

IN RE: PETITION FOR SPECIAL HEARING
NE/S Middletown Road, 1400' N of
Beckleysville Road
(20235 Middletown Road)
6th Election District
3rd Council District

Meadowcroft Brothers, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-514-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Meadowcroft Brothers, Inc., by Dawn Marie Winkler-Crocco, President, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing to approve a carry-out restaurant with two existing apartments and an existing single family dwelling on the subject property, and to confirm that the subject dwelling and all accessory uses shown on the plan are nonconforming. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dawn Crocco, on behalf of Meadowcroft Brothers, Inc., property owners; her husband, Matthew Crocco; Douglas L. Kennedy, the Professional Engineer who prepared the site plan; Nancy Jones; and, Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners.

There were no Protestants or other interested persons present; however, subsequent to the hearing, a telephone call was received from Dave Lawson, a resident of the Parkton area. Mr. Lawson expressed concerns about adequate public notice given relative to the hearing; however, the file does contain certification by Patrick M. O'Keefe, that the property was duly posted with a sign on August 10, 2001. In addition, it was represented at the hearing that the property remained posted with the sign from that date until the hearing on August 28, 2001, as required. Moreover, the file contains a certificate of publication and copy of an advertisement that appeared in the

ORDER RECEIVED FOR FILING

Date

By

Jeffersonian Newspaper on August 14, 2001. In that Mr. Lawson acknowledged seeing a sign on the property, I am persuaded that the public notice requirements have been met in this case.

Turning to the request before me, the subject property is an irregular, L-shaped parcel located on the northeast side of Middletown Road, just north of Beckleysville Road, in the rural village of Freeland in northern Baltimore County. The property contains a gross area of 4.03 acres, more or less, split zoned B.L. and R.C.2, with narrow frontage on Middletown Road. Being a rural area, most of the properties in the vicinity are zoned R.C.; however, reflecting the historic commercial use of the subject property, the County Council zoned a portion of the tract B.L. The size and shape of the B.L. zoned portion of the tract is similar to the size and shape of the property itself; however, as shown on the plan, the property lines and zone lines do not match. Thus, the property is split zoned with both classifications.

The property is also somewhat unusually developed. This is no doubt because of the past ownership of the parcel. In this regard, it was indicated that the Meadowcroft family has owned the subject property and neighboring parcels for many years. Indeed, the adjacent lot is owned by Patricia A. and Phillip J. Meadowcroft and is developed with a 2100 sq.ft. retail liquor store. That property is also split zoned B.L. and R.C.2. Additionally, the service station located immediately across the street, is owned and operated by another member of the Meadowcroft family. That parcel is zoned B.L.-C.R.

Returning to the subject property, the site is developed with three buildings. The first is a residential, two-story frame single family dwelling, known as 20235 Middletown Road, located in the R.C.2 zoned portion of the site. Mr. & Mrs. Crocco reside in that building along with Mrs. Crocco's stepfather, Robert Meadowcroft. Mrs. Crocco and her husband have apparently resided in that building since approximately 1980. The second building is a garage located towards the rear of the property. That garage is located within the B.L. zoned portion of the tract and is not related to the instant Petition. The third structure is located behind the house and in front of the garage. Apparently this building was an old barn. Photographs of the building were submitted at the hearing showing that same has been significantly restored and rehabilitated. The rear portion of the barn contains two apartments on the second floor and a storage area on the first floor. The

front portion of the barn, which is only one story in height, is proposed for development with a 1200 sq.ft. carryout restaurant. Thus, special hearing relief is requested to legitimize the existence of the single family dwelling, the two apartments located within the barn, and the proposed new carryout restaurant use.

A carryout restaurant is specifically permitted by right in the B.L. zone, pursuant to Section 230.4 of the B.C.Z.R. In that the proposed use will be located on that portion of the site zoned B.L., it is allowed. As to the existing two-story single family dwelling in the R.C.2 zoned portion of the property, residential uses are also permitted by right in the R.C.2 zone. An issue is created here in view of the multi uses on the same lot. However, the testimony and evidence offered revealed that the house is quite old and has been residentially occupied for many years. I easily find that the house is a nonconforming use, pursuant to Section 104 of the B.C.Z.R. That is, it is clear that the house has existed on the property and has been used for residential purposes for many years, well prior to the adoption of the zoning regulations in Baltimore County. The house is therefore nonconforming, or grandfathered and may remain.

A similar conclusion is reached regarding the two apartments. In this regard, the undisputed testimony and evidence offered was that the apartments have been utilized continuously and without interruption for many years. Moreover, special exception relief was granted on January 8, 1976 in Case No. 76-135-X to allow construction of a service garage on the adjacent property. Documentation associated with that case referenced the existing apartment use on the subject property. Similarly, a permit for construction issued in 1964 in Baltimore County referenced the apartment use existed at that time. Based upon the testimony and evidence offered, I am also persuaded that the two apartments are nonconforming and may remain.

In sum, the proposal appears to be an appropriate redevelopment/continuation of uses on the subject property. The residential structure known as 20235 Middletown Road may remain as nonconforming. Likewise the two apartments in the rear of the barn may remain; however, the number of apartments may not be expanded. Last, by virtue of the B.L. zoning, the carryout restaurant is permitted. In this regard, the site plan shows that the applicant is redeveloping the

ORDER RECEIVED FOR FILING

Date

By

property to make it more efficient and provide a safe entrance and areas of parking. An existing driveway on the north side of the site will remain to provide access to the dwelling and apartment uses. On the southern side of the property, the driveway will be eliminated and access to the carryout restaurant will be provided by way of a shared entrance with the liquor store on the adjacent lot. Appropriate areas of parking are also shown. In my judgment, the proposed redevelopment appears to promote a safer and more convenient flow of traffic within the interior of the site and will improve conditions along the property's frontage on Middletown Road. For all of these reasons, the Petition shall be granted and the site plan approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 2001 that the Petition for Special Hearing to approve a carryout restaurant with two existing apartments and an existing single family dwelling on the subject property, and to confirm that the subject dwelling and all accessory uses shown on the plan as nonconforming, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no expansion to provide more than the two existing apartments. The single family dwelling and accessory garage shall not be converted for use as multi-family dwelling units.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/13/01
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 11, 2001

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Middletown Road, 1400' N of the c/l Beckleysville Road
(20235 Middletown Road)
6th Election District – 3rd Council District
Meadowcroft Brothers, Inc. - Petitioners
Case No. 01-514-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Matthew Crocco
20235 Middletown Road, Freeland, Md. 21053
Mr. Douglas L. Kennedy, KCW Engineering Technologies
3104 Timanus Lane, Baltimore, Md. 21244
Ms. Nancy Jones, 18718 Falls Road, Hampstead, Md. 21074
Mr. David Lawson, 214 Mt. Carmel Road, Parkton, Md. 21120
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 20235 Middletown Rd., Freeland, MD
which is presently zoned B.L. and 21053
R.C. 2

This Petition shall be filed with the Department of Permits and Development Management. 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 Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve the use of
a carry out restaurant with two apartments and a single family dwelling and
to confirm the non-conforming use of the dwelling and all accessory uses as shown on the plan.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print Francis X. Borgerding, Jr.
Signature [Signature]
Company _____
Address 409 Washington Ave. Suite 600 Telephone No. (410) 296-6820
City Towson State MD Zip Code 21204

Legal Owner(s):

Meadowcroft Brothers, Inc.
Name - Type or Print _____
Signature [Signature]
Name - Type or Print DAWN MARIE WALKER - General President
Signature _____
20235 Middletown Road
Address _____ Telephone No. _____
Freeland MD 21053
City State Zip Code

Representative to be Contacted:

Francis X. Borgerding, Jr.
Name _____
409 Washington Ave., #500 410-296-6820
Address _____ Telephone No. _____
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hr.

