

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, HOME EXTERMINATING COMPANY, contract purchaser 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 for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a continuing non-conforming use as a storage facility with adjoining office.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, HOME EXTERMINATING COMPANY, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser
Legal Owner
Address: Home Exterminating Company
309 Southern Avenue
Baltimore, Maryland 21201
Protestant's Attorney

Ordered by the Zoning Commissioner of Baltimore County, this 1st day of November, 1978, that the subject matter of this petition be supported as required by the Zoning Law of Baltimore County, in two papers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of November, 1978, at 1:00 o'clock P.M.

Eric DiNenna
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 491-3283

S. ERIC DINENNA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

November 2, 1978

RE: Petitioner for Special Hearing
244.61' N of Bucks Schoolhouse Road,
1660' SE of White Marsh Road -
14th Election District
Home Exterminating Company -
Petitioner
NO. 79-88-SPH (Item No. 17)

Dear Mr. Briscandine:

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

Very truly yours,

Eric DiNenna
GEORGE J. MARTINAK
Deputy Zoning Commissioner

CJM:nr

Attachments

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

RE: PETITION FOR SPECIAL HEARING
244.61' N of Bucks Schoolhouse Road
1660' SE of White Marsh Road -
14th Election District
Home Exterminating Company -
Petitioner
NO. 79-88-SPH (Item No. 17)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Hearing to determine whether or not a nonconforming use as a "storage facility with adjoining office" should be approved for the subject location.

The subject property is improved with a one-story masonry building, is situated on a lot comprising approximately 1.07 acres, and is zoned D.R.3.5. The owner wishes to use it for an office and storage facility for his exterminating business, said storage to consist of various chemical substances and equipment used in the exterminating business.

Testimony at the hearing indicated that the building has had a number of varied uses over a period of approximately 40 years. Mr. Walter A. Tilley, President of the Home Exterminating Company, testified that the Clover Bottling Company used the property from 1937 to 1968; that in 1968 it was sold to a Mr. John Watts, who used it for the repair and storage of school buses; that in 1971 it was used by a feed company; and that, at some later date, a home improvement company occupied the building. Mr. Tilley indicated that, at this time, Pepperidge Farm uses the building as a warehouse for bakery goods.

It appears to be Mr. Tilley's contention that all of the enumerated uses are substantially the same, since they involve some storage of goods and an office. It should be noted that even if this hypothesis were accepted, the prior use of the property, i.e., the repair and storage of motor vehicles,

would have been sufficient cause for the loss of a warehouse storage use, as would a contracting business.

The right of an owner to continue a nonconforming use does not confer the privilege of subsequently changing the use because of some shared similarity in uses. The Courts have been found to generally disapprove a substantial change from one nonconforming use to another which is new and different.

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the burden of proof has not been met by the Petitioner and the Special Hearing to approve a nonconforming use as a storage facility with adjoining office should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 2nd day of November, 1978, that the herein Petition for the aforementioned Special Hearing should be and the same is hereby DENIED.

Eric DiNenna
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE: November 2, 1978
BY: *John W. Hession, III*
PEOPLES COUNSEL

March 8, 1979

Robert J. Romanick, Esq.
809 Eastern Boulevard
Baltimore, Md. 21221

Re: File No. 79-88-SPH
Home Exterminating Company

Dear Mr. Romanick:

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,

Marcel E. Rudenstein

Encl.

cc: Mr. Walter A. Tilley
Thomas J. Bollinger, Esq.
Mr. S. E. DiNenna
Mr. James E. Dyer
Mr. Leslie H. Groff
Mr. James Howell

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

July 17, 1978

Zoning Description

All that piece or parcel of land situate, lying and being in the fourthteenth Election District of Baltimore County, State of Maryland and described as follows to wit:
Beginning for the same at an iron pipe at the northeast end of a 20 foot Right of Way heretofore laid out, distant North 10 degrees 32 minutes East 244.61 feet measured along the east side of said 20 foot Right of Way from a point on the north side of Bucks School House Road, said point being distant 1660 feet more or less measured along the east and north sides of White Marsh Road, thence running from said place of beginning and binding on the property lines of the land of John H. West and wife, the four following courses and distances to wit: North 10 degrees 32 minutes East 286.11 feet, North 74 degrees 30 minutes West 170.5 feet, South 10 degrees 32 minutes West 253 feet and South 79 degrees 23 minutes East 170 feet to the place of beginning.

