

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

The undersigned, legal owner(s) of the property situated 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 _____

in accordance with Section 104.1 the existing non-conforming _____
parking lot and surface, _____
A store and apartment uses within the same building on a portion _____
of the property located at 13819 Hanover Pike, Reisterstown MD _____

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.

WCS, LTD. Lessee:

WCS, LTD.
(Type or Print Name)
Signature of Henry Schildhauer, III
President
P. O. Box 133
Address
Stevenson, Maryland 21153
City and State

Attorney for Petitioner:

John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-4111

Legal Owner(s):

David H. Fairbank
(Type or Print Name)
Signature
13819 Hanover Pike
Address
Reisterstown, Maryland 21136
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name
210 Allegheny Avenue 823-4111
Address
Towson, Maryland 21204
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of February, 1987, 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 104, County Office Building in Towson, Baltimore County, on the 2nd day of March, 1987, at 2:30 o'clock p.m.

Zoning Commissioner of Baltimore County.

5732 EMORY ROAD - UPPER CO. MD. 21155

C. A. Myers
State Registered Surveyor No. 2783

PHONE: 429-5079

ALL that property being in the Fourth Election District of Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING at a pipe on the Easternmost side of Hanover Pike and 536 feet South of the centerline of Old Hanover Road, running thence, South 82 degrees 38 minutes 22 seconds East 145.69 feet to the Westernmost side of the Western Maryland Railroad, thence binding, South 19 degrees 12 minutes 22 seconds West 138.40 feet, thence, North 81 degrees 38 minutes 22 seconds West 126.04 feet to the centerline of Hanover Pike, thence binding, North 03 degrees 11 minutes 35 seconds West 110.52 feet, thence, South 82 degrees 38 minutes 22 seconds East 33.57 feet to the Easternmost side of said road, thence binding, North 03 degrees 11 minutes 35 seconds West 25.00 feet to the beginning, containing four hundred fifty two thousandths (0.452) of an acre of land, more or less.

BEING a part of that Deed recorded in Liber E.H.K.Jr. No. 5626 folio 526 etc., and also being known as 13819 Hanover Pike.

SAVING and excepting that portion lying within the right of way of Hanover Pike (State Route No. 30).

C. A. Myers, Surveyor



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 6, 1987

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S Hanover Pike (St. Rte. 30)
536' S of the c/l of Old Hanover Road (13819 Hanover Pike)
4th Election District
Case No. 87-376-SPH
David H. Fairbank, Petitioner

Dear Mr. Howard:

Enclosed please find a copy of the decision rendered on the above-referenced case. Your Petition for Special Hearing has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: People's Counsel

IN RE: PETITION FOR SPECIAL HEARING
E/S Hanover Pike (St. Rte. 30)
536' S of the c/l of Old Hanover Road
(13819 Hanover Pike)
4th Election District
David H. Fairbank,
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-376-SPH

The Petitioner herein requests a special hearing to permit the existing non-conforming store and apartment uses within the same building, and parking lot and surface, on a portion of the property located at 13819 Hanover Pike, as more particularly described herein.

Information and testimony proffered by Counsel on behalf of the Petitioner indicated that the first floor of the two-story "Convenience/Liquor Store" shown on the plat submitted, prepared by C. A. Myers, dated August 1, 1986, has been continuously occupied by a general store since long prior to 1945. In fact, it's history goes back to 1896. The entire second floor of this building has been an apartment used continuously since prior to 1945. Parking for the store has generally been in the area indicated on the plat submitted as Spaces 8 through 15. Spaces 16 and 17 have rarely been used. Overflow parking has been located near the railroad and in the area marked Spaces 1 through 7. The surface of the parking lot and drive areas has varied over the years from dirt to gravel to the surfaces in existence at the present time, as indicated on the plat submitted. The most extensive testimony was given by Mrs. Daisy Chenoweth, an area resident for 69 years and whose recollections go back 63 years. On the first floor of the building, that area identified as "Apt./ Storage" is currently a storage room with a bed, kitchen sink, microwave oven and bathroom. Mrs. Chenoweth has knowledge of its use for storage but cannot establish its use as an apartment. The use of the building marked "Existing Apt. Use" and located near the center of the site was not addressed at the hearing.

PETITION FOR SPECIAL HEARING

4th Election District

Case No. 87-376-SPH

LOCATION: East Side of Hanover Pike (St. Route 30), 536 feet South of the Centerline of Old Hanover Road (13819 Hanover Pike)

DATE AND TIME: Monday, March 2, 1987, at 2:30 p.m.

