

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 :

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) 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 a 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WHEREAS, the said Appellant requests that the appeal filed by said Appellant be dismissed and withdrawn as of July 21, 1988,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, 1988 that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Arnold G. Foreman
Arnold G. Foreman

Lawrence E. Schmidt
Lawrence E. Schmidt



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

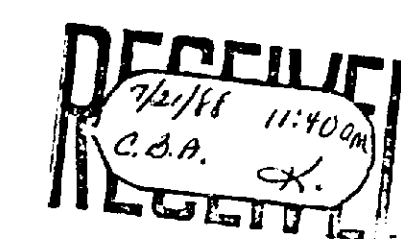
Dear Sirs:

Through correspondence received 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 withdrawing our appeal. We do request, however, that this letter and the attached copies be placed with the order of dismissal.

Sincerely,

Thomas M. Albright
Thomas M. Albright



Fresh Vegetables in Season Custom Grain Fed Beef

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

July 1, 1988



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.

Sincerely,

James H. Thompson
Zoning Coordinator

JHT:ljs

cc: Mr. Gene DeDeo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines
Zoning Commissioner
TO: June 13, 1988
Date:

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
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 Griss, 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 submittal 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,

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

JM/es

cc: Larry Brocato

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-432-5094 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

APPEAL

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

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 & 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

Case No. 88-178-SPHA
Appeal
Page 2

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 Howell, 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

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



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

April 6 1988

To Whom It May Concern:

I would like to request a appeal on Case No. 88-178-SPHA.

Thank you for your consideration

Thomas M. Albright

RECEIVED
APR 5 1988

ZONING OFFICE

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

No. 45999

DATE 4/5/88 ACCOUNT B-71-675-000

AMOUNT \$ 165.00

RECEIVED FROM Thomas M. Albright, 3505 Sweet Air Road, Phoenix, Maryland 21131

FOR: Appeal Filing & Petition Fee in Case No. 88-178-SPHA, Milton C. Albright, et ux - Petitioner

B B CEN *****16500: a 2033F
VALIDATION OR SIGNATURE OF CASHIER

Fresh Vegetables in Season Custom Grain Fed Beef

Site Form
Land

Scale 1"=50'

2.31 Acres
Owner: Milton C. & Paula Albright
District 10 RC-5

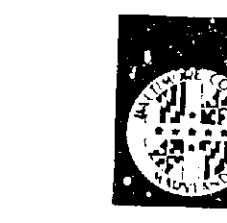
PETITIONER'S
EXHIBIT

PLAT FOR ZONING
SPECIAL HEARING AND
VARIANCES

88-178-SPHA

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
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.

Very truly yours,

J. Robert Haines /s/ J. ROBERT HAINES
Zoning Commissioner

JRH:cer

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

APPEAL

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

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Zoning Commissioner's Order dated March 9, 1988

Notice of Appeal received April 6 from Thomas M. Albright

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines
Zoning Commissioner

TO: Date: 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
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

RECEIVED

JUN 14 1988

DEPT. OF
ENVIRONMENTAL MANAGEMENT

CPS-008



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 original 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 situation is also similar for the hay and straw.

The reason we have filed for an appeal is because Mr. Jeremy Criss, Liaison 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. Albright

cc: Jeremy Criss

Fresh Vegetables in Season Custom Grain Fed Beef

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE * BEFORE THE
S/S Sweet Air Road, approx * ZONING COMMISSIONER
1370' SE of Jarrettsville * OF BALTIMORE COUNTY
Pike (3505 Sweet Air Road) * Case No. 88-178-SPHA
10th Election District
6th Councilmanic District
Milton C. Albright, et ux
Petitioners *

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 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', 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

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 Hoffer, 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 -

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 illegal 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 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.

The issue raised in the special hearing concerning the type of sign that is 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.

- 5 -

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 413.1.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 9th 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,

JRH:mmm
cc: Peoples Counsel

- 6 -

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 products 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., 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:

1. 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 site.
4. The Petitioner shall not improve the farmer's co-op roadside stand with any kind of 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.

J. Robert Haines
ZONING COMMISSIONER OF
BALTIMORE COUNTY

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 roadside 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.

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

PETITION FOR ZONING VARIANCE
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

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 lieu 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 required 50 ft..

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of September, 1988, 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 the 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 12th day of November, 1988, at 2:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

The Petitioner's Exhibit 2, which is from Gordon Hofler, indicates that he has personal knowledge of the Albrights' produce operation since 1965. 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

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,

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 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.

THEREFORE, IT IS ORDERED this 12th 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,

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.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn
cc:Peoples Counsel

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Gene W DeDeo Jr	12729 Menck Rd
Barry Elizabeth Jones	for The Truist Church of 1606 Harrison Rd SE
Gene W DeDeo Sr.	12729 Menck Rd.

