

FREDERICK E. SIEBER  
 #12000 FALLS ROAD  
 SM 16091/105  
 08-13-095170

MARGARET E. MILLS  
 SM 13606/650  
 08-08-002350

KENNETH R. SADDFSKY  
 SM 13170/703  
 08-03-067175

WILLIAM J. SALLADIN  
 #11838 FALLS ROAD  
 ENKJR 6736/546  
 08-18-035675

SHIRLEY L. HOLLOWAY  
 ROBERT E. HOMER  
 NANCY M. DOLD  
 #11326 FALLS ROAD  
 SM 8537/105  
 16-00-014222

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
 W/S Falls Road, 2200 NW of c/l Broadway Road  
 11950 Falls Road  
 8th Election District  
 3rd Councilmanic District  
 Legal Owner: Robert Dold  
 Contract Purchaser: Dennis Peddy

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31<sup>st</sup> day of November 1988 that the Petition for Special Hearing to approve a nonconforming use for a Country Store, with Food and Grocery sales and Deli operation, Household Hardware, and Lawn Mower Sales and Service with Plant and Tree Sales, Christmas Tree Sales and Accessory Lawn and Garden Supplies and Equipment for sale, not including contractors or construction companies, landscaping or trucking operation, or an automobile service garage, as indicated on the Petitioner's Exhibit No. 1, be and is hereby GRANTED.

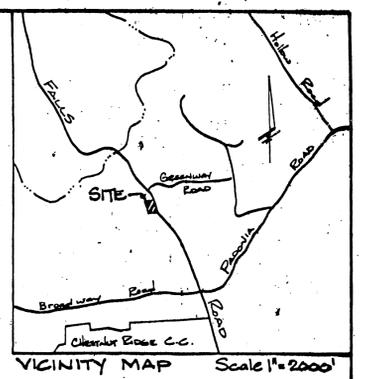
J. Robert Haines  
 ZONING COMMISSIONER OF BALTIMORE COUNTY

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
 W/S Falls Road, 2200 ft. NW of c/l Broadway Road  
 11950 Falls Road  
 8th Election District  
 3rd Councilmanic District  
 Legal Owner: Robert E. Dold  
 Lessee: Dennis Peddy  
 Petitioner

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13<sup>th</sup> day of August 1993 that, pursuant to the Petition for Special Hearing, approval to permit the addition of a barber shop, as a permitted use, within the existing facility known as the Ridge Store, and to amend the special hearing granted in case No. 89-204-SPH, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED.

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt  
 Zoning Commissioner for Baltimore County



GENERAL NOTES

- 1) OWNER: JAMES G. HAMMOND  
 1517 APPLECROFT LANE  
 COCKEYSVILLE, MD 21030
- 2) TAX ACCOUNT NUMBER / ACREAGE / DEED REFERENCE:  
 19-00-004961 0.6515 ACRES SM 16215 / 210  
 08-10-046002 0.846 ACRES SM 16215 / 210  
 08-10-046003 0.16 ACRES SM 16215 / 210
- 3) TAX MAP 50 GRID 24 PARCELS 304, 297 & 267
- 4) THE BOUNDARY AND THE IMPROVEMENTS SHOWN HEREON ARE FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
- 5) THE SUBJECT PROPERTY IS ZONED RC 4
- 6) 200' SCALE ZONING MAP NO. NW 15 D
- 7) THE SITE IS SERVICED BY WELL AND SEPTIC
- 8) THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA
- 9) BUILDING USES (EXISTING / PROPOSED):  
 BUILDING A - COUNTRY STORE, GROCERY & GASOLINE SALES / SAME  
 BUILDING B - STORAGE / LAWN AND GARDEN EQUIPMENT SALES AND SERVICE  
 GARDEN CENTER AND CHRISTMAS TREE SALES  
 BUILDING C - STORAGE / LAWN AND GARDEN EQUIPMENT SERVICE AND STORAGE  
 BUILDING D - STORAGE / SAME
- 9) PRIOR ZONING CASES: 89-204 SPH (ORDER ATTACHED)  
 94-14 SPH (ORDER ATTACHED)

