

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Philip H. Albrecht, Sr.
I, or we, PHILIP H. ALBRECHT, Sr., legal owner 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 an _____ zone to an _____ zone; for the following reasons:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Airport (Landing Strip), in an _____ zone.

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

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County, on the _____ day of _____, 1978.

DATE: _____

BY: _____

Contract purchaser _____

Legal Owner _____

Address: _____

Protestant's Attorney _____

Address: _____

Protestant's Attorney _____

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Protestant's Attorney _____

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Protestant's Attorney _____

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Protestant's Attorney _____

Address: _____

Protestant's Attorney _____

Address: _____

IDCA APPLICATION FOR SPECIAL EXCEPTION AND OR SPECIAL PERMIT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Philip H. Albrecht, Sr.
I, or we, PHILIP H. ALBRECHT, Sr., legal owner of the property situate in Baltimore County, the PROPERTY OUTLINE OF WHICH IS SHOWN TO SCALE, COMPLETE WITH DIMENSIONS AND DISTANCES ON THE PLAT ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A "SPECIAL EXCEPTION" & ZONING

EXEMPTION IN A _____ ZONE TO USE THE HEREIN DESCRIBED PROPERTY FOR _____

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 1, 1979

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ronald J. Kearns, Esquire
1760 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No. 88
Petitioner - Albrecht
Special Exception Petition

Dear Mr. Kearns:

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 on the north side of Long Green Road, approximately 1300' west of Long Green Pike in the 11th Election District, the subject of this petition is an existing airstrip, which is the subject of an active Zoning Violation Hearing (Case No. 74-95-V). In order to "legalize" the current operation, this Special Exception is now required.

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. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf
cc: Hudkins Associates
101 Shell Building
200 East Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Board of Appeals
Messrs. Walter J. Reiter, Chairman,
Robert L. O'Connell, Herbert A. Davis
TO: _____ Date: November 29, 1978

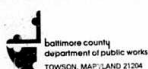
FROM: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

SUBJECT: _____

This office is in receipt of a petition for a Special Exception for an airport (landing strip), Item No. 88, I.D.C.A. No. 78-602X, in the name of Philip H. and Martha H. Albrecht, 471.40' northwest of Long Green Road, 1800' west of Long Green Pike. Before a hearing date can be scheduled, I.D.C.A. review and approval must be made. The Planning Board will review this item on December 21, 1978.

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/DI/sf



THURSTON M. MOURING, P.E.
DIRECTOR

December 14, 1978

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

Re: Item #88 (1978-1979)
Property Owner: Philip H. and Martha H. Albrecht
471.40' NW Long Green Rd. 1800' W. Long Green Pike
Existing Zoning: R-C-2
Proposed Zoning: Special Exception for an airport
(landing strip) (IDCA 78-602X)
Acre: 33.5 District: 11th

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:

Comments were supplied for this property for IDCA Project 78-602X.

Highways:

Long Green Road, an existing County road, is proposed to be improved in the future, to a 60-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 status of the indicated 50-foot right-of-way is unknown to this office and is assumed to be the private means of ingress and egress for this property.

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

Sediment Control:

Development of this property through striping, 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 striping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage 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.

Item #88 (1978-1979)
Property Owner: Philip H. and Martha H. Albrecht
Page 2
December 14, 1978

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line, and in an area designated "No Planned Service" on the Baltimore County Water and Sewerage Plans 4 and 5-11a, as amended.

Very truly yours,
BENJAMIN N. DYER, P.E.
Chief, Bureau of Engineering

END:EN:PW:s

cc: J. Tremmer

3, Somers

ID-SE Key Sheet

64-66 NE 22 & 23 Toss. Sheets

NE 16 & 17 T Top

53 Twp Map



LESLIE H. GRAFF
DIRECTOR

December 11, 1978

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

Dear Mr. DiNenna:

Comments on Item #88, Zoning Advisory Committee Meeting, October 17, 1978, are as follows:

Property Owner: Philip H. and Martha H. Albrecht
Location: 471.40' NW Long Green Road 1800' W. Long Green Pike
Existing Zoning: R-C-2
Proposed Zoning: Special Exception for an airport (landing strip) (IDCA 78-602X)
Acre: 33.5
District: 11th

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. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

November 2, 1978

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

Dear Mr. DiNenna:

Comments on Item # 88 Zoning Advisory Committee Meeting, October 17, 1978
are as follows:

Property Owner: Philip H. & Martha H. Albrecht
Location: 471.40' NW Long Green Road 1800' W Long Green Pike
Bulding Zoning: R.C. 2
Proposed Zoning: Special Exception for an airport (Landing strip)
(IDCA 78-60-X)
Acres: 33.5
District: 11th

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and have met 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.
 - Reported without variance conflicts with the Baltimore County Building Code. See Section _____.
 - No Comment.
- X J. Comment: If any change of use of existing structures to servicing of planes is proposed, compliance to the above items would be required (A,B,D,F).

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief

November 22, 1978

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

Item No. 88 - ZMC - Meeting of October 17, 1978
Property Owner: Philip H. & Martha H. Albrecht
Location: 471.40' NW Long Green Rd. 1800' W Long Green Pike
Bulding Zoning: R.C. 2
Proposed Zoning: Special Exception for an airport (Landing strip)
(IDCA 78-60-X)
Acres: 33.5
District: 11th

Dear Mr. DiNenna:

No traffic problems are anticipated by the request special exception for an airport.

Very truly yours,

Michael S. Flannan
Michael S. Flannan
Engineer Associate II

MSF/mjm

November 15, 1978

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

Dear Mr. DiNenna:

Comments on Item #88, Zoning Advisory Committee Meeting, October 17, 1978,
are as follows:

Property Owner: Philip H. & Martha H. Albrecht
Location: 471.40' NW Long Green Rd. 1800' W Long Green Pike
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for an airport (Landing strip)
(IDCA 78-60-X)
Acres: 33.5
District: 11th

All facilities at the airport (Landing strip) are existing and no new ones are proposed. Sanitary facilities exist on the property and the sewage disposal system appears to be functioning properly. The property is presently served by a spring water supply. However, a new well has been drilled and the owner plans to disconnect from the spring and connect to the drilled well. Therefore, no health hazards are anticipated.

Very truly yours,

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

TID/JRP/tpg

November 16, 1978

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

Attention: W. Commodore, Chairman
Zoning Advisory Committee

Re: Property Owner: Philip H. & Martha H. Albrecht

Location: 471.40' NW Long Green Rd. 1800' W Long Green Pike

Item No. 88 Zoning Agenda Meeting of 10/17/78

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.

- 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.
- A record name of vehicle access is required for the site. 20 foot roadway capable of supporting fire apparatus is required.
- The "hole dead end condition shown at _____
violates the maximum allowed by the Fire Department.
- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- 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.
- Site plans are approved as drawn.
- The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Paul H. Heinke* 11/16/78

Noted and Approved: *W. Commodore* 11/16/78

Special Inspection Division Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 15, 1978

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

Z.A.C. Meeting of: October 17, 1978

RE: Item No: 88
Property Owner: Philip H. & Martha H. Albrecht
Location: 471.40' SW Long Green Road 1800' W Long Green Pike
Present Zoning: R.C. 2
Proposed Zoning: Special Exception for an airport (Landing Strip)
(IDCA 78-60-X)

District: 11th
No. Acres: 33.5

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich

W. Nick Petrovich,
Field Representative

WNP/tpg

February 11, 1979

A Statement Reference A Canvas of
Those Persons Dwelling In Long Green
Valley Around Albrecht's Air Strip.

To ensure that the attached list represented the most recent feelings of persons living by, around, and within a one (1) mile and two (2) mile radius on Albrecht's Air Strip: the undersigned began its canvassing Saturday, February 3, 1979. It is very worth noting that they encountered only several refusal fact, received unsolicited statements from many of the residents that they enjoyed watching the airplanes.

It is also an observance of the canvassers that in the days between February 3, 1979 and February 11, 1979, that they were able to contact between 80 to 85% of all persons living within a one (1) mile radius of Albrecht's Air Strip, and a substantial number of those persons living within a two (2) mile radius of the airstrip.

Wm J. Amquist 2904 Valleybrook Ct
Towson, Md 21207

Harold W. Brown 12322 Long Green Rd.
Baltimore Md 21057

Edw. H. Hays 6000 P. Baltimore Md 21013

Mr. Zoning Commissioner of Baltimore County
FROM: Neighbors of Mr. and Mrs. Philip Albrecht

We, the undersigned, residents of the Long Green Valley area residing within a radius of one mile from the property of Philip and Martha Albrecht are hereby signing our names as those who support and are in favor of the granting of a special exception for the continued use of the Albrecht property on Long Green Road as a landing strip for small airplanes.

David Sutphen
John McQuinn
Palma Sutphen
Bill Decker
George H. Smith
Robert J. Rogers
Conrad W. Hays

Patterson Rd. Baltimore, Md 21013
Garrison Rd. Baltimore Md 21013
Long Green Rd. Long Green Md 21002
Baltimore Rd. Baltimore Md 21013
Baltimore Rd. Baltimore Md 21013
Long Green Rd. Long Green Md 21092
Long Green Rd. Long Green Md 21092

WE, THE UNDERSIGNED, RESIDENTS AND PROPERTY OWNERS OF GLEN ARM, LONG GREEN OR HYDES, MARYLAND, ARE NOT OPPOSED TO THE CONTINUED PRESENCE OR USE OF AN AIRSTRIP WHICH HAS BEEN LOCATED IN GLEN ARM FOR 25-30 YEARS. IT IS UNDERSTOOD THAT, AS IN THE PAST, THIS AIRSTRIP ON THE PROPERTY OF MR. PHILIP ALBRECHT, SR. WILL BE USED ONLY BY LIGHTWEIGHT AIRCRAFT. IT IS FURTHER UNDERSTOOD THAT THE AIRSTRIP WILL CONTINUE TO BE CONFINED TO THE PRESENT LIMITS OF MR. ALBRECHT'S PROPERTY.

NAME	ADDRESS
<i>Charles J. McCall</i>	5100 Long Green Road
<i>Robert A. Blanton Jr.</i>	5025 Long Green Rd.
<i>John J. O'Connell</i>	12578 Long Green Rd.
<i>John J. O'Connell</i>	Glen Arm Md
<i>Frank D. B. Jr.</i>	Cove Rd
<i>Frank D. B. Jr.</i>	Long Green Rd
<i>John J. O'Connell</i>	Long Green Rd.
<i>John J. O'Connell</i>	Long Green Rd.
<i>Wm. & Mrs. William Clayton</i>	Glen Arm Md.
<i>Richard S. Bennett</i>	Long Green Rd.
<i>Calvin J. Phelps</i>	5126 Long Green Rd
<i>Robert J. Phelps</i>	5126 Long Green Road
<i>John H. Phelps</i>	(near Albrecht's airstrip)
<i>John H. Phelps</i>	5126 Long Green Rd.
<i>R.H. Albrecht Jr.</i>	5132 Long Rd
<i>Martha M. Albrecht</i>	5132 Long Rd.

ADDRESS

ADDRESS

ADDRESS

ADDRESS

NAME _____

ADDRESS

ADDRESS

ADDRESS

We, the undersigned, residents of the Long Green Valley area within a radius of one mile from the property of Philip and Albert are hereby signing our names as those who support and favor the granting of a special exception for the continued use of the Albrecht property on Long Green Road as a landing strip for small airplanes.

ADDRESS

ADDRESS

NAME _____

NAME _____

ADDRESSES

ADDRESSES

ADDRESS

ADDRESS

NAME _____

ADDRESSES

ADDRESSES

WE, THE UNDERSIGNED, RESIDENTS AND PROPERTY OWNERS OF GLEN ARM, LONG GREEN OR HYDES, MARYLAND, ARE NOT OPPOSED TO THE CONTINUED PRESENCE OR USE OF AN AIRSTRIP WHICH HAS BEEN LOCATED IN GLEN ARM FOR 25-30 YEARS. IT IS UNDERSTOOD THAT, AS IN THE PAST, THIS AIRSTRIP ON THE PROPERTY OF MR. PHILIP ALBRECHT, SR. WILL BE USED ONLY BY LIGHTWEIGHT AIRCRAFT. IT IS FURTHER UNDERSTOOD THAT THE AIRSTRIP WILL CONTINUE TO BE CONFINED TO THE PRESENT LIMITS OF MR. ALBRECHT'S PROPERTY.

NAME	ADDRESS
<i>Harold E. Dahl</i>	12655 Long Green Pike

February 10, 1979

To Whom It May Concern:

As a home owner in the vicinity of the Albrecht farm on Long Green Road I wish to go on record as having no objection to the operation of the airstrip as conducted by Mr. Albrecht.

In addition I feel that this airstrip could be designated as an emergency evacuation landing area for State Police helicopters to serve the people of this community.