PUBLIC HEARING: Room 301, 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 to approve the existing nonconforming parking lot and surface, store and apartment uses within the same building on a portion of the property located at 13819 Hanover Pike, Reisterstown, Maryland

Being the property of David H. Fairbank, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing held in this case and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 4th day of March, 1987, that approval be granted to the non-conforming use of the first floor store with storage in the area marked "Apt./Storage", the second floor one-bedroom apartment, the parking for the store in Spaces 8 through 15 with additional parking as needed along the railroad tracks and southern property line, and the surface of the parking lot and drive areas varying from dirt, gravel, tar and chip, and macadam, and as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order.

JEAN M. H. JUNG
Deputy Zoning Commissioner
of Baltimore County

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
E/S Hanover Pike (St. Rte. No. 30), 536' S of the C/L of Old Hanover Rd. (13819 Hanover Pike) : OF BALTIMORE COUNTY
4th District :

DAVID H. FAIRBANK, Petitioner : Case No. 87-376-SPH

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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of February, 1987, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Henry Schildhauer, III, President, WCS, Ltd., P. O. Box 133, Stevenson, MD 21153, Lessee.

Peter Max Zimmerman
FEB 17 1987

ZONING OFFICE

3/19
#268
any day in
the first of March

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL D. C. TRACY, JR.
JOHN H. ZINN
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT A. O'CONNOR
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
H. KING MILL

GEORGE H. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HARR
KATHLEEN GALLOGLY COE
KEVIN H. SMITH
J. MICHAEL BRENNAN
H. BARRITT PETERSON, JR.

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

FEB 4 1987

ZONING OFFICE

JAMES D. C. DOWNES
(1906-1979)

TELEPHONE
(301) 823-4111

TELECOPIER
(301) 821-0147

February 4, 1987

HAND DELIVERED

James E. Dyer
Zoning Supervisor
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
WCS, Ltd.
13819 Hanover Pike

Dear Mr. Dyer:

On behalf of our client, the petitioner in the above-captioned matter, we are requesting that the hearing date be set for the earliest possible time.

As you may be aware, the Petition was filed in connection with the contemplated sale of the Woodensburg Country Store, located upon the premises, from David M. Fairbank to WCS, Ltd. In connection with that sale, the liquor license now issued to Mr. Fairbank is to be transferred to the principals of WCS. The transfer of the alcoholic beverage license was approved by the Board of Liquor License Commissioners for Baltimore County at a hearing on February 2, 1987. However, in addition to routine inspections by the various County departments, the transfer of the license is conditioned upon affirmation of the zoning as a valid non-conforming use. All conditions of approval of the license transfer have to be satisfied within 30 days or the approval may be invalidated. In addition, the purchase agreement for the store requires that settlement occur prior to March 31, 1987.

These deadlines put our client under considerable pressure to obtain the zoning approval at the earliest opportunity and

James E. Dyer
February 4, 1987
Page 2

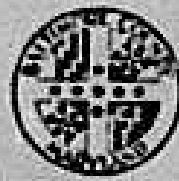
it is for these reasons that we are requesting that you expedite the hearing if it is at all possible. Thank you for your consideration of this matter.

Very truly yours,

Deborah C. Dopkin
Deborah C. Dopkin

DCD/nms

cc: C. Henry Schildhauer, III
Robert A. Hoffman, Esquire



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

ARNOLD JABLON
ZONING COMMISSIONER

February 25, 1987

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR SPECIAL HEARING
E/S Hanover Pike (St. Route 30), 536' S of the c/l of
Old Hanover Rd. (13819 Hanover Pike)
4th Election District - 3rd Councilmanic District
David H. Fairbank - Petitioner
Case No. 87-376-SPH

Dear Mr. Howard:

This is to advise you that \$78.51 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to, Towson, Maryland

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

No. 33054

DATE 3/2/87 ACCOUNT R-01-615-000

SIGN & POST TO BE RETURNED

AMOUNT \$ 78.51

Robert A. Hoffman, Esq., 518 Annapolis Rd., Balto., Md. 21212

RECEIVED FROM

ADVERTISING & POSTING COSTS RE CASE #87-376-SPH

FOR

5 0140*****765113 8032F

VALIDATION OR SIGNATURE OF CASHIER

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

February 5, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
E/S Hanover Pike (St. Route 30), 536' S of the c/l of Old Hanover Rd. (13819 Hanover Pike)
4th Election District
David H. Fairbank - Petitioner
Case No. 87-376-SPH

TIME: 2:30 p.m.

