

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 and confirm the existing and long-standing use of the subject property as a retail grocery store with gasoline pumps, and approve a permitted twenty-five (25%) percent expansion of the building for grocery use and the relocation of the existing gas pumps.

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: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

Legal Owner(s):
Samuel Glenn Elseroad
(Type or Print Name)
Signature: _____
Douglas N. Elseroad
(Type or Print Name)
Signature: _____

Attorney for Petitioner:
Stephen J. Nolan, Esquire
Nolan, Plunhoff & Williams, Chartered
(Type or Print Name)
Signature: _____
204 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of June, 1985, 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 8th day of July, 1985, at 1:30 o'clock.

Carl John
Zoning Commissioner of Baltimore County.

(over)

County Board of Appeals of Baltimore County Room 200 Court House (Hearing Room #218) Towson, Maryland 21204 (301) 494-3180

September 17, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-10-SPH SAMUEL G. ELSEROAD, ET AL
SW/s of Greenspring Ave. opposite Ridge Rd.
(12124 Greenspring Ave.)
4th District
SPH-Retail grocery store w/gasoline pumps; and a 25% expansion of building and relocation of pumps.
7/11/85 - Z.C.'s Order - GRANTED w/restrictions

ASSIGNED FOR: THURSDAY, DECEMBER 5, 1985, at 10 a.m.

cc: Samuel G. Elseroad, et al Petitioner
Stephen J. Nolan, Esq. Counsel for Petitioner
Ivan Goldstein Protestor
Jeffrey C. Hines, Esq. Counsel for Protestor
Thomas J. Bollinger, Esq. Office of Law
Norman Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer

June Holmen, Secretary

PETITION FOR SPECIAL HEARING 4th Election District

LOCATION: Southwest side Greenspring Avenue opposite Ridge Road (12124 Greenspring Avenue)
DATE AND TIME: Monday, July 8, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 and confirm the existing and long-standing non-conforming use of the subject property as a retail grocery store with gasoline pumps, and approve a permitted twenty-five (25%) percent expansion of the building for grocery use and the relocation of the existing gas pumps.

Being the property of Samuel Glenn Elseroad, et al as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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: 828-8000

April 24, 1985

DESCRIPTION: EXPANSION TO EXISTING GROCERY STORE 12124 GREENSPRING AVENUE:
Beginning for the same at a point in the center of Greenspring Avenue distant North 30 degrees 00 minutes West 10 feet from the intersection of the center of said Greenspring Avenue with the center of Ridge Road thence along the center of said Greenspring Avenue South 30 degrees 00 minutes East 200 feet thence South 60 degrees 00 minutes West 160 feet thence North 30 degrees 00 minutes West 185 feet thence North 55 degrees 00 minutes East 160 feet to the place of beginning.

Containing 0.71 Acres of land more or less.

Malcolm E. Hudkins
Malcolm E. Hudkins
Registered Surveyor #5095

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180

December 9, 1985

Jeffrey C. Hines, Esquire
2429 St. Paul Street
Baltimore, MD 21218

Re: Case No. 86-10-SPH
Samuel G. Elseroad, et al

Dear Mr. Hines:

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

Very truly yours,

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

Enclosure

cc: Mr. Ivan Goldstein
Stephen J. Nolan, Esquire
Samuel Glenn Elseroad, et al
Thomas J. Bollinger, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF SAMUEL G. ELSEROAD, ET AL FOR SPECIAL HEARING TO DETERMINE NONCONFORMING USE, ETC. SW/S OF GREENSPRING AVENUE OPPOSITE RIDGE ROAD (12124 GREENSPRING AVENUE) 4th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 86-10-SPH

OPINION

The above captioned matter comes before the Board as an appeal from the findings and Order of the Zoning Commissioner of Baltimore County, dated July 11, 1985. That Order was appealed by Mr. Ivan Goldstein, who was represented by Jeffrey C. Hines, Esquire.

Immediately prior to the scheduled hearing date, the Board was notified by phone from Mr. Hines' office that the appeal would not be prosecuted by Mr. Goldstein. Additionally, in open hearing on December 5, 1985, the board notes that no one appeared in opposition to the petition and that there were numerous witnesses in favor of the petition. Petitioner's counsel then made a Motion to Dismiss the appeal in open hearing, which Motion was granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of December, 1985, by the County Board of Appeals, ORDERED that the appeal is DISMISSED, and that the Order of the Zoning Commissioner of

SAMUEL G. ELSEROAD, ET AL - #86-10-SPH

2.

Baltimore County, dated July 11, 1985, is hereby affirmed.

Any appeal from this decision must be in accordance with Rules 1-1 through 1-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt
Lawrence E. Schmidt, Acting Chairman

RE: PETITION FOR SPECIAL HEARING SW/S of Greenspring Ave. opposite Ridge Rd. (12124 Greenspring Ave.), 4th Dist. SAMUEL GLENN ELSEROAD, et al., Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 19th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, Nolan, Plunhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

JUN 20 1985

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:

MORABITO CONSULTANTS, INC. STRUCTURAL ENGINEERS

FRANK MORABITO, P.E.
ANTHONY MORABITO, P.E.
FREDERICK J. MORABITO

2125 MARYLAND AVENUE
SUITE 100
BALTIMORE, MARYLAND 21218
(301) 559-0337

2 July 1985

M. A. Spalding and Associates
70-J Painters Mills Road
Owings Mills, MD 21117

Attention: Mr. Martin Spalding

Re: 12124 Greenspring Avenue

Gentlemen:

Upon conversation with yourself during the week of June 24, 1985, our professional structural engineering services were requested to determine whether an existing grocery store at 12124 Greenspring Avenue, Baltimore County, Maryland, is capable of supporting the required live load as specified in the Baltimore County Building Code. At your request, I met you at the site on Friday, June 28, 1985, and we proceeded to examine the existing structural floor framing. The BOCA Basic National Building Code/1984, which is adopted by Baltimore County, under Section 906.0, "Uniformly Distributed Live Loads," states that the live load for stores (wholesale) is 100 pounds per square foot.