PER "SPIRIT AND INTENT LETTER" DATED JULY 6, 2004 ALLOWING THE PLACEMENT OF ONE EXTERIOR GRILL AND TWO OUTDOOR PICNIC TABLES AS PART OF THE LEGAL NON-CONFORMING USE OF THE PROPERTY FOR A DELI OPERATION AS ESTABLISHED IN ZONING CASE 89-204-SPH IS SUBJECT TO THE FOLLOWING:

1. THE GRILL AND TABLES MUST BE AT THE LOCATION SHOWN ON THIS SITE PLAN.
2. NO SEATING, SALES, COMMODITIES, OR INVENTORY SHALL BE KEPT IN THE VICINITY OF THE GRILL. ONLY EMPLOYEES AND MATERIALS IMMEDIATELY NEEDED FOR THE OPERATION OF THE GRILL SHALL BE IN THE GRILL AREA.
3. FINAL FOOD PREPARATION, CONDIMENTS, AND ALL SALES MUST TAKE PLACE INSIDE THE EXISTING DELI STORE, WHICH MUST BE OPEN FOR BUSINESS ANY TIME THE OUTSIDE GRILL IS IN OPERATION. NO OUTSIDE SALES WILL BE PERMITTED.
4. ALL FOOD REMOVED FROM THE DELI STORE BY CUSTOMERS MUST BE PACKAGED FOR TAKE OUT AND NOT ON OPEN TRAYS OR PLATES. THE TABLES OUTSIDE ARE NOT TO BE USED AS A RESTAURANT, BUT ONLY AS A CONVENIENCE FOR CUSTOMERS.
5. THE OWNER MUST SUBMIT TO THIS OFFICE AN AFFIDAVIT THAT THE DELI OPERATION COMPONENT OF THE ESTABLISHED NON-CONFORMING USE OF THE PROPERTY AS DESCRIBED IN ZONING CASE 89-204-SPH HAS BEEN IN CONTINUOUS OPERATION AND HAS NOT IN FACT CEASED FOR A PERIOD GREATER THAN ONE YEAR.
6. IF ANY MERITORIOUS COMPLAINTS ARE RECEIVED REGARDING THE OUTSIDE GRILL OR TABLES, THOSE OPERATIONS MUST CEASE AND A SPECIAL ZONING HEARING WILL BE REQUESTED TO AMEND THE ZONING CASE NUMBER 89-204-SPH.

AGREED AND ACCEPTED:

JAMES G. HAMMOND, OWNER  
 DATE: 6/29/04

TIMOTHY M. KOTROCO, DIRECTOR  
 DATE: 7/29/04  
 BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

PLAT TO ACCOMPANY JULY 6, 2004 SPIRIT AND INTENT LETTER

#11943 & #11950 FALLS ROAD  
 8<sup>th</sup> ELECTION DISTRICT, 3<sup>rd</sup> COUNCILMANIC DISTRICT  
 BALTIMORE COUNTY, MARYLAND

REVISIONS	DATE
ADDITION OF SPIRIT AND INTENT NOTES LOCATION OF PICNIC TABLES AND GRILL	July 22, 2004



SCALE: 1"=30'  
 DATE: JAN. 30, 2003  
**GERHOLD, CROSS & ETZEL**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 Suite 100  
 320 East Towsontown Boulevard  
 Towson, Maryland 21286  
 (410) 823-4470

**AFFIDAVIT OF JAMES G. HAMMOND**

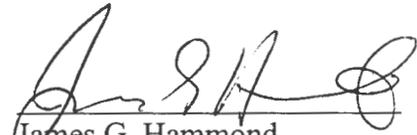
I, James G. Hammond, hereby declare and affirm as follows:

1. I am over twenty-one (21) years of age, and I am competent to testify to the matters set forth in this Affidavit.
  
2. The matters set forth in this Affidavit are based upon my own personal knowledge.
  
3. I am the legal owner and operator of The Ridge Store located at 11942 and 11950 Falls Road in Baltimore County, Maryland (the "Property").
  
4. I purchased the Property in March of 2002.
  
5. The prior owner of the Property operated as part of The Ridge Store a deli, which had been in continuous operation from 1989 until August of 2003.
  
6. Operation of the deli component of The Ridge Store, as described in Case No. 89-204-SPH, was temporarily interrupted on or about August 11, 2003.
  
