

IN THE MATTER OF
THE APPLICATION OF
CALVIN L. RETER, ET AL
FOR A VARIANCE OF PROPERTY
LOCATED ON THE SOUTHEAST
CORNER BUTLER ROAD & RAILROAD
AVENUE (4 BUTLER ROAD)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated February 3, 1993 in which the Petition for Special Hearing was denied in part and granted with restrictions in part.

WHEREAS, the Board is in receipt of a Dismissal of Appeal request filed by Newton A. Williams, Esquire, on behalf of Calvin L. Reter, et al, Appellants/Petitioners, dated September 23, 1994 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeal filed in this matter be dismissed as of September 23, 1994;

IT IS HEREBY ORDERED this 4th day of October, 1994 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Robert O. Schuetz
Robert O. Schuetz
S. Diane Levero
S. Diane Levero

CALVIN L. RETER, et al.
SE/corner Butler Road and
Railroad Avenue
(4 Butler Road)
4th Election District
3rd Councilmanic District
Case No. 91-504-SPH

DISMISSAL OF APPEAL

Calvin L. Reter, et al, Appellants and Petitioners, by Newton A. Williams and Nolan, Plumhoff & Williams, having filed a case seeking a service station special exception and certain variances, hereby dismisses their appeal from the Zoning Commissioner's Findings of Fact and Conclusions of Law and Order of February 3, 1993, in the above matter.

Newton A. Williams
Newton A. Williams
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

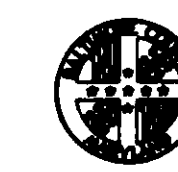
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 1994, a copy of the foregoing Dismissal of Appeal was mailed, postage prepaid, to Peter J. Zimmerman, Esquire and Carol S. DeMilio, Esquire, People's Counsel and Deputy People's Counsel, Old Courthouse, Towson, Maryland 21204 and to J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204.

Newton A. Williams
Newton A. Williams

7982C

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1994

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. 91-504-SPH
Calvin L. Reter, et al

Dear Mr. Williams:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

encl

cc: Calvin L. Reter, et al
J. Carroll Holzer, Esquire
Dwight Little /W. Duvall & Assoc.
Barbara C. Whitman, President
Historic Glyndon, Inc.
Virnean Lenz, President
Glyndon Community Association
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Printed with Soybean Ink
on Recycled Paper

NEWTON A. WILLIAMS
THOMAS J. BENNER
WILLIAM P. EISENHART, JR.
STEPHEN J. NOLAN, JR.
ROBERT L. HANLEY, JR.
ROBERT S. OLUSHAKOV
STEPHEN M. SCHENNING
DOUGLAS L. BURDESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES, II
J. JOSEPH CURRAN, III

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 298-2765

September 23, 1994

Honorable William T. Hackett
Chairman
County Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Case No.: 91-504-SPH-Calvin Reter, et al.
DISMISSAL OF APPEAL

Dear Mr. Chairman:

Please find enclosed herewith a Dismissal of Appeal on behalf of Calvin L. Reter and his brother and sister, Appellants and Petitioners in the above-entitled matter.

As promised in our Motion for Continuance, a specific case addressing the gasoline pumps was filed on Friday, September 23, 1994.

Accordingly, we are now in a position to dismiss the above-entitled matter and to rely upon the Findings of Fact and Conclusions of Law of the Zoning Commissioner of February 3, 1993 in this matter as to all other portions of the property except the gasoline pumps.

Thanking you and your staff for your attention to this matter, I am

Respectfully,
Newton A. Williams
Newton A. Williams
NAW:mbo
encl.

CC: 11.7 82 435 46

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1960-1981)
RALPH E. DEITE
(1918-1982)
OF COUNSEL
T. BAYARD WILLIAMS, JR.
WRITER'S DIRECT DIAL
883-7856

September 23, 1994
page two

cc: Peter J. Zimmerman, Esquire
People's Counsel
Carol S. DeMilio, Esquire
Deputy People's Counsel
Old Courthouse
Towson, Maryland 21204

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

Mr. Pat Keller, Director
Mr. Jack Dillon, Planner
Office of Planning and Zoning
4th Floor, Courts Building
Towson, Maryland 21204

Mr. Dwight Little
Mr. Mark Kromm
W. Duvall & Associates
530 East Joppa Road
Towson, Maryland 21286

Mr. Calvin L. Reter
Box 1
Glyndon, Maryland 21071

(all w/enclosures)

The Reter Property
4 Butler Road
Case No.: 91-504-SPH
Special Hearing Concerning
Service Station, Carryout Crab
House, Office, Retail Sales,
Apartments, Parking, Driveway
Entrance/Widths and Signs as
Non-conforming Uses

MOTION FOR CONTINUANCE PENDING FILING
OF SERVICE STATION SPECIAL EXCEPTION
AND VARIANCE CASE

Calvin L. Reter, James E. Reter and Nancy Ann Stocksdales, owners, by Newton A. Williams and Nolan, Plumhoff & Williams file this Motion for Continuance of this non-conforming use case pending the filing of a special exception for service station case, and the subsequent consolidation of these cases into a single case sharing common questions of fact, law and likely common parties, for the following reasons:

1. Mr. Reter and his fellow family members, (hereinafter called either the "Reters" or the "Owners", interchangeably) are the owners of a BL-AS (Business Local, Automotive Service District) property located at the southeast corner of Butler Road, Maryland Route 128, and Railroad Avenue in the Glyndon section of northwestern Baltimore County.

2. That the subject property includes a large existing 3-story frame building used for apartment and retail sales use at 4819 Butler Road, at the corner property of Butler Road and Railroad Avenue. Also there is an existing 2-story frame building used for apartments located at 4825 Butler Road. All of these properties are zoned commercially as noted.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

The former Reters Food Market is now a crabhouse and it is located at No. 15 Railroad Avenue, with an attached accounting office. There is also another permitted BL use, a garden center operated from 919 Butler Road, with outdoor nursery display and sales areas and storage areas, pursuant to an approved Baltimore County Site Plan.

3. That as the Board will see from a review of Zoning Commissioner Schmidt's Findings of Fact and Conclusions of Law dated February 2, 1993, Commissioner Schmidt decided, among other things, that many of the uses present are permitted as a matter of right in the BL Zone, and hence he did not rule on their nonconforming nature. Since Commissioner Schmidt determined that many of the commercial uses are in fact permitted as a matter of right in the BL zone, he also did not rule on the nonconforming nature of the parking areas and driveways which serve them. Commissioner Schmidt did decide that the apartment uses at 4819 and 4825 Butler Road respectively, are nonconforming uses and granted that relief.

4. The Owners believe, and respectfully submit to the Board, that one of the primary concerns of everyone involved centers around the relocation of long existent gasoline pumps from the front of the Railroad Avenue BL, former grocery store, now the crab house property, to the side of this property, all pursuant to appropriate permits granted by Baltimore County, Maryland. Commissioner Schmidt decided that while it might be possible that such gasoline pumps could be accessory to a

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

general store use, the former Reters Food Market, he decided that gasoline pumps are not ordinarily customary and incidental to, and, thus, not accessory to a seasonal crabhouse operation.

5. That the owners' engineers at W. Duvall and Associates have been advised by Mr. John Lewis of ZADM, that certain sections of the Baltimore County Zoning Regulations, namely Section 500.12, preclude the filing of a new special exception for a period of 18 months from the time of the denial of an earlier special exception. That the practical effect of this ruling by Mr. Lewis has precluded Mr. Reter and his family from filing for a new special exception for service station for 18 months from February 2, 1993, namely until at least August 2, 1994, and thereafter.

6. That the Petitioners have determined that the most appropriate course to follow is to refile for a special exception for automotive service stations in a BL-AS district, as permitted under Bill 172-93, recently enacted by the Baltimore County Council. That this new special exception case will involve a request for a special exception for automotive service stations, and numerous variances, due to the fact that the gasoline pumps installed by Carroll Independent Fuel, pursuant to a validly issued Baltimore County Permit, are for a small area immediately to the south of the commercial building at 15 Railroad Avenue, presently used as Reters Crabhouse.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

7. That the Reters cannot be accused of improper delay in this case, due to the fact that Baltimore County would not accept a filing for a new case until at least August 2, 1994, and we have previously tried. That the owners believe that they are entitled to have such new case heard by the Zoning Commissioner in the ordinary course of business, and that any party thereto can then take an appeal to this Board, in the event such decision in their judgment merits such an appeal. At that time the cases can then be properly consolidated, since they share numerous common questions of fact, law, interested parties, etc.

8. That it is not appropriate, and it is unduly burdensome to require the Reters to litigate the nonconforming use case, separate and apart from an appeal, if any, of the service station case to be filed. Further it is wasteful of the time, resources, expenses and energies of this Board and all parties to separate these cases.

9. That the Reters have cooperated with their neighbors, and a recent inspection of the site by the Zoning Enforcement Section, did not disclose any violations, and found that the Reter site is being used in conformity with an approved site plan.

10. That the manner, mode and details of the use of the gasoline pumps, is best addressed by a new special exception case.

11. That the Petitioners are not admitting or conceding that gasoline pumps cannot be a nonconforming use in and of

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-4-

themselves, but rather the Reters are saying that they have determined to file for a special exception while asking that the present case be held in abeyance, and that it be continued until that new special exception case can be heard by the Commissioner.

12. That the Reters respectfully submit to the Board that neither they nor the citizens of Glyndon are in any way prejudiced by this continuance. There has been, and will be no new construction on the site or changes in the operation without the scrutiny of Baltimore County as to any building permits, occupancy permits, change of occupancy permits, or other appropriate relief.

Based upon the foregoing inability to file a new special exception case until August 2, 1994, eighteen months from the Zoning Commissioner's decision of February 2, 1993, as well as the inability to determine what the state of the law would be until Bill 172-93, the new service station and car wash bill was passed and applied for some time, the Reters respectfully move that the Board do the following:

1. Continue this case generally, and allow the Reters a reasonable period, that is up to ninety (90) days from August 2, 1994, during which time the Reters shall have the opportunity to file a special exception for service station case with appropriate variances attached, as outlined in Paragraph 6 hereof.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-5-

2. That this case be held and continued until such time as the special exception case to be filed is heard and decided by the Zoning Commissioner. At such time as the special exception case is decided, that the cases then be consolidated, and heard at a single, unified hearing by this Board, since they contain numerous common issues of fact and law. This continuance and subsequent consolidation will save the time, energy and expense of all parties concerned, citizens and petitioners alike, as well as the Board's.

Respectfully submitted,

Newton A. Williams
Newton A. Williams
NOLAN, PLUMHOFF & WILLIAMS, CHTD
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of July, 1994, a copy of the foregoing Motion for Continuance was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer and Lee, 305 W. Chesapeake Avenue, Towson, Maryland 21204; Peter J. Zimmerman, Esquire, People's Counsel for Baltimore County, Old Court House, Room 47, Towson, Maryland 21204 and to

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-6-

Carole S. DeMillo, Esquire, Deputy People's Counsel for Baltimore County, Old Court House, Room 47, Towson, Maryland 21204.

Newton A. Williams
Newton A. Williams

7602C

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

-7-

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE
J. HOWARD HOLZER
REG. 1000

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 700
TOWSON, MD 21204
(410) 823-6961
FAX (410) 823-4923

CARRIAGE CITY OFFICE
1115 LIBERTY ROAD
ELKERSBURG, MD 21784
(410) 795-8556
(410) 823-6961
FAX (410) 795-5535

July 25, 1994
#6800

Newton A. Williams, Esq.
Nolan, Plumhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204-5340

Re: Case No. CBA 91-504-SPH
Calvin L. Reter, et al.

Dear Newton:

Please be advised that I have reviewed this matter and believe that it makes sense for us to proceed on the appeal on the above-captioned matter when it is currently scheduled before the Board on Tuesday, September 27, 1994. The Zoning Commissioner's decision was dated February 3, 1993, and I do not know why it was not set earlier before the Board. But in light of the long time frame that this case has taken on appeal, I believe it makes sense to dispose of the issues involved therein as promptly as possible.

I certainly welcome the opportunity to talk with you about what your client proposes and would be more than happy to convey any information to the community in that regard. Please feel free to contact me.

Very truly yours,
J. Carroll Holzer
J. Carroll Holzer

c: The Hon. William Hackett
Ms. Virnean Lenz

letters2william.ctr

Received 7/27/94
C.B.A.

LAW OFFICES
J. CARROLL HOLZER, PA
THOMAS J. LEE
J. HOWARD HOLZER
REG. 1000

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 700
TOWSON, MD 21204
(410) 823-6961
FAX (410) 823-4923

CARRIAGE CITY OFFICE
1115 LIBERTY ROAD
ELKERSBURG, MD 21784
(410) 795-8556
(410) 823-6961
FAX (410) 795-5535

August 15, 1994

The Honorable William Hackett, Chairman
Baltimore County Board of Appeals
Old Courthouse
Towson, Maryland 21204

Re: Reter Property
Case No. 91-504-SPH

Dear Chairman Hackett:

I have received the Motion for Continuance filed by Newton Williams in the above-captioned matter. The issue on appeal before the Board in this case was a question of a special hearing to determine nonconforming use. I do not see where that issue had an effect upon whether or not a Petition for Special Exception was filed this year by Mr. Reter.

In any event, this case was appealed and arrived before the Board in February of 1993, and has still not been heard. I restate the position of my clients that they believe this matter should be determined insofar as the nonconforming aspect of this property. If there is to be an appeal from any decision on the special exception, then that appears to be a separate matter, and there is no reason, in my opinion, why this instant case should not go ahead.

As a result, I would appreciate your denying the Motion for Continuance and letting the case proceed as assigned.

Very truly yours,
J. Carroll Holzer
J. Carroll Holzer

c: Newton A. Williams, Esq.

letters3vretor4.ctr

COPIES OF THIS DOCUMENT
94 AUG 17 AM 11:55

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SEC Butler Rd. & Railroad Ave. * ZONING COMMISSIONER
4 Butler Road * OF BALTIMORE COUNTY
4th Election District * Case No. 91-504-SPH
3rd Councilmanic District *
Calvin L. Reter, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a Petition for Special Hearing for that tract known as the Reter property, located immediately adjacent to the intersection of Butler Road (Md. Route 128) and Railroad Avenue in Glyndon. The Petition is filed by the property owners of the subject site; namely, Calvin L. Reter, James E. Reter, and Nancy Ann Stocksdale. For reasons which will become apparent below, the nature of the requested relief is to be emphasized. Within their Petition for Special Hearing, the Petitioners seek approval of "(an) automotive (gasoline) service station, carry-out crab house, office, retail sales office, apartments, parking area-surfaces, driveway entrances, driveway widths with 24 parking spaces, and three dual sided signs totaling 212 sq. ft., as nonconforming uses."

Appearing and testifying on behalf of the Petition was Calvin Reter, one of the Petitioners. The Petitioners were represented by Newton A. Williams, Esquire. Also appearing in support of the Petition was Dwight Little, a Professional Engineer with W. Duval and Associates, Janet Waters and Michael Warner. Appearing as Protestants were Marianne MacLellan, Gary Lenz, Richard Stem, Jr., Charles Akeley and Barbara C. Whitman, President of Historic Glyndon, Inc.

As can be gleaned from a mere reading of the Petition, the uses on

ORDER RECEIVED FOR FILING
Date 8/19/94
By *Th. D. Drost*

MICROFILMED

this property are many and varied. These multi-natured uses and the history of their operation on site makes this case complex and produces difficult issues. Adding to this difficulty is the evolving nature of uses on the site over the long period of time this property has been owned by the Reter family. Further, the site plan to accompany the Petition was amended after this case was filed. The most current site plan is marked as Petitioners' Exhibit No. 1.

As noted above, the relief requested by the Petitioners is for a determination of the legitimacy of numerous activities/uses on site by the establishment of same as nonconforming uses. A nonconforming use is defined by Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective 'nonconforming' is a nonconforming use." (BCZR, 1955; Bill No. 18, 1976) From a plain reading of that definition, it is, therefore, clear that in order for a use to be nonconforming, it must be identified as a legal use. That is, the use must be among those uses which are recognized within the B.C.Z.R. Having established the legality of the use, the definition then goes on to provide that in order for a use to be nonconforming, it must either be not among those uses allowed by the property's zoning classification, or not conform to a special regulation applicable to the use. Further, nonconforming uses are governed by Section 104 of the B.C.Z.R. That section provides that nonconforming uses may continue provided that they are not changed, abandoned, or discontinued for a period of one year or more. Section 104 goes on to provide further guidelines as to the repair of

ORDER RECEIVED FOR FILING
Date 8/19/94
By *Th. D. Drost*

- 2 -

MICROFILMED

nonconforming uses after casualty, the expansion of such uses, and other regulations relevant to specific uses.

As is clear from both the relevant provisions of the B.C.Z.R. and the case law, nonconforming uses are not favored by law. Maryland case law has consistently held that nonconforming uses pose a threat to the success of an orderly zoning scheme and can limit the effectiveness of land use control. See e.g. County Council of Prince Georges County v. E.L. Gardner, Inc. 293 Md. 259, 443 A2d 114, (1982) and County Commissioners of Carroll County v. Uhlir 78 Md. App. 140, 552 A2d 942, (1989).

