

February 14, 1966

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

Mr. Wardell Barber
504 Winters Lane
Catonsville, Maryland

SUBJECT: Side Yard and Parking Variances
For Wardell Barber, located
Winters Lane N of Baltimore Nat'l
Pike, 1st District
(Item 4, February 15, 1966)

Dear Sir:

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

ZONING ADMINISTRATION DIVISION: The use permit for residential parking will be subject to Section 100.1 of the Baltimore County Zoning Regulations. A letter should be submitted prior to the hearing indicating hours of operation, the type of lighting, and type of screen planting.

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 10 days before the Zoning Commission's hearing.

The following members had no comment to offer.

Fire Bureau—Plans Review
Health Department
Industrial Development Commission
Board of Education
Buildings Department
State Roads Commission
Bureau of Traffic Engineering
Bureau of Engineering

Very truly yours,

James E. Ryan
John G. Rose, Principal
Zoning Technician

JDR:yib

cc: Mr. James E. Dyer—Zoning Administration Division

RE: PETITION FOR VARIANCE : BEFORE
from Sections 238.2 and 409.2b, : COUNTY BOARD OF APPEALS
and SPECIAL HEARING to Permit : OF
Parking, : BALTIMORE COUNTY
West Side of Winters Lane 140' :
Northwest of Baltimore National Pike :
1st District :
Wardell Barber, :
Petitioner : No. 66-201-ASPH

OPINION

This case comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner on a revised application for certain variances as to setbacks, and combined with a special hearing to permit the establishment of parking spaces in a residential zone. The property is located on the west side of Winters Lane north of the Baltimore National Pike, and the parking spaces on the residential area are supposed to be property owned by the same party on the east side of Winters Lane opposite the main portion of the subject property and back of an existing service station facing on Baltimore National Pike, and also owned by the applicant, Wardell Barber.

The subject property consists mainly of a drive-in restaurant at 504 Winters Lane, which was built by the present owners about twelve years ago, and whose business has grown to the extent that it is no longer large enough, nor does it have enough parking spaces for its customers. It is surrounded on three sides by property owned by the operator of a drive-in theater located south and west of the restaurant. The revised plans, as ruled on by the Deputy Zoning Commissioner have been approved in toto by the Office of Planning and Zoning, and there was testimony in the case from Mr. George H. Pryor, of that office, which is in favor of the granting of the petition under the revised plans. There was a difference of opinion among some of the neighbors in nearby residential areas, many being in favor of the project and others opposed. The opposition seemed to be based on an objection to present conditions with respect to traffic and the inadequacy of parking facilities. However, the property is presently zoned B-R, and if there are any potential violations, they would probably be allowed as a non-conforming use; and it is

Wardell Barber - No. 66-201-ASPH

the finding of the Board that the proposed changes would be an improvement to the subject property and the neighborhood in general, rather than a detriment thereto.

The facts as they appear in the record made before this Board are substantially the same as those considered by the Deputy Zoning Commissioner, whose lengthy and very cogent opinion appears in the file in this case, and which this Board is happy to adopt as part of its own opinion in this case, a copy of which is attached hereto.

ORDER

It is, therefore, this 10th day of March, 1966, by the County Board of Appeals of Baltimore County ORDERED that the variances as requested on the revised plans, and the special permission for the use of the residential area for off-street parking is GRANTED, and the Order of the Deputy Zoning Commissioner is affirmed, all, of course, subject to any construction taking place in accordance with the revised plans, as shown on the exhibits in this record, as approved or to be approved by the State Roads Commission, Bureau of Public Services, and the Office of Planning and Zoning.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

R. Bruce Alderman

PETITION FOR VARIANCE AND SPECIAL HEARING

IN DISTRICT

ZONING: Petition for a Variance for side and rear yard setbacks and parking. Petition for Special Hearing - remove part of Special Exception No. 4406 at the northwest corner of property to be used for parking (Parcel C); and to remove, making in a residential zone (Parcel B).

LOCATION: West side of Winters Lane 140 feet northeast of the Baltimore National Pike.

DATE & TIME: MONDAY, March 21, 1966 at 10:00 A.M.

PUBLIC HEARING: Room 104, 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 a Variance from the Zoning Regulations of Baltimore County to permit side yards of 20 feet and 10 feet instead of 25 feet; and to permit a rear yard of 5 feet instead of 30 feet; to permit 25 parking spaces instead of 80 parking spaces.

Petition for Special Hearing to remove part of Special Exception No. 4406 at the northwest corner of property to be used for parking (Parcel C); and to remove, making in a residential zone (Parcel B).

The Zoning Regulations to be excepted as follows:

Section 238.2 - Side and Rear Yards - 30 feet.

Section 409.2b - 1 - each 50 square feet of total floor area.

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

Description of Plot A: -

Containing lots 65, 66, 67, and 68 of Block "Q" - Catonsville Pines.

Recorded: 12/89.

Beginning for the same on the west side of Winters Lane (as laid out 35 feet wide) at a point 140 feet northeast of the Baltimore National Pike; running thence and bounding on the west side of Winters Lane, north 16 degrees 15' east - 80 feet to a point there situated on the west side of Winters Lane and running thence the following courses and distances: north 12 degrees 45' west - 100 feet; south 16 degrees 15' west - 80 feet; south 73 degrees 45' east 100 feet; to the point of beginning. Containing 8,000 square feet.

Description of Plot B: -

Containing lots 20 and 40 of Block "R" - Catonsville Pines.

Recorded: 12/89.

Beginning for the same on the east side of Winters Lane (as laid out 35 feet wide) at a point 170 feet northeast of the Baltimore National Pike; running thence and bounding on the east side of Winters Lane, north 16 degrees 08' east - 45 feet, to a point there situated on the east side of Winters Lane and running thence the following courses and distances:

South 72 degrees 38' east - 102.29 feet; south 17 degrees 28' west - 45 feet; north 72 degrees 38' west - 101.47 feet; to the point of beginning. Containing 4,585 square feet.

Description of Plot C: -

Containing lot 41 of Block "R" - Catonsville Pines.

Recorded: 12/89.

Beginning for the same on the east side of Winters Lane (as laid out 35 feet wide) at a point 170 feet northeast of the Baltimore National Pike; running thence and bounding on the east side of Winters Lane, north 16 degrees 08' east - 29 feet to the point of beginning.

Containing 2,925 square feet.

Being the property of Wardell Barber, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, March 21, 1966 at 10:00 A.M.

Public Hearing: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF

JOHN G. ROSE,

ZONING COMMISSIONER OF BALTIMORE COUNTY.

March 8, 1966.

OFFICE OF THE BALTIMORE COUNTY

THE COMMUNITY NEWS
Baltimore, Md.

THE HERALD - ARGUS
Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

March 9, 1966.

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

was inserted in THE BALTIMORE COUNTY, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for one successive week before the 7th day of March, 1966, that is to say the same was inserted in the issue of March 3, 1966.

THE BALTIMORE COUNTY

By *Paul J. Morgan*
Editor and Manager

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: March 5, 1966

Posted for: *Special Hearing*

Petitioner: *Wardell Barber*

Location of property: *W. Winters Lane 140' N. of Baltimore National Pike*

Location of Signs: *W. Winters Lane 140' N. of Baltimore National Pike*

Remarks: *1st. Winters Lane 140' N. of Baltimore National Pike*

Posted by: *J. Rose* Signature Date of return: *March 10, 1966*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: *Aug 25, 1966*

Posted for: *Appeal*

Petitioner: *Wardell Barber*

Location of property: *W. Winters Lane 140' N. of Baltimore National Pike*

Location of Signs: *W. Winters Lane 140' N. of Baltimore National Pike*

Remarks: *J. Rose*

Posted by: *J. Rose* Signature Date of return: *Aug 26, 1966*

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

TO: *Wardell Barber*
Baltimore National Pike at Winters Lane
Baltimore, Md. 21228

BILLED BY: *Zoning Dept. of Balto. Co.*

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
1	Advertising and posting of property for Wardell Barber	89.25
1	66-201-ASPH	89.25

2-366 7401 • 37630 TIP- 89.25

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

TO: *Cash*

BILLED BY: *Zoning Dept. of Balto. Co.*

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
1	Petition for Variance for Wardell Barber	25.00
1	66-201-ASPH	25.00

2-366 7401 • 3762 TIP- 25.00

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

TO: *Mrs. Venett Jindary*
26 Cargill Avenue
Baltimore, Maryland 21228

BILLED BY: *Office of Planning & Zoning*
119 County Office Building
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO. 01-622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT DUE
1	Cost of appeal in matter of property of Wardell Barber	835.00
1	66-201-ASPH	835.00

2-366 7401 • 37652 TIP- 835.00

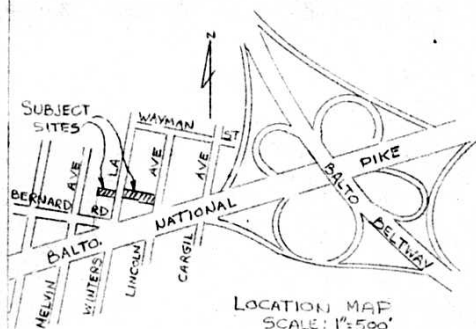
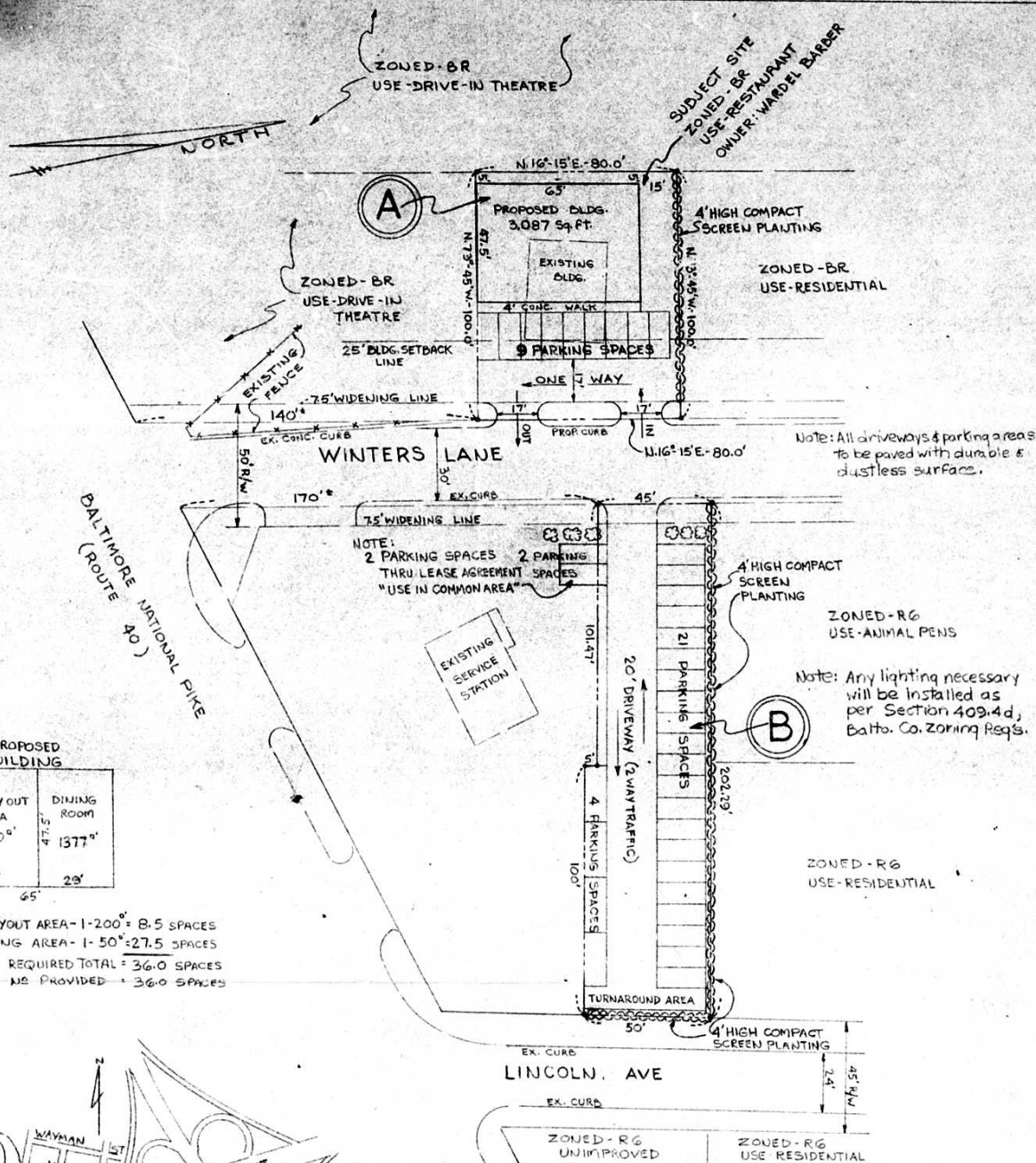
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of February, 1966.

John G. Rose
John G. Rose
Zoning Commissioner

Petitioner: *Wardell Barber*
Petitioner's Attorney: *James E. Ryan*
Reviewed by: *James E. Ryan*
Chairman of Advisory Committee



PLAT OF WARFEL BARBER PROPERTY

WEST & EAST SIDE- WINTERS LANE & WEST SIDE LINCOLN AVE
 ELECTION DISTRICT-1
 SCALE: 1"=30'

BALTIMORE COUNTY, M.D.
 JUNE 1966

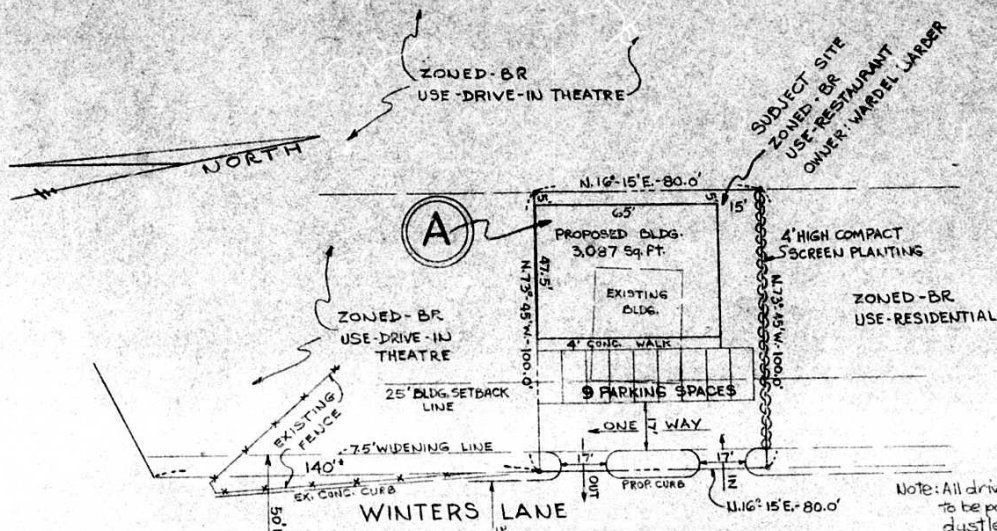
- NOTES -

- 1-Petitioner is requesting Variance to Section 238.2 From 30' to 30' side to 0' to 15' side; from 30' rear to 5' (See A)
- 2-Petitioner is requesting a "USE PERMIT" as per Section 409.4 of the Balto. Co. Zoning Regulations for parking in a residential zone (East of Winters Lane & West of Lincoln Ave.) (See B)
- 3-Building is one-story with basement. Basement to be used for storage.

PLANS APPROVED

OFFICE OF PLANNING & ZONING
 BY: *At-Large*
 DATE: 6/30/66

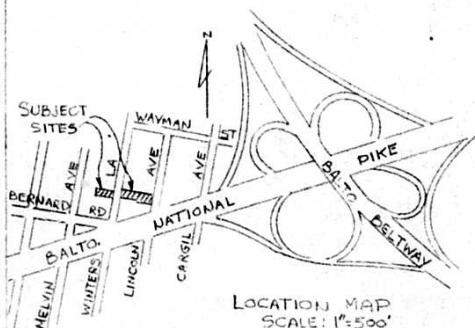




PARKING BREAKDOWN

PROPOSED BUILDING	
CARRY OUT AREA 1710' x 26'	DINING ROOM 1377' x 29'

CARRYOUT AREA - 1-200' = 8.5 SPACES
DINING AREA - 1-50' = 27.5 SPACES
REQUIRED TOTAL = 36.0 SPACES
NO PROVIDED = 36.0 SPACES



PLAT OF WARDEL BARBER PROPERTY

WEST & EAST SIDE - WINTERS LANE & WEST SIDE LINCOLN AVE
ELECTION DISTRICT - 1
SCALE: 1"=30'

BALTIMORE COUNTY, MD.
JUNE 1966

**ZONED-RG
UNIMPROVED**

**ZONED-RG
USE-RESIDENTIAL**

- NOTES -

- 1-Petitioner is requesting Variance to Section 238.2 from 30' to 30' side to 0' to 15' side; from 30' rear to 5' (See A)
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- 3-Building is one-story with basement. Basement to be used for storage.

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *[Signature]*
DATE: 6/30/66



66-201-