Containing 1.07 Acres of land more or less.

Being the land of John H. West and wife as shown on a plat filed with the office of the zoning commissioner.



John Francis Etzel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
October 13, 1978
TO: _____
Leslie H. Groff
PEOPLES Director of Planning
ITEM # 17
SUBJECT: Petition for Special Hearing #79-88-SPH
Beginning 244.61 feet North of Bucks Schoolhouse Rd., 1660 feet Southeast of White Marsh Road
Petitioner - Home Exterminating Company

14th District
HEARING: Monday, October 16, 1978 (1:00 P.M.)

If the determination is made that this is a non-conforming use, it is suggested that compliance with the comments of the Department of Health be made a part of the order.

Leslie H. Groff
Leslie H. Groff
Director of Planning

LHG:JGH:nw

RE: PETITION FOR SPECIAL HEARING : REFORE THE
244.61' N of Bucks Schoolhouse Road : ZONING COMMISSIONER
1660' SE of White Marsh Road : OF
14th Election District : BALTIMORE COUNTY
Home Exterminating Company : No. 79-88-SPH
Petitioner : (Item No. 17)

NOTICE OF APPEAL

Please enter an appeal to the Order of the Deputy Zoning Commissioner of Baltimore County dated November 2, 1978 and forward same to the County Board of Appeals.

Robert J. Romadka
809 Eastern Boulevard
Baltimore, Maryland 21221
686-8274

ATTORNEY FOR PETITIONER

THIS IS TO CERTIFY this 15th day of November, 1978, that copies of the foregoing Notice of Appeal was mailed to the County Board of Appeals, County Office Building, Towson, Maryland 21204 and John W. Hessian, III, Esq., People's Counsel, County Office Building, Towson, Maryland 21204.

Robert J. Romadka



Home Exterminating Company - #79-88-SPH

ORDER

Based upon the evidence presented to the Board, the Board is satisfied and will so find that the property, by virtue of continuous use since prior to the adoption of the first zoning regulations in Baltimore County, enjoys a legal non-conforming use. This legal non-conforming use is limited as follows:

1. The existing improvement enjoys a legal non-conforming use for warehouse storage in the rear one-half of this building, and for offices incident to the warehouse and storage facility in the front half of the subject improvement.
2. There exists a legal non-conforming use for business parking along the front and east sides of the subject improvement.
3. There exists a legal non-conforming use for the overnight parking of no more than four (4) commercial-type trucks along the east side of the subject improvement.

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

Walter A. Seiler, Jr., Chairman

John A. Miller

William T. Hackett

RE: PETITION FOR SPECIAL HEARING : BEFORE
for Continuing Non-Conforming Use : COUNTY BOARD OF APPEALS
244.61' N. of Bucks Schoolhouse Rd. : OF
1660' SE of White Marsh Road : BALTIMORE COUNTY
14th District : No. 79-88-SPH
Home Exterminating Company :
Petitioner : (Item No. 17)

OPINION

This case involves a request for a special hearing by a property owner for a determination as to whether or not the subject property enjoys a legal non-conforming use for a warehouse storage-type facility, with adjoining offices. The subject property is located approximately 244 feet north of Bucks Schoolhouse Road, and approximately 1660 feet southeast of White Marsh Road, in the 14th Election District of Baltimore County. A plot accompanying this request for a special hearing is in the file of this case, and same clearly delineates the subject property.

