

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

We, GLAUBER'S FINE CANDIES, hereby petition for a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner interpret Section 104.1 for existing non-conforming use to determine whether or not the permitted 25% extension can be applied to floors other than the ground floor area.

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

GLAUBER'S FINE CANDIES
By: Kenneth R. Glauber
Petitioner Contract Purchaser OWNER
Kenneth R. Glauber, President
Address: 1020 Regester Avenue
Baltimore, Maryland 21238
Legal Owner
By: John W. Hession, III
Petitioner's Attorney
305 W. Chesapeake Avenue
Address: Towson, Maryland 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 22nd day of December, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of January, 1981, at 10:15 o'clock A.M.

John W. Hession, III
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/S of Regester Ave., 125'
W of Sharon Rd., 9th District : OF BALTIMORE COUNTY

GLAUBER'S FINE CANDIES, Petitioner : Case No. 81-137-SPH

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
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of January, 1981, a copy of the foregoing Order was mailed to R. Bruce Alderman, Esquire, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
N/S of Regester Avenue, 125' W of
Sharon Road - 9th Election District : ZONING COMMISSIONER
Glauber's Fine Candies - Petitioner : OF
NO. 81-137-SPH (Item No. 97) : BALTIMORE COUNTY

Pursuant to the advertisement, posting of property, and public hearing on the petition, and it appearing that by reason of the following finding of facts:

1. The herein Petition for Special Hearing seeks an interpretation of Section 104.1 of the Baltimore County Zoning Regulations, which would allow the petitioner to extend its non-conforming use by an area equal to 25% of the ground floor area of the buildings so used and applying such extension to each successive floor above the ground floor.
2. Although the petition does not specifically request recognition and finding of the existence of a nonconforming use, the effect of the right to extend is tantamount to such request.
3. The petitioner, through its president, Kenneth Glauber, testified that the business of candy manufacturing began in 1936 in the basement of the residential improvement located at 1020 Regester Avenue with the balance of the improvement being used as a residence. During post Second World War years, to wit, 1946 to 1947, the business expanded to the first floor, containing 1,217 square feet, where most of the area, including 495 square feet of front porch, was used for storage of supplies needed for the manufacturing of candy, for packing, or for candy awaiting delivery for retail sale elsewhere. It was during 1950 that the garage contained on this 18,000 square foot lot was also used for storage within an area of 554 square feet. These various and sundry areas used between 1936 and 1950 constitute 2,266 square feet, and it is the Petitioner's contention that it is this total square foot area upon which the 25% is to be determined. Mr. Glauber further testified that both the second floor and attic were partially used for storage of material and that his mother used the balance of the second floor as her residence until her death in 1980. All of these area computations are as indicated on the site plan prepared by Jerome Shuman, dated October, 1980, and marked Petitioner's Exhibit 1.
4. A neighbor, Mr. Walter Eckert, testified that he has resided at 1018 Regester Avenue for the last 32 years; that he knew of the candy manufacture business at the time of his purchase; that the property is so well maintained that a casual observer would not know of the existing use of the property; and that he would like to see the business continue. Four other residents also appeared to express their feelings that the business should continue at this location.

5. The 1945 Baltimore County Zoning Regulations, codified in 1948, Section XI-Non-conforming Uses, states, in part, "...that any such lawful non-conforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original non-conforming use." In 1955, Section 104 was amended to read, in its pertinent part, "No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used." Subsequent amendments to Section 104 in 1976 and 1980 had no effect upon the language of such section cited above.

6. All of the expansion of the business was between 1936 and 1950 and was within the improvements contained on the site. Under Section XI of the 1945 zoning regulations, such extension would have been allowed to the extent of once again the area used, irrespective of the fact that Section XI referred to land area only. This is predicated upon "non-conforming use" being defined as "A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located." (emphasis added).

Since the use of the first floor and porch of the existing building did not require expansion in its "footprint", the nonconforming use being conducted therein constituted an intensification of the nonconforming use, not an extension thereof. Therefore, the porch area and the first floor, herein determined as "ground floor", are proper areas upon which to determine the allowed percentage of expansion. The garage area, testified as being 554 square feet, was used for storage purposes in 1950 and represents an extension of the nonconforming use which had been confined to the dwelling up until that date. As a result of it having been used as an extension under Section XI, it cannot now be used as a basis for an additional expansion under the 1955 amendment.

7. The proposed addition consists of an extension of the basement area and the first floor of the existing building, as noted on Petitioner's Exhibit 2 as "Foundation and Floor Plan" and "Second Floor Plan", and is proposed to contain 561 square feet of expanded area on each of the two floors for a total of 1,122 square feet.

8. A nonconforming use is by definition inherently incompatible with the permitted uses in the zone in which it exists and, therefore, the limitations imposed thereon are designed for ultimate cessation; however, Section 104, to the extent it allows for a limited expansion, contemplates 25% as a reasonable and acceptable standard for such extension.

9. To the extent that Section 104.1 establishes the ground floor area of buildings so used as the footprint upon which the 25% extension is to be measured, the zoning regulations do not address the issue of height of the extension above the footprint. To conclude that a petitioner is limited to a basement improvement within the expanded footprint would, in this instance, create an aesthetically incompatible addition,

- 2 -

ORDER RECEIVED FOR FILING

DATE

BY

ORDER RECEIVED FOR FILING

DATE

BY

thereby impacting the residential character of the area in which it exists more than if the height above the footprint is controlled through the public hearing process during which the height of the existing structure is considered in determining its compatibility.

10. No protestants appeared at the hearing in opposition to the petition.
11. The proposed addition will not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of April, 1981, that the extension of the nonconforming use by 428 feet (25% of 1,712 square feet) of the building (residence) so used should be and the same is GRANTED and shall be applicable to both the basement and the first floor, but shall be limited as to height, as shown on Petitioner's Exhibits 1 and 2, from and after the date of this Order, subject, however, to the following restrictions:

1. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use.
2. Damage by fire or other casualty of the improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use.
3. The exterior of the proposed addition shall be compatible with the residential character of the existing improvement and of the area in which it is to be constructed.
4. All on-site parking shall comply with the requirements of Section 409.2.c(1), (2), (3), and (4) of the Baltimore County Zoning Regulations.
5. A revised site plan, incorporating the restrictions set forth above and reducing the dimensions of the proposed addition to the extent that the extension of the area of the nonconforming use is limited to 428 square feet on the "Foundation and Floor Plan" and 428 square feet on the "Second Floor Plan", shall be submitted for approval by the Department of Public Works and the Office of Planning and Zoning.

John W. Hession, III
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
FROM: Norman E. Geiber, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-137-SPH Item 97

Date: January 12, 1981

Petition for Special Hearing
North side of Register Avenue, 125 feet West of Sharon Road
Petitioner- Glauber's Fine Candies

Ninth District

HEARING: Tuesday, February 3, 1981 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

NEG-JGH:ab

Norman E. Geiber
Norman E. Geiber, Director
Office of Planning and Zoning

R. Bruce Alderman, President
305 W. Chesapeake Avenue
Towson, Md. 21204

Mr. James Shuman
1790 Ryons Road
Baltimore, Md. 21208

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 2nd day of January, 1981.

William E. Hammond
Zoning Commissioner

Glauber's Fine Candies
Petitioner: Kenneth R. Glauber, President
Petitioner's Attorney: R. Bruce Alderman

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204cc: Nicholas B. Commodari
Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentR. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204RE: Item No. 97
Petitioner - Glauber's Fine Candies
Special Hearing Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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 Regester Avenue west of Sharon Road in the 9th Election District, the subject property is currently zoned D.R. 5.5 and is improved with a two story frame building and garage, which are used in the operation of your client's candy manufacturing operation. Adjacent properties are similarly zoned and are improved with single family dwellings.

This Special Hearing originates as a result of Section 104.1 of the Baltimore County Zoning Regulations, which sets forth requirements and restrictions for nonconforming uses. As indicated in this Section, nonconforming uses or structures can be expanded provided the total expansion does not occupy more than 25% of the ground floor area of buildings used. Because of your client's proposal to construct a two story addition to this structure, this hearing to interpret this Section is requested.

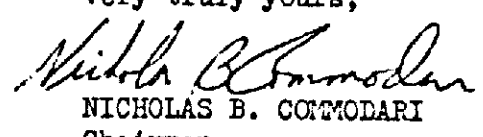
At the time of the hearing, verification of the square footage of each floor of the existing buildings must be provided in order to actually determine what the allowable 25% expansion area would constitute.