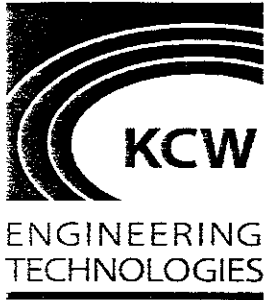
UNAVAILABLE FOR HEARING 7/2 THRU 7/6

Reviewed By [Signature] Date 6-05-01

Case No. 01-514-SPH

Date 6/15/98

ORDER RECEIVED FOR FILING
9/13/98
B



ZONING DESCRIPTION

20235 MIDDLETOWN ROAD

Tax Map 6, Parcel 125

Baltimore County, Maryland

Beginning for the same on the northerly right-of-way line of Middletown Road, said point being situate 1600 ft. easterly from the centerline of Keeney Mill Road, thence,

1. N 49°00' E 222.75 ft.
2. N 35°40' W 550.72 ft.
3. N 57°25' E 208.50 ft.
4. S 35°40' E 673.49 ft.
5. S 57°25' W 207.90 ft.
6. S 49°00' W 222.75 ft.
7. N 41°00' W 148.50 ft.

CONTAINING 175,564 sq. ft., or 4.03 acres, more or less.

BEING the same property which by deed dated February 13, 1967, and recorded in the Land Records of Baltimore County in Liber 4724 folio 404, was conveyed by Lawrence E. Ensor, Trustee, to MEADOWCROFT BROTHERS, Inc.

KCW Engineering Technologies, Inc.
3104 Timanus Lane, Suite 101
Baltimore, MD 21244

(410) 281-0030
Fax (410) 298-0604
www.KCW-ET.com

William K. Woody
President and CEO

Douglas L. Kennedy
Senior Vice President

J. Peter McDonnell
Vice President

Ronald J. Lind
Associate Vice President

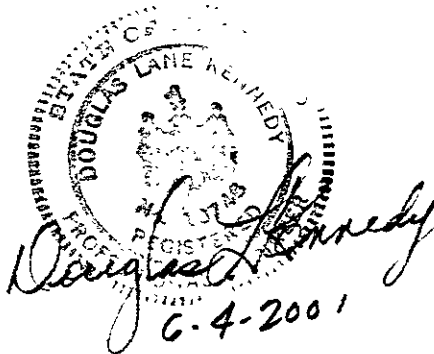
Edwin S. Howe, III
Associate Vice President

Joseph P. Wood
Associate

William C. Usher
Associate

Reginald C. Roberts
Associate

J. Jay Wooldrige
Associate



514

92932

Case No. 61-514-SPH

ACCOUNT R-001-06-6150

AMOUNT \$ 250.⁰⁰

RECEIVED
FROM: Meadowcroft Properties, Inc.

FOR Special Hearing Filing fee
20235 Middletown Rd.

DISTRIBUTION

WHITE CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
6/05/2001	6/05/2001	10:31

REC'D 5003 CASHIER LINDA L. BARNER
 >> RECEIPT # 187306
 Date 5 520 ZONING VERIFICATION
 CR NO. 092382

250.00 Rept. Lit. 250.00
250.00 CK .00 Ch
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #01-514-SPH

20235 Middletown Road

N/S Middletown Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Meadowcroft Brothers, Inc.,

Dawn M. Winkler-Crocco, President

Special Hearing: to approve the use of a carry-out restaurant with two apartments and a single family dwelling and to fortify the non-conforming use of the dwelling and all accessory uses as shown on the plan.

Hearing: Tuesday, August 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JEH/BBG Aug. 14

0487496

CERTIFICATE OF PUBLICATION

8/17, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/14, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE. Case No. 01-514 SPH

Petitioner/Developer: CIRROCCO, ETAL

% F.X. BORGERDING

Date of Hearing/Closing: 8/28/01

887-3468

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #20235-MIDDLETOWN RD.
VIC. MEADOWCROFTS

The sign(s) were posted on 8/10/01
(Month, Day, Year)

Sincerely,

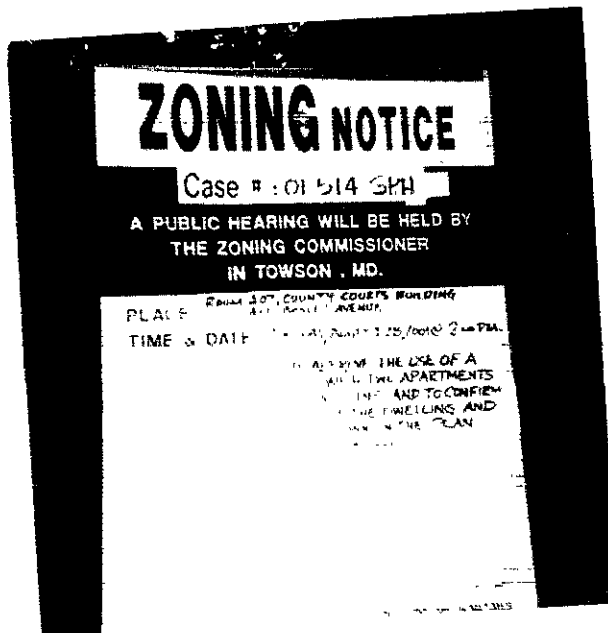
Patrick M. O'Keefe 8/12
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 2103
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8:
(Telephone Number)



01-514-SPH
MEADOWCROFT

20235 MIDDLETOWN RD
CIRROCCO 8/28

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-514-SPH

Petitioner: MEADOWCROFT BROTHERS, INC.

Address or Location: 20235 MIDDLETOWN ROAD
FREELAND, MD. 21053

PLEASE FORWARD ADVERTISING BILL TO:

Name: MEADOWCROFT BROTHERS, INC.
ATTN: DAWN CROCCO

Address: 20235 MIDDLETOWN ROAD
FREELAND, MD. 21053

Telephone Number: 410-357-4257

TO: PATUXENT PUBLISHING COMPANY
Tuesday 14, 2001 Issue – Jeffersonian

Please forward billing to:

Dawn Crocco
Meadowcroft Brothers Inc
20235 Middletown Road
Freeland MD 21053

410 357-4257

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-514-SPH

20235 Middletown Road

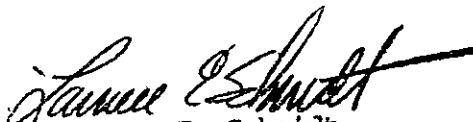
N/S Middletown Road, 1600' E centerline Keeney Mill Road

6th Election District – 3rd Councilmanic District

Legal Owner: Meadowcroft Brothers Inc., Dawn M Winkler-Cirocco, President

Special Hearing to approve the use of a carry-out restaurant with two apartments and a single family dwelling and to confirm the non-conforming use of the dwelling and all accessory uses as shown on the plan.

HEARING: Tuesday, August 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 602
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 1, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-514-SPH

20235 Middletown Road

N/S Middletown Road, 1600' E centerline Keeney Mill Road

6th Election District – 3rd Councilmanic District

Legal Owner: Meadowcroft Brothers Inc., Dawn M Winkler-Cirocco, President

Special Hearing to approve the use of a carry-out restaurant with two apartments and a single family dwelling and to confirm the non-conforming use of the dwelling and all accessory uses as shown on the plan.

HEARING: Tuesday, August 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon GJZ
Director

C: Francis X Borgerding Jr, 409 Washington Avenue #500, Towson 21204
Dawn M Winkler-Cirocco, President, Meadowcroft Brothers Inc,
20235 Middletown Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 13, 2001**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 24, 2001

Francis X Borgerding Jr
409 Washington Avenue #500
Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 01-514-SPH, 20235 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 692
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Dawn Marie-Winkler, Meadowcroft Brothers Inc, 20235 Middletown Road,
Freeland 21053
People's Counsel

LSJ
8/28

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 20, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 6, 2001
Item Nos. 514, 001, 002, 003, 005, 006,
007, 008, 010, 011, 012, and 015

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 7, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner:
MEADOWCROFT BROTHERS INC. DAWN M. WINKLER-CIROCCO, PRES
ITEM #514

Location: DISTRIBUTION MEETING OF July 30, 2001

Item No.: 514

Dear Ms. Stephens:

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", 1994 edition prior to occupancy

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Jim
8/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 07, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-514, 02 001, 02-002, 02-008, 02-010,
and 02-012

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Gay L. Kern

AFK/JL.MAC

1-514



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8-6-01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 514

JJS

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
20235 Middletown Road, N/S Middletown Rd,
1600' E of c/I Keeney Mill Rd
6th Election District, 3rd Councilmanic

Legal Owner: Meadowcroft Brothers, Inc.
Petitioner(s)

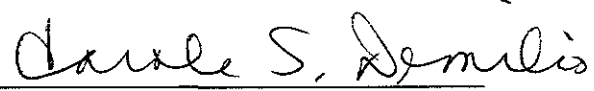
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-514-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: August 8, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 514
Legal Owner/Petitioner: Meadowcroft Brothers Inc.
Contract Purchaser: N/A
Property Address: 20235 Middletown Rd.
Location Description: N/S Middletown Rd., 1600' E. centerline Keeney Mill Rd.

VIOLATION INFORMATION: Case No. N/A
Defendants: Meadowcroft Brothers, Inc.

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 person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

1. Complaint letter/memo/email/fax (if applicable)
2. Complaint Intake Form/Code Enforcement Officer's report and notes
3. State Tax Assessment printout
4. State Tax Parcel Map (if applicable)
5. MVA Registration printout (if applicable)
6. Deed (if applicable)
7. Lease-Residential or Commercial (if applicable)
8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- X 10. Notice of Zoning Hearing
11. Certified Mail Receipt (if applicable)
12. Final Order of the Code Official/Hearing Officer (if applicable)
13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
14. Complete Chronology of Events. beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No. 0613040390	Zoning:
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Name(s): MEADOWCROFT BROTHERS, INC (OWNER)
DAWN CROCCO (APPLICANT)

Address: 20235 MIDDLETOWN RD, FREELAND, MD 21053

Violation Location: 20235 MIDDLETOWN RD (DIST 6)

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BOCA 96 SEC. 117.1, 117.2

WORK STARTED W/O PERMIT BEING ISSUED.
PERMIT B 441727 IS APPLIED FOR ONLY.

ANY FURTHER CONTINUANCE OF WORK WILL
RESULT IN FINES.

ANY QUESTIONS CALL OFFICE HAS 8:00-30
3:30-4:00

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN

Not Later Than: 6/10/01	Date Issued: 5/25/01
-------------------------	----------------------

INSPECTOR: Grant Kidd GRANT KIDD

AGENCY

FOR-GRANT KIDD FROM-DAWN CROCCO
RE-MEADOWCROFT BROTHERS, INC. PROPERTY
FYI



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 1, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-514-SPH

20235 Middletown Road

N/S Middletown Road, 1600' E centerline Keeney Mill Road

6th Election District -- 3rd Councilmanic District

Legal Owner: Meadowcroft Brothers Inc., Dawn M Winkler-Cirocco, President

Special Hearing to approve the use of a carry-out restaurant with two apartments and a single family dwelling and to confirm the non-conforming use of the dwelling and all accessory uses as shown on the plan.

HEARING: Tuesday, August 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon G02
Director

C: Francis X Borgerding Jr, 409 Washington Avenue #500, Towson 21204
Dawn M Winkler-Cirocco, President, Meadowcroft Brothers Inc,
20235 Middletown Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 13, 2001
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Case Number _____

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Case Number _____

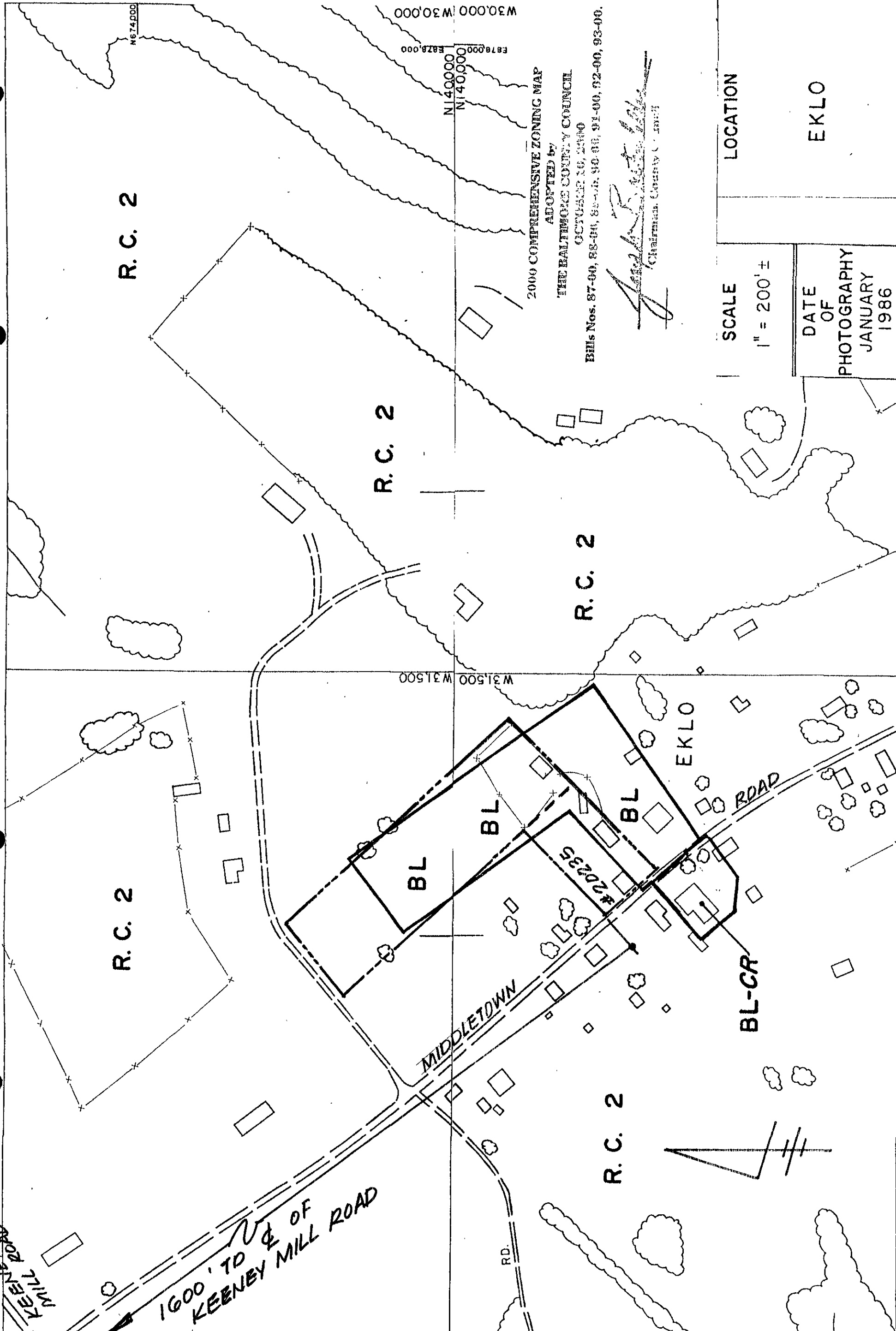
PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