Nonetheless, despite their undesirability from a land use and land planning standpoint, the courts have recognized the legal authority for nonconforming uses to continue under certain guidelines. Specifically, both the B.C.Z.R. and the case law provide for a grandfathering mechanism to permit nonconforming uses to continue even after a rezoning and/or reregulation of the property on which they are located which would render that use impermissible. As noted above, however, nonconforming uses may continue only if not abandoned, discontinued or changed; and limits are placed upon their expansion and repair.

As to the subject property, a description of same is appropriate. The entire site, comprised of 2.157 acres and zoned B.L.-C.N.S., is located in the center of the historic Glyndon community. The property is located to the southeast of the intersection of Butler Road and Railroad Avenue, near the Western Maryland Railroad line which passes through the center of this town.

Further, the history of the site was produced through the testimony of Calvin Reter, a co-owner of the property. He testified that his family acquired the property on or about VE Day in May of 1945. At that time,

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork

MICROFILMED

- 3 -

Mr. Reter recalled that the property housed a general store, a post office, where an accountant's office is currently located, and two apartment houses, known as 4825 and 4819 Butler Road. In fact, Mr. Reter recalled that the apartment buildings were the same size and devoted to the same use as present.

Additionally, Mr. Reter noted that the general store, then known as Reter's Farm Mart, has existed on the property for many years. At the present time, the food market specializes in the sale of crabs and is known as the Reter Crab House. Mr. Reter also described the evolution of the uses of the property since his family's acquisition of the site in 1945. Specific testimony as applicable to particular uses on site will be recounted as appropriate hereinafter.

In reviewing the merits of the subject Petition, it appears most appropriate to consider each use individually and building which said use utilizes. The first and easiest structure/use for consideration is the three story framed dwelling which houses five apartments and a retail sales office; known as 4825 Butler Road. That building is located on the northwest corner of the site immediately abutting the Butler Road/Railroad Avenue intersection. As noted heretofore, Mr. Reter testified that this dwelling has existed on site for many years, even prior to his family's acquisition of the property in 1945. Further, the uncontradicted testimony offered was that the use of this building in this manner has continued uninterrupted since that time. That is, the building has contained apartments and a retail sales office for many years. Certainly, the apartments and the retail sales office are legal uses. Additionally, as noted by People's Counsel, who actively participated in this case, these uses are permissible under the existing B.L. zoning. This position was corrob-

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork

- 4 -

orated by the testimony of John J. Dillon, the Area Planner for this property, from the Baltimore County Office of Planning and Zoning. Based upon these conclusions, People's Counsel argues that the apartments and retail sales office cannot be nonconforming, in that they do conform to the use regulations for the B.L. zone in which they are located. Although this logic is sound, it ignores the second prong of the nonconforming use definition in Section 101, relating to special regulations applicable to a given use. As noted by Mr. Dillon, Sections 102.2 and 402 of the B.C.Z.R. require that a certain area of the tract be designated to the apartment use and that area cannot be used for any other use or building on the site. In fact, the amended site plan (Petitioners' Exhibit No. 1) shows a 24,500 sq. ft. area as allocated to the apartment use, pursuant to Section 402. However, it is clear that the apartment use predates the adoption of the "special regulation" contained in Section 402. Therefore, the apartment use is nonconforming in that respect, and the property owner need not comply with the area requirement in Section 402. For these reasons, I must conclude the apartment use and retail office use are not nonconforming from a use standpoint; i.e., they are permitted as of right in a B.L. zone, but are nonconforming as to Sections 402 and 102.2.

Attention is next turned to the building known as 4819 Butler Road which houses four apartments and is also that portion of the site which features a business operated by Michael Warner. As was the case with the building and apartments at 4825 Butler Road, Mr. Reter's testimony was that the building and apartments at 4819 Butler Road had existed prior to his family purchase of the property in 1945. For the reasons set forth above, I must, likewise, conclude that the apartments at 4819 Butler Road

MICROFILMED

are not nonconforming from a use standpoint, but are nonconforming to the special regulation set forth in Section 402.

The business conducted on that portion of the site known as 4819 Butler Road presents a different issue. That business, which was apparently established in approximately 1990, is operated by Michael Warner. The area requirements mandated by Section 402 are inapplicable to this commercial use. Moreover, it is also to be noted that this business is not listed among the uses identified in the Petition. An identification of the nature of this business/use must be established.

There was little testimony as to the specifics of the operation. The business arguably might be a nursery, which is defined by the B.C.Z.R. as "an agricultural operation primarily engaged in the production and marketing of trees, shrubs and plants." (Emphasis added) However, it appears that there is no production of any agricultural items on site. Further, a nursery is not among the enumerated uses permitted in a B.L. zone under the B.C.Z.R. (See Section 230).

Instead, the use appears to more closely resemble a garden center. That use is permitted as of right in a B.L. zone (See Section 230.9) and is defined in the B.C.Z.R. as "A place of business where garden related products, horticultural materials or produce are sold to the retail customer. A garden center may include a nursery or controlled environment structures." In fact, this definition seemingly fits to the business conducted on site. In that this use is permitted in a B.L. zone, I must conclude that the business is not nonconforming, yet permissible as of right.

The third structure for consideration is the food market/office/gasoline service station in the southwest corner of the site. This structure is located adjacent to Railroad Avenue. The three commercial operations

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork

- 5 -

MICROFILMED

noted above are housed in a one and one-half story building. Mr. Reter testified that this structure has housed a retail food outlet for many years. Originally, it was a general store and was known as Reter's Food Market. Subsequently in 1989, the general store closed and the use was converted to a crab house which specializes in the sale of crabs and other seafoods. Mr. Reter testified that the crab house operates each year from April to October. The original general store had operated year around.

As is the case with the apartment use, the crab operation/food store is permitted as of right in a B.L. zone (see Section 230.9 of the B.C.Z.R.). Consequently, the relief which is requested within the Petition for Special Hearing, that the carryout crab house be authorized as a nonconforming use, is inappropriate. The food store operation is not prohibited by either the property's zone classification or any regulation of the B.C.Z.R. and thus cannot be nonconforming. For the same reasons, the accountant's office which is located in the food store building is not nonconforming but is permissible in a B.L. zone (see Section 230.6 of the B.C.Z.R.). It should also be noted that the change of the use, from a general store to a crab house, is significant. The nature of this change may well prohibit continuation if the use of same were nonconforming, pursuant to Section 104. See also McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A2d 96 (1978)

The more difficult question concerns the gasoline pumps (service station use) which is attached to the Reter Crab House. The Petitioners aver that this service station use is not a primary use. Instead, it is alleged that the gas pumping operation is an accessory use attached to the food store. Specifically, the Petitioners note that many small village and country stores have accessory gas pumps. These are truly full service

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork

MICROFILMED

- 6 -

retail operations which offer the residents of a rural locale a single site where they can obtain a variety of goods and services, including gasoline.

I have carefully considered the Petitioner's argument in this respect. Although I can envision a rural retail outlet with accessory gas pumps (service station), the facts of this case do not support such a conclusion. The gas pumps on this site may well have been accessory to the general store, but are not accessory to the crab house operation. I can find no basis to support the contention that the gas pumps (service station) is customarily incident to or contributes to comfort, convenience or necessity of a crab house (see Section 101 of the B.C.Z.R. as to accessory uses). The uses are too divergent and I cannot tie them together in a principal/accessory relationship.

Additionally, the service station use is not nonconforming. The testimony and evidence presented as to this issue was less than clear. However, there is no doubt that the pumps have been replaced and relocated. Further, their use has been intermittent. (see, e.g., Peoples Counsel Exhibit No. 1- Letter from State of Maryland, Comptroller of the Treasury). For these reasons, I must conclude that the service station use is not nonconforming.

It should be noted, however, that service station use is permitted in a B.L. zone by special exception. Such a petition is not before me. However, a limited operation, as apparently contemplated by Mr. Reter, might have no adverse impact upon the surrounding locale.

The next issue for consideration are the three existing signs on site which are a combined 212 sq. ft. in area. The Petitioners argue that these signs should, likewise, be permitted as a nonconforming use. The

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork

- 7 -

signs which are the subject of this portion of the Petition are the signs located at 4825 Butler Road, now identifying the Glyndon Nursery, the sign at the corner of 4825 identifying the Reter's Crab House and a gasoline sign on the Railroad Avenue frontage. The uncontradicted testimony presented was that these signs have existed at their present locations for years; i.e., before 1945, at the least. Additionally, Mr. Reter testified that he has entered into an agreement with his neighbors regarding signs wherein he has agreed not to use temporary signs on the property. Based on the uncontradicted testimony presented, I must conclude that the signs are, in fact, nonconforming and may be permitted to remain.

The final issue for consideration regards the request contained in the Petition that a determination be made that the parking area surfaces, driveway entrances, and driveway widths with 24 parking spaces be, likewise, considered nonconforming uses. Clearly, these traffic and parking surfaces are not primary uses to the site, itself, but incidental to the various other uses which have been discussed above. As such, I cannot conclude that they may be characterized as nonconforming uses, rather must be adjudged as they relate to the particular primary uses on site. As to the apartments, the parking area serving same would be nonconforming in that the apartments have existed at the locale since 1945 and predate the parking regulations (i.e., special regulations). However, as to the garden shop, the crab house and the service station, the nonconforming parking and traffic areas serving those are not nonconforming.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

ORDER RECEIVED FOR FILING
Date 1/13/93
By J. J. Stork


LES:mmm

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 3rd day of February 1993 that the Petition for Special Hearing to approve an existing automotive (gasoline) service station business, garden center, carry-out crab house, office, and retail sales office on the subject property as legal nonconforming uses, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the apartment uses at 4819 and 4825 Butler Road as nonconforming, as they relate to Sections 102 and 405, (i.e., the area regulations) and the parking regulations, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval for the existing three signs on site, as described herein, as nonconforming, all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. That no signage, be it temporary or permanent, shall be permitted on site with the exception of the three signs described herein.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 10 -

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 2, 1993

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204-5340

RE: Petition for Special Hearing
Case No. 91-504-SPH
Calvin L. Reter, et al., Petitioners

Dear Mr. Williams:

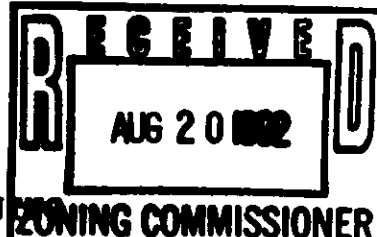
Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in part, and denied in part, in accordance with the attached Order.

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 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mm
att.
cc: Mr. Calvin Reter
cc: Dwight Little, W. Duvall and Assoc.
cc: Mr. M. Warner
cc: Ms. Barbara C. Whitman, President, Historic Glyndon, Inc.

MICROFILMED



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE Corner Butler Rd. and Railroad Ave. (4 Butler Rd.) : COMMISSIONER OF
4th Election District : BALTIMORE COUNTY
3rd Councilmanic District : CALVIN L. RETER, et al.,
Petitioners : Case No. 91-504-SPH

PEOPLE'S COUNSEL'S MEMORANDUM

The issues in this case have to be separated into those permitted as of right, those that may be permitted because they are grandfathered as nonconforming and those not permitted.

Initially, it should be noted that a nonconforming use is:

"A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use."

Implicit is the requirement that a use declared nonconforming must have at some time been legal, but is no longer able to comply with special regulations (ex: setbacks) or is no longer permitted. (See Section 101 in BCZR and Section 104 BCZR.)

In the instant case, there are no real nonconforming uses. Starting in the northwest corner of the property and proceeding in a clockwise direction, all of the uses are either permitted, capable of being permitted, or illegal as follows:

- 1. The five apartment building and retail sales office is permitted. The additional parking to meet regulations is available on the site and needs to be designated.
- 2. The four apartment building is also permitted. Using the conversion chart in Section 402, it requires 18,000 square feet of the site to be designated for its continued use. Historically, based on testimony, a larger area was available, and thus there is no nonconforming use issue.

MICROFILMED

3. There was no evidence that a nursery ever was a legal use on the portion of the property facing Butler Road. That area was always part of the apartment houses. The nursery operation may be similar to the farming operation on the rear of the property but there is no continuity that is necessary for nonconforming use. The testimony was that it began only in the Spring of 1980. In a BL-CNS zone, it is questionable whether this use is permitted at all, even in the rear of the property. (See Section 230.8., florist, garden shop.); (See also Section 230.12 requiring uses to be in completely enclosed buildings.)

4. The gas pumps also do not qualify as a nonconforming service station. Their use has been at best infrequent, admittedly often interrupted, changed in location and of questionable duration. Inasmuch as a service station can be permitted by special exception, and it is clear from testimony that expansion is contemplated, this use does not belong on the property at this time.

5. The crab house is also new, but again is permitted and sufficient parking is available, so there is again no nonconforming grandfathering.

One final concern is that while this property is not within an historic district, it is nearby, and its visual impact on that district must be considered. (See Opinion dated July 29, 1991 in the Matter of Furman E. Hendrix, et al., Circuit Court Case No. 91-CG-1402, attached.) The impact on Butler Road from storage between the two houses, or signs directing customers to the rear of the property, should not be overlooked, and the areas should

2

MICROFILMED

be limited to those in character with the nearby historic district.

Respectfully submitted,

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that a copy of the foregoing People's Counsel's Memorandum was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204-5340, Attorney for Petitioners.

Phyllis Cole Friedman
Phyllis Cole Friedman

3

IN THE MATTER OF
FURMAN E. HENDRIX, et al

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY

Case No. 91 CG 1402

OPINION

This case came on for oral argument on the appeal of Protestants in this case from the decision of the Baltimore County Board of Appeals dated March 5, 1991. According to that decision, two cases involving the same property had been appealed to the Board from an order of the Zoning Commissioner and an order of the CRG. Within the opinion of the Board is a summary of some of the testimony it heard over five days of the hearing. The conclusions of the Board of Appeals state that the "Board will find as a fact that from the testimony and evidence received, compliance with 502.1 in regard to the country club and golf course has been met". This court does not have any indication whatsoever what "fact" it is that is being relied upon: that is to say, which evidence was accepted and relied upon and which evidence was rejected. The "fact" seems to be all of the evidence, some of which is contradictory. Therefore, this case is reversed, and remanded to the Board of Appeals in order that the Board can make specific findings of fact to support their conclusion. See Harford County v. FILED JUL 29 1991

MICROFILMED

PCF ✓
PMZ ✓

Preston, No. 78, September Term, 1990. It is necessary also for the Board to consider and make a finding of fact that the proposed use would not be detrimental to primary agricultural uses in the vicinity under B.C.Z.R. 1A01.2C. In addition, Bill 134-89 with regard to protection of prime and productive soils must be addressed by specific findings of fact.

With regard to the evaluation by CRG, Section 22-59 of the Baltimore County Code requires that the Planning Board shall consider any plan that "involves" a site included on the landmarks preservation commission list. It was an error of law in this case for this matter not to have been referred to the Planning Board.

ORDER

The decision of the County Board of Appeals is reversed and remanded to the Board for determination consistent with this opinion.

July 29, 1991

Barbara Kerr Howe
Barbara Kerr Howe

True Copy Test
SUZANNE MENASH, Clerk
Per *S. Saunders*
Deputy Clerk

RECEIVED
AUG 22 1991
ZONING OFFICE

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE Corner Butler Rd. & Railroad Ave. (4 Butler Rd.) : OF BALTIMORE COUNTY
4th Election District :
3rd Councilmanic District : CALVIN L. RETER, et al.,
Petitioners : Case No. 91-504-SPH

ENTRY OF APPEARANCE

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

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 22nd day of August, 1991, a copy of the foregoing Entry of Appearance was mailed to Calvin L. Reter, James E. Reter and Nancy Ann Stocksdale, 4 Butler Rd., Glyndon, MD 21071, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

729-92
65

Petition for Special Hearing 493

to the Zoning Commissioner of Baltimore County 91-504-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
Automotive (Gasoline) Service Station, Carry Out - Crab House, Office, Retail Sales Office, Apartments, Parking Area Surfaces, Driveway Entrances, Delivery Vehicles with 24 Parking Spaces, and (2) ~~PAVES~~ dual sided signs totalling ~~as square feet~~ as non-conforming uses.
Property is to be posted and advertised as prescribed by Zoning Regulations.

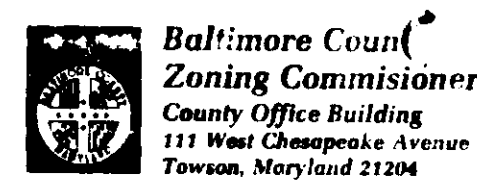
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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.

