IN THE MATTER OF THE APPLICATION OF MILTON ALBRIGHT, ET UX FOR A SPECIAL HEARING AND VARIANCES ON PROPERTY LOCATED ON THE SOUTH SIDE OF SWEET AIR ROAD, APPROXIMATELY 1370' SOUTHEAST OF JARRETTSVILLE PIKE (3505 SWEET AIR ROAD) 10th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. 88-178-SPHA

ORDER OF DISMISSAL

This case is an appeal from the decision of the Zoning Commissioner dated March 9, 1988, which granted the Petition for Special Hearing and granted with conditions the Petition for Variance on the subject property located in the Tenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed July 21, 1988 (a copy of which is attached hereto and made a part hereof) fighthere the Appellant in the above-entitled case; and

WHEREAS, the Board is in receipt of a letter from James H. Thompson, Zoning Coordinator, dated July 1, 1988 (a copy of which is attached hereto and made part hereof) indicating compliance with Case No. 88-178-SPHA; and

WHEREAS, the Board is in receipt of a letter from C. Richard Moore, Bureau of Traffic Engineering, dated June 13, 1988 (a copy of which is attached hereto and made a part hereof) also substantiating compliance with Case No. 88-178-SPHA; and

WHEREAS, the said Appellant requests that the appeal filed by said Appellant be dismissed and withdrawn as of July 21, 1988,

Case No. 88-178-SPHA Milton Albright, et ux

IT IS HEREBY ORDERED this 2nd day of August

COUNTY BOARD OF APPEALS

said appeal be and the same is hereby DISMISSED.

OF BALTIMORE COUNTY

ALBRIGHT'S PRODUCE 3505 SWEET AIR ROAD PHOENIX, MARYLAND 21131 Tom Albright (301) 666-1116

Baltimore County Board of Appeals Baltimore County Office Building Room 315 Towson, Maryland 21204

> RE: Case No. 88-178-SPHA Case No. C-87-1608 10th Election District

Dear Sirs:

Through correspondance recieved from the Zoning Commissioner, County Chief - Bureau of Traffic Engineering and the State Chief - Bureau of Traffic Engineering (copies enclosed) we have been notified that we are not in violation of Condition #1 of the Findings of Facts and Conclusions of Law Case No. 88-178-SPHA.

Since our property is in compliance we are withdrawning our appeal. We do request, however, that this letter and the attached copies be placed with the order of dismisal. Sincerely,

Thomas M. Albright



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

July 1, 1988



Mr. & Mrs. Milton C. Albright 3505 Sweet Air Road Phoenix, Maryland 21131

> RE: Case No. 88-178-SPHA Case No. C-87-1608 10th Election District

Dear Mr. & Mrs. Albright:

Upon further review of this matter with the Zoning Commissioner, J. Robert Haines, we both agree that upon reviewing the comments from the State Highway Administration of April 26, 1988, your property is in compliance with Case No. 88-178-SPHA. As such, you can disregard my letter of June 13, 1988, for our case file will now be closed.

cc: Mr. Gene DeDeo

LTIMORE COUNTY, MACLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines Zoning Commissioner

June 13, 1988

FROM C. Richard Moore, Bureau Chief, Bureau of Traffic Engineering

SUBJECT Baltimore County / Albright Produce

This office has reviewed the subject petition and finds that all access is to State roads and are therefore subject to State Highway Administration approval and we therefore would accept the State's comments as to access.

> C. Richard Moore, Bureau Chief Bureau of Traffic Engineering

cc - Mr. Thomas M. Albright, Albright's Produce, 3505 Sweet - Air Road, Phoenix, Maryland 21131 Mr. Jeremy Criss, Department of Environmental Protection

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff Adminⁱstrator

April 26, 1988

Mr. Thomas Milton Albright 14345. Jarrettsville Pike Phoenix, Maryland 21131

Re: Baltimore County Albright Produce S/S Sweet Air Road Maryland Route 145 1300' East Jarrettsville Pike Zoning Petition Item #4

Dear Mr. Albright:

In response to our telephone conversation of April 25, we hereby confirm our position as stated in our letter to former Zoning Commissioner Jablon of July 23, 1987 that states as follows.

On review of the submital for non-conforming use of a roadside stand, the State Highway Administration-Bureau of Engineering Access Permits offers the following.

If the site is found to be of non-conforming use, the State Highway Administration-Bureau of Engineering Access Permits find the site generally acceptable for retail sales of farm produce and flowers.

However, if the non-conforming use is not approved, the roadside sales area must be improved to meet all requirements for commercial access to a State highway.

We would like to take this opportunity to state that if any additional improvements are made to the business or if any appreciable items other than farm produce is sold, entrance improvements will be required.

Very truly yours.

-Creston J. Mills, Jr.
Chief-Bureau of Engineering Access Permits

JM/es

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free 707 North Calvert St., Baitimore, Maryland 21203-0717

Petition for Special Hearing and Variance

Fresh Vegetables in Season Custom Grain Fed Beef

S/S Sweet Air Road, approx. 1370' SE of Jarrettsville Pike 3505 Sweet Air Road 10th Election District - 6th Councilmanic District Milton C. Albright, et ux - Petitioner Case No. 88-178-SPHA

SPH-Roadside stand for retail sales of farm produce Var.-Sign/and to permit a permanent polyethylene covered greenhouse

Petition for Special Hearing and Variance Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (none submitted)

Petitioner's Exhibits: 1) Letter of support

2) Letter of support

3) Letter of support

4) Letter of support 5) Letter of support

6) Letter of support

7) Copy of Planting, Harvest & Sa_es Record

8) Plat of Property

9) Fact sheet concerning portable sign.

Zoning Commissioner's Order dated March 9, 1988 Notice of Appeal received April 6 from Thomas M. Albright Case No. 88-178-SPHA Appeal

> Mr. and Mrs. Milton C. Albright, Petitioners 3505 Sweet Air Rd. Phoenix, Md. 21131

*Thomas Albright, Appellant 3505 Sweet Air Rd. Phoenix, MD. 21131

People's Counsel for Balto. Co.

Request Notification: P. David Fields, Director of Planning & Zoning James Hoswell, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk

PETITIONS FOR SPECIAL HEARING AND VARIANCES

10th Election District - 6th Councilmanic District

Case No. 88-178-SPHA

South Side of Sweet Air Road, approximately 1370 feet Southeast of Jarrettsville Pike (3505 Sweet Air Road) LOCATION:

DATE AND TIME: Tuesday, November 10, 1987, at 2:00 p.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 to approve a nonconforming coop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both onsite and elsewhere and a determination whether or not a temporary (daily use) sign could be utilized for advertisement

Petition for Zoning Variances to permit a 64 square foot sign (32 square feet per side) in lieu of the required 30 square feet or 1 square foot and a permanent polyethylene covered greenhouse 32 feet from the property line in lieu of the required 50 feet

Being the property of __Milton C. Albright, et ux ____, 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.

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

Petition for Special Hearing and Variance

S/S Sweet Air Road, approx. 1370' SE of Jarrettsville Pike 3505 Sweet Air Road 10th Election District - 6th Councilmanic District
Milton C. Albright, et ux - Petitioner Case No. 88-178-SPHA

Petition for Special Hearing and Variance

Description of Property

Certificate of Posting Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (none submitted)

Petitioner's Exhibits: 1) Letter of support

2) Letter of support

3) Letter of support

4) Letter of support 5) Letter of support

6) Letter of support

7) Copy of Planting, Harvest & Sales Record

8) Plat of Property

9) Fact sheet concerning portable sign.

Zoning Commissioner's Order dated March 9, 1988

Notice of Appeal received April 6 from Thomas M. Albright

ALBRIGHTS PRODUCE 3505 SWEET AIR ROAD PHOENIX, MARYLAND 21131 Tom Albright (301) 666-1116

April 6 1933

To Whom It May Concern:

I mould like to resquest a appeal on Case Mo. 88-173-SPHA.

Thank you for your consideration

ZONING OFFICE

OFFICE OF FINANCE - REVENUE DIVISION No. 45999 MISCELLANEOUS CASH RECEIPT DATE 4/5/88 ____ACCOUNT__R-01-615-000 FROM: Thomas H. Albright, 2505 Suget Ain Road, Phoenix, Maryland 21131 FOR: Appeal Filing & Posting Fees in Case No. 88-178-SPHA, Hilton C. Albright, et ux - Petitioner B B DET****18500:a 208%F VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

Fresh Vegetables in Season Custom Grain Fed Beef

Case No. 88-178-SPHA

Appeal

Page 2

Request Notification: P. David Fields, Director of Planning & Zoning James Hoswell, Office of Planning & Zoning

J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor Docket Clerk

- 4 & 3 A & 6. + 01+2 Scale 1'-50'

> 2.31 Acres Owner M. Home & Paula Albright District 10 RC-5

PETITIONER'S EXHIBIT &

A CONTRACTOR OF THE PROPERTY O

PLAT FOR ZONING SPECIAL HEARING AND VARIANCES

88-178-5PXA

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Zoning Commissioner

May 9, 1988

Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Maryland 21204

RE: Petition for Special Hearing and Variances S/S Sweet Air Road, approx. 1370' SE of Jarrettsville Pike (3505 Sweet Air Road) 10th Election District, 6th Councilmanic District Milton C. Albright, et ux - Petitioners Case No. 88-178-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 6, 1988 by Thomas M. Albright. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

ALBRIGHT'S PRODUCE

Tom Albright (301) 666-1116

3505 SWEET AIR ROAD PHOENIX, MARYLAND 21131

I am writing you, in reference to case number 88-178-SPHA.

the months of December, January, and February.

location, we only place a sign at this site for

As per the orginal order, we will bring our sign into compliance with B.C.Z.R.. Also, we will not operate during

However, a copy of a letter that should be in the case file

from Mr. John Meyers, Assistant Bureau Chief-Engineering,

the site is found to be non-conforming then the SHA finds

the site generally acceptable for the retail sales of farm produce and flowers.

We are willing to place stone dust along the shoulder of the

Also, to clarify a another point about the customized meat,

we take orders for this over the phone. The meat is cut at a state certified butcher shop and then delivered directly to the customer. We do not actually sell the meat at this

advertisement. This situatuion is also similiar for the hay

The reason we have filed for an appeal is because Mr. Jeremy Criss, Liasion for Agriculture to Balto. Co., was unable to

contact your office in the thirty day appeal period. We hope to resolve this in the most efficient manner.

road to control any dust or mud from entering the road.

Access Permits State Highway Administration, that states if

Very truly yours, J. Robert Haines /cen J. ROBERT HAINES Zoning Comissioner

Enclosures

cc: People's Counsel Court House, Room 223 Towson, MD 21204

> Mr. & Mrs. Milton C. Albright 3505 Sweet Air Road Phoenix, MD 21131

File

April 23, 1988

Dear Mr. Haines

Mr. J. Robert Haines Zoning Commissioner

Balto. Co. Zoning Commission Office of Planning & Zoning Towson, MD 21204

BATIMORE COUNTY, MARTAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines Zoning Commissioner

June 13, 1988

FROM C. Richard Moore, Bureau Chief, Bureau of Traffic Engineering

SUBJECT Baltimore County / Albright Produce

This office has reviewed the subject petition and finds that all access is to State roads and are therefore subject to State Highway Administration approval and we therefore would accept the State's comments as to access.

> C. Richard Moore, Bureau Chief Bureau of Traffic Engineering

CRM:bza

cc - Mr. Thomas M. Albright, Albright's Produce, 3505 Sweet
Air Road, Phoenix, Maryland 21131
Mr. Jeremy Criss, Department of Environmental Protection

Educational Markethen

✓c: Jeremy Criss

Thomas M. Albright

Sincerely,

Fresh Vegetables in Season Custom Grain Fed Becf

CPS-008

the sign shall be denied.

is nonconforming.

tions. All of the Protestants testified.

IN RE: PETITION FOR SPECIAL HEAR-

S/S Sweet Air Road, approx

1370' SE of Jarrettsville Pike (3505 Sweet Air Road)

Milton C. Albright, et ux

10th Election District 6th Councilmanic District

ING AND VARIANCES

Petitioners

BEFORE THE

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

co-op roadside stand for the retail sales of farm produce grown and/or

propagated both on site and off site pursuant to the provisions of a special

hearing under Section 500.7. Furthermore, a determination of whether or not

an advertising sign for the subject location is subject to the provisions of

Section 413.1.C or 413.1.A of the Baltimore County Zoning Regulations

(B.C.Z.R.); also, a Petition for Variance was filed for approval of a 64

sq.ft. sign (32 sq. ft. per side) in lieu of the allowed 30 sq. ft. pursuant

to Section 413.1.A and a zoning variance to permit a permanent polyethylene

green house 32' from the side yard property line in lieu of the required 50',

testimony of his son, Thomas Albright, who actually operates the farmer's

Elizabeth Ginn on behalf of the Greater Towson Council of Community Associa-

supplemented with extensive testimony by both the Petitioners and the Protes-

tants. The critical issue in this matter is whether or not the currently

The Petitioner, Milton C. Albright, appeared and was supported by the

The Protestants were Gene W. DeDeo, Jr., Gene W. DeDeo, Sr. and Mary

There is a substantial amount of evidence in this record and it was

all of which is more particularly described on Petitioner's Exhibit 8.

co-op roadside stand. Thomas Albright provided most of the testimony.

The Petitioner herein has requested approval of a nonconforming farmer's

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 88-178-SPHA

associated with the Albright operation prior to 1975 is permitted as a nonconforming farmer's co-op roadside stand. The Protestants have raised issue with the roadside stand, because it is both illegal in the R.C.5 zone and causes a traffic hazard. The issue of the illegal use is .esolved by the finding that the farmer's co-op roadside stand

Clearly, the sale of flowers and plants and farm produce normally

The issue of the traffic hazard is not a legal reason to deny the farmer's co-op roadside stand. The fact that it is nonconforming allows it to remain. The Baltimore County Bureau of Traffic Engineering has commented on the need to correct the off-street parking issue and to correct the ingress

and egress problem. The site must be made to conform with the needs of the

Bureau of Traffic Engineering. we issue raised in the special hearing concerning the type of sign that permitted on this property is easy to resolve. The sign is a farm sign pu. t to Section 413.1.C requiring no more than 30 square feet, or less. There is no evidence in the record to indicate that the Petitioners are entitled to the requested variance for the roadside stand sign. None of the requirements of Section 307 of the B.C.Z.R. were testified to and there is no independent evidence in the record to indicate any particular hardship or unreasonable difficulty can be found. Therefore, the requested variance for

The testimony concerning the requested side yard variance for the green house indicates that the green house was constructed on the area most advantageous to the development of young plants. There is also testimony that the required movement of the green house would substantially interfere with the other farm operations on the rest of the property.

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operated farmer's roadside stand is a noncon "ming farmer's co-op roadside stand. Farmer's co-op roadside stand was created by definition in the Baltimore County Zoning Regulations (B.C.Z.R.) by Bill No. 98 in 1975. This definition requires that the principal building on a lot, other than the dwelling unit, must be used by one or more individuals commonly engaged in the sale of mutually grown seasonal produce from their respective farms or

satellite farms in order to be a farmer's co-op roadside stand. The testimony in evidence, clearly, establishes that the subject roadside stand has been operated by the Albright family since prior to 1970. The testimony establishes that the property is zoned R.C.5 and is located at 3505 Sweet Air Road, Baltimore County, Maryland. The property is near the intersection of Sweet Air Road and Jarrettsville Pike near what is often referred to as the Manor Shopping Center.