7. The Ridge Store deli was reopened on July 5, 2004, less than one (1) year from the date its operation ceased temporarily.

1989-0204-SPH

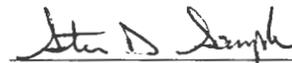
I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.

Date: 7/14/04

  
James G. Hammond

I HEREBY CERTIFY that on this 14<sup>th</sup> day of July, 2004, before me, a Notary Public of the State of Maryland, **James G. Hammond** personally appeared and made oath in due form of law that the matters and facts set forth above are true.

AS WITNESS my hand and Notarial Seal.

 STEVEN D. SAMPLE  
Notary Public

My Commission Expires: 4-01-2006

**Department of Permits and  
Development Management**

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



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

July 6, 2004

David H. Karceski  
Venable, LLP.  
210 Allegheny Avenue  
Towson, Maryland 21285

Dear Mr. Karceski:

RE: Spirit and Intent Letter, The Ridge Store 1948 Falls Road  
Cockeysville, Maryland 21030, 8<sup>th</sup> Election District  
Case No. 89-204-SPH

Reference is made to your letter of 6/29/04, to Timothy Kotroco, Director of Permits and Development Management, which has been referred to me for reply. You have requested on behalf of your client, that the above property which enjoys a non-conforming use via zoning case number 89-204-SPH, be allowed an outside grilling area and picnic tables to support the inside deli operation.

The staff has discussed this proposal with the Director, Timothy Kotroco. It is the opinion of this office that the addition of one exterior grill and two outdoor picnic tables as part of the existing legal non-conforming use of the property for a deli operation as established in zoning case 89-204-SPH is within the "spirit and intent" of same said case subject to the following:

1. The grill and tables must be at the locations shown on the provided site plan.
2. No seating, sales, commodities, or inventory shall be kept in the vicinity of the grill. Only employees and materials immediately needed for the operation of the grill shall be in the grill area.
3. Final food preparation, condiments, and all sales must take place inside the existing deli/store, which must be open for business any time the outside grill is in operation. No outside sales will be permitted.
4. All food removed from the deli store by customers must be packaged for take out and not on open trays or plates. The tables outside are not to be used as a restaurant, but only as a convenience for customers.
5. The owner must submit to this office an affidavit that the deli operation component of the established non-conforming use of the property as

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described in zoning case 89-204-SPH has been in continuous operation and has not in fact ceased for a period greater than one year.

6. If any meritorious complaints are received regarding the outside grill or tables, those operations must cease and a special zoning hearing will be requested to amend the zoning case number 89-204-SPH.
7. An updated, scale, and dimensioned site plan must be prepared, including conditions 1-6, the owner's and Directors' signature that they agree to the above conditions, and included in the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact myself or Lloyd Moxley in this office at 410-887-3391.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR/ clb

**BALTIMORE COUNTY, MARYLAND**  
**Interoffice Memorandum**

89-204-376

DATE: January 21, 2003

TO: File, Mr. James Hammond, owner, -Falls Road Community Association  
Ms. Debbie Files, Aide to Hon. Kevin Kamenetz

FROM: Lloyd T. Moxley, Planner II, Zoning Review

SUBJECT: Telephone Discussion of points contained in the "Findings of Fact and  
Conclusions of Law" in Zoning Case No. 89-204 as it applies to the  
Ridge Country Store, 11948 Falls Road, 8<sup>th</sup> Election District

The Office of Zoning Review is in receipt of letter inquires generated by the property owner and by an interested community association in connection with the above referenced property. These inquires were forwarded to the Office of Zoning Review through the Office of the Honorable Kevin Kamenetz, Councilman for the 2<sup>nd</sup> Councilmanic District. The following is a summary of a telephone conversation I conducted with the property owner, Mr. Hammond on January 21, 2003 in response to said inquiries.

The conversation began with my reiteration of the position adopted by this office as explained in my letters dated April 20<sup>th</sup> and June 11<sup>th</sup> of 2001. Mr. Hammond then expressed concern that language contained in the aforementioned zoning case and my June letter placed undue restrictions on his enterprise. Mr. Hammond specifically took issue with the statement in said order, "*The service of lawn mowers is only for products sold on site*" and also the second paragraph of my June 11, 2001 letter. Mr. Hammond felt that testimony in the original hearing might not have accurately portrayed the extent of the commercial activity on the site as it pertained to gasoline sales and lawn mower repair.

My response to Mr. Hammond was that the opinion formed by then Zoning Commissioner Haines was based upon testimony offered at the original hearing and that the position of this office is based upon Mr. Haines's order. Language in the order is very specific as is the regulations concerning non-conforming uses. As to the gasoline sales, this activity was characterized in the hearing as "*some gasoline sales*" and may continue as a part of the business but not expanded to become the primary commercial activity. I advised Mr. Hammond that he should consider a Special Hearing if he wished to expand any of the commercial uses identified in the original hearing or if he desired the Zoning Commissioner further consider the facts in establishing the level and scope of the non-conforming uses on said property. I offered to send information on the Special Hearing process and we ended the conversation in an amicable fashion.

case  
re: file

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 18, 1993

Maurice Offit, Esquire  
Offit & Kurman, P.A.  
8 Park Center Court  
Suite 200  
Owings Mills, MD 21117

RE: Approval of a Barber Shop Use  
within the Non-Conforming Uses  
Approved in Zoning Case #89-204-SPH  
11943 & 11950 Falls Road  
District: 8c3

Dear Mr. Offit:

Reference is made to your request of February 4, 1993 for an opinion letter. You have requested on behalf of your client, Dennis Peddy, an opinion that a proposed barber shop use would not adversely affect the nonconforming use that was approved by the Zoning Commissioner in the above referenced case.

You have pointed out that the proposed barber shop use would occupy around 300 square feet and that the uses documented at the public hearing would continue as approved with the barber shop as an accessory activity. You also mentioned that no exterior construction would be required to accommodate the shop in building "A".

This office has reviewed your letter, the plans, and the zoning case and the barber shop use may very well be accessory in area extent or purpose to the other uses as approved on the property. However, it is not clear that the shop would be customarily incidental to or a mere intensification of the existing uses (similar to lawn and garden supplies being accessory to plant and tree sales). The following questions remain: Is the barber shop a customary outgrowth or common refinement of the original legally established nonconforming use? What use would the barber shop have derived from and what is the connection? In addition to meeting the legal benchmarks to justify a finding that the proposed use is accessory, there must be a finding that the proposed use is not "different", but possibly only an intensification of the original use.

Maurice Offit, Esquire  
February 18, 1993  
Page 2

I have reviewed and considered carefully the points you raise in your letter. As a result, I will approve the inclusion of the barber shop within the existing building under the following conditions:

1. no exterior construction of any kind; and
2. if anyone objects or files a complaint about a possible intensification of the nonconforming use, your client must, within 30 days of the issue being raised, file a petition for special hearing with this office, which will go before the Zoning Commissioner for a decision as to whether the use is permissible within the parameters of the decision rendered in case #89-204-SPH; and
3. if no petition is so filed, your client will insure immediate cessation of the barber shop; and
4. if the Zoning Commissioner, or the Board of Appeals on appeal, should decide that the barber shop constitutes an intensification and is therefore prohibited, your client will insure immediate cessation of the use.

If your client agrees to the above conditions, your client will require a use permit from this office. You may contact Carl Richards of this office (887-3391) for details.

Very truly yours,

  
Arnold Jablon  
Director

scj

cc: W. Carl Richards, Jr.



IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
MS Falls Road, 2200' NW \* ZONING COMMISSIONER  
Broadway Road \* (11943 & 11950 Falls Road) \*  
3rd Councilmanic District \* OF BALTIMORE COUNTY  
8th Election District \*  
Legal Owner: Robert Dold, \* CASE # 89-204 SPH  
Contract Purchaser: \*  
Dennis Peddy \*

**FINDINGS OF FACT AND CONCLUSION OF LAW**

The Petitioner herein requests approval of a nonconforming use for a Country Store, with Food and Grocery Sales and Deli operation, Household Hardware, and Lawn Mower Sales and Service with Plant and Tree Sales, Christmas Tree Sales and Accessory Lawn and Garden Supplies and Equipment for sale, the property being located at 11942-11950 Falls Road, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Dennis Peddy, appeared and testified. He was represented by Steven I. Batoff, Esquire. The Petitioner was supported in his request by the testimony of the legal owner, Robert Dold, and several other witnesses; namely, Barbara Jung, Mr. Louis J. Pucci, Mr. and Mrs. M.R. Griffin and Mr. Robert J. Hoffman. Mr. Pryor also appeared and testified that the site surveyor and plan prepared by John Etzel is correct and accurately represents the improvements on the land. There were no Protestants.