Engineer: _____
W. Duvall & Associates, Inc. (Type or Print Name)
W. Duvall (Signature)
530 East Joppa Road
Towson, Maryland 21204
City and State
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Legal Owner(s): *James E. Reter*
Calvin L. Reter, James E. Reter
(Type or Print Name)
James E. Reter (Signature)
Nancy Ann Stocksdale
(Type or Print Name)
Nancy Ann Stocksdale (Signature)
4 Butler Road 833-0833
Address Phone No.
Glyndon, Maryland 21071
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Calvin L. Reter
4 Butler Road
Glyndon, Maryland 21071 833-0833
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. *2hr*
AVAILABLE FOR HEARING
MON. - FRI., 9AM. - 5PM. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *JA* DATE: 6-17-91

MICROFILMED



Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account #001-6150
Number

91-504

Paid

MICROFILMED

Please Make Checks Payable To: Baltimore County #33.15
SA 012138700 12-92

Cashier Validation

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

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

DATE: 6/30/92

Calvin L. Reter, et al
4 Butler Road
Glyndon, Maryland 21071

RE:
Case #91-504-SPH (Item 493)
SEC Butler Road and Railroad Avenue
4 Butler Road
4th Election District - 3rd Councilmanic
Petitioner(s): Calvin L. Reter, et al
HEARING: WEDNESDAY, JULY 27, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$63.16 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via express mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21284. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Call John

ARNOLD JABLON
DIRECTOR

cc: Newton A. Williams, Esq.

MICROFILMED

Printed on Recycled Paper

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

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

DATE: 8-23-91

Calvin L. Reter, et al
4 Butler Road
Glyndon, Maryland 21071

RE:
Case Number: 91-504-SPH
SEC Butler Road and Railroad Avenue
4 Butler Road
4th Election District - 3rd Councilmanic
Petitioner(s): Calvin L. Reter, James E. Reter, and Nancy Ann Stockdale
HEARING: WEDNESDAY, AUGUST 28, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$100.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

COPY

MICROFILMED

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

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

JUNE 11, 1992

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, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

RESCHEDULED FROM JUNE 10, 1992
Case #91-504-SPH (Item 493)
SEC Butler Road and Railroad Avenue
4 Butler Road
4th Election District - 3rd Councilmanic

Petitioner(s): Calvin L. Reter, et al
HEARING: WEDNESDAY, JULY 27, 1992 at 2:00 p.m. in Rm. 118, Courthouse.

Special hearing to approve automotive (gasoline) service station, carry-out crab house, office, retail sales office, apartments, parking area surfaces, driveway entrances, driveway widths with 24 parking spaces, and three (3) dual sided signs totalling 212 sq. ft., as non-conforming uses.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Newton A. Williams, Esq.
E. W. Stem, Jr.
M. J. MacCallan

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

Printed on Recycled Paper

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

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

JUNE 28, 1991

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 21284 as follows:

Case Number: 91-504-SPH
SEC Butler Road and Railroad Avenue
4 Butler Road
4th Election District - 3rd Councilmanic
Petitioner(s): Calvin L. Reter, James E. Reter, and Nancy Ann Stockdale
HEARING: WEDNESDAY, AUGUST 28, 1991 at 9:00 a.m.

Special hearing to approve an automotive (gasoline) service station, carry-out crab house, office, retail sales office, apartments, parking area surfaces, driveway entrances, driveway widths with 24 parking spaces, and three (3) dual sided signs totalling 212 sq. ft.

Zoning Commissioner of
Baltimore County

cc: Calvin L. Reter, et al
N. Duvall & Associates, Inc.
Lou Walker
James H. Thompson

COPY

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 49
Old Courthouse, 400 Washington Avenue
April 12, 1994
NOTICE OF ASSIGNMENT

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

CASE NO. 91-504-SPH CALVIN L. RETER, ET AL
SE/cor Butler Rd & Railroad Avenue
(4 Butler Road)
4th Election District
3rd Councilmanic District

SPH -Service station, carry out crab house, office, retail sales, apartments, parking, driveway entrances/widths & signs as nonconforming uses.

2/03/93 -Z.C.'s Order in which Petition for Special hearing was GRANTED in part and DENIED in part.

ASSIGNED FOR: TUESDAY, JUNE 21, 1994 at 10:00 a.m.

cc: Newton A. Williams, Esquire Counsel for Appellants/Petitioners
Calvin L. Reter, et al Appellants/Petitioners
Dwight Little /W. Duvall & Assoc.

Barbara C. Whitman, President
Historic Glyndon, Inc.
Virnean Lenz, President
Glyndon Community Association

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

Printed with Soybean Ink on Recycled Paper

PPS at request of Petitioner's Attorney Request upon request

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

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

May 6, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-504-SPH
LEGAL OWNER Calvin L. Reter, et al
LOCATION: 4 Butler Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

WEDNESDAY, JUNE 10, 1992 at 10:00 a.m.

IN THE BALTIMORE COUNTY, ROOM 118, OLD COURTHOUSE,
400 WASHINGTON AVENUE, TOWSON, MARYLAND 21284.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Calvin L. Reter, et al
Historic Glyndon, Inc.
Newton A. Williams, Esq.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 286-2765

May 17, 1994

Honorable William Hackett, Chairman and
Ms. Kathleen C. Weidenhammer, Administrative Assistant
County Board of Appeals of Baltimore County
Old Court House
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: The Reter Case
Case No.: 91-504-SPH
Scheduled for Tuesday
June 21, 1994 at 10:00 a.m.
REQUEST FOR POSTPONEMENT TO ALLOW
FILING OF COMPANION REQUEST WITH
ZONING COMMISSIONER FOR
SPECIAL EXCEPTION FOR
AUTOMOTIVE SERVICE STATION

Dear Chairman Hackett and Ms. Weidenhammer:

Recently I spoke at some length with Mr. Zimmerman the People's Counsel, and described the situation in this case.

Briefly the situation is this, we believe that the better course at this time would be to file a companion request as a new case with the Zoning Commissioner asking for a special exception for automotive service station, with certain variances to fit the situation for Reter's store in Glyndon.

Accordingly, we would respectfully request that the Board postpone the case presently set for Tuesday, June 21, 1994 at 10:00 a.m., and hold the matter in abeyance, pending the filing of the case with the Zoning Commissioner.

The advantage of this procedure would be not to take up the Board's time at this point with the service station, and if necessary to come back at a later date with both the present case and the service station case if required.

91 MAY 17 PM 3:47

JAMES D. NOLAN
(DECEASED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEWTE
(1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.
WRITERS DIRECTOR
887-7856

Chairman Hackett
Ms. Weidenhammer
Page Two
May 17, 1994

It is my impression that things are quiet in Glyndon, that Calvin and the various uses on the property are being good neighbors, and in that spirit, we are asking for this handling of the matter.

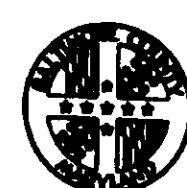
Thanking the Board, and ready to explain any questions or comments that the Board may have, I am,

Respectfully,

Newton A. Williams
Newton A. Williams

NAM/pss

cc: Ms. Barbara Whitman, President
Historic Glyndon, Inc.
Virnean Lenz, President
Glyndon Community Assoc.
Peter Max Zimmerman, Esquire
People's Counsel
Carole S. DeMilio, Esquire
Deputy Zoning Commissioner
Mr. Calvin Reter
Mr. Dwight Little
W. Duvall & Associates



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-3188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 23, 1994

The Honorable William Hackett, Chairman,
Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: The Reter Case
Case No. 91-504-SPH

Dear Chairman Hackett:

We are in receipt of Newton Williams, Esquire's letter dated May 17, 1994.

Please be advised that this office has no objection to the Request for Postponement in this case. The file does reflect, however, that there are other parties, including the Glyndon Community Association, and Historic Glyndon, Inc., among others. Please also be advised that this office will enter its appearance in any Special Exception and Variance case filed with the Zoning Commissioner for Reter's Store in Glyndon. We will review the case as it proceeds, in accordance with the People's Counsel Charter responsibilities defined in Section 524.1(b).

In other words, it is our understanding, in the event the Board grants the postponement, that it is without prejudice to any of the parties.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman

PHZ/csf

cc: Newton A. Williams, Esquire
Ms. Barbara Whitman, President
Historic Glyndon, Inc.
Mr. Virnean Lenz, President
Glyndon Community Assoc.

10:11 PM 02 JUN 94
RECEIVED ENGINEERING DIVISION



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 26, 1994

NOTICE OF POSTPONEMENT

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

CASE NO. 91-504-SPH CALVIN L. RETER, ET AL
SE/cor Butler Rd & Railroad Avenue
(4 Butler Road)
4th Election District
3rd Councilmanic District

SPH -Service station, carry out crab house, office, retail sales, apartments, parking, driveway entrances/widths & signs as nonconforming uses.

2/03/93 -Z.C.'s Order in which Petition for Special Hearing was GRANTED in part and DENIED in part.

which was scheduled for hearing on June 21, 1994 has been POSTPONED at the request of Counsel for Petitioner for purpose of filing for special exception before Zoning Commissioner; to be reset upon request.

cc: Newton A. Williams, Esquire Counsel for Appellants /Petitioners
Calvin L. Reter, et al Appellants /Petitioners
Dwight Little /W. Duvall & Assoc.
Barbara C. Whitman, President
Historic Glyndon, Inc.
Virnean Lenz, President
Glyndon Community Association
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotrocco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 29, 1994

NOTICE OF ASSIGNMENT

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

CASE NO. 91-504-SPH CALVIN L. RETER, ET AL
SE/cor Butler Rd & Railroad Avenue
(4 Butler Road)
4th Election District
3rd Councilmanic District

SPH -Service station, carry out crab house, office, retail sales, apartments, parking, driveway entrances/widths & signs as nonconforming uses.

2/03/93 -Z.C.'s Order in which Petition for Special Hearing was GRANTED in part and DENIED in part.

which was postponed on May 26, 1994 has been assigned for hearing at the request of Counsel for Protestants (Glyndon Community Association); and has been

ASSIGNED FOR: TUESDAY, SEPTEMBER 27, 1994 at 10:00 a.m.

cc: Newton A. Williams, Esquire Counsel for Appellants /Petitioners
Calvin L. Reter, et al Appellants /Petitioners
Dwight Little /W. Duvall & Assoc.
Barbara C. Whitman, President
Historic Glyndon, Inc.
J. Carroll Holzer, Esquire Counsel for Glyndon Comm. Assn.
Virnean Lenz, President
Glyndon Community Association

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotrocco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

111 West Chesapeake Avenue
Towson, MD 21204

July 31, 1991

887-3353

Mr. Calvin L. Reter
4 Butler Road
Glyndon, MD 21071

RE: Item No. 493, Case No. 91-504-SPH
Petitioner: Calvin L. Reter, et al
Petition for Special Hearing

Dear Mr. Reter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties of the zoning action problems with regard to the development plans that may have a bearing on this case. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

cc: W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, MD 21204

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Calvin L. Reter, et al

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 11, 1992
Item for Case No. 91-504-SPH (Calvin Reter)
(#493)

The Developers Engineering Division has reviewed the subject zoning item. A 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for July 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 492, 494, 496, 497, 499, 500, 501, 502 and 503.

For Items 428-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SPHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

MICROFILMED

Zoning Advisory Committee Meeting July 2, 1991
Page 2

- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plat for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

RWB:*

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500 JULY 26, 1991 (301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CALVIN L. RETER AND JAMES E. RETER AND
NANCY ANN STOCKSDALE

Location: #4 BUTLER ROAD

Item No.: 493 Zoning Agenda: JULY 2, 1991

Gentlemen:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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", 1988 edition prior to occupancy.

CRG 11
ALL SELF-SERVICE STATIONS SHALL HAVE 1 ATTENDANT ON DUTY WHILE THE STATION IS OPEN TO THE PUBLIC. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO SUPERVISE, OBSERVE, AND CONTROL THE DISPENSING OF CLASS I LIQUIDS WHILE ACTUALLY BEING DISPENSED. NFPA 30, 1987 ED., SEC 7-8.4.3 AND SEC 7-8.4.4.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Rec'd 7/31/91 jkd

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500 MAY 8, 1992 (301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

REVISED PLATS WERE RECEIVED FOR CASE #91-504-SPH (CALVIN RETER) ON APRIL 28, 1992

Item No.: (LEO) 493 Zoning Agenda: MAY 4, 1992

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

UPDATED

MICROFILMED

91-504-SPH 7-27-92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: July 1, 1992
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item 493
#11 Keyser Woods Court
Zoning Advisory Committee Meeting of June 1, 1992

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Stream (Use III) within 200' of site. Environmental Impact Review Division must review building permit/plans.

JLP:sp

JABLON/S/TXTSPB

RECEIVED
JUL 7 1992
ZONING OFFICE

91-504-SPH 8-28
BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

TO: Mr. Arnold Jablon, Director DATE: August 27, 1991
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famill
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 2, 1991
ITEM NUMBER: 493

- A better defined parking layout should be provided.
- The existing 11 ft. access off Butler Road should be eliminated.
- Some internal traffic flow patterns may have to be modified.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

Rec'd 8/31/91

CONT'D

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

TO: Mr. Arnold Jablon, Director DATE: May 7, 1992
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famill
SUBJECT: Z.A.C. Comments (Revised)

Z.A.C. MEETING DATE: May 4, 1992
ITEM NUMBER: 493
CASE NUMBER: 91-504-SPH

- The proposed curve along the eastern property line needs to be eliminated and the three proposed "angled" parking spaces need to be changed to "perpendicular" parking spaces.
- The existing 12 ft. driveway adjacent to the existing barn and the metal shed needs to be 22 ft. wide minimum.
- Some internal traffic patterns and/or parking layout may have to be modified.
- It appears that there are adequate parking areas on site and there is no need for a parking variance as is suggested on the plan.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/dm

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 16, 1991
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Reter Property, Item No. 493

In reference to the Petitioner's request, staff offers the following comments:

This property is historic and is improved with buildings dating back to the late 1870's, which reflect the unique character of Glyndon. While this property is not in the Baltimore County Historic District, it is within the Glyndon National Register Historic District and, as such, must be held to a high standard. The owner has permitted the front lawn of the property to be used for outdoor display of nursery products and a parking lot. The site plan indicates a proposed 30' wide entrance from Butler Road in addition to an existing driveway. We suggest that the existing driveway be improved to allow for improved access.

The automotive (gasoline) service station is improved with two gas pumps. These pumps have been recently replaced. However, it has been observed by staff that the gasoline service operation has not been in regular operation for the past several years. Presumably, the owner can provide tax records and receipts and reliable testimony to show that its non-conforming status has been preserved.

The use of the two historic homes on Butler Road should be relatively easy to establish since the corner house is well documented as the first rooming house in Glyndon, dating back to the 1800's. The only question is, when was the lower level improved with retail and office uses?

Rec'd 8/20/91

Memo to: Arnold Jablon, Director
Page 2
August 16, 1991

This property has had a questionable past with regard to signage. The subject variance request seems deficient in that no rendering of the signs are in the file. Therefore, we cannot evaluate the quality of the design. However, if the signs being requested are existing on the property now, we cannot support this variance. Furthermore, on recent visits to the area, we have observed that additional signs have been placed on the property apparently without permits and in violation of the order of the District Court.

The plan does not identify all of the existing uses; e.g., the crab house, or the landscape - firewood and nursery stock storage and display areas. A much better plan should be developed to enhance the overall appearance of the site.

Based upon an analysis of the information provided and a site inspection, staff recommends the applicant's request be denied. This office further recommends that if certain non-conforming issues are approved, they be specifically identified to control future expansion at this property.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

EK/JD/1E
FKRETER/TXTLLF

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

February 18, 1993

Ms. Barbara C. Whitman
President, Historic Glyndon, Inc.
4702 Butler Road
Glyndon, MD 21071

RE: Petition for Special Hearing
SEC Butler Road & Railroad Ave
(4 Butler Road)
4th Election District
3rd Councilmanic District
Calvin L. Reter, et al - PETITIONER
Case No. 91-504-SPH

Dear Ms. Whitman:

Please be advised that an appeal of the above-referenced case was filed in this office on February 16, 1993 by Newton A. Williams, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

cc: Newton A. Williams, Esquire
Dwight Little, W. Duvall & Associates
People's Counsel

MICROFILMED

IN THE MATTER OF * BEFORE THE
CALVIN L. RETER, et al. * COUNTY BOARD OF APPEALS
NON-CONFORMING USE * BALTIMORE COUNTY
* CASE NO. 91-504-SPH
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, Sept. 27, 1993, at 10:00 a.m. at Room #48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Jack Dillon, Planning
Address: 4th Floor County Courts Bldg.
Towson, Maryland 21204

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

J. Carroll Holzer
County Board of Appeals of
Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

91 SEP 20 PM 2:57

7/27/93 -Confirmed w/Newton Williams --hold case and do not set unless requested to do so. Getting ready to file gas station case with the Zoning Commissioner; will advise of outcome, progress, etc. and whether to set case or if it will be pulled.

4/07/94 -Inquiry from Bill Hughey /Planning --community association has been inquiring re status of this case. Advised both Newton and Bill H. that this matter would be scheduled for hearing in the normal course of setting the docket (probably within the next week or two) and would therefore come up for hearing before the Board late June or early July.

APPEAL

Petition for Calvin L. Reter, et al
SEC Butler Road & Railroad Avenue
(4 Butler Road)
4th Election District - 3rd Councilmanic District
Calvin L. Reter, et al - PETITIONER
Case No. 91-504-SPH, Item No. 493

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

People's Counsel's Memorandum

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 Plat to accompany Petition

2 Nine photographs of site

3 Letter from Zoning Enforcement

4 Details of Signs

5 Photograph of Reter's Food Market

Protestant's Exhibits: 1 Letter from the Comptroller of the Treasury

Zoning Commissioner's Order dated February 3, 1993 (Partially Denied)

Notice of Appeal received on February 16, 1993 from Newton A. Williams, Esquire

cc: Newton A. Williams, Esquire, Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, MD 21204-5340

Dwight Little, W. Duvall & Associates, 530 E. Joppa Road, Baltimore, MD 21286

People's Counsel of Baltimore County

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Docket Clerk
Arnold Jablon, Director of ZADM

MICROFILMED

4/12/94 -Notice of Assignment for hearing scheduled for Tuesday, June 21, 1994 at 10:00 a.m. sent to following:

Newton A. Williams, Esquire
Calvin L. Reter, et al
Dwight Little /W. Duvall & Assoc.
Barbara C. Whitman, President
Historic Glyndon, Inc.
Virtman Lenz, President
Glyndon Community Association
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotrocco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

5/17/94 -T/C from N. Williams, Esquire --will be sending letter requesting postponement of this matter from above hearing date.

- Letter from N. Williams, Esquire requesting postponement as indicated above. Petition for Special Exception to be filed with Zoning Commissioner; requesting that this matter be held pending outcome of that petition; cc noted to People's Counsel.

5/23/94 -Letter from Peter Max Zimmerman /his office has no objection to request for postponement made by N. Williams.

5/26/94 -Notice of Postponement sent to parties; will hold pending Petitioner's filing for special exception before Zoning Commissioner; to be reset upon request.

June 7, 1994 -Letter from C. Holzer (counsel for Glyndon Community Assn.) requesting that matter be scheduled for hearing.

June 29, 1994 -Notice of Assignment sent to parties; case scheduled for hearing on September 27, 1994 at 10:00 a.m.

7/27/94 -Letter from C. Holzer, Esquire, to N. Williams, Esquire -indicating that hearing should go forward on 9/27/94 as scheduled; copy to Board.

8/01/94 -Motion for Continuance Pending Filing of Service Station Special Exception and Variance Case filed by N. Williams on behalf of Petitioners /Owners.

8/10/94 -J. Carroll Holzer visited Board's office; indicated that he is preparing Response to N. Williams' Motion for Continuance; to be submitted to Board by end of week.

IN THE MATTER OF * BEFORE THE
CALVIN RETER, et al. * COUNTY BOARD OF APPEALS
NON-CONFORMING USE * BALTIMORE COUNTY
* CASE NO. 91-504-SPH
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, Sept. 27, 1993, at 10:00 a.m. at Room #48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: John McGrain, Planning
Address: 4th Floor County Courts Bldg
Towson, MD 21204

Name: J. Carroll Holzer
Firm: Holzer & Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

J. Carroll Holzer
County Board of Appeals of
Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

91 SEP 20 PM 2:56

ZONING ENFORCEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

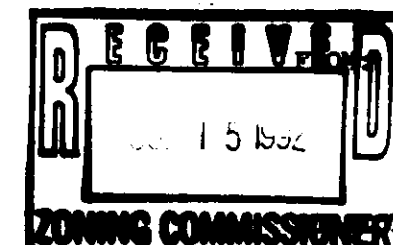
TO: Larry E. Schmidt, Zoning Commissioner, March 23, 1992

James H. Thompson, Zoning Enforcement Coordinator

Item No. 493

91-504 SPH

PETITIONER: CALVIN L. RETER



OTHER PRIOR VIOLATIONS: C-91-2027, C-91-2537

ACTIVE VIOLATION CASE: # C92-2444
LOCATION OF VIOLATION: SEC Butler Rd & Railroad Ave. (4 Butler Rd.)
DEFENDANT: Calvin L. Reter
ADDRESS: 4 Butler Rd.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

MICROFILMED
NAME: Mary Ann MacLellan, David M. Porter, The Honorable C.A. "Otha" Ruppberger, III
ADDRESS: 4815 Butler Rd., Glyndon, Md. 21071, 4611 Butler Rd., Glyndon, Md. 21071
After the public hearing is held, please send a copy of the Zoning Commission's order to the Zoning Enforcement Coordinator so that the appropriate action may be taken relative to the violation case.

ZONING ENFORCEMENT

91-504-SPH

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer, Zoning Supervisor, DATE: June 24, 1991

FROM: James H. Thompson, Zoning Enforcement Coordinator

RE: Item No. 493, Petitioner: Calvin K. & James E. Reter, et al

VIOLATION CASE # C-91-2027
LOCATION OF VIOLATION: S/E Corner of Butler Road & Railroad Avenue
DEFENDANT: Calvin K. and James E. Reter, et al
ADDRESS: 4 Butler Road Glyndon, Maryland 21071

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME: Leu Waldner, Executive Office, James H. Thompson, Zoning Enforcement

After the public hearing is held, please send a copy of the Zoning Commission's order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Gwen Stevens, Development Control

ech/

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 9, 1992

Mr. Calvin L. Reter
4 Butler Road
Glyndon, MD 21071

RE: Item No. 493, 91-504-SPH

Dear Mr. Reter:

Enclosed are copies of updated Zoning Advisory Comments from several departmental agencies who have reviewed the submitted site plan.

If you have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,
Julie A. Winiarski
Julie A. Winiarski
Z.A.D.M.

Enclosure

B.L. Zone--Business, Local (B.C.Z.R., 1955.)

Section 230.1.2--USE REGULATIONS

The following uses only are permitted (See Section 230.12):

- 230.1--Uses permitted and as limited in the residential zone immediately adjoining except that Animal Boarding place, Class A is permitted only as a Special Exception and Kennel is prohibited. (B.C.Z.R., 1955; Bill No. 85, 1967.)
- 230.2--Convalescent home;
- 230.3--Tourist home, boarding or rooming houses;
- 230.4--Restaurant, tea room, and dairy bar, except drive-in restaurant. (B.C.Z.R., 1955; Bill No. 40, 1967.)
- 230.5--Bank, building and loan association;
- 230.6--Offices and office buildings;
- 230.7--Private colleges, dancing schools, conservatory for music and the arts, dormitories, and fraternity and sorority houses. (B.C.Z.R., 1955; Resolution, November 21, 1956; Bill No. 47, 1985.)
- 230.8--Business and trade schools;
- 230.9--Alcoholic beverage package store; Amusement devices, subject to the provisions of Section 422; (Bill No. 29, 1982.) Antique Shop; Arcade, subject to the provisions of Section 423(a); (Bill No. 29, 1982.) Automobile accessory shop; Automobile parking lot; Bakery, but goods based on the premises must be sold only at retail on the premises; Barber and beauty shops, establishments for chiropody and massage; Billiard and pool rooms; (Bills No. 61, 1967; No. 85, 1967.) Bowling Alley; (Resolution, November 21, 1956; Bill No. 58, 1957; No. 85, 1967.) Camera, photo-supply, or film-processing shops or pick-up stations (including "drive-by" facilities); (Bill No. 43, 1970.)

2-33

APPROVED JUL 0 1 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Zoning Administration & Development Management

FROM: C.A. Dutch Ruppberger, III, Councilman, Third District

SUBJECT: Warner Landscaping Enterprises, Glyndon, MD

DATE: April 30, 1992

Ms. Mary Ann MacLellan of 4815 Butler Road in Glyndon phoned this office April 24, 1992, requesting assistance with a zoning problem involving Warner Landscaping Enterprises of 4823 Butler Road in Glyndon. Ms. MacLellan was very upset by the amount of truck traffic, odors and dust associated with the use of this property. She is also concerned for the health, safety and welfare of the community, particularly the children living in the apartment complex directly next to the business. Ms. MacLellan further stated that there has been a problem with rats and raccoons on her property since this business moved in.

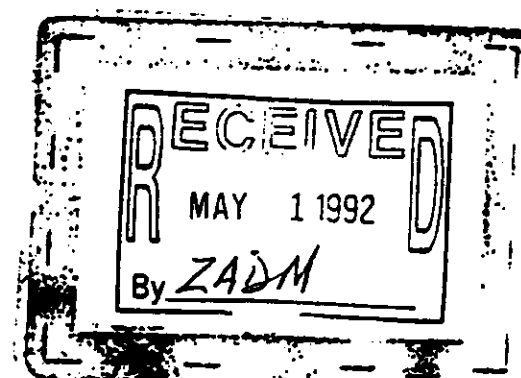
According to Ms. MacLellan, the Glyndon Community Association filed a complaint with your office regarding this problem. Apparently, to date, nothing appears to have changed, and the community is becoming extremely frustrated with the process. Evidently the property is zoned BL.

Therefore, I would appreciate your looking into this problem and advising me of the status of this complaint, so that I may respond to this community.

CADR:clh

cc: Mary Ann MacLellan, Glyndon Community Association

JABLON.02/FINALCAR



MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 16, 1995

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. 91-504-SPH
CALVIN L. RETER, ET AL
4th District

Dear Mr. Williams:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Calvin L. Reter, et al
J. Carroll Holzer, Esquire
Dwight Little /W. Duvall & Assoc.
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Zoning Administration & Development Management

FROM: Charlotte E. Radcliffe, County Board of Appeals

SUBJECT: Closed File: Case No. 91-504-SPH
CALVIN L. RETER, ET AL
District 4

As no further appeals have been taken regarding the subject case which was dismissed by Order dated October 4, 1994, we are closing the file and returning same to you herewith.

Attachment

Handwritten notes and stamps on the right page, including a date stamp for Wednesday, November 2, 1994, and various signatures and initials.

LAW OFFICES
J. CARROLL HOLZER, P.A.
TOWSON, MD 21284
FAX: (410) 825-4923

TOWSON OFFICE
10 WASHINGTON AVENUE
SUITE 302
TOWSON, MD 21284
(410) 825-4923
FAX: (410) 825-4923

CARROLL COUNTY OFFICE
111 LIBERTY ROAD
ELLENBURG, MD 21784
(410) 795-8556
FAX: (410) 795-5535

June 6, 1994

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Chairman William Hackett

Re: Case No. 91-504-SPH
Calvin L. Reter, et al

Dear Mr. Hackett:

Please be advised that I have been retained by the Glyndon Community Association to represent them in the above-captioned case. It is my understanding that the matter was previously scheduled for hearing on June 21, 1994, but postponed to the request of Counsel for the Petitioner for the purpose of filing for Special Exception before the Zoning Commissioner.

While I can understand that the matter has been postponed for that purpose, the original decision date of the Zoning Commissioner in this case was February 3, 1993. At the same time, potential zoning violations exist and are not being pursued by Baltimore County because of the fact that this matter is currently before the Board. I would therefore request that the matter be rescheduled to ensure that indeed a Petition for Special Exception is being filed for a service station and that the case is not sitting without any activity.

Thank you very much for entering my appearance on behalf of the Glyndon Community Association in your records.

Very truly yours,

J. Carroll Holzer
J. Carroll Holzer

cc: Newton Williams, Esq.
Vinson
Arnold Jablon

letters@glyndon.1tr

80-111 MW L-NDP '96

RECEIVED
JUN 10 1994
ZONING COMMISSIONER

BALTIMORE COUNTY HISTORICAL TRUST inc.

Community Preservation at Work
Post Office Box 1006
Towson, MD 21285-0006

June 9, 1992

Mr. Lawrence Schmidt, Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt,

I am writing you on behalf of the Baltimore County Historical Trust, Inc. regarding Case 91-504SPH, in Glyndon to be heard at 10:00 A.M. on Tuesday, June 10, 1992. This property is within the National Register District and adjacent to the oldest Local Register District in this jurisdiction. It is highly visible due to its location at the western gateway of the community. For these reasons, the Trust requests that you uphold the Master Plan policy "to preserve and maintain historically or architecturally significant districts as well as individual structures and their immediate surroundings." This property is suitable for a variety of commercial establishments that would enhance its viability and be good neighbors in this historic area.

Since 1979, the Baltimore County Historical Trust, Inc. has been dedicated to preserving Baltimore County's unique heritage of buildings, sites, towns, and neighborhoods. This nonprofit organization works to document and protect landmarks as well as the many significant buildings and sites that make Baltimore County unique in character.

Sincerely,
Eugene Adams
Eugene Adams, Chairman

RECEIVED
JUN - 9 1992
ZONING COMMISSIONER

BALTIMORE COUNTY HISTORICAL TRUST inc.

Community Preservation at Work
Post Office Box 1006
Towson, MD 21285-0006

August 22, 1991

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

Dear Mr. Haines,

On August 28 Case #91-504 SPH is scheduled for a hearing regarding requested variances, including one for a large sign. The property that is the subject of this hearing is on the National Register of Historic Places and is adjacent to the oldest local historic register district in Baltimore County. The building, constructed by one of the founders of Glyndon in the latter part of the Nineteenth Century, is eligible for local landmark status. It is the gateway structure to this scenic community.

The Baltimore County Historical Trust asks that this letter be part of the official record. Moreover, it requests that the following policies of the Baltimore County Master Plan be taken into consideration prior to a ruling being made in this case. The most pertinent are:

- 6. The protection of landmark buildings and places should be extended to include their sites. Grounds, gardens, important trees and significant views should be treated as integral with the Landmark itself.
 - 7. New buildings adjacent to Historic Landmarks should not overpower or clash stylistically with the building to be protected.
- Page 75:
• to "ensure the protection of scenic and historic areas".... and
• to "promote a sense of order and harmony by discouraging jarring contrasts of scale, form, material and style."

The Baltimore County Historical Trust, Inc. is a nonprofit organization committed to preserving the unique architectural heritage of Baltimore County. It believes that by saving historical and significant buildings and sites, it is possible to achieve more livable surroundings that link the County's residents to the past, while making room for the future.

Sincerely,
Eugene Adams
Eugene Adams, President

RECEIVED
AUG 26 1991
ZONING COMMISSIONER

Copies to:
J. Dillon, OPZ
F. Friedman, People's Counsel

MICROFILMED

LAW OFFICES
NOLAN, PLUNKOFF & WILLIAMS
CHARTERS
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
4101 823-7800
TELEFAX: 4101 296-2765

February 11, 1993

Arnold Jablon, Esquire
ZADM
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Reter Special Hearing
Case No. 91-504-SPH

On behalf of my clients, Calvin Reter, et al., please note an appeal to the County Board of Appeals from Commissioner Schmidt's Opinion and Order of February 2, 1993, granting in part and denying in part the requested relief.

Our appeal check in the amount of \$175.00 is enclosed. Thanking you and your staff, I am,

Sincerely,
Newton A. Williams

RAW/psk

cc: County Board of Appeals
Peoples Counsel
Mr. Calvin Reter
Mr. M. Warner
Ms. Barbara C. Whitman, President
Historic Glyndon, Inc.
Mr. Dwight Little, P.E.
Mr. Mark Kromm
W. Duvall & Associates

RECEIVED
FEB 23 1993
ZONING OFFICE

JAMES D. NOLAN
SUITE 700
J. EARLE PLUNKOFF
SUITE 700
RALPH E. DEITE
SUITE 700
OF COUNSEL
T. BAYARD WILLIAMS, JR.
WYOMING STREET BLDG.
222

7856

*Call Newton again
see answer from
going
heck - do not put
case answer
you now*

LAW OFFICES
PLUNKOFF & WILLIAMS
CHARTERS
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
4101 823-7800
TELEFAX: 4101 296-2765

February 11, 1993

ZADM
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Reter Special Hearing
Case No. 91-504-SPH

On behalf of my clients, Calvin Reter, et al., please note an appeal to the County Board of Appeals from Commissioner Schmidt's Opinion and Order of February 2, 1993, granting in part and denying in part the requested relief.

Our appeal check in the amount of \$175.00 is enclosed. Thanking you and your staff, I am,

Sincerely,
Newton A. Williams

RAW/psk

cc: County Board of Appeals
Peoples Counsel
Mr. Calvin Reter
Mr. M. Warner
Ms. Barbara C. Whitman, President
Historic Glyndon, Inc.
Mr. Dwight Little, P.E.
Mr. Mark Kromm
W. Duvall & Associates

96-111 MW 21 03466

Historic Glyndon Incorporated
Glyndon, Maryland 21204

August 27, 1991

The Honorable J. Robert Haines
Zoning Commissioner, Baltimore County
111 West Chesapeake Ave.
Towson, MD 21204

Dear Commissioner Haines:

The Board of Directors of Historic Glyndon Incorporated opposes the request in petition 91-504-SPH Item #493 for three dual-sided signs totalling 212 square feet. While the property in question is zoned for business, the residents of Glyndon would like the Zoning Commissioner to use his power to foster attractive signs which enhance rather than detract from the business area.