The direct testimony of the Petitioners indicate that the sale of farm produce is taking place from this location, since 1955, by different members of the Albright family. The exhibits and testimony in the file indicate that the current operator, Thomas Albright, has produced farm products and sold them at the roadside stand since 1968. That he has actively engaged in the full time business of farming and the sale of produce from this stand since

The Petitioner's Exhibit 2, which is from Gordon Hofler, indicates that he has personal knowledge of the Albrights' produce operation since 1963. There are many letters of support indicating that the Albrights have operated a farmer's roadside stand at this location since prior to 1970. The Petitioner's Exhibit 6 is a packet of 17 such letters. Petitioner's Exhibit 5, clearly, indicates operation of such a roadside stand since 1971. There is

- 2 -

The evidence and testimony, clearly, indicates that the requested side yard variance is created by the B.C.Z.R. working a practical difficulty upon the Petitioner in the operation of his farm. This variance will not increase residential density. It is for an accessory structure and the structure does not violate any area or height regulations. The variance, if granted, would be in compliance with the strict spirit and intent of the regulations and there

A review of all of the testimony and evidence in the record conclusively indicates that the property has been used, continuously, without interruption, as a farmer's co-op roadside stand since before 1970. This constitutes a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that the nonconforming use exist.

is no substantial injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petition held, and for all the reasons given above, the relief prayed for in the Special Hearing for nonconforming use for farmer's co-op roadside stand shall be granted and a determination that the advertising sign for the farmer's co-op roadside stand shall be permitted pursuant to Section 413.1.C. That the requested side yard variance for the accessory structure, known as the green house, shall be granted and, the requested variance for the advertising sign shall be denied.

THEREFORE, IT IS ORDERED this ______ day of MARCH, 1988, pursuant to Section 500.7 of the B.C.Z.R., for approval of a nonconforming Farmer's co-op roadside stand for the limited purpose of sales of farm produce, including flowers and plants, both propagated and grown either onsite or on the Petitioner's satellite farms, be and is hereby GRANTED; and,

not now and never has been any kind of structure for this farmer's roadside stand. The Petitioner only uses wagons and tables and no building.

The direct testimony of Thomas Albright indicates that produce is produced both at the subject location and at his satellite farm. There are also produces produced on farms not owned or operated by the Petitioner that are sold on consignment by the Albrights at the roadside stand. The original farm produce included flowers from on-site. That original farm and sales began in 1955. In recent years, there have been additional items for sale. These include the sale of meats, apple cider and hay, all of which is produced on other farms and brought to this site for sale. These items were not sold prior to 1975. All items sold by the Petitioner, prior to 1975, were grown by him or his family.

In reference to the requested variances, specifically for the sign and the greenhouse, the testimony of the Petitioners is that the sign is a 4x8 foot double face sign. It is located on a wagon which is moved to the road's edge during each day's sales and then removed from its location along the road in the evening. The desire for the variance is simply sought, because this size sign is already in existence. Likewise, the greenhouse has been in existence for many years and was constructed inadvertently too near to one side yard property line. The variance requested is to correct the violation which is created by the greenhouse.

The Protestants testified vigorously in opposition to the sign variance which they believe is a very substantial road hazard and has led to accidents on Sweet Air Road. The Protestants also argued against the operation of the roadside stand at this location. They believe the curved portion of Sweet Air Road at this location and the traffic hazard created by vehicle entering and exiting Sweet Air Road are a great hazard. They believe that the activities,

- 3 -

IT IS, FURTHER, ORDERED that, pursuant to Section 500.7 of the B.C.Z.R.,

IT IS, FURTHER, ORDERED that the Petition for Zoning Variance from

the subject site, as described on Petitioner's Exhibit 8, be determined to be

subject to the provisions of Section 413.1.C. be and is hereby GRANTED; and,

Section 404.2 and 1A04.3.B.3. to permit a permanent polyethylene covered

greenhouse 32 feet from the side yard property line in lieu of the required 50

feet be and is hereby GRANTED, all subject to the following conditions

The Petitioner shall provide off-street parking,

proper curbs and gutters and controlled access as required by the Baltimore County Bureau of Traffic Engineering.

2. The Petitioner shall remove the illegal sign and may

replace it with one that complies with Section 413.1.C of

the B.C.Z.R. The Petitioner shall not have any other

illegal signs on the site. The Petitioner shall not place

the Section 413.1.C sign any closer than 20 feet to the

3. The nonconforming farmer's co-op roadside stand shall

not operate during the months of December, January or

February. The Petitioner shall not sell, deal or take contracts for any meats or meat products, or any hay or

straw product. The Petitioner shall not sell or trade any fruit or fruit product that is not both propagated and

grown completely on his own satellite farms or on this

4. The Petitioner shall not improve the farmer's co-op

roadside stand with any kind or type of building or structure, except for wagons, trucks and tables and is,

further, restricted in area to the representations on

public right-of-way on Sweet Air Road.

precedent upon the relief requested:

Petitioner's Exhibit 8.

are, therefore, not nonconforming and not permitted.

roadside stand.

Likewise, the sale of off-site fruit products, specifically, apples, and apple cider obtained from commercial establishments is not part of the nonconforming operation. Finally, there is substantial testimony that the sale of baled hay and straw has been a recent addition and is, likewise, not nonconforming.

the large sign and the uncontrolled ingress and egress of vehicles create too

many distractions for drivers on Sweet Air Road and, thereby, creating

potentially hazardous driving conditions. They also believe that the dirt

parking lot without proper curb cuts and controlled ingress and egress is

inconsistent with the B.C.Z.R. The Protestants believe that the operation is

a full fledge commercial operation located on a R.C.5 zoned property inconsis-

tent with the regulations and that this is not a simple farmer's co-op

stand in question has been in operation since prior to 1970 and very possibly

in continuous operation since approximately 1955. As stated above, the

entitled to a nonconforming farmer's co-op roadside stand on the subject

property. However, there is substantial question as to whether or not this

operation, all be it nonconforming, has been extended since 1975. The testi-

mony of Thomas Albright, clearly, indicates that the farming operation which

supports this farmer's co-op roadside stand has intensified in recent years.

Specifically, the sale of meats and poultry have been recent additions and

farmer's co-op roadside stands came into effect in 1975.

The facts and evidence in the record, clearly, indicate that the roadside

Based upon the evidence and testimony in the record, the Petitioners are

PETION FOR ZONING ARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

88-178-51H 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

Variance from Section 413.1.C. to permit a 64 sq, ft. (32 sq. ft. per side) sign in lieu of the allowed 30 sq. ft. or 413.1 A in leiu of the allowed 1 sq. ft. and if applicable 404.2 (1A04.3.B.3) to permit a permanent polyethylene covered greenhouse 32 ft. from the property line in lieu of the

- 4 -

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To use a 4 X 8 double sided sign (portable) to be moved at the end of business day. This sign is to be used to promote our farm grown produce (hay, straw, flowers, vegetables and etc...)

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

I, or we, agree to pay expenses of above Variance 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 solemply dool

| | 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: | Legal Owner(s): |
| (Type or Print Name) | Milton C. Albright |
| Signature | Willow C. allinght |
| Address | Paule Albright |
| City and State | Paula Albright |
| Attorney for Petitioner: | 100 |
| (Type or Print Name) | 3505 Sweet Air Rd. 666-111 Address Phone No. |
| Signature | Phoenix Md. 21131 City and State |
| Address | Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted |
| City and State | Tom Albright |
| Attorney's Telephone No.: | 3505 Sweet Air Rd. 666-11 |
| ORDERED By The Zoning Commissioner of 1 | Address Phoenix. Md 21131 Phone No. Baltimore County, this day |
| equired by the Zoning Law of Patrick, that the | subject matter of this petition be advertised, as in two newspapers of general circulation through- |

JRH:mmn

- 6 -

- 7 -

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCES
S/S Sweet Air Road, approx
1370' SE of Jarrettsville
Pike (3505 Sweet Air Road)
10th Election District
6th Councilmanic District
Milton C. Albright, et ux

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY
Case No. 88-178-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein has requested approval of a nonconforming farmer's co-op roadside stand for the retail sales of farm produce grown and/or propagated both on site and off site pursuant to the provisions of a special hearing under Sect.on 500.7. Furthermore, a determination of whether or not an advertising sign for the subject location is subject to the provisions of Section 413.1.C or 413.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.); also, a Petition for Variance was filed for approval of a 64 sq.ft. sign (32 sq. ft. per side) in lieu of the allowed 30 sq. ft. pursuant to Section 413.1.A and a zoning variance to permit a permanent polyethylene green house 32' from the side yard property line in lieu of the required 50', all of which is more particularly described on Petitioner's Exhibit 8.

