDEN
ALVIN LORECK
MRS. WILTON R. BRIDG, JR.
RICHARD W. TRACET, D.V.M.
ROBERT V. DUNEL, SUPERINTENDENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas B. Commodari, Zoning Date: April 18, 1978
FROM: Rosellen J. Plant, Industrial Development Commission
SUBJECT: No. 7, Property Owner: George M. & Bertha W. Byrnes
Location: NW/4 Milford Mill Rd. 280' SW Milford Industrial Rd.
Existing Zoning: M. L.
Proposed Zoning: B. L.

The Industrial Development Commission is in agreement with the Baltimore County 1978 Comprehensive Zoning Map, as adopted by the County Council, in obvious cases of change of neighborhood or technical errors in the map.

Rosellen J. Plant
ROSELLEN J. PLANT

RJP:pk



OFFICE OF

THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 August 17 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR RECLASSIFICATION - Geo. M. Byrnes was inserted in the following:

- | | |
|---|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ St. Urban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 18th day of August 1978, that is to say, the same was inserted in the issues of August 17, 1978

STROMBERG PUBLICATIONS, INC.

By *Ester Burger*

CERTIFICATE OF PUBLICATION

TOWSON, MD. AUGUST 17, 1978
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. successively weeks before the 23rd day of September 1978, the 19th publication appearing on the 12th day of September 1978.

THE JEFFERSONIAN
Richard Smith
Manager
Cost of Advertisement, \$.....

PETITION MAPPING PROGRESS SHEET						
FUNCTION	Visit Map	Original	Duplicate	Tracing	200 Sheet	
	date	by	date	by	date	by
Descriptions checked and outline plotted on map						
Petition number added to outline						
Denied						
Granted by ZC, BA, CC, CA						
Reviewed by <i>SP</i>						
Previous case: <i>N</i>						
Revised Plans: Change in outline or description						
Map # <i>AW6E</i>						

79-54-R

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *3rd* Date of Posting: *August 11, 1978*

Posted for: *PETITION FOR RECLASSIFICATION*

Petitioner: *George M. Byrnes, et al*

Location of property: *NW/4 of Milford Mill Rd. 280' SW of Milford Industrial Rd.*

Location of Sign: *FRONT 4320' Milford Mill Rd.*

Remarks: *1-5 Poland* Date of return: *August 13, 1978*

Posted by: *1-5 Poland* Signature

1-SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76079

DATE: *Oct. 16, 1978* ACCOUNT: *01-662*

AMOUNT: *\$75.00*

RECEIVED: *Stromberg & Green*

FOR: *303 Mable Building*

FOR: *Towson, Md. 21204*

Cost of Advertisement and Posting for Case No. 79-54-R

DATE: *10-17-78* 75.00

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73528

DATE: *Sept. 25, 1978* ACCOUNT: *01-662*

AMOUNT: *\$209.07*

RECEIVED: *Walt, Inc., Wm. Pa. 19063*

FOR: *Cost of Advertisement and Posting for Case No. 79-54-R*

DATE: *9-25-78* 209.07

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this *17th* day of *MARCH* 1978. Filing Fee \$ *50.00* Received ☒ check ☐ cash ☐ other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: *George M. Byrnes* Submitted by: *Lee Hadden*
Petitioner's Attorney: *Lee Hadden* Reviewed by: *[Signature]*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73446

DATE: *August 9, 1978* ACCOUNT: *01-662*

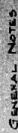
AMOUNT: *\$50.00*

RECEIVED: *Barbara Hender*

FOR: *Filing Fee for Case No. 79-54-R*

DATE: *8-9-78* 50.00

VALIDATION OR SIGNATURE OF CASHIER



1. AREA OF PROPERTY EQUALS 0.1 ACRES.
2. EXISTING ZONING OF PROPERTY "M1"
3. EXISTING USE OF PROPERTY "RETAIL NEIGHBORHOOD"
4. PROPOSED ZONING OF PROPERTY "B1"
FEED STORE & "MINI-MART"
5. PROPOSED USE OF PROPERTY "RETAIL NEIGHBORHOOD"
FEED STORE
6. OFF STREET PARKING SPACES 50+.
7. AREA OF PROPOSED DRIVE - 30' X 50' (1/200 A.)
8. PROPOSED PARKING - 23 SPACES
9. EXISTING BUILDING ON SITE TO BE REMOVED
10. SITE IS LOCATED IN GOWINS FALLS DRAINAGE AREA.

REVENUE PLANS



PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY

RECLASSIFICATION OF PROPERTY:
AT
4320 MILFORD MILL ROAD
ELECTION DISTRICT 3 BALTIMORE COUNTY, MD.
SCALE 1"=50' FEBRUARY 1978
REVISED: MAY 2, 1978

J.O. 77192
W.O. 20436-C

44



GENERAL NOTES

1. AREA OF PROPERTY EQUALS 0.71 ACRES?
2. EXISTING ZONING OF PROPERTY IS COMMERCIAL NEIGHBORHOOD
3. EXISTING ZONING OF ADJACENT RETAIL NEIGHBORHOOD
4. PROPOSED ZONING IS COMMERCIAL
5. PROPOSED ZONING OF PROPERTY IS "B1"
6. PROPOSED USE IS "RETAIL"
7. PROPOSED RETAIL NEIGHBORHOOD
8. PROPOSED FOOD STORE
9. OFFICE BUILDING, OFFICE
10. AREA OF PROPOSED STORE, 2000 SQ FT
11. REQUIRED PARKING 10 SPACES (1/2000)
12. PROPOSED PARKING 12 SPACES
13. EXISTING BUILDING ON SITE TO BE REMOVED
14. SITE IS LOCATED IN OTHER FALLS DOWNS

...tore

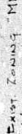
G. OFF STREET PARKING DATA:
 A. AREA OF PAVED STORE + 30% SLOFT
 B. REQUIRED PARKING = 16 SPACES (1/200')
 C. PROPOSED PARKING = 25 SPACES
 7. EXISTING BUILDING ON SITE TO BE REMOVED
 D. SITE IS LOCATED IN SWYNN'S FALLS DRAINAGE AREA

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
AT
4320 MILFORD MILL ROAD

ELECTION DISTRICT 3 BALTIMORE COUNTY, MD.
FEBRUARY, 1978

44

J.O. 77192
W.O. 20435 C



FEB 15 1980