In addition, the surrounding residential and historic areas, which lie less than fifty yards from this property, are also affected. Present signs are visible from residences 1/4 mile away. With the present signs so easily visible, there is no apparent valid reason for approving more signs or larger ones. Furthermore, there is a real possibility that unattractive, large signs could hurt property values of nearby residences.

There are also serious safety problems concerning proposed driveways from the Reter property to Butler Road. Already the scene for many accidents, the roadway is very dangerous. An additional intersection--coupled with the 'vo presently used-- would be a traffic hazard and would restrict the flow of traffic from the post office, Glyndon Square Shopping Center, and the firehouse.

Please protect our safety by prohibiting a new entrance on Butler Road from the Reter property. And please protect the quaint and commercial parts of our community by requiring attractive, appropriate, and reasonably-sized signs.

Sincerely,

Barbara C. Whitman
Barbara C. Whitman
President

*Handed in before
hearing 8-28-91 Jff*

Mail Copy - Mrs. Reter's signature, 2/22/93, 2/23/93, 2/24/93, 2/25/93, 2/26/93, 2/27/93, 2/28/93, 2/29/93, 3/1/93, 3/2/93, 3/3/93, 3/4/93, 3/5/93, 3/6/93, 3/7/93, 3/8/93, 3/9/93, 3/10/93, 3/11/93, 3/12/93, 3/13/93, 3/14/93, 3/15/93, 3/16/93, 3/17/93, 3/18/93, 3/19/93, 3/20/93, 3/21/93, 3/22/93, 3/23/93, 3/24/93, 3/25/93, 3/26/93, 3/27/93, 3/28/93, 3/29/93, 3/30/93, 3/31/93, 4/1/93, 4/2/93, 4/3/93, 4/4/93, 4/5/93, 4/6/93, 4/7/93, 4/8/93, 4/9/93, 4/10/93, 4/11/93, 4/12/93, 4/13/93, 4/14/93, 4/15/93, 4/16/93, 4/17/93, 4/18/93, 4/19/93, 4/20/93, 4/21/93, 4/22/93, 4/23/93, 4/24/93, 4/25/93, 4/26/93, 4/27/93, 4/28/93, 4/29/93, 4/30/93, 5/1/93, 5/2/93, 5/3/93, 5/4/93, 5/5/93, 5/6/93, 5/7/93, 5/8/93, 5/9/93, 5/10/93, 5/11/93, 5/12/93, 5/13/93, 5/14/93, 5/15/93, 5/16/93, 5/17/93, 5/18/93, 5/19/93, 5/20/93, 5/21/93, 5/22/93, 5/23/93, 5/24/93, 5/25/93, 5/26/93, 5/27/93, 5/28/93, 5/29/93, 5/30/93, 5/31/93, 6/1/93, 6/2/93, 6/3/93, 6/4/93, 6/5/93, 6/6/93, 6/7/93, 6/8/93, 6/9/93, 6/10/93, 6/11/93, 6/12/93, 6/13/93, 6/14/93, 6/15/93, 6/16/93, 6/17/93, 6/18/93, 6/19/93, 6/20/93, 6/21/93, 6/22/93, 6/23/93, 6/24/93, 6/25/93, 6/26/93, 6/27/93, 6/28/93, 6/29/93, 6/30/93, 7/1/93, 7/2/93, 7/3/93, 7/4/93, 7/5/93, 7/6/93, 7/7/93, 7/8/93, 7/9/93, 7/10/93, 7/11/93, 7/12/93, 7/13/93, 7/14/93, 7/15/93, 7/16/93, 7/17/93, 7/18/93, 7/19/93, 7/20/93, 7/21/93, 7/22/93, 7/23/93, 7/24/93, 7/25/93, 7/26/93, 7/27/93, 7/28/93, 7/29/93, 7/30/93, 7/31/93, 8/1/93, 8/2/93, 8/3/93, 8/4/93, 8/5/93, 8/6/93, 8/7/93, 8/8/93, 8/9/93, 8/10/93, 8/11/93, 8/12/93, 8/13/93, 8/14/93, 8/15/93, 8/16/93, 8/17/93, 8/18/93, 8/19/93, 8/20/93, 8/21/93, 8/22/93, 8/23/93, 8/24/93, 8/25/93, 8/26/93, 8/27/93, 8/28/93, 8/29/93, 8/30/93, 8/31/93, 9/1/93, 9/2/93, 9/3/93, 9/4/93, 9/5/93, 9/6/93, 9/7/93, 9/8/93, 9/9/93, 9/10/93, 9/11/93, 9/12/93, 9/13/93, 9/14/93, 9/15/93, 9/16/93, 9/17/93, 9/18/93, 9/19/93, 9/20/93, 9/21/93, 9/22/93, 9/23/93, 9/24/93, 9/25/93, 9/26/93, 9/27/93, 9/28/93, 9/29/93, 9/30/93, 10/1/93, 10/2/93, 10/3/93, 10/4/93, 10/5/93, 10/6/93, 10/7/93, 10/8/93, 10/9/93, 10/10/93, 10/11/93, 10/12/93, 10/13/93, 10/14/93, 10/15/93, 10/16/93, 10/17/93, 10/18/93, 10/19/93, 10/20/93, 10/21/93, 10/22/93, 10/23/93, 10/24/93, 10/25/93, 10/26/93, 10/27/93, 10/28/93, 10/29/93, 10/30/93, 10/31/93, 11/1/93, 11/2/93, 11/3/93, 11/4/93, 11/5/93, 11/6/93, 11/7/93, 11/8/93, 11/9/93, 11/10/93, 11/11/93, 11/12/93, 11/13/93, 11/14/93, 11/15/93, 11/16/93, 11/17/93, 11/18/93, 11/19/93, 11/20/93, 11/21/93, 11/22/93, 11/23/93, 11/24/93, 11/25/93, 11/26/93, 11/27/93, 11/28/93, 11/29/93, 11/30/93, 12/1/93, 12/2/93, 12/3/93, 12/4/93, 12/5/93, 12/6/93, 12/7/93, 12/8/93, 12/9/93, 12/10/93, 12/11/93, 12/12/93, 12/13/93, 12/14/93, 12/15/93, 12/16/93, 12/17/93, 12/18/93, 12/19/93, 12/20/93, 12/21/93, 12/22/93, 12/23/93, 12/24/93, 12/25/93, 12/26/93, 12/27/93, 12/28/93, 12/29/93, 12/30/93, 12/31/93

LAW OFFICES
NOLAN, PLUNKOFF & WILLIAMS
CHARTERS
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
4101 823-7800
TELEFAX: 4101 296-2765
TELETYPE COVER PAGE
TELEFAX (410) 296-2765

cc: Mr. Calvin Reter, 4 Butler Road, Glyndon, Maryland, 21204
Mr. Mark A. Kromm, W. Duvall & Associates, Ltd., 5308 Joppa Rd.
Towson, Maryland, 21284
Mrs. Karen Stephens, ZADM, County Office Bldg., 2104 21204

LAW OFFICES
NOLAN, PLUNKOFF & WILLIAMS
CHARTERS
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
4101 823-7800
TELEFAX: 4101 296-2765

Re: Reter special hearing
Non-conforming signs
91-504-SPH

Mr. John Sullivan
County Office Bldg.
Towson, MD 21204

Dear John: Per our April 24th meeting with you and
Mark Kromm and myself, please find enclosed
1. Twelve (12) revised site plans for this case; and
2. Our new check in the amount of \$100.00 for the amendment.
PLEASE ASK GWEN TO CHECK WITH ME BEFORE
submitting the case for hearing.
Thanking you and Gwen for your attention to this
matter, I am,
Sincerely,
Newton A. Williams

MICROFILMED

DATE: March 6, 1991 CLIENT/MATTER NO.: 2918/01
TELECOPIER TELEPHONE NUMBER: 887-5708
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 1
TO: Mrs. Karen Stephens
FIRM: Zoning, OPZ
TELEPHONE NUMBER TO CONFIRM RECEIPT: 887-3391
FROM: Newton Williams
RE: Calvin Reter, et al. 91-504-SPH, Received 8/28/91
IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
Newton Williams/Peter Kopp AT 823-7800

Dear Gwen: Confirming our numerous fibrous conversations,
understand you are having trouble with cases due to the new
CR6 Revised Procedure.
Since April is almost gone for hearing purposes, we
would ask for a May date other than May 1st, 20th, 21st or
22nd.
Thank you for your assistance as usual. With best
regards,
Sincerely,
Newton

CONFIDENTIALITY NOTICE
WARNING: Unauthorized interception of this telephonic communication could be a violation of
Federal and Maryland law.

The documents accompanying this teletype transmission contain confidential information belonging
to the sender which is legally privileged. The information is intended only for the use of the
individual or entity named above. If you are not the intended recipient, you are hereby
notified that any disclosure, copying, distribution or the taking of any action in reliance on
the contents of this teletyped information is strictly prohibited. If you have received this
teletype in error, please immediately notify us by telephone to arrange for return of the
original documents to us.

MICROFILMED

52678

NEWTON A. WILLIAMS
THOMAS J. REMNER
WILLIAM F. ENGLISHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. BLUSHKAW
STEPHEN H. SCHENBERG
DOUGLAS L. BURNESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES, III
GREGORY J. JONES
J. JOSEPH CURRAN, III
CHRISTINE K. McDERMOTT
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 286-2785

JAMES D. NOLAN
RETRO 1800
J. EARLE PLUMHOFF
1940-1980
RALPH E. DEITZ
1918-1980
OF COUNSEL
T. BAYARD WILLIAMS, JR.
WRITER'S DIRECT DIAL
982-7856

February 11, 1993

Arnold Jablon, Esquire
ZADH
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Reter Special Hearing
Case No. 91-504-SPH

On behalf of my clients, Calvin Reter, et al., please note an appeal to the County Board of Appeals from Commissioner Schmidt's Opinion and Order of February 2, 1993, granting in part and denying in part the requested relief.

Our appeal check in the amount of \$175.00 is enclosed. Thanking you and your staff, I am,

Sincerely,
Newton A. Williams
Newton A. Williams

NAW/psk

cc: County Board of Appeals
Peoples Counsel
Mr. Calvin Reter
Mr. M. Warner
Ms. Barbara C. Whitman, President
Historic Glyndon, Inc.
Mr. Dwight Little, P.E.
Mr. Mark Kromm
W. Duvall & Associates

RECEIVED
FEB 18 1993
ZONING OFFICE

NEWTON A. WILLIAMS
THOMAS J. REMNER
WILLIAM F. ENGLISHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. BLUSHKAW
STEPHEN H. SCHENBERG
DOUGLAS L. BURNESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES, III
GREGORY J. JONES
J. JOSEPH CURRAN, III
CHRISTINE K. McDERMOTT
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 286-2785

JAMES D. NOLAN
RETRO 1800
J. EARLE PLUMHOFF
1940-1980
RALPH E. DEITZ
1918-1980
OF COUNSEL
T. BAYARD WILLIAMS, JR.
WRITER'S DIRECT DIAL
823-7856

August 31, 1992

To The Honorable Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
Court House
Towson, Maryland 21204

Dear Commissioner Schmidt:

RE: Calvin L. Reter, et al.
4 Butler Road
Case No.: 91-504-SPH (Item 493)

The Commissioner will recall that at the close of the Hearing on July 27, 1992, in response to the request for Memorandums, I indicated that I would like to send you a letter Memorandum, and Mrs. Friedman indicated she would stand on her testimony and comments during the case.

This case involves a Special Hearing concerning the Reter commercial and residential complex at the southeast corner of Butler Road and Railroad Avenue in Glyndon.

Specifically, the Special Hearing was requested to "approve automotive (gasoline) service station, carry-out crab house, office, retail sales office, apartments, parking area services, driveway entrances, driveway widths with 24 parking spaces and 3 dual sided signs totaling 212 square feet, all as non-conforming uses."

RECEIVED
AUG 31 1992
ZONING COMMISSIONER

MICROFILMED

Under Section 104.1, all non-conforming uses have the benefit of being dormant for a period up to one year. It is very clear from the testimony that Mr. Reter, at most, was preparing to close the food store and accessory gasoline sales from the period of November, 1990, until April, 1991, when he reopened both, due to the failure of the sale to State Farm to go through. This does not amount to a one year period for any of the store uses including the accessory gas and kerosene sales.

Mr. Reter has entered into an Agreement with the neighbors with regard to the signs, and he has agreed not to use temporary signs, although he could do so under the law. Mr. Reter very clearly testified that there are three signs on the property: namely, the former beauty shop sign in front of 4825, which now is the Glyndon Nursery sign; the Reter's Crab House sign, for many years the Reter's grocery store sign directly at the corner at 4825, which is a two sided sign, as is the beauty shop sign; and then a third sign which was at one time a Amoco or a Union 76 gas sign on the Railroad Avenue frontage. These signs are non-conforming, and together comprise the relief and the square footage asked for in the Petition. These signs if grandfathered, counting one side only are under the 100 square foot figure, and the 212 square feet may be used only if new sign variances are needed. In any case the signs are modest and have been there for years, ie. before 1945 at least.

Mr. Jack Dillon, and other members of the Zoning Commissioner's office, and the Office of Planning and Zoning, have carefully checked this site over a period of a year or more. The site plan, Petitioner's Exhibit 1, dated June 4, 1992, represents the result of much work between Mr. Dillon, the Office of Planning and Zoning, the Zoning Commissioner's office, Mr. Reter, and various community groups, as well as, Mr. Reter's engineers and attorneys. As such, we would respectfully ask that the Petitioner's Exhibit 1 be included in any relief which the Zoning Commissioner is disposed to grant in this matter.

The Petitioner can see from the photographs, Petitioner's Exhibits 2A through 2F, that Mr. Reter has cleaned up the property, and that the property is in good order. As for the signs, they are clearly shown in the County Sign Diagram, Petitioner's Exhibit 4A through D. Also, the location of the new gas pumps, which have been relocated to conform with Baltimore County Regulations, are shown in the photograph, Petitioner's Exhibit 5.

For all of these reasons we would respectfully ask that the Commissioner grant the relief requested, including a finding that the gasoline sales are accessory to the food store sales, and may continue provided the store remains open with convenience groceries during the winter months.

Respectfully submitted,
Newton A. Williams
Newton A. Williams
Attorney for Reter Family

NAW/psk

cc: People's Counsel
Phyllis Friedman
Mr. Calvin Reter
W. Duvall & Associates
Mark Kromm
Dwight Little

1915C

As the Commissioner noted during the Hearing, Mr. Calvin Reter is a life long resident of Glyndon; and the Reter family has operated and owned these properties since sometime in 1945. However, Mr. Reter's knowledge goes back to times prior to 1945, and we believe that there is no real controversy and that the following have been well proven by Mr. Reter's testimony, namely:

1. The existence of 5 apartments and a retail sales office, the site of a former beauty shop, at the larger property located on the corner. More precisely, this property is known as 4825 Butler Road.
2. The existence of 4 apartments in a frame building at 4819 Butler Road, which is the property immediately to the east of the apartment house at 4825.
3. The existence of a long established food market, now a specialized type of food market namely a crab house, in the primary commercial building on the east side of Railroad Avenue, with an accounting office attached.
4. Also, the existence of driveways and parking areas were established during the course of the testimony.

All of these uses, both commercial and apartments, were in existence prior to January 1, 1945, and have been continued without abandonment, conversion or being vacant for more than a year since that date.

The service station use attached to the Reter Crab House is a more difficult proposition. First of all, we respectfully submit, that despite the way the case was filed by the client and his engineering representatives, it is not in fact a service station use. Rather, what we are dealing with is an accessory use attached to the valid long existing food store. Furthermore, recall that the property is zoned BL-CNS, and as such a food store is available as a matter of right.

August 20, 1992

Commissioner Lawrence E. Schmidt
Baltimore County Government
Office of Planning and Zoning
400 Washington Avenue - Room 113
Towson, Maryland 21204

RE: Special Exception Zoning Appeal No.: C92-2444
Special Hearing No: 91-5045SPH

Dear Commissioner Schmidt:

The hearing on July 27, 1992 for the James and Calvin Reter property was attended by some Glyndon residents who did not get an opportunity to speak. This letter summarizes their concerns and asks that you give the following points serious consideration before making a decision.

NATURE OF EXISTING BUSINESSES

GLYNDON GARDENS

Glyndon Gardens was characterized as a retail nursery operation by testimony in the hearing. While some retail business takes place, the primary use appears to be storage of commercial landscaping supplies and equipment as well as an operations center for Warner Landscaping Contractors.

In addition, trucks ranging in size from pickups to large tandem dump trucks from many other landscaping firms are picking up large quantities of mulch, shrubbery, and other supplies on a daily basis. The mulch supply area has grown to a large scale operation with a dedicated Bobcat loader. Odor from the mulch pile has at times been noticeable for blocks.