Yours truly,
Rudolph F. Fischer Jr.
 Rudolph F. Fischer Jr.,
 12654 Long Green Pike,
 Glenarm, Md. 21057

TO: Zoning Commissioner of Baltimore County
 FROM: Neighbors of Mr. and Mrs. Philip Albrecht

We, the undersigned, residents of the Long Green Valley area residing within a radius of one mile from the property of Philip and Martha Albrecht are hereby signing our names as those who support and are in favor of the granting of a special exception for the continued use of the Albrecht property on Long Green Road as a landing strip for small airplanes.

NAME	ADDRESS
<i>J. G. Dennis</i>	1354 Manor Rd
<i>H. W. Smith</i>	4607 Long Green Rd
<i>W. H. A. Kelly</i>	2110 Long Green Rd
	Long Green, Md

Mary L. Egan 114 W Long Green Road

WE, THE UNDERSIGNED, RESIDENTS AND PROPERTY OWNERS OF GLEN ARM, LONG GREEN OR HYDES, MARYLAND, ARE NOT OPPOSED TO THE CONTINUED PRESENCE OR USE OF AN AIRSTRIP WHICH HAS BEEN LOCATED IN GLEN ARM FOR 25-30 YEARS. IT IS UNDERSTOOD THAT, AS IN THE PAST, THIS AIRSTRIP ON THE PROPERTY OF MR. PHILIP ALBRECHT, SR. WILL BE USED ONLY BY LIGHTWEIGHT AIRCRAFT. IT IS FURTHER UNDERSTOOD THAT THE AIRSTRIP WILL CONTINUE TO BE CONFINED TO THE PRESENT LIMITS OF MR. ALBRECHT'S PROPERTY.

NAME	ADDRESS
<i>Ed Smith</i>	Glen Arm Md
<i>Everett H. Smith</i>	1212 Long Green Pike Glenarm
<i>James E. Egan</i>	4513 Carroll Manor Rd. Glenarm
<i>Edmund Smith</i>	18126 Long Green Pike Glenarm
<i>John Kader</i>	5237 Glenarm Rd.
<i>Margaret Johnson</i>	11824 Hayford Rd - Glen Arm
<i>Mrs. D. C. Edwards</i>	4709 Long Green Rd. Glenarm
<i>Daniel C. Edwards</i>	" " " " " "
<i>Robert P. P. P.</i>	12036 Long Green Pike Glen Arm
<i>H. W. McLean</i>	5401 Glenarm Rd
<i>Robert J. Mays</i>	Glenarm Rd Glen Arm
<i>Ed Smith</i>	1320 Park Rd. Baltimore
<i>John A. Smith</i>	4464 Langley Dr. Hydes, Ind.
<i>John W. Hunter</i>	12434 Long Green Pike, Glenarm, Md 21057
<i>Joseph Albert Beechington</i>	13101 Baltimore and Hydes, Md
<i>David Smith</i>	Long Green Pike Glen Arm Md
<i>David Smith</i>	12126 Long Green Pike, Glenarm, Md

Mr. Ronald J. Mearns
 1760 Eastern Boulevard
 Baltimore, Maryland 21221

Re: Philip W. Albrecht, Sr.
 Special Exception-Landing Strip
 Case #79 - 161 X

Dear Mr. Mearns:

I wish to go on record as supporting Mr. Albrecht's application for a special exception - "I his present zoning order that a portion of his farm might continue to be used as an airstrip for light planes. As a neighbor of Mr. Albrecht for nineteen years, I have not been disturbed in the least by aircraft using his field for take offs and landings.

The present length of the runway cannot be extended and necessarily restricts usage to small single-engine aircraft. There are no dwellings located within the approaches to the strip that might raise the question of safety.

If appropriate, please feel free to use this letter as a part of your presentation to the Zoning Commissioner. I am sorry that I will be out of state and unable to attend the hearing.

Sincerely,

R. Clayton Emory
 R. Clayton Emory

PC-19

cc: Mr. Philip Albrecht, Sr.
 5130 Long Green Road
 Glen Arm, Maryland 21057

WE, THE UNDERSIGNED RESIDENTS AND PROPERTY OWNERS OF GLEN ARM, MARYLAND, ARE NOT OPPOSED TO THE CONTINUED PRESENCE OR USE OF AN AIRSTRIP WHICH HAS BEEN LOCATED IN GLEN ARM FOR OVER 30 YEARS. IT IS UNDERSTOOD THAT, AS IN THE PAST, THIS AIRSTRIP, ON THE PROPERTY OF MR. PHIL ALBRECHT, WILL BE USED ONLY BY LIGHTWEIGHT AIRCRAFT. IT IS FURTHER UNDERSTOOD THAT THE AIRSTRIP WILL CONTINUE TO BE CONFINED TO THE PRESENT LIMITS OF MR. ALBRECHT'S PROPERTY.

NAME	ADDRESS
<i>Albert M. Beech</i>	12655 Long Green Pike
<i>Alton W. Klakoske</i>	Glen Arm, Md.
<i>Hille Bros</i>	12654 Long Green Pike
<i>Howard Hille Jr</i>	Glen Arm, Md.

HOMES by FISCHER

OFFICE
 1830 HANCOCK ROAD
 BALTIMORE, MD 21284
 439-1474

RUDOLPH F. FISCHER
 PLANT
 LONG GREEN PIKE
 GLENARM, MD 21057
 342-7714

February 12, 1979

To Whom It May Concern:

As a property owner in the vicinity of the Albrecht airstrip on Long Green Road I wish to go on record as having no objection to this operation as conducted by Mr. Albrecht. As a matter of fact I consider it to be an asset to this community in being available to local people for their occasional use, also as a place of refuge for aircraft in distress over this area.

I hope that you will see fit to permit continued operation of this airstrip as conducted by Mr. Albrecht.

Yours truly,

Rudolph F. Fischer Jr.
 Rudolph F. Fischer Jr.,
 12654 Long Green Pike,
 Glenarm Md. 21057

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
 Beginning 471.10' NW of Long Green : ZONING COMMISSIONER
 Road, 1800' W of Long Green Pike - :
 11th Election District
 Philip H. Albrecht, Sr., et ux - : OF
 Petitioners
 NO. 79-161-X (Item No. 88) : BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition for Special Exception for an airport (landing strip), for property at the above location. The subject property is zoned R.C. 2 and contains 33.5 acres of land, more or less.

Although People's Counsel entered his appearance, he was not present at the hearing.

Testimony indicated that the subject property has been utilized for the landing of small aircraft for a number of years. Said testimony, along with the approval of the Maryland State Aviation Administration, established that the landing of small aircraft would not be detrimental to the health, safety, and general welfare of the community.

Without reviewing the evidence further in detail, but based upon all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met, and the Special Exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of March, 1979, that the Petition for Special Exception for an airport (landing strip) should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. No more than ten aircraft may be stored and/or used, other than for emergency purposes.

ORDER RECEIVED FOR FILING

DATE *March 23, 1979*
 BY *John A. P. Smith*
 BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE *March 23, 1979*
 BY *John A. P. Smith*
 BALTIMORE COUNTY

May M. Smith 11901 Long Green Pike Glen Arm, MD
 Canole Smith 11900 Long Green Pike Glen Arm
 Theodore F Burns 4801 Long Green Rd Glen Arm
 James P. Hoffman 12014 Glenview Road Glenview, MD
 Don C. Hoffmann 12070 Glenview Rd. Glenview, Md.
 Mary R. Hoffmann 12032 Long Green Pike Glenview Md 21057
 John M. Williams 13030 Long Green Pike Glenview Md 21057
 Janet T. Williams 12030 Long Green Pike Glenview Md 21057
 John H. Kempster 13040 Long Green Pike Glenview Md 21057
 Rick V. Kimpster 12040 Long Green Pike Glenview Md 21057
 Bradley Kimpster 12040 Long Green Pike Glenview Md 21057
 George A. Tolk 13401 Manor Rd Pikesville Md 21013
 Howard J. Tolk 4517 Hayes Ln. Haves 21082

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
 for an Airport : COUNTY BOARD OF APPEALS
 Beg. 471.40' NW of :
 Long Green Pike :
 11th District :
 OF
 Philip H. Albrecht, Sr., et ux : BALTIMORE COUNTY
 Petitioners :
 No. 79-161-X

ORDER OF DISMISSAL

Petition of Philip H. Albrecht, Sr., et ux, for a special exception for an Airport on property located beginning 471.40 feet northwest of the Long Green Pike, in the Eleventh Election District of Baltimore County.

WHEREAS, the Order granting the special exception in this case was passed by S. Eric DiNenno, Zoning Commissioner, on March 23, 1979.

WHEREAS, the appellant failed to file his order for appeal within the time prescribed in Maryland Rule 84, the appeal not having been received by the Zoning Commissioner's office until April 24, 1979.

IT IS HEREBY ORDERED this 10th day of January, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Patricia Millhouse
 Robert L. Gifford
 Herbert A. Davis

I HEREBY CERTIFY that a copy of the foregoing Petition was mailed this 31st day of October, 1978 to Charles E. Brooks, 610 Bosley Avenue, Baltimore, Maryland 21204 and Stanley Schapiro, Office of Law, County Office Building, Towson, Maryland 21204.

Ronald J. Kearns
 1760 Eastern Boulevard
 Baltimore, Maryland 21221
 486-8585
 Attorney for Petitioner

RE: ALLEGED ZONING VIOLATION * BEFORE THE
 on property located on the * COUNTY BOARD OF APPEALS
 N/S of Long Green Road, 1 1/2 *
 mile W. of Long Green Pike *
 11th District *
 OF
 Philip H. Albrecht, Sr. * BALTIMORE COUNTY
 Albrecht Farm *
 Defendant * N. 74-95-V (C-74-197)

ANSWER TO PETITION FOR EXTENSION

Baltimore County, Maryland, by J. Carroll Holzer, County Solicitor and Stanley J. Schapiro, Assistant County Solicitor, its attorneys, for answer to Petition for Extension filed by Philip Albrecht and Martha Albrecht, his wife, Petitioners, shows:

1. That the Order of the Board denying the Petitioners the use of their property as an air strip was dated May 19, 1978, and the Board did not retain jurisdiction over the subject.
2. That more than thirty (30) days have elapsed since the decision of the Board, and no appeal is pending in the above-entitled case.
3. That the Board of Appeals has no jurisdiction to grant an extension of their previous order.

"WHEREFORE, Baltimore County, Maryland prays that the Petition for Extension be dismissed.

J. Carroll Holzer
 J. Carroll Holzer
 County Solicitor

Stanley J. Schapiro
 Stanley J. Schapiro
 Assistant County Solicitor
 Mezzanine - Court House
 Towson, Maryland 21204
 494-3146

RE: ALLEGED ZONING VIOLATION * BEFORE
 on property located on the * COUNTY BOARD OF APPEALS
 N/S of Long Green Road, 1/2 *
 mile W. of Long Green Pike *
 11th District *
 OF
 Philip H. Albrecht, Sr. * BALTIMORE COUNTY
 Albrecht Farm *
 Defendant * N. 74-95-V
 (C-74-197)

PETITION FOR EXTENSION OF NON-CONFORMING USE

Now come Philip H. Albrecht, Sr. and Martha H. Albrecht, his wife, owners of property located on the north side of Long Green Road approximately one-half mile west of Long Green Pike in the 11th District of Baltimore County, by their attorney, Ronald J. Kearns, and respectfully represents:

1. That, by order of the County Board of Appeals dated May 19, 1978, your Petitioners were directed to cease and desist operation of an airport on their property on or before one hundred eighty (180) days from date of the order.

2. That the Petitioners have subsequently filed with the Baltimore County Office of Planning and Zoning a Petition for Zoning Reclassification in order to provide for the continued use of their property as a landing strip for a few small airplanes.

3. That the Petition for Zoning Reclassification has been scheduled before the IDCA Review Board for a hearing on December 7th, 1978 and by the Planning Board on December 21, 1978.

4. That the Petitioners will not be able to get their reclassification case before the Zoning Commissioner until some time after the expiration of the cease and desist order signed by this Honorable Board of Appeals.

WHEREFORE, your Petitioners pray:

a. For an Order granting an extension of time to continue the use of their property as a landing strip until their property can be reclassified through Petition through the Office of Planning and Zoning.

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 3 day of November, 1978, copies of the foregoing Answer to Petition for Extension were mailed, postage prepaid, to Ronald J. Kearns, Esq., 1760 Eastern Avenue, Baltimore, Maryland 21221, and to Charles E. Brooks, Esq., 610 Bosley Avenue, Towson, Maryland 21204.

Stanley J. Schapiro
 Stanley J. Schapiro
 Assistant County Solicitor

b. For such other and further relief as the nature of their case may require.
 AND, AS IN DUTY BOUND, etc.