From my personal visual observation of the existing floor framing and subsequent structural calculations, I find this floor inadequate to support the required live load. The existing wood joists are presently extremely overstressed and are experiencing excessive deflection. This condition is especially apparent in the areas of concentrated loads such as the meat storage, refrigerators, and grocery shelving areas. In addition, a certain degree of settlement has taken place throughout the building, causing floor warping and exterior masonry wall cracks. The building is capable of being rehabilitated to meet the required codes; however, I feel that it would be more cost-effective for the owner to demolish the existing structure and proceed with a new building.

Thank you for the opportunity of performing these services. If we can be of additional assistance to you concerning this matter, please do not hesitate in contacting our office.

Very truly yours,

Morabito Consultants, Inc.

Anthony Morabito, P.E.
Vice President

AM/rmb

EXHIBIT 3

PHONE TOWSON 802 W 4
A. J. NIGGEL
SERVICE STATION
Green Spring Ave., and Ridge Road
Owings Mills P.O. August 4, 1982

Inventory of Gasoline and Kerosene			
1982			
July 24	Gallons of Metholine Received	400	
July 24	Gallons of Richfield Received	600	1000
	Gallons of Metholine sold from July 24 to August 4	224	
	Gallons of Richfield sold from July 24 to August 4	236	
	On Hand		460
			30
Aug. 4	Kerosene on Hand - Gallons		

7/7/85
To Whom It May Concern:
This is to state that I have reviewed the plans for the property at 12124 Greenspring Avenue and I have no objection to the way it is currently laid out.

Julia A. Wilhelm

EXHIBIT 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-10-SPH and 86-14-SPH

In view of the subject of these petitions, this office offers no comment.

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 20, 1985

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

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

cc: Nicholas B. Connors
Chairman

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

RE: Item No. 323 - Case No. 86-10-SPH
Petitioner - Samuel Glenn Elserode
Special Hearing Petition

Dear Mr. Nolan:

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.

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 is not informative for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Connors
NICHOLAS B. CONNORS
Chairman
Zoning Plans Advisory Committee

ENC:bsc

Enclosures

cc: Buckins Associates, Inc.
209 East Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3001
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JUNE 18, 1985

Re: Zoning Advisory Meeting of April 30, 1985
Item # 323 SAMUEL GLENN ELSERODE
Property Owner
Location: SW SIDE GREENSPRING AVE.
OPPOSITE RIDGE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 6/11/85.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Howell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

May 22, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 323 ZAC-Meeting of May 14, 1985

Property Owner: Samuel Glenn Elserode
Location: S/W side Greenspring Avenue, opposite Ridge Road
Existing Zoning: R.C.5
Proposed Zoning: Special hearing to confirm the non-conforming use as a retail grocery store with gasoline pumps, and to approve the permitted 25% expansion of the building.

Acres: .71 acres ±
District: 4th

Dear Mr. Jablon:

Should this site be found to be non-conforming, then there is no comment. If the site is found to be not of a non-conforming use then it will have to meet all County standards.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

86-10-CFH

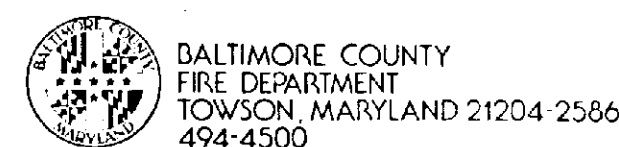
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
4th day of June, 1985.

Petitioner Samuel Glenn Elseroad
Petitioner's Attorney Stephen J. Nolan, Esq.

Received by Arnold Jablon
Zoning Commissioner
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee



PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Samuel Glenn Elseroad

Location: S/W side Greenspring Avenue, opposite Rige Road

Item No.: 323

Zoning Agenda: Meeting of 5-7-85

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.

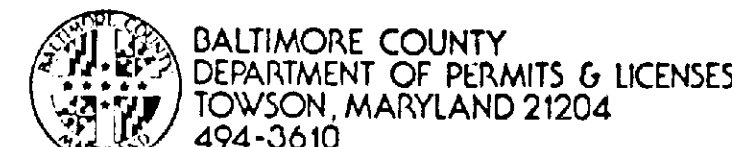
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1986 edition prior to occupancy.

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

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

REVIEWER: *Paul H. Reincke* Noted and Approved: *Errol N. Markowicz*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALESKI, JR.
DIRECTOR

May 21, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 323 Zoning Advisory Committee Meeting are as follows:

Property Owner: Samuel Glenn Elseroad
Location: S/W side Greenspring Avenue, opposite Rige Road
District: 4th.

APPLICABLE RULES AND CODES:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.S.I. #117-1 - 1985) and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction.

() Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

() Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

(X) All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 404, Section 1007, Section 1006.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

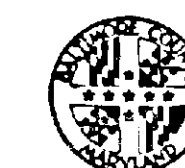
() When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Use Group is from the _____ to the _____ or to Mixed Use. See Section 312 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 214.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

() Comments:

() Three abbreviated 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 the Applicant may obtain additional information by visiting Room 107 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

/JTF



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

September 17, 1985

Stephen J. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 86-10-SPH
Samuel G. Elseroad, et al

Dear Mr. Nolan:

Enclosed herewith is a copy of the Order passed today by the County Board of Appeals on the Motion to Dismiss filed in the above entitled case.

Very truly yours,

Edith F. Eisenhart
Edith F. Eisenhart, Adm. Secretary

Encl.

cc: Samuel Glenn Elseroad, et al
Mr. Ivan Goldstein
Jeffrey C. Hines, Esquire
Thomas J. Bollinger, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean W. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF SAMUEL G. ELSEROAD, ET AL FOR SPECIAL HEARING FOR A RETAIL GROCERY STORE, ETC. S/W S GREENSPRING AVENUE OPPOSITE RIGGE ROAD (12124 GREENSPRING AVE.) 4TH DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

NO. 86-10-SPH

ORDER

The above captioned matter having come before the Board on the Motion to Dismiss Appeal and Answer thereto, the pleadings having been read and considered, it is this 17th day of September, 1985, by the County Board of Appeals, ORDERED that the Motion to Dismiss Appeal be and hereby is DENIED.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Leroy B. Spurrier
Leroy B. Spurrier

Lawrence E. Schmidt
Lawrence E. Schmidt

IN RE: Petition for Special Hearing S/W S of Greenspring Avenue opposite Rige Road (12124 Greenspring Avenue) 4th Election District Samuel G. Elseroad, et al., Petitioners.

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 86-10-SPH

PETITIONERS' REPLY TO APPELLANT'S ANSWER TO MOTION TO DISMISS

S. GLENN ELSEROAD and DOUGLAS N. ELSEROAD, Petitioners and Appellees herein, by their attorneys, Stephen J. Nolan and Nolan, Plumhoff & Williams, Chartered, submit this reply in response to the Answer to Motion to Dismiss filed heretofore by Jeffrey C. Hines on behalf of Ivan Goldstein:

1. An Order of Appeal signed by Jeffrey C. Hines, Esquire, was filed on or about July 25, 1985 from the decision of the Zoning Commissioner dated July 11, 1985 in favor of the Petitioners.

2. Petitioners filed a Motion to Dismiss on August 14, 1985 on the basis that the Order of Appeal as filed by Jeffrey C. Hines, Esquire, fails to disclose the "names and addresses of the persons taking such appeal." As stated in the Motion to Dismiss, the notice of appeal does not comply with the clear requirements of Rule 3 of the Rules of Practice and Procedure of the County Board of Appeals as approved by Section 1 of Bill No. 59-1979.

3. On or about August 27, 1985, counsel for your Petitioners received an Answer to Motion to Dismiss filed by Jeffrey C. Hines, Esquire, on behalf of Ivan Goldstein, "Protestant." In response to the contentions

raised by Messrs. Goldstein and Hines, your Petitioners submit the following for the Board's consideration:

A. In paragraph 2 of his Answer, the Protestant states that an Order of Appeal was filed by Mr. Hines, "attorney for Ivan Goldstein, Protestant." Nevertheless, nowhere within said Order of Appeal does Mr. Goldstein's name and address set forth.

B. Despite Protestant's contentions in paragraph 3, the imprinted name of Ivan Goldstein on the check for the appeal fee does not satisfy the requirements of Rule 3 that "the notice of appeal shall state the names and addresses of the persons taking such appeal."

C. The Protestant's contention as set forth in paragraph 4 of his Answer which discusses the certificate of service on the Order of Appeals does not demonstrate in any way, compliance with Rule 3. If anything, Protestant illustrates just one more example concerning the absence within the Order of Appeal of Mr. Goldstein's name and address. Your Petitioners fail to comprehend how they can be charged with knowing that Jeffrey Hines is attorney for Ivan Goldstein merely from the face of the Order of Appeal which does not comply with a Rule of this Board as approved by the Baltimore County Council.

D. Contrary to paragraph 5 of Protestant's Answer, what counsel for your Petitioners may have known about the identity of Mr. Hines's client is not at all relevant to the issue concerning the adequacy of the notice of appeal. Nor can Protestant's contention of a lack of prejudice cure the defects from his notice of appeal.

4. Protestant's claims that the Motion to Dismiss is based on "a hyper-technicality which was of no consequence and from which he [Mr. Nolan] suffered no prejudice" is not responsive to the issue before this Honorable Board on the Motion to Dismiss. Indeed, adherence to the rules of administrative appeals is not a matter of mere "hyper-technicality" as argued by the Protestant. Moreover, the delays and expense occasioned by an administrative appeal are matters of extreme importance and consequences. Whether or not counsel suffers any prejudice is not the test here. The sole issue before the Board on the Petitioners' Motion to

Dismiss is whether the notice of appeal as filed on or about July 25, 1985 complies with the requirements of Rule 3. Clearly, it does not and the Answer filed by the Protestant discloses no legal authority which would have this Board ignore the plain mandate of Rule 3.

In contrast, the courts of Maryland and other jurisdictions have repeatedly recognized a duty on the part of administrative agencies to observe and enforce those rules and regulations which they establish. To do otherwise in this case would result in unfairness and a violation of the Petitioners' rights to due process. This general principle was cited with approval by the Court of Special Appeals of Maryland in Board of Education of Anne Arundel County v. Barbano, 45 Md. App. 27, 41 (1980), wherein the Court "chose the language from United States v. Heffner, 420 F.2d 809, 811 (4th Cir. 1970) by stating:

"An agency of the government must scrupulously observe rules, regulations, or procedures which it has established. When it fails to do so, its action cannot stand and courts will strike it down."

This requirement is even more compelling where, as in the instant case, the administrative rule involved concerns a threshold jurisdictional question of whether an appeal has been properly filed.

5. Your Petitioners renew their request that the appeal in the case be dismissed.

Stephen J. Nolan
Stephen J. Nolan

Nolan, Plumhoff & Williams
Nolan, Plumhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
301/523-7800

ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Reply to Answer to Motion to Dismiss were mailed to Jeffrey C. Hines, Esquire, 2429 St. Paul Street, Baltimore, Maryland 21218, Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204, Honorable Arnold Jablon, Zoning Commissioner, County Office Building, Towson, Maryland 21204, and Thomas J. Bollinger, Esquire, Assistant County Attorney, Mezzanine, Court House, Towson, Maryland 21204, attorney to the Board of Appeals.

Stephen J. Nolan
Stephen J. Nolan

Dated: August 29, 1985.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

- 4 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm F. Spicer, Jr., County Attorney
Thomas J. Bollinger, Asst. County Atty. Date August 29, 1985
TO.....
FROM..... Peter Max Zimmerman
Deputy People's Counsel
SUBJECT..... Samuel G. Elseroad, et al., Petitioners
Zoning Case No. 86-10-SPH

Enclosed is an Answer to Motion to Dismiss filed in the above-captioned matter which was referred to your office previously.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure
✓cc: County Board of Appeals
PCF:sh

RECEIVED
COUNTY BOARD OF APPEALS
AUG 29 1985 8 54

JEFFREY C. HINES
ATTORNEY AT LAW

BALTO OFFICE
2429 ST. PAUL ST.
BALTIMORE, MD 21218
366-1550

COLUMBIA FLIER BLDG
10750 LITTLE PATUXENT HIGHWAY
COLUMBIA, MD 21044

August 26, 1985

Honorable Arnold Jablon
Zoning Commissioner
County Office Building
Baltimore, Maryland 21204

Re: Case Number: 86-10-SPH
Petition Special Hearing

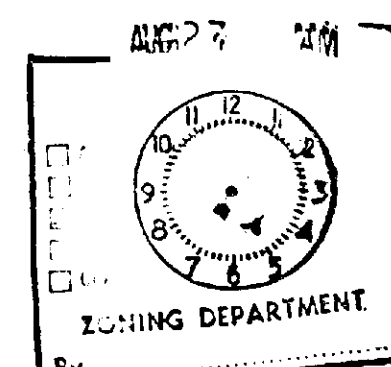
Dear Commissioner Jablon:

Enclosed, with reference to the above captioned matter, you will find an Answer to the Motion to Dismiss filed by Stephen Nolan, Esquire, attorney for the Petitioners.