In order to supply this scale of operation, large semi-tractor trucks come and go at all hours and have created traffic hazards on Butler Road. On two occasions, they have been unable to make adequately wide turns from the Butler road access and have crushed the sidewalk slab into the storm drain, requiring State Roads crews to repair the damage.

APARTMENTS

There are no posted speed limit or pedestrian signs - cars and trucks from all of the various business and apartments are in and out of this location on a constant basis. There are no "children at play" or any safe speeds posted. Children live in both apartment houses, and due to the landscaping supplies occupying most of the yard space, are forced to play in the roadways.

RECEIVED
AUG 20 1992
ZONING COMMISSIONER

MICROFILMED

Many small village and country stores have accessory gas sales in Baltimore County, and Reters is a good example. None of them are true gas stations under the Section 101 definition. They are entitled to be evaluated as to their non-conforming natures under Section 104.1 of the Regulations.

Further, concerning the service station question, Section 101 of the Regulations defines an automotive service station as "a structure or land used or intended to be used primarily for the retail sale of automotive fuel, but not a truck stop." While of course, this land and this store is not used primarily as, and never has been used primarily for the sale of automotive and petroleum products, but it has always been a side line accessory use.

Thus, as an accessory use, we are subject to the ordinary non-conforming use provisions of the Regulations, including Section 104.1 of the Regulations, rather than the more stringent service station regulations contained in Section 405.

Mr. Reter very clearly testified that the primary use, the crab house is in full swing from the months of April through November of each year. However, we would respectfully submit that (if the Commissioner is disposed to find a non-conforming use as an accessory use) Calvin Reter can and will remain open over the winter and sell convenience groceries, namely bread, milk, cookies, convenience items, etc., in the food store portion, in order that the non-conforming, long established accessory gasoline sales may continue. Please recall that Mr. Reter testified that he has spent in excess of Twenty Thousand Dollars (\$20,000.00) with Carroll Independent Fuel, and has just installed, with valid Baltimore County permits, new gasoline tanks, and he is proposing to resume the above-ground storage of kerosene during the winter months. He has never abandoned or converted the accessory gas sales, and they should be entitled to remain.

CRAB HOUSE/GAS AND GO

Residents living close by have seen Calvin Reter pump gas to a couple of kids for their ATV bikes in the recent past, but that's it. If a record of recent use is required for a permit to be issued, this would be hard to prove by direct observation.

While basically a health department matter, odor from discarded crabs, especially on weekends, has been overwhelming at times.

GENERAL CONCERNS

There are only a few lights and no security or fencing - the property of Glyndon Gardens & Landscape Suppliers is out in the open, subject to theft. There is nothing to stop anyone from stealing and no one wants to see that happen.

The property at 4817 Butler Road was included in the site plan but not petitioned for exception on a separate basis by the owner, John Owings.

NATURE OF BUSINESS ACTIVITY AFTER APPEAL APPROVAL

GLYNDON GARDENS

A letter from Frank DiMeglia (enclosure) states that landscaping is considered contracting and that this property isn't zoned for that. Mr. DiMeglia had said that all property for Warner Landscaping must be removed by June 10th, 1992. Will there be compliance in this matter?

Is Warner Landscaping/Glyndon Gardens going to continue operating as before with 3rd party contractors picking up materials in wholesale quantities from this location, or will the operation become a strictly retail nursery business as current zoning allows?

CRAB HOUSE/GAS AND GO

It was difficult to get a clear understanding in the hearing of the exact nature of this proposed business. If it is true as stated in the testimony that this could become a major refueling location due to being the only gas station from "Brooklandville to Hampstead", then does Mr. Reter plan to expand the gas pump island? The present two small pumps and layout would not seem adequate for a large volume of cars. Will the crab house remain or be converted to a different type of business?

TRAFFIC CONCERNS

Has a serious study been made of the real impact of an

MICROFILMED

expanded commercial entrance onto Butler road with the already precarious nature of traffic flow at this location? Factor in the limited site distance caused by the railroad bridge, numerous left turning vehicles into Glyndon Square shopping center, the Glyndon Fire Department access, left turning traffic onto Railroad Ave. for the Glyndon Post Office, and the need for a comprehensive traffic engineering study is evident.

SUMMARY

Our intent is not to hurt the Glyndon Gardens business or Calvin Reter's various enterprises, however every business person has to operate within the law and hopefully enhance the community. A coherent plan for this property is needed for everyone's benefit before approval is granted.

If further information is needed, feel free to call our spokesperson, Mary Ann MacLellan, 4815 Butler Road, Glyndon, MD 21071, (410) 526-4942. This phone number is for your information only please.

Thank you for taking the time to consider our point of view.

Sincerely,

Charles Raley
4817 Butler Road
Glyndon, MD 21071

Dr. Janet Cantor
4808 Butler Road
Glyndon, Md. 21071

Richard W. Stem Jr.
4815 Butler Rd.
Mark Laker
4900 Butler Road

Members of the Community

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

7/27/92

NAME	ADDRESS
Dwight Little	W. Duvall Assoc. 530 E. Joppa Rd. 21226
Calvin Reter	4825 Butler Road Glyndon
Newton Williams	700 Court Towers, 21074 823-7400
David Raley	4611 Butler Rd Glyndon
Janet Cantor	20 Bellview Ave Glyndon
MIKE WARNER	4825 Butler Rd Glyndon

MICROFILMED

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

7/27/92

NAME	ADDRESS
MARK KRAMM	W. Duvall & Assoc. 530 E. Joppa Rd. Towson MD 21284
Dwight Little	W. Duvall & Assoc. 530 E. Joppa Rd.
Janet H. Wilson	14 Glyndon Ave Glyndon Md 21071
William Bollinger	41 Railroad Ave Glyndon Md
Daniel Marshall	225 Penning Rd Glyndon Md
Betty Reter	326 Cherry Chapel Rd Reist 11114 MD
Suzanne Reter	101-101 Fitz Ct Rockersville MD 21136
Calvin Reter	4825 Butler Road 21071
Michael Warner	Glyndon Md 21071
Nancy Stuebke	4825 Butler Rd. 21071
David Price	4611 Butler Rd Glyndon 21071

MICROFILMED

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

7/27/92

NAME	ADDRESS
Richard W. Stem Jr	4810 Butler Rd 21071
M.J. MacLellan	4815 Butler Rd 21071

MICROFILMED

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

91-504 SPH 6/10/92

NAME	ATTY. MR. RETER	ADDRESS	823-7800
NEWTON A. WILLIAMS		700 COURT TOWERS, 21074	
Dwight Little		W. Duvall Assoc. 530 E. Joppa Rd. Towson MD 21284	583-4371
MARK KRAMM			
Calvin L. Reter		9 Railroad Ave Glyndon 21071	
Janet Cantor		20 Bellview Ave Glyndon 21071	

MICROFILMED

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

7/27/92

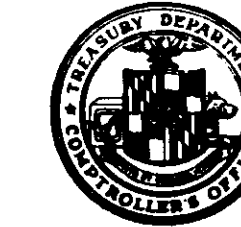
NAME	ADDRESS
Christiane MacLellan	4815 Butler Rd Glyndon
GARY LEWIS	4722 Butler Rd Glyndon
Richard Stem Jr	4810 Butler Rd Glyndon
CHARLES AXLEY	4817 Butler Road Glyndon
Barbara C. Whitman	4703 Butler Rd Glyndon 21071
(President - Historic Glyndon, Inc.)	

MICROFILMED

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

91-504 SPH

NAME	ADDRESS
Lisa Fear	13407 Longnecker Rd 21071
Mark Laker	4900 Butler Rd Glyndon MD 21071
Danayn Clark	4722 Butler Rd 21071
Margaret Woreau	P.O. Port Stoa Towson 21285-5402



STATE OF MARYLAND
COMPTROLLER OF THE TREASURY

LOUIS L. GOLDSTEIN, COMPTROLLER J. BASIL WISNER, CHIEF DEPUTY COMPTROLLER

MOTOR VEHICLE FUEL TAX DIVISION
LOUIS L. GOLDSTEIN TREASURY BUILDING, P.O. BOX 1751,
ANNAPOLIS, MARYLAND 21404

ARTHUR E. PRICE, DIRECTOR

10-114

August 19, 1991

Mr. Jack Dillon
Baltimore County Government
Office of Planning & Zoning
401 Bosley Avenue
Baltimore, MD 21404

RE: Calvin Reter
Case #91-504

P.C. #1
EX NO
1

Dear Mr. Dillon:

Per your request, the records of this Division have been checked for a Calvin Reter in Glyndon, MD 21071. We do not show any account ever being registered at 4 Butler Road, but we do have a Calvin L. Reter on file at 15 Railroad Avenue in Glyndon, Maryland which may be the same location.

Reter's Food Market operated by Calvin Reter first registered with this office for the purpose of selling gasoline on September 2, 1971. The food market then apparently operated continuously until February 7, 1989 at which time our field inspector found the location closed, and the account was cancelled. Application for re-registration was received from Mr. Reter on March 14, 1991.

A retail service station dealer does not make direct payments to us on gasoline tax. All retailers buy gasoline tax paid from their supplier. Additionally, suppliers remit the tax to us based on total gallons sold per month and not by individual location.

We cannot say that no gasoline was sold during the period of February 7, 1989 to March 14, 1991. However, if any was sold, it was sold illegally as Mr. Reter did not have a valid Certificate of Registration as required by Article 56, §157E of the Annotated Code of Maryland.

If we can be of further help, please advise.

Very truly yours,

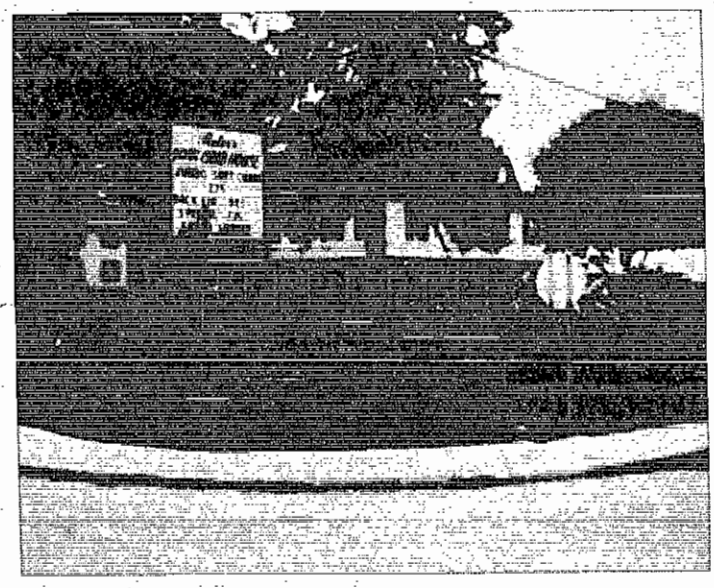
R. A. Crawford

R. A. Crawford
Assistant to the Director
Motor Vehicle Fuel Tax Division

MY TELEPHONE NUMBER IS: (301) 474-3126

TTY FOR THE DEAF: ANNAPOLIS AREA 874-2009
BALTIMORE AREA 383-7555

AN EQUAL OPPORTUNITY EMPLOYER



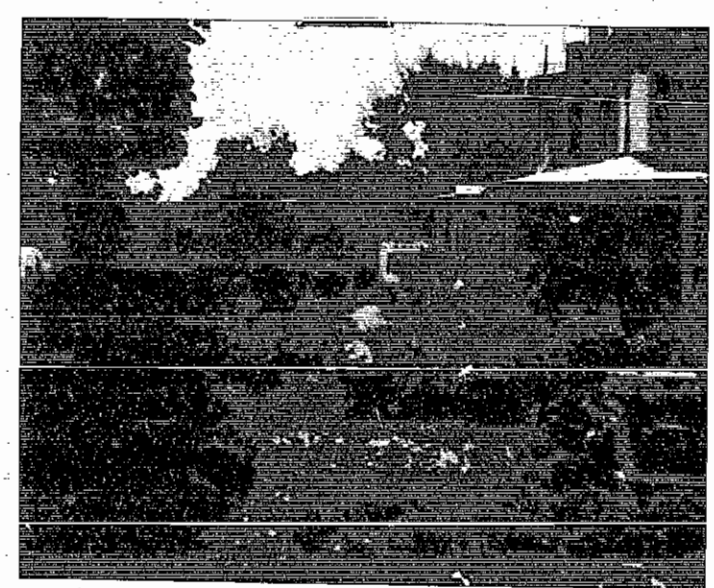
'A'

4825 Butler Rd.
SE/C - Butler Rd.
and
Railroad Ave.



'B'

Looking S across Butler Rd.
at 4825 Butler Rd.



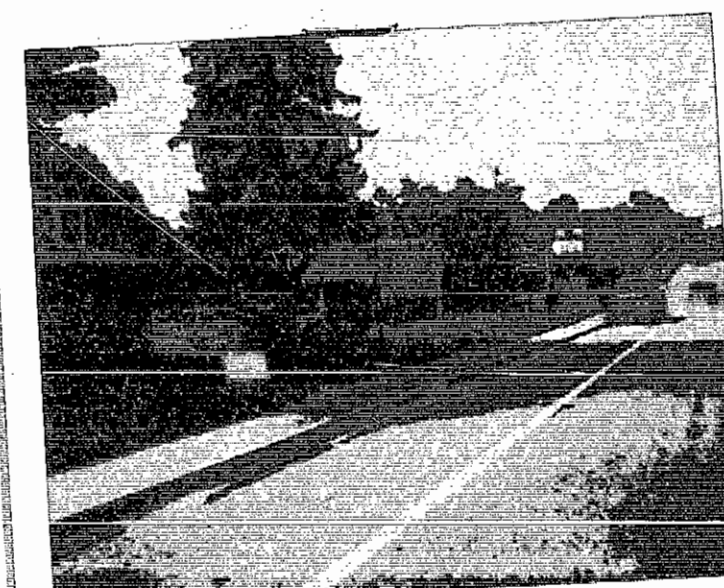
'C'

E/S of 4825 with
Garden Supplies



'D'

Looking from Glen Home
Road
at
4825 Butler Rd.



'E'

S/S of Butler Rd.
Looking W toward
Railroad Ave.



'F'

Looking SW at 4819 Butler Rd.

Plot No 2
(area 1991)



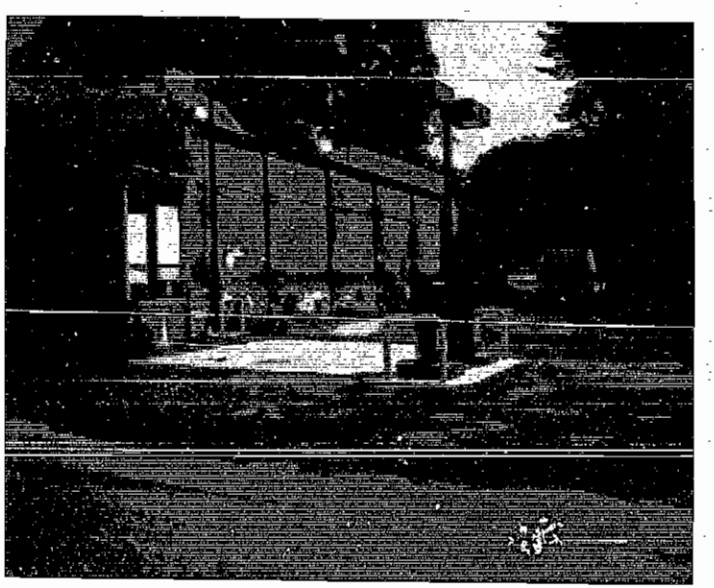
'G'

Looking NW from
interior drive &
parking area.



'H'

E/S of 4825 Butler Rd.



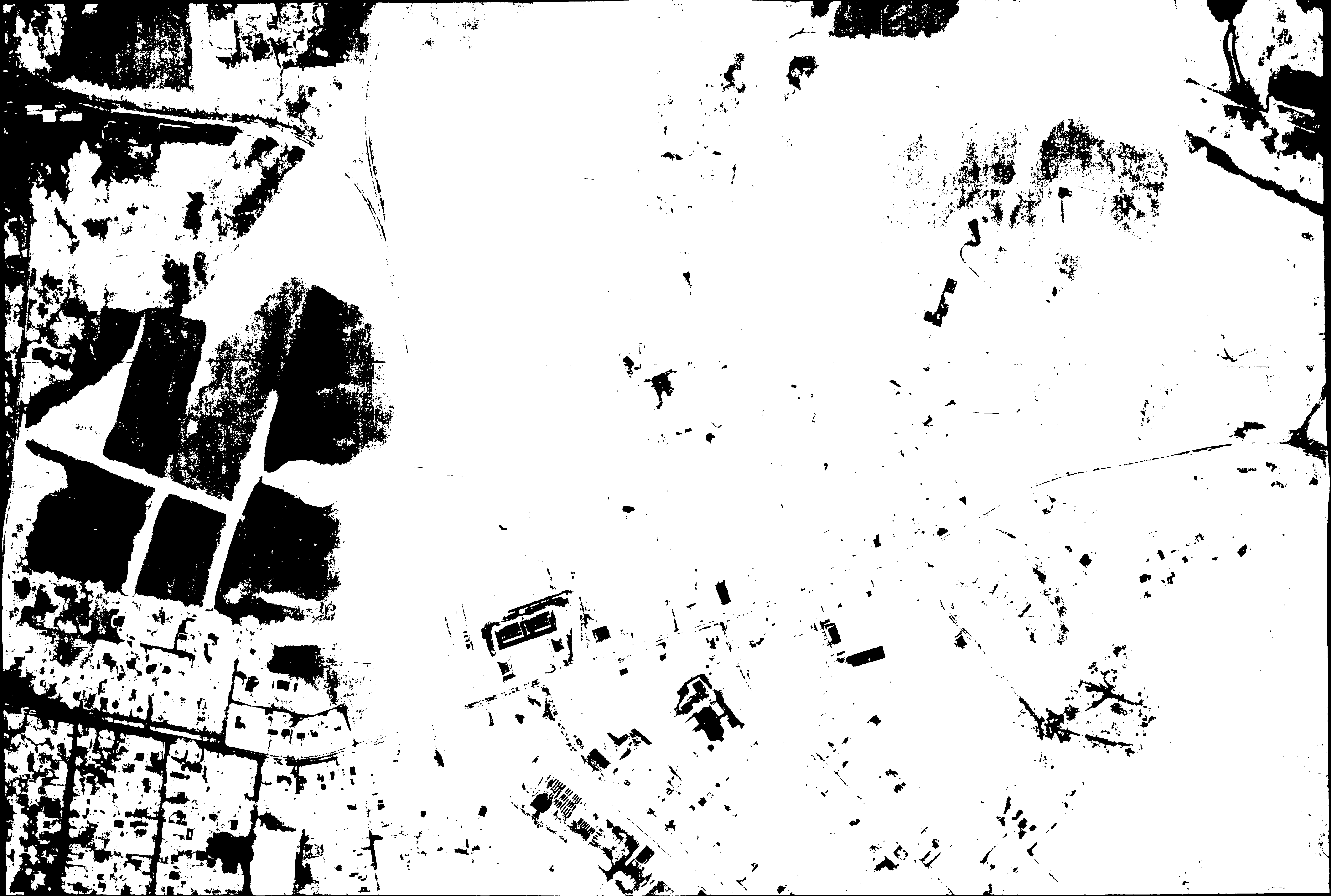
'I'

I. Accessory Gas Pumps
on
Railroad Ave. frontage



'J'

Commercial Bldg. on E/S
of Railroad Ave.
opp.
Post Office



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

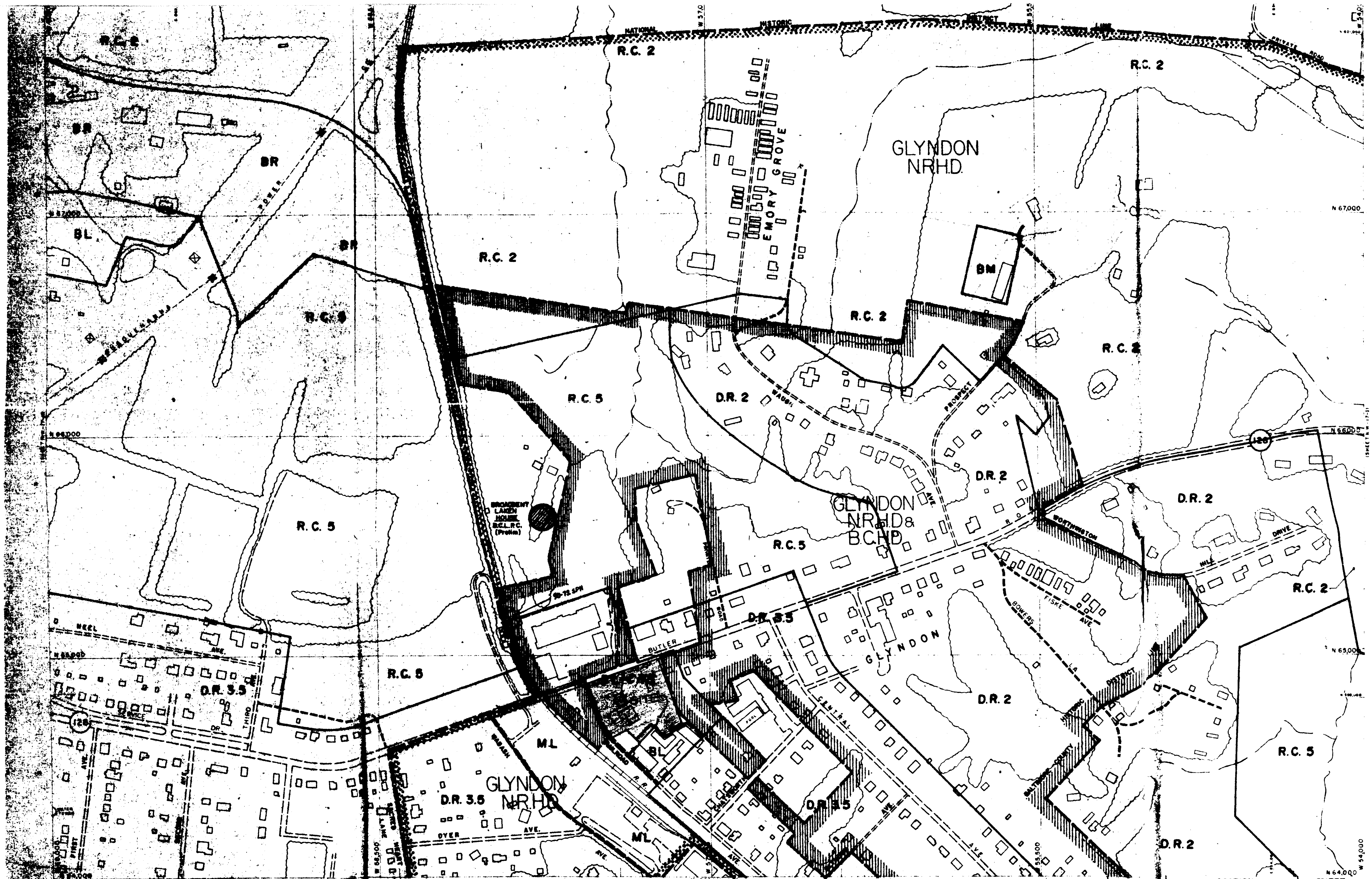
SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
GLYNDON
REISTERSTOWN
AREA

SHEET
NW
17-J

MICROFILMED

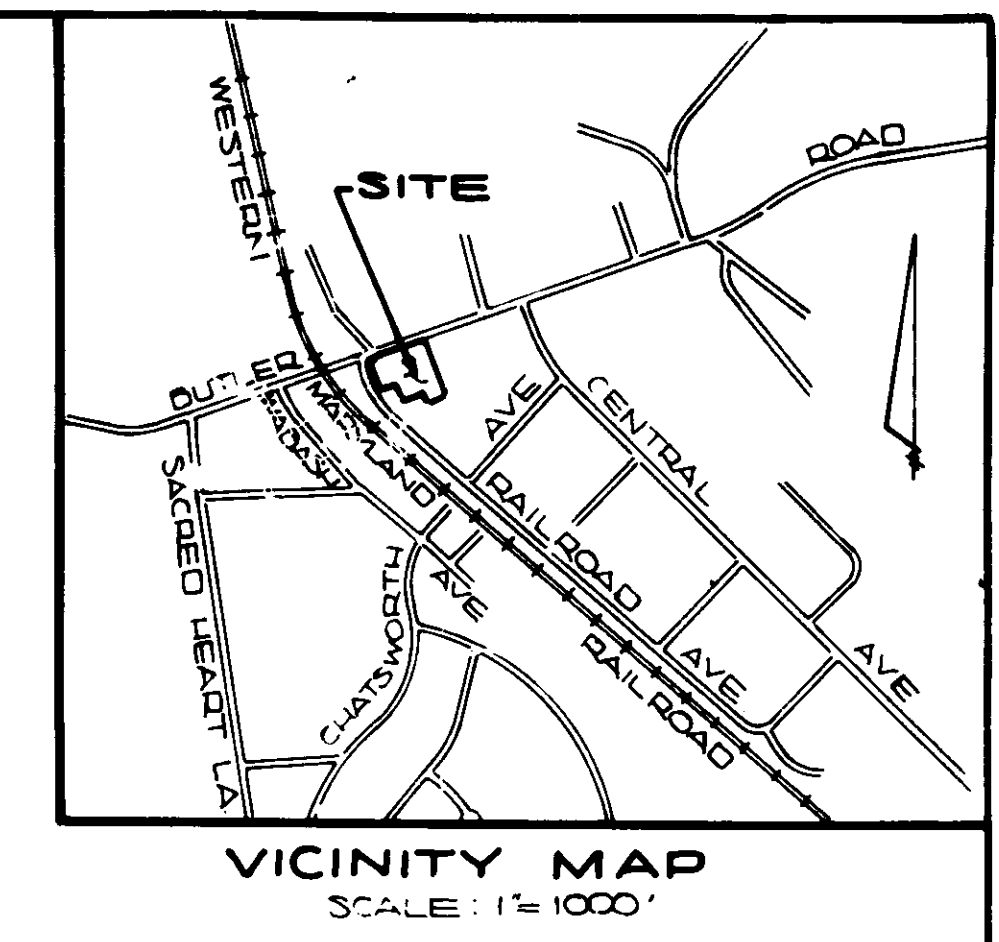
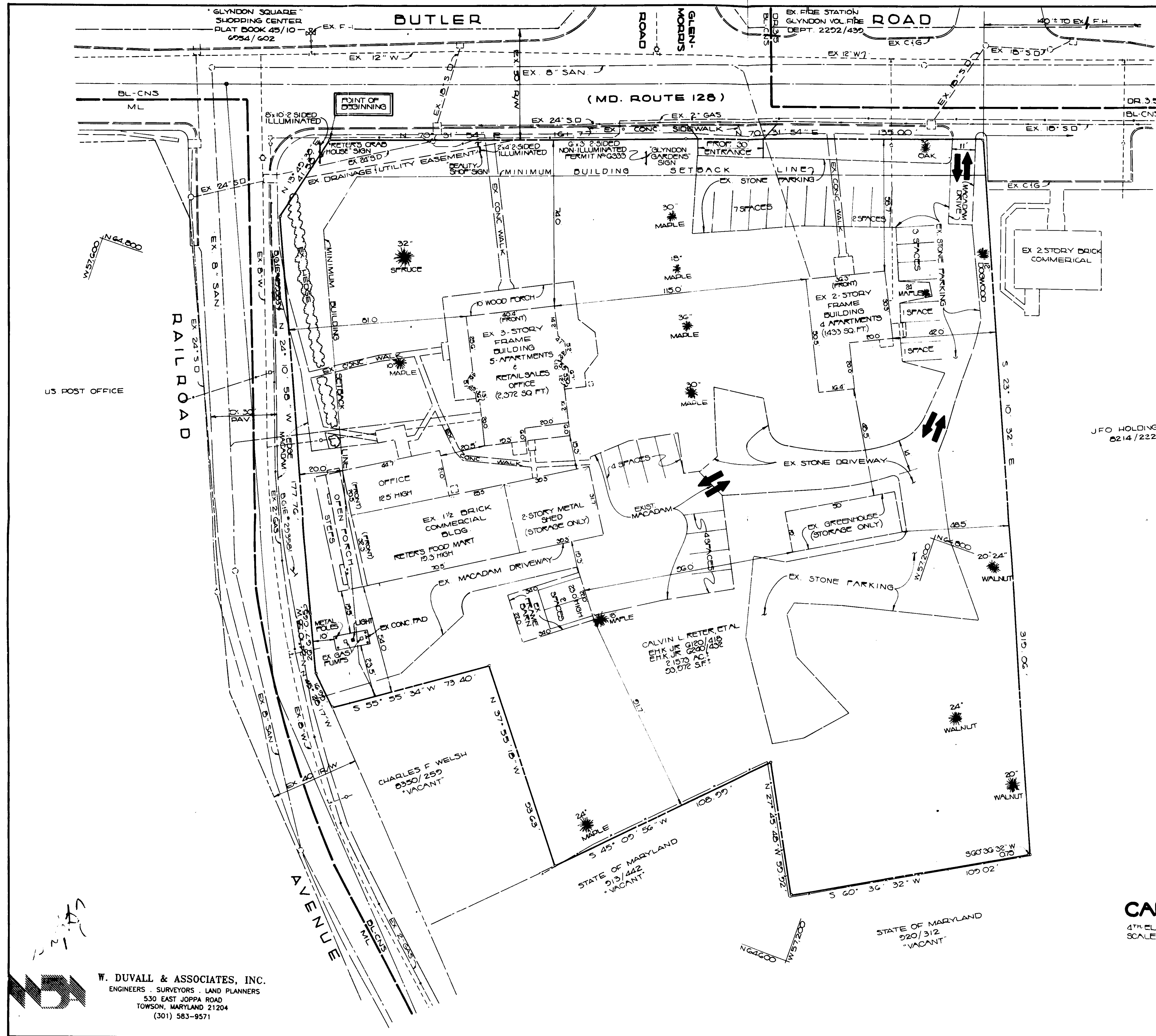


**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE
 1" = 20'
 DATE OF PHOTOGRAPH
 JANUARY 1961
 LOCATION
 GLYNDON REISTERSTOWN AREA
 SHEET
 N.W.
 (7-1)
 MICROFILMED

THE COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Dec. 13, 1958
 WITH AMENDMENTS AND REVISIONS THROUGH
 1960
 Baltimore County, Maryland

91-504 SPH



91-504-SPH

JFO HOLDING CORP.
0214/222

APARTMENT CALCULATIONS

1. NUMBER OF EXISTING APARTMENTS ON SITE: 0
2. LOT WIDTH REQUIREMENTS:
50' ± 2 APARTMENTS
15' ± EACH ADDITIONAL APARTMENT:
20' ± (10' ± 7) ± 100'
LOT WIDTH PROVIDED: 0.25
3. LOT AREA REQUIREMENTS:
12,000 SQ FT ± 2 APARTMENTS
4,000 SQ FT ± EACH ADDITIONAL APARTMENT
12,000 ± (4,000 × 7) = 4,500 SQ FT
LOT AREA PROVIDED: 23,072 SQ FT
4. FLOOR AREA RATIO CALCULATIONS:
FLOOR AREA: 9,000 SQ FT
GROSS AREA OF SITE: 107,601 SQ FT
F.A.R.: 0.092
5. PARKING CALCULATIONS:
REQUIRED:
RETAIL: 5666 SQ FT
1 PARKING SPACE PER 200 SQ FT = 28 SPACES
APARTMENTS: 0 APARTMENTS
1 PARKING SPACE PER APARTMENT = 0 SPACES
TOTAL PARKING SPACES REQUIRED: 28 SPACES
PROVIDED:
24 PARKING SPACES
6. PREVIOUS COMMERCIAL PERMITS:

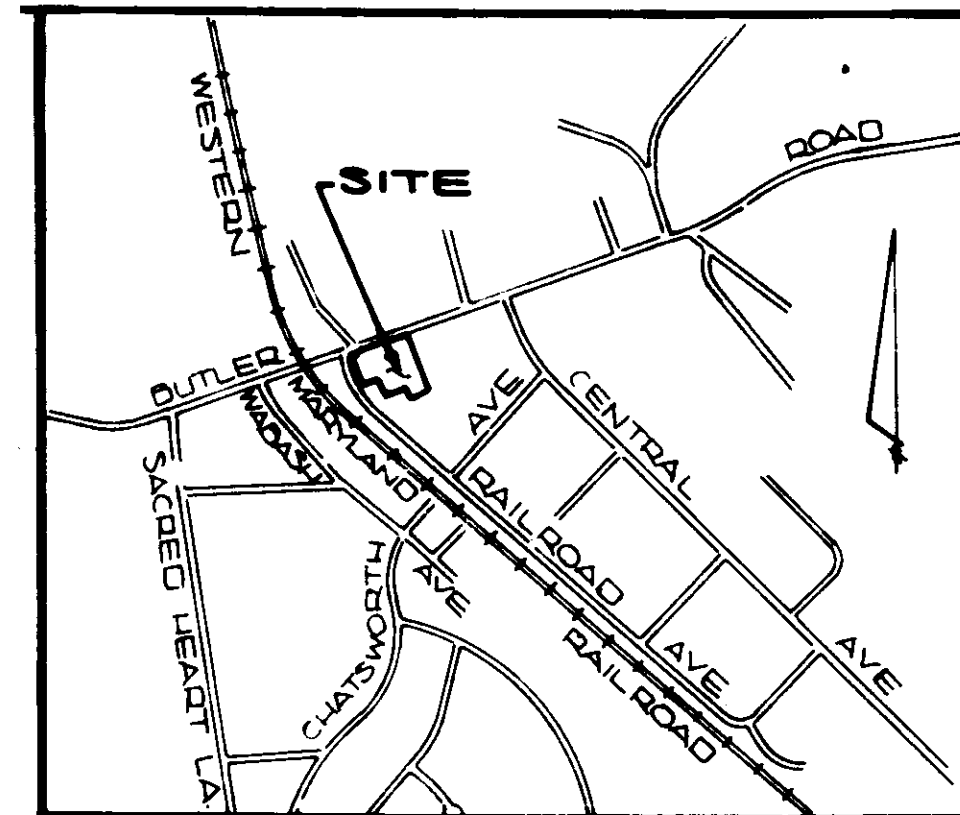
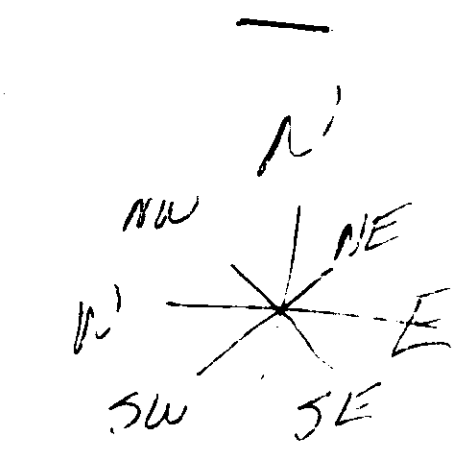
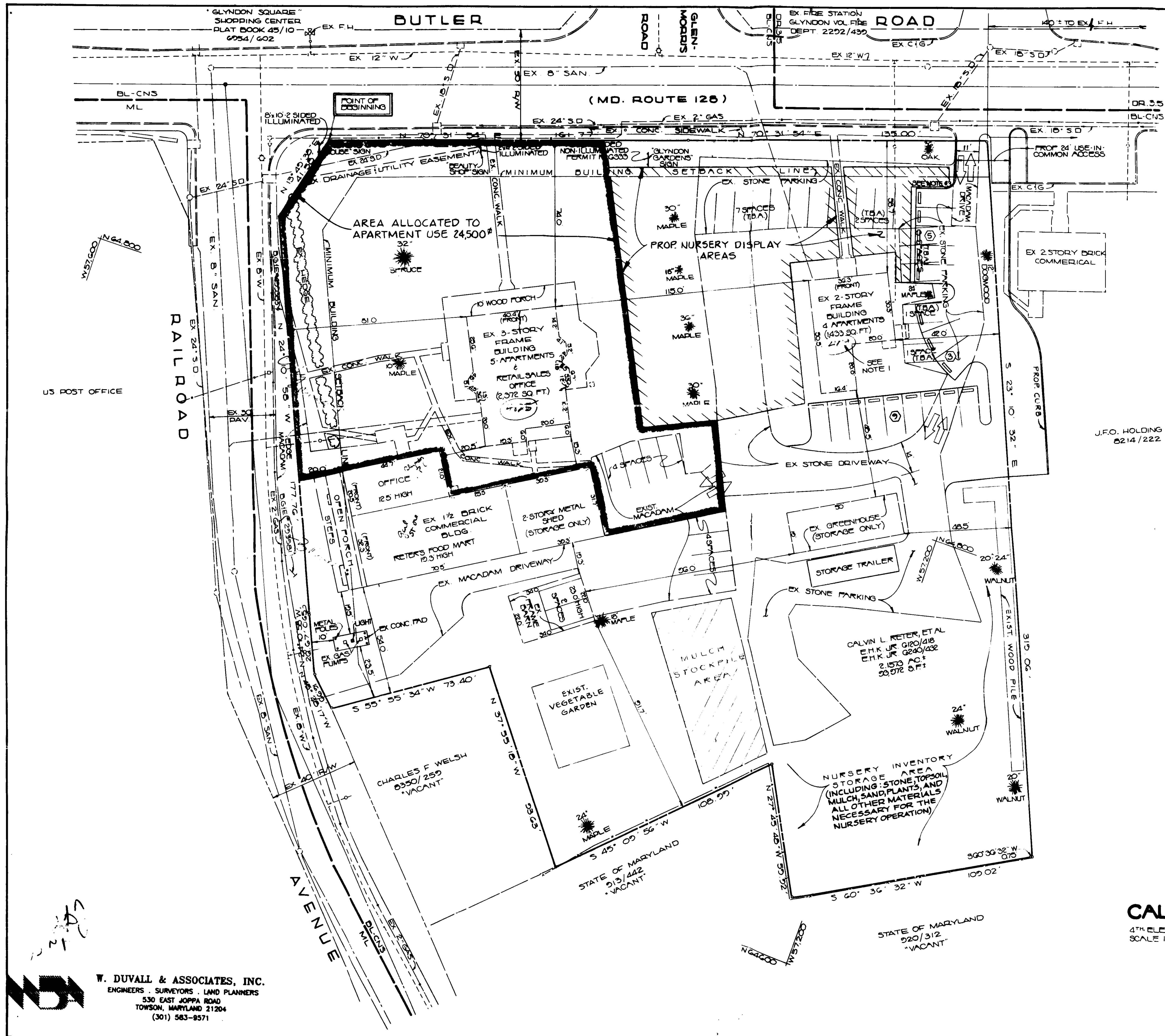
PERMIT NO.	TAC NO.	DESCRIPTION
D 025045	141180	STORAGE TANK
D 028211	200-01	STORAGE TANK
D 048100	51-0303	SIGN

493

PLAT TO ACCOMPANY PETITION FOR
NON-CONFORMING USE
CALVIN L. RETER, ET AL. PROPERTY
4TH ELECTION DISTRICT
SCALE 1" = 20'
BALTIMORE COUNTY, MARYLAND
MAY 28, 1991

W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21284
(301) 583-9571

MICROFILMED



SITE CALCULATIONS

1. NUMBER OF EXISTING APARTMENTS = 0
 2. NUMBER OF TOTAL PROPOSED APARTMENTS = 5
 3. LOT WIDTH REQUIREMENTS:
 50' ± 2 APARTMENTS
 15' ± EACH ADDITIONAL APARTMENT
 65' ± (15' ± 5' ± 10')
 4. LOT WIDTH PROVIDED = 153'
 5. LOT AREA REQUIREMENTS:
 2,500 SQ FT ± 2 APARTMENTS
 4,000 SQ FT ± EACH ADDITIONAL APARTMENT
 2,500 SQ FT ± (4,000 ± 3) ± 24,500 SQ FT
 6. LOT AREA PROVIDED = 24,500 SQ FT
 7. FLOOR AREA RATIO CALCULATIONS:
 EXISTING FLOOR AREA = 0,533 SQ FT
 GROSS AREA OF THE SITE = 107,031 SQ FT
 F.A.R. = 0.002
 8. PARKING CALCULATIONS:
 REQUIRED:
 RETAIL = 5,500 SQ FT
 1 PARKING SPACE PER 300 SQ FT = 28 SPACES
 1 PARKING SPACE PER APARTMENT = 5 SPACES
 TOTAL PARKING REQUIRED = 33 SPACES
 TOTAL PARKING PROPOSED = 25 SPACES
 9. PREVIOUS COMMERCIAL PERMITS:
- | PERMIT NO. | TAC NO. | DESCRIPTION |
|------------|---------|--------------|
| B 025043 | 141150 | STORAGE TANK |
| B 082021 | 260-01 | STORAGE TANK |
| B 048100 | 51-6033 | SIGN |

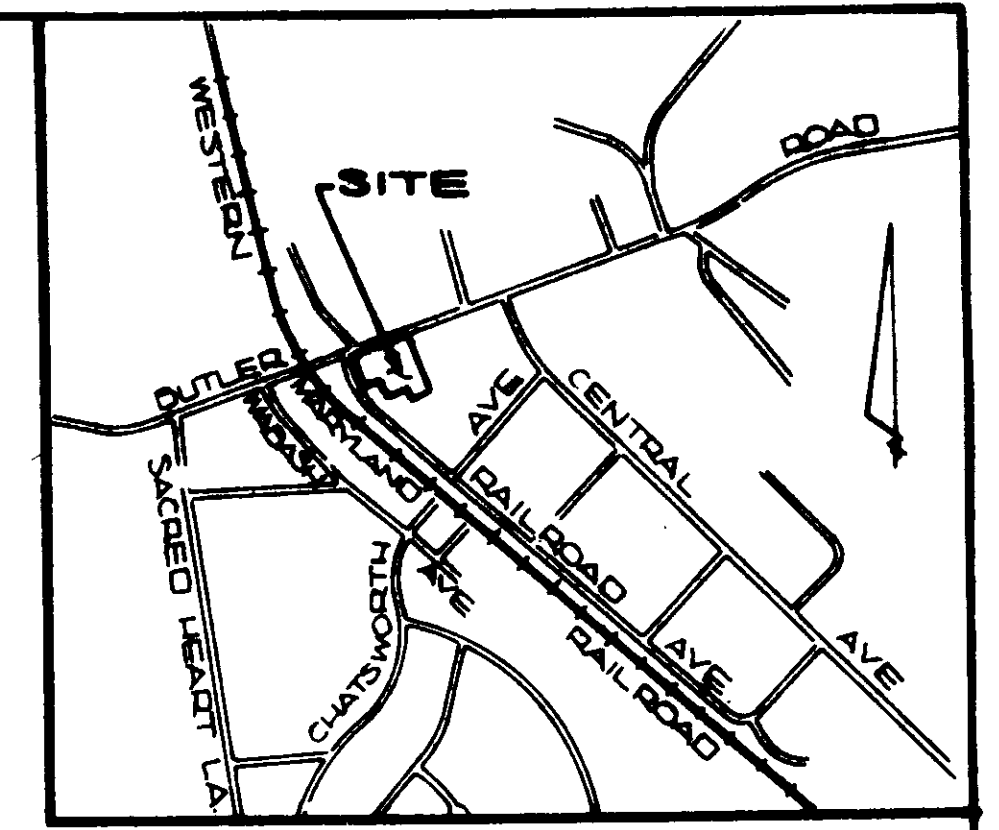
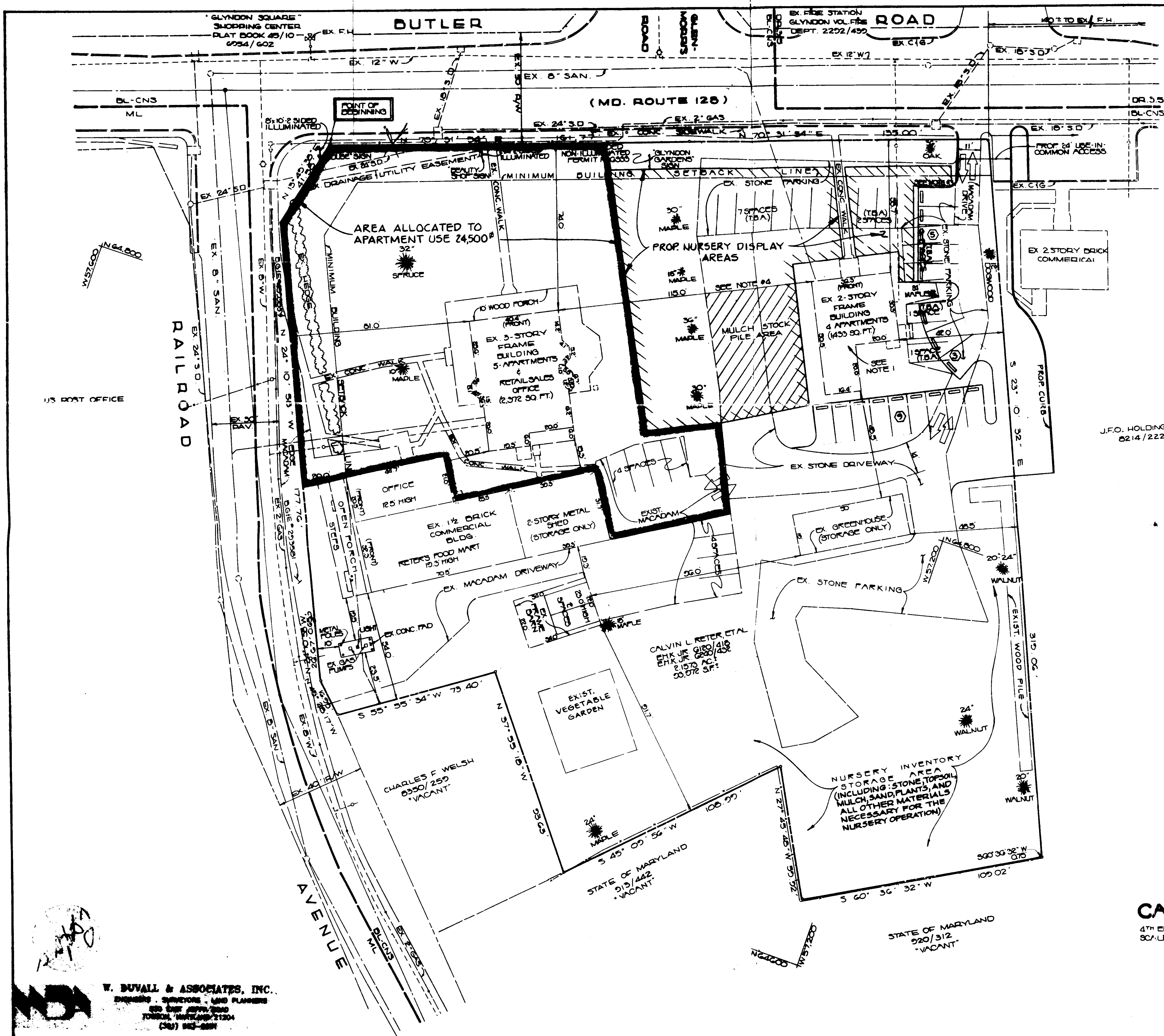
NOTES

1. EXISTING 2-STORY 4 APARTMENT FRAME BUILDING TO BE ABANDONED OR CONVERTED TO COMMERCIAL/RETAIL USE.
2. T.B.A. = TO BE ABANDONED.
3. NURSERY DISPLAY IN THIS AREA TO BE USED AS SCREENING FOR OFF STREET PARKING OR PERMANENT SCREENING IS TO BE PROVIDED.

Ret. #1

PLAT TO ACCOMPANY PETITION FOR
 NON-CONFORMING USE
CALVIN L. RETER, ET AL, PROPERTY
 4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
 MAY 28, 1991
 REVISED APRIL 24, 1992
 JUNE 4, 1992

W. DUVALL & ASSOCIATES, INC.
 ENGINEERS - SURVEYORS - LAND PLANNERS
 530 EAST JOPPA ROAD
 TOWSON, MARYLAND 21284
 (301) 583-8571



SITE CALCULATIONS

1. NUMBER OF EXISTING APARTMENTS = 0
2. NUMBER OF TOTAL PROPOSED APARTMENTS = 5
3. LOT WIDTH REQUIREMENTS:
 30' x 2 APARTMENTS
 15' x EACH ADDITIONAL APARTMENT
 50' (5 x 5) x 135'
4. LOT WIDTH PROVIDED = 135'
5. LOT AREA REQUIREMENTS:
 2,500 SQ. FT. x 2 APARTMENTS
 4,000 SQ. FT. x EACH ADDITIONAL APARTMENT
 12,500 SQ. FT. (4,000 x 3) + 24,500 SQ. FT.
6. LOT AREA PROVIDED = 24,500 SQ. FT.
7. FLOOR AREA RATIO CALCULATIONS:
 EXISTING FLOOR AREA = 5,000 SQ. FT.
 GROSS AREA OF THE SITE = 107,031 SQ. FT.
 F.A.R. = 0.002
8. PARKING CALCULATIONS
 REQUIRED:
 RETAIL = 5,000 SQ. FT.
 1 PARKING SPACE PER 300 SQ. FT. = 28 SPACES
 1 PARKING SPACE PER APARTMENT = 3 SPACES
 TOTAL PARKING REQUIRED = 33 SPACES
 TOTAL PARKING PROVIDED = 23 SPACES
9. PREVIOUS COMMERCIAL PERMITS:

NOTES

1. EXISTING 2-STORY 4 APARTMENT FRAME BUILDING TO BE ABANDONED OR CONVERTED TO COMMERCIAL/RETAIL USE.
2. T.B.A. = TO BE ABANDONED.
3. NURSERY DISPLAY IN THIS AREA TO BE USED AS SCREENING FOR OFF STREET PARKING OR PERMANENT SCREENING IS TO BE PROVIDED.
4. NURSERY DISPLAY IN THIS AREA TO BE USED AS SCREENING FOR MULCH STOCK PILE AREA OR PERMANENT SCREENING IS TO BE PROVIDED.

**PLAT TO ACCOMPANY PETITION FOR
NON-CONFORMING USE**
CALVIN L. RETER, ET AL, PROPERTY
 4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
 SCALE 1" = 20' MAY 28, 1991
 REVISED APRIL 24, 1992

W. DUVALL & ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, LAND PLANNERS
 300 ONE ARMY ROAD
 FORT MONMOUTH, NJ 08041
 (609) 885-8888

REVISED PLAN
 RECEIVED APR 24 1992
 91-504-SPH