- 6 -

- 7 -

- 5 -

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
County Executive

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/S 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
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



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 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'
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 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
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 require-
ments 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.



November 3, 1987

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

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 Planning 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,

James E. Dyer / KUB
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:k kb
Enclosures:

**Maryland Department of Transportation
State Highway Administration**

RICHARD H. TRAINOR
Secretary

HAL KASSOFF
Administrator

July 23, 1987

RE: Baltimore County
Item #4
Property Owner: Milton C. Albright, et ux
Location: SE/S Sweet Air Rd. Maryland Route 145
1320 feet S. Jarrettsville Pike
Existing Zoning: R.C.5
Proposed Zoning: Special
Requesting to approve a non-conforming corner 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 advertising and a variance to permit 64" sign in lieu of the allowed 30' sign or in lieu of the allowed one square foot area application to permit a permanent covered greenhouse 32' from the property line in lieu of the required 50' Area 2.31 acres
District: 10th

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

RECEIVED
JUL 27 1987
ZONING OFFICE

Dear Mr. Jahlbon:

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 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
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.

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

August 3, 1987

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

Item No. 4 7-ZAC-
Property Owner:
Location:

Existing Zoning:
Proposed Zoning:

Meeting of July 14, 1987
Milton C. Albright, et ux
SE/5 Sweet Air Road, 1320 feet S
Jarettsville Pike
R.C. 5
Special Hearing to approve a non-
conforming corner roadside stand for
retail sales of farm produce (including
flowers and plants) grown or propagated
both on site and elsewhere. And
to issue or in lieu of the allowed
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
feet sign or in lieu of the allowed
one square foot and one 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:

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-14

Baltimore County
Fire Department
Towson, Maryland 21204-2336
494-4300

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

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.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and
Planning Group Approved: John F. O'Neill
Special Inspection Division Fire Prevention Bureau

/31

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

J. Robert Haines
Zoning Commissioner

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.

Sincerely,

J. Robert Haines
JAMES H. THOMPSON
Zoning Coordinator

JRH:ljjs

cc: Mr. Gene DeDeo



County Board of Appeals of Baltimore County

~~Room 315, County Office Building~~
Towson, 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
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Milton Albright
People's Counsel for Baltimore County
P. David Fields
James G. Roswell
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 and Zoning
Towson, Maryland 21204
494-3353

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 Rd.)
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 in this office on April 6, 1988 by Thomas M. Albright. All file 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.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

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

RECEIVED
COUNTY BOARD OF APPEALS
JAN 11 1988

The Jacksonville Volunteer Fire Company

Phoenix, P.O. Maryland 21131
666-3736

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.

Sincerely,

Howard F. Wiedner
Howard F. Wiedner
Treasurer

PETITIONER'S
EXHIBIT 4

Baltimore County
Zoning Commissioner
Towson, Md. 21204

Dear 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 inconveniences due to the selling of produce from their residence.

Respectively,

John E. Hoffman
John E. Hoffman
Jordan Hoffman

PETITIONER'S
EXHIBIT 2

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 existence for approximately 10 years.

During our 10 year existence 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 are unaware of any concerns in the community about this operation during the past 10 years.

Very truly yours,

Larry Morgan
Larry Morgan
President

PETITIONER'S
EXHIBIT 3



Date Planted	Crop	Variety	Days to Harvested	Total row length	Yield in Pounds	Value of Vegetables Used at home	Sold
1	2	3	4	5	6	7	8
Aug 2, 1916	Pumpkins	Big Mc. Long	Oct. 1	12 ft.	120	\$	\$ 50-4
Aug 12, 16	Beans	Big Tom	Oct. 1	8 ft.	100		50-4
Aug 2, 1916	Squash	Big Round	Oct. 1	4 ft. 2 in.	100		
Aug 2, 1916	Squash	Big Round	Sept. 15	72 in.	12 1/2		\$ 2-10
Aug 2, 1916	Squash	Big Round	Sept. 15	15 ft.	150		\$ 1-20
Aug 12, 1916	Beans	Big Tom	Oct. 1	4 ft. 2 in.	10		4-6
Aug 2, 1916	Corn	Amish	Oct. 1	18 ft. 4 in.	300		10-75

EXHIBIT 2

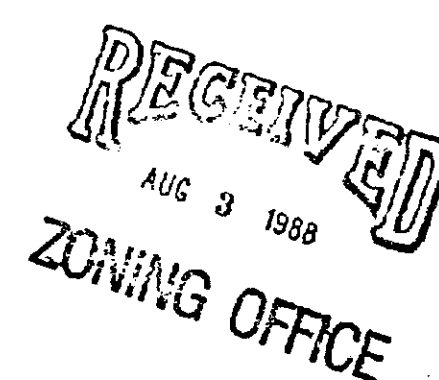
ESTIMATE THE VALUE OF VEGETABLES USED AT HOME BASED UPON LOCAL RETAIL STORE PRICES. INCLUDE HOUSEHOLD USE.

