

RE: PETITION FOR VARIANCE
to Section 238.2 of the
Zoning Regulations
E/S York Road, 224.63' north
of Radcliffe Road
9th District
Harold F. Burton, et al,
Petitioners

: BEFORE
:
: COUNTY BOARD OF APPEALS
:
: OF
: BALTIMORE COUNTY
:
: No. 63-49-V

: : : : : : : : : :

OPINION

The petitioners herein seek a variance to permit a side yard of 10 feet on each side instead of the required 30 feet. The subject property which is unimproved is zoned "B-R" and is 70' wide and 152' deep. The land is bordered on the north by the Beltway, on the south by a vacant lot, on the east by a motel and there is commercially zoned property to the west across York Road.

The Board of Appeals is unanimous in its decision that the petitioners have not met the conditions set forth in Section 307 of the Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of December, 1963 by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby denied.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William H. Hamilton
CHAIRMAN

Charles Steinbock
G. Mitchell Austin

Description of Property of Harold F. Burton for B.R. Zoning Variance

Beginning for the same at a point on the east side of York Road, 100 feet wide as shown on Maryland State Roads Commission Right of Way Plat No. 10538, said point of beginning being also distant N 31° - 45' - 15" W 224.63 ft. from the intersection of the said east side of York Road and the north side of Radcliffe Road 60 ft. wide as shown on Plat entitled "Property of Edwin E. and Thomas M. Gontrum" dated February 23, 1959 and recorded among the Plat Records of Baltimore County in Liber W.J.R. 26 Folio 62, coordinates of said point of intersection being East 1,752.82 ft. and North 41,228.33 ft., running thence binding on the east side of said York Road as now surveyed E. 31° 59' 56" W 53.49 ft. to the "Right of Way line of Through Highway"; running thence binding on the said "Right of Way Line of Through Highway" of Ramp "F" to the Baltimore County Beltway, as shown on the above mentioned Maryland State Roads Commission Right of Way Plat, as now surveyed N 12° 42' 47" E 23.11 ft. running thence for lines of division the three following courses and distances, as now surveyed, viz: first, N 58° 18' 49" E 136.19 ft; second S 31° 41' 11" E 70.00 ft; and third S 58° 18' 49" W 152.07 ft. to the point of beginning.

Being all of that parcel of land as described in a deed from Astor Inc. to Harold F. Burton dated Dec. 18, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3938 Folio 190.

Donald L. Brown
Reg. No. 3423

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Betty D. Burton

I, or we, Harold F. Burton, and legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a variance from Section 238.2 of area regulations - side and rear yards for other buildings 30 feet to permit side yards of 10 ft. and 20 ft.

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

Hardship and practical difficulties as property would be unable to be utilized under present side yard regulations

See Attached Description

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

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

Ramsey W. J. Flynn
James P. O'Connor
Leasee
Address 637 Coventry Road (4)

Harold F. Burton
Betty D. Burton
Legal Owner
Address 2100 Dalewood Court, Timonium, Md.

A. Owen Hennegan, Jr.
406 Jefferson Building
Petitioner's Attorney

Protestant's Attorney

Address Towson 4, Maryland

ORDERED BY The Zoning Commissioner of Baltimore County, this 29th day

of July 29, 1963, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of September, 1963, at 10:00 o'clock

A.M.



(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition

and it appearing that by reason of the following finding of facts that the variance requested will grant relief to the petitioner without substantial injury to the public health, safety and the general welfare of the locality involved,

the above Variance should be had; and to permit side yards of 10 feet and rear yards for other buildings 30 feet; and to permit side yards of 10 feet and 20 feet instead of the required 30 feet.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 4th day of September, 1963, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this order, which permits side and rear yards for other buildings of 30 feet; and to permit side yards of 10 and 20 feet instead of the required 30 feet, subject, however, to approval of the site plan by the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1963, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

RE: PETITION FOR VARIANCE to Sect. 238.2 of Zoning Regulations S/S York Road, 9th District. Harold F. Burton, et al., Petitioners #63-49V

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER FOR APPEAL

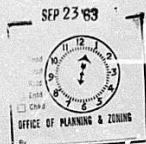
MR. CLERK:

Please note an appeal to the Board of Appeals for Baltimore County in the within case.

John Warfield Armiger
Attorney for Whyar Corp.
406 Jefferson Building
Towson 4, Maryland
Va. 5-7666

I HEREBY CERTIFY that I have served a copy of this Order of Appeal upon the Petitioners this 19th day of September 1963 by causing a copy of same to be mailed to their council, A. Owen Hennegan, Esq., 406 Jefferson Building, Towson 4, Maryland.

John Warfield Armiger



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To Mr. John G. Roney, Zoning Commissioner Date: August 21, 1963

FROM: Mr. George A. Gervais, Deputy Director
Office of Planning & ZoningSUBJECT: 2932-7. Variance to the Zoning Regulations of Baltimore County to permit side and rear yards for other buildings 30 feet and to permit side yards - 10 feet and 20 feet instead of the required 30 feet. East side of York Road 224.63 feet North of Rockville Road. Being property of Harold F. Burton and Betty J. Burton, 9th District

HEARING: Wednesday, September 4, 1963 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for Variances and has the following advisory comments to make:

1. The subject property is only 70' wide. Strict application of the F-R requirements would allow a building only 30' wide. From the viewpoint of side yard setbacks and lot dimensions, it would appear that the provision of 30' yards would be confessional.
2. However, the staff notes that the subject property is immediately adjacent to the Beltway Interchange and that conflicts with York Road and Beltway traffic could arise here. The most desirable site planning relation would be to interconnect the parking area of the subject property with the Hotel complex immediately adjacent.
3. In any event provision of parking in the front of the proposed office building will result in parking movements which definitely are hazardous with respect to York Road. All parking should be to the rear of the proposed building to enable all vehicles entering or leaving the property to be "straightened-out" prior to intersecting York Road.

GAG/s

TELEPHONE
VALL 9-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 19237

DATE 7/21/63

TO: A. Owen Hennegan, Jr., Esq.
Jefferson Building
Towson 1, Md.BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

TOTAL AMOUNT
\$25.00

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Petition for a Variance for Harold F. Burton

25.00

FBI - Baltimore County, Md. - Office of Finance

7-4962 1026 * 19237-7 TP- 25.00

3

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALL 9-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 19930

DATE 9/21/63

TO: John Warfield Armiger, Esq.
Jefferson Building
Towson 1, Md.BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 1, Md.

DEPOSIT TO ACCOUNT NO. 02661

TOTAL AMOUNT

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of appeal in favor of property of Harold F. Burton
No. 63-49-V

25.00

FBI - Baltimore County, Md. - Office of Finance

7-4953 4352 * 0 * TIL- 25.00

3

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALL 9-3000BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 19286

DATE 9/4/63

TO: A. Owen Hennegan, Esq.
Jefferson Building
Towson 1, Md.BILLED BY: Office of Planning & Zoning
119 County Office Bldg.,
Towson 1, Md.

DEPOSIT TO ACCOUNT NO. 01622

TOTAL AMOUNT

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of advertising and posting property of Harold F. Burton

25.00

No. 63-49

FBI - Baltimore County, Md. - Office of Finance

9-563 3315 * 0 * TIL- 43.00

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IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

OFFICE OF
THE BALTIMORE COUNTIANTHE COMMUNITY NEWS
Ridgeland, Md.THE HERALD - ARGUS
Catonville, Md.

No. 1 Newburg Avenue

CATONVILLE, MD.

August 19, 1963.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Roney, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for One Week ~~approximately~~ ^{approximately} weeks before the 19th day of August, 1963, that is to say the same was inserted in the issues of

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and ManagerCERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th

Date of Posting: 8/17/63

Posted for: Hearing. Wed. Sept. 4, 1963. At 10:00 A.M.

Petitioner: ALANSON, R. E. and L. E.

Location of property: E. 1/2 of York Rd. 324.63 ft. N. of Rockville Rd.

Location of Sign: On York Rd. 324.63 ft. N. of Rockville Rd.

Map: 1/2 of York Rd. 324.63 ft. N. of Rockville Rd.

By: ALANSON, R. E. and L. E.

Signature

Date of return: 8/21/63

PETITION FOR A ZONING VARIANCE

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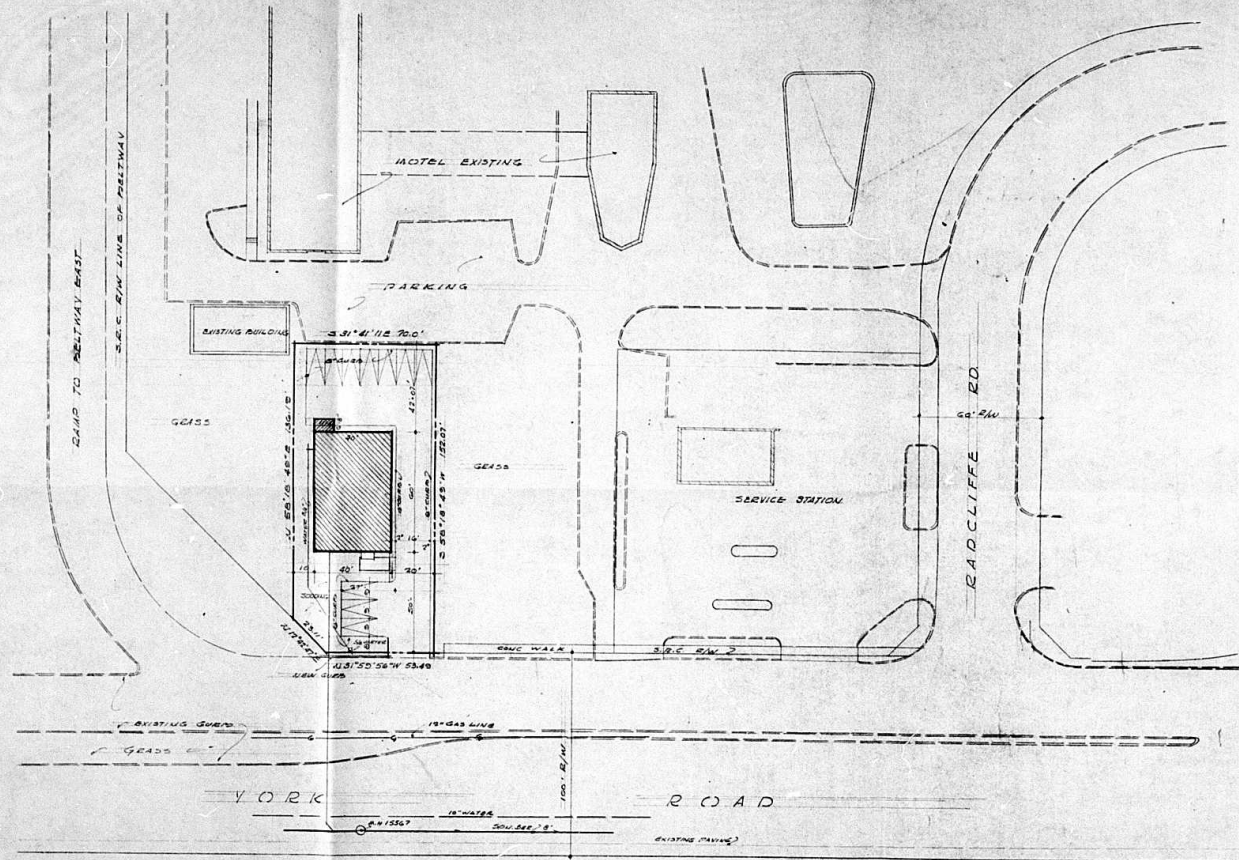
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 16, 1963.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 14th day of September, 1963, the last publication appearing on the 16th day of August, 1963.

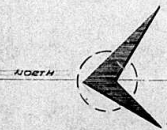
THE JEFFERSONIAN

Cost of Advertisement, \$.



PLOT PLAN

SCALE 1/4" = 10'-0"



PROPOSED OFFICE BUILDING
O'CONNOR & FLYNN REALTORS
1019 YORK ROAD TOIVSON &
BALTIMORE COUNTY MARYLAND

JOHN H. E. BOHLEY, AIA
ARCHITECT
12820 E. BALTIMORE RD.
BALTIMORE, MD.
DATE: 10/1/71
SCALE: 1/4" = 10'-0"
DWG. NO. 637