The Petitioner has requested that a nonconforming use be established upon the 1.5 acre lot of ground known as 11950 and 11942 Falls Road. The land is currently zoned R.C.5 and is improved with three buildings and parking areas. The site plan was accepted as Petitioner's Exhibit 1. The nonconforming use requested is for a General Store with Gasoline Sales.

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Date 11/30/88  
By [Signature]

There are retail sales of General Hardware, Grocery items and a Deli operation. For the building known as building "C" on Petitioner's Exhibit 1, there is a request for a nonconforming use for Tree and Plant Sales operation and a Lawn and Garden Supply business.

The proper review of a case for a nonconforming use is basically a factual review overlaid on to a legal background. If the facts fulfill all of the required standards, then the relief requested should be granted.

The testimony and evidence tend to establish the following facts about the subject property. The site in question has been zoned residential since the first zoning in 1945. None of the residential zoning classifications has ever permitted the type of commercial activity that exist on the site. The property was originally used for a commercial purpose in 1915. There was a commercial establishment loosely described as a Feed and Grocery Store which became a Country Store or General Store over the years.

The issue, of course, is not names, but uses or activities. The evidence seems to prove that the retail sales have tended to include food and grocery products. Some gasoline sales and small household products have always been part of the commercial operations. The Farm, Feed Store and Outdoor Supplies which are now referred to as lawn and garden supplies have changed in type over the years, but the use appears continuous. The Plant sales and Christmas Tree sales are nothing more than a seasonal part of the Feed Store or Lawn and Garden operations.

Of all the witnesses, Mr. Griffin was the person with the longest clear memories of this site. He testified that the basic operation has remained unchanged for many years. He regularly visited the property during the early 1940s and has been a regular customer ever since.

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By [Signature]

The other witnesses testified to the same basic facts, however, the period of time they covered is shorter than Mr. Griffin. There is no evidence in the record that the business has ever lapsed for more than one year, nor is there any evidence that the basic operation has changed dramatically.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming struc-

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By [Signature]

ture shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again in the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall

terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

Clearly, the uses testified to above have existed since prior to January 2, 1945. The exact types of uses to be declared nonconforming will be developed below as part of the Order.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d. 96 (1978).

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By [Signature]

As stated in the findings of fact above, the uses seem to have continued since 1945. The basic use appears to have remained unchanged and the Country Store or General Store shall remain.

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

Clearly, there have been changes in the use of the site. The basic operation has remained the same, however, the services have been added to and altered somewhat over the years. The lawn mower sales and services is a change, however, it is also a mere intensification of the Farm and/or Feed Store which grew into the Lawn and Garden Supply operation.

There has been a refinement in the sense that plant sales and the Christmas tree sales are seen as accessory activities. These

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By [Signature]

accessory activities are an outgrowth of the Lawn and Garden Supply operation. The hardware, deli and gasoline sales have been present on site since prior to January 7, 1945 or have not expanded in the nature of or scope of operations.

There are no off site contractors or construction companies using this site, nor are any landscaping or trucking operation being undertaken. There is no automotive service garage and none will be permitted on this site. The service of lawn mowers is only for products sold on site.

Building "C" is and will remain a storage building. No retail operations may be established therein. There will be no increase in the parking area and the nature growth areas will not be removed or reduced in size or area.

After due consideration of the testimony and evidence presented, it is clear the nonconforming use for the subject site should be granted.