DATE: Monday, March 2, 1987

PLACE: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

AJ:med

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

No. 30407

DATE 12/19/86 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM

SPH - #268

Woodensburg Store

0140*****100013 8138F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th Date of Posting February 12, 1987

Posted for Special Hearing

Petitioner David H. Fairbank

Location of property E/S of Hanover Pike (St. Rte. 30), 536' S of the c/l of Old Hanover Rd. (13819 Hanover Pike)

Location of Sign In front of 13819 E/S of Hanover Pike

Remarks

Posted by S. J. [Signature] Date of return February 13, 1987

Number of Signs 1

PETITION FOR SPECIAL HEARING
Case No. 87-376-SPH

LOCATION: East Side of Hanover Pike (St. Route 30), 536 feet South of the Centerline of Old Hanover Road (13819 Hanover Pike)
DATE AND TIME: Monday, March 2, 1987, at 2:30 p.m.
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Being the property of David H. Fairbank, as shown on 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 set above or made at the hearing.

By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
2709 P.O. 12

CERTIFICATE OF PUBLICATION

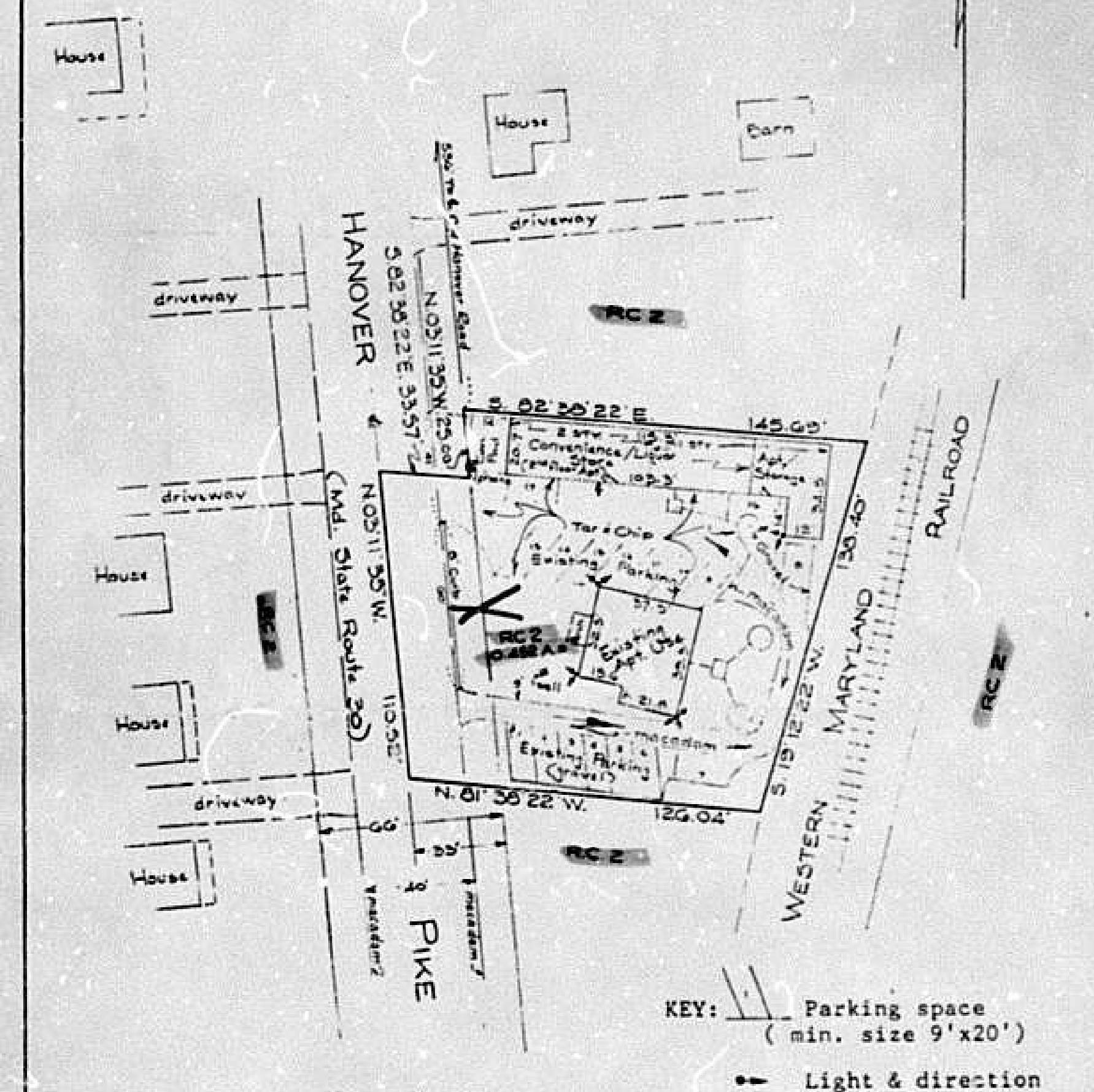
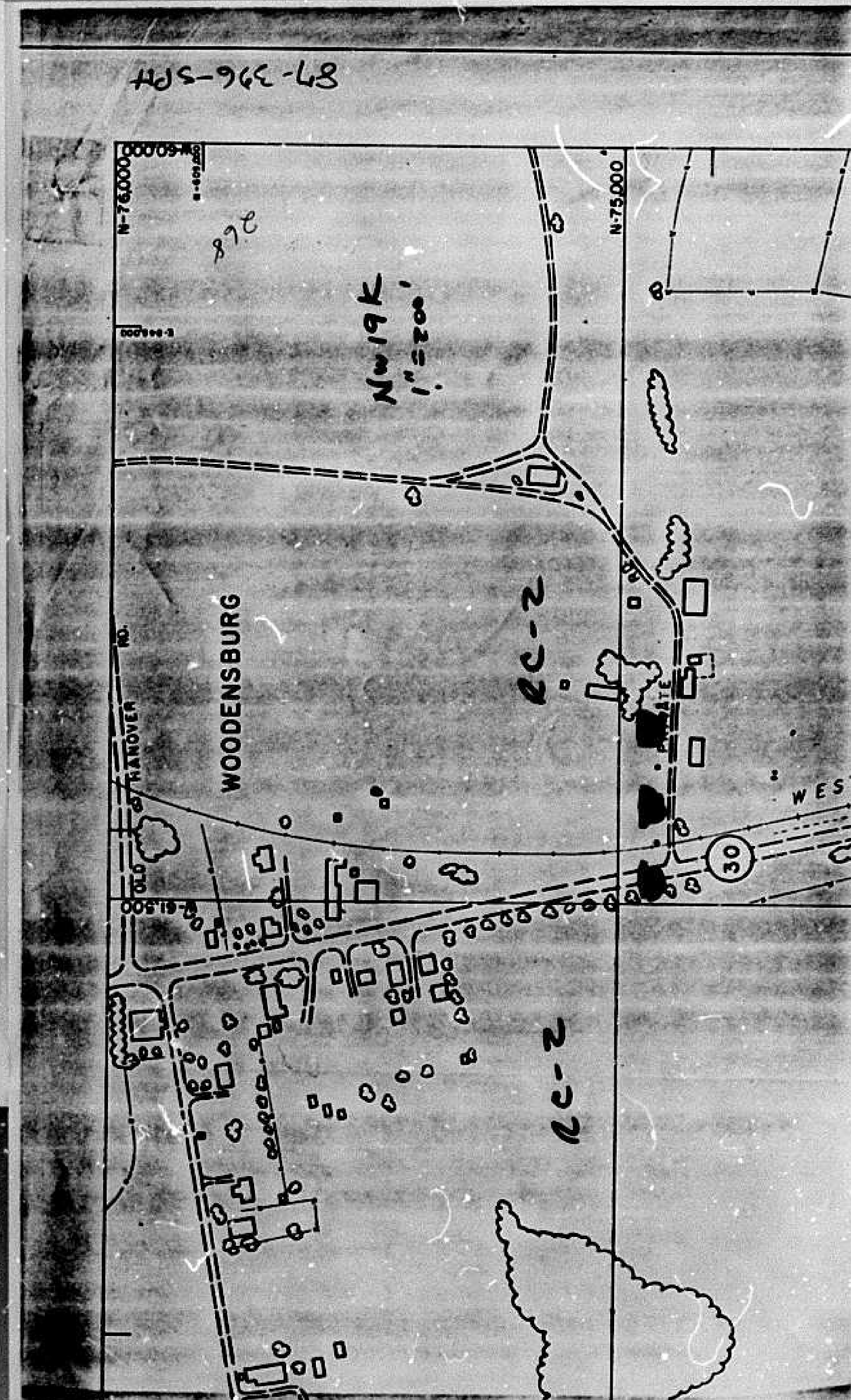
TOWSON, MD. February 12, 1987

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 February 12, 1987.

THE JEFFERSONIAN,

Publisher

Cost of Advertising
35.75



PARKING DATA:
Convenience/Liquor Store (Retail)- 1760 sq. ft.
No. of spaces required 1760/2 = 9
Apartments- 8 units
No. of spaces required- 8
Total No. of spaces required- 17
Total No. of spaces provided- 17
PLAT TO ACCOMPANY PETITION FOR NON-CONFORMING USES

WOODENSBURG STORE PROPERTY
4th DISTRICT, BALTIMORE COUNTY, MD.
SCALE 1"=50' AUGUST 1, 1986
C. A. MYERS, SURVEYOR
5732 EMORY ROAD - UPPERCO, MD.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md. Feb. 12p. 87

THIS IS TO CERTIFY that the annexed Req. #198596 P.O. #85130 was published for one (1) business days previous to the 12th day of February, 1987, in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- ☐ Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
- ☒ Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per

PETITION FOR SPECIAL HEARING
Case No. 87-376-SPH

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BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY