

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

That we, WHYAR CORPORATION, legal owners 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 238.1 to permit a front yard setback of 45 feet instead of the required 50 feet; and from Section 238.2 to permit a side yard setback of 0 feet instead of the required 30 feet; and from Section 238.3 to permit a rear yard setback of 0 feet instead of the required 30 feet; and from Section 238.4 to permit a height of 35 feet instead of the required 30 feet; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty of building any building on this lot using existing requirements makes variance mandatory for development. To keep all development of this lot within County Zoning Regulations, the petitioner has entered into a lease and purchase agreement with adjacent landowner and will use the leased lot for parking of vehicles. If arbitrary lines created by leases now in existence were disregarded, the subject parcel and adjacent leased parcel would not need variance.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expense 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.

Contract purchaser: WHYAR CORPORATION
BY: J. W. Armiger, Jr., Legal Owner
Address: 11335 Lockwood Drive
Silver Spring, Maryland 20904
Address: 200 Padonia Road East
Cockeysville, Maryland 21030
Address: 664-0440
ORDERED BY The Zoning Commissioner of Baltimore County, this 4th day of October, 1965, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, at 10:00 o'clock on the 3rd day of November, 1965, at 10:00 o'clock.

John W. Armiger, Jr., Attorney
200 Padonia Road East
Cockeysville, Maryland 21030
664-0440
Zoning Commissioner of Baltimore County

frederick p. klaus & co.

realtors and appraisers
masonic building
towsen 4 maryland
telephone valley 5-4377
commercial & industrial development service

November 29, 1965

Mr. John Rose, Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Rose:

Please enter an Appeal to the Board of Appeals in the matter of a petition for variance to the Zoning Regulations. File # 66-112-A.

Your order was issued on November 4, 1965.

Very truly yours,

Frederick P. Klaus
Frederick P. Klaus
Petitioner

FPK:sk

Description of property:

All that lot or parcel of ground situate and lying at the east side of York Road, commencing at a point 150', more or less, north of the northeast corner of the intersection of York Road and Radcliffe Avenue, thence running N 58° 21' 04" E, 170', more or less, thence running N 31° 41' 11" W 90', more or less, binding upon the west side of a private road of the Park Towson Motel, thence S 53° 18' 49" W 170', more or less, to a point on the east side of York Road 89.64' north of the point of beginning, thence S 31° 59' 56" E along the east side of York Road to the point of beginning. Containing 0.3 acres of land, more or less.

Situate, lying and being in the Ninth Election District of Baltimore County.

SEP 20 '65



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: October 22, 1965
FROM: Mr. George E. Govevelli, Director
Office of Planning and Zoning
SUBJECT: Petition 66-112-A. Petition for Variance to the Zoning Regulations of Baltimore County to permit a front yard setback of 45 feet instead of the required 50 feet; to permit a side yard setback of 0 feet from the northernmost property line instead of the required 30 feet; to permit rear yard of 5 feet instead of the required 30 feet. East side of York Road 150 feet, more or less North of Radcliffe Avenue.

9th District

HEARING: Wednesday, November 3, 1965. (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. The request for a front yard variance for the subject property results from an interpretation of the Zoning Regulations that would consider York Road as a "dual highway." There is justification in this interpretation in that York Road is, in fact, divided by a median in front of the property. It is our belief, however, that classification of York Road at this location as a dual highway is really only a technicality; the median strip results from channelization of two dual highways intersecting York Road in the vicinity of the subject property -- the Baltimore County Beltway and Falmouth Avenue. We do not believe that York Road is a "dual highway" as the term is meant in the Zoning Regulations.
2. Although property lines surrounding the proposed motel-office building are shown on the petitioner's plat, the proposed building would actually function as a part of a larger complex including the existing motel and a service station. Thus, with the property lines being what they are, the building would be in contravention with only the letter of the Zoning Regulations.
3. In view of the above considerations, we believe that the subject proposal would comply with the spirit and intent of the Zoning Regulations.



RE: PETITION FOR VARIANCE from Sections 238.1 and 238.2 of the Zoning Regulations, E/S York Road 150' North of Radcliffe Road, 9th District, Whyar Corporation, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 66-112-A

ORDER OF DISMISSAL

Petition of Whyar Corporation for variance from Sections 238.1 and 238.2 of the Zoning Regulations on property located on the east side of York Road 150 feet north of Radcliffe Road in the Ninth District of Baltimore County.

Whereas the Board of Appeals is in receipt of a letter of dismissal filed January 24, 1966 from the protestant-appellant in the above entitled matter.

Whereas the said protestant-appellant requests that the appeal filed on behalf of said protestant-appellant, be dismissed and withdrawn as of January 24, 1966.

It is thereby ORDERED this 26th day of January, 1966 that said appeal be dismissed with prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

R. Bruce Alderman, Acting Chairman

John A. Slowik

Paul T. McHenry, Jr.

frederick p. klaus & co.

realtors and appraisers
masonic building
towsen 4 maryland
telephone valley 5-4377
commercial & industrial development service

January 24, 1966

Honorable William S. Baldwin, Chairman
Baltimore County Board of Appeals
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Baldwin:

Please dismiss my appeal in Case #65-112-A, petition of Whyar Corporation.

Very truly yours,

Frederick P. Klaus
Frederick P. Klaus

FPK:sk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Office of Finance Date: December 3, 1965
FROM: John G. Rose
SUBJECT: Refund - Invoice No. 33556

On November 30, 1965 a check in the amount of \$75.00 was forwarded to the Office of Finance covering cost of appeal in the matter of Whyar Corporation, Pet. No. 66-112-A.

As the cost for an appeal in a variance case is \$35.00 plus \$5.00 for posting, the appellant is entitled to a refund of \$35.00.

Kindly make check payable to Fred. P. Klaus and forward to this office.

Zoning Commission

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

September 20, 1965

John W. Armiger, Sec.
200 Padonia Road, East
Cockeysville, Md. 21030
SUBJECT: Front Yard, Side Yard, Floor Area Ratio and Setback Variances for the Whyar Corporation, Located on the East Side of York Road 165' North of Radcliffe Avenue - District 9. (Tom Schepell, 1965)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

STATE BOARD COMMISSION: This office will review the subject petition and comment at a later date.

BUREAU OF TRAFFIC ENGINEERING: This office will review the subject petition and comment at a later date.

BUREAU OF ENGINEERING:
Water - Existing 10" Water in York Road; Existing 8" Water in Radcliffe Road
Sewer - Existing 8" Sewer in York Road; Existing 8" Sewer in Radcliffe Road
Advisory of existing utilities to be determined by developer or his engineer.
Road - York Road is a State road.

OFFICE OF PLANNING AND ZONING - ZONING ADMINISTRATION DIVISION: The petitioner's site plan is in conflict with the zoning petition as the proposed setbacks are concerned. Also, the site plan does not agree with the description of the property. This office is withholding a hearing date until these above items are corrected. It is suggested that the petitioner's attorney contact Mr. Rose to arrange a meeting at his earliest convenience.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning to the Zoning Commission's hearing.

The following members had no comment to offer:

Board of Education
Fire Bureau - Plans Review
Health Department
Industrial Development Commission
Buildings Department
Office of Planning & Zoning - Project P.L.
Very truly yours,

James E. Ryan
James E. Ryan, Director
Petition and Permit Processing

cc: Mr. John Myers, State Roads Commission
Mr. Richard Rogers, Dir. of Traffic Eng.
Mr. Gayle Brown, Dir. of Engineering
Mr. J. R. Ryan, Office of Planning & Zoning, Zon. Ad. Div.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TELEPHONE 823-3030

NO. 33556
DATE 11/20/65

TO: Frederick P. Elms
Hesside Building
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
Cost of appeal, property of Whyan Corp.	70.00		
No. 66-112-A	1 sign	5.00	\$75.00
10-165 3307 • 33556 TTP--		75.00	

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.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

TELEPHONE 823-3030

NO. 33450
DATE 10/7/65

TO: John Warfield Angier, Inc.
200 Federal Road, East
Cockeysville, Md. 21039

REPORT TO ACCOUNT NO. 01-622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT	COST
Cost of appeal, property of Whyan Corp.	25.00		
No. 66-112-A	1 sign	5.00	\$30.00
10-165 2948 • 33450 TTP--		30.00	

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.

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BALTIMORE COUNTY, MARYLAND
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No. 66-112-A	1 sign	5.00	\$75.00
10-165 3307 • 33556 TTP--		75.00	

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MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

October 6, 1965

John Warfield Angier, Inc.
200 Federal Road, East
Cockeysville, Md. 21039

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
119 County Office Bldg.
Towson, Maryland 21204

Your petition has been received and accepted for filing this
day of October, 1965.

John G. Rose
Zoning Commissioner

Petitioner: Whyan Corp.
Petitioner's Attorney: John Warfield Angier, Inc.

PETITION FOR A VARIANCE
9th DISTRICT

ZONING: Petition for Variance for front, side and rear yards.

LOCATION: East side of York Road 150 feet, more or less north of Radcliffe Avenue.

DATE & TIME: WEDNESDAY, NOVEMBER 3, 1965 at 10:00 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Variance to the Zoning Regulations of Baltimore County to permit a front yard setback of 45 feet instead of the required 50 feet to permit a side yard setback of 10 feet instead of the required 30 feet.

The Zoning Regulations to be accepted are as follows:

Section 23B-1 - Front Yard - Commercial buildings the front building line shall be not less than 50 feet from the front property line if on a dual highway.

Section 23B-2 - Side and Rear Yards - 30 feet.

All that parcel of land in the Ninth District of Baltimore County.

October 14, 1965

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 3rd day of November, 1965, the first publication appearing on the 14th day of October 1965.

THE TIMES
Manager: John M. Martin

Cost of Advertisement \$ 25.00
Purchase Order 34706
Registration No. 76940

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CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. October 14, 1965.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 10-16-65

Posted for: Whyan Corp.

Petitioner: Whyan Corp.

Location of property: 415 York Rd. 150' N. of Radcliffe Rd.

Location of Sign: On York Rd. side and ground 30' from the posted sign.

Remarks: Robert L. Buller

Posted by: Robert L. Buller
Signature: Robert L. Buller
Date of return: 12-23-65

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 10-16-65

Posted for: Whyan Corp.

Petitioner: Whyan Corp.

Location of property: 415 York Rd. 150' N. of Radcliffe Rd.

Location of Sign: 1 sign 50' from entrance to appeal and 30' from the end of York Rd.

Remarks: Robert L. Buller

Posted by: Robert L. Buller
Signature: Robert L. Buller
Date of return: 10-21-65