Particular attention should be afforded to the comments of the Office of Current Planning and those of the Department of Permits and Licenses.

Item No. 97
Glauber's Fine Candies
Special Hearing Petition
January 23, 1981

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,


NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bac

Enclosures

cc: Mr. Jerome Shuman
4790 Byron Road
Baltimore, Maryland 21208BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204HARRY J. PISTEL, P.E.
DIRECTOR

December 15, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #97 (1980-1981)
Property Owner: Glauber's Fine Candies
N/S Regester Avenue 125' W. of Sharon Road
Acres: Not known at this time. District: 9th

Dear Mr. Hammond:

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:

This property, per Deed W.P.C. 603, Folio 220, comprises Lots 405 and 406 Plat of Idlewyde, (unrecorded). Baltimore County utility plans indicate these lots to be in "Section M"; and the area is indicated "Sold" on the "Revised Plat Idlewyde Section B", recorded C.W.B., Jr. 12, Folio 70.

Highways:

Regester Avenue, an existing County street, is proposed to be improved in the future as a 40-foot divided section roadway on the present 50-foot right-of-way. Reversible easements slopes, as necessary, will be required in connection with the future road improvements.

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

Sediment Control:

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

Storm Drains:

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

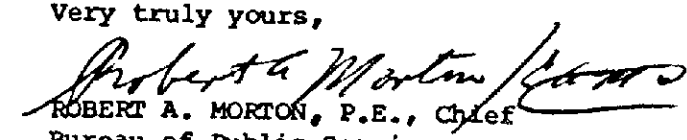
Item #97 (1980-1981)
Property Owner: Glauber's Fine Candies
Page 2
December 15, 1980Storm Drains: (Cont'd)

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

Water and Sanitary Sewer:

There is a public 10-inch water main and 8-inch public sanitary sewerage in Regester Avenue.

Very truly yours,


ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: J. Wimbley
J. Trenner
J. SomersN-SW Key Sheet
29 NE 5 Pos. Sheet
NE 8 B Topo
80 Tax MapBALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211NORMAN E. GENDER
DIRECTOR

December 30, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

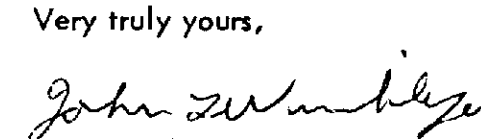
Comments on Item #97, Zoning Advisory Committee Meeting, November 18, 1980, are as follows:

Property Owner: Glauber's Fine Candies
Location: N/S Register Avenue 125' W. of Sharon Road
Acres: Not known at this time.
District: 9th

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.

If the petition is granted, the addition should be residential in character and the parking area screened from adjacent residential properties.

Very truly yours,


John L. Wimbley
Planner III
Current Planning and Development
baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550STEPHEN E. COLLINS
DIRECTOR

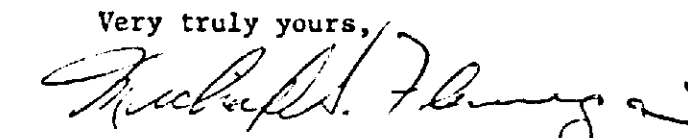
December 5, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for Items 94, 96, and 97 of the Zoning Advisory Committee Meeting of November 18, 1980.

Very truly yours,


Michael S. Flanigan
Engineering Associate II

MSF/hmd

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 15, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

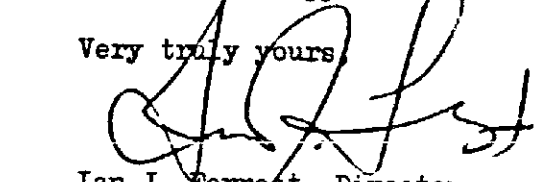
Comments on Item #97, Zoning Advisory Committee Meeting of November 18, 1980, are as follows:

Property Owner: Glauber's Fine Candies
Location: N/S Register Ave. 125' W. of Sharon Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Hearing to interpret Section 104.1 of the Zoning Regulations entitled "Non-conforming Uses" as allowing the expansion of a "Non-conforming Use" structure by 25% of the existing ground floor area of said structure and further, to permit the expansion of a two story structure by the same two stories as long as said expansion does not cover the additional area of ground consisting of more than 25% of the ground area presently covered by said building. Acres: Not known at this time.
District: 9th

Metropolitan water and sewer presently serve the building.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval.

Very truly yours,


Ian J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/mw

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310PAUL H. RENCKE
CHIEF

January 23, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Glauber's Fine Candies

Location: N/S Register Avenue 125' West of Sharon Road

Item No.: 97 Zoning Agenda: Meeting of Nov. 18, 1980

Citemen:

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

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

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

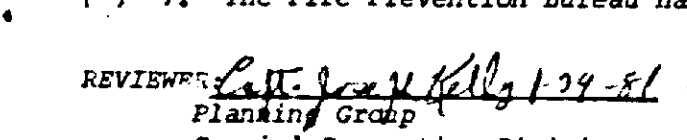
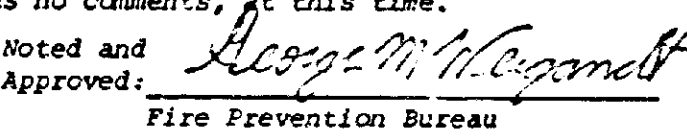
() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

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

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWED:  1-24-81 Noted and Approved: 
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

Honorable William E. Hammond,
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

August 28, 1980

Re: Proposed Extension to property
located 1020 Regester Avenue,
Baltimore County, Maryland
Non-conforming Use

Dear Mr. Hammond:

This letter is to serve as a follow-up of my oral
discussion and request for an interpretation of Section 101.4
of the Baltimore County Zoning Regulations entitled "Non-con-
forming Uses".

The property in question is located at 1020 Regester
Avenue, Baltimore, Maryland 21204 and the premises has been used
for the manufacture of Glatzer's Candies since a time far prior
to the adoption of the Baltimore County Zoning Ordinance in 1945.
The property in question has been owned by Mr. and Mrs. Glatzer
all this time and a small portion of the improvements was used by
Mrs. Glatzer, long since widowed, as her residence until her
recent death in July, 1980. The total portion of the premises
used in connection with the Non-conforming Use is 4,917 square
feet consisting of all the basement area, all the first floor
area, a portion of the second floor area, a small attic and the
entire garage. The "ground floor area" being utilized in con-
nection with the Non-conforming Use is 2,513 square feet.

The surviving Glatzers, two sons and a daughter, who
now constitute the sole owners of the property, sole owners of
the business and operators of the candy manufacturing facility
and the retail stores, desire and intend to expand the candy-
making facility to the extent permitted by law and regulation.

Honorable William E. Hammond -2- August 29, 1980

By this letter we are seeking approval of an expansion of 25%
of the aforementioned 2,513 square feet, or 628 square feet, on
each of two floors of the existing structure.

We respectfully submit the following justification in
support of our request:

1. A careful reading of Section XI entitled Non-conforming
Uses of the 1945 Zoning Ordinance together with Section 104.1 of
the 1955 Zoning Regulations entitled Non-conforming Uses lends
support to our contention that the 628 square foot expansion should
be allowed on each of two floors. The 1945 Regulations contain
the following proviso "that any such lawful Non-conforming Use may
be extended or enlarged to an extent not more than 25% within the
area of the land used in the original Non-conforming Use". It
appears that there may well have been problem interpreting the
language "once again the area of land used" and may well have been
submissions for extension based upon a larger area so utilized
which would include not only buildings but also driveways, parking
areas, etc. The change that was effected in the 1955 Regulations
removed that area of doubt so that the Regulations now provide
that "No Non-conforming building or structure and no Non-conforming
Use of a building, structure or parcel of land shall hereafter be
extended more than 25% of the ground floor area of the building
so used". We respectfully submit that the intent evidenced by this
change in language was that the ground floor area be no more than
25% of the existing ground floor area and that this would not
prevent the extension of a two story structure with the same two
stories so long as that extension did not cover an additional area
of ground consisting of more than 25% of the ground area presently
covered by the building or structure.

2. There is precedent for granting our request in the
matter of the Amacost Furnishing Room property located at the inter-
section of Regester Avenue and Sherwood Road, which building was
expanded in 1962. This also was a Non-conforming Use and the
building was enlarged with a two story addition, the square footage
of each story being an amount equal to 25% of the then existing
ground floor area of the structure.

If you have any other questions regarding this matter
or need any additional data or information, I will be happy to
obtain this for you. I would also be very happy to meet with any

Honorable William E. Hammond -3- August 28, 1980

appropriate representatives to further discuss our request. We
realize, of course, that this is a request for a clarification
of our general abilities to expand the existing Non-conforming
Use and that any plans for such expansion would be subject to
scrutiny by all appropriate County Departments and the ultimate
issuance of all necessary permits.

Thanks again for your attention and cooperation. I
look forward to hearing from you regarding this matter.

Sincerely,

R. Bruce Alderman

RBA:sk
cc: James E. Dyer

1945 provisions & regulations

- Every part of a required yard or court shall be open and unobstructed from its lowest point
to the sky, except that uncovered porches, fire escapes, open stairways and chimneys may be
permitted where same are so placed as not to obstruct light and ventilation.
- Steps and unenclosed porches may extend beyond the front building line not to exceed nine
feet and shall not exceed one story in height.
- The Zoning Commissioner of Baltimore County and the Board of Zoning Appeals, upon appeal,
shall have and they are hereby given the power to grant exceptions to area, building, location and height
regulations in cases where strict compliance with the Zoning Regulations heretofore adopted for Bal-
timore County would result in practical difficulty, or unnecessary or unreasonable hardship. However,
any such exception or exceptions shall only be granted in strict harmony with the spirit and intent
of said regulations, and only in such manner as to grant relief without substantial injury to the public
health, safety, morals and general welfare. Before granting any such exception the Zoning Commis-
sioner shall require public notice to be given and shall hold a public hearing upon any application for
an exception in the same manner as in the case of a petition for reclassification. Any order granting
an exception shall contain a finding of fact setting forth and specifying the reason or reasons for making
such exception, subject, however, to the right of appeal to the Board of Zoning Appeals as heretofore
provided by the Zoning Regulations.

SECTION XI--NON-CONFORMING USES

A lawful non-conforming use existing on the effective date of the adoption of these regulations
may continue, provided, however, upon any change from such non-conforming use to a conforming
use, or any attempt to change from such non-conforming use to a different non-conforming use or any
discontinuance of such non-conforming use for a period of one year, or in case a non-conforming struc-
ture shall be damaged by fire or otherwise to extent of seventy-five (75%) per cent of its value, the
right to continue to resume such non-conforming use shall terminate, provided, however, that any such
lawful non-conforming use may be extended or enlarged to an extent not more than once again the
area of the land used in the original non-conforming use.

SECTION XII--BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of the various Zones shown on the zon-
ing maps, the following rules shall apply:

- Unless otherwise shown on the map, the zone boundaries are either streets or alleys, and where
a boundary line on the map is approximately along a street or alley line, said street or alley
shall be construed to be the boundary.
- Unless otherwise shown on the maps, the zone boundary lines are intended to be record lot
lines, and where a zone boundary line on the map is approximately along a record lot line, said
record lot line is intended to be the boundary.
- Whenever a portion of any zone is indicated upon the zoning map as a strip paralleling a pub-
lic or dedicated street, the width of this strip, unless delineated on said map by lot lines, or
otherwise, shall be assumed to be 150 feet measured at right angles from the line of the street
to which it is parallel and adjacent.

SECTION XIII--POWERS RELATIVE TO SPECIAL EXCEPTIONS AND SPECIAL PERMITS

It is hereby determined that the inherent character of the hereinafter mentioned uses require that
they be carried on in districts or areas to which they do not conform, or such uses have a peculiar tend-
ency to impair the health, safety and morals of the public, and such uses may be permitted only upon
a special permit granted by the Zoning Commissioner, subject to appeal to the Board of Zoning
Appeals:

- In any residential zone a special permit shall be required for the following particular uses:
 - Amusement Park.
 - Antique Shop (operated as a home occupation).

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 26, 1980

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

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Md. 21204

RE: Item No. 97
Petitioner - Glatzer's
Special Hearing Petition

Dear Mr. Alderman:

Subsequent to our recent field inspection of the above referenced
property, a meeting was held with members of this Committee in
order to discuss this petition. At that time, it was verbally indicated
that revised plans, reflecting comments from the following depart-
ment(s), would be required.

- Department of Traffic Engineering (Mike Flannigan 494-3554)
- Office of Current Planning (John Wimbley 494-3335)
- State Highway Administration (John Meyers 383-4321)
- XX Department of Permits and Licenses (Chas. Burnham 494-3987)

In order to avoid any future delays in processing this petition, I
urge you to personally contact the representative from the above de-
partment(s) and discuss the required revisions. When discussing this
petition, it should be referred to by the above Item No. 97.

Since it will save you approximately 3-4 weeks in the processing
of your petition, this matter should be pursued immediately. If you
require additional information or further explanation, please feel free
to contact me at 494-3391.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/jll

DESCRIPTION FOR SPECIAL HEARING

1020 Regester Avenue

Beginning at a point located along the north side
of Regester Avenue, 82 feet west of Sharon Road and running thence
the following courses and distances. North 18 degrees 20 minutes
east 180 feet; north 71 degrees 40 minutes west 100 feet; south
18 degrees 20 minutes west 180 feet; south 71 degrees 40 minutes
east 100 feet to the place of beginning. Containing 18,000 square
feet more or less.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 26 day of Nov 1980

Filing Fee \$ 25 Received: ☒ Check

☐ Cash

☐ Other

Petitioner Glatzer's Submitted by William E. Hammond, Zoning Commissioner

Petitioner's Attorney Alderman Reviewed by WBA

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

PETITION MAPPING PROGRESS SHEET

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

PETITION MAPPING PROGRESS SHEET

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	date	by	date	by	date	by	date	by	date	by
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Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>WBA</u>	Revised Plans: Change in outline or description ☐ Yes ☐ No									
Previous case: <u>---</u>	Map # <u>---</u>									

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 095104
DATE January 7, 1981 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED FROM R. Bruce Alderman, Esquire
FOR Filing Fee for Case No. 81-117-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 095146
DATE February 3, 1981 ACCOUNT 01-662
AMOUNT \$49.38
RECEIVED FROM R. Bruce Alderman, Esquire
FOR Adv. & Posting for Case No. 81-117-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 095146
DATE February 3, 1981 ACCOUNT 01-662
AMOUNT \$49.38
RECEIVED FROM R. Bruce Alderman, Esquire
FOR Adv. & Posting for Case No. 81-117-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

81-137-SPH

District 9 Date of Posting 1/17/81
 Posted for: Petition for Special Hearing
 Petitioner: Glauber's Fine Candies
 Location of property: N/5 Register Ave., 125' W of Sharon Rd.
 Location of Signs: front of property (41020 Register Ave.)
 Remarks: _____
 Posted by Glen Coleman Date of return: 1/23/81
 Signature _____
 Number of Signs: 1

PETITION FOR SPECIAL HEARING
 ZONING: Petition for Special Hearing
 LOCATION: North side of Register Avenue, 125 feet West of Sharon Road
 DATE & TIME: Tuesday, February 3, 1981 at 10:15 A.M.
 PUBLIC HEARING: Room 108 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
 Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should interpret Section 104.1 for existing non-conforming use to determine whether or not the permitted 25% extension can be applied to floors other than the ground floor area.
 All that parcel of land in the Ninth District of Baltimore County beginning at a point located along the north side of Register Avenue, 82 feet west of Sharon Road and running thence the following courses and distances: North 18 degrees 20 minutes east 180 feet; north 71 degrees 40 minutes west 100 feet; south 18 degrees 20 minutes west 180 feet; south 71 degrees 40 minutes east 100 feet to the place of beginning. Containing 18,000 square feet more or less.
 Being the property of Glauber's Fine Candies, as shown on plat plan filed with the Zoning Department Hearing Date: Tuesday, February 3, 1981 at 10:15 A.M.
 Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 By Order Of
WILLIAM E. HAMMOND
 Zoning Commissioner of Baltimore County
 Jan. 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 15, 1981
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once~~ of one time ~~before~~ before the 3rd day of February, 1981, the first publication appearing on the 15th day of January, 1981.

THE JEFFERSONIAN,
L. Frank Struth
 Manager.

Cost of Advertisement, \$ _____

Petition For Special Hearing

Zoning: Petition for Special Hearing
 Location: North side of Register Avenue, 125 feet west of Sharon Road
 Date & Time: Tuesday, February 3, 1981 at 10:15 A.M.
 Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Glauber's Fine Candies, as shown on plat plan filed with the Zoning Department.
 Hearing Date: Tuesday, Feb. 3, 1981 AT 10:15 A.M.
 Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 BY ORDER OF
William E. Hammond
 Zoning Commissioner of Baltimore County

Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should interpret Section 104.1 for existing non-conforming use to determine whether or not the permitted 25% extension can be applied to floors other than the ground floor area.

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

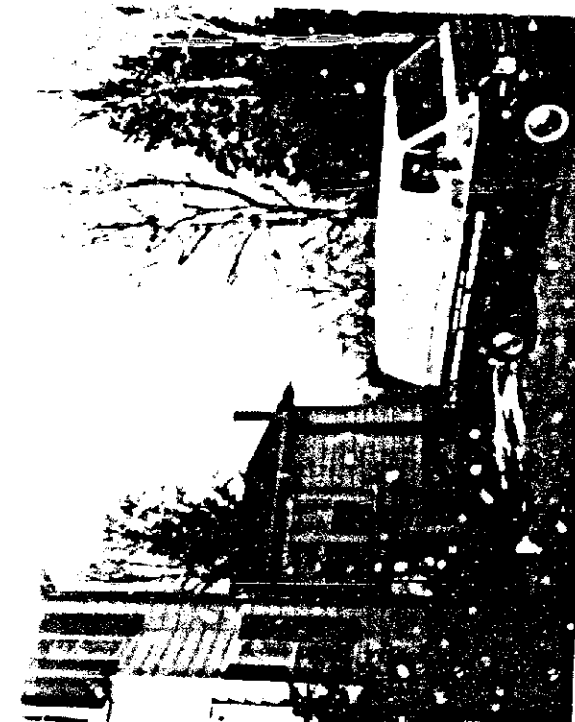
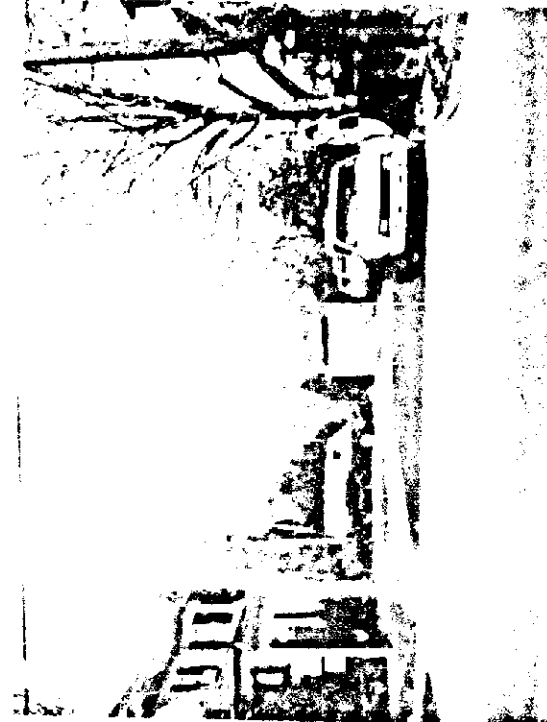
Beginning at a point located along the north side of Register Avenue 82 feet west of Sharon Road and running thence the following courses and distances: North 18 degrees 20 minutes east 180 feet; north 71 degrees 40 minutes west 100 feet; south 18 degrees 20 minutes west 180 feet; south 71 degrees 40 minutes east 100 feet to the place of beginning. Containing 18,000 square feet more or less.
 Being the property of

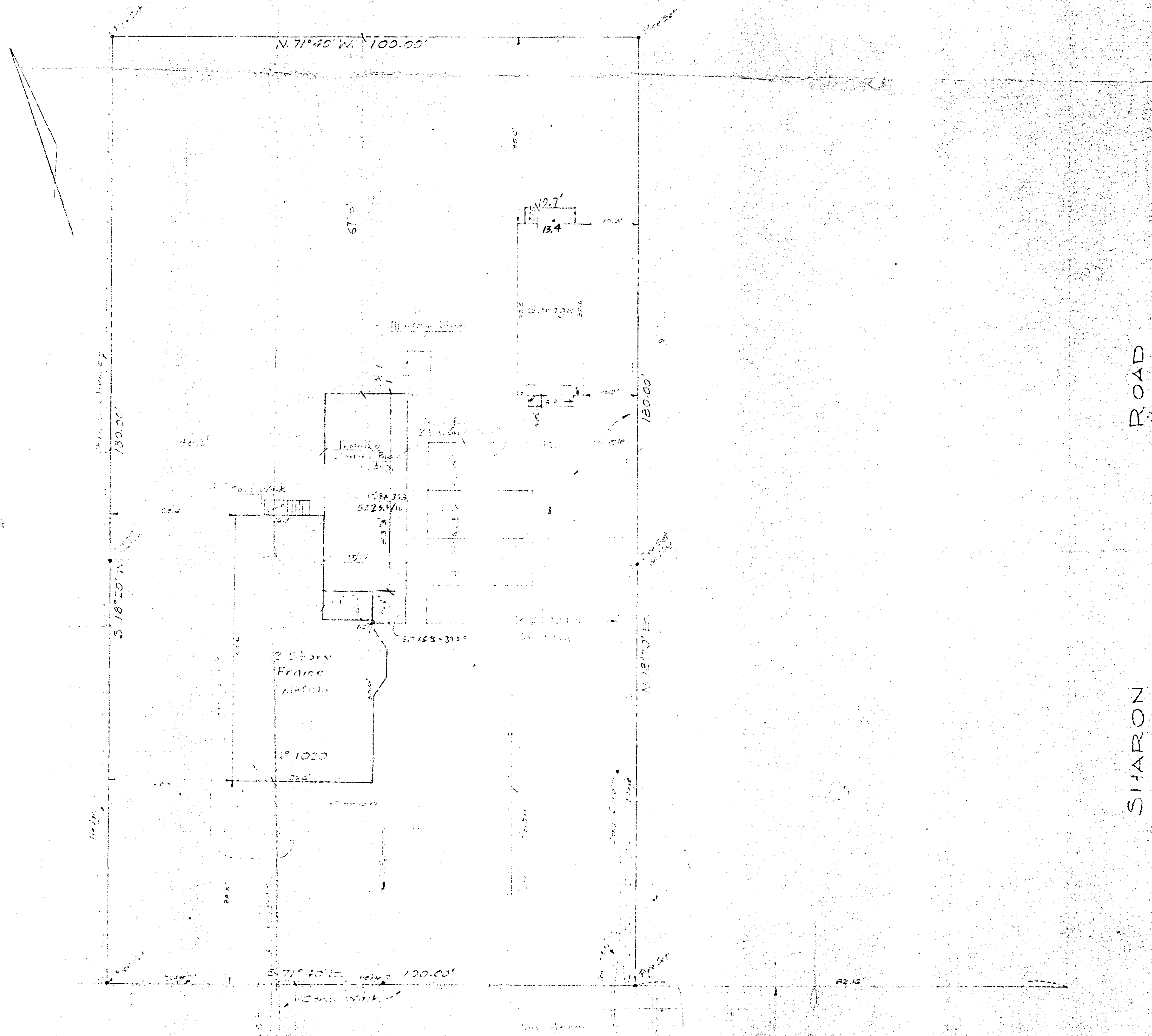
The Essex Times

Essex, Md., Jan 15 1981

This is to Certify, That the annexed

_____ was inserted in The Essex Times, a newspaper printed and published in Baltimore County, once in each of _____ successive weeks before the 15th day of _____, 1981
William E. Hammond Publisher.





EXISTING
 PROPOSED - CANDY MANUFACTURING & CONFECTIONERY USE
 THROUGH USE - CONFECTIONERY MANUFACTURING & ADD
 ADDITIONAL AREA FOR MARKETING & STORAGE OF CANDY
 NO. OF EMPLOYEES: 20
 NO. OF PATRONS: 100
 PARKING SPACES PROVIDED: 14 PROVIDED
 SPECIAL HEARING REQUESTED FOR EXEMPTION OF
 BASED ON NON-CONFORMING USE
 ADDITIONAL AREA: 1122 TOTAL 561 S.F. (Floor)
 Existing Area: 1st Floor: 1217 S.F.
 Floor: 495
 Garage: 354
 Total: 2266 25% 566 S.F. 7561.0 S.F.

EXISTING
 EXISTING

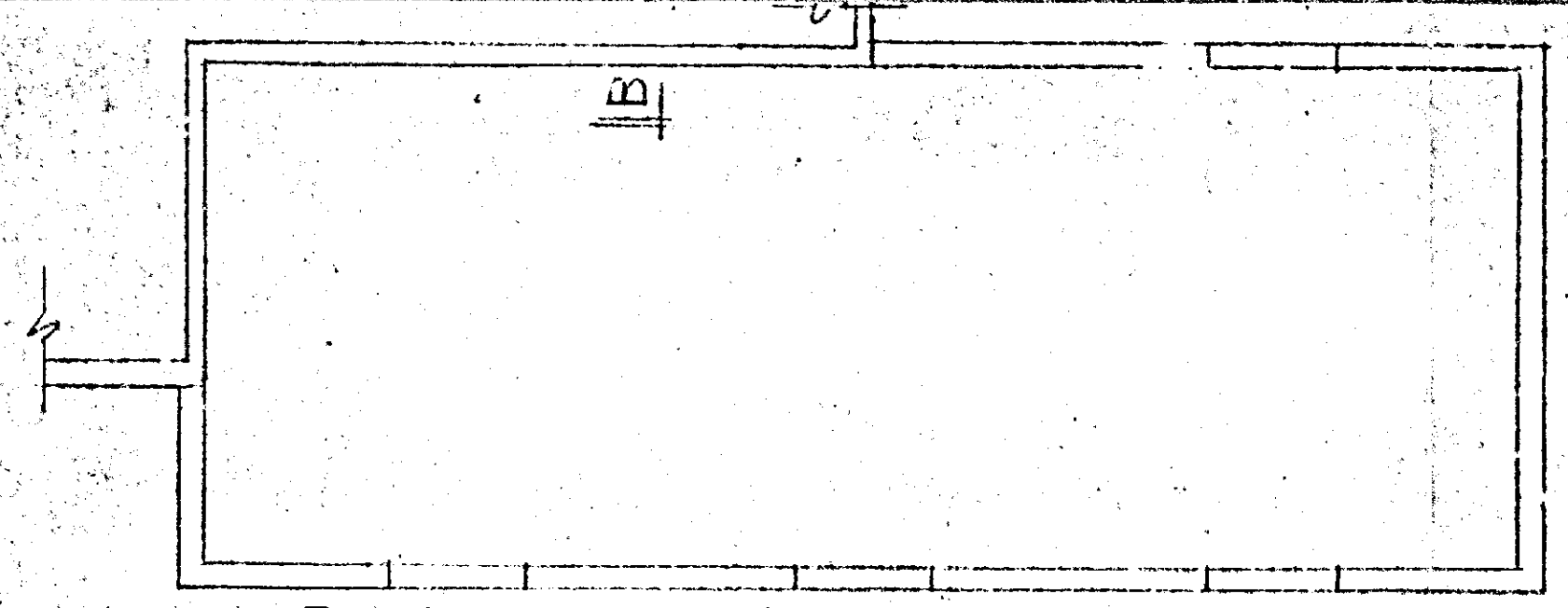
SITE PLAN FOR SPECIAL HEARING REQUEST

FOR
 GLAUBER'S FINE CANDIES, INC.

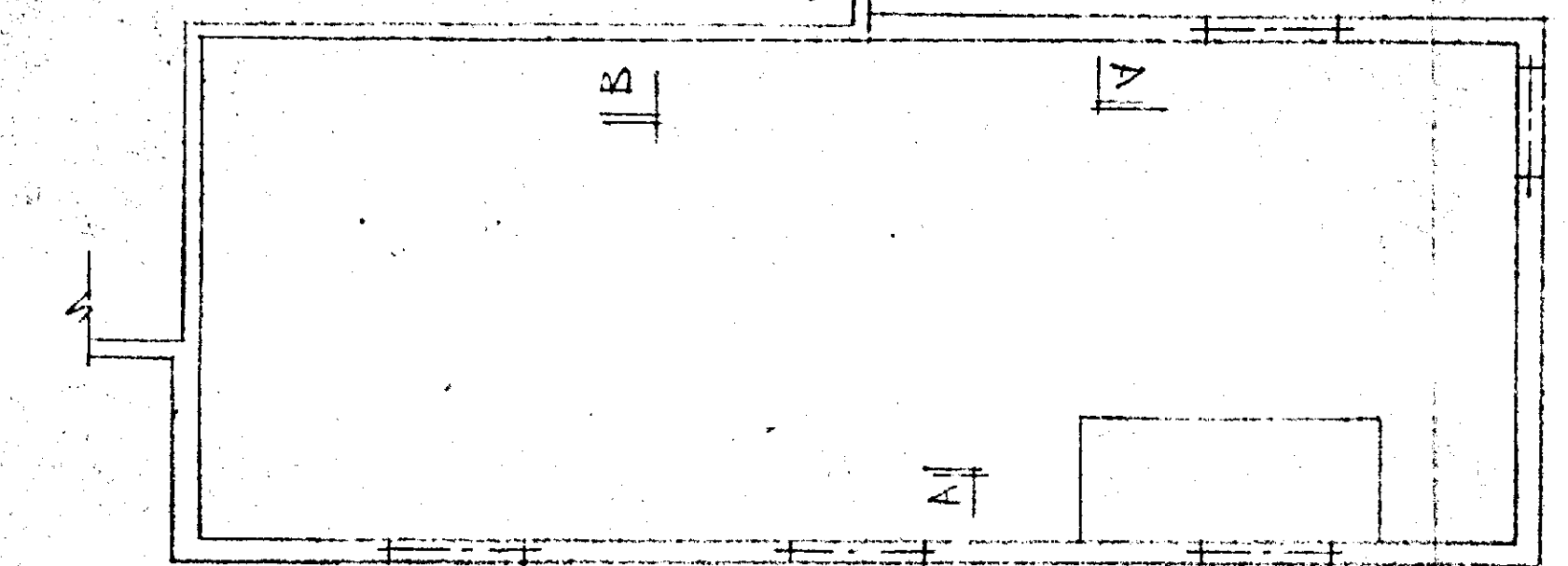
BALTIMORE COUNTY, MD.
 SCALE: 1" = 10'

ELECTION DIST. NO. 9
 OCTOBER, 1980

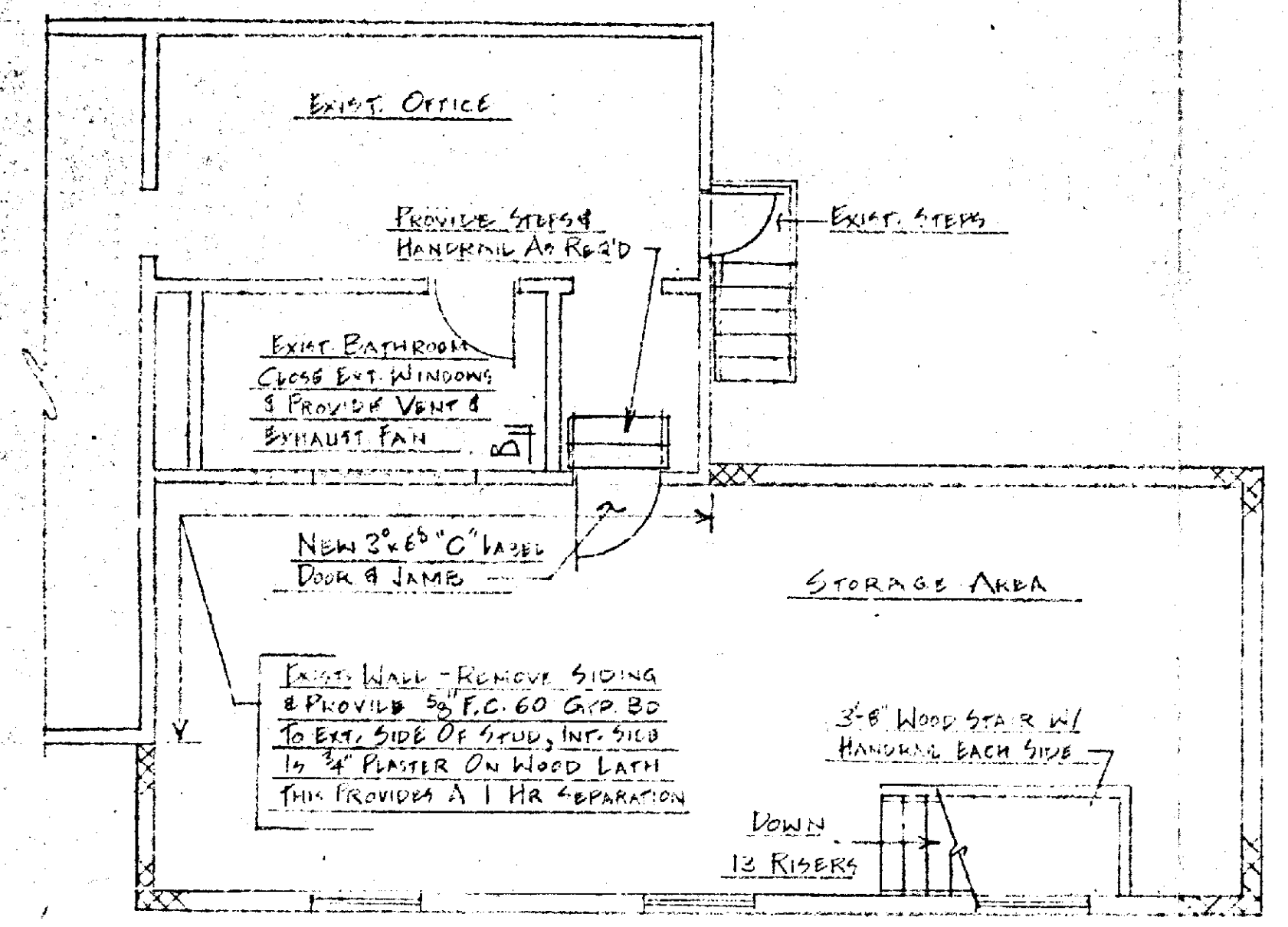
JEROME SHUMAN
 Consulting Engineer
 4790 Byron Road
 PIKESVILLE, MD. 21208



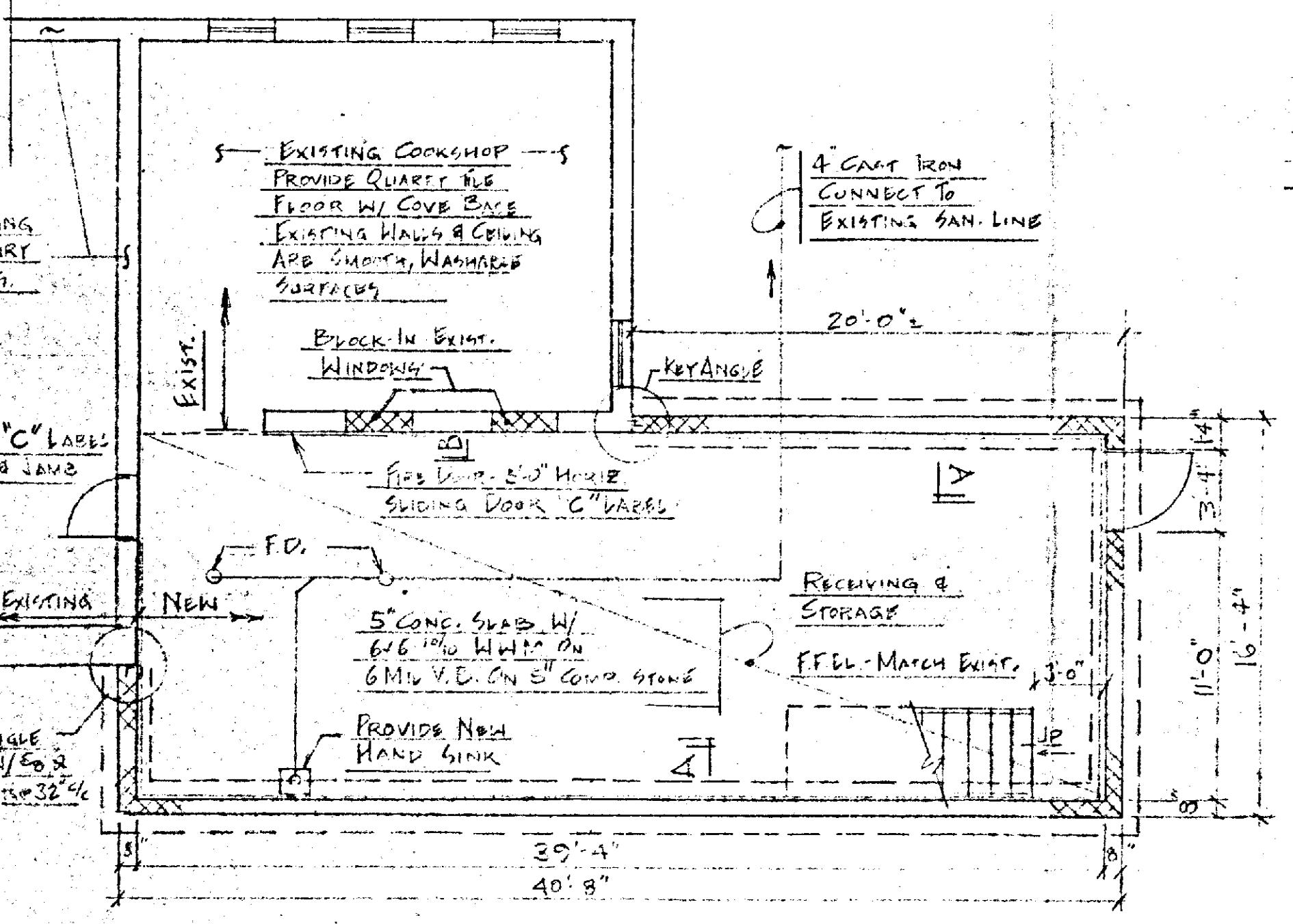
ROOF FRAMING PLAN 3/6



SECOND FLOOR FRAMING PLAN 3/6



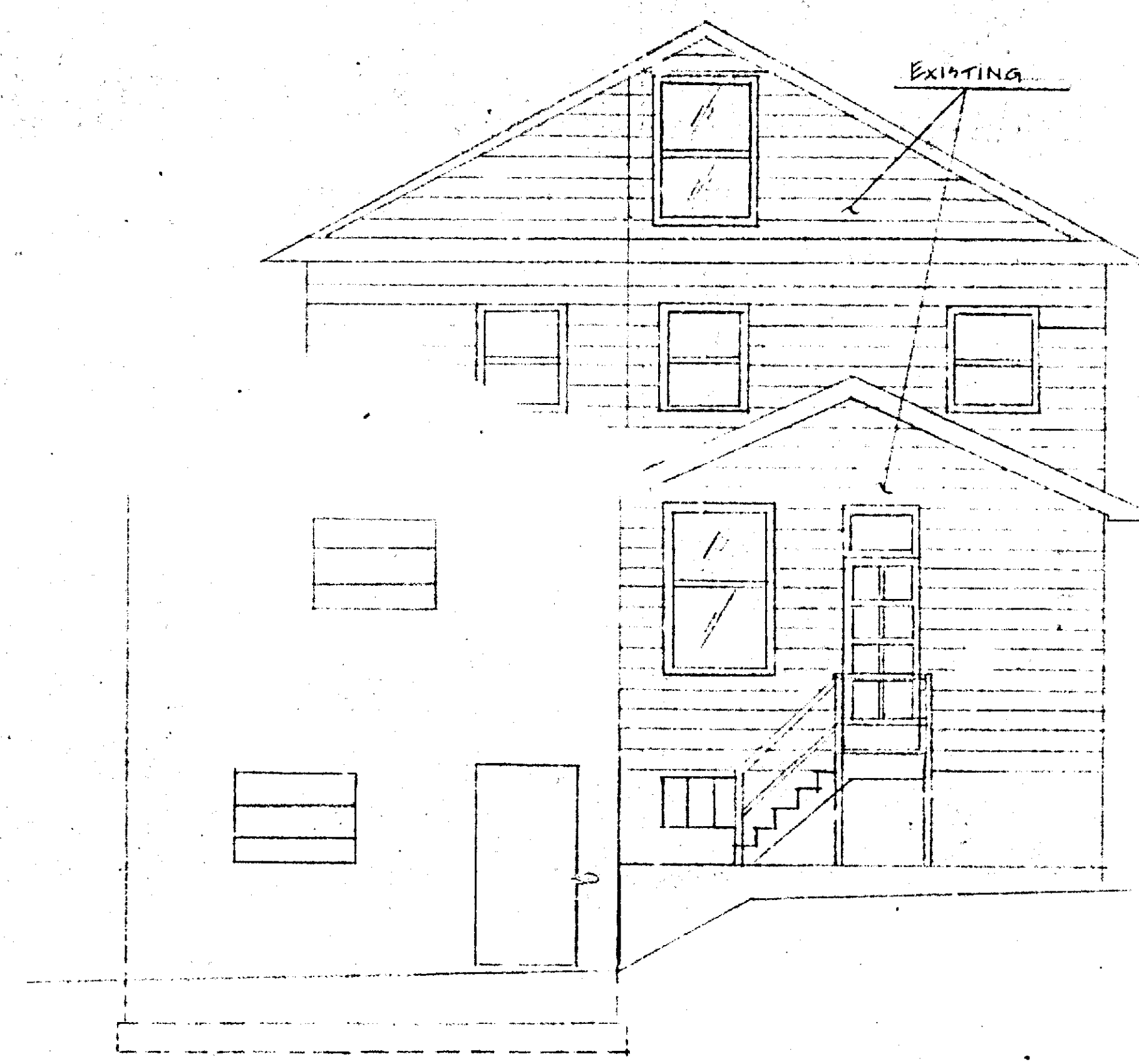
SECOND FLOOR PLAN 3/6



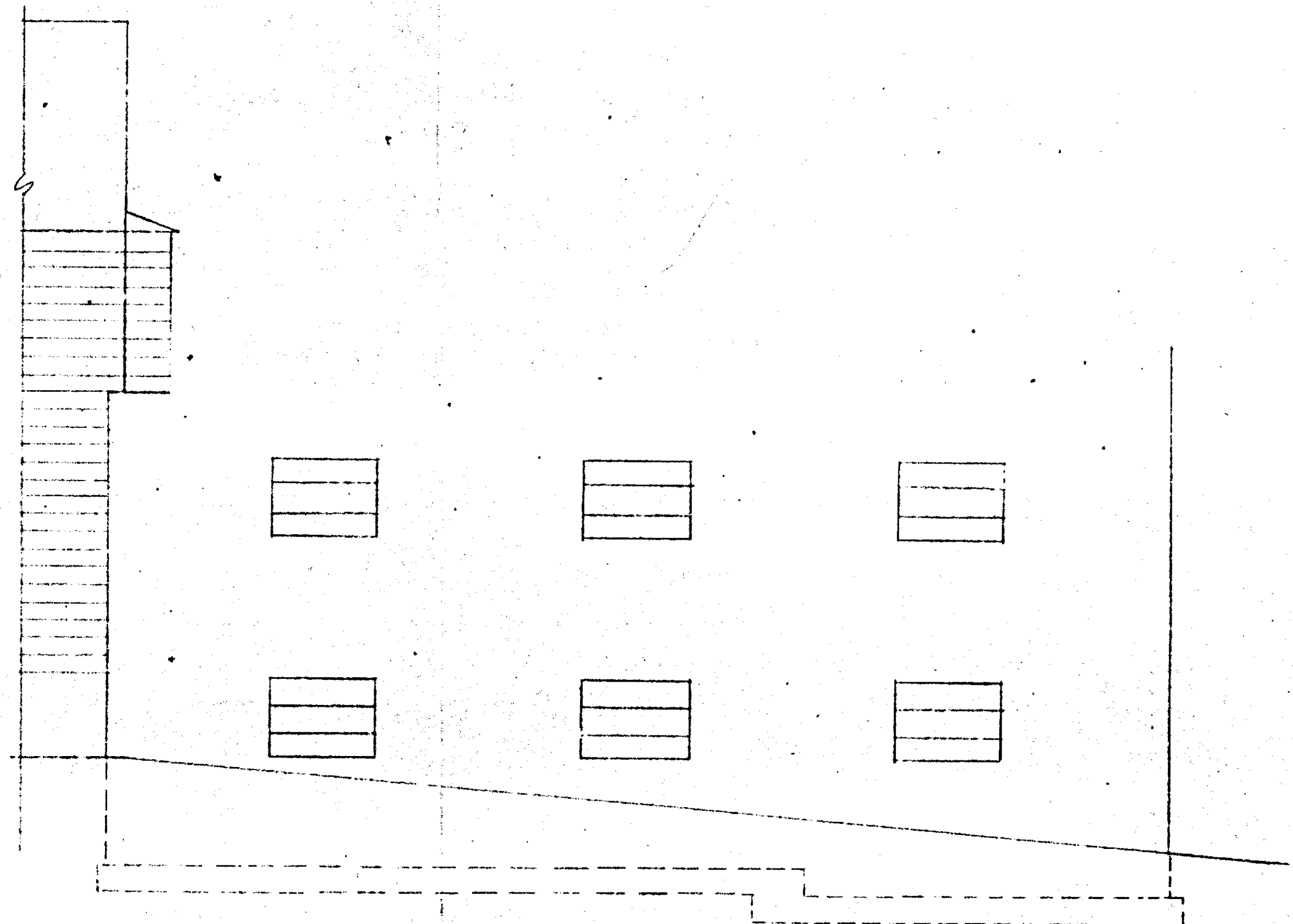
FOUNDATION & FIRST FLOOR PLAN 3/6

NOTE: 6" LVL DOORS TO BE SOLID WOOD WITH 1 HR. RATING

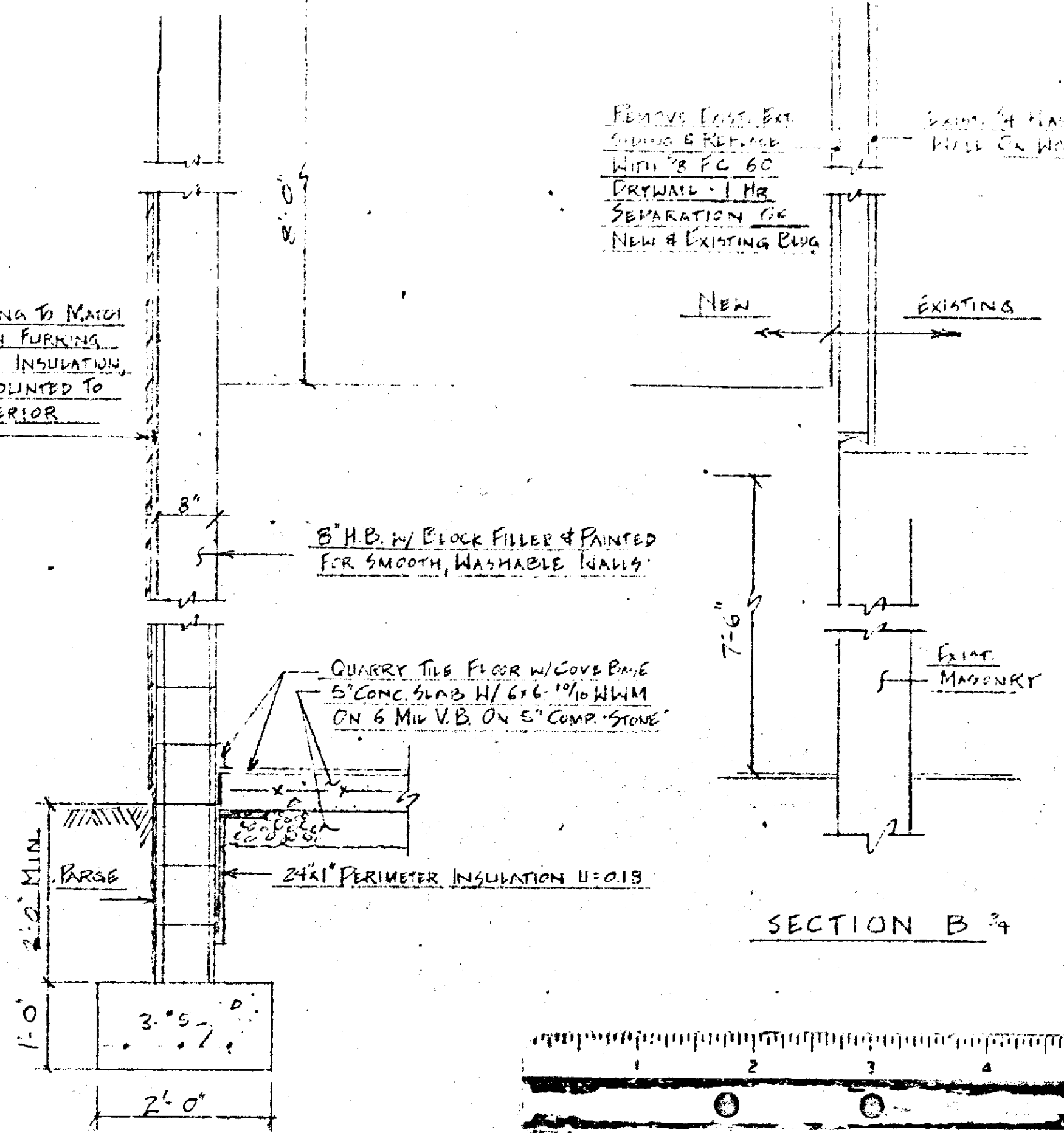
L-1-2-4-3-5, 2511V



NORTH ELEVATION 4

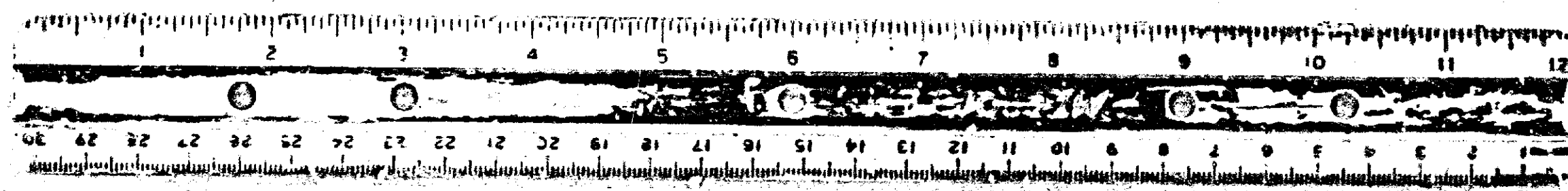


EAST ELEVATION 4



SECTION A 3

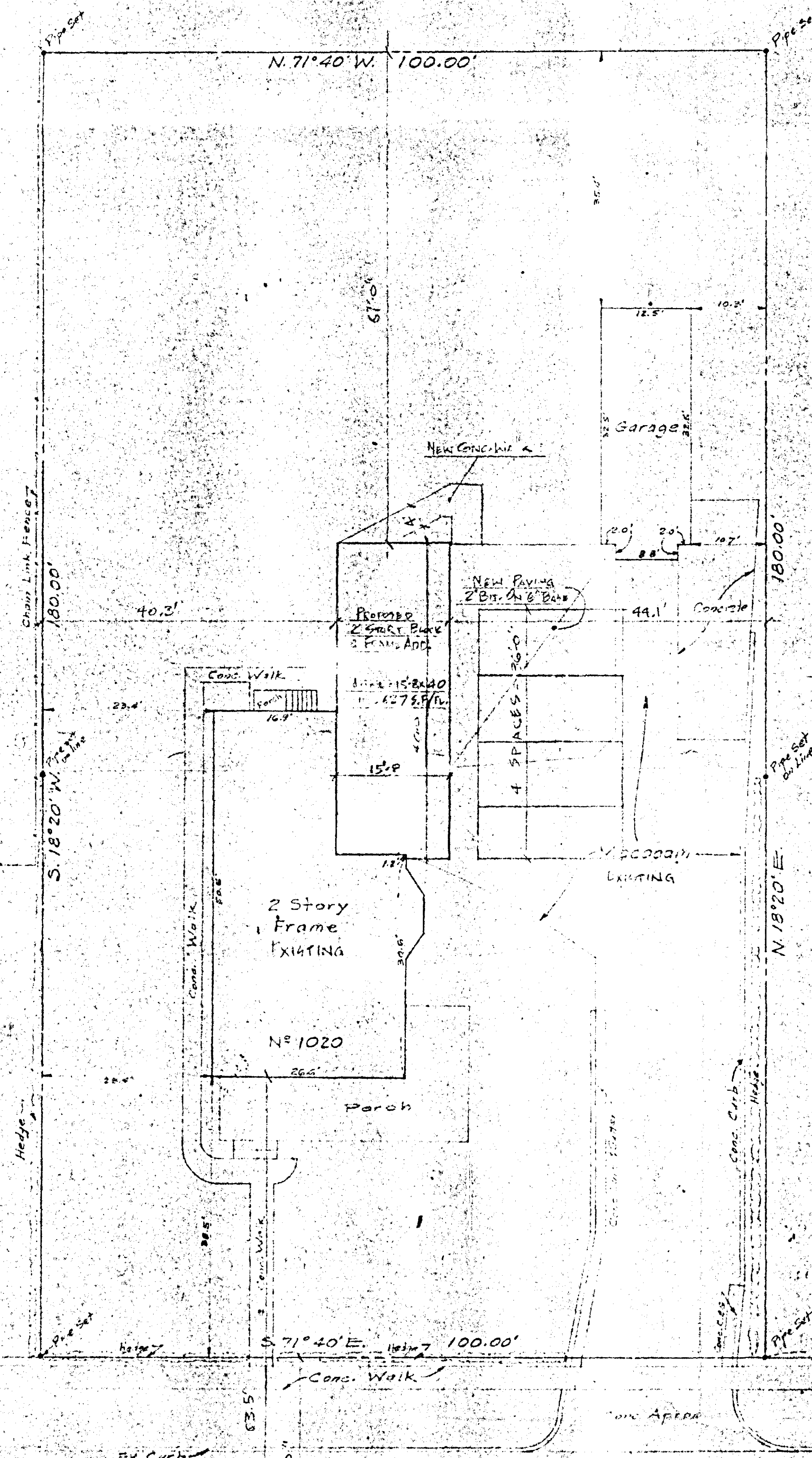
SECTION B 3



- GENERAL NOTES**
1. FOUNDATIONS: ASSUMED SOIL BEARING CAPACITY, $p = 3000$ P.S.F.
 2. CONCRETE: MIN. COMP. STRENGTH, $f'_c = 3000$ P.S.F., AIR ENTR. $= 6\% \pm 1\%$
 3. MASONRY: HOLLOW LOAD BEARING CONC. BLOCK, C-90 WITH DUR-O-WAL $\phi 16''$
 4. REINFORCEMENT: $\phi 15-40$
 5. FINISHES: WALLS: BLOCK - FILL VOIDS W/ BLOCK FILLER & PAINT OR PAINTED DRY WALL
FLOOR - LOWER LEVEL - QUARRY TILE W/ COVE REVOLV. BASE. UPPER LEVEL - VAT W/ COVE RADIUS BASE
CEILINGS - LOWER LEVEL -

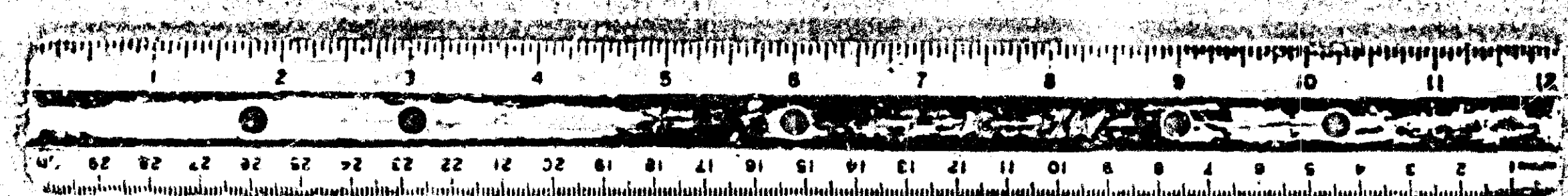
SECTION 2

PROPOSED ADDITION GLAUBER FINE CANDIES, INC. 1020 REGENCY AVE.	
JEROME SHUMAN Consulting Engineer 4790 Byron Road PIKESVILLE, MD. 21208	DATE: 07/80 DWG: A-1



ZONING -
 Present Use - Candy Manufacturing - C-1
 Proposed Use - Candy Manufacturing - C-1
 Additional Area for New 12' x 20' x 2' Candy
 No. of Employees - 12
 No. of Parking Spaces - 12
 Parking - 12 Spaces - 12' x 20' x 2'
 SPECIAL HEARING REQUESTED FOR VARIATION OF
 EXISTING ZONING - C-1
 Additional Area - 1254 Sq. Ft. (167' x 7.5')

REC'D
 10/17/80
 1254
 167' x 7.5'



SITE PLAN FOR SPECIAL HEARING REQUEST
 FOR
 GLAUBER'S FINE CANDIES, INC.
 BALTIMORE COUNTY, MD. ELECTION DIST. N-1
 SCALE: 1" = 10' OCTOBER, 1980
 JEROME SHUMAN
 Consulting Engineer
 4790 Byron Road
 Pikesville, MD. 21208