

PETITION FOR SPECIAL HEARING 83-96-SPH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the proposed re-opening and use of the former Silber's Bakery, retail outlet and offices by a similar bakery operation producing cheese cake and/or other baked goods on-site for on-site retail sales, (see attached) and wholesale sales of bakery products, including cheese cakes.

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

I, or we, agree to pay expenses of the 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
AUSTIN SHAW
(Type or Print Name)
Signature *Austin Shaw*
United Inn of America
8130 Wisconsin Avenue
Address
Bethesda, MD 20814
City and State

Legal Owner(s):
DORA REAL ESTATE CORPORATION
(Type or Print Name)
Signature *Sidney Silber*
By Sidney Silber
(Type or Print Name)
Signature

Attorney for Petitioner: GAIL M. STERN and
FRANK, BERNSTEIN, CONWAY & GOLDMAN
(Type or Print Name)
Signature *Gail M. Stern*
402 Equitable Towson Bldg., 821-1252
Address
Towson, Maryland 21204
City and State

1300 Mercantile Bank and Trust Bldg.,
Address
Baltimore, Maryland 21201
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mr. Sidney Silber
Name 402 Equitable Towson Bldg.,
Towson, Maryland 21204, 821-1252
Address
Towson, Maryland 21204, 823-7800
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of December, 1982, 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 3rd day of February, 1983, at 10:45 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

PETITION FOR SPECIAL HEARING 83-96-SPH
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Attorney for Petitioner: GAIL M. STERN and
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Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of July, 1982, 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 October, 1982, at 10:00 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

PETITION FOR SPECIAL HEARING 83-96-SPH
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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By Sidney Silber
(Type or Print Name)
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Attorney for Petitioner: GAIL M. STERN and
FRANK, BERNSTEIN, CONWAY & GOLDMAN
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Mr. Sidney Silber
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Address
Towson, Maryland 21204, 823-7800
Phone No.

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Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

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TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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Address
Bethesda, MD 20814
City and State

Legal Owner(s):
DORA REAL ESTATE CORPORATION
(Type or Print Name)
Signature *Sidney Silber*
By Sidney Silber
(Type or Print Name)
Signature

Attorney for Petitioner: GAIL M. STERN and
FRANK, BERNSTEIN, CONWAY & GOLDMAN
(Type or Print Name)
Signature *Gail M. Stern*
402 Equitable Towson Bldg., 821-1252
Address
Towson, Maryland 21204
City and State

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City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mr. Sidney Silber
Name 402 Equitable Towson Bldg.,
Towson, Maryland 21204, 821-1252
Address
Towson, Maryland 21204, 823-7800
Phone No.

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[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 1, 1982

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S of Reisterstown Rd., 371'
NW of the center line of Fall-
staff Rd. at Baltimore County/
City Line - 3rd Election District
Dora Real Estate Corp. - Peti-
tioner
NO. 83-96-SPH (Item No. 16)

Dear Mr. Williams:

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

Very truly yours,
[Signature]
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Gail M. Stern, Esquire
1300 Mercantile Bank & Trust Building
Baltimore, Maryland 21201

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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

December 30, 1982

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
W/S of Reisterstown Rd., 371'
NW of the center line of Fall-
staff Rd. at Baltimore County/
City Line - 3rd Election District
Dora Real Estate Corp. - Peti-
tioner
NO. 83-96-SPH (Item No. 16)

Dear Mr. Williams:

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

Very truly yours,
[Signature]
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

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

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823-7800

MAILING ADDRESS
P.O. BOX 546
TOWSON, MARYLAND 21204

January 6, 1983

The Honorable Jean M.H. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Refiling of An Amended Special Hearing
On The Silber's Bakery Case, (Dora Real
Estate Corporation), Case No. 83-96-SPH

Dear Mrs. Jung:

Please find enclosed herewith an additional set of an amended Petition for Special Hearing on the issue of the nonconforming use situation at the Silber's Bakery on Reisterstown Road.

We understand from Mrs. January and Mr. Dyer that there will be an additional \$100 filing fee for this amended Petition. By a carbon copy of this letter directed to Mr. Silber, we are asking that this be promptly forwarded.

We also understand from Mrs. January that the case has been set for the early afternoon of Thursday, February 3, we believe at 1:30 p.m. By a carbon copy of this letter, we are advising all concerning of this fact.

On behalf of everyone concerned with this case, we wish to thank you for your patience and cooperation in working this matter out to the satisfaction of the People's Counsel and all else concerned.

Hope, that you have an enjoyable vacation, and looking forward to concluding the case on February 3, I am -

Respectfully,
[Signature]
Newton A. Williams

NW:pf
CNCB
Please see next page for cc's

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve this continued existence, viability and useability of the former Silber's Bakery, Offices and Retail Store, a special purpose building and property, Dora Real Estate Corporation property and under Section 104 and all other applicable sections of the Baltimore County Zoning Regulations. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the 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.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
AUSTIN SHAW
(Type or Print Name)
Signature *Austin Shaw*
United Inn of America
8130 Wisconsin Avenue
Address
Bethesda, MD 20814
City and State

Legal Owner(s):
DORA REAL ESTATE CORPORATION
(Type or Print Name)
Signature *Sidney Silber*
by Sidney Silber
(Type or Print Name)
Signature
402 Equitable Towson Building, 821-1252
Address Phone No.
Towson, Maryland 21204
City and State

Attorney for Petitioner:
GAIL M. STERN AND
FRANK J. BRESKIN, COUNSEL & COUNSEL
(Type or Print Name)
Signature *Gail M. Stern*
1300 Mercantile Bank and Trust Building
Address
Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: 542-0500

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mr. Sidney Silber
Name 402 Equitable Towson Building
Address Towson, Maryland 21204, 821-1252
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

ECO-No.1 (over)

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 that to approve a nonconforming use for on and off-site retail and wholesale sales of bakery products would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4th day of February, 1983, that a nonconforming use for on and off-site retail and wholesale sales of bakery products has existed and has been conducted on the property, as shown on the site plan prepared by Hudkins, Associates, Inc., revised October 11, 1982, and marked Petitioner's Exhibit 1, prior to 1954 and, as such, should be and the same is hereby GRANTED the right to continue 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 seventy-five percent of its replacement cost at the time of such loss shall terminate the nonconforming use.
3. Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M. H. Jung
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE February 4, 1983
BY Sub P. Long
Administrative Assistant

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 that:

1. The contract purchaser proposes to utilize the existing special purpose building, built in 1953 and remodeled as Silber's Bakery, to manufacture cheesecake. The building contains extensive fans, cooling systems and equipment, special interior floors, drains and tiles, and a special purpose building layout suited specifically for baking operations. Prior to 1955, this property was zoned "E" commercial.
2. Products previously baked on the premises were sold retail on and off-site as well as wholesale for distribution.
3. Since the involuntary closing of Silber's Bakery, an employee continues to visit, supervise, and maintain the building on a daily and weekly basis. Further, a real estate broker has been retained to seek a similar specialized user.
4. No protestants appeared at the hearing in opposition to the petition.
5. Strict compliance with Section 230.12.(b.) and (c.) would create undue hardship upon the petitioner.
6. To approve the reopening of the special purpose building for the manufacture of cheesecake would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 1st day of December, 1982, that the proposed reopening and use of the former Silber's Bakery retail outlet and offices by a similar bakery operation producing cheesecake and/or other baked goods on-site for on-site retail sales, as well as for off-site wholesale sales and distribution, and off-site retail sales, in accordance with the site plan filed herein and marked Petitioner's Exhibit 1, as well as a modified plan containing variances from the provisions of Section 230.12.(b.) and (c.), in that more than 5 persons shall be engaged in the repair or fabrication of goods on the premises and more than 5 horsepower may be employed in the operation of any machine used in repair or fabrication and more than 15 horsepower will be employed in the operation of all such machines, are approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order, subject, however, to the following restrictions:

ORDER RECEIVED FOR FILING

DATE Jan 13, 1983
BY Sub P. Long
Administrative Assistant

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 that to approve a nonconforming use for on and off-site retail and wholesale sales of bakery products would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4th day of February, 1983, that a nonconforming use for on and off-site retail and wholesale sales of bakery products has existed and has been conducted on the property, as shown on the site plan prepared by Hudkins, Associates, Inc., revised October 11, 1982, and marked Petitioner's Exhibit 1, prior to 1954 and, as such, should be and the same is hereby GRANTED the right to continue 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 seventy-five percent of its replacement cost at the time of such loss shall terminate the nonconforming use.
3. Approval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

Jan M. H. Jung
Deputy Zoning Commissioner of 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 that:

BALTIMORE COUNTY **ZONING PLANS** **ADVISORY COMMITTEE**



PETITION AND SITE PLAN **EVALUATION COMMENTS**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner Date: October 5, 1982
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 83-96-Sph
Dora Real Estate Corporation

This office supports the petitioner's effort to recycle this vacant building.

Norman E. Gerber
Norman E. Gerber,
Director of Planning and Zoning

NEG:JGH:slc

cc: Arlene January
Shirley Hess

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner Date: January 13, 1983
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 83-96-Sph
Dora Real Estate Corporation

This office has no comment to offer as to non-conforming status.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:slc

cc: Arlene January
Shirley Hess

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 1, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204c/o
Nicholas E. Commodari
ChairmanMEMBERS
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
DevelopmentGail M. Stern, Esquire
Frank, Bernstein, Conway & Goldman
1300 Mercantile Bank & Trust Bldg.
Baltimore, Maryland 21201RE: Case #83-96-SPH (Item No. 16)
Petitioner-Dora Real Estate Corp.
Special Hearing Petition

Dear Mr. Stern:

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.

Particular attention should be afforded to the comments of the Department of Permits and Licenses.

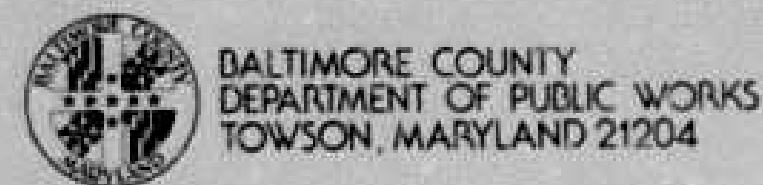
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,


NICHOLAS E. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:mch

Enclosures

cc: Hudkins Assoc., Inc.
200 East Joppe Road
Room 101, Shell Bldg.
Towson, Maryland 21204cc: Newton J. Williams
204 W. Pennsylvania Ave.
Towson, Maryland 21204HARRY J. PISTEL, P.E.
DIRECTOR

August 13, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #16 (1982-1983)
Property Owner: Dora Real Estate Corporation
W/S Reisterstown Rd. 371' N/W from centerline
of Fallstaff Rd.
Acres: 26,415 sq. ft. District: 3rd

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:

Reisterstown Road (Md. 140) is a State Road; therefore, all improvements, inter-sections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 16 (1982-1983).

Very truly yours,


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

RAM:EAM:FWR:ss

O-SN Key Sheet
24 NW 18 & 19 Pos. Sheets
NW 6 E Topo
78 Tax Map

Maryland Department of Transportation

State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Coltrider
Administrator

August 6, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 7-27-82
ITEM #16.
Property Owner: Dora REal Estate Corp.
Location: W/S Reisterstown Rd. (Route 140), 371' N/W from centerline of Fallstaff Road
Existing Zoning: B.L.
Proposed Zoning: Special Hearing to approve the proposed re-opening of the use of Silbers Bakery, retail outlet and offices by a similar bakery operation producing cheesecake and/or other baked goods on site for on site retail sales, as well as, for off site whole-sale sales and distribution, as well as for off-site retail sales, all by the contract purchaser or others, that all of the aforesaid uses are permitted in a BL-CS-1 zone, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a modified plan containing variances where more than 5 persons shall be engaged in the repair or fabrication of goods on the premises and more than 5 horsepower may be employed in the operation of any one machine used in repair or fabrication and more than 15 horsepower will be employed in the operation of all such machines.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro -- 565-0451 D.C. Metro -- 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 701 North Calvert St., Baltimore, Maryland 21203 - 0717

August 6, 1982

Mr. Hammond (Cond.'d.)

Re: ITEM: 16.

Acres: 26,415 sq. ft.
District: 3rd

Dear Mr. Hammond:

On review of the site plan of June 26, 1982 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

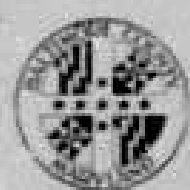

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:vrd

By: George Wittman

cc: Mr. J. Wimbley

- 2 -

STEPHEN E. COLLINS
DIRECTOR

August 25, 1982

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

RE: ZAC Meeting of July 27, 1982

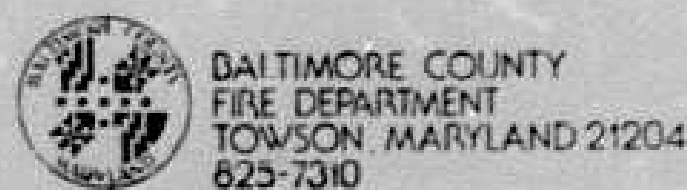
Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items number 16, 17, 18, 19, 21 and 22.

Very truly yours,


Michael S. Flanigan
Engineering Associate II

MSF/r1j

PAUL H. REINCKE
CHIEF

September 1, 1982

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: Dora Real Estate Corporation

Location: W/S Reisterstown Road 371' N/W from centerline of Fallstaff Road

Item No.: 16

Zoning Agenda: Meeting of July 27, 1982

Gentlemen:

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

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

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

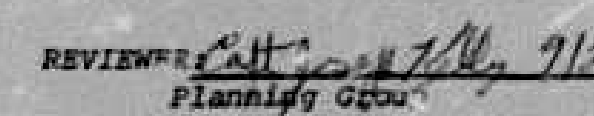
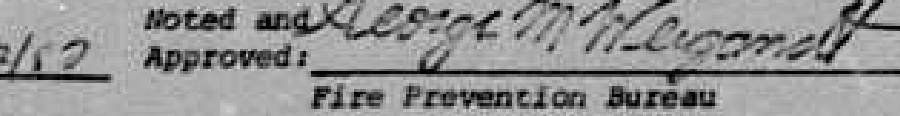
() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

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

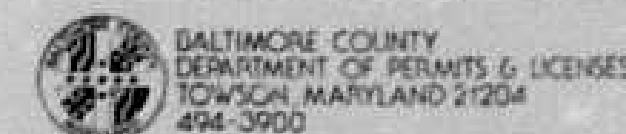
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. See Section 12-3.4 for sprinkler requirements.