Pursuant to the advertisement, posting of the property, and the public hearing on this Petition held and for the reasons set forth above, the request for a Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30<sup>th</sup> day of November 1988 that the Petition for Special Hearing to approve a nonconforming use for a Country Store, with Food and Grocery sales and Deli operation, Household Hardware, and Lawn Mower Sales and Service with Plant and Tree Sales, Christmas Tree Sales and Accessory Lawn and Garden Supplies and Equipment for sale, not including contractors or

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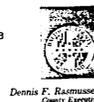
construction companies, landscaping or trucking operation or an automobile service garage, as indicated on Petitioner's Exhibit 1, which shall become the final development plan and final site plan, be and the same is hereby GRANTED.

[Signature]  
J. Robert Haines  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

- JRH:mn  
cc: Peoples Counsel  
Steven I. Batoff, Esquire  
Mr. Dennis Peddy  
Ms. Barbara Jung  
Mr. Louis Pucci  
Ms. Geraldine McKnight  
Mr. and Mrs. Robert Dold  
Ms. Betty Prince  
Ms. Joanne Roberts  
Mr. and Mrs. Griffin  
Mr. Robert J. Hoffman

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

November 30, 1988



Dennis F. Rasmussen  
County Executive

Steven I. Batoff, Esquire  
Offit & Batoff, P.A.  
Suite 110, 2330 W. Joppa Road  
Baltimore County, Md. 21093

RE: Petition for Special Hearing  
Case #89-204 SPH  
Legal Owner: Robert Dold, Contract Purchaser: Dennis Peddy

Dear Mr. Batoff:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:sm  
att.  
cc: Peoples Counsel

**PETITION FOR SPECIAL HEARING**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **89-204-SPH**

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 the continuance of non-conforming use of the property located at  
11942-11950 Falls Road. (See Attached)

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: Dennis Peddy (Type or Print Name) Signature 12717 Falls Road Address Cockeysville, Maryland, 21030 City and State	Legal Owner(s): Robert Dold (Type or Print Name) Signature 11948 Falls Road Address Cockeysville, Maryland, 21030 City and State
Attorney for Petitioner: Steven I. Batoff (Type or Print Name) Offit & Batoff, P.A. Suite 110, 2330 W. Joppa Rd. Address Baltimore, Maryland, 21093 City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Steven I. Batoff Offit & Batoff, P.A. Ste. 110, 2330 W. Joppa Rd. Address Baltimore, Md 21093 Phone No.

ORDER RECEIVED FOR FILING

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 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 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 7th day of December, 1988, at 11 o'clock

at 11:00 a.m.  
Rescheduled: Nov. 25, 1988 at 9:00 a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

October 26, 1988

**NOTICE OF REASSIGNMENT**



Dennis F. Rasmussen  
County Executive

CASE NUMBER 89-204-SPH  
PETITIONER(S) Robert Dold/Dennis Peddy  
LOCATION 11942 - 11950 Falls Road

THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON Wednesday, December 7, 1988 at 11:00 a.m., HAS BEEN REASSIGNED. THE NEW HEARING DATE IS FRIDAY, NOVEMBER 25, 1988 at 9:00 a.m.

J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

COPIES TO:

Mr. Robert Dold  
Mr. Dennis Peddy  
Steven I. Batoff, Esq.  
File

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Special Hearing filed in Room 106 of the County Office Building in Towson, Maryland on the 7th day of December, 1988 at 11:00 a.m.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 10, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 10, 1988

THE TOWSON TIMES  
THE JEFFERSONIAN,

S. Zebe Orlov  
Publisher

PO 05803  
reg M20416  
case 89-204-SPH  
price \$96.65

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Special Hearing filed in Room 106 of the County Office Building in Towson, Maryland on the 7th day of December, 1988 at 11:00 a.m.

Mr. Robert Dold of Baltimore County, Maryland is the owner of 11942 Falls Road and 11950 Falls Road located in the Eighth Election District in Baltimore County, Maryland. The Property is 1.5 acres of land, more or less, and is shown on the Baltimore County tax records as one tract of land leased separately. The Property is zoned RC 5. The history of the use of the Property is as follows:

- 11950 Falls Road (Building A)
- 1915-1950 - Han's Feed & Grocery Store - country store
- 1950-1955 - Enga's General Store - grocery, country store
- 1955-1972 - Sprecker's General Store - gasoline, country store, grocery, hardware, dell
- 1972-1982 - Dold's Lawnmower Sales & Service - country store, gasoline, etc.
- 1982-1988 - Ridge Country Store - gasoline, country store, grocery, antiques