Philip H. Albrecht, Sr.
 PHILIP H. ALBRECHT, SR.
 Martha H. Albrecht

Ronald J. Kearns
 1760 Eastern Boulevard
 Baltimore, Maryland 21221
 486-8585
 Attorney for Petitioners

ORDER

Upon the foregoing Petition it is this day of , 1978 by the County Board of Appeals of Baltimore County

ORDERED that Philip H. Albrecht, Sr. and Martha H. Albrecht be and they hereby are granted an extension of days to the Order of this Board of Appeals dated 19 May 1978, to continue to use their property as an airport until their Petition for Zoning Reclassification is decided by the Zoning Office.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

Robert L. Gifford

Herbert A. Davis

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 Beginning 471.40' NW of
 Long Green Rd., 1800'
 W of Long Green Pike, 11th District : OF BALTIMORE COUNTY

PHILIP H. ALBRECHT, et ux, : Case No. 79-161-X
 Petitioners

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 23rd day of January, 1979, a copy of the foregoing Order was mailed to Ronald J. Kearns, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner.

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

RONALD J. KEARNS
 ATTORNEY AT LAW
 1760 EASTERN AVENUE
 BALTIMORE, MD 21221
 TELEPHONE 486-8585

RONALD J. KEARNS
 ATTORNEY AT LAW
 1760 EASTERN AVENUE
 BALTIMORE, MD 21221
 TELEPHONE 486-8585
 Rec'd 10-31-78
 10:05 AM

RONALD J. KEARNS
 ATTORNEY AT LAW
 1760 EASTERN AVENUE
 BALTIMORE, MD 21221
 TELEPHONE 486-8585

Rec'd 11-3-78
 3:53 PM

-3-

LAST 24 HOURS
CHARLES E. BROOKS
410 BODLEY AVENUE
TOWSON, MD. 21204
228-2800

There is good cause for not specifically providing strict time limitations on the filing of appeals to the Board of Appeals from the Decision of the Zoning Commissioner for Baltimore County. Baltimore County zoning regulations (1975) Regulation 501.6, provides that appeals from the decision of the Zoning Commissioner "shall be heard by the County Board of Appeals de novo." Therefore, any appeal when taken is taken in its entirety with a full and complete hearing of all issues of fact and matters of law again at the Board of Appeals level. Therefore, there is little or no possibility that an Appellee could be prejudiced by the filing of an appeal 20, 30, or 40 days from the rendering of a decision by the Zoning Commissioner in that the entire matter would be considered in its entirety. Applying this reasoning to this case, it may be said that the Appellees have sustained no inconvenience, nor will they be prejudiced by the Board's entertaining this appeal in its entirety. There exists in the laws of Baltimore County considerable confusion and conflict of what if any time limitations exist with regard to the filing of appeals in cases such as this to the Board of Appeals. For example, Section 22-27 of the Baltimore County Code (1965 as amended) provides that *** notice of such appeal shall be filed, in writing, with the Zoning Commissioner within thirty (30) days from the date of any final Order appealed from It should be noted here that although the Section of the Code referred to provides a thirty (30) day rule, no mention is made of a penalty for failure to comply with thirty (30) day rule nor is any power granted to the Board of Appeals for such failure. Regulation 500.10 of Article 5 of the

Baltimore County Zoning Regulations entitled (1955 as amended) provides: "notice of such appeal shall be filed in writing, with the Zoning Commissioner within ten (10) days from the date of any final Order appealed from." Here again, no mention is made of any penalty nor is any power conferred for failure to comply with the said ten (10) day rule.

3. PETITIONERS' MOTION TO DISMISS APPEAL FILED IN THIS PROCEEDING IS GROUNDED ON MARYLAND RULES OF PROCEDURE, RULE 84, WHICH IS ALTOGETHER INAPPLICABLE, AND, THEREFORE, SAID MOTION IS MADE WITHOUT SUPPORT AT LAW AND SHOULD BE DISMISSED.

The sole grounds of legal support cited by Petitioners in their Motion to Dismiss is that the Appellants herein failed to file their Order for Appeal within the time prescribed by Maryland Rules of Procedure, Rule 84. The Maryland Rules of Procedure do not apply in this proceeding nor have they ever applied to proceedings conducted before either the Zoning Commissioner or before the Board of Appeals of Baltimore County. That being the case, the Petitioners Motion is devoid of any theory in its support and ought for that reason to be dismissed.

Utilizing Petitioners argument as advanced in the Motion and looking to the Maryland Rules of Procedure for instruction, it should be noted that Maryland Rules of Procedure Rule 85, specifically grants a power to a court to dismiss an appeal for failure to otherwise comply with the Maryland Rules of Procedure. This specific grant should be considered when comparing the Maryland Rules to the rules, regulations and laws as adopted by Baltimore County which do not include such a specific grant of power. Looking further in Rule 85, that Rule also provides that a court may refuse to dismiss an appeal if cause is shown. It is Protestants contention that such cause has been shown during its argument before the Board on its Motion and in this Memorandum.

Respectfully submitted,

Charles E. Brooks
CHARLES E. BROOKS

KEVIN PATRICK O'DONNELL

Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorneys for Protestants

I HEREBY CERTIFY that on this 17th day of July, 1979, a copy of the PROTESTANTS' STATEMENT OF FACTS AND MEMORANDUM OF LAW was mailed First Class, Postage Prepaid, to Ronald J. Kearns, Esq., 1760 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for the Petitioners.

KEVIN PATRICK O'DONNELL

RECEIVED
BALTIMORE COUNTY
JUL 17 4 15 PM '79
CLERK OF COURT
BY: [Signature]

LAW OFFICE
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

LAW OFFICE
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

LAW OFFICE
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

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RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
Beginning 471.40' NW of * BOARD OF ZONING APPEALS
Long Green Road, 1800' W of * OF BALTIMORE COUNTY
Long Green Pike, 11th District *
PHILIP H. ALBRECHT, et ux, * Case No. 79-161-X
Petitioners *

PETITIONERS' LEGAL MEMORANDUM

To paraphrase Gertrude Stein: 'A rule is a rule is rule'.

No fault is found in the statement of facts filed herein by the Protestants. It is the application of the law to the facts which requires clarification. The Protestants' notice of appeal was filed thirty-two (32) calendar days from the date of the zoning commissioner's order. For this reason it should be summarily dismissed.

Article XI-A of the Maryland Constitution grants certain counties which are charter governed to enact rules and regulations for their administrative agencies. Baltimore County is such a county, thus qualifying under the Express Powers Act. Pursuant to the aforementioned section of the Maryland Constitution, and of Article 25A of the Annotated Code of Maryland, The "Express Powers Act", Baltimore County enacted its own code of rules and regulations as a part of its charter. Embraced by this charter are provisions designated as the "Baltimore County Code", containing ordinances, resolutions and by-laws necessary to exercise the powers granted by the State Constitution.

The Baltimore County Code has a special section devoted to the Planning, Zoning and Subdivision Control Departments (Section 22). Under this section, Article III, Zoning, Section 22-27 applies to the issue at hand, entitled "Appeals to the County Board of Appeals". It says: "Notice of such appeal shall be filed, in writing, with the zoning commissioner within thirty days from the date of any final order appealed from..."

Notice that the wording of this section does not read 'within a reasonable time' or 'from the date it was delivered to counsel for the Protestants.'

The rule is very, very clear. It is the same as the general rule for the appeal of a lawsuit in the courts of this state. Thirty days! Plenty of time for the delivery of a note to the zoning commissioner. Failure to comply with the rule results in a forfeiture of the right to appeal. The Protestants argue that no mention is made of a penalty for failure to comply with the thirty (30) day rule. The penalty is the same as that which results from the failure to appeal a lawsuit within the time specified - loss of the right.

Protestant states that the rules of the Board of Appeals are silent as to the time for filing an appeal. The rules of the Board were approved by the county council by Bill #8 in 1965. Section 22-27 of the code which specifies a thirty (30) day appeal time was already part of the county's law having been adopted as Bill #80 in 1960. There was no need for redundancy in drafting the rules of the Board. The issue had been covered in the earlier edition of the code.

Protestant also argues that, because an appeal from the decision of the Zoning Commissioner is heard de novo by the Board of Appeals, "There is little or no possibility that an Appellee could be prejudiced by the filing of an appeal 20, 30 or 40 days from the decision..." An appellee has the right to assume that, once the proper appeal period has expired the matter is closed. The right to the quiet enjoyment of property is not only prejudiced, it is abrogated if an appellant is given unlimited time to file an appeal. There are good and substantial reasons for limiting the time in almost all issues at law, both judicial and administrative. Once once closed should remain so. To rule otherwise would reduce our present system of law to chaos and uncertainty.

The facts of this matter are that the protestants had notice of the decision of the Zoning Commissioner on March 26, 1979. An appeal could have been filed comfortably (time-wise) at any time within the following four weeks and this problem would not have arisen. The combination of ignorance of the law and dilatory inaction should now serve to preclude the protestant from resurrecting this case and further aggravating and inconveniencing the petitioners. No 'good cause' has been shown by the protestant for its failure to comply with the law. The test for the existence of 'good cause' is that of ordinary prudence, i.e., whether the appellant prosecuted his claim with that degree of diligence that an ordinary prudent person would have exercised under the same or similar circumstances.

See: Merimack Park v County Board (1962) 179 A2 245, 228 M2 184; also, Toomey vs. Comerling, 235 Md. 456.

For the reasons, laws and cases above cited the appeal of the protestant should be dismissed.

Respectfully submitted,

Ronald J. Kearns
RONALD J. KEARNS
1760 Eastern Boulevard
Baltimore, Maryland 21221
686-8585
Attorney for Petitioners

I HEREBY CERTIFY that on this 9th day of August, 1979, a copy of the PETITIONERS' LEGAL MEMORANDUM was mailed to Paul Mark Sandler, Esquire, 1700 Tower Building, Baltimore, Maryland 21202, Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Md., 21204 and John W. Hessian, III, Esquire, People's Counsel, County Office Building, Towson, Maryland, 21204.

Ronald J. Kearns

RONALD J. KEARNS
ATTORNEY AT LAW
1760 EASTERN BOULEVARD
BALTIMORE, MD. 21221
TELEPHONE 686-8585

79-917

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
Beginning 471.40' NW of * BOARD OF ZONING APPEALS
Long Green Road, 1800' W of * OF BALTIMORE COUNTY
Long Green Pike, 11th District *
PHILIP H. ALBRECHT, et ux, * Case No. 79-161-X
Petitioners *

MOTION TO DISMISS APPEAL

Philip H. Albrecht, Sr. and Martha Albrecht, Petitioners, by Ronald J. Kearns, their attorney move that the appeal filed in the above captioned matter be dismissed. The grounds of the Motion are as follows:

1. The Order granting a special exception in the case was passed by S. Eric DiNenna, Zoning Commissioner, on March 23, 1979.
2. The appellant failed to file his order for appeal within the time prescribed in Maryland Rule 84, the appeal not having been received by the Zoning Commissioner's office until April 24, 1979.

Ronald J. Kearns
RONALD J. KEARNS
1760 Eastern Boulevard
Baltimore, Maryland 21221
686-8585
Attorney for Petitioners

I HEREBY CERTIFY that a copy of the foregoing Motion to Dismiss Appeal was mailed to Paul Mark Sandler, Esquire, 1700 Tower Building, Baltimore, Maryland 21202, Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Md., 21204 and John W. Hessian, III, Esquire, People's Counsel, County Office Building, Towson, Maryland, 21204 this 30 day of April, 1979.

Ronald J. Kearns



RONALD J. KEARNS
ATTORNEY AT LAW
1760 EASTERN BOULEVARD
BALTIMORE, MD. 21221
TELEPHONE 686-8585

RONALD J. KEARNS
ATTORNEY AT LAW
1760 EASTERN BOULEVARD
BALTIMORE, MD. 21221
TELEPHONE 686-8585

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RE: PETITION FOR SPECIAL EXCEPTION
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 12
Folio No. 83
File No. 79-161-X
Milton G. White, Jr. and
Dorothy White,
Protestants-Appellants
File No. 7033

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Leroy B. Spurrier, and Patricia
Millhauser, 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. 79-161-X

December 21, 1978 Petition of Philip H. Albrecht, Sr., et ux, for Special Exception
for Airport (landing strip) in an R-C-2 Zone on property located
beginning 471.40' northwest of Long Green Pike, 11th District -
filed
" " Order of Zoning Commissioner directing advertisement and posting
of property - date of hearing set for February 12, 1979, at 1 p.m.
January 25, 1979 Certificate of Publication in newspaper - filed
" 28 Certificate of Posting of property - filed
February 1, Comments of Baltimore County Zoning Plans Advisory Committee -
filed
" 9, Comments of Baltimore County Director of Planning - filed

they have. Remanding this matter for a third hearing can have
no beneficial affect since the arguments presented are legal
ones to be adjudicated by this Honorable Court.

7. At the scheduled hearing on the Appeal on January
7, 1981, it was obvious that no new arguments existed since
attorneys for both the Protestant-appellant and the Petitioner
agreed to submit the case to the Circuit Court on the Memoranda
previously prepared and reviewed by the Board of Appeals.