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

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

REVIEWED:  9/16/82
Planning Group
Special Inspection Division
Noted and Approved: 
Fire Prevention Bureau

JWab/cn

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

August 16, 1982

Dear Mr. Hammond:

Comments on Item # 16 Zoning Advisory Committee Meeting July 27, 1982 are as follows:

Property Owner: Dora Real Estate Corporation
Location: W/S Reisterstown Road 371' N/W from centerline of Fallstaff Road
District: B.L.
Proposed Zoning:

Acres: 26,415 sq. ft.
District: 3rd

The items checked below are applicable:

- All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 4-82 State of Maryland Code for the Handicapped and Age; and other applicable Codes.
- Building/_____ permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- In wood frame construction an exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot line. A firewall is required if construction is on the lot line. See Table 1401, line 2, Section 1407 and Table 1409.
- Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.
- Comments Section 119.3 is applicable to this structure as may be Section 119.6. It shall be the owners responsibility to contact the Building Official in relation to the proposed use and occupancy. (Chief Building Inspector, Harry Staub- 494-3953)

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #127 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,


Charles E. Burnham, Chief
Plans Review

BALTIMORE COUNTY PUBLIC SCHOOLS

Hon. T.Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 23, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: July 27, 1982

RE: Item No: 16, 17, 18, 19, 20, 21, 22
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,


Wm. Nick Petrovich, Assistant
Department of Planning

NWP/bp

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
W/S Reisterstown Rd., 371' NW of
the Centerline of Fallstaff Rd. at : C^o BALTIMORE COUNTY
Balto. County/City Line, :
3rd District : Case No. 83-96-SPH

DORA REAL ESTATE CORPORATION:
Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter,

I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, 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 for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of September, 1982, a copy of the foregoing Order was mailed to Gail M. Stern, Attorney, Frank, Bernstein, Conway & Goldman, 1300 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201; and Mr. Austin Shaw, United Inn of America, 8130 Wisconsin Avenue, Bethesda, Maryland 20814, Contract Purchaser.

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

Re: Petition For Special Hearing * Before The
W/S Reisterstown Road, * Zoning Commissioner
371 Feet NW of C/L of Fallstaff Road *
At Baltimore County/City Line * Of
Dora Real Estate Corporation *
Petitioners *
Case No. 83-96-SPH, Item 16 * Baltimore County

POINTS IN SUPPORT OF
PETITIONERS' SPECIAL HEARING REQUESTS

Dora Real Estate Corporation and Austin Shaw, Petitioners, by Gail M. Stern and Frank, Bernstein, Conway and Goldman, and Newton A. Williams and Nolan, Plushoff and Williams, Chartered, respectfully represent unto the Commissioner as follows:

1. That this special purpose building was built as a bakery prior to present 1955 based Zoning Regulations, and has always been designed, built and used for bakery purposes.
2. That Silbers always operated as a bakery with more than 15 horsepower and 5 employees, in fact, with as much as 351 horsepower and up to 166 on-site workers.
3. Austin Shaw's operation will have fewer employees, fewer hours and shut down, overnight vs. former 24 hour, per day operation with far more employees.
4. That a favorable decision will put a vacant special purpose building back in a productive role with taxes, jobs and other good economic spinoffs.
5. That this special purpose bakery was formerly "E" commercial prior to 1955.
6. That alternative BL uses would mean more traffic, more activity and could include less favorable uses such as bars, taverns, pool halls, etc.
7. That it is in the best interest of all that bakery use be fully resumed, which use has been temporarily suspended, not abandoned, discontinued or converted, and see no. 11 below.

1. No shift shall employ more than 109 workers. The total number of employees within 24 hours shall not exceed 166. The site plan shall be revised to indicate the maximum number of employees per shift and the required parking.
2. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

John M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE *September 30, 1982*
BY *John P. Plushoff*

8. BL, BM and BR bakeries commonly bake for restaurants, other bakeries, food stores, etc., with off-site wholesale and retail deliveries and sales.
9. Bakeries are allowed in BL, BM and BR zones, and the ML zones in Baltimore County; but only other heavier food processing is allowed in the ML zone.
10. No exterior major changes to bakery building, just clean-up and use of site are involved here to resume operations.
11. In the case of a special purpose building, originally built or remodelled with extensive, expensive and special purpose building layout, fans and cooling systems, interior floors and drains, tile, etc., all adapted to a special purpose such as baking, the non-conforming special character of the building and use is not lost by a mere suspension of the use, including the removal of the machinery, where:
 - (A) The building is not altered to adopt it for another use;
 - (B) The building in fact is not rented, sold or converted to another use even for one day;
 - (C) The bakery signs remain in place;
 - (D) The bakery building continues in the same ownership; and
 - (E) A bakery employee continues to visit, supervise and maintain the special purpose bakery on a regular daily and weekly basis.
12. Under the well known Baltimore County case of *Cassidy, et al vs. Baltimore County Board of Appeals, et al*, 218 Md.418 (1958), the Zoning Commissioner or the Board has the power to grant the lesser included relief of a special exception, where a reclassification was sought.

In this case, we would respectfully ask the Commissioner to permit the following:

 - (A) The presentation of the Petitioners' case today with the case to remain open;
 - (B) The presentation of the neighbor's case today with the case to remain open;
 - (C) The amendment of the Petitioners' case to include a special

BERNARD M WILLEMAIN, M.C.P.

MEMO to Newton Williams Esq.

RE Silber Bakery Case. Citations requested by Mrs. Jung

"The courts would undoubtedly hold that the ousting of an expensive structure built in accordance with a proper permit would not be considered reasonable. . . . the purpose of zoning was to stabilize and protect lawful investments and not to injure assessed valuations or existing uses.
How far can zoning ordinances go in ousting permanent existing conforming buildings and uses? Very likely in just the proportion that the building is permanent, well constructed and costly the courts will declare that it is unreasonable to oust it."

Chapt V Edward Bassett - ZONING

... in the case of existing uses preserved by ordinance, the nature and extent of the use which will qualify as a nonconforming one because it enjoys a vested right to continue, are determined case by case. . . . a use may be continued as a nonconforming use in spite of prohibitory zoning legislation, only if it is a "Substantial" one. The nature and extent of use which will be regarded as substantial was described as one involving "improvements or businesses built up over the years", the destruction of which would cause the property owner "serious financial harm". In short, every existing lawful use is not entitled to protection from zoning legislation. Only a use which is substantial in the sense that its termination would involve serious financial results will be protected from municipal zoning power.

Ashley v. Bedford 312 NE2d 8/3 1974 Ind. App.

The Supreme Court of Pennsylvania . . . said that an existing use for business combines two factors (1) construction of a building for the purpose in question (2) employment of the building or any room for such purpose. Actual operation of the business apparently is not essential if some use discloses the appropriate intent.

Haller Baking Co. 295Pa257 145A77

The right to maintain a nonconforming use does not depend upon ownership of tenancy of the land on which the use is situated. The right attaches to the land itself, it is not personal to the current owner or tenant.

Schultz v Zoning Bd. of App. 144 Conn332
130 A2d 789 1957. Kastendike v Balto.
Assoc. for Retarded Children Inc. 267
Md.389. 297 A2d 745(1972)

"Abandonment in law depends upon the concurrence of two and only two factors: one, an intention to abandon or relinquish; and two, some overt act, or some failure to act, which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment."

Binghamton v Gartell, 275 App Div 457,
90 NYS 2nd 556 (1949)

hearing, with the case to be continued and to be further advertised and further posted to determine the issue of a lawful suspension of use for a special purpose building, without the loss of a non-conforming use, as set out in Point 11, including, but not only 11 (A) to (E) hereinabove.
(D) That upon the hearing resumption all parties, present and future, if any, shall be presented an opportunity to present further direct testimony on Point 11, and other points, and all parties, present and future, if any, shall have full rights of cross-examination and appeal on all points from the time of any decision on any or all points.

Respectfully submitted,

Gail M. Stern
Gail M. Stern, Esquire

Frank Bernstein Conway and Goldman
Frank, Bernstein, Conway and Goldman
1300 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
Telephone: (301) 547-0500 (general)
or (301) 625-3647 (direct)

Newton A. Williams
Newton A. Williams, Esquire

Nolan Plushoff Williams
Nolan, Plushoff and Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (301) 823-7800

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 15 day of October, 1982, a copy of the foregoing POINTS IN SUPPORT OF PETITIONERS' SPECIAL HEARING REQUESTS was mailed, postage prepaid, unto the People's Counsel and to John W. Hession, III, Esquire, Suite 603, 102 West Pennsylvania Avenue, Towson, Maryland 21204; and to Deputy People's Council and to Peter M. Zimmerman, Esquire, 507 Alex Brown Building, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Gail M. Stern
Gail M. Stern, Esquire

Newton A. Williams
Newton A. Williams, Esquire

2.

There must be an intent to abandon a nonconforming use, and the mere cessation of that use will not result in the loss of the right to resume it.
People ex rel. Trebat v Park Ridge,
110 Ill. App 2nd 404, 249 NE2d 681. (1969)

Abandonment in the contemplation of the law is something more than mere non-use, it is rather a non-use combined with the intention to abandon the right to the nonconforming use.

Dusdal v Warren, 337 Mich354, 196
NW2d 778 (1972)
Vogl v Baltimore, 228 Md 283, 179
A2nd; 693 (1962)
Rudnik v Mayers, 387 Mich 379 196
NW2d 770 (1972). Saddle River ex rel.
Perrin v Bobinski, 108 NJ Super 6, 259
A2nd 727 (1969) Minor v Fisher, 212
NW2d 837 ND (1973)

There is no abandonment of a use where discontinuance of the use is caused by an economic depression or the inability of a landowner to find a tenant, assuming that the owner made a diligent effort to resume the use during the period of inactivity.

Baltimore v Weinberg, 204 Md 257
103 A2d 567 (1954) : Dobbs v Board
of Appeals 339 Mass 684, 162 NE2d
(1959); Campbell v Board of Adjust
118 NJL 116, 191 A 7/2. (1937)

To constitute an abandonment of a nonconforming use, there must have been an intention to relinquish and permanently cease to exercise a known right to devote the property to a permitted conforming use, evidenced by an overt act or a failure to act sufficient to support an implication of such intent.

Bl. of Z. Adj. v Boykin, 265 Ala 504
So 2nd 906 (1957)

"In this State existing conforming uses will be permitted to continue, despite the enactment of a prohibitory ordinance if enforcement of the ordinance would, by rendering valueless substantial improvements or business built up over the years, cause serious financial harm to the property owner."

People v Miller, 304 NY 105, 106 NE
2nd 34 (1952)

"... a balance must be found between social harm and private injury".
"... the reasonableness of the termination provisions must be determined in the light of the nature of the business of the property owner, the improvements erected on the land, the character of the neighborhood, and the detriment caused the property owner."

Harbison v Buffalo, 4 NY2d 553,
176 NYS 2nd 598, 152 NE2d 42(1958)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
W/S of Reisterstown Rd., 371' :
NW of the center line of Fall- : DEPUTY ZONING
staff Rd. at the Baltimore :
County/City Line - 3rd Election : COMMISSIONER
District :
Dora Real Estate Corporation : OF
Petitioner :
NO. 83-96-SPH (Item No. 16) : BALTIMORE COUNTY

Upon application of the Petitioner and in consideration of letters dated December 22 and 30, 1982, copies of which are attached hereto, IT IS ORDERED this 30th day of December, 1982, that:

1. The previous Order rendered in the above referenced case, dated December 1, 1982, be and is hereby stricken and rendered void.
2. The Petitioner shall be granted leave to amend this Petition solely to request a Special Hearing to establish the existence of a nonconforming use on the subject property.
3. The property shall be advertised and posted in accordance with the Amended Petition and a hearing scheduled.

John M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
DATE *September 30, 1982*
BY *John P. Plushoff*

ATTACHMENT

as well as for off-site wholesale sales and distribution, as well as for off-site retail sales, all by the contract purchaser or others, substantially as shown on the attached plan and that all of the aforesaid uses are permitted in a B.L.-C.S.1 zone applicable to the subject property and further, because compliance with Sections 230.12 (a) and (b) of the Baltimore County Zoning Regulations would create an undue hardship, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner, should approve a modified plan containing variances from the provisions of said Sections, in that more than five (5) persons shall be engaged in the repair or fabrication of goods on the premises and more than five (5) horsepower may be employed in the operation of any one machine used in repair or fabrication and more than fifteen (15) horsepower will be employed in the operation of all such machines.

RE: PETITION FOR SPECIAL HEARING
W/S of Reisterstown Road, 371'
NW of the Centerline of Fallstaff
Road at Baltimore County/City
Line - 3rd Election District,
Dora Real Estate Corp -

Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of February, 1982, that the Order passed in this matter, dated February 4, 1983, is hereby AMENDED, Nunc Pro Tunc, to add the following explanatory language, which is to be inserted, and is hereby inserted, after the words "nonconforming use" and before the words "for on and off-site retail and wholesale sale of the bakery products" in the said Order of February 4, 1983, namely: "for on site baking, manufacture, storage and distribution of baked goods as a wholesale bakery, and."

Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 14, 1982

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

Chairman
Nicholas B. Commodari

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

Newton Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 16 - Case No. 83-96-SH
Petitioner - Dora Real Estate Corp.
Special Hearing Petition

Dear Mr. Williams:

Enclosed please find addendum comments for the above referenced case.

Very truly yours,

Nicholas B. Commodari

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gail Stern, Esquire
Suite 1309
200 Hopkins Plaza
Baltimore, Maryland 21201

Hudkins Associates, Inc.
200 East Jop'a Road
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
294-3211

NORMAN E. GERDER
DIRECTOR

October 1, 1982

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

Dear Mr. Hammond:

Comments on Item # 16, Zoning Advisory Committee Meeting, Jul. 27, 1982, are as follows:

Property Owner: Dora Real Estate Corporation
Location: W/S Reisterstown Road 371' N/W from centerline of Fallstaff Road
Acres: 26.415 sq. ft.
District: 3rd

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

Since the petition is to approve a non-conforming use, there are no site planning factors requiring comment at this time.

Very truly yours,

John L. Wimbley
John L. Wimbley
Current Planning & Development

JLW:rh

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

September 27, 1982

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

Dear Mr. Hammond:

Comments on Item #16, Zoning Advisory Committee Meeting of July 27, 1982, are as follows:

Property Owner: Dora Real Estate Corporation
Location: W/S Reisterstown Road 371' N/W from centerline of Fallstaff Road
Existing Zoning: B. L.
Proposed Zoning: Special Hearing to approve the proposed re-opening of the use of Silbers Bakery, retail outlet and offices by a similar bakery operation producing chesscones and/or other baked goods on-site for on-site retail sales, as well as for off-site retail sales, all by the contract purchaser or others, that all of the aforesaid uses are permitted in a B.L.-C.S.1 zone, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a modified plan containing variances where more than 5 persons shall be engaged in the repair or fabrication of goods on the premises and more than 5 horsepower may be employed in the operation of any one machine used in repair or fabrication and more than 15 horsepower will be employed in the operation of all such machines.

Acres: 26.415 sq. ft.
District: 3rd

Metropolitan water and sewer presently serve the property.