The owner of this property appeared before the Deputy Zoning Commissioner without counsel, and apparently was not cognizant of the burden of proof required in order to establish a non-conforming use for the subject property. Without such evidence the Deputy Zoning Commissioner was compelled to deny the affirmation of the non-conforming use. It is from this decision of the Deputy Zoning Commissioner that this appeal arises. There is not now, nor has there ever been any charge of an existing zoning violation brought by the County against the land use at the subject property.

The Board heard from two witnesses, one being the President of the Home Exterminating Company, the appellants in this hearing, and the other witness was a member of the family that formerly owned and operated the long time land use at the subject property. There were no other persons who offered testimony.

The subject property consists of approximately 1.07 acres and is zoned in its entirety D.R. 3.3. The subject property is improved by a commercial-type warehouse and office building that was built by the Regester family in 1937.

The current property owner seeks a ruling as to the non-conforming status

Home Exterminating Company - No. 79-88-SPH

2.

of this property because he wishes to borrow funds to make certain improvements to the subject property. When this current property owner sought to borrow these funds, the title company for the lender required that the legal non-conforming use claimed by this property owner be adjudicated. This requirement is the reason that the property owner seeks a ruling in this special hearing.

John W. Regester, the son of the builder of these improvements, testified as to his knowledge of the land use at the subject property. Mr. Regester now operates a 7-Up Bottling and Beverage Company in Hagerstown, Maryland. Mr. Regester told the Board that his father built the existing improvements in 1937, when he was seven years old. This witness had lived with his father and family in the residence that abuts the north side of Schoolhouse Road, and may be identified on the plot in the file as 4606 Bucks Schoolhouse Road. This witness told the Board that his father used this building for the manufacturing and warehousing of soft drinks and for the incident office area necessary for this business. The property was used approximately fifty percent for the warehouse manufacturing facilities, and approximately fifty percent for offices. His father used these premises continually from 1937 until he sold the company in 1953. The witness told the Board that the front and side of the subject property were used for parking incident to the operation of this facility, and that there were times throughout the utilization of this property that the trucks were parked overnight on this site along the east side of the building. The current owner told the Board that he purchased this property in July of 1978, but that he had lived next door at 4612 Bucks Schoolhouse Road since 1956. The property owner told the Board that he was very friendly with both Mr. Regester and the two subsequent owners of this facility, and through this friendship had visited this building on many occasions. He has been continuously familiar with the use of this building since 1956. He told the Board that the building had been used by the Regesters and the next subsequent owner for the warehousing, manufacturing and office facilities necessary for the beverage business.

In 1963 a Mr. Warts purchased this building, and thence used about half of the building for the warehouse and storage of feed, and about half of the building for

Home Exterminating Company - No. 79-88-SPH

3.

offices incident to his wholesale feed business. In addition, a part of the warehouse section of this building was leased to "Pepperidge Farm for the storage of cookies, and another section of the building was, for a time, leased to a home improvement company for the warehouse storage of siding and insulation. According to this witness, the warehouse and office use at the subject property has been continuous since 1936 through to the present. The present use, as presented to this Board, is for the storage of cookies by Pepperidge Farm, and for materials used in the property owner's exterminating business. About half of the structure is now used for warehousing, and approximately half of the structure is now used for offices. The property owner told the Board that all of the uses, including himself, have, on a continuous basis, parked at least four trucks overnight along the east side of the existing improvement.