PLANTING, HARVEST AND SALES RECORD

6

PETITIONER'S
EXHIBIT 9

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.



IN THE MATTER OF :
THE APPLICATION OF :
MILTON ALBRIGHT, ET UX : BEFORE
FOR A SPECIAL HEARING AND VARIANCES : COUNTY BOARD OF APPEALS
ON PROPERTY LOCATED ON THE SOUTH :
SIDE OF SWEET AIR ROAD, : OF
APPROXIMATELY 1370' SOUTHEAST OF : BALTIMORE COUNTY
JARRGETTSVILLE PIKE :
(1305 SWEET AIR ROAD) :
10th ELECTION DISTRICT : CASE NO. 88-178-SPHA
6th COUNCILMANIC DISTRICT :

ORDER OF DISMISSAL

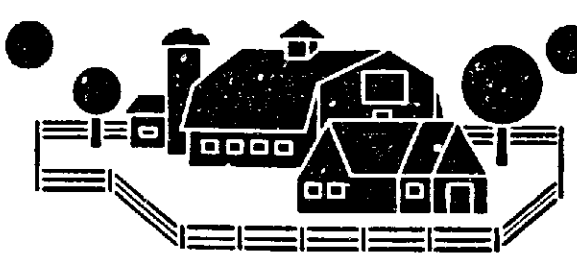
WHEREAS, the said Appellant requests that the appeal filed by said Appellant be dismissed and withdrawn as of July 21, 1988.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Arno'd G. Foreman

Lawrence E. Schmitz



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

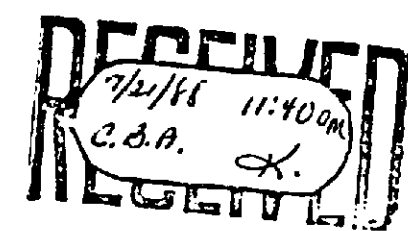
Dear Sirs:

Through correspondence received 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 withdrawing our appeal. We do request, however, that this letter and the attached copies be placed with the order of dismissal.

Sincerely,

Thomas M. Albright
Thomas M. Albright

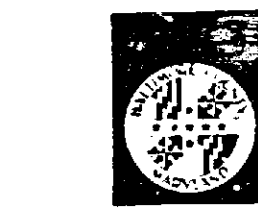


Fresh Vegetables in Season Custom Grain Fed Beef

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

J. Robert Haines
Zoning Commissioner

July 1, 1988



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-87-1603
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.

Sincerely,

JAMES H. THOMPSON
Zoning Coordinator

JHT:lljs

cc: Mr. Gene DeDeo

ALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Robert Haines
Zoning Commissioner Date: 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
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

CPS-008



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 submittal 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,

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

JM/es

cc: Larry Brocato

My telephone number is (301) 333-1350

383-7555 Baltimore Metro - 888-0451 D.C. Metro - 1-800-492-5982 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

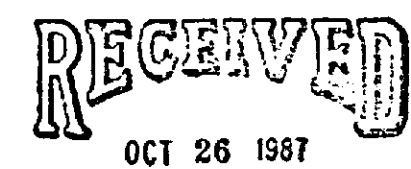
TO: Mr. J. Robert Haines, Zoning Commissioner Date: October 22, 1987
FROM: Mr. Norman E. Gerber, ACP, Director Office of Planning and Zoning
SUBJECT: Zoning Petition No. 88-178-SPHA

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

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

NBG/2H/jat

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



ZONING OFFICE



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:

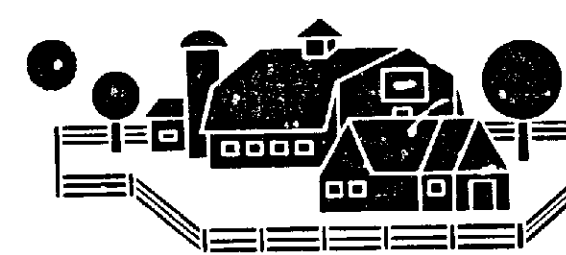
I have been a resident of the Phoenix area for over 32 years.

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

I have been a regular customer ever since.

Very truly yours,

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



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 original 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 situation is also similar for the hay and straw.

The reason we have filed for an appeal is because Mr. Jeremy Criss, Liaison 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. Albright
Thomas M. Albright

cc: Jeremy Criss

Fresh Vegetables in Season Custom Grain Fed Beef

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

March 9, 1988

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 Granted.

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

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mm
enclosure