The owner must submit plans and specifications of the proposed operation of the bakery to the Division of Food Control, State of Maryland, Department of Health and Mental Hygiene for review prior to approval of a building permit and/or commencing operation of the bakery.

83-96



FALLSTAFF IMPROVEMENT ASSOCIATION

1036 Surrey Drive
2707 CLARENCE ROAD
Baltimore, Maryland 21215
858-4531 Lillo

October 14, 1982

Ms. Jean Jung
Baltimore County Planning & Zoning
County Office Building
111 N. Chesapeake Avenue
Towson, Maryland 21204

Re: Case #83-96SPH
Item #16
Petitioner Dora Real Estate Corp.

Dear Ms. Jung:

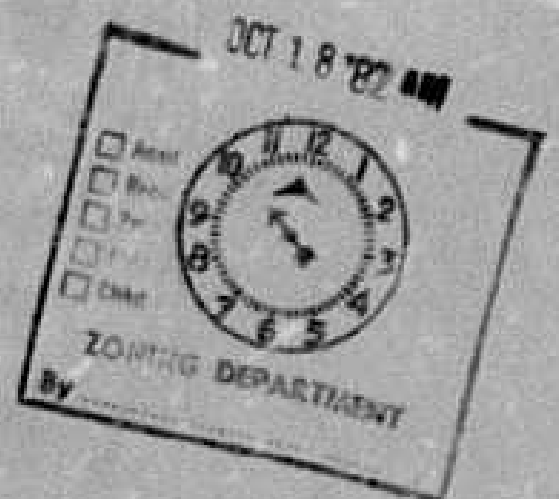
In accordance with our telephone conversation with Miss Gale Stern, on October 12, 1982, the Fallstaff Improvement Association would like to go on record as in support of the request to operate a bakery on the Silber's Bakery property in the 7000 block of Reisterstown Road at the Colonial Village Shopping Center with the stipulation that the two existing gas pumps be removed.

Sincerely yours,

Ephraim Freedman
Ephraim Freedman
President

EF:bn

cc: Gail Stern, Esquire



Mr. William E. Hammond
Page 2
September 27, 1982

Prior to approval of a building permit for or commencing operation of the retail outlet, 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. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/als

cc: Jessie Butcher

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Jean M. H. Jung
Deputy Zoning Commissioner

FROM: James D. Lucas, Jr., Director
Economic Development Commission

SUBJECT: Silber's Bakery

Date: December 1, 1982

85-96-SAY

DORA REAL ESTATE CORP

Allan Kayne was in touch with me on Tuesday afternoon concerning their variance request which was heard by you approximately six weeks ago. The buyer of the old Silber's Bakery has a contract which would expire on January 5, 1983. They need a decision from the Zoning Office on the variance at least thirty (30) days in advance of that in order to allow for the 30 day appeal period.

We do not feel it is appropriate for us to discuss with you the merits of the variance request, however, we should appreciate the serious consideration of reaching a decision prior to December 3rd.

JAMES D. LUCAS, JR.

JDL:jet

cc: William Hammond

Section 104 - NONCONFORMING USES

104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) per cent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. 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. [B.C.Z.R.; 1955, Bill No. 18-76]

104.2 Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. [Bill No. 167-80]

23

B.L. Zone—Business, Local [B.C.Z.R., 1955.]

Section 230^{1,2}—USE REGULATIONS

The following uses only are permitted (See Section 230.12):

230.1—Uses permitted and as limited in the residential zone immediately adjoining except that Animal boarding place, Class A is permitted only as a Special Exception and Kennel is prohibited. [B.C.Z.R., 1955; Bill No. 85, 1967.]

230.2—Convalescent home;

230.3—Tourist home, boarding or rooming houses;

230.4—Restaurant, tea room, and dairy bar, except drive-in restaurant. [B.C.Z.R., 1955; Bill No. 40, 1967.]

230.5—Bank, building and loan association;

230.6—Offices and office buildings;

230.7—Private colleges, nursery and dance schools, conservatory for music and the arts, dormitories, and fraternity and sorority houses. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

230.8—Business and trade schools;

230.9³—Alcoholic beverage package store;

Antique Shop;
Automobile accessory shop;
Automobile parking lot;
Bakery, but goods baked on the premises must be sold only at retail on the premises;
Barber and beauty shops, establishments for chiropody and massage;
Billiard and pool rooms; [Bills No. 61, 1967; No. 85, 1967.]
Bowling Alley; [Resolution, November 21, 1956; Bills No. 58, 1957; No. 43, 1970.]
Camera, photo-supply, or film-processing shops or pick-up stations (including "drive-by" facilities); [Bill No. 43, 1970.]
Candy store, but goods made on the premises must be sold only at retail on the premises;
Clothing and accessory stores;
Dairy products store;
Department Store;

1. Previous Sections 200-217 repealed and replaced by present Sections 200-222—see note 1, Section 200. Section numbers 218-229 reserved in B.C.Z.R., 1955 and remain reserved.
2. All provisions of this section from B.C.Z.R., 1955 except as otherwise noted.
3. All of this subsection's provisions that are not followed by bracketed references were re-enacted without substantive amendment by Bill No. 58, 1957 and, again, by Bill No. 85, 1967.

92

230.9 (B.L.)

Dressmaking and millinery establishments;
Drug store;
Dry Cleaning establishment, Coin operated, or retail store plant, etc. (As regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations); [Bills No. 142, 1962; No. 85, 1967.]
Dry Cleaning pick-up station;
Electrical contractors and appliance repair shop; [Bills No. 58, 1957; No. 85, 1967.]
Florist;
Food Store;
Fortune telling establishments; [Bill No. 124-78]
["Funeral Establishment;" deleted by Bill No. 43, 1970.]
Furniture and upholstery stores;
Garden shop, with associated outdoor sales area;
Gift Shop;
Hand laundry employing not more than 5 persons;
Hardware store;
Helicopter; [Bill No. 85, 1967.]
Hobby Shop;
Household appliance store;
Jewelry store;
Laundromat or self-service laundry;
Laundry-pick-up station;
Parking lot; [Resolution, November 21, 1956; Bill No. 85, 1967.]
Pet Shop;
Photographic studio;
Picnic grove; [Resolution, November 21, 1956; Bill No. 85, 1967.]
Public utility service center;
Radio shop;
Radio studio;
Residential art salon; [Bill No. 85, 1967.]
Shoe repair shop;
Social clubs and fraternal organizations;
Sporting goods store;
Stationery store;
Swimming pool;
Tailor Shop;
Tavern; [Bills No. 43, 1963; No. 85, 1967.]
Television shop;
Television studio;
Variety and dry goods store;
Veterinarian's office; [Bill No. 85, 1967.]
Veterinarian; [Bill No. 85, 1967.]

4. Thus in Bill No. 85, 1967.
5. Bill No. 43, 1963 erroneously indicates that this entry was listed in this subsection in B.C.Z.R., 1955 and repealed by Bill No. 58, 1957. Actually, the entry was originally listed only in Subsection 230.2; the entry was, however, erroneously deleted from the latter subsection as printed in the 1957 published edition of the amended Zoning Regulations.

93

230.10 (B.L.)

230.10—Combinations of the above uses. [Bill No. 111, 1968.]

230.11—Accessory uses or structures, including business signs (see sections 413.2, 413.4, and 413.5), garages, and parking spaces for the use of owners, employees, tenants, and invitees. [B.C.Z.R., 1955, Subsections 230.10 and 230.11; Bill No. 111, 1968.]

230.12—All the above uses in Section 230 are subject to the following conditions:

- a. They shall be contained, except for signs, restaurants, swimming pools, outdoor scales or display areas, parking lots, helistops, or picnic groves within completely enclosed buildings; [B.C.Z.R., 1955; Bill No. 85, 1967.]
- b. Not more than 5 persons shall be engaged in the repair or fabrication of goods on the premises;
- c. Not more than 5 horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines;
- d. Storage and display of materials, vehicle and equipment are permitted in the front yard, but not more than 5 feet in front of the required front building line;
- e. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering,⁷ Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Office of Planning.⁸ [B.C.Z.R., 1955; Resolution, November 21, 1956.]
- f. Where the requirements in Section 230.12 (a, b, or c) would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

6. Superseded by Office of Planning and Zoning—see note 1, Section 102.
7. Assumed to be Bureau of Engineering—see note 2, Section 102.
8. Superseded by Office of Planning and Zoning—see note 1, Section 102.

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M.L. Zone—Manufacturing, Light [B.C.Z.R., 1955.]

Section 253—USE REGULATIONS [B.C.Z.R., 1955; Bills No. 85, 1967; No. 100, 1970.]

253.1¹—Uses Permitted as of Right. The uses listed in this subsection, only, shall be permitted as of right in M.L. zones, subject to any conditions hereinafter prescribed. [B.C.Z.R., 1955, Section 253; Bills No. 85, 1967, Section 253; No. 100, 1970.]

A.² The following industrial uses:

1. Airplane assembly
2. Automobile assembly
3. Boat yards (including marinas or marine railways)
4. Bottling establishments, soft-drink
5. Candy manufacture, packaging, or treatment
6. Carpet or rug cleaning
7. Cellophane-products manufacture or processing—restricted production (See Subsection 253.3.)
8. Cleaning or dyeing
9. Concrete-products manufacture, including manufacture of concrete blocks or cinder blocks
10. Cork-products manufacture or processing—restricted production (See Subsection 253.3.)
11. Cosmetics manufacture, compounding, packaging, or treatment
12. Drug manufacture, compounding, packaging, or treatment
13. Electrical-appliance assembly
14. Enameling, japanning, or lacquering
15. Excavations, controlled, except those involving the use of explosives
16. Fiber-products manufacture or processing, including the manufacture or processing of articles made of felt or yarn, or of textiles, canvas, or other cloth—restricted production (See Subsection 253.3.)
17. Food-products manufacture, compounding, packaging, or treatment, including but not limited to: wholesale bakeries; canning plants or packing houses for canning, packing, or processing of vegetables; creameries or milk-pasteurization or -distributing stations; or cold-storage plants
18. Fur-products manufacture or processing—restricted production (See Subsection 253.3.)

1. Under Bill No. 100, 1970, former Subsections 253.1 through 253.5 were repealed. That material was part of B.C.Z.R., 1955, as amended by County Commissioners' Resolution of November 21, 1956 and County Council Bills No. 64, 1960; No. 56, 1961; No. 64, 1963; No. 40, 1967; No. 61, 1967; and No. 85, 1967.
2. All provisions of this paragraph from Bill No. 100, 1970. The external and internal periods following the parenthetical references to Subsection 253.3 in Items 7, 10, 16, 18, 19, 22, 24, 26, 30, 34, 35, 38, 45, 48, 51, and 52 are as they appear in that bill.

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Z.C. Pit # 5

Large walks in freezer box
Large walk in refrigerator box
Two steam boilers for generating process steam
Employee locker rooms
Loading docks
Spent enclosed trash room
Overhead wiring system
"Silber's Bakery Foods" sign attached in place

SILBER'S
BAKERY WORKERS LISTDay Shift 7⁰⁰ AM to 330 P.M.

Cake Mixing	4
" finishing	10
Bench hands	10
" " helpers	5
Oven men	4
Dec. Dept	8
Cake, Sweet, Bread+special Orders Packers	6
Cookie Packers	6
Cookie dept	3
Pie makers	4
Pan Washer	2
Pack "	2
Pot "	1
Warehouse men	2
Maintenance men	5
Porters	6
Truck drivers	8
Office personnel	18
Store "	5
	109

Pet exch 6

2nd Shift 6:00pm to 2:00AM

Bread bench hands	10
" " " helpers	6
Daneish " "	8
Donut mixers, bench hands & fryers	6
Oven men	4
Shipping room	4
Pan Washer	2
	<u>40</u>

3rd Shift 2:00AM to 10:00AM

Oven men	4
Turn out men	8
Pan Washer	2
Bread dough make up.	3
	<u>17</u>

Total worker in 24 hr 166

SILBERS BAKERY HORSEPOWER LIST		Quantity of motors	Total H.P.
#1 Bread Mixer		2	26.5
#2 " "		2	16.
#3 " "		2	26.5
Sweet dough mixer		1	5.
Artoflex mixer		1	3.
240 Glen Mixer		2	11.5
#1 " "		2	3.75
#2 " "		2	3.75
#3 " "		2	3.75
#4 " "		2	3.75
#1 Dough divider		1	5.
#2 " "		1	5.
#1 Dough molder		1	7.5
#2 " "		1	5.
#1 Dough Sheeter		1	3.
#2 " "		1	3.
#3 " "		1	2.
#4 " Reversible Sheeter		1	1.5
#5 Pie & Cookie Sheeter		1	1.5
#1 Moline table		3	4.5
#2 " "		3	4.5
#1 Ametberg table		1	3.
#2 " "		1	3.
Pie shell maker mech		1	3.
" Making mech.		2	2.25
Cookie mech.		1	1.5
Grease mech.		1	1.5
Cake dropper mech.		1	5

Quantity of motors	Total H.P.
#1 Oven	3
#2 " "	3
#3 " "	4
#4 " "	4
#1 overhead profer	2
#2 " "	2
#1 Prof box	1
#2 " "	1
Thaw tunnel	1
cake conveyor table	1
Pan Washer mech.	4
Pot Washer mech.	2
#1 Wrapping mech.	1
#2 " "	1
#1 Freezer	10
#2 " "	10
#3 " "	12
#1 Retarder	8
#2 " "	2
#3 " "	5
#4 " "	5
Water chiller	4
Retail Store Freezer chests (4)	8
Donut fryer	3
#1 Ace Boiler	2
#2 Superior Boiler	2
#1 Air compressor	1
#2 " "	1

Quantity of motors	Total H.P.
Flour Silo	2
#1 " bin	1
#2 " "	1
#3 " "	1
#1 " Sifter	1
#2 " "	1
Surp tank	2
Office Air conditioner	4
Dec. Dept Air conditioner	4
Retail Store Air conditioner	2
Window Air Conditioner (6)	12
Air intake on roof (13)	13
Air exhaust on roof (8)	8
Big water tower pumps (2)	2
Small water tower (5)	10
Sump pump boiler room	1
" " Mech. room (4)	4
Fire Pump sprinkler room	1
Jockey Pump " "	1
Fresh air & heat intake	1
Trash Compactor	1
Oil Pumps for boilers (2)	2
Condensate pump for boiler (2)	2
	219
	350.5

2.0. Pet
Exp. 7

COLONIAL VILLAGE COMPANY
290 CHARLES CENTER 5 TH
BALTIMORE, MARYLAND 21201

October 12, 1982

Zoning Board of Baltimore County
Baltimore County, Maryland

Re: "Silber Building", 7000 Block
Reisterstown Road

To Whom It May Concern:

Inquiry has been made of us with respect to our position regarding the variance requested on the use of the old "Silber Bakery" building. We believe that the use applied for as a bakery building is preferred over that of a retail complex.