The Petitioner, Milton C. Albright, appeared and was supported by the testimony of his son, Thomas Albright, who actually operates the farmer's co-op roadside stand. Thomas Albright provided most of the testimony.

The Protestants were Gene W. DeDeo, Jr., Gene W. DeDeo, Sr. and Mary Elizabeth Ginn on behalf of the Greater Towson Council of Community Associations. All of the Protestants testified.

There is a substantial amount of evidence in this record and it was supplemented with extensive testimony by both the Petitioners and the Protestants. The critical issue in this matter is whether or not the currently

Clearly, the sale of flowers and plants and farm produce normally associated with the Albright operation prior to 1975 is permitted as a nonconforming farmer's co-op roadside stand.

The Protestants have raised issue with the roadside stand, because it is both illeg in the R.C.5 zone and causes a traffic hazard. The issue of the illegal use is resolved by the finding that the farmer's co-op roadside stand is nonconforming.

The issue of the traffic hazard is not a legal reason to deny the farmer's co-op readside stand. The fact that it is nonconforming allows it to remain. The Baltimore County Bureau of Traffic Engineering has commented on the need to correct the off-street parking issue and to correct the ingress and egress problem. The site must be made to conform with the needs of the reau of Traffic Engineering.

The issue raised in the special hearing concerning the type of sign that I be permitted on this property is easy to resolve. The sign is a farm sign pursuant to Section 413.1.C requiring no more than 30 square feet, or less. There is no evidence in the record to indicate that the Petitioners are entitled to the requested variance for the roadside stand sign. None of the requirements of Section 307 of the B.C.Z.R. were testified to and there is no independent evidence in the record to indicate any particular hardship or unreasonable difficulty can be found. Therefore, the requested variance for the sign shall be denied.

The testimony concerning the requested side yard variance for the green house indicates that the green house was constructed on the area most advantageous to the development of young plants. There is also testimony that the required movement of the green house would substantially interfere with the other farm operations on the rest of the property.

operated farmer's roadside stand is a nonconforming farmer's co-op roadside stand. Farmer's co-op roadside stand was created by definition in the Baltimore County Zoning Regulations (B.C.Z.R.) by Bill No. 98 in 1975. This definition requires that the principal building on a lot, other than the dwelling unit, must be used by one or more individuals commonly engaged in the sale of mutually grown seasonal produce from their respective farms or satellite farms in order to be a farmer's co-op roadside stand.

The testimony in evidence, clearly, establishes that the subject roadside stand has been operated by the Albright family since prior to 1970. The testimony establishes that the property is zoned R.C.5 and is located at 3505 Sweet Air Road, Baltimore County, Maryland. The property is near the intersection of Sweet Air Road and Jarrettsville Pike near what is often referred to as the Manor Shopping Center.

The direct testimony of the Petitioners indicate that the sale of farm produce is taking place from this location, since 1955, by different members of the Albright family. The exhibits and testimony in the file indicate that the current operator, Thomas Albright, has produced farm products and sold them at the roadside stand since 1968. That he has actively engaged in the full time business of farming and the sale of produce from this stand since 1970.

The Petitioner's Exhibit 2, which is from Gordon Hofler, indicates that he has personal knowledge of the Albrights' produce operation since 1963. There are many letters of support indicating that the Albrights have operated a farmer's roadside stand at this location since prior to 1970. The Petitioner's Exhibit 6 is a packet of 17 such letters. Petitioner's Exhibit 5, clearly, indicates operation of such a roadside stand since 1971. There is

- 2 -

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not now and never has been any kind of structure for this farmer's roadside stand. The Petitioner only uses wagons and tables and no building.

The direct testimony of Thomas Albright indicates that produce is produced both at the subject location and at his satellite farm. There are also produces produced on farms not owned or operated by the Petitioner that are sold on consignment by the Albrights at the roadside stand. The original farm produce included flowers from on-site. That original farm and sales began in 1955. In recent years, there have been additional items for sale. These include the sale of meats, apple cider and hay, all of which is produced on other farms and brought to this site for sale. These items were not sold prior to 1975. All items sold by the Petitioner, prior to 1975, were grown by him or his family.

In reference to the requested variances, specifically for the sign and the greenhouse, the testimony of the Petitioners is that the sign is a 4x8 foot double face sign. It is located on a wagon which is moved to the road's edge during each day's sales and then removed from its location along the road in the evening. The desire for the variance is simply sought, because this size sign is already in existence. Likewise, the greenhouse has been in existence for many years and was constructed inadvertently too near to one side yard property line. The variance requested is to correct the violation which is created by the greenhouse.

The Protestants testified vigorously in opposition to the sign variance which they believe is a very substantial road hazard and has led to accidents on Sweet Air Road. The Protestants also argued against the operation of the roadside stand at this location. They believe the curved portion of Sweet Air Road at this location and the traffic hazard created by vehicle entering and exiting Sweet Air Road are a great hazard. They believe that the activities,

- 3 -

the large sign and the uncontrolled ingress and egress of vehicles create too many distractions for drivers on Sweet Air Road and, thereby, creating potentially hazardous driving conditions. They also believe that the dirt parking lot without proper curb cuts and controlled ingress and egress is inconsistent with the B.C.Z.R. The Protestants believe that the operation is a full fledge commercial operation located on a R.C.5 zoned property inconsistent with the regulations and that this is not a simple farmer's co-op roadside stand.

The facts and evidence in the record, clearly, indicate that the readside stand in question has been in operation since prior to 1970 and very possibly in continuous operation since approximately 1955. As stated above, the farmer's co-op roadside stands came into effect in 1975.

entitled to a nonconforming farmer's co-op roadside stand on the subject property. However, there is substantial question as to whether or not this operation, all be it nonconforming, has been extended since 1975. The testimony of Thomas Albright, clearly, indicates that the farming operation which supports this farmer's co-op roadside stand has intensified in recent years. Specifically, the sale of meats and poultry have been recent additions and are, therefore, not nonconforming and not permitted.

Likewise, the sale of off-site fruit products, specifically, apples, and apple cider obtained from commercial establishments is not part of the nonconforming operation. Finally, there is substantial testimony that the sale of baled hay and straw has been a recent addition and is, likewise, not nonconforming.

- 4 -

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The evidence and testimony, clearly, indicates that the requested side yard variance is created by the B.C.Z.R. working a practical difficulty upon the Petitioner in the operation of his farm. This variance will not increase residential density. It is for an accessory structure and the structure does not violate any area or height regulations. The variance, if granted, would be in compliance with the strict spirit and intent of the regulations and there

is no substantial injury to the public health, safety and general welfare.

A review of all of the testimony and evidence in the record conclusively indicates that the property has been used, continuously, without interruption, as a farmer's co-op roadside stand since before 1970. This constitutes a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that the nonconforming use exist.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petition held, and for all the reasons given above, the relief prayed for in the Special Hearing for nonconforming use for farmer's co-op roadside stand shall be granted and a determination that the advertising sign for the farmer's co-op roadside stand shall be permitted pursuant to Section 413.I.C. That the requested side yard variance for the accessory structure, known as the green house, shall be granted and, the requested variance for the advertising sign shall be denied.

THEREFORE, IT IS ORDERED this ______ day of MARCH, 1988, pursuant to Section 500.7 of the B.C.Z.R., for approval of a nonconforming Farmer's co-op roadside stand for the limited purpose of sales of farm produce, including flowers and plants, both propagated and grown either onsite or on the Petitioner's satellite farms, be and is hereby GRANTED; and,

IT IS, FURTHER, ORDERED that, pursuant to Section 500.7 of the B.C.Z.R., the subject site, as described on Petitioner's Exhibit 8, be determined to be subject to the provisions of Section 413.1.C. be and is hereby GRANTED; and,

IT IS, FURTHER, ORDERED that the Petition for Zoning Variance from Section 404.2 and 1A04.3.B.3. to permit a permanent polyethylene covered greenhouse 32 feet from the side yard property line in lieu of the required 50 feet be and is hereby GRANTED, all subject to the following conditions precedent upon the relief requested:

I. The Petitioner shall provide off-street parking, proper curbs and gutters and controlled access as required by the Baltimore County Bureau of Traffic Engineering.

2. The Petitioner shall remove the illegal sign and may replace it with one that complies with Section 413.1.C of the B.C.Z.R. The Petitioner shall not have any other illegal signs on the site. The Petitioner shall not place the Section 413.1.C sign any closer than 20 feet to the public right-of-way on Sweet Air Road.

3. The nonconforming farmer's co-op roadside stand shall not operate during the months of December, January or February. The Petitioner shall not sell, deal or take contracts for any meats or meat products, or any hay or straw product. The Petitioner shall not sell or trade any fruit or fruit product that is not both propagated and grown completely on his own satellite farms or on this

4. The Petitioner shall not improve the farmer's co-op roadside stand with any kind or type of building or structure, except for wagons, trucks and tables and is, further, restricted in area to the representations on Petitioner's Exhibit 8.

T. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn cc:Peoples Counsel

| PROTESTANT(S) SIGN-IN SHEET | |
|-----------------------------|--|
| GENE W DE DEU TR | ADDRESS 12729 MANOR Rd |
| Jen W De Deo St. | 1 1606 Housen Council oflo 12729 Mayor Rd. Town |
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- 6 -

- 7 -

- 5 -

PETITION FOR SPECIAL HEARING 178-504A 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 _____ A non-conforming coop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both onsite and elsewhere. And determination of whether or not a temporary (daily use) sign could be utilized for advertisement and if S.413.1.C or 413.1.A 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: Milton C. Albright Milto C. alleys Paula Albright City and State Attorney for Petitioner: 3505 Sweet Air Rd. 666-1116 (Type or Print Name) ame, address and phone number of legal owner, contract purchaser or representative to be contacted Tom Albright 3505 Sweet Air Rd. 666-111 Address Phone No.

Phoenix, MD. 21131

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 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 10th day of November, 1952, at 2.00 o'clock

Zoning Commissioner of Baltimore County. Z.C.O.--No. 1 CERTIFICATE OF PUBLICATION SPECIAL HEARING TOWSON, MD., OCT 22, 1987 6th Councilmanic District Case 140, 88-178-SPHA LOCATION: South Side of THIS IS TO CERTIFY, that the annexed advertisement was COCATION: South sade
Air Road, approximately 13-0 fee
Southeast of Jarrettsville Pik
(3505 Sweet Air Road)
DATE AND FIME: Tuesday
November 10, 1967, at 240 p.m.
PHBLIC HEARING: Room 106 published in THE JEFFERSONIAN, a weekly newspaper printed County Office Building, 111 Chesapeake Avenue, Towso and published in Towson, Baltimore County, Md., appearing on Oct 22, 1987 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a publi proce a nonconforming coop road-side stand for retail sales of larm THE JEFFERSONIAN, produce (including flowers and plants) grown or propagated bott Gusan Senders Obrect praints) grownere and a determ nation whether or not a tempera ent Coning Variances a square foot sign persole) in heu of t get or ! square toot a polyethylene covere 2 feet from the proj Albright, et are, as shown on plotantilled with the Zonbitt State In the event that this Pelition granted, a building permit may issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, enlertain and request for a stay of the issuance good cause shown. Such requirements be received in writing by made at the hearing. By Order Of J. ROBERT HAINES Zoning Commissioner
of Baltimore Counts 16/318 Oct. 22. ZONING DEPARTMENT OF BALTIMORE COUNTY 88-178-SPHA

Posted for: Spec Hearing + larlance

an property of Patetionia

Posted by Mistealy

Milton C. Albright, et us

3505 Swort dir Ry

Location of Signs: Focing Sweet Ait Rt, oppress 10' FT, Madway

Date of Posting 10/18/8/

Date of return: 10/23/87

S/s Swort Air Rt., opprox 1370' SF/ fort . TISUITO Pit.

radius of 695' for a distance of 226.93 ft. to the place of beginning. Containing 2.31 Ac. 88-178-SPHA ONING DEPARTMENT OF BALTIMORE COUNTY Posted for: Appear | Dete of Posting 5/31/88

Petitioner: Millon C Albright et by

Location property: 3/3 Swast Air Rd. oppros. 1270' selfor: 1111. Petro Location of Signer Testing Swoot Mix Rd, comer, 20 Fr. 100 & Way on Number of Signs: BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 494-3353 J. ROBERT HAINES ZONING COMMISSIONER November 3, 1987 Mr. Tom Albright Mr. Milton C. Albright Mrs. Paula Albright Phoenix, Maryland 21131 RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES S/S Sweet Air Rd., approx. 1370' SE of
Jarrettsville Pike (3505 Sweet Air Rd.)
10th Election District - 6th Councilmanic District Milton C. Albright, et ux - Petitioners Case No. 88-178-SPHA Dear Mrs. Albright and Messrs. Albright: This is to advise you that \$138.19 is due for advertising and posting of the above property. This fee must be paid before an THIS FEE MUST PE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ore County, Maryland, and remit ilding, Towson, Maryland DATE 11-10-87 ACCOUNT 201-615-000 PROM: MITCH COMMENTS & P. A. 80-176-11 B /8103*****13 /13:a =10er

VALIDATION OR SIGNATURE OF CASHIEF

Zoning Description

Beginning on the south side of Sweet Air Road. a 40 foot right away 20 foot paved. At a distance of 1370 ± Feet, from Varrettsville P. Ke.

Known as 3505 Sweet Air Rd. in the 10th electron

district: Thence S. 44°00'W. 490.36 ft., S. 44° 23'E:
213.13 ft., N. 45° 15' E. 450 ft., Curve to the right.

PETITION FOR VARIANCES SE/S Sweet Air Rd., approx. OF BALTIMORE COUNTY 1320' SE Jarrettsville Pike (3505 Sweet Air Rd.), 10th Dist. MILTON C. ALBRIGHT, et ux, ::::::: ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the abovecaptioned 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 Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188 I HEREBY CERTIFY that on this 20th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Milton C. Albright, Petitioners, and Mr. Tom Albright, all of 3505 Sweet Air Rd., Phoenix, MD 21131. Seter Max Zimmerman Mr. Tom Albright Mr. Milton C. Albright October 7, 1987 Mrs. Paula Albright 3505 Sweet Air Road Phoenix, Maryland 21131 NOTICE OF HEARING RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES S/S Sweet Air Rd., approx. 1370' SE of
Jarrettsville Pike (3505 Sweet Air Rd.)
10th Election District - 6th Councilmanic District
Milton C. Albright, et ux - Petitioners
Case No. 88-178-SPHA Tuesday, November 10, 1987 PLACE: Room 106, County Office Building, III West Chesapeake Avenue, Towson, Maryland J. Robert Faines No. 37693 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615-000 AMOUNT \$ 200.00

Itan# 4 Sph + Vous

VALIDATION OR SIGNATURE OF CASHIER

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SEPARTMENT OF BALTIMORE COUNTY Petitioner: Millon C. Albright, stux

Location of property: 5/5 Swat hir Rd, approx 1370' SE Jornetts Ville Pito. Location of Signe Grive & of location, Mr. Albright in Formed me, he Was going To concel appeal reguste Did not Post
Remarks: Note Fis & appeal office - 5/18/88 Sumber of Signs: CERTIFICATE OF PUBLICATION LOCATION: South Side of Sweet Air Road, approximately 1,370 feet Southeast of Jerretsville Piles (3505 Sweet Air Road) DATE AND TIME: Tuesday, November 10, 1987, at 2:00 p.m. PUBLIC HEARING: Room 106, County Office Building, 111 W Chesapeata Avenue, Toward, Maryland and published in Towson, Baltimore County, Md., appearing Oct 21, 19 87 The Zoning Commissioner of Batt-more County, by authority of the Zoning Act and Regulations of Batt-more County, will hold a public hearapprove a nonconforming cop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both onesto and elsewhere and a determination whether or not a temporary (c'=Ny use) sign could be utilized for advertisement. Susan Sender Obrest Petition for Zoning Variances to permit a 64 square foot sign (32 square feet per side) in lieu of the required 30 square feet or 1 square foot and a permanent po-lyethylene covered greenhouse 32 feet from the property line in lieu of the required 50 feet. Being the property of Milton C. Al-bright, et us, as shown on plat plan filed with the Zoning Office. In the event that this Polition(s) is 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 Issuence of Said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing, at above or made at the hearing. 93707-M08622 Oct. 21 88-178-SPHA BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 ______ day of ______, 1967. Petitioner Milton C. Ilbright, et ux

Your petition has been received and accepted for filing this

Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 3, 1987



Dennis F. Rasmussen

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

> Item No. 4 5ZAC-Property Owner: Location:

Existing Zoning: Proposed Zoning:

Meeting of July 14, 1987 Milton C. Albright, et ux SE/S Sweet Air Road, 1320 feet S Jarrettsville Pike R.C. 5 Special Hearing to approve a nonconforming coop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both on site and elsewhere. And determination of whether or not a temporary (daily use) sign could be utilized for advertisement and a Variance to permit a 64 square foot sign in lieu of the allowed 30 square foot sign or in lieu of the allowed one square foot and if applicable to permit a permanent covered greenhouse 32 feet from the property line in lieu of the required 50 feet 2.31 acres 10th Election District

Area: District:

Dear Mr. Jablon:

The site plan should be revised to provide for off-street parking and an entrance that will meet all State and County standards.

The present operation is hazardous to traffic safety and should not be allowed to continue.

Very truly yours,

Thisland Slame

Michael S. Flanigan Traffic Engineer Associate II

MSF:1t



Maryland Department of Transportation State Highway Administration

RICHARD H. TRAINOR Secretary HAL KASSOFF Administrator

July 23, 1987

Mr. A. Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James E. Dyer

RE: Baltimore County Item #4 Property Owner: Milton C. Albright, et ux Location: SE/S Sweet Air Road, Maryland Route 145 1320 feet S. Jarrettsville Pike Existing Zoning: R.C.5
Proposed Zoning: Special hearing to approve a nonconforming coop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both on site and elsewhere. And determination of whether or not a temporary (daily use) sign could be utilized for advertisement and a variance to permit a 64' sign in lieu of the allowed 30' sign or in lieu of the allowed one square foot and if applicable to permit a permanent covered greenhouse 32' from the property line in lieu of the required 50' Area: 2.31 acres District: 10th

Dear Mr. Jablon:

On review of the submittal for non-conforming use of a roadside stand, the State Highway Administration-Bureau of Engineering Access Permits offers the following comments.

If the site is found to be of non-conforming use, the State Highway Administration Bureau of Engineering Access Permits find the site generally acceptable for retail sales of farm produce and flowers.

con't

My telephone number la 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon Page 2 July 23, 1987

However, if the non-conforming use is not approved, the roadside sales area must be improved to meet all requirements for commercial access to a State highway.

By a copy of this letter, we are requesting Mr. Morris Stein, of S.H.A. Outdoor Advertising (333-1642), to comment on the sign variance.

Very truly yours,

. John meyers

John Meyers-Assistant Bureau Chief-Engineering Access Permits

by: George Wittman

JM-GW/es

cc: Morris Stein w/att.

497.02 N. 423,25E Dwelling. Dewelling 1 L Y N 14-32-71 Chicken House Polyethy ene 94.985 Green house 338.62 N 263.46 E. 213.13 544,23m == PETITIONER'S EXHIBIT 3 137 Proposed Jackson wile Elem PLAT FOR ZONING SPECIAL HEARING AND VARIANCES 88:178-SPNA VICINITY MAP

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 3. 1987

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

Department of Traffic Engineering

Health Department

Building Department

Board of Education

Zoning Administration

Industrial

Project Planning

State Roads Commission

Mr. Milton C. Albright 3505 Sweet Air Road Phoenix, Maryland 21131

> RE: Item No. 4 - Case No. 88-178-SPHA Petitioner: Milton C. Albright, et ux Petitions for Special Hearing and Zoning Variance

Dear Mr. Albright:

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 was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

-dames e. Dyer Chairman Zoning Plans Advisory Committee

JED:kkb

However, if the non-conforming use is not approved, the roadside sales area must be improved to meet all requirements for commercial access to a State highway.

By a copy of this letter, we are requesting Mr. Morris Stein, of S.H.A. Outdoor Advertising (333-1642), to comment

Very truly yours,

John Meyers-Assistant Bureau Chief-Engineering

John meyers

Access Permits

by: George Wittman

Mr. A. Jablon

Page 2 July 23, 1987

JM-GW/es

on the sign variance.

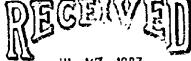
cc: Morris Stein w/att.

Maryland Department of Transportation State Highway Administration

RICHARD H. TRAINOR Secretary HAL KASSOFF Administrator

July 23, 1987

Mr. A. Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James E. Dyer



RE: Baltimore County Item #4 Property Owner: Milton C. Albright, et ux Location: SE/S Sweet Air Road, Maryland Route 145 1320 feet S. Jarrettsville Existing Zoning: R.C.5
Proposed Zoning: Special
hearing to approve a nonconforming coop roadside
stand for retail sales of farm produce (including flowers and plants) grown or propagated both on site and elsewhere. And determination of whether or not a temporary (daily use) sign could be utilized for advertisement and a variance to permit a 64' sign in lieu of the allowed 30' sign or in lieu of the allowed one square foot and if applicable to permit a permanent covered greenhouse 32' from the property line in lieu of the required 50' Axea: 2.31 acres District: 10th

Dear Mr. Jablon:

On review of the submittal for non-conforming use of a roadside stand, the State Highway Administration-Bureau of Engineering Access Permits offers the following comments.

If the site is found to be of non-conforming use, the State Highway Administration Bureau of Engineering Access Permits find the site generally acceptable for retail sales of farm produce and flowers.

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

August 3, 1987



Mr. Arnold Jablon Zoning Commissioner County Office Building

Towson, Maryland 21204 Item No. 4 -ZAC-Property Owner:

Location:

Existing Zoning: Proposed Zoning:

Meeting of July 14, 1987 Milton C. Albright, et ux SE/\$ Sweet Air Road, 1320 feet S Jarrettsville Pike

R.C. 5

Special Hearing to approve a non-conforming coop roadside stand for retail sales of farm produce (including flowers and plants) grown or propagated both on site and elsewhere. And determination of whether or not a temporary (daily use) sign could be utilized for advertisement and a Variance to permit a 64 square foot sign in lieu of the allowed 30 square foot sign or in lieu of the allowed one square foot and if applicable to permit a permanent covered green-house 32 feet from the property line in lieu of the required 50 feet 2.31 acres 10th Election District

Area: District:

Dear Mr. Jablon:

The site plan should be revised to provide for off-street parking and an entrance that will meet all State and County standards.

The present operation is hazardous to traffic safety and should not be allowed to continue.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:1t

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke Chief July 28, 1987

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

Re: Property Owner: Milton C. Albright, et ux

Denn Location: SE/S Sweet Air Rd., 1320 ft. S Jarrettsville Pike

Item No.: 4 Zoning Agenda: Meeting of 7/14/87

Gentlemen:

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

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

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

() 3. The vehicle dead end condition shown at ____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation.

(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.

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

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

REVIEWER: All Kelly 7-28-87 Noted and Approved:

Planning Group

Special Inspection Division

j1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen
County Executive

Mr. & Mrs. Milton C. Albright 3505 Sweet Air Road Phoenix, Maryland 21131

RE: Case No. 88-178-SPHA Case No. C-87-1608

10th Election District

Dear Mr. & Mrs. Albright:

Upon further review of this matter with the Zoning Commissioner, J. Robert Haines, we both agree that upon reviewing the comments from the State Highway Administration of April 26, 1988, your property is in compliance with Case No. 88-178-SPHA. As such, you can disregard my letter of June 13, 1988, for our case file will now be closed.

JAMES H. THOMPSON Zoning Coordinator

Sincerely,

JHT:ljs

cc: Mr. Gene DeDeo

County Board of Appeals of Baltimore County

Ranne 200 Court House Room 315, County Office Building Comson, Maryland 21204

(301) 494-3180

August 2, 1988

Mr. Thomas Albright 3505 Sweet Air Road Phoenix, MD 21131

> RE: Case No. 88-178-SPHA Milton Albright, et ux

Dear Mr. Albright:

Enclosed is a copy of the Order of Dismissal issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Milton Albright
People's Counsel for Baltimore County
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

6/02/88 -Note to file:

At time appeal was received in this office, Mr. Albright had expressed his opinion that matter would be resolved without need of hearing (Mr. Albright is Appellant /Petitioner in this case).

Property was not posted until 5/31/88; to date have not received notice of dismissal from Mr. Albright, although he has discussed matter with WTH.

Did not set for hearing at this time pending receipt of dismissal request.

6/20/88 -Conversation w/J Criss on behalf of Mr. Tom Albright -Settlement is almost complete; once signatures have been
obtained, Mr. Albright will most probably request short
hearing to put agreement and dismissal on record.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines Zoning Commissioner

May 9, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Maryland 21204

RE: Petition for Special Hearing and Variances
S/S Sweet Air Road, approx. 1370' SE of
Jarrettsville Fike
(3505 Sweet Air Road)
10th Election District, 6th Councilmanic District
Milton C. Albright, et ux - Petitioners
Case No. 88-178-SPHA

Prog Board:

Please be advised that an appeal of the above-referenced case was in this office on April 6, 1988 by Thomas M. Albright. All als relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please to not hesitate to contact this office.

Very truly yours,

J. Robert Haines / can

J. ROBERT HAINES
Zoning Comissioner

JRH:cer

Cc: Pcople's Counsel
Court House, Room 223
Towson, MD 21204

Mr. & Mrs. Milton C. Albright 3505 Sweet Air Road Phoenix, MD 21131

RECEIVED

COUNTY BOARD OF APPEALS

HEND REAL AND 31

74e Jacksonville Volunteer Fire Company

Phoenix, P.O. Maryland 21131

Mr Thomas Albright 3505 Sweet Air Road Phoenix, Maryland 21131

November 9, 1987

Dear Tom,

In our regular Board of Directors meeting of November 1, 1987 it was moved, seconded, and placed into our minutes that the Fire Company had no objections to your operation of a produce stand across from our station on Sweet Air Road.

Howard F. Wieder r.

PETTION 1

Baltimore County Zoning Commissor Towson, Md. 21204

Cear Sirs:

My family moved next to the Albrights, at 3505 Sweet Air Road, during 1963. Since that time they have been selling produce at this location.

We have never incurred any inconviences due to the selling of produce from their residence.

Respectively,

Jordan Hoffer //s/6/

G

Greater Jacksonville Association inc.

P. O. BOX No. 126

PHOENIX, MARYLAND 21131

October 29, 1987

Zoning Commissioner Baltimore County Towson, MD 21204

Dear Sir:

The Greater Jacksonville Association is a community association, with a current membership of about 350 families, who live in the greater Jacksonville area. We have been in existance for approximately 10 years.

During our 10 year existance we have never received a complaint about produce sales at 3505 Sweet Air Road by the Albright family - nor are we aware of any complaints made to other associations in the area.

Please understand that we are not taking a side in the issue of whether or not produce sales at 3505 Sweet Air Road should be permitted. We are simply stating that we unaware of any concerns in the community about this operation during the past 10 years.

Very truely yours,

Any yours,

Larry Morgan

President

3

THE UNIVERSITY OF MARYLAND

Cooperative Extension Service

BALTIMORE COUNTY OFFICE 9811 Van Buren Lane Cockeysville, Maryland 21030

October 29, 1987

Mr. Robert Haines Zoning Commissioner Baltimore County III West Chesapeake Ave. Towson, Maryland 21204

Dear Mr. Haines,

I am writing to you to express my concerns relative to the roadside market operated by Thomas Albright at 3505 Sweet Air Road in Jacksonville. I have served with the Cooperative Extension Service in Baltimore County since 1970 and one of my primary responsibilities is conducting educational programs for fruit and vegetable growers. I have worked closely with Tom for the past 17 years, starting in 1970 when he was a 4-H member selling produce at this location.

I am concerned that a neighbor has raised the question as to whether this roadside market should continue at this location. Having sold farm produce at this location for over 17 years, I feel that Tom has every right to continue this business at this site. I know Tom to be r onscientious, hard-working individual who takes pride in the quality of produce waich he grows and sells. Over the years, Tom's business has continued to grow and I have heard many complimentary remarks about his produce and his methods of marketing.

A major portion of Tom's income is received from this roadside market. It would be a severe plow if he should be forced to close. I strongly support his request to remain at this location where he has sold produce for over 17 years.

Sincerely,

2. Rechard Curran County Extension Director BALTIMORE COUNTY

PETTIONERS EMMERITY

PETITION 13

EXHIBIT 9

3505 Sweet Air Rd.

Phoenix Md. 21131

November 6 1987

College Park Fastern Shore • Local Governments • U.S. Department of Aquiculture Congression The University of Maryland is an equal opportunity institution with respect to both education and employment. The university's policies programs and activities are in conformance with perturant federal and state laws and requisions, on nondiscrimination regarding race color, religion, age, national prignt, sex and handicap, includes regarding compliance with Title VI of the Civil Pights Act of 1964, as emercical 7 feet IX of the Educational Amendments. Section 504 of the Rehabilitation Act of 1973, or related legal requirements should be directed to the Human Resources.

HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401-1991

July 8, 1987

ELLEN R. SAUERBRE MINORITY LEADER LOWE HOUSE OFFICE BUILDING

DISTRICT OFFICE: 4122 SWEET AIR ROAD BALDWIN MARYLAND 21013

Mr. Arnold Jablon Baltimore County Zoning Commissioner Office of Planning and Zoning III West Chesapeake Avenue Towson, Maryland 21204

Dear Commissioner Jablon:

I know that the Albright family at 3505 Sweet Air Road is applying for a special exception for their roadside vegetable business. Their application for the special exception is based on the fact that their business predates the current zoning of their property.

I can attest that I have been purchasing vegetables and plants at this location since 1971, and I believe that the business was operated there for several years prior to this date.

The Albrights are good neighbors and always maintain a low visability operation, which provides the community with fresh produce and is very accepted as a part of the neighborhood in which it operates.

Willen K. Januar breez

ERS:elw

PETTONER'S EXHIBIT_



County Board of Appeals of Baltimore County

Towson, Margland 21204 (301) 494-3180

सैन्वता राग्य क्यार भेन्या Room 315, County Office Building

Mr. Thomas Albright 3505 Sweet Air Road Phoenix, MD 21131

> RE: Case No. 88-178-SPHA Milton Albright, et ux

Dear Mr. Albright:

Enclosed is a copy of the Order of Dismissal issued this date by the County Board of Appeals in the subject case.

Sincerely,

Karpen I. Elecardan mer Kathleen C. Weidenhammer Administrative Secretary

P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney



Encl.

cc: Mr. & Mrs. Milton Albright People's Counsel for Baltimore County

Colletreem Rad Belto Co, Joning Board. -4 4 x1/14 x112 x1;

With reflexince to the Rond Stand Et Toin allnight on Sweething Read.

Line fredera + has been there for Many yEars. Ever 14 years both There a on our our farm farm.

There is net trappe hazand as any stopping is an his

-Thimas Trick in

IN THE MATTER OF

THE APPLICATION OF MILTON ALBRIGHT, ET U

JARRETTSVILLE PIKE

(3505 SWEET AIR ROAD)

10th ELECTION DISTRICT

6th COUNCILMANIC DISTRICT

SIDE OF SWEET AIR ROAD,

FOR A SPECIAL HEARING AND VARIANCES

APPROXIMATELY 1370' SOUTHEAST OF

ON PROPERTY LOCATED ON THE SOUTH

IT IS HEREBY ORDERED this 2nd day of August , 1988 that said appeal be and the same is hereby DISMISSED.

Case No. 88-178-SPHA Milton Albright, et ux

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ORDER OF DISMISSAL

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

CASE NO. 88-178-SPHA

This case is an appeal from the decision of the Zoning Commissioner dated March 9, 1988, which granted the Petition for Special Hearing and granted with conditions the Petition for Variance on the subject property located in the Tenth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed July 21, 1988 (a copy of which is attached hereto and made a part hereof) from the Appellant in the above-entitled case; and

WHEREAS, the Board is in receipt of a letter from James H. Thompson, Zoning Coordinator, dated July 1, 1988 (a copy of which is attached hereto and made part hereof) indicating compliance with Case No. 89-178-SPHA; and

WHEREAS, the Board is in receipt of a letter from C. Richard Moore, Bureau of Traffic Engineering, dated June 13, 1988 (a copy of which is attached hereto and made a part hereof) also substantiating compliance with Case No. 88-178-SPHA; and

WHEREAS, the said Appellant requests that the appeal filed by said Appellant be dismissed and withdrawn as of July 21, 1988,

Towson Md. 21204

Mr J Robert Haines

Zoning Commissioner

113 County Office Building

111 West Chespeake Avenue

Refer. Case #88-178 SPHA

In reference to the application for a variance from section 413.1.C. to permit a 64 sq ft [32 sq ft per side] sign in lieu of the allowed 30 sq ft . I have made a note of a few facts below.

Dear Mr Haines



ALBRIGHT'S PRODUCE 3505 SWEET AIR ROAD PHOENIX, MARYLAND 21131 Tom Albright (301) 666-1116

Baltimore County Board of Appeals Baltimore County Office Building Room 315 Towson, Maryland 21204

> RE: Case No. 88-178-SPHA Case No. C-87-1603 10th Election District

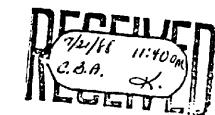
Dear Sire:

Sincerely,

Through correspondance recieved from the Zoning Commissioner, County Chief - Bureau of Traffic Engineering and the State Chief - Bureau of Traff'c Engineering (copies enclosed) we have been notified that we are not in violation of Condition #1 of the Findings of Facts and Conclusions of Law Case No. 88-178-SPHA.

Since our property is in compliance we are withdrawning our wppeal. We do request, however, that this letter and the attached copies be placed with the order of dismisal.

Thomas M. Albright



Fresh Vegetables in Season Custom Grain Fed Beef

ALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines

Mr. Norman E. Gerber, AICP, Director Office of Planning and Zoning SUBJECT Zoning Petition No. 88-178-SpHA

> As to the portion of the petition relating to nonconforming use and the yard setback, this office offers no comment; however, we do not support the request for a sign variance.

> > Office of Planning and Zoning

October 22, 1987

NEG/JH/jat

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



ZONING OFFICE

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Commissioner

July 1, 1988



Mr. & Mrs. Milton C. Albright Phoenix, Maryland 21131 RE: Case No. 88-178-SPHA Case No. C-87-1608

Dear Mr. & Mrs. Albright:

3505 Sweet Air Road

Upon further review of this matter with the Zoning Commissioner, J. Robert Haines, we both agree that upon reviewing the comments from the State Highway Administration of April 26, 1988, your property is in compliance with Case No. 88-178-SPHA. As such, you can disregard my letter of June 13, 1988, for our case file will now be closed.

10th Election District

ZONING OFFICE

4201 Green Glade Road Phoenix, Maryland 21131 November 4, 1987

Mr. J. Robert Haines Zoning Commissioner 113 County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Refer Case # 88 - 178 SPHA

Dear Mr. Haines;

I have been a resident of the Phoenix area for over 32 years.

About 1960 I started purchasing fruit and produce from a young 4H member. His name is Thomas Allbright and he lived at 3505 Sweet Air Road, Phoenix, Maryland.

I have been a regular customer ever since.

Very truly yours,

Marquerete Jackson Marguerite Jackson Mrs. Albert M. Jackson Phone: 592 - 7006

ALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines Zoning Commissioner

June 13, 1988

FROM C. Richard Moore, Bureau Chief, Bureau of Traffic Engineering

SUBJECT Baltimore County / Albright Produce

This office has reviewed the subject petition and finds that all access is to State roads and are therefore subject to State Highway Administration approval and we therefore would accept the State's comments as to access.

> C. Richard Moore, Bureau Chief Bureau of Traffic Engineering

CRM:bza

cc - Mr. Thomas M. Albright, Albright's Produce, 3505 Sweet.

- Air Road, Phoenix, Maryland 21131

Mr. Jeremy Criss, Department of Environmental Protection

Creston J. Mills, Jr. Chief-Bureau of Engineering Access Permits

improvements will be required.

cc: Larry Brocato

JM/es

My telephone number is (301)___333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free
707 North Calvert St., Baitimore, Maryland 21203-0717

In response to our telephone conversation of April 25, we hereby confirm our position as stated in our letter to former Zoning Commissioner Jablon of July 23, 1987 that states as

If the site is found to be of non-conforming use, the State Highway Administration-Bureau of Engineering Access Permits find the site generally acceptable for retail sales of farm produce

However, if the non-conforming use is not approved, the roadside sales area must be improved to meet all requirements for commercial access to a State highway.

We would like to take this opportunity to state that if any additional improvements are made to the business or if any

appreciable items other than farm produce is sold, entrance

On review of the submital for non-conforming use of a roadside stand, the State Highway Administration-Bureau of Engineering Access Permits offers the following.

Maryland Department of Transportation

State Highway Administration

Mr. Thomas Milton Albright

14345 Jarrettsville Pike Phoenix, Maryland 21131

Dear Mr. Albright:

ALBRIGHT'S PRODUCE 3505 SWEET AIR ROAD PHOENIX, MARYLAND 21131

Tom Albright (301) 666-1116

April 23, 1988

Mr. J. Robert Haines Zoning Commissioner Balto. Co. Zoning Commission Office of Planning & Zoning Towson, MD 21204

Dear Mr. Haines

I am writing you, in reference to case number 88-178-SPHA.

As per the orginal order, we will bring our sign into compliance with B.C.Z.R.. Also, we will not operate during the months of December, January, and February.

However, a copy of a letter that should be in the case file from Mr. John Meyers, Assistant Bureau Chief-Engineering, Access Permits State Highway Administration, that states if the site is found to be non-conforming then the SHA finds the site generally acceptable for the retail sales of farm produce and flowers.

We are willing to place stone dust along the shoulder of the road to control any dust or mud from entering the road.

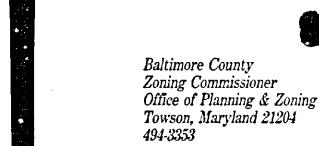
Also, to clarify a another point about the customized meat, we take orders for this over the phone. The meat is cut at a state certified butcher shop and then delivered directly to the customer. We do not actually sell the meat at this location, we only place a sign at this site for advertisement. This situatuion is also similiar for the hay and straw.

The reason we have filed for an appeal is because Mr. Jeremy Criss, Liasion for Agriculture to Balto. Co., was unable to contact your office in the thirty day appeal period. We hope to resolve this in the most efficient manner.

Sincerely, Thomas M. allyst Thomas M. Albright

cc: Jeremy Criss

Fresh Vegetables in Season Custom Grain Fed Beef



J. Robert Haines



Richard H. Trainor

Secretary

Hal Kassoff

Administrator

April 26, 1988

Pike

Very truly yours,

Item #4

Re: Baltimore County
Albright Produce

Zoning Petition

S/S Sweet Air Road Maryland Route 145

1300' East Jarrettsville

Dennis F. Rasmussen

March 9, 1983

Mr. Milton C. Albright 3505 Sweet Air Road Phoenix, Maryland 21131

> Re: Petition for Special Hearing and Variances Case No. 88-178-SPHA Milton C. Albright, et ux

Dear Mr. Albright:

Pursuant to the recent hearing held on the subject case, please be advised that the Petition for Special Hearing and Variances have been

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

> Very truly yours, ablet Haines J. ROBERT HAINES ZONING COMMISSIONER

JRH:mmn enclosure