Without further reviewing or detailing the testimony presented in this case, the Board is satisfied that there is sufficient evidence of warehousing and office use at the subject property since before the adoption of the Zoning Regulations on January 2, 1945 so as to rule that this property and improvement enjoys a legal non-conforming use for warehousing and storage in the rear one-half of the structure and incident office facilities to this warehouse and storage area in the front half of the building. Also, there is uncontradicted testimony that a non-conforming use is enjoyed for business parking at the front and side of the existing improvements, and for the overnight parking of no more than four trucks along the east side of the existing improvement. Obviously the former manufacturing utilization of the subject property has long ceased, and there no longer exists a legal non-conforming use for manufacturing purposes at the subject property. Likewise, no other commercial-type parking, overnight or otherwise, except as cited herein, can take place at the subject property. An Order to this effect follows hereafter.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chase Avenue
Towson, Maryland 21204

600

Nicholas B. Comnodari
Chairman

KENNEDY

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Public Relations
Health Department
Project Planning
Building Department
Board of Education
Planning Administration
Industrial Development

September 29, 1978

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Special Hearing Petition
Item No. 17
Petitioner - Walter A. Tilley,
President, Home Exterminating
Company

Dear Mr. Brizendine:

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 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 Commissioner with recommendations as to the suitability of the requested zoning.

Located in the rear of the property known as 4606 Bucks Schoolhouse Road, in the 14th Election District, this D.R. 3.3.5 zoned property is presently improved with a one-story block building. This Special Hearing is necessitated in order to prove that the proposed use of this building, i.e. office and storage facility for your client, is a legal nonconforming use as defined in Section 101 of the Baltimore County Zoning Regulations.

You and your client are advised to pay particular attention to the comments of the Health Department, as well as those comments of the Department of Traffic Engineering, which indicate that the entire driveway leading to this property from Bucks Schoolhouse Road must be at least 20 feet in width.

Austin W. Brizendine, Jr., Esquire
Page 2
September 29, 1978

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Comnodari
Chairman
Zoning Plans Advisory Committee

NBC/sf
Enclosure

cc: Gorbold, Cross & Etel
412 Delaware Avenue
Towson, Maryland 21204

THORNTON M. MOURING, P.E.
DIRECTOR

August 21, 1978

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

Re: Item #1: (1978-1979)
Property Owner: Home Extenuating Company
244.61' N. Bucks Schoolhouse Rd. 1600' SE White Marsh Rd.
Existing Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.
Acres: 1.07 District: 14th

Dear Mr. DiNenna:

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

General:

The submitted plan does not indicate fee-simple frontage on a public road (Bucks Schoolhouse Road) for the subject site.

Highways:

Bucks Schoolhouse Road, an existing public road, is proposed to be improved in the future as a 50-foot closed section roadway or 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 problem, 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 accumulating storm water or drainage have not been indicated on the submitted plan. Future drainage and utility easements are required.

Item #17 (1978-1979)
Property Owner: Home Extenuating Company
Page 2
August 21, 1978
Storm Drainage (Cont'd)

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. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 8-inch water main in Bucks Schoolhouse Road, which could serve this site, indicated as containing a well.

Public sanitary sewerage is not available to serve this property, which is utilizing private onsite sewage disposal.

Very truly yours,

Edmund M. Dwyer, P.E.
EDMUND M. DWYER, P.E.
Chief, Bureau of Engineering

END: EAM:FW:RSS

cc: J. Tranner
J. Somers

N-SM Key Sheet
29 NE 24 Pos. Sheet
NE 8 P Type
61 Tax Map

LESLIE H. GRAFF
DIRECTOR

September 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 #17, Zoning Advisory Committee Meeting, August 1, 1978, are as follows:

Property Owner: Home Extenuating Company
Location: 244.61' N. Bucks Schoolhouse Road 1600' SE White Marsh Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.
Acres: 1.07
District: 14th

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.

Since there will be no changes to the site this office has no site plan policy comments at this time.

Very truly yours,

John L. Wimbley, R.T.
John L. Wimbley
Planner III
Current Planning and Development

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

September 20, 1978

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

Dear Mr. DiNenna:

Comments on Item #17, Zoning Advisory Committee Meeting, August 1, 1978, are as follows:

Property Owner: Home Extenuating Company
Location: 244.61' N. Bucks Schoolhouse Rd 1600' SE White Marsh Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.
Acres: 1.07
District: 14th

The two existing wells on the property are in poor physical condition and cannot be used as a source of potable water. The existing septic system does not appear to be operating correctly and must be abandoned.

Therefore, prior to the approval of any building permit or change of occupancy permit, soil percolation tests must be conducted. If acceptable tests are achieved, a new sewage disposal system must be installed. The owner will also be required to obtain non-potable water service to the building and have both of the existing wells abandoned and properly back-filled.

The parking area/s should be surfaced with a dustless, bonding material.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/DEP/fwg

cc: W. B. Phillips

STEPHEN E. COLLINS
DIRECTOR

August 7, 1978

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

Item No. 17 - ZAC - Meeting of August 1, 1978
Property Owner: Home Extenuating Company
Location: 244.61' N. Bucks Schoolhouse Rd. 1600' SE White Marsh Rd.
Existing Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.

Acres: 1.07
District: 14th

Dear Mr. DiNenna:

No major increase in trip generation is anticipated with the establishment of the non-conforming use.

The driveway will be 20 feet wide in its entirety.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Engineering Associate II

MSF/ajs

Paul H. Heinke
Chief

August 27, 1978

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

Attention: H. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Home Extenuating Company

Location: 244.61' N. Bucks Schoolhouse Rd. 1600' SE White Marsh Rd.

Item No. 17 Zoning Agenda Meeting of 08/01/78

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 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.

() 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", 1975 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

REVISOR: *Thomas H. Heinke* Noted and Approved: *George M. H. Capompoli*

Planning Group
Special Inspection Division

Fire Prevention Bureau

JOHN D. SEIFERT
DIRECTOR

August 22, 1978

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

Dear Mr. DiNenna:

Comments on Item #17 Zoning Advisory Committee Meeting, August 1, 1978 are as follows:

Property Owner: Home Extenuating Co
Location: 244.61' N. Bucks Schoolhouse Rd 1600' SE White Marsh Road
Existing Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.

Acres: 1.07
District: 14th

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and used and other applicable codes.
- A building permit shall be required before construction can begin.
- Additional _____ permits shall be required.
- Building shall be upgraded to new use - requires alteration permit.
- Three sets of construction drawings will be required to file an application for a building permit.
- 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.
- Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- Requested set(s) variance conflict(s) with the Baltimore County Building Code. See Section _____.

X.1. No Comment.

J. Comment:

Charles E. Sullivan
Charles E. Sullivan
Plans Review Chief

CEB/rjg

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 3, 1978

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

Z.A.C. Meeting of: August 2, 1978

RE: Item No. 17
Property Owner: Home Extenuating Company
Location: 244.61' N. Bucks Schoolhouse Road 1600' SE White Marsh Rd.
Present Zoning: D.R. 3.5
Proposed Zoning: Special Hearing to approve a continuing non-conforming use as a storage facility and office.

District: 14th
No. Acres: 1.07

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

NSP/rjg

JOSEPH A. McLEOD, PRESIDENT
V. BARBARA WILLIAMS, JR., VICE-PRESIDENT
MARION M. ROTUNDA

THOMAS H. BOYER
MRS. LORRAINE F. CHANCE
ROBERT E. HATCHER

ALLEN LORSON
MRS. WILTON B. SMITH, JR.
RICHARD W. TRACY, D.V.M.

ROBERT F. COBLE, REPRESENTATIVE

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 August 1978.

John W. Hession, III
John W. Hession, III
Deputy People's Counsel

Petitioner Tilley, Home Exterminating Co.
Petitioner's Attorney Brizendine

Nicholas B. Comodari
Nicholas B. Comodari
Chairman, Zoning Plans
Advisory Committee

Austin W. Brizendine, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
Beginning 244.61' N of Bucks
Schoolhouse Rd., 1600'
SE of White Marsh Rd., 14th District : OF BALTIMORE COUNTY

HOME EXTERMINATING COMPANY, : Case No. 79-88-SPH
Petitioner

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 Zimmaman
Peter Max Zimmaman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 22nd day of September, 1978, a copy of the foregoing Order was mailed to Austin W. Brizendine, Jr., Esquire, 406 Jefferson Building, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

AFFIDAVIT

I, the undersigned, wish to state the following concerning the property located at 4608 Bucks School House Road:

This property has been used as follows:

1. Cloverdale Bottling Company 1937 to 1968
2. School Bus Garage
3. Home Improvement Company-Warehouse
4. Storage Area for Pepperidge Farm Bakeries

I am over eighteen (18) years of age, have personal knowledge of the above, and am competent to be a witness before any Court.

I swear and affirm, under the penalties of perjury, that the foregoing is true.

Date 9/26/78

Margaret A. Kester
Margaret A. Kester
Affiant
4608 Bucks Schoolhouse Rd.
Address
Baltimore, Maryland 21237
ZIP

AFFIDAVIT

I, the undersigned, wish to state the following concerning the property located at 4608 Bucks School House Road:

This property has been used as follows:

1. Cloverdale Bottling Company 1937 to 1968
2. School Bus Garage
3. Home Improvement Company-Warehouse
4. Storage Area for Pepperidge Farm Bakeries

I am over eighteen (18) years of age, have personal knowledge of the above, and am competent to be a witness before any Court.

I swear and affirm, under the penalties of perjury, that the foregoing is true.

Date 9/26/78

Shirley L. Dean
Shirley L. Dean
Affiant
8414-B Greenway Rd.
Address
Baltimore, Maryland 21234
ZIP

AFFIDAVIT

I, the undersigned, wish to state the following concerning the property located at 4608 Bucks School House Road:

This property has been used as follows:

1. Cloverdale Bottling Company 1937 to 1968
2. School Bus Garage
3. Home Improvement Company-Warehouse
4. Storage Area for Pepperidge Farm Bakeries

I am over eighteen (18) years of age, have personal knowledge of the above, and am competent to be a witness before any Court.

I swear and affirm, under the penalties of perjury, that the foregoing is true.

Date Sept 26-78

James D. Shinklett
James D. Shinklett
Affiant
1608 Taylor Ave
Address
Baltimore, Maryland 21234
ZIP

AFFIDAVIT

I, the undersigned, wish to state the following concerning the property located at 4608 Bucks School House Road:

This property has been used as follows:

1. Cloverdale Bottling Company 1937 to 1968
2. School Bus Garage
3. Home Improvement Company-Warehouse
4. Storage Area for Pepperidge Farm Bakeries

I am over eighteen (18) years of age, have personal knowledge of the above, and am competent to be a witness before any Court.

I swear and affirm, under the penalties of perjury, that the foregoing is true.

Date 10/2/78

Rechel T. Schiffman
Rechel T. Schiffman
Affiant
4608 Ridge Rd
Address
Baltimore, Maryland 21236
ZIP

AFFIDAVIT

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Date 10/2/78

Paul C. Schiffman
Paul C. Schiffman
Affiant
4608 Ridge Rd
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Date 10-2-78

Allen Conner
Allen Conner
Affiant
5054 Buck School House Rd
Address
Baltimore, Maryland 21237
ZIP

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Affiant

Address

Baltimore, Maryland 21237

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I swear and affirm, under the penalties of perjury, that the foregoing is true.

10/2/78

Affiant

Address

Baltimore, Maryland 21237

10-2-78

THIS DEED, made this 10th day of February, in the year one thousand nine hundred and fifty-eight, by and between M. VIRGINIA MOONEY, Unmarried, of Baltimore City, State of Maryland, of the first part, and JOHN J. REGENER and JOSEPH REGENER, Co-partners, trading as Garden Spring Bottling Works and Clifton Club Beverages, of Baltimore County, State of Maryland, of the second part.

WITNESSETH, that in consideration of the sum of five dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said M. Virginia Mooney does hereby grant and convey unto the said John J. Regester and Joseph Regester, Co-partners, trading as Garden Spring Bottling Works and Clifton Club Beverages, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows:-

Being all that piece or parcel of land situate, lying and being in the Fourteenth Election District of Baltimore County, described as follows, to wit:- Beginning for the same at an iron pipe planted in the ground at the beginning of the North ten degrees thirty-two minutes East ten hundred and twenty-six feet six inches line of that parcel of land which by deed dated June 17th, 1935, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 616, Folio 403, etc., was conveyed by Howard Tolle and Emma Tolle, his wife, to Henry J. Jasper; running thence binding on said line North ten degrees thirty-two minutes East five hundred and twelve feet eleven inches running thence for a line of division North seventy-four degrees thirty minutes West one hundred and seventy feet six inches to intersect the south ten degrees thirty-two minutes West line of the above mentioned land; running thence binding on said line south ten degrees thirty-two minutes East five hundred and twelve feet eleven inches to the end thereof; running thence south seventy-four degrees thirty minutes East one hundred and seventy feet six inches to the place of beginning. Containing two acres of land more or less. Saving and excepting therefrom all those two lots of ground, the first of which is described in a Deed dated January 29th, 1900, and recorded among

the Land Records of Baltimore County in Liber W.P.C. No. 1023, Folio 324, from Joseph Regester and Mildred I. Regester, his wife, to John J. Regester and Philemon M. Regester, his wife; and the second of which is described in a Deed dated August 2nd, 1958, and recorded among the aforesaid Land Records in Liber W.P.C. No. 2530, Folio 344, from John J. Regester, John W. Kreit and Joseph Regester, Co-partners, trading as Garden Spring Bottling Works and Clifton Club Beverages, and Mildred I. Regester, wife of Joseph Regester, and Marian Kreit, wife of John W. Kreit, to John W. Regester and Mary D. Regester, his wife.

BEING the same lot or parcel of ground which by deed dated of even date herewith, and recorded, or intended to be recorded immediately prior hereto among the Land Records of Baltimore County was conveyed to the above named M. Virginia Mooney by John J. Regester, John W. Kreit and Joseph Regester, Co-partners, trading as Garden Spring Bottling Works and Clifton Club Beverages, and Mildred I. Regester, wife of Joseph Regester, and Marian Kreit, wife of John W. Kreit, in fee simple; the said John J. Regester being a widower.

TOGETHER with the improvements thereon and the rights and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described lot of ground and the improvements thereon unto and to the use of the said John J. Regester and Joseph Regester, Co-partners, trading as Garden Spring Bottling Works and Clifton Club Beverages, forever in fee simple.

AND the said party of the first part hereby covenants that she has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that she will warrant specially the property hereby granted, and that she will execute such further assurances of the same as may be requisite.

WITNESSETH the hand and seal of said grantor the day and year first above written.

TEST: M. Virginia Mooney M. Virginia Mooney (GIVEN)
M. Virginia Mooney

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					87	4/2				
Petition number added to outline										
Denied										
Granted by ZC, BA, C.C, CA										
Reviewed by: <u>JD</u>	Revised Plans: Change in outline or description Yes ☐ No ☐									
Previous case: <u>None</u>	Map # <u>NE SF</u>									

CERTIFICATE OF POSTING
TOWNSHIP DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14 Date of Posting: 12/1/78
 Posted for: Robert L. Appale
 Petitioner: Robert L. Appale
 Location of property: 244 N. H. St. N. H. St. N. H. St. N. H. St.
 Location of Sign: 244 N. H. St. N. H. St. N. H. St. N. H. St.
 Remarks: See above
 Posted by: See above Date of return: 12/1/78