- 11942 Falls Road (Building B)
- 1962-1982 - Scientific Plant Service - sales of replacement trees and plant supplies and materials
- 1982-1988 - Dold's Lawnmower Sales & Service - shrubs and tree sales (Christmas trees), plant supplies and materials

Mr. Dennis Peddy of Baltimore County is interested in leasing the property at 11942 Falls Road. Mr. Peddy intends to use the property to sell flowers, plants and related materials and supplies. Mr. Peddy plans to also sell in December of each year, Christmas trees for a two to three week period. Therefore, the use of the Property by Mr. Peddy is a continuance of the existing non-conforming use. Mr. Peddy intends to improve the appearance of the existing building located on the property located at 11942 Falls Road.

The uses of the Property are so encompassing that Mr. Peddy's intended use of the property at 11942 Falls Road is already covered under the existing permitted uses. However, since Mr. Peddy desires to spend monies to improve the existing building, he needs assurance of the continuance of the non-conforming use. Mr. Peddy is therefore requesting that the Zoning Commissioner certify the continuance of a non-conforming use of the Property.

Mr. Robert Dold and Mr. Dennis Peddy respectfully request that the Zoning Commissioner find that the intended use

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

Date: 11-15-88

Steven I. Batoff, Esq.  
Offit & Batoff, P.A.  
Suite 110, 2330 W. Joppa Road  
Baltimore, Maryland 21093

RE: Petition for Special Hearing  
CASE NUMBER: 89-204-SPH  
11942 and 11950 Falls Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Robert Dold  
Contract Purchaser(s): Dennis Peddy  
HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 11:00 a.m.

Dear Mr. Batoff:

Please be advised that \$111.65 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the signs from the property from the time of the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 059024  
DATE 11/25/88 ACCOUNT # 01-61-000  
AMOUNT \$ 111.65  
RECEIVED FROM: Mr. Peddy  
FOR: 11/25/88 hearing  
VALIDATION OR SIGNATURE OF CASHIER  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

JRH:gs  
cc: file

of 11942 Falls Road by Mr. Peddy is in compliance with the Baltimore County zoning regulations since it is a continuation of a non-conforming use. No substantial public health, safety or general welfare violations would result in granting the request. In fact, granting the request would improve the appearance of the Property and the surrounding area.

Attached hereto and made a part hereof, is a description of the Property as prepared by Gerhold, Cross & Etzel, Surveyors, and a plat of the Property as prepared by said surveyors.

SIBL4018(wp)  
092788

PHILIP E. CROSS  
JOHN E. ETZEL  
WILLIAM M. ULRICH  
ROBERT T. LANGRISH  
DAVID E. HANCOCK

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21284  
823-4470

WALTER P.  
PAUL H. GOLLEBERGER  
FRANK H. GOLLEBERGER  
CARL L. GERHOLD

September 16, 1988

**Zoning Description**

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Falls Road distant 2200 feet measured northwesterly along the center of Falls Road from the intersection of the center lines of Falls Road and Broadway Road and running thence and binding along the center of Falls Road, the three following courses and distances viz: North 6 degrees 38 minutes West 127.53 feet, North 20 degrees 31 minutes West 61.33 feet and North 31 degrees 22 minutes West 134.10 feet, thence and binding on the outlines of the property leaving said Falls Road and binding on the outlines of the property the four following courses and distances viz: South 76 degrees 22 minutes West 205.50 feet, South 29 degrees 23 minutes East 163.40 feet, South 11 degrees 57 minutes East 28.11 feet and South 11 degrees 08 minutes East 155.00 feet and thence, North 68 degrees 57 minutes East 194.38 feet to the place of beginning.

Containing 1.5 Acres of land more or less.

Being the property of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Department.



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

October 20, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-204-SPH  
11942 and 11950 Falls Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Robert Dold  
Contract Purchaser(s): Dennis Peddy  
HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 11:00 a.m.

Special Hearings Continuance of non-conforming use of the property located at 11942-11950 Falls Road.

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

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Robert Dold  
Dennis Peddy  
Steven I. Batoff, Esq.  
File

NOTICE  
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE COUNCIL CLERK AT 494-3391 TO CONFIRM DATE.