Thank you for your consideration of this matter.

Jeffrey C. Hines
Jeffrey C. Hines

JCH/bb
enc.



IN RE: Petition for Special
Hearing SW/S of
Greenspring Avenue,
opposite Ridge Road
(12124 Greenspring
Avenue) 4th Election
District, Samuel G.
Elseroad, et al.,
Petitioners.

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NUMBER: 86-10-SPH

ANSWER TO MOTION TO DISMISS

IVAN GOLDSTEIN, Protestant, by JEFFREY C. HINES, ESQUIRE,
his Attorney, files this Answer to the Motion to Dismiss filed by
Stephen J. Nolan and Nolan, Plumhoff and Williams, attorneys for
S. Glenn Elseroad and Douglas N. Elseroad, and in answer states:

1. The decision entered by the Zoning Commission on July 11, 1985 was in favor of the Petitioners.
2. An Order of Appeal was filed in this matter on July 22, 1985 by Jeffrey C. Hines, Esquire, attorney for Ivan Goldstein, Protestant.
3. Attached to this Order of Appeal was a check in the amount of \$100.00 for the filing fee for said Appeal. This check was drawn on the account of Ivan Goldstein, signed by Ivan Goldstein and had imprinted on the top of the check the name Ivan Goldstein.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm F. Spicer, Jr., County Attorney
Thomas Bollinger, Asst. County Atty. Date August 19, 1985
TO.....
FROM..... Peter Max Zimmerman
Deputy People's Counsel
SUBJECT..... Samuel G. Elseroad, et al., Petitioners
Zoning Case No. 85-10-SPH (Item 323)

Enclosed is a Motion to Dismiss filed in the above-captioned matter.
This case was previously referred to your office on July 16, 1985.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure
✓cc: County Board of Appeals
PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
AUG 19 1985 11 52 E

IN RE: Petition for Special
Hearing SW/S of Greenspring
Avenue opposite Ridge Road
(12124 Greenspring Avenue)
4th Election District
Samuel G. Elseroad, et al.,
Petitioners.

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 86-10-SPH

MOTION TO DISMISS

S. GLENN ELSEYROAD and DOUGLAS N. ELSEYROAD, Petitioners and
Appellees herein, by their attorneys, Stephen J. Nolan and Nolan,
Plumhoff & Williams, Chartered, move to dismiss the appeal heretofore
filed by Jeffrey C. Hines, Esquire. The grounds of this Motion are
as follows:

1. The decision entered by the Zoning Commissioner on July 11, 1985 was in favor of the Petitioners.
2. On July 25, 1985, Petitioners' counsel received a copy of an Order of Appeal filed by Jeffrey C. Hines, Esquire. On July 29, 1985, your Petitioners received a letter dated July 25th from the Honorable Arnold Jablon, Zoning Commissioner, advising "that an appeal has been filed by Mr. Ivan Goldstein, protestant..."
3. Pursuant to Rule 3 of the Rules of Practice and Procedure of the County Board of Appeals as approved by Section 1 of Bill No. 59, 1979, "no appeal shall be entertained by the board of appeals unless the notice of appeal shall state the names and addresses of the persons taking such appeal."

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

4. The certificate of service on the Order of Appeal lists Stephen J. Nolan, Esquire, 204 West Pennsylvania Avenue, Baltimore, Maryland 21204 and People's Counsel, County Courts Building, P.O. Box 6754, Baltimore, Maryland 21204. No listing is noted for Mr. Goldstein, therefore indicating that the undersigned was indeed the agent, in fact, for Mr. Goldstein. No certificate of mailing was necessary to Mr. Goldstein as he in fact was the appellant. An Order of Appeal would not have been filed by Messers Elseroad, Petitioners, when in fact the decision of the Zoning Commission was in their favor.

5. In the Motion to Dismiss filed by Attorney Nolan, he states that on July 25, 1985, he received a letter from the Honorable Arnold Jablon advising that an appeal had been filed by Mr. Goldstein. He therefore knew that Mr. Goldstein was the appellant and suffered absolutely no prejudice. His objection is not based on a lack of knowledge as to who the appellant was, rather he objects on the ground of a hyper-technicality which was of no consequence and from which he suffered no prejudice.

WHEREFORE, your Protestant, Ivan Goldstein, by his Attorney, Jeffrey C. Hines, Esquire, moves this Honorable Board to dismiss the Motion to Dismiss heretofore filed in this case.

Jeffrey C. Hines
JEFFREY C. HINES, ESQUIRE
2429 St. Paul Street
Baltimore, Maryland 21218
366-1550

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of August, 1985, a copy of the foregoing Answer to Motion to Dismiss was mailed, first class, postage prepaid, to Stephen J. Nolan, Esquire, Nolan, Plumhoff and Williams, Chartered, 204 West Pennsylvania Avenue, Baltimore, Maryland 21202; Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 223, Court House, Baltimore, Maryland 21204, and to the Honorable Arnold Jablon, Zoning Commissioner, County Office Building, Baltimore, Maryland 21204.

Jeffrey C. Hines
JEFFREY C. HINES, ESQUIRE

4. The aforesaid Order of Appeals as filed by Jeffrey C. Hines, Esquire, in his capacity as an attorney, fails to disclose the "names and addresses of the persons taking such appeal" and it, therefore, does not comply with the rules of this Board.