I HEREBY CERTIFY that on this day of February,
1981, a copy of the Motion for Re-hearing was mailed to Charles E.
Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204 and
John W. Hessian, III, Esquire, People's Counsel, County Office
Building, Towson, Maryland 21204.

Ronald J. Kearns

Philip H. Albrecht, Sr., et ux
File No. 79-161-X
February 12, 1979 At 1:00 p.m. hearing held on petition by Zoning Commissioner
March 23 Order of Zoning Commissioner granting special exception subject
to restrictions
April 24 Order of Appeal to County Board of Appeals from Order of Zoning
Commissioner
April 30 Motion to Dismiss Appeal filed by Counsel for the Petitioners
July 3 Hearing on Motion to Dismiss Appeal before County Board of Appeals
November 15 Continued hearing on Motion to Dismiss Appeal before County Board
of Appeals
January 10, 1980 Order of County Board of Appeals dismissing the Appeal
February 5 Order for Appeal filed in the Circuit Court for Baltimore County
by Counsel for the Protestants
February 15 Petition to accompany Order for Appeal filed in the Circuit Court
for Baltimore County
February 7 Certificate of Notice sent to all interested parties
February 20 Transcript of testimony filed - 1 volume
February 20 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 on permanent records of the Zoning Department of Baltimore County, as
are also the use district maps, and your respondents respectively 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,

John W. Hessian, III
County Board of Appeals of Baltimore County

cc: Ronald J. Kearns, Esq.
Charles E. Brooks, Esq.
John W. Hessian, III, Esq.

ON REMAND
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
File No. 79-161-X
12/83/7033
Philip H. Albrecht, Sr., et ux
Petitioners
Milton G. White, Jr. and
Dorothy White,
Protestants-Appellants

OPINION

This case comes before this Board on Remand from the Circuit Court of
Baltimore County for the purpose of taking testimony from Protestants-Appellants to show
cause why the 30 day limit for filing an appeal to this Board should not be enforced.
Argument from all attorneys involved in this case was heard this day by this Board.

This case is one of considerable duration, original filing having taken place
prior to February, 1979. One was heard before the Zoning Commissioner and on
March 23, 1979, he issued an Order granting the requested Special Exception. This Order
was received by Protestants' attorney on March 26, 1979. However, the appeal from this
decision was not filed with the Zoning Commissioner until April 24, 1979, which is beyond
the 30 day limit set forth in Section 22-27 of the Baltimore County Code. Based on these
dates, the Board on January 10, 1980, issued an Order dismissing this appeal for failure
to file the appeal within the time prescribed in Maryland 84. On February 5, 1980, this
Order of Dismissal was appealed to the Circuit Court, Baltimore County, and on January 25,
1981, this appeal was remanded to this Board for the above mentioned considerations.
The issue before the Board this day is a very narrow one, namely, to present the
Protestants-Appellants an opportunity to show cause why the 30 day limit should not be
enforced.

Mr. Charles Brooks, Attorney for the Protestants, testified as to the
circumstances that resulted in the late filing. He noted that the 30 day limit fell on a
Sunday, so he planned to file on Monday, April 23, 1979. However, on Monday, he was

Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
beginning 471.40' NW of Long Green Road
1800' W of Long Green Pike - 11th District
Philip H. Albrecht, Sr., et ux - Petitioners
Case No. 79-161-X

Dear Mr. Clark:

Enclosed is a Motion for Re-hearing to be filed in the
referenced matter.

Very truly yours,

Ronald J. Kearns
Attorney-at-Law

RJK:msl
Enclosure:

cc: Charles E. Brooks, Esq.
John W. Hessian, III, Esquire

RECEIVED
BALTIMORE COUNTY
FEB 15 2 31 PM '81
COUNTY BOARD
OF APPEALS

Philip H. Albrecht, Sr., et ux
File No. 79-161-X

In Ct. with Court and the case was not concluded until 5:30 p.m., at which time the office
of the Zoning Commissioner was closed. He therefore filed the appeal 8:30 a.m. on
April 24, 1979. He also stated that he attempted to get in touch with the Zoning
Commissioner the evening of April 23, 1979, to explain his problem, but apparently
without success. The Board notes this because the record indicates that on May 3, 1979,
the Zoning Commissioner requested an Opinion from the County Solicitor regarding the late
filing of an appeal and a motion to dismiss the appeal because of the late filing. An
answer to this request from the Zoning Commissioner was dated May 21, 1979, is also
part of the record. This correspondence indicates that the Zoning Commissioner was also
troubled by the late filing date at that time. Mr. Brooks also argued that the appeal was
filed within the 30 days of his receipt of the Order and that this date should supersede
the date of the Order. These are the basic reasons presented this Board as cause why the
30 day limit should not be enforced in this instant case.

After consideration of the above testimony, the Board is of the opinion
that the presented arguments do not constitute good cause for non-enforcement of the
30 day filing requirement. The Order of the Zoning Commissioner was in Mr. Brooks's
possession for over three weeks prior to his filing deadline. This appears to this Board
ample time to consider whether or not to appeal and to dictate a simple single paragraph
appeal to the Zoning Commissioner. To wait until the very last minute and even then use
the excuse that the 30th day falls on a Sunday, does not appear to be good cause to allow
a late filing. Even allowing for this premise, the Board cannot believe that there was not
some opportunity at some time either before the Circuit Court case or during some recess
during the case in which Mr. Brooks could not have contacted his office and had such a
simple matter taken care of by someone on his staff. Good cause should be just that,
good cause, and not procrastination by any party.

RE: PETITION FOR SPECIAL EXCEPTION
beginning 471.40' NW of
Long Green Road, 1800' W of
Long Green Pike, 11th District
Philip H. Albrecht, et ux,
Petitioners
Case No. 79-161-X
BEFORE THE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY
Case No. 79-161-X

MOTION FOR RE-HEARING

Philip H. Albrecht, et ux, by their attorney, Ronald
J. Kearns, moves for a re-hearing of the order remanding the
captioned case to the Board of Appeals of Baltimore County
because:

1. On April 30, 1979, a Motion to Dismiss the Appeal
of the Protestants in the referenced case was filed with the
Baltimore County Board of Appeals.
2. A hearing on this Motion before the full Board of
Appeals was held on July 3, 1979, the appearance for attorneys
for the Protestants and the Petitioners as well as the people's
Counsel for Baltimore County being noted and arguments presented.
3. Legal briefs citing the law and the arguments there-
on were prepared by both the attorneys for the Protestants and
for the Petitioners during the months of July and August, 1979
and filed with the County Board of Appeals.
4. A second hearing on the Motion to Dismiss the Appeal
was held on November 15, 1979 before the County Board of Appeals.
5. The Order of the County Board of Appeals dismissing
the Appeal was filed on January 10, 1980, resulting in a hearing
before this Honorable Court on January 7, 1981 resulting in the
Order of this Court dated January 26, 1981 remanding the case to
the Board for another hearing.
6. The County Board of Appeals has already heard
arguments on this Motion two (2) separate times and reviewed the
briefs prepared by the Protestants and the Petitioners. The
Protestants-appellants have had adequate opportunity to show cause
why the thirty (30) day limit should not be enforced, if any

RONALD J. KEARNS
ATTORNEY AT LAW
1700 EASTERN BOULEVARD
BALTIMORE, MD. 21201
TELEPHONE 686-8785

Philip H. Albrecht, Sr., et ux
File No. 79-161-X

If the 30 day limit is to be waived on reasons such as presented this Board this day, then
all parties affected by whether or not an appeal on any issue is taken, would not know
their status. For all these reasons, the Board is of the opinion that "good cause" for
non-enforcement of the 30 day filing requirement has not been evidenced and will affirm
the dismissal Order dated January 10, 1980.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 16th day
of June, 1981, by the County Board of Appeals, ORDERED that the Order of the Baltimore
County Board of Appeals dated January 10, 1980, be AFFIRMED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Shipps
Patricia Shipps

Leroy B. Spurrier
Leroy B. Spurrier

RE: PETITION FOR SPECIAL EXCEPTION for an Airport (Landing strip) in an R.C. 2 zone Beginning 471.40' NW of Long Green Pike, 11th District

PHILLIP H. ALBRECHT, Sr., et ux
Plaintiff

MILTON G. WHITE, Jr. and DOROTHY WHITE
Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

At Law

Case No.: 79-161-X

Misc. Docket: 12

Folio: 83

ORDER FOR APPEAL BY PROTESTANTS

Mr. Clerk:

Please enter an Appeal on behalf of Mr. Milton G. White, Jr. and Mrs. Dorothy White, Protestants, from the Order of the County Board of Appeals passed in the above case on the 16th day of June, 1981.

Charles E. Brooks
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorneys for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of July, 1981, a copy of the foregoing Order for Appeal by Protestants was delivered to the County Board of Appeals for Baltimore County, Court House, Towson, Maryland 21204

Charles E. Brooks

RE: PETITION FOR SPECIAL EXCEPTION for an Airport (Landing strip) in an R.C. 2 zone Beginning 471.40' NW of Long Green Pike, 11th District

PHILLIP H. ALBRECHT, Sr., et ux
Plaintiff

MILTON G. WHITE, Jr. and DOROTHY WHITE
Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

At Law

Case No.: 79-161-X

Misc. Docket: 12

Folio: 83

PETITION ON APPEAL

The Petition of Milton G. White Jr. and Dorothy White, Appellants by Charles E. Brooks, Esquire, and the Law Offices of Charles E. Brooks, their attorneys, respectfully represent unto the Honorable Court as follows:

1. That, Appellants herein are aggrieved persons whose interests are and will be adversely affected by the Opinion and Order of the County Board of Appeals of Baltimore County ("Board of Appeals") date June 16, 1981, wherein the Board of Appeals, on remand from the Circuit Court of Baltimore County, affirmed its own Order dated January 10, 1980, in which the Board of Appeals dismissed the Appeal of the Appellants from the Order of the Zoning Commissioner of Baltimore County dated March 23, 1979, granting to the above-captioned Phillip H. Albrecht, Sr., et ux a Special Exception for an Airport located on the property situated in the Eleventh Election District of Baltimore County 471.40 feet northwest of Long Green Pike.

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

STY 243 40
00000 00000
19 JUN 11 11 AM '81

2. That, Appellants were Protestants and Appellants regarding the subject request for Special Exception before the Zoning Commissioner and Board of Appeals, respectively.

3. That, the Zoning Commissioner erred in granting the subject Special Exception and the Board of Appeals erred in dismissing the Appellants' Appeal from the decision of the Zoning Commissioner in that those decisions have deprived Appellants of relief to which they are lawfully entitled.

4. That, the Board of Appeals erred in dismissing Appellants' Appeal in that Appellants timely noted their Appeal.

5. That, the Board of Appeals erred in affirming the Order of the Baltimore County Board of Appeals dated January 10, 1980, in that Rule B-5 of the Maryland Rules of Procedure requires only that "cause" be shown.

6. That, the Board of Appeals erred in determining that the Appellants failed to show that there had been cause shown by Appellants.

7. That, the Board of Appeals erred in determining that Appellants failed to comply with the Maryland Rules of Procedure, Rule B-4. Such ruling is arbitrary and capricious.

WHEREFORE, Appellants request that this Honorable Court by its ORDER:

A. Remand this case to the Board of Appeals for Hearing on the factual merits of the above-captioned Petition for Special Exception; and

B. And for such other and further relief as is just.

Charles E. Brooks
Law Offices of Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204
296-2600
Attorney for Protestants

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

-2-

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of July, 1981, a copy of the foregoing Petition On Appeal was delivered to the County Board of Appeals for Baltimore County, Court House, Towson, Maryland 21204.

Charles E. Brooks

LAW OFFICES
CHARLES E. BROOKS
610 BOSLEY AVENUE
TOWSON, MD. 21204
296-2600

-3-

RE: PETITION FOR SPECIAL EXCEPTION for an Airport (Landing Strip) in an R.C. 2 zone Beg. 471.40' NW of Long Green Pike 11th District

Philip H. Albrecht, Sr., et ux
Petitioners

Case No. 79-161-X

Milton G. White, Jr. and Dorothy White,
Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

Misc. Docket No. 12

Folio No. 83

File No. 7033

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule b-2(d) of the Maryland Rules of Procedure, William T. Hockett, Patricia Phipps and LeRoy B. Spurrier, 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, Ronald J. Kearns, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for the Petitioners, and Mr. and Mrs. Phillip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners, and Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants, and Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants, and Paul Mark Sandler, Esquire, Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitelyn Farms, Inc., and John W. Hession, III, Esquire, Room 223, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisanhart
Edith T. Eisanhart, Adm. Secretary
County Board of Appeals of Baltimore County
Room 200, Courthouse, Towson, Md. 21204
494-3182

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Ronald J. Kearns, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221,

White v. Albrecht - 12/83/7033

Counsel for Petitioners, and Mr. and Mrs. Phillip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners, and Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants, and Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants, and Paul Mark Sandler, Esquire, Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitelyn Farms, Inc., and John W. Hession, III, Esquire, Room 223, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, on this 17th day of July, 1981.

Edith T. Eisanhart
Edith T. Eisanhart, Adm. Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION for an Airport (Landing strip) in an R.C. 2 zone Beg. 471.40' NW of Long Green Pike 11th District

Philip H. Albrecht, Sr., et ux
Petitioners

Case No. 79-161-X

Milton G. White, Jr. and Dorothy White,
Protestants-Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

AT LAW

Misc. Docket No. 12

Folio No. 83

File No. 7033

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hockett, LeRoy B. Spurrier and Patricia Phipps, 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 County Board of Appeals for Baltimore County:

Jan. 26, 1981 Judge Cullen H. Horne ORDERED the case REMANDED "... to afford the protestant-appellants an opportunity to show cause why the 30 day limit should not be enforced."

May 19 Remand Hearing held before the County Board of Appeals

June 16 County Board of Appeals AFFIRMED their Order of January 10, 1980 dismissing the appeal

July 9 Order for Appeal filed in the Circuit Court for Baltimore County by attorney for Protestants-Appellants

" 9 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 17 Certificate of Notice sent to all interested parties

Aug. 6 Transcript of testimony filed - 1 volume

Protestants' Exhibit No. 1 - Copy of Circuit Court Docket for Monday, April 23, 1979

" 2 - Copy of Mr. Brooks' Day Book for Monday, April 23, 1979

Albrecht v. White - 12/83/7033

Aug. 10, 1981 Record of proceedings filed in the Circuit Court for Baltimore County (Certified copy of Board's Order, Exhibits, and Transcript)

Respectfully submitted

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

cc: Charles E. Brooks, Esq.
Ronald J. Kearns, Esq.
John W. Hession, Esq.
Paul Mark Sandler, Esq.

DATE	CLERK'S MEMORANDUM	NO.
4/22/81	Petitioners (ALBRECHT) Request for early hearing on the Motion for Re-hearing fd.	10
5/4/81	Plaintiff's request to remove case from June 5, 1981 assignment fd.	11
7/9/81	Order for appeal by protestants (MR. MILTON G. WHITE & MRS. DOROTHY WHITE) from the Order of the Co. Board of Appeals passed in the above case on the 16th day of June, 1981 fd.	12
7/9/81	Protestants Petition on Appeal fd.	13
7/17/81	Certificate of Notice RE Pd.	14
8/10/81	Certified copies of Proceedings before the Board of Appeals of Baltimore County fd.	15
8/10/81	Notice of Filing of Record fd.	16
1/29/82	Hon. Walter B. Hyde, Hearing ppe by C.B.	
5/4/82	Hon. W.B. Hyde Hearing was. Ruling of Trial County Board of Appeals of Baltimore County Affirmed.	

PHILIP H. ALBRECHT, Sr., et ux
 Petitioners
 vs.
 COURT BOARD OF APPEALS OF BALTIMORE COUNTY
 Appellants
 Case No. 7033

REQUEST FOR HEARING

MR. CLERK:

Please set this matter in for a hearing on the Appeal from the Zoning Board Decision.



Ronald J. Kearns
 1760 Eastern Boulevard
 Baltimore, Maryland 21221
 888-2255
 Attorney for Philip Albrecht, Sr.

I HEREBY CERTIFY that a copy of the foregoing was mailed this 13 day of November, 1981, to Charles E. Brooks, 610 Bailey Avenue and John W. Hession, III, County Office Building, Towson, Maryland 21204.

Ronald J. Kearns

RECEIVED
 BALTIMORE COUNTY
 MAY 15 9 51 AM '81

RONALD J. KEARNS
 ATTORNEY AT LAW
 1760 EASTERN BLVD.
 BALTIMORE, MD.
 (410) 888-2255

494-3180

County Board of Appeals

Room 219, Court House
 Towson, Maryland 21204
 January 10, 1980

Charles E. Brooks, Esquire
 610 Bailey Avenue
 Towson, Md. 21204

Re: Case No. 79-161-X
 Philip H. Albrecht, Sr.

Dear Mr. Brooks:

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

Very truly yours,

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

Encl.

cc: Ronald J. Kearns, Esquire
 Mr. and Mrs. Philip H. Albrecht, Sr.
 Paul Mark Sandler, Esquire
 John W. Hession, III, Esquire
 Mr. Milton G. White, Jr.
 Mrs. Dorothy White
 Mr. Harold Spencer
 Mr. J. E. Dyer
 Mr. J. B. Byrnes, III
 Mr. W. E. Hammond
 Mr. J. G. Howell
 Board of Education

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
 for an Airport : COUNTY BOARD OF APPEALS
 Beg. 471.40' NW of :
 Long Green Pike :
 11th District :
 Philip H. Albrecht, Sr., et ux : BALTIMORE COUNTY
 Petitioners : No. 79-161-X

ORDER OF DISMISSAL

Petition of Philip H. Albrecht, Sr., et ux, for a special exception for an Airport on property located beginning 471.40 feet northwest of the Long Green Pike, in the Eleventh Election District of Baltimore County.

WHEREAS, the Order granting the special exception in this case was passed by S. Eric DiNanno, Zoning Commissioner, on March 23, 1979.

WHEREAS, the appellant failed to file his order for appeal within the time prescribed in Maryland Rule 84, the appeal not having been received by the Zoning Commissioner's office until April 24, 1979.

IT IS HEREBY ORDERED this 10th day of January, 1980, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

Walter A. Ratter, Jr., Chairman

Patricia Millhouser
 Patricia Millhouser

Edith T. Eisenhart
 Edith T. Eisenhart

County Board of Appeals

Room 219, Court House
 Towson, Maryland 21204
 February 7, 1980

Ronald J. Kearns, Esq.
 1760 Eastern Blvd.
 Baltimore, Md. 21221

Dear Mr. Kearns:

Re: Case No. 79-161-X
 Philip H. Albrecht, Sr., et ux

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.

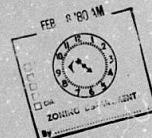
Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Edith T. Eisenhart
 Edith T. Eisenhart, Secretary

Encl.

cc: Mr. & Mrs. Philip H. Albrecht, Sr.
 Paul M. Sandler, Esq.
 John W. Hession, III, Esq.
 Mr. J. E. Dyer
 Mr. William Hammond
 Mr. James Byrnes, III
 Mr. Harold Spencer
 Board of Education



RE: PETITION FOR SPECIAL EXCEPTION : IN THE
 Airport (bonding strip) in an R.C. 2 zone : CIRCUIT COURT
 Beg. 471.40' NW of Long Green Pike :
 11th District :
 Philip H. Albrecht, Sr., et ux : FOR
 Petitioners : BALTIMORE COUNTY
 File No. 79-161-X : AT LAW
 Milton G. White, Jr. and : Misc. Docket No. 12
 Dorothy White, : Folio No. 83
 Protestants-Appellants : File No. 7033

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Ratter, Jr., Patricia Millhouser, and LeRoy B. Spurrer, 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, Ronald J. Kearns, Esq., 1760 Eastern Blvd., Baltimore, Maryland 21221, Counsel for the Petitioners; Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21204, Counsel for the Protestants-Appellants; Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants; Paul Mark Sandler, Esq., Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitley Farm, Inc.; John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, on this 7th day of February, 1980.

Edith T. Eisenhart
 Edith T. Eisenhart
 County Board of Appeals of Baltimore County
 Rm. 219, Court House, Towson, Md. 21204
 Telephone: 474-3180

Philip H. Albrecht, Sr., et ux
 File No. 79-161-X

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Ronald J. Kearns, Esq., 1760 Eastern Blvd., Baltimore, Maryland 21221, Counsel for the Petitioners; Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners; Charles E. Brooks, Esq., 610 Bailey Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants; Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants; Paul Mark Sandler, Esq., Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitley Farm, Inc.; John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, on this 7th day of February, 1980.

Edith T. Eisenhart
 Edith T. Eisenhart
 County Board of Appeals of Baltimore County

County Board of Appeals

Room 219, Court House
 Towson, Maryland 21204
 July 17, 1981

Ronald J. Kearns, Esquire
 1760 Eastern Boulevard
 Baltimore, Md. 21221

Re: Case No. 79-161-X
 Philip H. Albrecht, Sr., et ux

Dear Mr. Kearns:

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. Philip H. Albrecht, Sr.
 Paul M. Sandler, Esq.
 John W. Hession, III, Esq.
 Mr. Harold Spencer
 Mr. W. E. Hammond
 Mr. J. E. Dyer
 Mr. J. Byrnes, III
 Mr. N. E. Gerber
 Mr. J. G. Howell



RE: PETITION FOR SPECIAL EXCEPTION :
 Airport (Landing Strip) in an R.C. 2 :
 zone :
 Beg. 471.40' NW of :
 Long Green Pike :
 11th District :
 Philip H. Albrecht, Sr., et ux :
 Petitioners :
 Case No. 77-161-X : Misc. Docket No. 12 :
 Milton G. White, Jr. and : Folio No. 83 :
 Dorothy White, :
 Protestants-Appellants : File No. 7033

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, Patricia Phipps and LeRoy B. Spurrier, 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, Ronald J. Kearns, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221, Counsel for the Petitioners, and Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners, and Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants, and Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants, and Paul Mark Sandler, Esquire, Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitely Farms, Inc., and John W. Hession, III, Esquire, Room 223, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith F. Eisenhart
 Edith F. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County
 Room 200, Courthouse, Towson, Md. 21204
 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Ronald J. Kearns, Esquire, 1760 Eastern Boulevard, Baltimore, Maryland 21221,

White v. Albrecht - 12/83/7033

Counsel for Petitioners, and Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners, and Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants, and Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants, and Paul Mark Sandler, Esquire, Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitely Farms, Inc., and John W. Hession, III, Esquire, Room 223, Courthouse, Towson, Maryland 21204, People's Counsel for Baltimore County, and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, on this 17th day of July, 1981.

Edith F. Eisenhart
 Edith F. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION :
 Airport (Landing Strip) in an R.C. 2 zone :
 Beg. 471.40' NW of Long Green Pike :
 11th District :
 Philip H. Albrecht, Sr., et ux :
 Petitioners :
 File No. 77-161-X :
 Milton G. White, Jr. and : Misc. Docket No. 12 :
 Dorothy White, :
 Protestants-Appellants : Folio No. 83 :
 File No. 7033

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Patricia Millhouser, and LeRoy B. Spurrier, 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, Ronald J. Kearns, Esq., 1760 Eastern Blvd., Baltimore, Maryland 21221, Counsel for the Petitioners; Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners; Charles E. Brooks, Esq., 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants; Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants; Paul Mark Sandler, Esq., Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitely Farms, Inc.; John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Walter A. Reiter, Jr.
 Walter A. Reiter, Jr., Adm. Secretary
 County Board of Appeals of Baltimore County
 Rm. 219, Court House, Towson, Md. 21204
 Telephone: 494-3180

Philip H. Albrecht, Sr., et ux
 File No. 77-161-X

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Ronald J. Kearns, Esq., 1760 Eastern Blvd., Baltimore, Maryland 21221, Counsel for the Petitioners; Mr. and Mrs. Philip H. Albrecht, Sr., 5130 Long Green Road, Glen Arm, Maryland 21057, Petitioners; Charles E. Brooks, Esq., 610 Bosley Avenue, Towson, Maryland 21204, Counsel for the Protestants-Appellants; Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21083, Protestants-Appellants; Paul Mark Sandler, Esq., Suite 1700, Tower Building, Baltimore, Maryland 21202, Counsel for Whitely Farms, Inc.; John W. Hession, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County; and Mr. Harold Spencer, 5840 Glen Arm Road, Glen Arm, Maryland 21057, on this 7th day of February, 1980.

John Hession
 John Hession
 County Board of Appeals of Baltimore County

cc: J. Howell (4)
 J. Howell (1)
 File (2)

IN THE MATTER OF THE APPLICATION
 OF PHILIP H. ALBRECHT, SR., et ux
 FOR SPECIAL EXEMPTION
 BEFORE THE COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

MILTON G. WHITE, JR. and
 DOROTHY WHITE

Protestants

v.

COUNTY BOARD OF APPEALS OF
 BALTIMORE COUNTY

WHITELY FARMS, INC.
 MR. HAROLD SPENCER

Protestants-Appellants

IN THE CIRCUIT COURT
 FOR BALTIMORE COUNTY

LAW CASE (MISC.) 7033

OPINION AND ORDER

Protestants-appellants appealed from an Order of the County Board of Appeals denying their Appeal from the Zoning Commissioner because it was not filed within the statutory 30 day period. This Court is of the opinion that Section 22-27 of the Baltimore County Code, which prescribes a thirty day appeal period, is controlling. However, a fair inference from this rule is that for cause shown, the 30 day requirement may be set aside. Such a provision for cause is included in the Maryland Rule 85. We therefore remand this case to the Board of Appeals to afford the protestant-appellants an opportunity to show cause why the 30 day limit should not be enforced.

