

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Albert Rogers, et al., 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 Variance from Section 409.2 c (4) and 238.4 - To permit parking and display of vehicles zero feet from the front property line instead of the required 8 feet and 10 feet.

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

- (a) Hardship
- (b) Practical Difficulty

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.

Contract purchaser _____ Legal Owner _____
Address _____ Address _____

Petitioner's Attorney _____ Protestor's Attorney _____
Address _____ Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of March 1969, 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 _____ day of April 1969, at 10:00 o'clock

Zoning Commissioner of Baltimore County.
(over)

It is this _____ day of April, 1969, by the Zoning Commissioner of Baltimore County, ORDERED that the above variances be and the same are hereby DENIED.

Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCE :
from Section 409.2 c (4) of :
Baltimore County Zoning Regulations :
North Side of Joppa Road 217 West :
of Loch Raven Boulevard :
9th District :
ALBERT ROGERS, et al :
Petitioners :
No. 69-230-A

OPINION

This case is a request made by Mr. Richard W. Carroll, owner of an auto car sales, for a variance for parking and display of cars for sale. The property is on the North side of Joppa Road 217 feet West of Loch Raven Boulevard, in the 9th District of Baltimore County.

The variance requested is to permit parking at the front property line for the display of cars for sale, instead of the required 8 foot setback.

Testimony before the Board by Mr. Richard W. Carroll stated that if the variance was not granted that he would be out of business. Mr. Carroll is seeking a variance from Section 409.2 c(4), and also from Section 238.4 of the Zoning Regulations, so that he may park and display his cars that are for sale. Mr. Carroll told the Board that a similar case was granted by the Deputy Zoning Commissioner (case #68-222, 4/68), which is known as the Towson Dodge Agency.

No protestant appeared at the hearing.

The Board feels that Mr. Carroll has proven practical difficulty and unreasonable hardship, and is hereby granting the requested variance.

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ day of December, 1969, by the County Board of Appeals ORDERED, that the variance

Albert Rogers, et al - No. 69-230-A

- 2 -

from Section 409.2 c(4) of the Zoning Regulations, petitioned for be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

Walter A. Reiter, Jr.

John A. Miller

RE: PETITION FOR VARIANCE :
Sec. 409.2 c (4) & 238.4 :
N/S Joppa Road 217' W. :
Loch Raven Boulevard :
9th District - :
Albert Rogers, et al, :
Petitioners :
Baltimore County :
No. 69-230-A

The petitioners requested variances to permit parking and display of vehicles zero feet from the front property line instead of the required 8 feet and 10 feet on the north side of Joppa Road 217 feet west of Loch Raven Boulevard, in the Ninth District of Baltimore County.

At a hearing before the Deputy Zoning Commissioner on September 26, 1963, file No. 63-79-V, the petitioners asked for a special exception for a Used Motor Vehicle Outdoor Sales Area and a variance to permit use of an existing building. This petition was granted.

The required plan prepared by the petitioners' engineer showed no display within eight feet of the front property line. The remaining display area was at a depth of fifteen feet or less. Ordinarily this would be insufficient to display automobiles unless they were small compact vehicles.

The petitioners were fully aware of what they were asking for. Further, adequate off-street parking is not provided.

Sec. 409.2-C (4) provides that "No parking space shall be closer than eight feet to a street property line". It should be noted that the regulation specifies NO PARKING SPACE SHALL be closer than eight feet to a street property line.

The owners of the property did not appear at the hearing, but the lessee appeared.

The plan submitted for the subject hearing was prepared by the same engineer who prepared the first plan in 1963.

The petitioners got exactly what they asked for in the original hearing and cannot claim a hardship.

For the above reasons the variances should be DENIED.

ORDER RECEIVED FOR FILING

DATE 4/28/69

BY J. C. HARRIS, JR.

ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 17, 1969

FROM: George E. Ciccone, Director of Planning

SUBJECT: Petition #69-230-A. Variance to permit parking and display of vehicles zero feet from the front property line instead of the required 8 feet and 10 feet. North side of Joppa Road 217 feet west of Loch Raven Boulevard. Albert Rogers, et al, Petitioners.

9th District

HEARING: Monday, April 28, 1969 (10:00 A.M.)

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

The use of the subject property (used-car lot) is classified as a special exception in the regulations for R, E, zones. From a planning viewpoint, a use permitted by special exception should be considered in light of possible special requirements to assure appropriateness and compatibility in each particular case. In the instance at hand, the petitioner seeks a variance authorizing something in contrary—continuance of a condition having an adverse effect upon the roadside environment. Such a variance would, in our view, run completely counter to the basic purpose of the special exception classification.

We have not been offered any information with respect to the alleged conditions of hardship and practical difficulty listed on the subject petition.

GEG:z

FRANK E. CICCONE

Attorney at Law

FIRST NATIONAL BANK BLDG.

TOWSON, MARYLAND 21204

May 7, 1969

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office
of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variances
to Zoning Regulations
N/S Joppa Road 217' W.
Loch Raven Blvd., 9th
District - Albert Rogers
et al, Petitioners -
No. 69-230-A

Dear Mr. Rose:

I am hereby taking an appeal to the County Board of Appeals on behalf of Albert Rogers, et al., Petitioners, to the Order rendered in the above-entitled case on the 28th day of April, 1969.

I am enclosing herewith a check in the amount of Forty Dollars (\$40.00) covering the cost of this appeal.

Very truly yours,

Frank E. Ciccone
Attorney for Petitioners
Albert Rogers, et al.

FEC:bl
Encl.

MM-750



E. F. RAPHEL & ASSOCIATES

Registered Professional Land Surveyors

201 COURTLAND AVENUE

TOWSON, MARYLAND 21204

OFFICE: 835-3908

RESIDENCE: 371-4592

February 25, 1969

DESCRIPTION TO ACCOMPANY

ZONING RECLASSIFICATION

BEGINNING for the same at a point 217' westerly from the intersection formed by the centerline of Loch Raven Boulevard and the north side of Joppa Road and in the 4th or S7°11'00"E 100.00' line of the land leased by Lawrence F. Sims to Socony Mobile Oil Company, Incorporated and recorded among the Land Records of Baltimore County in Liber GLB 2907, Folio 256, and dated March 20, 1956 at the distance of 83.83' from beginning of said 4th line, said point of beginning being on the north side of Joppa Road, as shown on the Baltimore County Bureau of Land Acquisition Drawing No. BRK61-061-2, running thence on the north side of Joppa Road, as shown on aforesaid plat by a curve to the left with a radius of 3257.00' for a distance of 118.79' (the chord of said arc being N70°07'53"E 118.78') to a point in the 2nd line of the aforesaid lease at the distance of 13.68' from beginning of said 2nd line, thence leaving Joppa Road and running on a part of aforesaid 2nd line N7°11'00"W 86.12' to the end thereof, running thence and ending on all of the 3rd and on part of the 4th lines of the land in the aforesaid lease S76°30'00"W 120.00' and S7°11'00"E 8° 93' to the place of beginning.

CONTAINING 0.274 Acres of land more or less.

BEING part of the land which by deed dated November 26, 1937 and recorded among the Land Records of Baltimore County in Liber CMB, Jr. 1013, Folio 510, was conveyed by Charles M. Sims and wife to Lawrence F. Sims.



E. F. RAPHEL
REG. PROF. LAND SURVEYOR 2246

ORDER RECEIVED FOR FILING

DATE 4/28/69

BY J. C. HARRIS, JR.

ADMINISTRATIVE ASSISTANT

69-230-A
N/S of Joppa Road 217' W. of Loch Raven Blvd.

69-230-A

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204Oliver L. Myers
Chairman

MEMBERS

BUREAU OF

ENGINEERING

BUREAU OF

TRAFFIC ENGINEERING

BUREAU OF

PUBLIC UTILITIES

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL

DEVELOPMENT

April 14, 1969

Frank E. Ciccone, Esq.
First National Bank Building
Towson, Maryland 21204RE: Type of Hearing: Parking Variance
Location: N/S Joppa Rd., 217' ±
W. of center line of Loch Raven Blvd.
9th District
Petitioner: Albert Rogers, et al
Committee Meeting of March 26, 1969
Item 223

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is presently improved with a used car lot with several used cars being displayed in the front of the building along with Camper trailers. The property immediately to the north is improved with a holiday Inn Hotel complex. To the south with the Bayview Electronics parking lot and building and a restaurant. The property immediately to the east is improved with a bar and restaurant, and to the east with several stores which include a barber shop, key service, beauty salon and Ti' nola. The frontage of the property on Joppa Road at the present time is improved with concrete curb and gutter.

BUREAU OF ENGINEERING:

Joppa Road is an existing, improved road. No further improvements will be required at this time.

Storm Drains:

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or other drainage facilities, would be the full responsibility of the Applicant.

Frank E. Ciccone, Esq.
First National Bank Building
Towson, Maryland 21204
Item 223

April 14, 1969

Water and Sewers

Both water and sewer facilities exist in Joppa Road.

PROJECT PLANNING DIVISION:

The existing parking blocks both entrances and requires vehicles that use the entrance to back out on Joppa Road to turn around.

BUREAU OF TRAFFIC ENGINEERING:

This department considers a variance to section 409.2 (c) undesirable. The 8 foot setback is used to provide proper sight distance.

The plan should be revised to show parking layout.

HEALTH DEPARTMENT:

Since the proposed zoning is for a parking variance only, no health problems are anticipated.

FIRE DEPARTMENT:

No comments.

BOARD OF EDUCATION:

No bearing on student population.

BUILDING ENGINEER'S OFFICE:

No comment from Building Engineer's Office.

ZONING ADMINISTRATION DIVISION:

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

OLIVER L. MYERS, Chairman

OLM:JD
Enc.Frank E. Ciccone, Esq.
First National Bank Building
Towson, Maryland 21204

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

28th day of March, 1969

JOHN G. ROSE,
Zoning Commissioner

Petitioner: Albert Rogers, et al

Petitioner's Attorney: Frank E. Ciccone, Esq.

Chairman of
Advisory CommitteeTELEPHONE
825-3000
EXT. 567BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 62179

DATE: April 26, 1969

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

To:

Cash

Zoning Dept. of Baltimore County

REPORT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COST

Advertising and posting of property for Albert Rogers

#69-230-A

69.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204TELEPHONE
825-3000
EXT. 567BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 62207

DATE: 2/9/69

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204Office of Planning and Zoning
111 County Office Bldg.
Towson, Md. 21204

To:

Frank E. Ciccone, Esq.
First National Bank Bldg.
Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COST

Cost of appeal - Albert Rogers, et al

\$35.00

No. 69-230-A

1 sign 5.00

\$40.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204TELEPHONE
825-3000
EXT. 567BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

No. 62129

DATE: April 1, 1969

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

Zoning Dept. of Baltimore County

To:

Frank E. Ciccone, Esq.
First National Bank Building
Towson, Md. 21204

REPORT TO ACCOUNT NO. 01-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COST

Petition for Variance for Albert Rogers, et al

#69-230-A

25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

PETITION FOR VARIANCE

FOR DISTRICT

ZONING: Petition for Variance for

Location: Joppa Rd. at Loch Raven Blvd.

DATE: 2/10/69. Hearing: April 26,

1969 at 10:00 A.M.

PUBLIC HEARING: Room 124, County

Office Building, 111 W. Chesapeake

Avenue, Towson, Maryland 21204.

The Zoning Commission of Baltimore County, in order to give notice of the hearing on the petition for variance, hereby publishes this notice in the Baltimore County Gazette, a newspaper published in Baltimore County, Maryland, on the 17th day of April, 1969.

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CERTIFICATE OF PUBLICATION

TOWSON, MD. APR 10 1969

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of the following consecutive weeks before the 10th day of April, 1969, 19.69, the last publication appearing on the 10th day of April, 1969.

THE JEFFERSONIAN

L. Frank Struthers
Manager

Cost of Advertisement, \$.....

PETITION FOR VARIANCE

FOR DISTRICT

ZONING: Petition for Variance for

Location: Joppa Rd. at Loch Raven Blvd.

DATE: 2/10/69. Hearing: April 26,

1969 at 10:00 A.M.

PUBLIC HEARING: Room 124, County

Office Building, 111 W. Chesapeake

Avenue, Towson, Maryland 21204.

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THE TOWSON TIMES

TOWSON, MD. 21204 April 17 19 69

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One week before the 17th day of April 1969, that is to say, the same was inserted in the issues of April 10, 1969

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan

Official
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th
Posted for: Albert Rogers et al
Petitioner: Albert Rogers et al
Location of property: N.S. Joppa Road 217' W. of Loch Raven Blvd.
Location of Signs: 1 Sign Posted on Pole on East of Joppa Road
Remarks: 1 Sign Posted on Pole on East of Joppa Road
Posted by: Frank E. Ciccone
Date of return: May 21, 69

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th
Posted for: Heavy Metal, April 25, 1969, 10:00 A.M.
Petitioner: Albert Rogers et al
Location of property: N.S. Joppa Road 217' W. of Loch Raven Blvd.
Location of Signs: 1 Sign Posted on Pole on East of Joppa Road
Remarks: 1 Sign Posted on Pole on East of Joppa Road
Posted by: Frank E. Ciccone
Date of return: May 21, 69

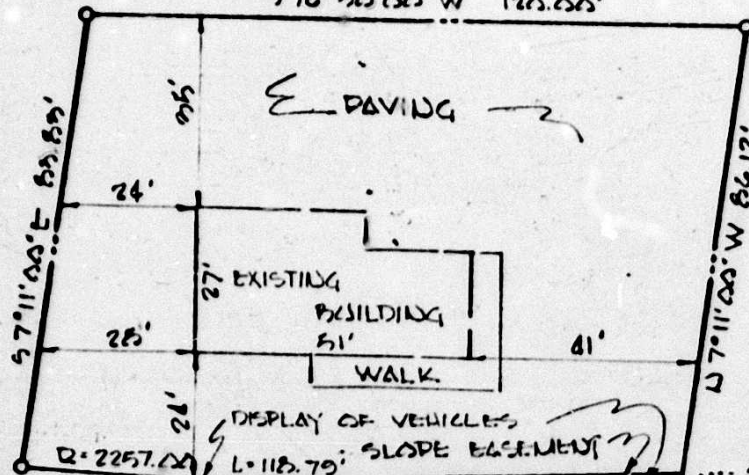
RESTAURANT

P-D

S 76°30'00" W 130.00'

P-D

P-D



STONES

217' TO E LACH DAVEN BLVD.
2 REQ.

JOPPA ROAD

P-D

E.F. RAPHAEL & ASSOC.



201 JOPPA ROAD AVE.
TOWSON 4, MARYLAND

AREA OF PROP. — 0.274 AC.
EX. USE — VACANT
PROP. USE — USED VEHICLE-OUTDOOR
SALES AREA
EX. ZONE — P-D : SP. EX. FOR USED
VEHICLE OUTDOOR SALES
PROP. ZONE — VARIANCE FOR FRONT
SIDE SETBACK

PLAN TO ACCOMPANY
ZONING PETITION

9th ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=200' JULY 12, 1963
REV 2-17-69