WHEREFORE, your Petitioners move for an Order from this Honorable Board dismissing the appeal heretofore filed in this case.

Stephen J. Nolan
Stephen J. Nolan

Nolan, Plumbhoff & Williams
Nolan, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
301/823-7800

ATTORNEYS FOR THE PETITIONERS AND APPELLEES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion to Dismiss were mailed to Jeffrey C. Hines, Esquire, 2429 St. Paul Street, Baltimore, Maryland 21218, Phyllis Cole Friedman, Esquire and Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204, and Honorable Arnold Jablon, Zoning Commissioner, County Office Building, Towson, Maryland 21204.

August 15, 1985.

Stephen J. Nolan
Stephen J. Nolan

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

IN RE: PETITION SPECIAL HEARING *
SW/S of Greenspring Avenue *
opposite Ridge Road *
(12124 Greenspring Avenue) *
4th Election District *
Samuel Elseroad, et al *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO: 86-10-SPH

ORDER OF APPEAL

GENTLEMEN:

KINDLY enter an Appeal to the County Board of Appeals from the decision of the Zoning Commissioner dated July 11, 1985 in favor of the Petitioners, Samuel Elseroad, et al.

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

No. 006848

DATE 7/24/85 ACCOUNT 0000000000

AMOUNT \$ 100.00

RECEIVED FROM Jeffrey C. Hines, Esquire

FOR Payment for Case No. 86-10-SPH

VALIDATION OR SIGNATURE OF CASHIER

Baltimore, Maryland 21204 and to People's Counsel, County

Courts Building, P.O. Box 6754, Baltimore, Maryland 21204.

Jeffrey C. Hines
JEFFREY C. HINES, ESQUIRE



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

ARNOLD JABLON
ZONING COMMISSIONER

July 25, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SW/S of Greenspring Avenue
opposite Ridge Road
(12124 Greenspring Avenue)
4th Election District
Samuel G. Elseroad, et al,
Petitioners
Case No. 86-10-SPH

Dear Mr. Nolan:

Please be advised that an appeal has been filed by Mr. Ivan Goldstein, protestant, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:by

cc: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Theresa Bollinger, Asst. County Atty Date: July 25, 1985

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Samuel G. Elseroad, et al., Petitioners
Zoning Case No. 85-10-SPH (Item 323)

Enclosed is an Order of Appeal filed in the above-captioned matter. This decision was previously referred to your office on July 16, 1985.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure

PMZ:sh

cc: County Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Theresa Bollinger, Asst. County Attorney Date: July 16, 1985

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Samuel G. Elseroad, et al., Petitioners
Zoning Case No. 85-10-SPH (Item 323)

It appears that this case, being a special hearing upon non-conforming use, is within the jurisdiction of your office rather than ours. Please note that if an appeal is desired, the time limit for filing is Friday, August 9, 1985.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure:

Order dtd. 7/11/85

PMZ:sh

IN RE: PETITION SPECIAL HEARING *
SW/S of Greenspring Avenue *
opposite Ridge Road *
(12124 Greenspring Avenue) *
4th Election District *
Samuel G. Elseroad, et al, *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-10-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to determine that the present use of their property as a grocery store with gasoline pumps is nonconforming and that the proposed expansion is the permitted 25% thereof, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. David Billingsley, a land surveyor; Martin Spaulding, a contractor; Eleanor Furst, the Petitioners' mother and prior owner of the subject property; and Bert Booth, President of the Chestnut Ridge Improvement Association, appeared on behalf of the Petitioners. Ivan Goldstein appeared and testified as a Protestant.

Testimony indicated that the subject property, zoned R.C.5 and located on Greenspring Avenue and Ridge Road, is improved with a two-story frame dwelling and an attached 2,365 square foot one-story grocery store. The Petitioners wish to expand the store by adding an 880 square foot addition. Mr. Spaulding testified that he was retained by the Petitioners to construct the addition and inspect the existing structures. He retained Anthony Morabito, a registered structural engineer, who determined that the existing grocery building was unsafe and should be demolished. See Petitioners' Exhibit 2. Mr. Morabito was also present at the hearing and confirmed the contents of Petitioners' Exhibit 2 which described the structural problems. The Petitioners have determined that inasmuch as the grocery building must be razed, they would construct a new

building three feet off the existing foundation to the rear, which would reduce the size of the grocery store by 128 square feet, and add 160 square feet to the existing dwelling. The grocery store with the addition would total 2,956 square feet. The Petitioners will also relocate the gas pumps and add a deceleration and acceleration lane by widening Greenspring Avenue at their expense.

Mrs. Furst testified that her parents initially purchased the property in 1927 and that her father installed three gas pumps in 1928, constructed the existing grocery store in 1931, and added the existing dwelling in 1938. From 1931 until his death in 1966, her father operated the grocery store with gasoline pumps continuously and without interruption. After his death, the grocery store with gasoline pumps was leased to the current operator, who has also operated the business continuously and without interruption. In 1984, Mrs. Furst sold the property to her sons, the Petitioners herein. Other witnesses were present who confirmed this testimony.

Mrs. Booth testified that the Board of Directors was in support of the Petitioners' proposed renovation and upgrading of the property.

Mr. Goldstein testified that he was not opposed to the planned renovation or the business, but was opposed to the traffic problems the business creates at this particular location.

The Petitioners seek relief pursuant to Section 104.1, Baltimore County Zoning Regulations (BCZR).

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, *American Law of Zoning*, 2nd Edition, Section 6.01 to 6.73; 3 Rathkopf, *The Law of Zoning and Planning*, Section 58-1 to 62-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07;

ORDER RECEIVED FOR FILING

DATE July 19, 1985
BY [Signature]

ORDER RECEIVED FOR FILING

DATE July 19, 1985
BY [Signature]

3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129 A.2d 363 (1957). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. Feldstein v. LaMale Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948).

In deciding whether a current activity is within the scope of a nonconforming use, the following factors should be considered:

1. to what extent the current use of the property reflects the nature and purpose of the original nonconforming use;
2. is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
3. does the current use have a substantially different effect upon the neighborhood; and
4. is the current use a drastic enlargement or extension of the original nonconforming use.