It is therefore ORDERED that this case be REMANDED to the Board of Appeals for a finding in accordance with this Opinion.

William H. Hession
 William H. Hession
 Judge

FILED JAN 26 1981

DATE

CHB/sh
 Note: Reference is made to the annotations of Maryland Rule 85 for judicial application of "good cause".

PETITION FOR SPECIAL EXEMPTION

11th District

ZONING: Petition for Special Exemption for Airport (landing strip)
 LOCATION: Beginning 171.10 feet Northwest of Long Green Road, 1800 feet West of Long Green Pike

DATE & TIME: Monday, February 12, 1979 at 1:00 P.M.

PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Special Exemption for an Airport (landing strip)

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

Being the property of Philip H. and Martha H. Albrecht, as shown on plat plan filed with the Zoning Department

Hearing Date: Monday, February 12, 1979 at 1:00 P.M.
 Public Hearing Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
 S. KRIG DE NEHA, ZONING COMMISSIONER
 AND
 GEORGE J. MANTISIA, DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY

COLUMBIA OFFICE
 WALTER PARK
 Registered Surveyor
 Phone 730-8080

TOWSON OFFICE
 HUDKINS ASSOCIATES, INC.
 Engineers, Surveyors and
 Landscape Architects
 100 EAST JONES ROAD
 ROOM 101, BELL BUILDING
 TOWSON, MARYLAND 21204
 PHONE: 528-3900

DELAIR OFFICE
 L. GERALD WOLFF
 Landscape Architect
 Phone 816-0888

September 15, 1979

DESCRIPTION TO ACCOMPANY APPLICATION FOR SPECIAL EXEMPTION:

Beginning for the same at a point distant North 45 degrees 02 minutes 50 seconds West 471.40 feet from a point in the center of Long Green Road said center point being distant northwesterly 1800 feet measured along the center of said Long Green Road from its intersection with the center of Long Green Pike thence North 48 degrees 07 minutes East 360.94 feet thence North 46 degrees 45 minutes East 165 feet more or less, thence in a northwesterly direction along the center of an existing gravel drive 955 feet more or less thence North 44 degrees 47 minutes 50 seconds East 75 feet more or less thence North 45 degrees 21 minutes 30 seconds West 1213.34 feet thence South 49 degrees 59 minutes 30 seconds West 199.63 feet thence South 31 degrees 14 minutes 30 seconds West 550.17 feet thence South 45 degrees 02 minutes 50 seconds East 2007.63 feet to the place of beginning.

Containing 33.6 Acres of land more or less.



Melcom E. Hudkins
 Registered Surveyor #5095

November 21, 1978

Ronald J. Kearns, Esq.
 1760 Eastern Boulevard
 Baltimore, Md. 21221

Re: Case No. 74-95-V
 Philip H. Albrecht, Sr.

Dear Mr. Kearns:

It is the judgment of this Board that it has no authority to grant your petition for an extension in the time to comply with the previously issued Board's Order in the subject case. As you know, it has been more than thirty days since the issuance of our Order, and therefore the Board has no jurisdiction past this time period to in any way alter its decision.

If you have any particular questions concerning this judgment of the Board, please do not hesitate to contact our office.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WALB

cc: Charles E. Brooks, Esq.

7-155
File
MICHAEL MOYER CANON
3220 LONG GREEN ROAD
GLEN ARK. MARYLAND 21204
FEB 13 1979
February 9, 1979
Baltimore County Zoning Commissioner
Baltimore County Court House
Towson, Maryland 21204

Dear Sir:

Reference Case #79-161X

The purpose of this letter is to specifically register my strongest possible objections to the requested zoning exception for a proposed commercial airstrip on the property of Mr. Philip H. Albrecht. My home and property are immediately adjacent to Mr. Albrecht's airstrip and granting such an exception would seriously disrupt the reasonable peace and tranquility to which I am entitled as the property owner. As it is under the current circumstances, the 6 or 8 planes using Mr. Albrecht's airstrip off land and take off at a low altitude almost immediately over my home. We have talked to Mr. Albrecht numerous times about this problem but in the interests of being good neighbors have not formally protested this situation to the authorities up until now.

If Mr. Albrecht's property were to be zoned commercially for the use of private aircraft (which he has told me repeatedly he would never request), the potential danger and noise problem would seriously destroy the ability to live normally on my property and, of course, result in substantial loss in property value.

I find that I now regret my past decision not to protest the current illegal use of Mr. Albrecht's property as a landing strip for many private plane owners. I will fight to the best of my resources any maneuver to legitimize for the future what Mr. Albrecht has always said was only a temporary situation as long as he lived on the property.

In my current absence from Maryland, I would like to authorize my neighbor, Mr. Robert Carter to speak at any zoning hearing on my behalf on the subject. I fully intend to use whatever legal remedies may be available to me to fight what I consider to be a serious breach of what I thought was a firm understanding with my (up to now) good neighbor, Mr. Philip H. Albrecht.

I can be reached at 19 Widener Way, Grange Park, Fla. 32073 if the preparations of any affidavits are necessary.

Sincerely,

Michael M. Canon
Michael M. Canon

cc: Robert Carter

Mr. Eric DiNenna
Office of the Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception filed by
Philip H. Albrecht, Sr.

Dear Eric:

Please be advised that I represent Whitely Farms, Inc. which is situated in Hyde, Maryland, near the intersection of Mr. Philip H. Albrecht, Sr. desires to utilize as an airstrip. Recently, the County Board of Appeals of Baltimore County issued an order, based upon your request, that Mr. Albrecht discontinue the use of his property as an airport, because he was in violation of the Baltimore County Zoning regulations.

Recently, I have been advised that Mr. Albrecht has filed with your office a special exception, with the hope of obtaining appropriate zoning to continue his airport.

Would you please note in your file that my client, Whitely Farms, Inc. is most interested in having the Board of Appeals of the State of Maryland, review the request for special exception. Whitely Farms, Inc. wishes to be present at any and all public hearings with regard to the matter, and have an opportunity to understand exactly what Mr. Albrecht is attempting to accomplish so as to formulate a position with regard to this matter.

I would appreciate your kind cooperation with regard to this matter, and hopefully will be hearing from your office.

Sincerely yours,

Paul Mark Sandler
Paul Mark Sandler

PMS:hs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson, Esquire
TO: County Solicitor
THRU: Mr. Melvin B. Cole, Administrative Officer
FROM: Mr. S. Eric DiNenna, Zoning Commissioner
SUBJECT: Request for Legal Opinion
Date: May 3, 1979

Would your office please issue an opinion concerning the filing of an appeal beyond the thirty day appeal period. Specifically, if an appeal is not timely filed and the attorney for the appellee files a Motion to Dismiss Appeal, is the Motion heard by the level from which the appeal is being taken (Zoning Commissioner) or on the appellant level (Board of Appeals).

Attached is a copy of the Motion to Dismiss Appeal filed by the attorney for the appellee which raises this specific question.

Your prompt answer would be appreciated.

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

SED/arl

Attachment

cc: Case No. 79-161-X

APPROVED:

MELVIN B. COLE
Administrative Officer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Board of Appeals
Messrs. Walter J. Reiter, Chairman,
TO: Robert L. Gillard, Herbert A. Davis
Date: November 20, 1978
FROM: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee
SUBJECT:

This office is in receipt of a petition for a Special Exception for an airport (landing strip), Item No. 88, I.D.C.A. No. 78-60X, in the name of Philip H. and Martha H. Albrecht, 471.40' northwest of Long Green Road, 1800' west of Long Green Pike. Before a hearing date can be scheduled, I.D.C.A. review and approval must be made. The Planning Board will review this item on December 21, 1978.

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/DI/af

cc: Mr. James B. Byrnes, III
Zoning Enforcement Section

494-3180

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

NOTICE OF ASSIGNMENT

(CONTINUED HEARING)

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 #108

CASE NO. 79-41-X

PHILIP H. ALBRECHT, SR., et ux

for special Exception for Airport in R.C. 2 zone

Bag. 471.40' NW of Long Green Pike

11th District

THURSDAY, NOVEMBER 15, 1979 at 10:00 a.m.

ASSIGNED FOR:

cc: Ronald J. Kearns, Esq. Counsel for Petitioners
Mr. and Mrs. Philip H. Albrecht, Sr. Petitioners
Charles E. Brooks, Esq. Counsel for Protestants-Appellants
Mr. Milton G. White, Jr. Protestants-Appellants
Mrs. Dorothy White
Paul Mark Sandler, Esq. Counsel for Whitely Farms, Inc.
John W. Hesston, III, Esq. People's Counsel
Mr. William E. Hammond
Mr. James E. Dyer
Mr. John Seyffert
Mrs. Carol Beresch

Jane Holmen
County Board of Appeals

Rec'd 11/21/78
1:30 pm

RONALD J. KEARNS
Attorney at Law
1700 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221
TELEPHONE 695-4205

August 9, 1979

Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Philip H. Albrecht, et ux.
Case No.: 79-161-X

Dear Mr. Clerk:

Enclosed is the Petitioner's Legal Memorandum to be filed
in the referenced matter.

Sincerely yours,

Ronald J. Kearns
Ronald J. Kearns

RJK:mab

ENCL:

RECEIVED
BALTIMORE COUNTY
FEB 14 11 14 AM '79
COUNTY CLERK
BY _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Leonard S. Jacobson, Esquire
TO: County Solicitor Date: May 3, 1979
THRU: Mr. Melvin B. Cole, Administrative Officer
FROM: Mr. S. Eric DiNenna, Zoning Commissioner
SUBJECT: Request for Legal Opinion

Would your office please issue an opinion concerning the filing of an ap-
peal beyond the thirty day appeal period. Specifically, if an appeal is not timely
filed and the attorney for the appellee files a Motion to Dismiss Appeal, is the
Motion heard by the level from which the appeal is being taken (Zoning Commis-
sioner) or on the appellant level (Board of Appeals).

Attached is a copy of the Motion to Dismiss Appeal filed by the attorney
for the appellee which raises this specific question.

Your prompt answer would be appreciated.

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SED:arl

Attachment

cc: Case No. 79-161-X ✓

APPROVED:

MELVIN B. COLE
Administrative Officer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna, Zoning Commissioner
TO: Miss M. Zoning Date: May 21, 1979
FROM: Office of Law
SUBJECT: Request for Legal Advice
Filing of an appeal beyond
the thirty day appeal period

You requested this office to issue advice to you concerning the filing
of an appeal beyond the thirty day appeal period and where the jurisdiction of
a motion to dismiss this appeal would lie.

It is, without a doubt, the duty and jurisdiction of the Board of Appeals
to decide motions to dismiss appeals before them, whether it be for reason of
timely appeal or any other reason. Baltimore County Charter Section 602,
Article 25A, Annotated Code of Maryland, Section (5), Subsection (3).

The jurisdiction of your office ceases in a matter once you have
rendered your opinion and there has been filed an appeal before the Board of
Appeals for Baltimore County.

Leonard S. Jacobson
Leonard S. Jacobson
County Solicitor
Thomas J. Bollinger
Thomas J. Bollinger
Assistant County Solicitor

LSJ:TJB:rmc

RONALD J. KEARNS
Attorney at Law
1700 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221
TELEPHONE 695-4205

November 28, 1979

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

RE: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux
Special Exception

Gentlemen:

In April of this year the Protestants in the referenced
case filed an Appeal from the Zoning Commissioner's
Office. That Appeal was filed 32 days after the Com-
missioner's Order had been signed. A Motion to Dismiss
the Appeal was subsequently filed and is now before you
for a decision.

This case has put my client's to a great deal of time,
expense and anguish. They have been seeking only to
continue the practice in which they have been engaged
in one form or another since the late 1930's. The record
will indicate that no complaints have ever been registered
against their use of their property as an airport until
several years ago when someone who lives more than a mile
away from their property took offense at a low flying plane
and, assuming it came from the Albrechts initiated a zoning
complaint. Approximately 60 neighbors of the Albrechts turned
out at the Commissioner's hearing on the special exception
to support the request. The Commissioner logically and
fairly granted the request. Thirty-two days elapsed before
an Appeal was filed.

Under all of the Maryland Rules there is no excuse for
delaying a decision on this Appeal any longer. I must therefore
request that the County Board of Appeals rule on the Motion

*Filed to let
dismiss appeal*

County Board of Appeals -2- November 28, 1979

to dismiss the Appeal, the arguments presented thereon and the
legal memorandum filed in the case.

The Albrechts cannot afford to carry this matter much further.
A prompt and clear decision from you will be anticipated and
appreciated.

Very truly yours,

Ronald J. Kearns
Ronald J. Kearns
Attorney-at-Law

RJK:mab

cc: Paul Mark Sandler, Esquire
Charles E. Brooks, Esquire
John W. Heslian, III, Esquire

LAW OFFICES
CHARLES E. BROOKS
100 MONMOUTH AVENUE
TOWSON, MARYLAND 21204

AREA CODE 410
695-0900

December 21, 1979

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

Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux
Special Exception

Gentlemen:

Ronald J. Kearns, counsel for the Applicants in the
above-captioned matter, has indicated to you by certain allegations,
facts which I do not consider to be entirely correct. Although
this case is presented to the Board as a Request for Special
Exception, that Request for Special Exception was only undertaken
subsequent to a determination by the Commissioners Office and
Board of Appeals that the operation of an airport on the Albrecht
property was, in fact, not a non-conforming use and was being
operated in violation of zoning regulations. At no point in
time, to the knowledge of this writer, has Mr. Albrecht ceased
to operate the subject property as a private airport nor to have
abided by this Board's ruling that a violation does, in fact,
exist.

Reference is made as to the extent of time and expenses
and anguish that Mr. Albrecht has been put through from and as a
result of these recent proceedings. It must be noted that
substantive injury and damage has been suffered by the adjoining
property owners from and as the operation of the subject property
as a private airport. Specifically, clients which I represent,
of my clients, have had their properties substantially depreciated
in value as the result of the operation of the airport.

At the hearing before the Zoning Commissioner, it is
indeed true numerous persons appeared, however, many of those live

County Board of Appeals
Re: Case No. 79-161-X
December 21, 1979
Page 2

substantive distances from the subject property. Mr. Kearns
suggests, by his allegations, that this matter will
be brought to a conclusion by an affirmative ruling on his Motion
before this Board. I assure you that that is, indeed, not correct
and this matter, even if the Board were to rule favorably on
the Applicants' Motion, would proceed at the Appellant levels on
that issue and if, in fact, this Board's determination were to be
reversed, would have to be returned to the Board for the taking
of testimony for a determination on the factual basis as to the
appropriateness of the granting of a special exception at the
hearing before the Zoning Commissioner.

In view of all the circumstances and the interest of the
Board, the Applicants and Protestants, it is only logical that
this matter proceed for Hearing on the merits and a determination
on a factual basis be arrived at thereafter if either party is
aggrieved both parties would be bound thereby and not of necessity
present the potential of even more protracted litigation which
would provide for substantially more costs and expenses.

In view of the foregoing, it is respectfully recommended
that this Board afford the opportunity to both parties to be
heard on the merits of the issue presently before it.

Respectfully submitted,

Charles E. Brooks
Charles E. Brooks
Counsel for Protestants

CEB/jc

494-3180
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
January 10, 1980

Charles E. Brooks, Esquire
510 Bayley Avenue
Towson, Md. 21204

Re: Case No. 79-161-X
Philip H. Albrecht, Sr.

Dear Mr. Brooks:

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

Very truly yours,

Edith I. Eitenhorst
Edith I. Eitenhorst, Admin. Secretary

End.

cc: Ronald J. Kearns, Esquire
Mr. and Mrs. Philip H. Albrecht, Sr.
Paul Mark Sandler, Esquire
John W. Heslian, III, Esquire
Mr. Milton G. White, Jr.
Mrs. Dorothy White
Mr. Harold Spencer
Mr. J. E. Dyer
Mr. J. B. Byrnes, III
Mr. W. E. Hammond
Mr. J. G. Maxwell
Board of Education

RECEIVED
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NOV 30 10 44 AM '79
COUNTY CLERK
BY _____

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 7, 1980

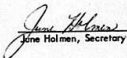
Ronald J. Kearns, Esq.
1760 Eastern Blvd.
Baltimore, Md. 21221Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Mr. Kearns:

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,


Jane Holmen, Secretary

Encl.

cc: Mr. & Mrs. Philip H. Albrecht, Sr.
Paul M. Sandler, Esq.
John W. Hession, III, Esq.
Mr. J. E. Dyer
Mr. William Hammond
Mr. James Byrnes, III
Mr. Harold Spencer
Board of Education

MICROFILMED

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 7, 1980

Charles E. Brooks, Esq.
610 Bailey Avenue
Towson, Md. 21204Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Mr. Brooks:

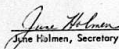
In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

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,


Jane Holmen, Secretary

Encls.

cc: Kevin Patrick O'Donnell, Esq.
Mr. Milton G. White, Jr. and
Mrs. Dorothy White

MICROFILMED

February 7, 1980

BILLED TO: Charles E. Brooks, Esq.
610 Bailey Ave.
Towson, Md. 21204

Cost of certified documents filed
in Case No. 79-161-X \$ 19.00

Philip H. Albrecht, Sr., et ux
Reg. 471.40' NW of Long Green Pike
11th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 219, Court House
Towson, Maryland 21204

MICROFILMED

LAW OFFICES
CHARLES E. BROOKS
610 BAILEY AVENUE
TOWSON, MARYLAND 21204

February 26, 1980

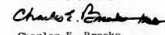
County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Philip H. Albrecht, Sr., et ux
File No. 79-161-X

Gentlemen:

In response to your letter and invoice dated February 7, 1980, please find enclosed my check in the amount of NINETEEN DOLLARS (\$19) made payable to Baltimore County, Maryland to cover the cost of certified documents filed in the above numbered case.

Sincerely yours,


Charles E. Brooks
Attorney for Protestants/Appellants

CEB/KOD/chb
Enclosure

MICROFILMED

6-13-79 - Notified of appeal hearing on Motion to Dismiss Appeal only, scheduled for TUESDAY, JULY 3, 1979 at 3 p.m.:

Ronald G. Kearns, Esq.
Mr. and Mrs. Philip H. Albrecht, Sr.

Counsel for Petitioners
Petitioners

Charles E. Brooks, Esq.
Mr. Milton G. White, Jr. and
Mrs. Dorothy White

Counsel for Protestants-Appellants
Protestants-Appellants

Paul Mark Sandler, Esq.

Counsel for Whitely Farms, Inc.

John W. Hession, III, Esq.

People's Counsel

8/22/79 - Notified the following people of the CONTINUED HEARING on Thursday, Nov. 15, 1979 at 10 a.m.:

Ronald J. Kearns, Esq.
Mr. and Mrs. Philip H. Albrecht, Sr.
Charles E. Brooks, Esq.
Mr. Milton G. White, Jr.
Mrs. Dorothy White
Paul Mark Sandler, Esq.
John W. Hession, III, Esq.
William Hammond
James E. Dyer
John Seyffert
Carol Beresch

copy retained

MICROFILMED

LAW OFFICES
CHARLES E. BROOKS
610 BAILEY AVENUE
TOWSON, MARYLAND 21204

March 20, 1981

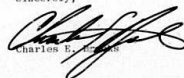
Chairman
County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux.
For SE - Airport
Reg. 471.40' of Long Green Pike
11th District

Dear Mr. Chairman:

Please strike the name of Kevin Patrick O'Donnell, Esquire as counsel for the Protestants-Appellants, as he is no longer associated with this office.

Sincerely,


Charles E. Brooks

CEB/gd

MICROFILMED

2/12/81 - Above notified of REMAND HEARING scheduled for TUESDAY, MAY 19, 1981 at 10 a.m.

RECEIVED
BALTIMORE COUNTY
MAR 2 10 41 AM '81
COUNTY CLERK
BY: J.A.S.

64-263
JOHN ADAMS
Assignments-Jury-Continued
64-262
FRANK MOBER
Assignments-Jury
64-261
JUDITH MOBER
Assignments-Jury

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE

COUNTY COURTS BUILDING

401 Bailey Avenue

Towson, Maryland 21204

May 2, 1981

JO. Ronald J. Kearns, Esq.
Charles E. Brooks, Esq.
Paul Mark Sandler, Esq.
John W. Hession, III, Esq.

MICROFILMED

February 7, 1980

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County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 12, 1981

NOTICE OF ASSIGNMENT

REMAND HEARING

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 #106

CAJE NO. 79-161-X PHILIP H. ALBRECHT, Sr., et UX

For SE - Airport

Beg. 471.40' NW of Long Green Pike

11th District

1/26/81 - Judge Holmes REMANDED case to the Board "... to afford the protestant-appellants an opportunity to show cause why the 30 day limit should not be enforced."

ASSIGNED FOR: TUESDAY, MAY 19, 1981 at 10 a.m.

cc: Ronald J. Kearns, Esquire Counsel for Petitioners
Mr. and Mrs. P. H. Albrecht, Sr. Petitioners
Charles E. Brooks, Esquire Counsel for Protestants-Appellants
Kevin Patrick O'Donnell, Esquire
Milton G. White, Jr. Protest-Appellant
Dorothy White
Paul Mark Sandler, Esquire Counsel for Whitely Farms, Inc.
Mr. Harold Spencer
John W. Hession, III, Esquire People's Counsel
Mr. J. E. Dyer
Mr. J. B. Byrnes, III
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. Howell

Edith T. Eusenhart, Adm. Secretary

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

June 16, 1981

Charles E. Brooks, Esq.
610 Bosley Ave.
Towson, Md. 21204Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Mr. Brooks:

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,

June Holman
June Holman, Secretary

Encl.

cc: Ronald J. Kearns, Esq.
Mr. & Mrs. Philip H. Albrecht, Sr.
Paul Mark Sandler, Esq.
Mr. & Mrs. Milton White, Jr.
Mr. Harold Spencer
John W. Hession, III, Esq.
Mr. J. E. Dyer
Mr. J. Byrnes, III
Mr. William Hammond
Judge Cullen H. Holmes

RONALD J. KEARNS

Attorney at Law
1700 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21201
TELEPHONE 686-4006

July 6, 1981

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

ATTENTION: JUNE HOLMAN, Secretary

RE: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Ms. Holman:

My office has received a copy of the opinion of the Board of Appeals recently passed in the above entitled case. The case had been remanded to the Board by the Honorable Judge Cullen Holmes for a decision of fact on the issue of "good cause". This decision having now been made a copy of the Opinion and Order should be forwarded to Judge Holmes so that he can now make a ruling of law on the original Appeal.

Very truly yours,

Ronald J. Kearns
Ronald J. Kearns
Attorney-at-Law

RJK:mab

July 17, 1981

BILLED TO:

Charles E. Brooks, Esq.
610 Bosley Avenue
Towson, Md. 21204Cost of certified documents filed
in Case No. 79-161-X \$ 3.00Philip H. Albrecht, Sr., et ux
Beg. 471.40' NW of Long Green Pike
11th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Room 200, Courthouse
Towson, Md. 21204

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 17, 1981

Charles E. Brooks, Esq.
610 Bosley Avenue
Towson, Md. 21204Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Mr. Brooks:

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 (b).

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. Eusenhart
Edith T. Eusenhart, Adm. Secretary

Encls.

cc: Mr. Milton G. White, Jr. and
Mrs. Dorothy White

MICROFILMED

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 17, 1981

Ronald J. Kearns, Esquire
1700 Eastern Boulevard
Baltimore, Md. 21221Re: Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

Dear Mr. Kearns:

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. Eusenhart
Edith T. Eusenhart, Adm. Secretary

Encl.

cc: Mr. and Mrs. Philip H. Albrecht, Sr.
Paul M. Sandler, Esq.
John W. Hession, III, Esq.
Mr. Harold Spencer
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Byrnes, III
Mr. N. E. Gerber
Mr. J. G. Howell

MICROFILMED

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
201-484-3303
S. ERIC DI NENNA
ZONING COMMISSIONER

March 23, 1979

Ronald J. Kearns, Esquire
1700 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Exception
Beginning 471.40' NW of Long
Green Road, 1800' W of Long
Green Pike - 11th Election District
Philip H. Albrecht, Sr., et ux -
Petitioners
NO. 79-161-X (Item No. 88)

Dear Mr. Kearns:

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

Very truly yours,
S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

SED:nr

Attachments

cc: Paul Mark Sandler, Esquire
1700 Tower Building
Baltimore, Maryland 21202Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204John W. Hession, III, Esquire
People's Counsel

MICROFILMED

FRESHFAYT & SCHWARTZ

ATTORNEYS AT LAW
SUITE 400 TOWER BUILDING
800 E. BALTIMORE STREET
BALTIMORE, MARYLAND 21202

November 1, 1978

TELEPHONE
(410) 787-1740

Mr. Eric DiNenna
Office of the Zoning Commissioner
of Baltimore County
111 M. Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception filed by
Philip H. Albrecht, Sr.

Dear Eric:

Please be advised that I represent Whitely Farms, Inc. which is situated in Hyde, Maryland, near the site, which Mr. Philip H. Albrecht, Sr. desires to utilize as an airport. Recently, the County Board of Appeals of Baltimore County issued an order, based upon your request, that Mr. Albrecht discontinue the use of his property as an airport, because he was in violation of the Baltimore County Zoning regulations.

Recently, I have been advised that Mr. Albrecht has filed with your office a special exception, with the hope of obtaining appropriate zoning to continue his airport.

Would you please note in your file that my client, Whitely Farms, Inc. is most interested in having me keep apprised of the status of Mr. Albrecht's request for special exception. Whitely Farms, Inc. wishes to be present at any and all public hearings with regard to the matter, and have an opportunity to understand exactly what Mr. Albrecht is attempting to accomplish so as to formulate a petition with regard to this matter.

I would appreciate your kind cooperation with regard to this matter, and hopefully will be hearing from your office.

Sincerely yours,

Paul Mark Sandler
Paul Mark Sandler

PMS:hs

MICROFILMED

LAW OFFICES
CHARLES E. BROOKS
800 BOWLEY AVENUE
TOWSON, MARYLAND 21204

April 19, 1979

Mr. S. Eric Di Nenna
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
Towson, Maryland 21204

Re: Petition for Special Exception
Philip H. Albrecht, Sr. et ux, Petitioners
NO. 79-161-X (Item No. 88)

Dear Mr. Di Nenna:

Please note an appeal on behalf of Mr. Milton G. White, Jr. and Mrs. Dorothy White, Hydes, Maryland 21082 to your decision and Order dated the 23rd day of March, 1979 wherein you granted the petition for Special Exception for an airport subject to certain restrictions.

Sincerely yours,

Charles E. Brooks
CHARLES E. BROOKS

CEB:pln

Enclosure: check

cc: Mrs. Dorothy White



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
LAW OFFICES
S. ERIC DINENNA
ZONING COMMISSIONER

April 26, 1979

Ronald J. Kearns, Esquire
1760 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Exception
Beginning 471.40' W of Long Green Road,
1800' W of Long Green Pike - 11th District
Philip H. Albrecht, Sr., et ux - Petitioners
NO. 79-161-X (Item No. 88)

Dear Mr. Kearns:

Please be advised that an appeal has been filed by Charles E. Brooks, Esquire, in behalf of Mr. Milton G. White, Jr. and Mrs. Dorothy White, on April 24, 1979, from the decision rendered by the 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,

S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

EEB/wc

cc: Paul Mark Sandler, Esquire
1700 Tower Building
Baltimore, Maryland 21202

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

Ronald J. Kearns, Esquire
1760 Eastern Blvd.
Baltimore, Md. 21221

NOTICE OF HEARING

RE: Petition for Special Exception, Begin. 471.40' W of Long Green Rd., 1800' W of Long Green Pike - 11th District, Case No. 79-161-X

TIME: 1:00 P.M.

DATE: Monday, February 12, 1979

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

TOWSON, MARYLAND

cc: Paul Mark Sandler, Esquire
Suite 1700 Tower Building
222 E. Baltimore St.
Baltimore, Maryland 21202

S. Eric Di Nenna
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
LAW OFFICES
S. ERIC DINENNA
ZONING COMMISSIONER

February 7, 1979

Ronald J. Kearns, Esquire
1760 Eastern Blvd.
Baltimore, Md. 21221

RE: Petition for Special Exception
Philip H. Albrecht, et ux
Case No. 79-161-X

Dear Sir:

This is to advise you that \$51.06 is due for advertising and posting of the above property.

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

Very truly yours,

S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

EEB/wc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

S. Eric Di Nenna
Zoning Commissioner
Date: February 9, 1979
Leslie H. Graef, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition 79-161-X, Item No. 88

Petition for Special Exception for an airport (landing strip)
Beginning 471.40 feet Northwest of Long Green Road, 1800 feet West of Long Green Pike
Petition 79-161-X. Petitioners - Philip H. and Martha H. Albrecht

11th District

HEARING: Monday, February 12, 1979 (1:00 P.M.)

Since this petition proposes no expansion of the existing facility but is a request for a special exception for the landing strip only, this office offers no comment.

Leslie H. Graef
Leslie H. Graef, Director
Office of Planning and Zoning

LHG:JGH:m



79-161-X
File

LAW OFFICES
CHARLES E. BROOKS
800 BOWLEY AVENUE
TOWSON, MARYLAND 21204

March 6, 1979

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

Re:

Property Owner: Philip H. and Martha H. Albrecht
Location: 471.40' W Long Green Rd. 1800' W Long Green Pike
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for an Airport

Dear Mr. Di Nenna:

After review of the above-captioned matter with my clients, I find that they find there is no potential of record being reached in reference to the above-referenced petition in that they are in adamant opposition to the granting of the same.

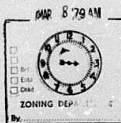
Your considerations extended to me during the hearing of the above-referenced matter are greatly appreciated.

Sincerely yours,

Charles E. Brooks
CHARLES E. BROOKS

CEB:pln

cc: Long Green Valley Farmers' Association
c/o Mrs. Dorothy White



RONALD J. KEARNS
Attorney at Law
1760 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221
TELEPHONE 696-3035

February 21, 1979

Mr. S. Eric Di Nenna
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Petition for Special Exception
Philip H. Albrecht, et ux
79-161-X

Dear Mr. Di Nenna:

First of all, on behalf of my clients, Mr. & Mrs. Albrecht, and myself I would like to thank you for your considerate attention to the testimony we presented in the referenced case last Monday, the 12th.

Secondly, in connection with this case, you might wish to speak with Mr. Reiter on the Board of Zoning Appeals. He verbally commented on the refusal to grant a non-conforming use to the Albrechts last year. The gist of his remarks at that time was that the Board was quite sympathetic to the Albrechts but were reluctant to grant a non-conforming use since there is no way to put any restrictions on such zoning. The Board at that time recommended that we apply for a special exception where limitations could be placed on the number and type of airplanes allowed.

I mention this conversation because there may be some thing which the Board had in mind in the nature of a restrictive use which we have not considered. If you were so disposed as to grant the application you may wish to attach additional restrictions of some nature. My clients are not adverse to this since they have no plans whatsoever to use the property in any way except for a small landing strip for a limited number of single engine airplanes.

Mr. Eric S. Di Nenna -2- February 21, 1979

Once again, thanks for listening. I know that's what you get paid for but a 'thank you' once in a while might make the job easier.

Sincerely yours,

Ronald J. Kearns
Ronald J. Kearns
Attorney-at-Law

RJK/gll



79-161-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 1/28
Posted for: Petition for Special Exception
Petitioner: Philip H. Albrecht
Location of property: 471.10 NW of Long Green Rd
1300 W of Long Green Rd
Location of Sign: entrance to home driveway to property
Remarks: _____
Posted by: Ben Coleman Signature Date of return: 2/2

1 sign

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 21st day of December 1979

S. Eric DiNenna
Zoning Commissioner

Petitioner: Albrecht
Petitioner's Attorney: Kearns
Ronald J. Kearns, Esquire
1760 Eastern Blvd.
Baltimore, Maryland 21221

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

cc: Hudkins Associates
101 Shell Building
200 East Joppa Road
Towson, Maryland 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 26 day of February 1979. Filing fee \$ 50. Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna
Zoning Commissioner

Petitioner: Philip H. Albrecht Submitted by: Ronald Kearns
Petitioner's Attorney: Ronald Kearns Reviewed by: SR
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 6/10/79
Posted for: Legal of appeal
Petitioner: Philip H. Albrecht, Sr., et al.
Location of property: 471.10 NW of Long Green Rd
1300 W of Long Green Rd
Location of Sign: entrance to property
Remarks: _____
Posted by: Ben Coleman Signature Date of return: _____

1 sign



TOWSON, MD. 21204 January 25 19 79

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL EXCEPTION - Philip H. Albrecht, et ux was inserted in the following:

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

weekly newspaper is published in Baltimore, County, Maryland, once a week for 28 successive weeks before the 26th day of January 1979, that is to say, the same was inserted in the issues of January 25, 1979

STROMBERG PUBLICATIONS, INC.

By Esther Bourge

CERTIFICATE OF PUBLICATION

TOWSON, MD., JANUARY 25, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., commencing on the 19th day of JANUARY, 1979, the 19th publication appearing on the 25th day of JANUARY 1979.

THE JEFFERSONIAN

R. Leach Smith
Manager

Cost of Advertisement, \$ _____

No. 78705

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

DATE: June 4, 1979 ACCOUNT: 01-662
AMOUNT: \$75.00

RECEIVED: Charles E. Brooks, Esquire
FOR: Cost of Petition for Case No. 79-161-X
Philip H. Albrecht, Sr., et ux

75.00
VALUATION OR AMOUNT OF CASH RECEIVED

No. 76297

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

DATE: February 23, 1979 ACCOUNT: 01-662
AMOUNT: \$51.06

RECEIVED: Martha Albrecht
FOR: Cost of Advertising and Posting Case No. 79-161-X

51.06
VALUATION OR AMOUNT OF CASH RECEIVED

No. 85055

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

DATE: March 2, 1980 ACCOUNT: 01-712
AMOUNT: \$19.00

RECEIVED: Charles E. Brooks, Esq.
FOR: Case No. 79-161-X, Philip H. Albrecht, Sr., et ux

19.00
VALUATION OR AMOUNT OF CASH RECEIVED

No. 95080

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

DATE: 8/10/81 ACCOUNT: 01-712
AMOUNT: \$3.00

RECEIVED: Charles E. Brooks, Esq.
FOR: Cost of copies of documents in file 79-161-X, Court file 79-161-X

3.00
VALUATION OR AMOUNT OF CASH RECEIVED

79-161-X

11th District

Reg. 471.10 NW of Long Green Rd
Philip H. Albrecht, Sr., et ux, Petitioner

1 - SIGN





Maryland Department of Transportation
STATE AVIATION ADMINISTRATION

James J. O'Donnell
Secretary

Karl R. Sattler
Administrator

FEBRUARY 6 1979

79-161-X

Mr. Ronald J. Kearns
1760 Eastern Blvd.
Baltimore, Maryland 21221

Dear Mr. Kearns:

At your request, a representative of this Administration inspected Albrecht Airstrip near Long Green, Maryland, to determine its suitability as a private use airport.

The airport has a well maintained turf runway, approximately 60 feet wide by 2100 feet long, located at latitude 39°28'25" and longitude 76°30'00". The runway is oriented northwest-southeast and has clear approaches, provided the northwest threshold is displaced about 400 feet.

Although licensing of private use non-commercial airports such as this is not required, Albrecht Airstrip does meet the licensing requirements for private use commercial airports and will safely accommodate small aircraft operations.

Sincerely,

Karl R. Sattler
Administrator

KRS:aah





Maryland Department of Transportation

STATE AVIATION ADMINISTRATION

James J. O'Donnell

Secretary

Karl R. Sattler

Administrator

FEBRUARY 6 1979

Mr. Ronald J. Kearns
1760 Eastern Blvd.
Baltimore, Maryland 21221

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Although licensing of private use non-commercial airports such as this is not required, Albrecht Airstrip does meet the licensing requirements for private use commercial airports and will safely accommodate small aircraft operations.

Sincerely,

Karl R. Sattler
Karl R. Sattler
Administrator

KRS:aah



MILTON G. WHITE, JR.
4374/78
ZONED RC 2

MILTON G. WHITE, JR.
4374/78
ZONED RC 2

N45°21'30"W

1215.34

PHILIP H. ALBRECHT, JR.
5571/777

10 GRASS BUT DRIVE

NORTHWESTERLY 335 ±

AREA
33.5 AC. ±

NO FUEL SALES
NO SERVICE

PLANE
TIE DOWN
AREA

2 SPACES

ZONED RC 2
ROBERT M. PRIGEL
3905/53

WIDE
2050 ±
GRASS

AKSTRIP

MARGARET E. LASSAHH
5764/806

ZONED RC 2

ARTHUR G. NAGSABEN
5580/543

ARTHUR G. NAGSABEN
5231/886

ZONED RC 2
RICHARD S. BENNETT
5643/664

PHILIP H. ALBRECHT, JR.
5223/777

CHARLES L. McCULLOH
5573/108

CALVIN H. FIELDS
4854/195

NO. 10
DE. 6/10
DATE 11/10/78
BY SE
118

PLAT TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION
ALBRECHT PROPERTY
LONG GREEN ROAD
ELECTION DISTRICT 11
BALTO., CO. MARYLAND
SCALE 1" = 100' SEPT. 3, 1978



LOCATION MAP
SCALE 1" = 100'

- NOTES
1. TRACT AREA - 33.5 AC.
 2. PROPOSED 1/2 AC. SPECIAL EXCEPTION FOR AIRPORT
 3. PARKING
EXIST. DWELLING - 2 SPACES
MAY NOT BE USED - 10 SPACES
TOTAL REQ. - 12 SPACES
TOTAL TRACT - 12 SPACES
ALL SPACES 5' x 10' MIN.





20-30 NW





PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

U - SE UU - SW
R - NE Q - NW

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	GITTINGS	N. E.
		DATE OF PHOTOGRAPHY		16 - F
		APRIL 1958		
Topography Compiled By Photogrammetric Methods MAPS INCORPORATED - BALTIMORE 22 MAP PLANS				



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

U-SE U-U-SW
R-NE Q-NW

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	GITTINGS	N.E.
		DATE OF PHOTOGRAPHY APRIL 1958		