KEENEY ROAD
Y MILL

1600' TO E. OF
KEENEY MILL ROAD



R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

BL

BL

BL

BL-CR

EKLO

W 31,500

W 30,000

N 140,000
N 140,000

2000 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY COUNCIL

OCTOBER 20, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph R. ...
Chairman, Council

SCALE

1" = 200' ±

LOCATION

DATE
OF
PHOTOGRAPHY
JANUARY
1986

EKLO

SHEET

NW

36-F

SHEET

NW

35-F

01-514-SPH

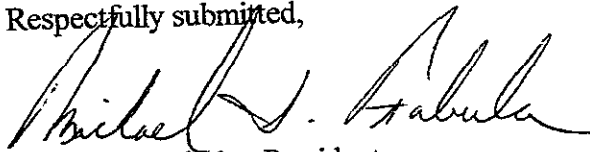
Freeland Community Association
P.O. Box 52
Freeland, MD 21053

Baltimore County, Maryland
Department of Zoning

Dear Sir:

On Tuesday May 22, 2001, our community association heard testimony concerning the need for a parking variance to operate a proposed carryout food service at 20235 Middletown Road. A motion was made and passed to support a variance to allow off-site parking on adjacent land, which is presently zoned for commercial use.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael S. Fabula".

Michael S. Fabula, President

Ret.
No 4

LEASE AGREEMENT

This Lease is entered into this 21st Day of May, 2001, by and between Meadowcroft Liquors, Inc. (hereinafter "Lessor") and Figaro's Corp. (hereinafter "Lessee").

WHEREAS, Meadowcroft Liquors, Inc. operates a business located at 20231 Middletown Road, Freeland, Maryland, which includes front, side and rear parking arrears; and

WHEREAS, Lessee is desirous of leasing an area encompassing eight (8) parking spaces along the northeast boundary of the property owned and operated by the Lessor, for purposes of providing parking for customers at Figaro's Carry Out next door to Lessors;

NOW THEREFORE, WITNESSETH, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

I. Lessor hereby rents to Lessee for a term of two (2) years, commencing on the 21st day of May, 2001, that portion of its property containing 1,500 square feet more or less, and consisting of eight (8) motor vehicle parking spaces, each approximately 8.5' by 18', and more particularly referred to in the highlighted area of Exhibit A, attached hereto and fully intended to be made a part hereof.

II. Lessee hereby agrees to pay an annual rent of Two Hundred Dollars (\$200.00), payable in a lump sum on the commencement date of the Lease, and again on the one year anniversary date as payment for the second year of this Lease.

III. Lessee shall use the leased property solely for the purpose of providing customer parking for persons availing themselves of the food and services provided or to be provided by the Carry-out known as Figaro's located on the property known as 20235 Middletown Road, Freeland, Maryland.

IV. Lessor further hereby grants to Lessee and its customers a non-exclusive easement for access to and from the designated leased area (parking spaces) and Middletown Road, for the purposes as specified in Item III above and/or for necessary and required maintenance, repairs and clean up of the leased area.

V. Lessee shall be responsible, during the term of the Lease, for maintaining the leased property in a clean condition; and shall further be responsible for painting of the lines separating the designated parking spaces from time to time as needed; and shall further be responsible for any repairs that may be needed to the paved surface in the leased area as a result of damage or ordinary wear and tear.

VI. Lessor warrants the Lessee shall be granted peaceable and quiet enjoyment of the leased property, free from interference by Lessor or anyone claiming by, through or on behalf of Lessor, so long as Lessee pays the designated rent as provided in this agreement and complies fully with the other terms hereof.

VII. The occurrence of any of the following shall be deemed to be an Event of Default:

a.) if Lessee fails to pay the required annual rent within ten (10) days of its due date;

b.) if Lessee fails to comply with any other term of this Lease after having reasonable opportunity to do so, but in no event later than thirty (30) days after being notified by Lessor of any default;

c.) if Lessee files a petition in bankruptcy or insolvency; or if involuntary bankruptcy proceedings are commenced against Lessee.

d.) Upon the occurrence of an Event of Default, Lessor shall have the right to immediately terminate this Lease and seek such other rights and remedies as may be afforded to Lessor by law.

VIII. Lessee, at its option, and provided that the Lessor is given written notice not less than thirty (30) days before the expiration of this Lease Agreement, can elect to exercise an option to renew the term of the Lease Agreement for a second consecutive two (2) year term, upon the same terms and conditions as exist in the current Lease Agreement, except that Lessor shall be entitled to increase the annual rent due by a sum not exceeding \$1.00 + % of the current annual rent now due.

IX. This Lease contains the final and entire agreement between the parties hereto, and neither they nor their agents shall be bound by any terms, conditions or warranties not written herein and this Lease cannot be changed or modified except by a

further written instrument between the parties.

IN WITNESS whereof, the parties hereto affix their signatures and seals this day and year first above-written.

ATTEST/WITNESS:

LESSOR: MEADOWCROFT LIQUORS, INC.

Robert J. Meadowcroft
Treasurer, Meadowcroft Bros. Inc.

By: Patricia Meadowcroft (SEAL)
Title: Owner - Meadowcroft Liquors

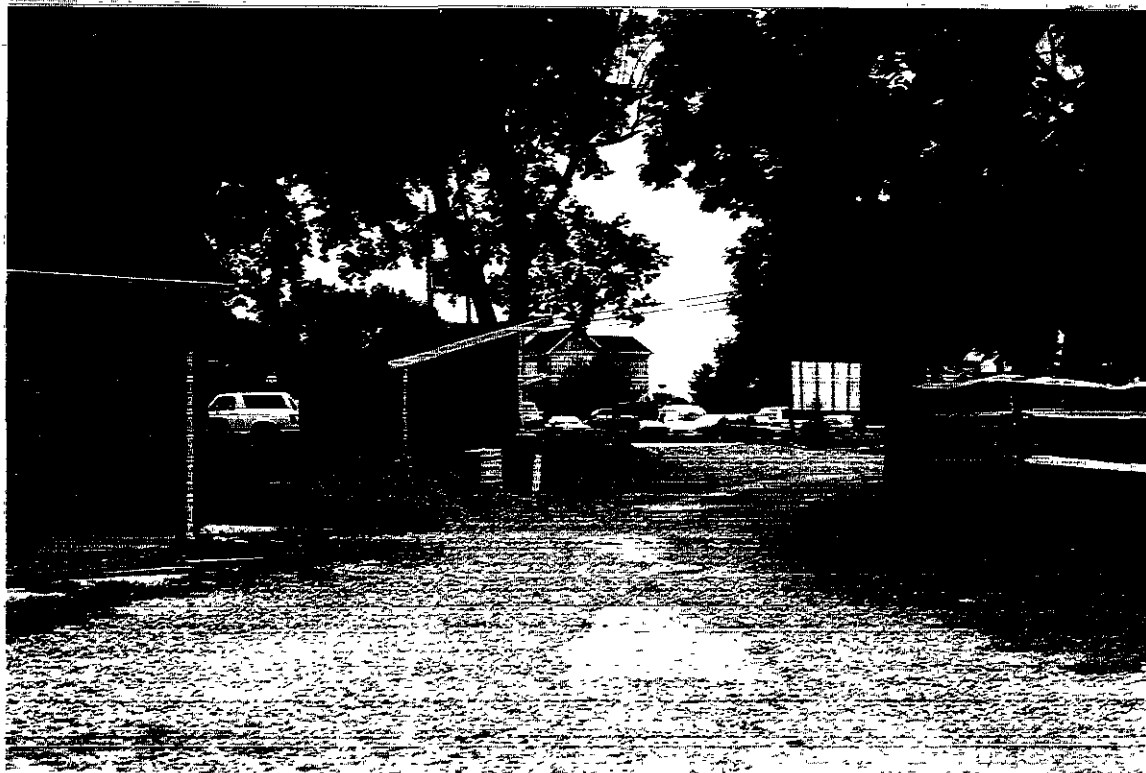
ATTEST/WITNESS:

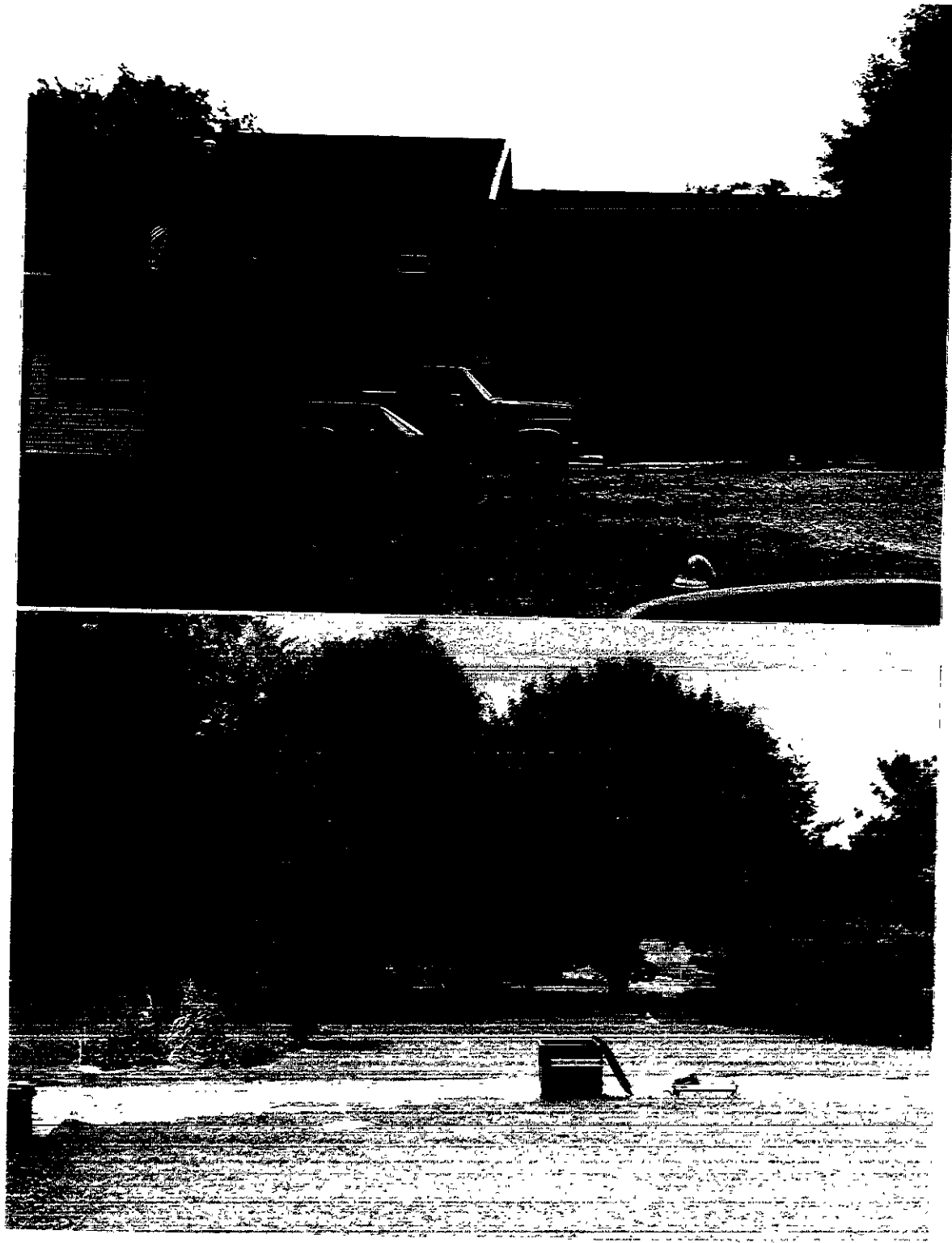
LESSOR: FIGARO CORP.

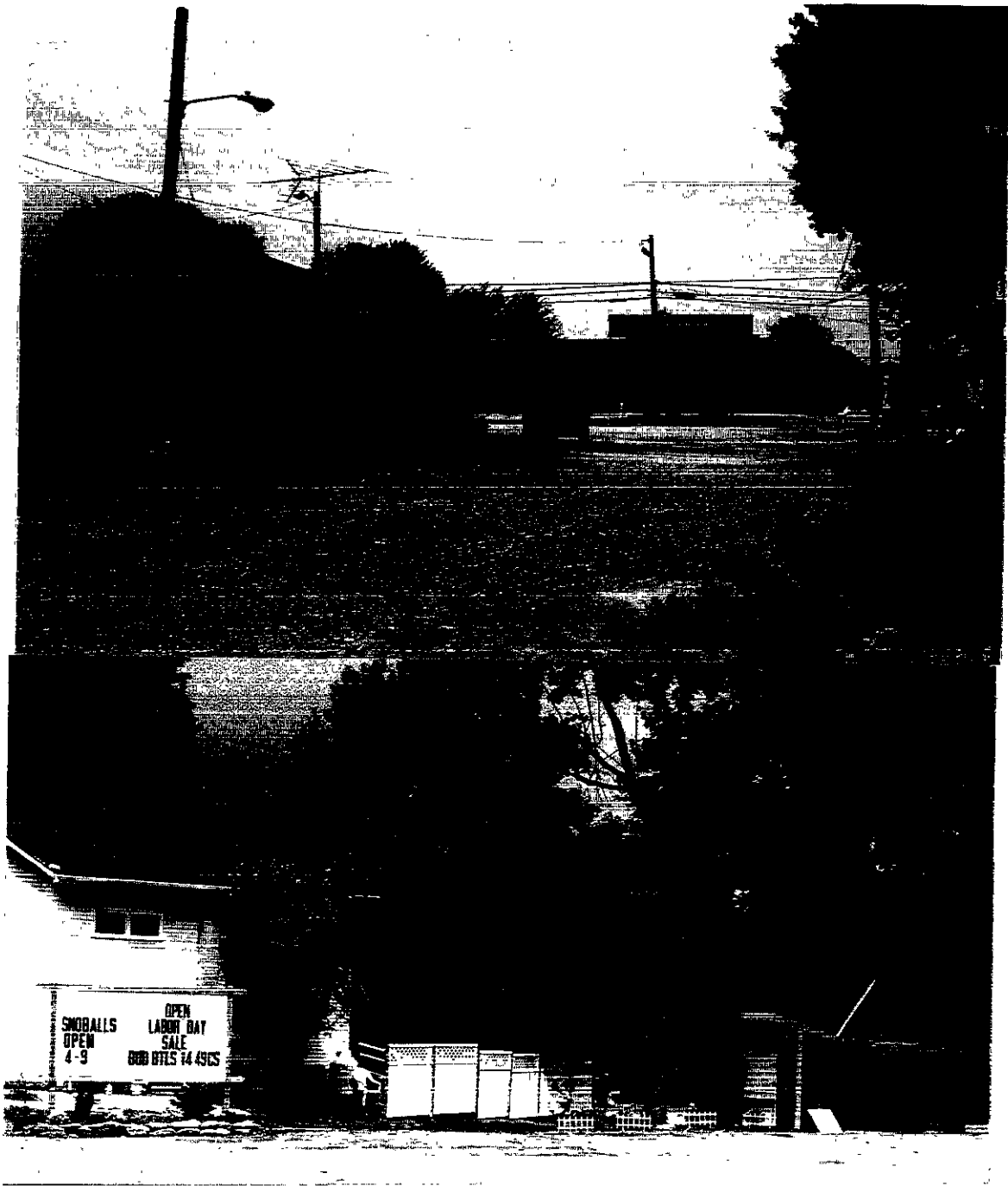
Richard G. Winkler
Richard G. Winkler

By: [Signature] (SEAL)
Title: President Meadowcroft Bros. Inc.

photographs
#01-514-SPH





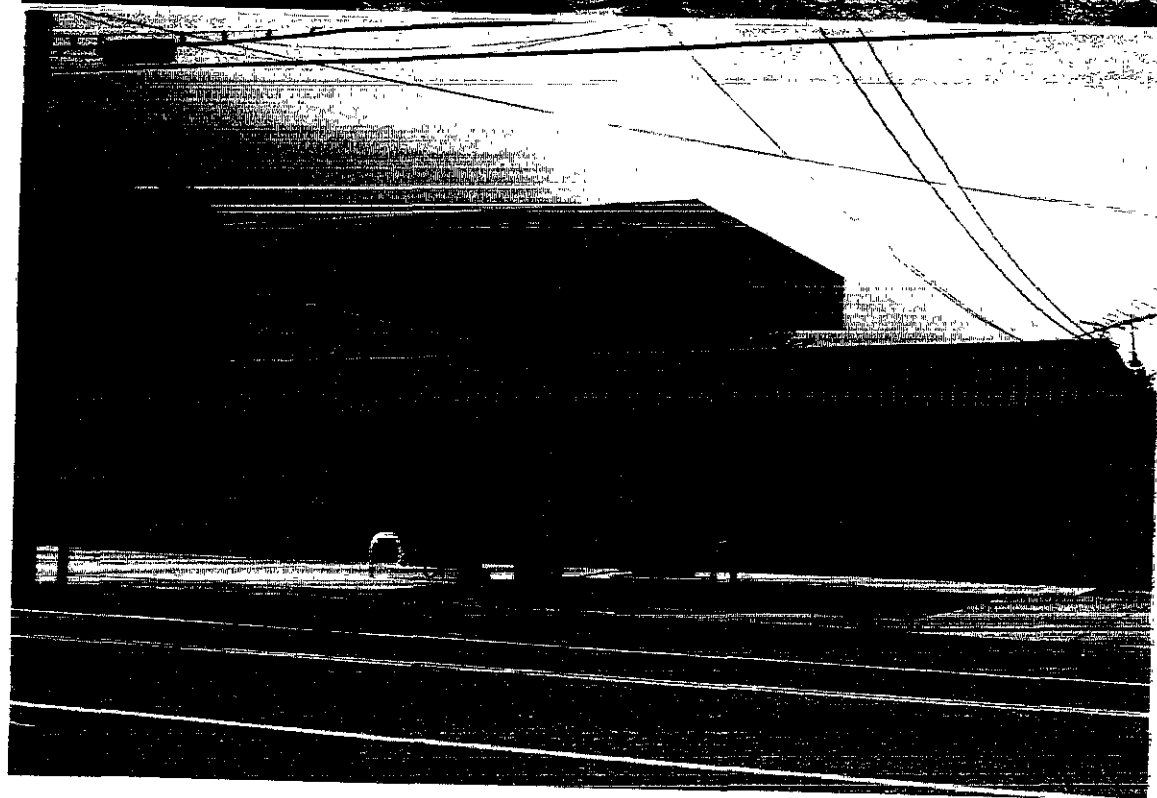


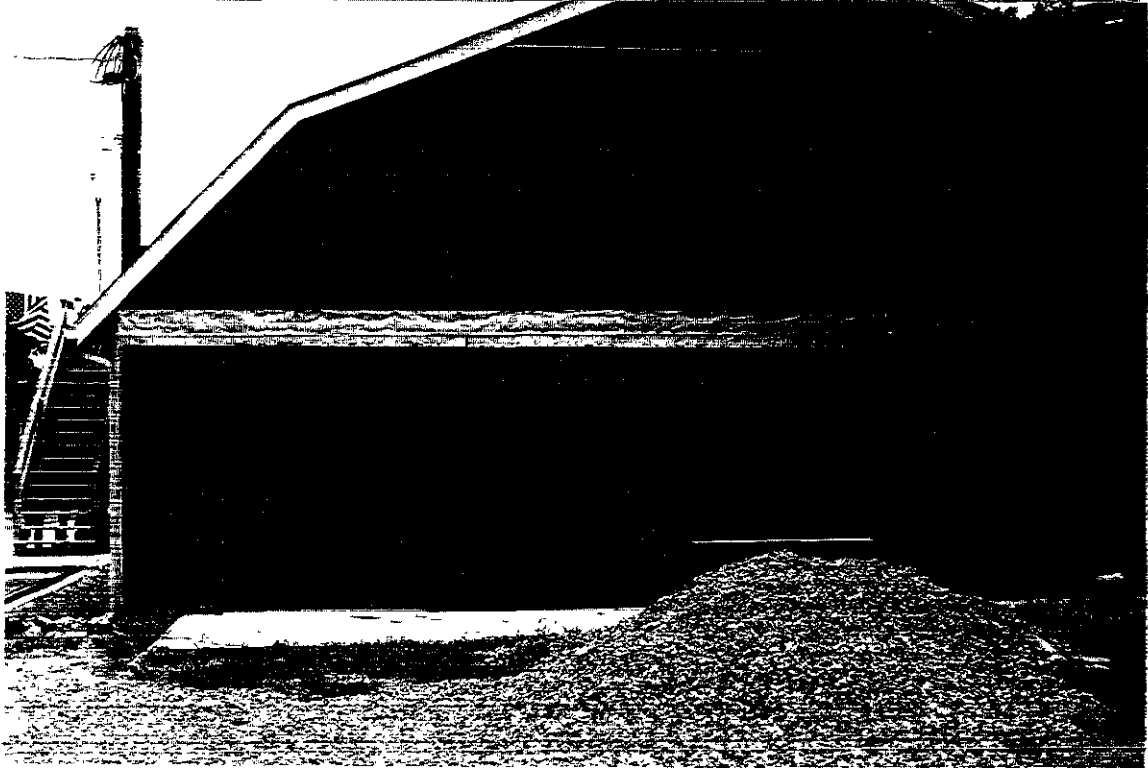
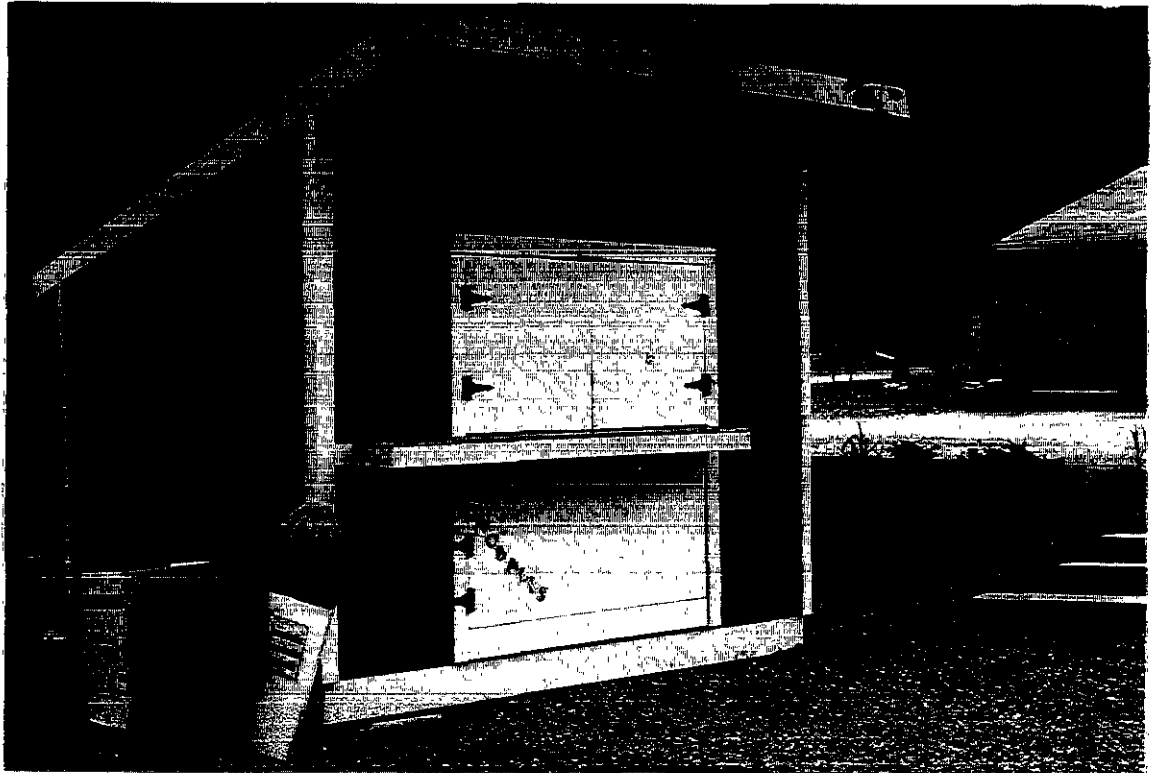
















ZONING NOTICE

Case # : 01-514-SPH

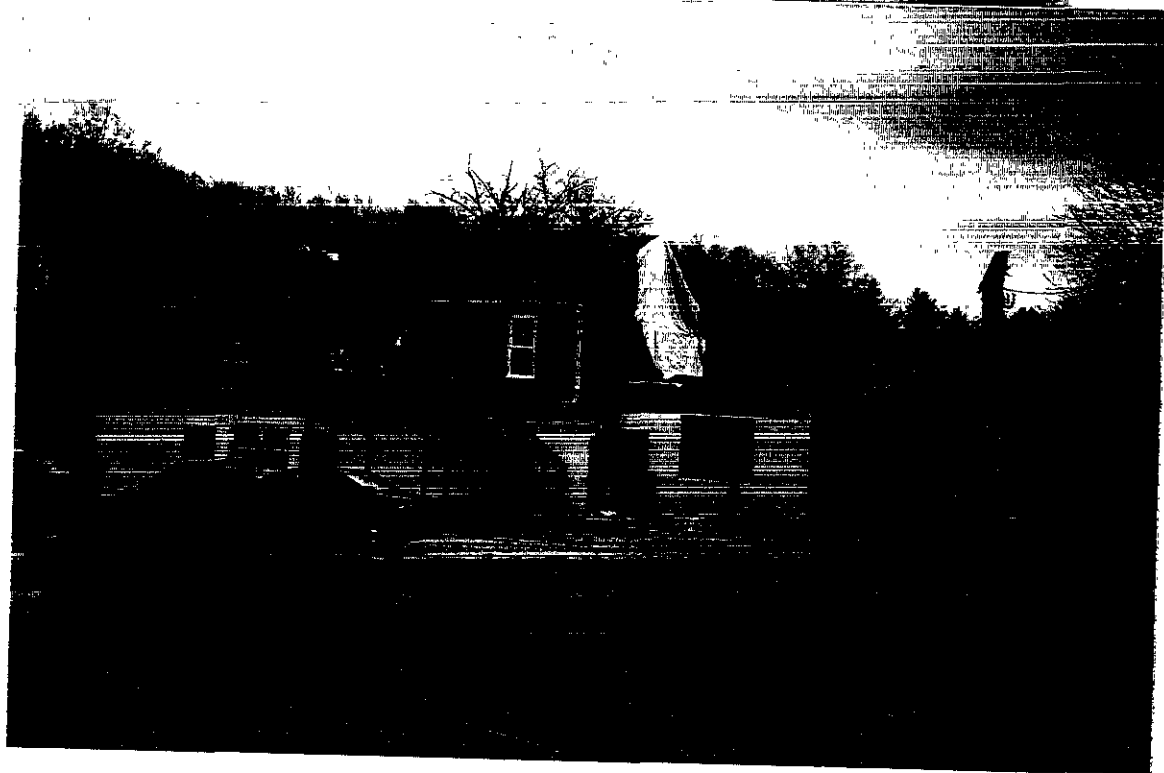
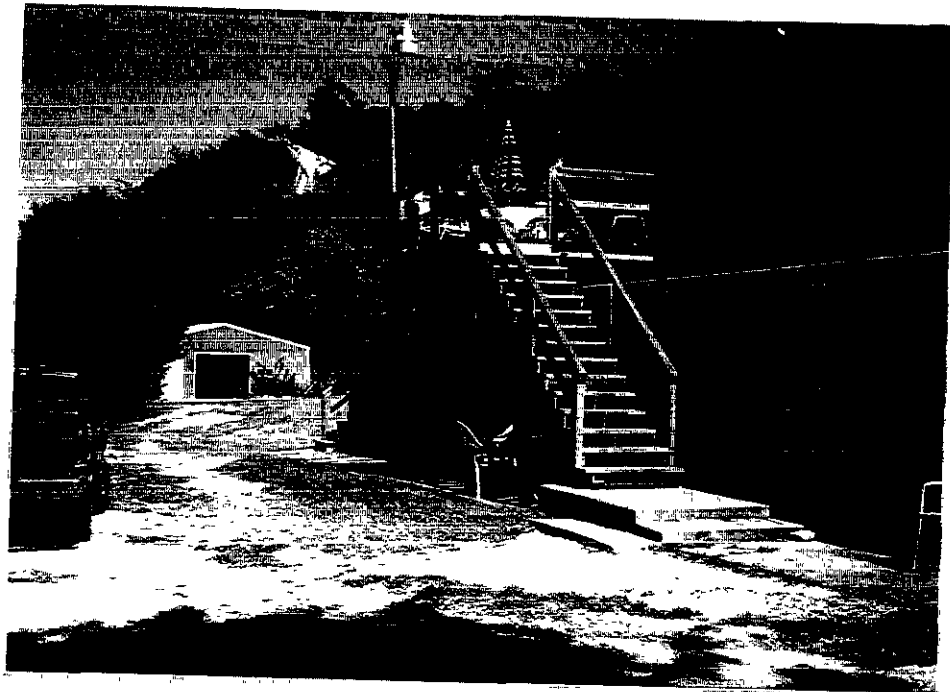
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

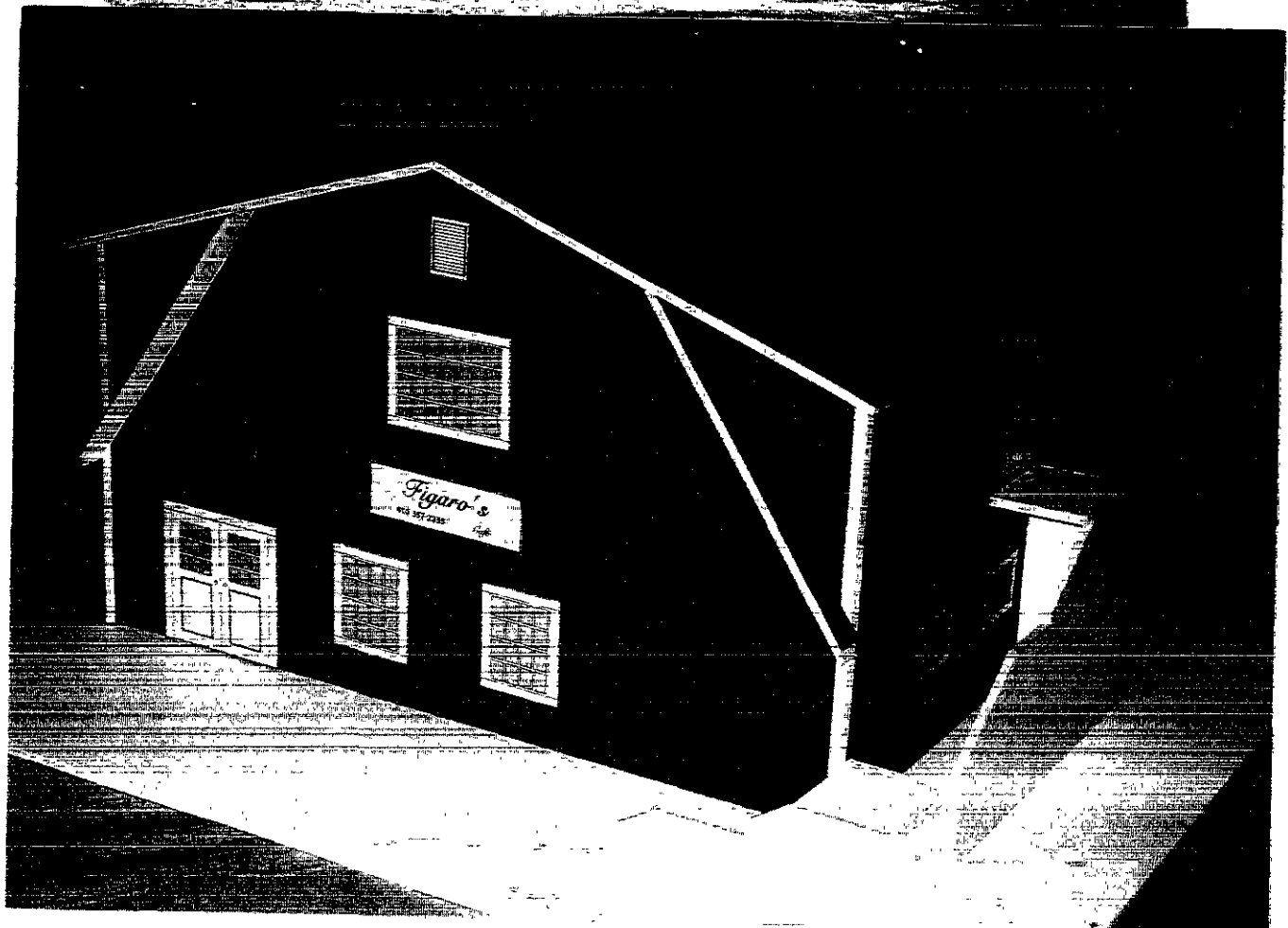
PLACE **Room 401, County Courts Building**
401 BARLEY AVENUE

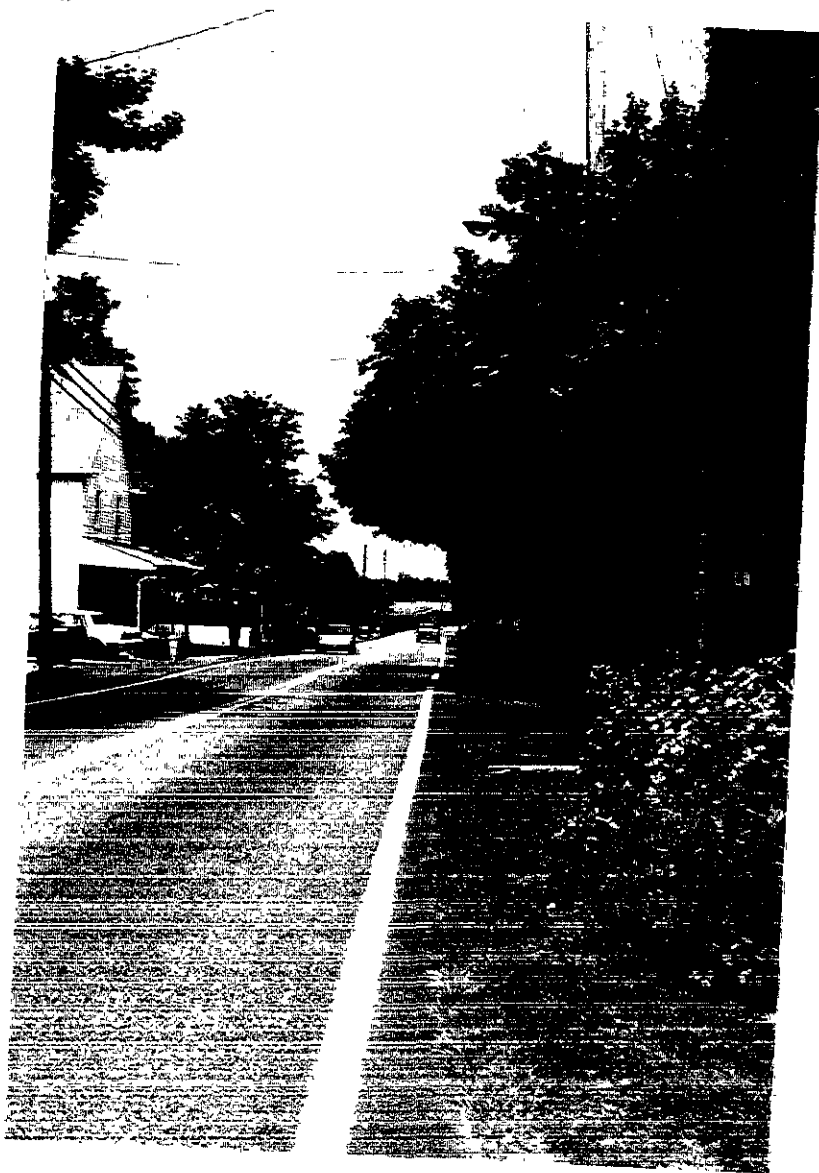
TIME & DATE **FRIDAY, AUGUST 28, 2009 @ 2:00 PM**

**SPECIAL HEARING TO APPROVE THE USE OF A
CARRY-OUT RESTAURANT WITH TWO APARTMENTS
AND A SINGLE FAMILY DWELLING AND TO CONFIRM
THE NON-CONFORMING USE OF THE DWELLING AND
ALL ACCESSORY USES AS SHOWN ON THE PLAN.
#10235 MIDDLE TOWN RD. - CIRECCO**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 887-2391 THE DAY BEFORE THE SCHEDULED HEARING DATE.
DO NOT BRING BAGS AND FOOD INTO THE HEARING ROOMS PLEASE.
HEARINGS ARE HANDICAPPED ACCESSIBLE







12/10/20