The uncontroverted testimony, which was amply supported, conclusively indicated that the property has been used continuously and without interruption as a grocery store with gasoline pumps since 1931. This constitutes a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of July, 1985, that a nonconforming use for a grocery store with gasoline pumps and the proposed 25% percent expansion thereof be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

cc: Stephen J. Nolan, Esquire
Mr. Ivan Goldstein
Counsel's Counsel

ORDER RECEIVED FOR FILING

DATE July 11, 1985
BY *[Signature]*

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

ARNOLD JABLON
ZONING COMMISSIONER

July 10, 1985

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SW/S Greenspring Ave. opposite
Ridge Road, (12124 Greenspring Ave.)
Samuel Glenn Elseroad, et al - Petitioner
Case No. 86-10-SPH

Dear Mr. Nolan,

This is to advise you that \$64.53 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

No. 007396

DATE 7/23/85 ACCOUNT R-01-615-000

AMOUNT \$ 64.53

RECEIVED FROM: Stephen J. Nolan, Esquire

FOR: Advertising and Posting Case 86-10-SPH

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County, Maryland,
by Office Building,
g.

rely,

[Signature]
D JABLON
g Commissioner

June 5, 1985

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Hearing
SW/S Greenspring Ave. opposite
Ridge Rd. (12124 Greenspring Ave.)
Case No. 86-10-SPH, Item No. 223
Samuel Glenn Elseroad, et al - Petitioners

TIME: 1:30 p.m.

DATE: Monday, July 8, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

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

No. 007464

DATE 7/25/85 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM: Nolan Plunkett Williams

FOR: S.H. # 323 Elseroad

VALIDATION OR SIGNATURE OF CASHIER

Commissioner
of Baltimore County

85-10-SPH
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 20, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 20, 1985.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising

27.50

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 6-14-85

Posted for: Special Hearing

Petitioner: Samuel Glenn Elseroad, et al

Location of property: SW/S Greenspring Ave. opposite Ridge Rd.

12124 Greenspring Ave.

Location of Signs: front of subject property (12124 Greenspring Ave.)

Remarks: S.J. Nolan

Posted by: S.J. Nolan Date of return: 6-21-85

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 8-8-85

Posted for: Appeal

Petitioner: Samuel Glenn Elseroad, et al

Location of property: SW/S Greenspring Ave. opposite Ridge Rd.

12124 Greenspring Ave.

Location of Signs: SW/S Greenspring Ave. opposite Ridge Rd.

front of 12124 Greenspring Ave.

Remarks: S.J. Nolan

Posted by: S.J. Nolan Date of return: 8-8-85

Number of Signs: 1

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., June 20, 1985

THIS IS TO CERTIFY that the annexed...Req...#173112 P.O. # 65902 was published for...One... (1)......weeks/days previous to the...20th...day of June...1985...in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- ☐ South Carroll Herald, a weekly newspaper published in Eldersburg, Carroll County, Maryland.
- ☒ Community Times, a weekly newspaper published in Reisterstown, Baltimore County, Maryland.

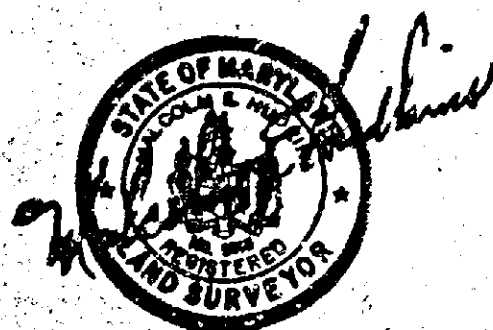
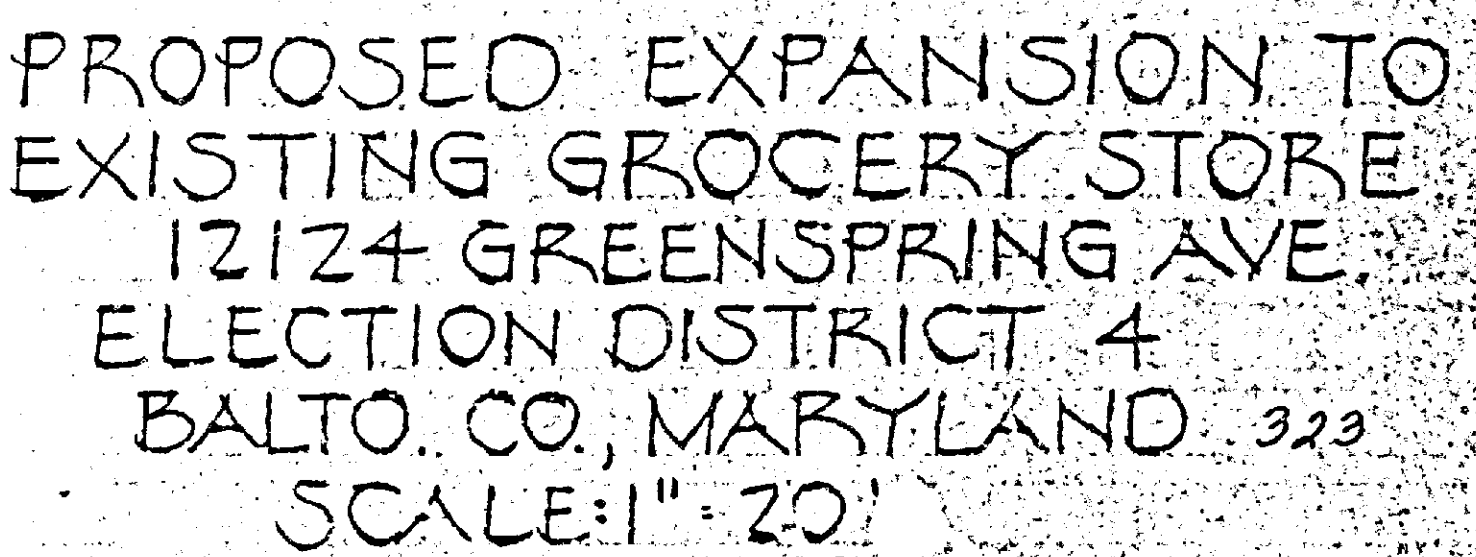
LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per Shirley Anne Williams