We feel that this is so, due to the fact that the parking area for the entire site is extremely tight and therefore, the "Silber" building would not lend itself well to conversion to a retail facility attracting large numbers of automobiles.

As owners of the site immediately adjacent to the "Silber" building, we concur with the application made for the variance and respectfully submit that it should be granted.

Respectfully submitted,

COLONIAL VILLAGE COMPANY

By: Joel D. Fedder
Joel D. Fedder,
Managing Partner

JDF:cwt

BERNARD M. WILLEMAIN, M.C.P.

Education: B.S. Civil Engineering and Landscape Architecture
University of Massachusetts

Master of City Planning
Massachusetts Institute of Technology

Experience: Greater Boston Development Committee, one year

Baltimore County Planning Office, Deputy Director, five years.
Drafted most of existing zoning regulations. Subdivision
regulations, Master Plan studies, controlled subdivisions.

Land Planning Associates, Partner, work performed in District
of Columbia, Delaware and Virginia.

Bernard M. Willemain & Associates, President. Private
consultant practice for twenty nine years in City Planning,
Site Planning, Zoning, Real Estate Development, Public
Legislation and the Constitutional Use of Real Estate. Also
engaged in the development of personally owned real estate.

Clients include the Justice Department, State of Maryland,
several Maryland Counties, the Catholic Archdiocese and
other religious organizations, several colleges, leading
institutions (Maryland National Bank, Mercantile Trust,
Loyola Federal and Baltimore Federal), many law firms,
industrials such as Dupont, Koppers and Martin Marietta,
and most of the larger real estate developers in the Baltimore
Washington - Wilmington area. National consultant to the
National Association of Homebuilders. The James Rouse Co.

Qualified expert in these fields in most administrative and
legislative proceedings in the Middle Atlantic States, in
Circuit Courts in three states including seven Maryland
Districts and the Federal District in Baltimore.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nicholas B. Commodari
Zoning Advisory Committee
Sharon M. Caplan
Economic Development Commission
Date: October 11, 1982

Item # 16
Property Owner: Dora Real Estate Corporation
Location: W/S Reisterstown Road, 371' N/W from
centerline of Fallstaff Road
Existing Zoning: B.L.
Proposed Zoning: Special Hearing to approve the proposed re-opening
of the use of Silbers Bakery, retail outlet and
offices, by a similar bakery operation producing
cheesecake and/or other baked goods on-site for
on-site retail sales, as well as for off-site
wholesale sales and distribution, as well as for
off-site retail sales, all by the contract purchaser
or others, that all of the aforesaid uses are
permitted in a B.L.-CS-1 zone, to determine whether
or not the Zoning Commissioner and/or Deputy
Zoning Commissioner should approve a modified plan
containing variances where more than 5 persons shall
be engaged in the repair or fabrication of goods
on the premises and more than 5 horsepower may be
employed in the operation of any one machine used
in repair or fabrication and more than 15 horsepower
will be employed in the operation of all such
machines.

In recognition of Baltimore County's desire to foster a healthy economic growth,
we request the zoning office to evaluate the above request so that a bakery
may again operate at this site. We feel this is in the best interest for
industrial expansion.

Sharon M. Caplan
SHARON M. CAPLAN

SMC:jet

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

November 1, 1982

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: The Dora Real Estate Corporation Case
(Silbers Bakery Complex) Reisterstown Rd.
Pikesville, Case No. 81-26-SFH

Dear Commissioner Jung:

As you will recall at the hearing on October 13, 1982, you requested
certain out of state case citations from Mr. Bernard Willemain, one of our
expert witnesses.

Please find enclosed herewith Mr. Willemain's two page Memo covering
a number of cases referred to by Mr. Willemain in his testimony.

As you will recall, we made alternative arguments, the first being to
the effect that a baking operation such as Silbers or Austin Shaw is permitted
as a matter of right in a B.L. zone. The second alternative argument is to the
effect, very briefly, that Silbers is a special purpose type of building, and
that should you determine that it is a nonconforming use in a B.L. zone, that
that nonconforming use has not been lost due to a number of factors, including,
but not only, the following:

1. The property remains in the same Dora Real Estate Corporation
ownership;
2. The property was, is and will be a special purpose type of
building layout, suited only to baking operations and laid out for a flow of
materials from west to east with a finished product coming out the east side of
the building;
3. That Silbers has continued to employ a regular employee who has
kept the property up, kept the boilers fired, and who checks on the property on
a daily and weekly basis;
4. That the property has been offered for sale as a bakery, and in
fact, the Austin Shaw contract purchaser is for a cheesecake baking operation;

5. That the property has not been utilized for even a single day for any other use, and it remains in its internal and external special use configuration.

If you are disposed toward the nonconforming use continuing status, then as previously stated, we would appreciate the opportunity to correctly repost and readvertise the property for a special hearing, and a special hearing petition was offered as an exhibit at the October 13 hearing, and of course, is in your file.

Thanking you and your staff for your kind and early attention to this important matter, I am -

Respectfully,

Newton A. Williams

Newton A. Williams

NW:pr

enc.

cc: John W. Hessian, III, Esquire
Peter Max Zimmerman, Esquire
Gail M. Stern, Esquire
Mr. Sidney Silber
Mr. Allen Kayne
Mr. James S. Leanos
Mr. Austin Shaw
Sherman L. Cohn, Esquire
Mr. Mal Hudkins
Mr. Bernie Willemain

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: The Dora Real Estate Corporation Case
(Siffers Bakery Complex) Reisterstown Rd.,
Pikesville, Case No. 83-96-SM

Dear Commissioner Jung:

Our office, as well as Mr. Stern's office, and our experts are presently reviewing the file to determine if we wish to offer supplemental, legal or supportive materials concerning the above property.

As you will recall, Ms. Stern and I offered a memo at the time the hearing was adjourned.

As we all will recall, this property and most particularly the building presents a special purpose type of building, and not the type of building usually dealt with by Section 104 relating to non-conforming uses. Both the Petitioner corporation and the contract purchasers would appreciate an opportunity to add a further special hearing clearly relating to the claimed non-loss of a non-conforming use on the property, should you be inclined to consider this alternative, as well as the alternative argument that the baking operation by Silbers and as proposed by the contract purchaser Austin Shaw are both legal uses available as a matter of right in the B.L. zone.

As we stated at the hearing, we believe under the case of Cassidy, et al vs. Baltimore County Board of Appeals, et al, 218 Md. 418 (1958), that you have the power to grant the lesser included relief, but in view of the fact that the building, land, machinery and improvements exceed approximately 2.3 million dollars, none of us wish to take a chance on this point and would much prefer to continue the hearing at an early available date with the filing of the special hearing petition offered as an exhibit in the file.

Thanking you and your staff for your consideration of this letter and matter, I am -

Respectfully,

Newton A. Williams

Newton A. Williams

NW:pr

See next page for cc's and P.S.

The Maryland Court of Appeals has addressed this issue on a number of occasions. The court has consistently emphasized the intent requirement implied by the use of the "abandonment or discontinuance" standard.

One of the foremost case on this issue in American jurisprudence was decided by the Maryland Court of Appeals at the dawn of the era of zoning regulation in this county. In Landay v. Board of Zoning Appeals, 173 Md. 460, 196 A. 293 (1938), the court held that the nonconforming use of a junk shop was not abandoned by the fact that the premises were not used as such for a period of more than three years. The court, in construing an early zoning ordinance, quoted with approval the statement of a Pennsylvania court that "abandonment" and "discontinuance" are legally synonymous. Id. at 469, 196 A. at _____. The Court of Appeals went on to state that:

[U]nless so stated in the statute, cessation or discontinuance of a nonconforming use without the substitution of another use, or without evidence of an intent to abandon the nonconforming use, will not prevent its resumption. Abandonment in law depends upon the concurrence of two, and only two, factors; one an intention to abandon or relinquish; and two, some overt act, or some failure to act, which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment.

Id. The Landay standard has been applied by the court in Dorman v. Mayor and City Council of Baltimore, 187 Md. 678 (1946), Vogl v. Mayor and City Council of Baltimore, 228 Md. 283 (1961), and Stieff v. Collins, 237 Md. 601 (1965).

More recently, the Court of Appeals compared the "abandonment or discontinuance" standard with a more explicit standard in Canada's Tavern, Inc. v. Town of Glen Echo, 260 Md. 206, 271 A.2d 664 (1970). The Court was asked to construe a section of the Montgomery County Code which specifically defined "abandoned" as "the cessation of a nonconforming use for a period of six months or more". Id. at 207, 271 A.2d at 664. The facts of the case concerned the nonconforming use of a building as a restaurant in an area zoned for residential use. The use of the building as a restaurant was interrupted for a period of approximately one year. The court distinguished Landay by pointing out that mere cessation of use was not included in the definition of abandonment in the zoning

regulation in Landay, as it was in the Canada's Tavern case. Id. at 210, 271 A.2d at 666. Therefore, the court held that the explicit language of the Montgomery County Code controlled and the cessation of use of the building as a restaurant for a period of nearly a year resulted in an abandonment. Id. at 211, 271 A.2d at 667.

The application of these standards to Section 104.1 of the Zoning Regulations of Baltimore County leads to the conclusion that mere cessation of operations does not constitute abandonment or discontinuance under that section. Since the Regulations themselves do not explicitly include cessation as an event of abandonment, as did the Montgomery County Code in Canada's Tavern, such cessation should not be treated as abandonment. Moreover, as the Landay court held, abandonment and discontinuance are synonymous terms which require the demonstration of intent to meet the standard time words create.

Thus, in the present situation, where the nonconforming use of the premises was temporarily halted due to the business reverses encountered by the bakery operating there and where the owner has maintained the building and diligently sought to re-establish a bakery on the premises either through sale or leasing of the premises, no intent to voluntarily abandon the nonconforming use can be implied. Further, it should be noted that the building is uniquely suited to use as a bakery and that, if this were not the case, the owner, an experienced real estate developer in the metropolitan area, would have converted the building into retail stores, thereby conforming to the use established by the area's zoning.

In short, the Regulations require an intent to abandon, such intent is not evident in the present case, and the nonconforming use is the only possible use for this building, which was specifically designed as a bakery.

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
October 21, 1982
Page two

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

cc: Peter Max Zimmerman, Esquire

cc: Gail M. Stern, Esquire

cc: Mr. Sidney Silber

cc: Mr. Allen Kayne

cc: Mr. James S. Leanos

cc: Mr. Austin Shaw

cc: Sherman L. Cohn, Esquire

cc: Mr. Mal Hudkins

cc: Mr. Bernie Willemain

P.S. TO ALL:

Mr. Willemain has very kindly provided us with the enclosed memorandum regarding cases requested by Mrs. Jung. Gail and her staff have very kindly agreed to check them over in order that we may furnish Mrs. Jung with these and/or other further items of case law. As soon as we have heard from Gail and her staff, we will proceed.

Also enclosed is a copy of a letter dated October 18, 1982 from Gail enclosing a letter of October 14 from the Fallstaff Improvement Association to Mrs. Jung indicating that they have no objection provided the two existing gas pumps are removed. Please advise on this point also.

With best regards to all, I am -

Sincerely,

NW

N.A.W.

NW:pr

encs.

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TOWSON, MARYLAND 21204

November 19, 1982

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: The Dora Real Estate Corporation Case
(Siffers Bakery Complex) Reisterstown Rd.
Pikesville, Case No. 83-96-SM, Contractual
Zoning Deadline Date, January 5, 1983

Dear Commissioner Jung:

As outlined in my letter of November 1, 1982, at the hearing on October 13, 1982, we filed an additional Petition concerning the retention of a nonconforming use on the property, if you decide that such is the case, due to various factors listed at length in my November 1 letter.

Should you be favoring the nonconforming use theory, all counsel, as well as the owner and contract purchaser, would be much more comfortable if we were allowed to readvertise and repost the property as to that specific issue concerning the retention of a nonconforming use due to special factors present in this case.

The contract entered into in early June between the parties requires a zoning decision by January 5, 1983. Thus, should you feel it is appropriate to pursue the nonconforming use theory, we would very much appreciate it being promptly rescheduled, readvertised and reposted on this point alone, since as your names will show, we have not closed our case as yet.

Thanking you and your staff for your review of this time deadline, I am -

Respectfully,

Newton A. Williams

Newton A. Williams

NW:pr

See Next Page For cc's

MEMORANDUM

TO: Gail M. Stern

FROM: Raymond G. Truitt

DATE: October 12, 1982

RE: Sid Silber; Colonial Village -- Zoning

QUESTION:

Does Section 104.1 of the Baltimore County Zoning Regulations prohibit the continued nonconforming use of a building as a bakery when a bakery has not operated there for more than one year?

CONCLUSION:

No. The Maryland courts have stated that the mere cessation of operations in a nonconforming use situation does not amount to an "abandonment or discontinuance" unless the zoning regulations specifically define these terms to include cessation.

DISCUSSION:

The Baltimore County Zoning Regulations, 1981 Edition, Section 104.1, state:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, ... the right to continue or resume such nonconforming use shall terminate.

Section 101 defines "nonconforming use" as:

A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

The central issue, therefore, is whether the failure to actively operate the business which is the subject of the nonconforming use for more than one year constitutes an abandonment of such use under the regulations.

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
November 19, 1982
Page two

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

cc: Peter Max Zimmerman, Esquire
Deputy People's Counsel

cc: Gail M. Stern, Esquire

cc: Mr. Sidney Silber

cc: Mr. Allen Kayne

cc: Mr. James S. Leanos

cc: Mr. Austin Shaw

cc: Sherman L. Cohn, Esquire

cc: Mr. Mal Hudkins

cc: Mr. Bernie Willemain

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSIAN, JR.
THOMAS J. HENNER
KENNETH H. MASTERS
STEPHEN J. NOLAN
WILLIAM F. ENGLEHART, JR.
G. SCOTT BARNHART
ROBERT L. HANLEY, JR.

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TOWSON, MARYLAND 21204

December 30, 1982

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
Zoning Commissioner's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

HAND DELIVERED

Re: Order Of December 1, 1982, To Be Striken,
Replacement Order Of December 30, 1982, To
Permit A Refilling Special Hearing In The
Silber's Bakery Case (Dora Real Estate Corp.)
Case No. 83-96-SPH

Dear Mrs. Jung:

Confirming our telephone conversation of December 29, it is our understanding that pursuant to our letter of December 22 and earlier letters, which are hereby confirmed, that at the request of the Petitioner, Dora Real Estate Corporation and at the request of the Contract Purchasers, Mr. Austin Shaw, et al., your Order of December 1, 1982, is to be stricken to allow a refilling of a special hearing solely on the nonconforming use issue.

This is being done primarily at the request of the People's Counsel, Mr. Hessian and his deputy, Mr. Zimmerman, to prevent an appeal being taken from your December 1 Order, for among other reasons that they feel that the Order of December 1 may constitute an impermissible use variance.

Finally, we wish to hereby stipulate that we will not enter an appeal from the decision and Order of December 30, rescinding your decision and Order of December 1, since, of course, it is being done at the request of the Petitioner and Contract Purchasers.

We would respectfully request that Mr. Commodari and Mrs. January provide us with the earliest possible hearing date for this continued hearing following your return from vacation in the latter part of January.

Thanking you for your kind cooperation in this matter, and looking forward to a rescheduled hearing on the nonconforming use issue, I am -

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
December 30, 1982
Page two

Respectfully,

Newton A. Williams

Newton A. Williams

NW:pr

cc: John W. Hessian, III, Esquire
Peter M. Zimmerman, Esquire
Gail M. Stern, Esquire
Sherman L. Cohn, Esquire
Mr. Austin Shaw
Mr. Allen Kayne
Mr. Sidney Silber
Mr. James S. Leanos
Mr. Bernard Willemain
Mr. Mal Hudkins

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM M. HESSIAN, JR.
THOMAS J. HENNER
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TOWSON, MARYLAND 21204

December 22, 1982

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Rescission Of The Decision And Order Of
December 1, 1982, In The Silbers (Dora
Real Estate Corporation) Case 83-96-SPH

Dear Mrs. Jung:

In accordance with our office conference of December 21 with Mr. Hessian and Mr. Zimmerman, we would respectfully ask that you rescind your decision and order of December 1, 1982, in this matter, in order that we may be allowed to pursue a different avenue of relief, namely the proof of a continued nonconforming use.

At the present time, after meeting with Mr. Commodari of your staff, we have revised the Petition for Special Hearing and we are herewith filing a Petition for Special Hearing on the issue of a continued nonconforming use for bakery purposes.

As you will recall and as the hearing tapes will disclose, we did not rest our case on October 13, and thus this would be basically a continued hearing.

Rather than pressing either the legality of a wholesale bakery operation in the B.L. zone, or the attendant request for a modified plan as to the number of employees and the amount of the horsepower, we would be asking for a determination solely on the basis that the Silbers operation does constitute a nonconforming use, and due to a number of special factors that that nonconforming use continues in existence and can be utilized by the contract purchasers for a baking operation centering primarily on cake cases.

Thanking you, Mr. Hessian and Mr. Zimmerman, as well as Mr. Commodari and Ms. January for their cooperation in the rescission and resetting of this case, I am, with best regards for the holiday season to all -

Sincerely,

Newton A. Williams

Newton A. Williams

NW:pr

Please See Next Page For CC's

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
December 22, 1982
Page two

cc: John W. Hessian, III, Esquire
Peter Max Zimmerman, Esquire
Gail M. Stern, Esquire
Sherman L. Cohn, Esquire
Mr. Austin Shaw
Mr. Allen Kayne
Mr. Sidney Silber
Mr. James S. Leanos
Mr. Bernard Willemain
Mr. Mal Hudkins



COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.

Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-9080

BEL AIR OFFICE
L. GERALD WOLFF
Landscape Architect
PHONE 838-0886

July 9, 1982

DESCRIPTION - TO ACCOMPANY APPLICATION FOR SPECIAL HEARING:

Beginning for the same at a point on the west side of Reisterstown Road (66 feet wide) said point being distant North 47 degrees 28 minutes 30 seconds West 371 feet from the intersection formed by the west side of said Reisterstown Road with the centerline of Fallstaff Road thence along the west side of said Reisterstown Road North 47 degrees 28 minutes 30 seconds West 45.03 feet, thence South 37 degrees 05 minutes 26 seconds West 187.40 feet thence South 78 degrees 45 minutes 10 seconds West 138.84 feet thence South 11 degrees 14 minutes 50 seconds East 421.22 feet thence North 42 degrees 27 minutes East 296.38 feet thence due north 340.72 feet to the place of beginning.

AMENDED PETITION FOR SPECIAL HEARING

3rd Election District

ZONING: Amended Petition for Special Hearing
LOCATION: West side of Reisterstown Road, 371 ft. Northwest of the centerline of Fallstaff Road at Baltimore County/City Line
DATE & TIME: Thursday, February 3, 1983 at 10:45 A.M.
PUBLIC HEARING: Room 106, 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:

Amended Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the continued existence, viability and useability of the former Silbers Bakery, offices and retail store, as a continued nonconforming use for on and off-site retail and wholesale sales of bakery products, including cheese cakes

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

Being the property of Dora Real Estate Corporation, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, February 3, 1983 at 10:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR SPECIAL HEARING

3rd Election District

ZONING: Petition for Special Hearing
LOCATION: West side of Reisterstown Road, 371 ft. Northwest of the centerline of Fallstaff Road at Baltimore County/City Line
DATE & TIME: Wednesday, October 13, 1982 at 10:00 A.M.
PUBLIC HEARING: Room 106, 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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a proposed reopening and use of the former Silber's Bakery, retail outlet and offices by a similar bakery operation producing cheesecake and/or other baked goods on-site for on-site retail sales, as well as for off-site wholesale sales and distribution, as well as for off-site retail sales, all by the contract purchaser or others, substantially as shown on the plan and that all of the aforesaid uses are permitted in a B.L.-C.S. 1 zone applicable to the subject property and further, because compliance with Sections 230.12 (b) and (c) of the Baltimore County Zoning Regulations would create an undue hardship, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner, should approve a modified plan containing variances from the provisions of said Sections, in that more than 5 persons shall be engaged in the repair or fabrication of goods on the premises and more than 5 horsepower may be employed in the operation of any one machine used in repair or fabrication and more than 15 horsepower will be employed in the operation of all such machines

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

Being the property of Dora Real Estate Corporation, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, October 13, 1982 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

September 15, 1982

Gail M. Stern, Atty.
Frank, Bernstein, Conway & Goldmas
1300 Mercantile Bank & Trust Building
Baltimore, Maryland 21201

NOTICE OF HEARING

Re: Petition for Special Hearing
W/S Reisterstown Rd., 371' NW of the c/l of
Fallstaff Rd. at Baltimore County/City Line
Dora Real Estate Corporation - Petitioners
Case #83-96-SPH Item #16

TIME: 10:00 A.M.

DATE: Wednesday, October 13, 1982

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

TOWSON, MARYLAND

cc: Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Maryland 21204



Williams & Hudkins

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

February 4, 1983

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

Amended
RE: Petition for Special Hearing
W/S of Reisterstown Rd., 371'
NW of the center line of Fall-
staff Rd. at Baltimore County/
City Line - 3rd Election District
Dora Real Estate Corp. - Peti-
tioner
NO. 83-96-SPH (Item No. 16)

Dear Mr. Williams:

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

Very truly yours,

Jean M. H. Jung
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

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

83-53
NOLAN

J. EARLE PLUNKOFF
NOLAN, PLUNKOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
TELEPHONE
823-7810

MAILING ADDRESS
P.O. BOX 5486
TOWSON, MARYLAND 21204

January 6, 1983

The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Refiling of An Amended Special Hearing
On The Silber's Bakery Case, (Dora Real
Estate Corporation), Case No. 83-96-SPH

Dear Mrs. Jung:

Please find enclosed herewith an additional set of an amended
Petition for Special Hearing on the issue of the nonconforming use situation
at the Silber's Bakery on Reisterstown Road.

We understand from Mrs. January and Mr. Dyer that there will be an
additional \$100 filing fee for this amended Petition. By a carbon copy of
this letter directed to Mr. Silber, we are asking that this be promptly
forwarded.

We also understand from Mrs. January that the case has been set
for the early afternoon of Thursday, February 3, we believe at 1:30 p.m.
By a carbon copy of this letter, we are advising all concerning of this fact.

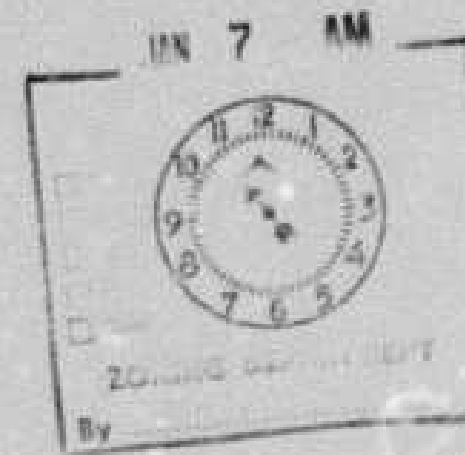
On behalf of everyone concerned with this case, we wish to thank
you for your patience and cooperation in working this matter out to the
satisfaction of the People's Counsel and all else concerned.

Hoping that you have an enjoyable vacation, and looking forward to
concluding the case on February 3, I am -

Respectfully,

Newton
Newton A. Williams

NW:pr
encs.
Please see next page for cc's



The Honorable Jean M. H. Jung
Deputy Zoning Commissioner
January 6, 1983
Page two

cc: John W. Hessian, III, Esquire
Peter Max Zimmerman, Esquire
Gail M. Stern, Esquire
Sherman L. Cohn, Esquire
Mr. Austin Shaw
Mr. Allen Kayne
Mr. Sidney Silber
Mr. James S. Leanos
Mr. Bernard Willmain
Mr. Mal Harkins

A Memorandum from

James E. Dyer

To

*Silber's Bakery
Built prior to 1955
45 Days apply
will have further
no further requests*

Phone: 644-4900 - 644-4901

HOLSTEIN PAPER COMPANY

Wrapping Paper, Paper Bags, Cash Register Paper, Etc.

4810 W. BELVIDERE AVENUE
BALTIMORE, MARYLAND 21215

June 28, 1983

Mr. James Dyer
Zoning Supervisor
Baltimore County, Maryland

Re: Former Silber's Bakery
7002 Reisterstown Road

Dear Mr. Dyer:

We are submitting a plan for the use of the above captioned property outlining
how the building will be utilized. The entire frontage containing approximately
two hundred feet will be for retail as shown on the plan with a back up storage
area for the retail store as shown as the supply area.

Under the Silber's Bakery nonconforming use status two large areas were used for
bakery storage and warehousing and should be able to be used for storage in the
future. This storage area was used for shipping wholesale merchandise to retail
store such as Ames Food Markets, Grand Union, and Weiss out of Weiss Markets of
Pennsylvania.

The office area as shown on the plan will continue to be used for general offices.

I believe, as we discussed at our first meeting, that the building should be able
to be used by me for a combination of retail use and limited wholesale distribution
based on the non-conforming use of the storage areas used by the Bakery.

There will be no manufacturing on the premises as allowed under the bakery use and
I would only have four trucks delivering to my wholesale and retail customers as
compared to the twelve used previously and allowed under the bakery operation.

Since I desire to move from Baltimore City to Baltimore County to begin operation
of this facility as soon as possible I would appreciate both a favorable and
prompt reply.

Very truly yours,

Teddy Moss, Pres.
Holstein Paper Co. Inc.

TH/ee

*Bakery Court Dec. 1953
App. continued 1983*

Gail M. Stern, Esquire
Frank, Bernstein, Conway & Goldman
1300 Mercantile Bank & Trust Bldg.
Baltimore, Maryland 21201

cc: Indicia Assoc., Inc.
200 East Gayle Road
Room 101, Ball Mill
Towson, Maryland 21204

cc: Newton Williams
204 W. Pennsylvania Ave.
Towson, Md. 21204

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 27th day
of Jul, 1983.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Dora Real Estate Corp.

Petitioner's Attorney Gail M. Stern

Reviewed by:

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 21, 1983

Gail M. Stern, Attorney-at-Law
1300 Mercantile Bank and Trust Building
Baltimore, Maryland 21201

Re: Amended Petition for Special Hearing
W/S Reisterstown Rd., 371' NW of the c/l
of Fallstaff Rd. at Baltimore County/City Line
Dora Real Estate Corporation - Petitioner
Case No. 83-96-SPH

Dear Ms. Stern:

This is to advise you that \$65.13 is due for advertising and posting
of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Gail M. Stern, Attorney at Law
1300 Mercantile Bank & Trust Building
Baltimore, Maryland 21201

NOTICE OF HEARING

Re: Amended Petition for Special Hearing
W/S Reisterstown Rd., 371' NW of the c/l of
Fallstaff Rd. at Balto. County/City Line
Dora Real Estate Corp. - Petitioner
Case #83-96-SPH

TIME: 10:45 A.M.

DATE: Thursday, February 3, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

cc: Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

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

No. 113054

DATE 1/11/83 ACCOUNT R-01-615-000

AMOUNT \$100.00

RECEIVED FROM Dora Real Estate Corporation
FOR Filing Fee for Amended Petition for Special
Hearing in Case No. 83-96-SPH

02500001000000 4122A

VALIDATION OR SIGNATURE OF CASHIER

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

No. 115015

DATE 2/17/83 ACCOUNT R-01-615-000

AMOUNT \$65.13

RECEIVED FROM Gail M. Stern, Attorney
FOR Advertising & Posting Amended Petition for
Special Hearing on Case No. 83-96-SPH
(Dora Real Estate Corporation)

02500000651313 4172A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 8, 1982

Gail M. Stern, Attorney
1300 Mercantile Bank & Trust Bldg.
Baltimore, Maryland 21201

Re: Petition for Special Hearing
W/S of Reisterstown Rd., 371' NW of c/l of
Fallstaff Rd. at Balto. County/City Line
Dora Real Estate Corporation - Petitioner
Case #83-96-SPH Item #15

Dear Ms. Stern:

This is to advise you that \$100.25 is due for advertising and posting
of the above property.

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 112322

DATE 10/21/82 ACCOUNT R-01-615-000

AMOUNT \$100.25

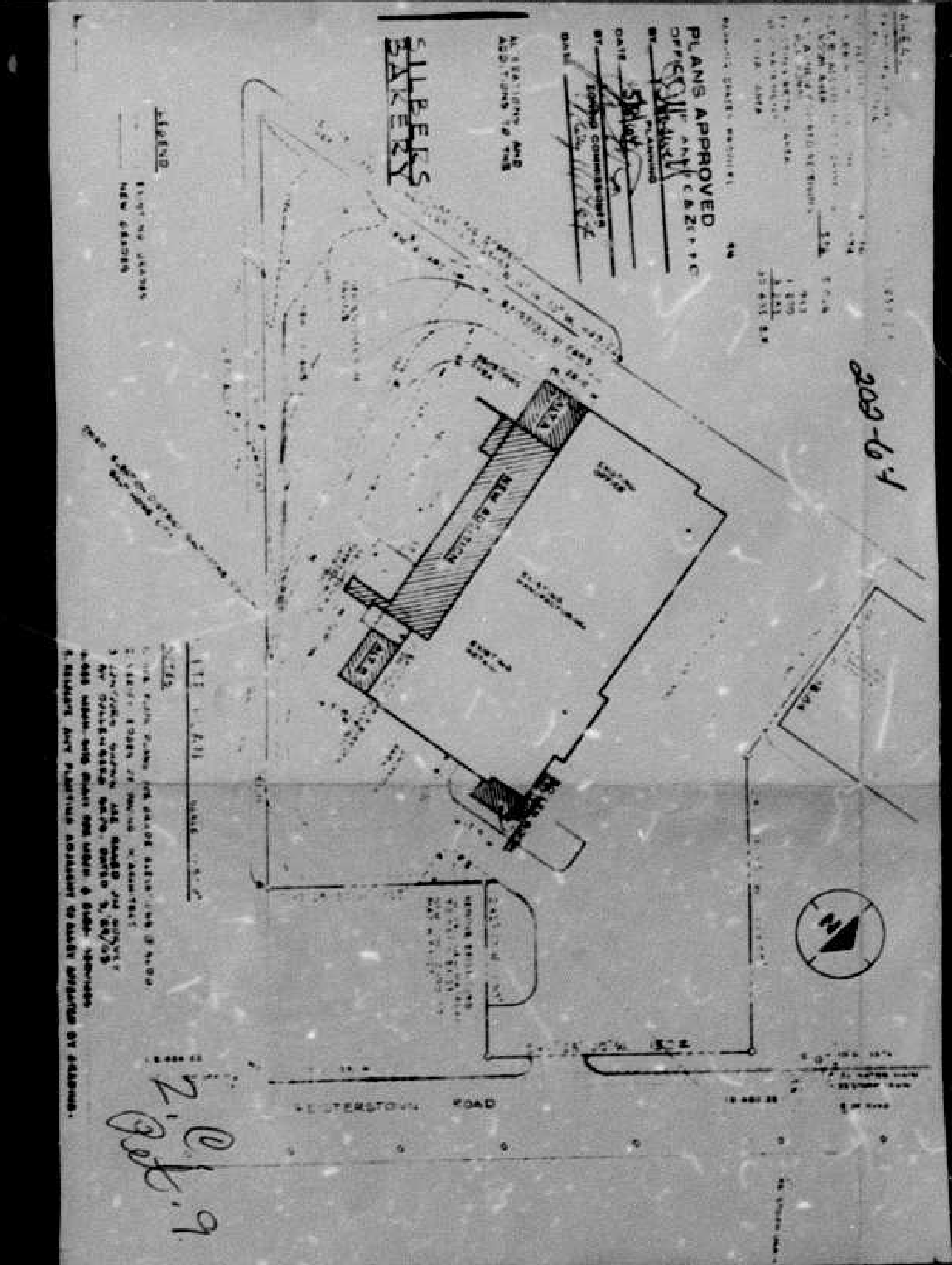
RECEIVED FROM The Dora Real Estate Corporation
FOR Advertising & Posting Case #83-96-SPH

02500001002513 4222A

VALIDATION OR SIGNATURE OF CASHIER

AMENDED PETITION FOR SPECIAL HEARING
TOWSON, MD. January 23, 1983
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 in each of one (1) successive weeks before the day of January 19, 1983, the first publication appearing on the 13th day of January 1983.
THE JEFFERSONIAN, Manager.
Cost of Advertisement, \$24.50

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 83-96-SPH
District 3rd Date of Posting September 24, 82
Posted for: Special Hearing of Petitioner
Petitioner: Dora Real Estate Corporation
Location of property: W/S of Ruston Road, 371' NW of the intersection of Fallstaff Road at Baltimore County City Line
Location of signs: West side of Ruston Road, approx. 460' NW of the intersection of Fallstaff Road
Remarks:
Posted by: J. J. Smith Signature
Number of Signs: 5 Date of return: October 1, 1982



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 83-96-SPH
District 3rd Date of Posting Jan 14, 1983
Posted for: Special Hearing
Petitioner: Dora Real Estate Corporation
Location of property: W/S of Ruston Road, 371' NW of the intersection of Fallstaff Road at Baltimore County City Line
Location of signs: West side of Ruston Road, approx. 460' NW of the intersection of Fallstaff Road
Remarks:
Posted by: J. J. Smith Signature
Number of Signs: 5 Date of return: Jan 21, 83

CERTIFICATE OF POSTING
TOWSON, MD. September 23, 1982
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. 83-96-SPH
of one (1) successive weeks before the day of October 19, 1982, the first publication appearing on the 23rd day of September 1982.
THE JEFFERSONIAN, Manager.
Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 107952
DATE 7/13/82 AMOUNT 100.00
RECEIVED FROM N. Williams FOR flag for 1st floor 15/6
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received this 13 day of July 1982
Filing Fee \$ 100 Received: Check Cash Other
#16
Petitioner: Dora Real Estate Submitted by N. Williams
Petitioner's Attorney: Bill Smith Reviewed by M. Williams
*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

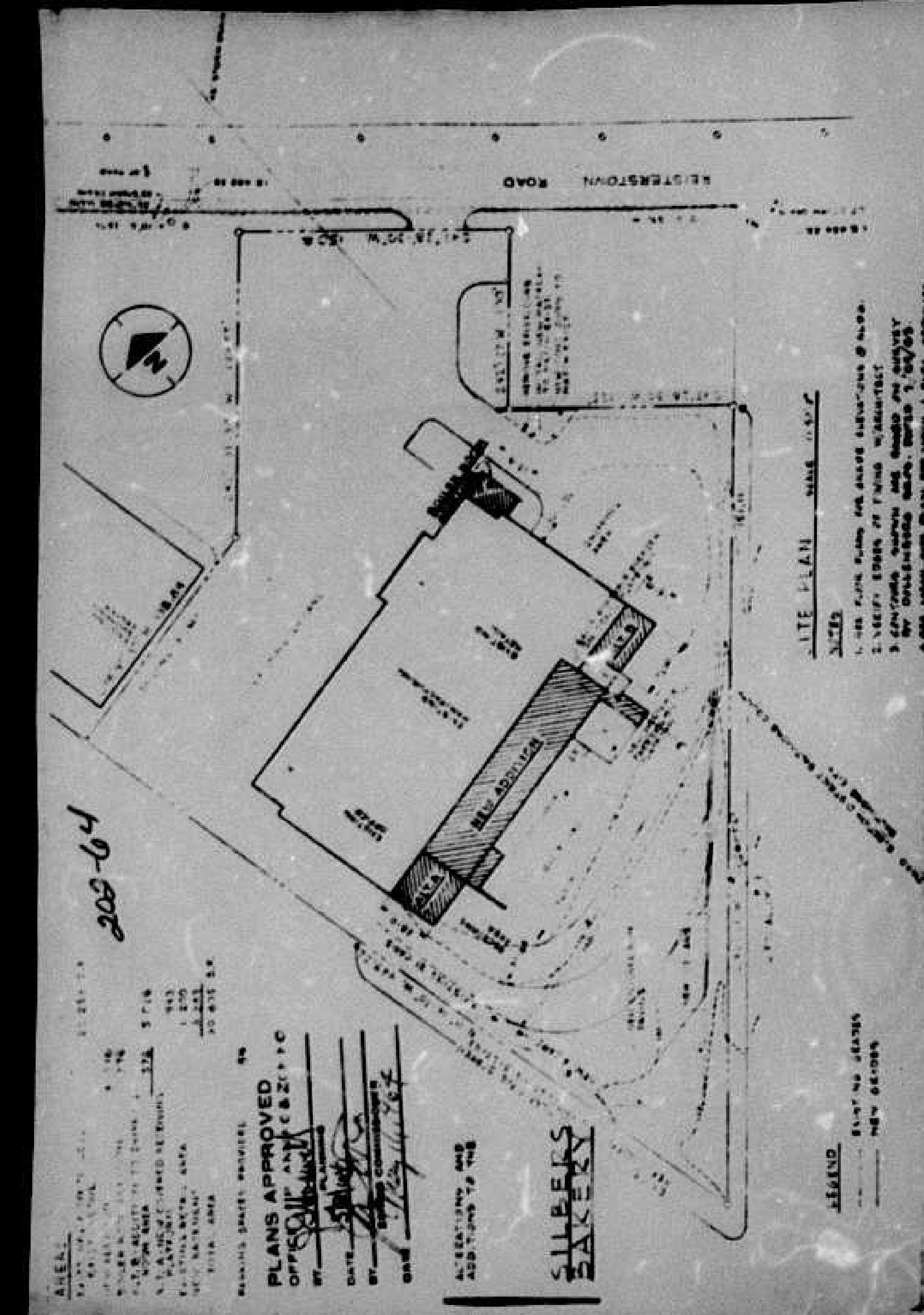
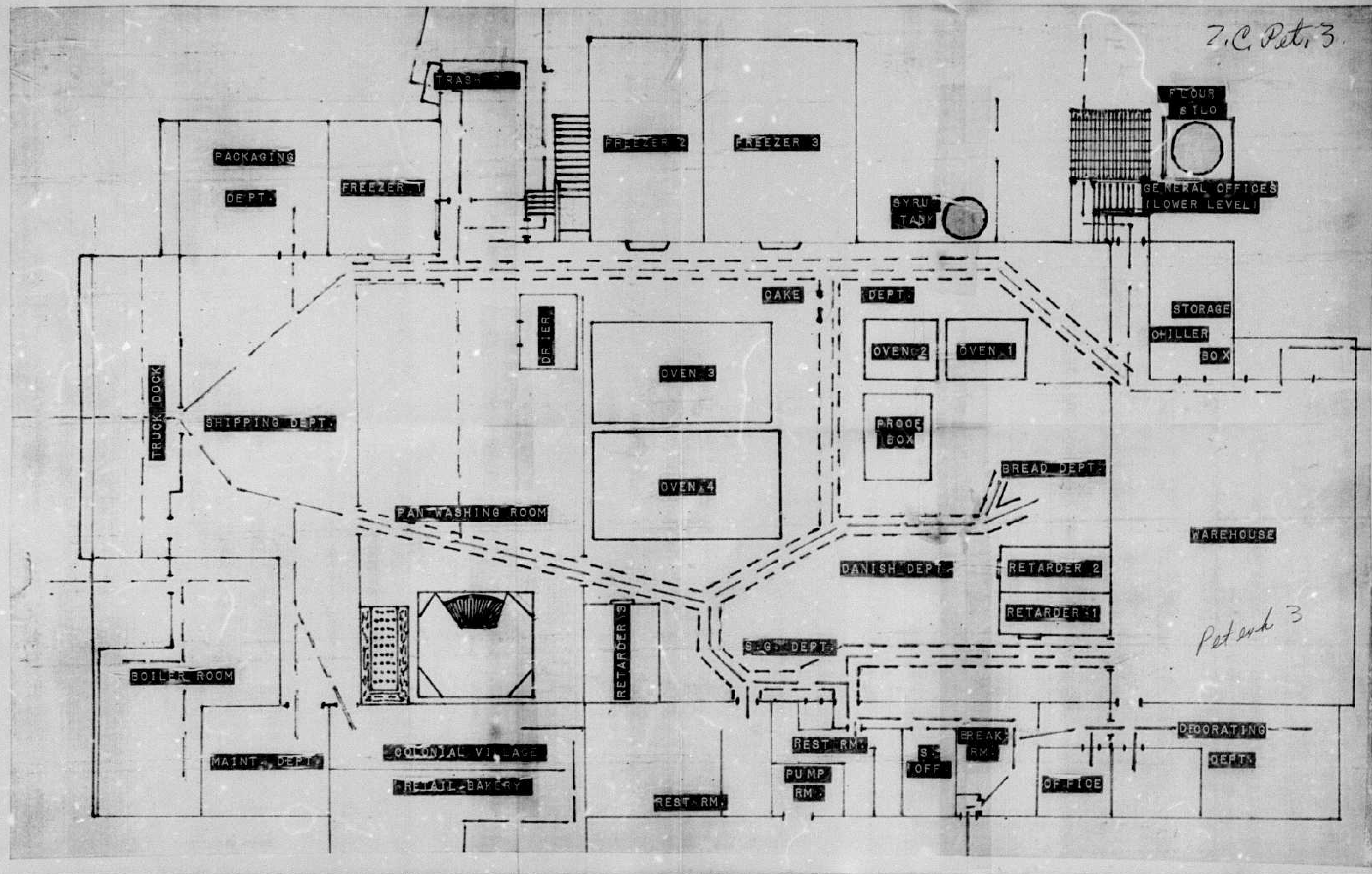
REISTERSTOWN COMMUNITY TIMES
Office of The Carroll County Times
Westminster, Md., Sept. 23 1982
THIS IS TO CERTIFY that the annexed advertisement was published for one successive weeks previous to the 23rd day of Sept. 1982 in The Carroll County Times a daily newspaper published in Westminster, Carroll County, Maryland.
REISTERSTOWN COMMUNITY TIMES
THE CARROLL COUNTY TIMES
Per: Robert Clark, bookkeeper

AMENDED PETITION FOR SPECIAL HEARING
3rd Session 1982
LOCATION: West side of Ruston Road, 371' NW of the intersection of Fallstaff Road at Baltimore County City Line
DATE & TIME: Thursday, February 3, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petitioner for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve a proposed rezoning and use of the property and further, because compliance with Sections 230.12 (b) and (c) of the Baltimore County Zoning Regulations would create an undue hardship, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner, should approve a modified plan containing variances from the provisions of said Sections, in that more than 15 persons shall be engaged in the repair or fabrication of goods on the premises and more than 5 horsepower may be employed in the operation of any one machine used in the repair or fabrication and more than 15 horsepower will be employed in the operation of all such machines.
All that parcel of land in the Third District of Baltimore County beginning for the same at a point on the west side of Ruston Road (66 feet wide) said point being distant North 47 degrees 28 minutes 30 seconds West 371 feet from the intersection formed by the west side of said Ruston Road with the centerline of Fallstaff Road thence along the west side of said Ruston Road North 47 degrees 28 minutes 30 seconds West 187.40 feet thence South 78 degrees 45 minutes 10 seconds West 138.84 feet thence South 11 degrees 14 minutes 50 seconds East 421.22 feet thence North 42 degrees 27 minutes 14 minutes 50 seconds East 295.36 feet thence due north 340.72 feet to the place of beginning.
Being the property of Dora Real Estate Corporation, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, October 13, 1982 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
BY ORDER OF WILLIAM E. HAMMOND, ZONING COMMISSIONER OF BALTIMORE COUNTY



Community Times
Office of The Carroll County Times
Westminster, Md., 4/13/83
THIS IS TO CERTIFY that the annexed advertisement was published for one successive weeks previous to the 13th day of April 1983, in The Carroll County Times a daily newspaper published in Westminster, Carroll County, Maryland.
THE CARROLL COUNTY TIMES
Per: James Keifer

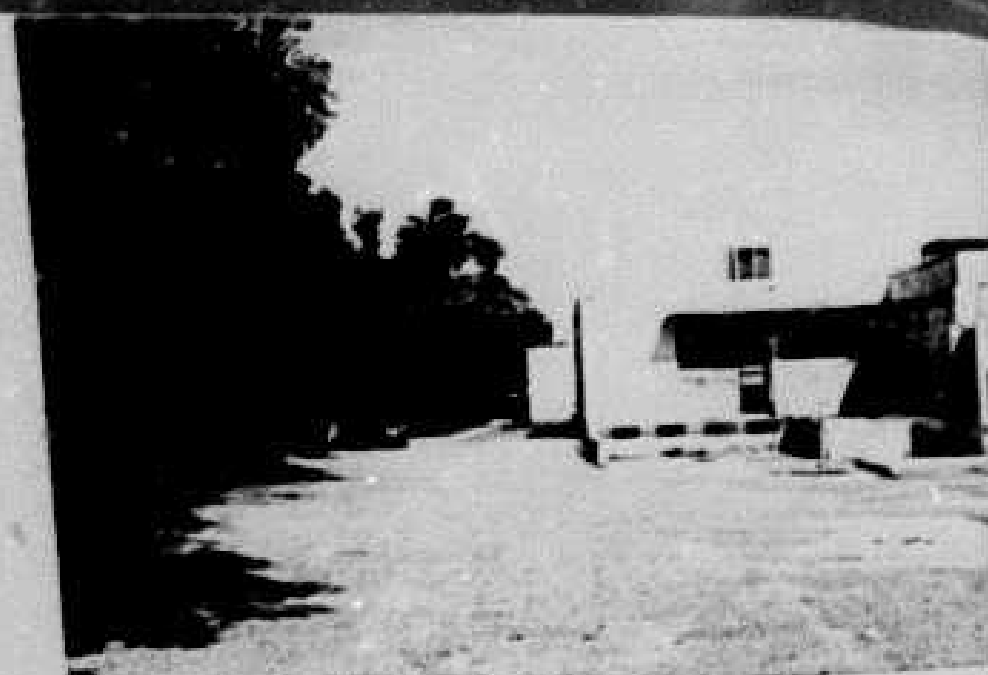




G. LOOKING AT SW CORNER OF BAKERY REAR LOT AND MANEUVERING AREA



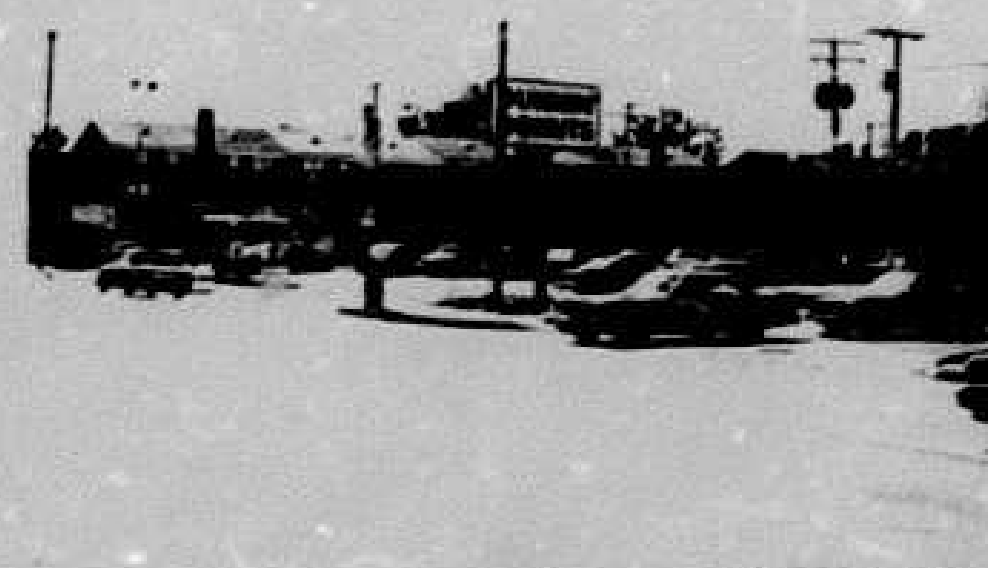
H. LOOKING NW/ly TOWARD SW REAR CORNER OF BAKERY



I. LOOKING NW/ly PAST SW REAR CORNER OF BAKERY TOWARD ALLEY IN REAR OF SW REAR CORNER-CENTER



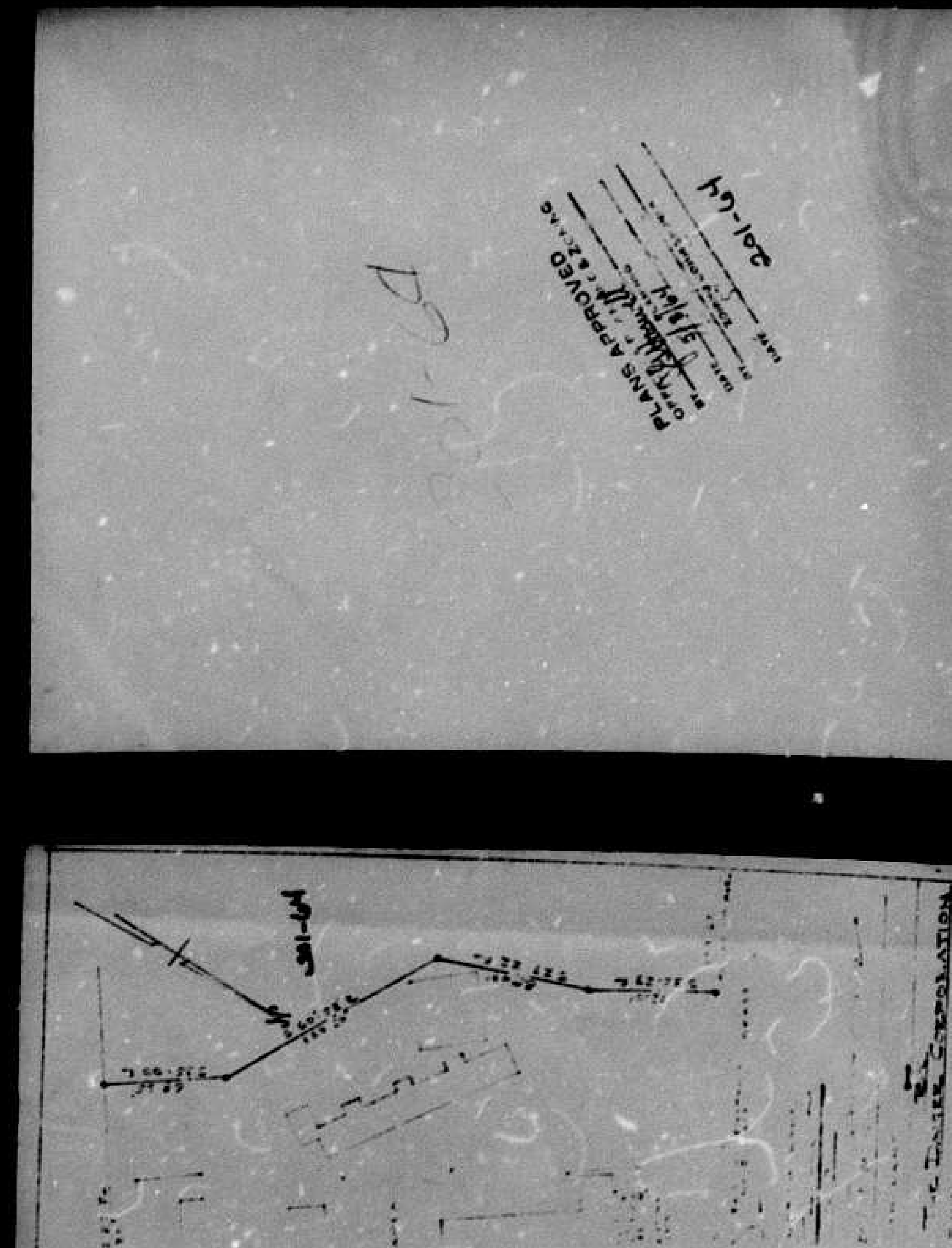
J. LOOKING SE/ly ALONG COLONIAL VILLAGE FRONTAGE TOWARD GLEN HEIGHTS AREA

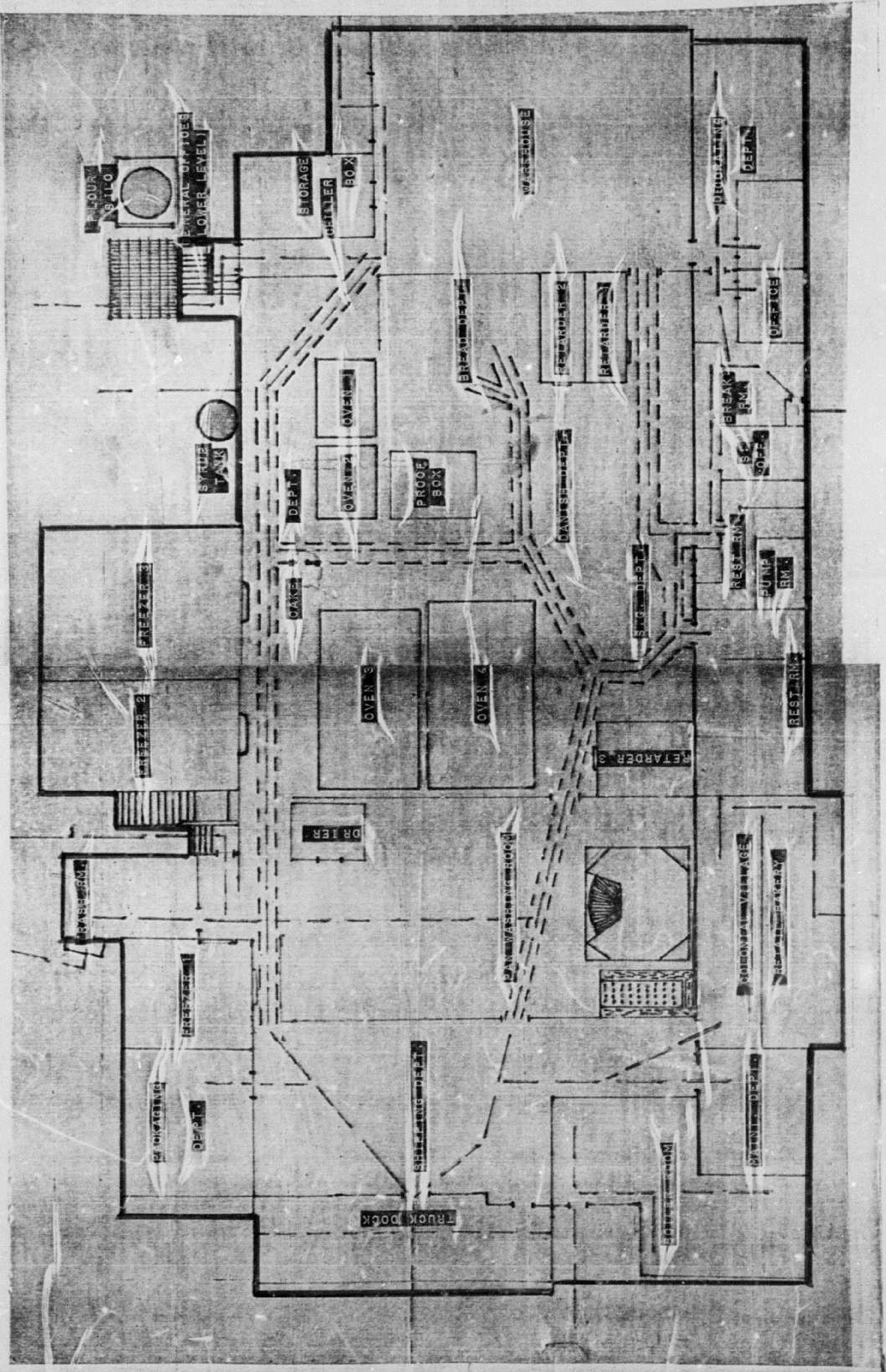


K. LOOKING SE/ly TOWARD SW/ly OF REIST RD. FRONT SHOP, FOOD STORE, AND REAR OF GLEN HEIGHTS RD.



L. LOOKING NW/ly AT COLONIAL VILLAGE ACROSS REIST RD. FROM GAS 'N' GO OPERATION





2.C.
Pet. Exh. 13.
08/23/83

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 14, 1987

Dear Mr. Shaw:

On November 22, 1985, a letter was received by the Planning Commission from your office regarding the proposed rezoning of the property located at 10000 North Avenue, Baltimore, Maryland.

The letter requested that the property be rezoned from its current zoning to a more appropriate zoning for the proposed use of the property.

The Planning Commission has reviewed the proposed rezoning and has determined that the property is suitable for the proposed use. The Commission has recommended that the property be rezoned to the appropriate zoning.

I am enclosing a copy of the Commission's recommendation for your information.

Sincerely,
John J. Shaw
Chairman, Planning Commission

Petition for Zoning Re-Classification

1987

1. The undersigned, being a resident of the City of Baltimore, do hereby petition the Board of Estimates to re-classify the property located at 10000 North Avenue, Baltimore, Maryland, from its current zoning to a more appropriate zoning for the proposed use of the property.

2. The undersigned further certifies that the proposed rezoning is in the public interest and that the property is suitable for the proposed use.

3. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

4. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

5. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

6. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

7. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

8. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

9. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

10. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

Certificate of Publication

1987

1. The undersigned, being a resident of the City of Baltimore, do hereby certify that the proposed rezoning of the property located at 10000 North Avenue, Baltimore, Maryland, is in the public interest and that the property is suitable for the proposed use.

2. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

3. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

4. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

5. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

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8. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

9. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

10. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

Certificate of Posting

1987

1. The undersigned, being a resident of the City of Baltimore, do hereby certify that the proposed rezoning of the property located at 10000 North Avenue, Baltimore, Maryland, is in the public interest and that the property is suitable for the proposed use.

2. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

3. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

4. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

5. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

6. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

7. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

8. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

9. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

10. The undersigned further certifies that the proposed rezoning is in accordance with the Comprehensive Zoning Ordinance of the City of Baltimore.

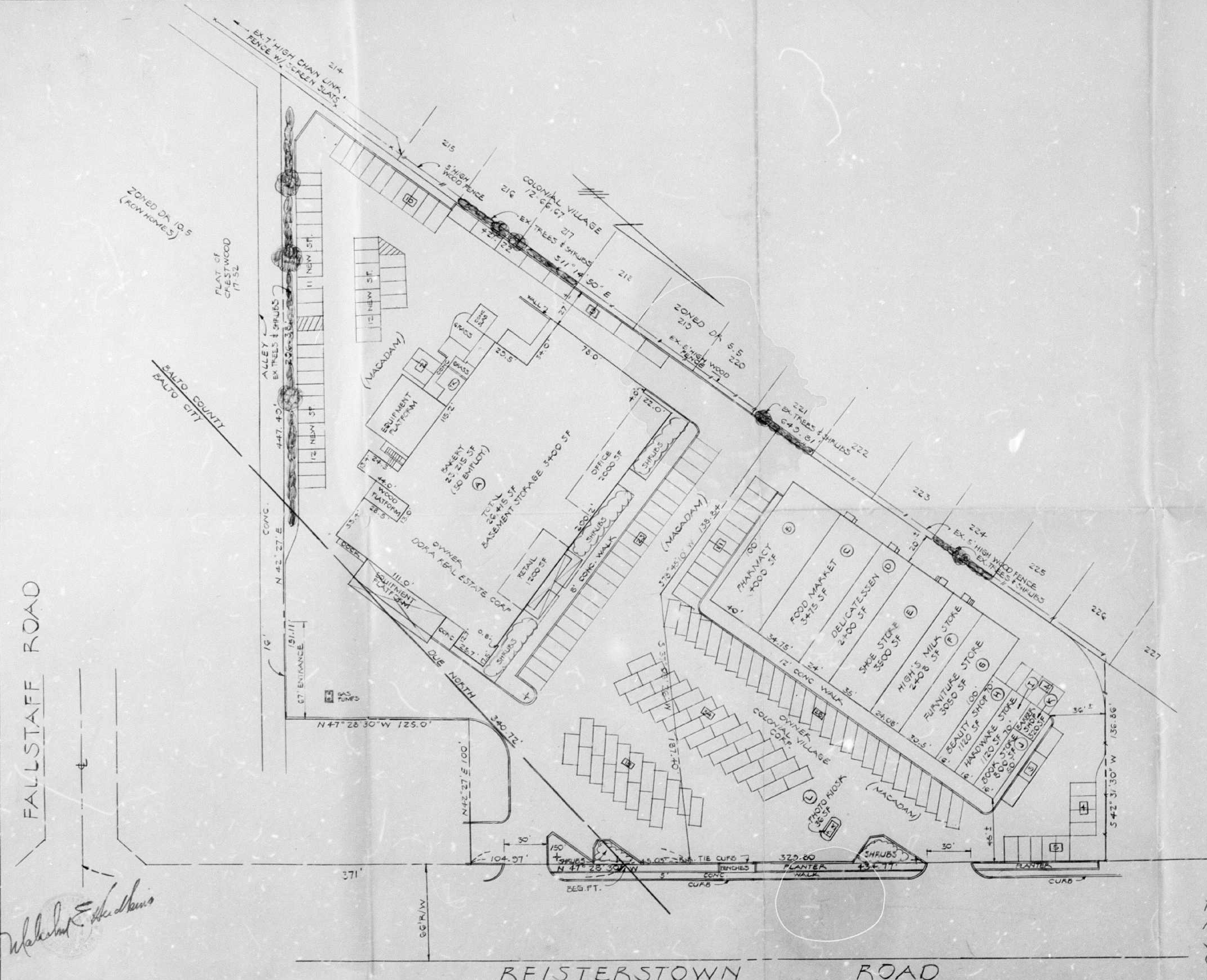
Colonial Village, Inc.
70000 North Avenue, Baltimore, Maryland 21204

Shelton, Charles
10000 North Avenue, Baltimore, Maryland 21204

John J. Shaw
Chairman, Planning Commission

John J. Shaw
Chairman, Planning Commission

PARKING DATA			
BLDG	USE	AREA(SF)	PARKING REQUIRED
A	BAKERY	26,415	1500/200 = 7.50 BAY/3 = 17.50
E	PHARMACY	4000	4000/200 = 20.0
C	FOOD MARKET	3475	3475/200 = 17.4
D	DELICATESSEN	2400	2400/200 = 12.0
E	SHOE STORE	3500	3500/200 = 17.5
F	MILK STORE	2408	2408/200 = 12.0
G	FURNITURE STORE	3050	3050/200 = 15.3
H	BEAUTY SHOP	1120	1120/300 = 3.7
I	HARDWARE STORE	1120	1120/200 = 5.6
J	BOOK STORE	800	800/200 = 4.0
K	BARBER SHOP	320	320/300 = 1.1
L	PHOTO KIOSK	36	36/200 = 0.2
TOTAL		48644	143
TOTAL PROVIDED = 187 SPACES			
EXIST. ZONING BL			



2. C. Pet. Ed. 1

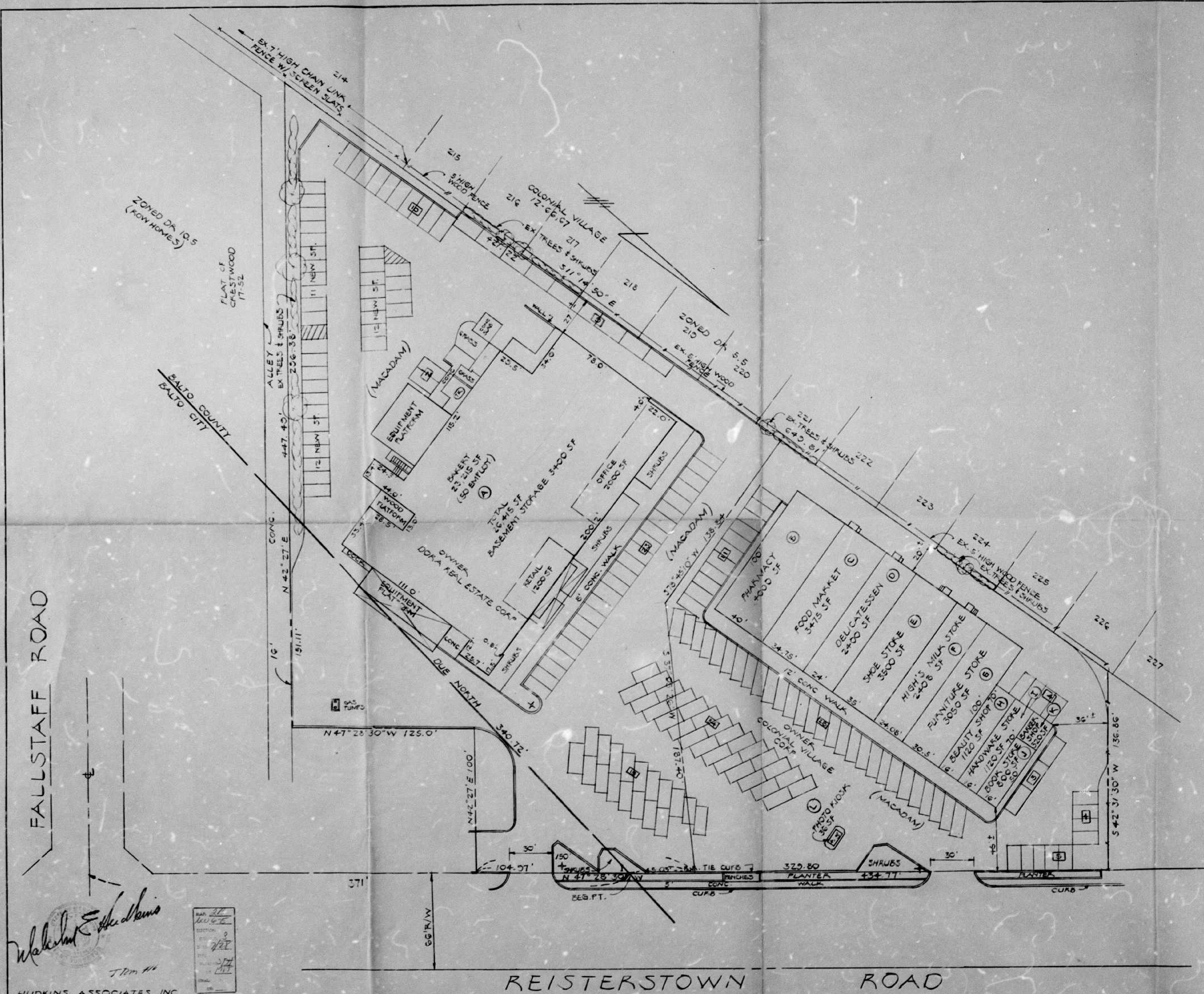
PLAN TO ACCOMPANY
APPLICATION FOR
SPECIAL HEARING
COLONIAL VILLAGE SHOPPING CENTER
ELECTION DIST. 3 BALTO CO., MD.
SCALE 1" = 30' JUNE 26, 1982
REV. OCT. 11, 1982
ADD CURB CUT

HUDKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOFFA RD
TOWSON, MD. 21204
828-9060

PARKING DATA

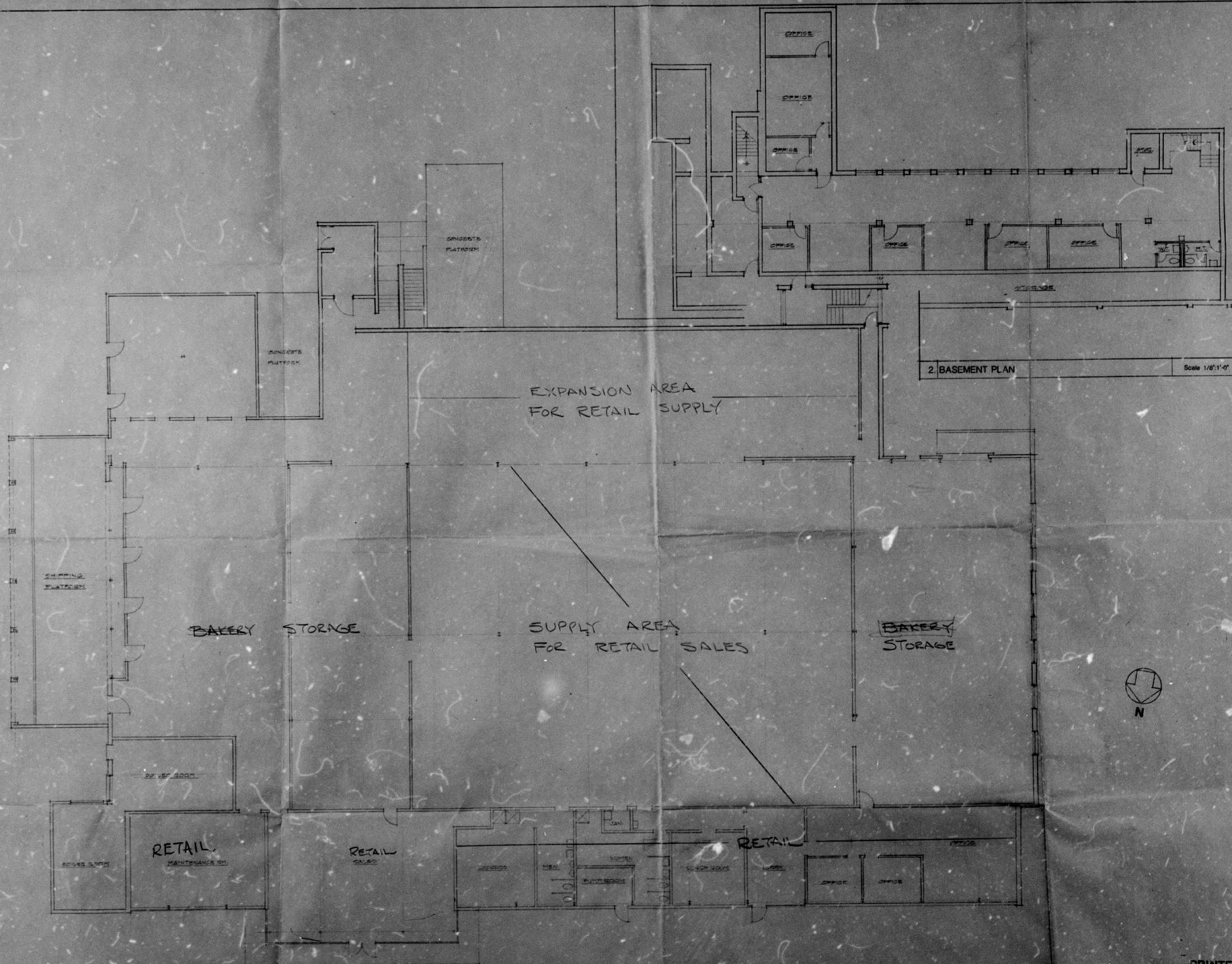
BLDG	USE	AREA(SF)	PARKING REQUIRED
A	BAKERY	26,415	1500/2000 * 50ENT/3 * 17 = 30.0
B	PHARMACY	4000	4000/200 = 20.0
C	FOOD MARKET	3475	3475/200 = 17.4
D	DELICATESSEN	2400	2400/200 = 12.0
E	SHOE STORE	3500	3500/200 = 17.5
F	MILK STORE	2408	2408/200 = 12.0
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J	BOOK STORE	800	800/200 = 4.0
K	BARBER SHOP	320	320/300 = 1.1
L	PHOTO KIOSK	36	36/200 = 0.2
TOTAL		48644	X 2.5 = 121,610 ¹ / ₁₀₀ = 143

TOTAL PROVIDED = 187 SPACES
EXIST. ZONING BL



PLAN TO ACCOMPANY
APPLICATION FOR
SPECIAL HEARING
COLONIAL VILLAGE SHOPPING CENTER
ELECTION DIST. 3 BALTO CO., MD.
SCALE 1" = 30' JUNE 26, 1982

Walter E. Hudkins
HUDKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOFFA RD.
TOWSON, MD. 21204
828-5060



2. BASEMENT PLAN

Scale 1/8"=1'-0"

1. GROUND FLOOR PLAN

PRINTED
APR 7 1982

Scale 1/8"=1'-0"

Revisions		
No.	Description	Date
1	GENERAL REVISIONS	4-7-82

Sheet Title
**LEASE PLAN
EXISTING
BUILDING**

Project
DORA REAL ESTATE
CORPORATION
7002 Rickerstown Rd.
Baltimore, Md. 21214

**Nichols/Gould
Architects P.A.**

Architectural/Industrial Design
1111 N. Harbor Street / Baltimore, Md. 21202 / 301-547-3700
140 W. Lombard Street / Baltimore, Md. 21202 / 301-547-1073

Date	Sheet
Job No.	
Drawn	
Checked	
Binding Order	

LP-1

$$\begin{array}{r} 41.50 \\ \times 2.5 \\ \hline 207.500 \\ 83000 \\ \hline 103.750 \end{array}$$

2.58

22500
25000

47,500

 $4.1ae \times 43560$
$$72,483 \times 2.56 = 178,546$$


SCALE: 100 FEET TO ONE INCH
 J. F. Marshall, A.C.M.
 Mining and Civil Engr.
 Salt Lake City
 My. Engr. C. L. L. 1930

100

[illegible]