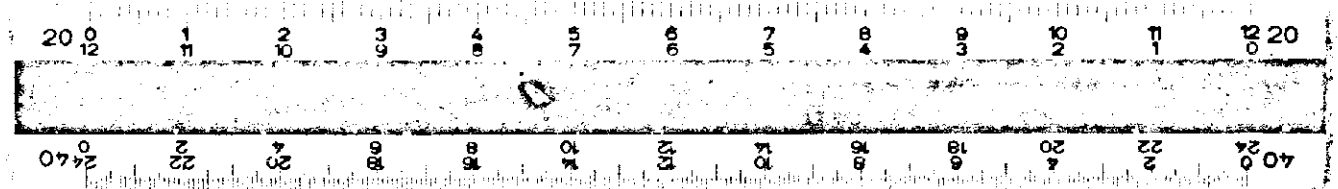
PETITION FOR SPECIAL HEARING
4th Election District
LOCATION: Southwest side Greenspring Avenue opposite Ridge Road (12124 Greenspring Avenue)
DATE AND TIME: Monday, July 8, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the 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 and confirm the existing and long-standing nonconforming use of the subject property as a retail grocery store with gasoline pumps, and approve a permitted 25% percent expansion of the building for grocery use and the relocation of the existing gas pumps. Being the property of Samuel Glenn Elseroad, et al as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing or before the date of the hearing as above or made at the hearing.
By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL HEARING
4th Election District
LOCATION: Southwest side Greenspring Avenue opposite Ridge Road (12124 Greenspring Avenue)
DATE AND TIME: Monday, July 8, 1985 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be received in writing by the date of the hearing or before the date of the hearing as above or made at the hearing.
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

#86-10-SPH 4th District
SW/S Greenspring Ave. opposite Ridge Road
(12124 Greenspring Avenue)
Samuel G. Elseroad, et al
1 SIGN

[illegible]

HUDKINS ASSOCIATES, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204



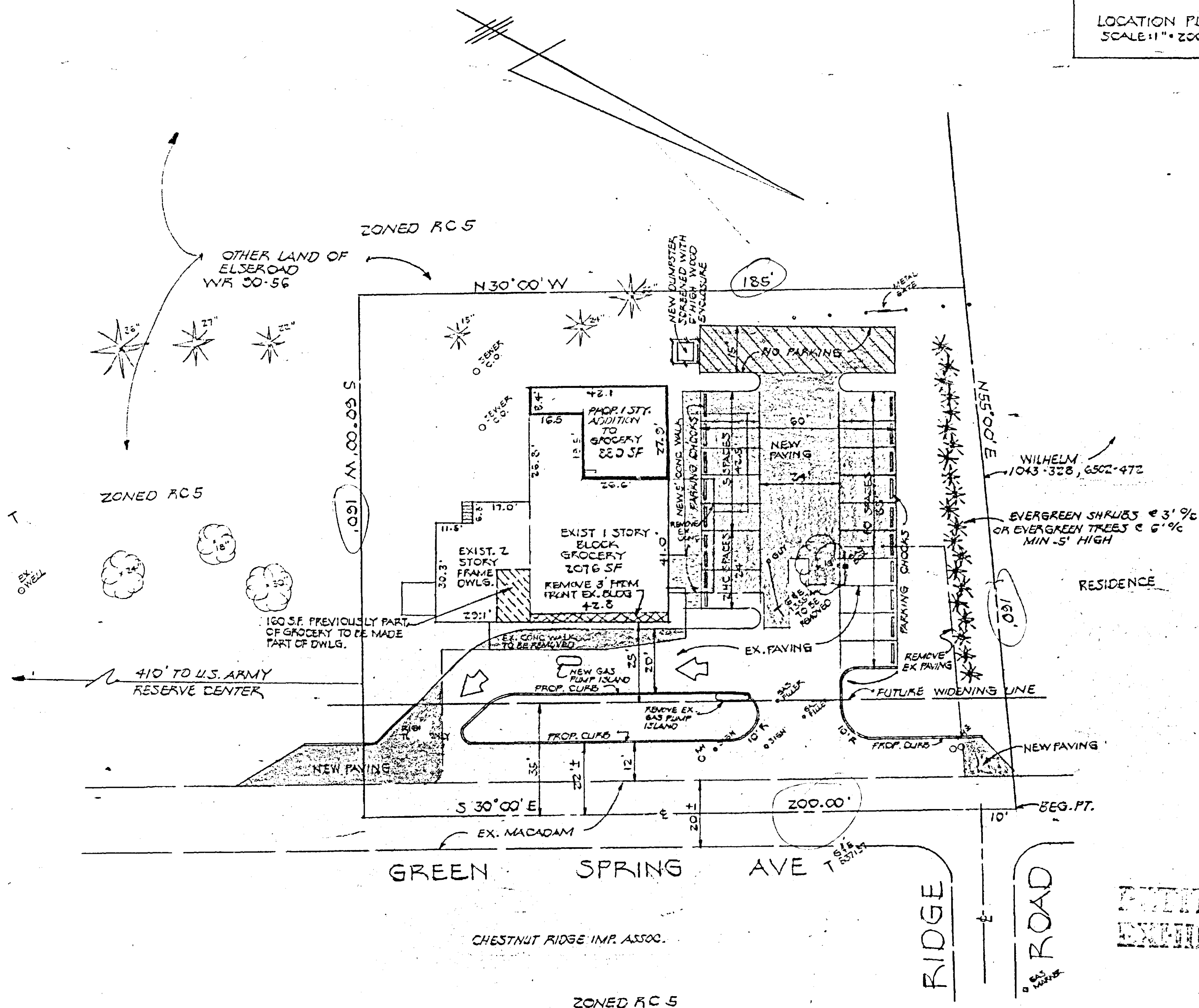
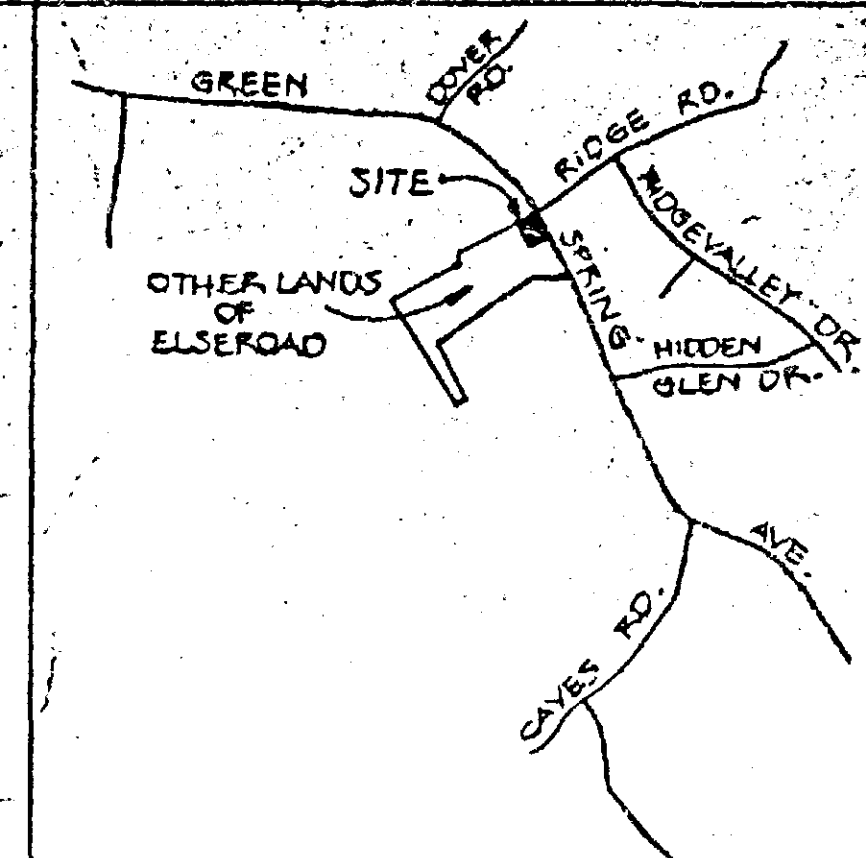
EX
COMMUNITY
BLDG.

NOTES:

- Existing zoning RC 5
- Existing use Dwelling and Grocery
- Building size for Grocery

EXISTING	PROPOSED	INCREASE
2365 SF	2956 SF	25%
- Parking data

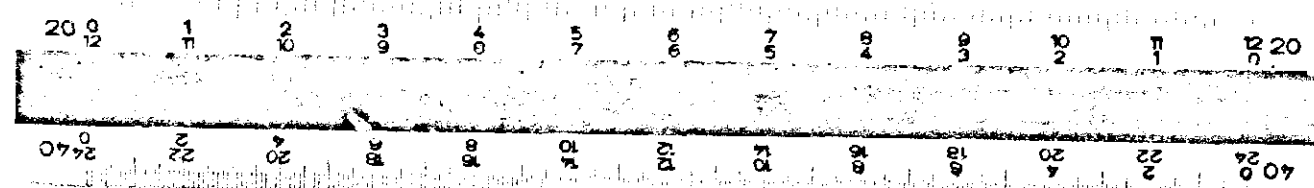
Required	Provided
Dwelling - 2 spaces	2 spaces
Grocery - 2956 SF/200 = 15 spaces	15 spaces
Total Required	17 spaces
Total provided	17 spaces
- Dwelling constructed in 1933
Grocery constructed in 1931



SHEET NO. 20
 NW 15-E
 DATE 4/23/85
 TYPE
 HEARING SP4
 BY BR
 FINAL
 BY

PARTITIONER'S
 EXHIBIT 1

PROPOSED EXPANSION TO
 EXISTING GROCERY STORE
 12124 GREENSPRING AVE.
 ELECTION DISTRICT 4
 BALTO. CO., MARYLAND
 SCALE: 1" = 20'
 REV. JULY 3, 1985



EX
 COMMUNITY
 BLDG.

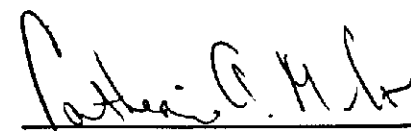
HUDKINS ASSOCIATES, INC.
 200 EAST JOPPA ROAD
 ROOM 101, SHELL BUILDING
 TOWSON, MARYLAND 21204

DOUGLAS ELSEROD PROPERTY
12124 Greenspring Avenue
96-058-M

2nd Minor Subdivision Review
Plan Date: 2/2/96
Comments Due: 7/1/96
Comments Date: 6/26/96
Comments Typed: 6/27/96

1. Correct general note #1, this property has two zoning lines. Clearly shown adjoining zone lines. Provide three grid tics for confirmation.
2. Show the outline of the zoning case, it does not cover all of lot 3. Show parking, etc.
3. General note #13 needs to go back to 1975 or the areas sold off must be shown on this for density purposes.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file #96-058-M and written correspondence or revised plans must be accompanied by a copy of these comments.


CATHERINE A. MILTON
Planner I, Zoning Review

CAM:scj

c: Zoning Case #36-10-SPH

2nd Review

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: 17 June 96

To: • QPZ - Development Review (3) - Mr. McDaniel
• PDI - Zoning Review - Mr. Richards
PDM - House Numbers & Street Names - Mr. Putty
• PDM - DPR (2) - Mr. Oberc
PDM - Real Estate - Mr. S. Houk
• DEPRM - PDR - Mr. Seeley
• DEPRM - PDR - Mr. Wirth
• DEPRM - EIR - Ms. Farr
Rec & Parks - Mr. Grossman
Fire Dept - Capt. Paul - 1102F
SHA Mr. Small - (3)
Solid Waste Management - Mr. Weiss
C & P - Mr. Butcher

From: Catherine A. Milton
Zoning Review

Subject: Project Name: Elseroad 96-058-M
Minor Sub No.:
District:
Engineer: M+H
Phone No.: 828-9060

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by 1 July 96, 1996. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests the Office of Law, Real Estate, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION

_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT