

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Morton Salt, 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 Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Off street parking in a residential zone

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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 Morton Salt
Address 9307 Highway Road
Legal Owner Morton Salt
Address 9307 Highway Road
Protestant's Attorney John A. Miller
Address 1000 N. Liberty

ORDERED By the Zoning Commissioner of Baltimore County, this 2nd day of June, 1970, 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 22nd day of July, 1970, at 10:00 o'clock A.M.



Zoning Commissioner of Baltimore County

(over)

10:00A
7/17/69
22nd

70-15-SPH
#589

E. F. RAFFEL & ASSOCIATES
Registered Professional Land Surveyors
808 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

May 22, 1969
REFERENCE: 77-4898

DESCRIPTION TO ACCOMPANY PETITION FOR BUSINESS PARKING IN RESIDENTIAL ZONE
SECOND DISTRICT BALTIMORE COUNTY RANDALLSTOWN, MD.
MORTY'S INC.

BEGINNING for the same at a point located N54°37'W 170' and S36°30'W 236' from the intersection of the centerline of Liberty Road and centerline of Chapman Road, said point being in the third line of land which by deed dated February 28, 1969 and recorded among the Land Records of Baltimore County in OTG 4970, folio 129 which was conveyed by John Kaszak and wife to Morty's Inc., thence leaving the 3rd line in aforesaid deed and running N54°37'W 70' and S36°30'W 97' to intersect the second line in aforesaid deed running thence and binding on part of the 2nd line and on part of the aforesaid 3rd line in aforesaid deed, the two following courses and distances S54°37'E 70' and N36°30'E 97' to the place of beginning.

CONTAINING 0.156 Acres of land more or less.

BEING part of the land which by deed dated February 28, 1969 and recorded among the Land Records of Baltimore County in OTG 4970 folio 129 which was conveyed by John Kaszak and wife to Morty's Inc.



E. F. Raffel
Eugene F. Raffel, #2246
Professional Land Surveyor

RE: PETITION FOR SPECIAL HEARING for off-street parking in a residential zone
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Morton Salt
Petitioner
No. 70-15-SPH

OPINION

This case comes before the Board on appeal by the Petitioner from an Order of the Zoning Commissioner which denied a permit for off-street parking in a residential zone. The subject property is located on the south side of Liberty Road, in the 2nd Election District of Baltimore County, same being approximately 170 feet northwest of Chapman Road. The total property contains approximately .93 acres. It is improved by a two-story building which has been converted to a restaurant and bar known as "Morty's Inc." Most of the property (.774 acres) is zoned B.R. (Business, Roadside); the balance (.156 acres) is zoned R-10. It is this parcel that is the subject in this case. This piece is located at the southeast corner of the property and may be seen as set out on Petitioner's Exhibit No. 1. The Petitioner seeks a permit to maintain off-street parking on this R-10 parcel in conjunction with the balance of his commercial lot.

The case is somewhat unusual in that the Petitioner, upon cross-examination, stated that he actually did not need the permit sought, and quite frankly would not have the financial ability at this time to build the parking area even if the petition would be granted. Four Protestants were present and one, Albert F. Turner, a contiguous neighbor who resides at 3508 Chapman Road, testified that the Petitioner had not been a cooperative commercial neighbor. The Protestants alleged that several violations now exist on this site and allegedly the Petitioner has no interest in correcting these without an Order to do so.

Jerome Polonsky, the Secretary-Treasurer of Morty's, Inc., seems to be the only surviving officer in a corporation that has experienced some financial difficulty. Testifying as the Petitioner, Mr. Polonsky stated that prior controlling interest in this corporation cleared the ground on this lot, spread some gravel, and installed some fencing

Morton Salt - File No. 70-15-SPH

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in order to use this area for parking. All of the above seems to have been completed without the necessary zoning or building permits.

The Protestants' properties on Chapman Road bound the subject property and are in the \$30,000.00 value range. While complaining of misuse of this piece of land and vigorously protesting the granting of the permit sought in this case, the Protestants did seem willing to offer their support to a cooperative commercial neighbor. Considering the testimony in this case, it would seem to be grossly unfair to grant this permit at this time.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of September, 1970, by the County Board of Appeals ORDERED, that the permit for off-street parking in a residential zone be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Miller
John A. Miller, Chairman
Walter A. Reiter, Jr.
Walter A. Reiter, Jr.
John A. Miller
John A. Miller

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 3, 1969

FROM: George E. Gavett, Director of Planning

SUBJECT: Petition #70-15-SPH, Special Hearing to permit off-street parking in a residential zone. Beginning 236 feet from the southwest side of Liberty Road 170 feet north of Chapman Road. Morty's Inc., Petitioner.

2nd District

HEARING: Thursday, July 17, 1969 (10:00 A.M.)

The Planning staff voices no objection to the concept of use of the subject tract for off-street parking. We are not satisfied that the petitioner has devised the best site plan for parking. We believe that some landscaping should be provided within the parking complex and better provision should be made for interior circulation.

GEG:bms

INTER-OFFICE CORRESPONDENCE BUREAU OF TRAFFIC ENGINEERING Baltimore County, Maryland Towson, Maryland, 21204

TO: Mr. John C. Rose
Attn: Oliver L. Myers
FROM: C. Richard Moore

SUBJECT: Item 289 Revised Plan dated 6-11-69
Property Owner: Morton Salt
Liberty Road, NW & SW of Chapman Road
Off Street parking in residential zone

Date: July 3, 1969

Previous comments remain valid.

C. Richard Moore
C. Richard Moore
Engineer II

CAR:mr

THOMAS W. DRITZ
ATTORNEY AT LAW
22 WASHINGTON AVENUE
TOWSON, MD.
41004

March 11, 1970

Mr. William S. Baldwin
Chairman, County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Baldwin:

I am in receipt of your letter of March 9, 1970, indicating that an appeal had been taken in the Morton Salt case.

I was not aware that an appeal had been taken and I am not certain whether or not I will be representing the Protestants whom I represented before the Commissioner.

Very truly yours,

Ralph E. Deitz
Ralph E. Deitz

RED:ldc
#18230

Fred E. Waldrop
Attorney at Law

February 24, 1970

Mr. Edward D. Hardesty
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

RE: Petition for Special Hearing
Beginning 236' from the SW of
of Liberty Road, North of Chapman
Morty's Incorporated
No. 70-15 SPH (Item No. 289)

Dear Mr. Hardesty:

Please enter an appeal from your decision denying the above referenced matter for off street parking in a residential zone. This Order was passed February 11, 1970.

Enclosed herewith please find my check in the amount of \$40.00 to cover the cost of appeal and posting of the property.

Sincerely yours,

Fred E. Waldrop
Fred E. Waldrop

FEW:sp

MANAGING BUILDING
Towson, Maryland 21204
AREA CODE MD 410 580



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:

the above Special Hearing for

by reason of

should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of February, 1969, that the herein Petition for Special Hearing should be and the same is granted, from and after the date of this order.

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 public health, safety and general welfare of the locality involved being adversely affected:

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of February, 1969, that the above Special Hearing be and the same is hereby DENIED.

ORDER RECEIVED FOR FILING

DATE 2/1/69

BY

Zoning Commissioner of Baltimore County

MICROFILMED

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 11, 1969

Fred E. Waldrop, Esq.,
Masonic Bldg.,
Towson, Maryland 21204

RE: Type of Hearing: Special Hearing
for Off street parking in a residential zone
Location: 500/5 Liberty Rd., 405' W. and
S. of Chapman Rd.
2nd District
Petitioner: Morton Saltz
Committee Meeting of June 3, 1969
Item 182

Dear Sir:

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.

Subject property is improved with a Tavern and restaurant. The property to the northeast is improved with a Don Grist Ford Sales; to the southwest with dwellings and vacant land; southeast with dwelling; 5 to 15 years of age in excellent repair. The property to the northeast is improved with a filling station. Portions of Liberty Road are improved with concrete curb and gutter.

BUREAU OF ENGINEERING

Highways

Liberty Road is a State Road; therefore, this site will be subject to State Roads Commission review and all street improvements and entrance locations on this road will be subject to State Roads Commission requirements.

Storm Drainage

No provision for accommodating storm water or drainage have been indicated on the subject plan; however, a drainage plan will be required prior to approval of a subsequent building permit application.

Fred E. Waldrop, Esq.,
Masonic Bldg.,
Towson, Maryland 21204
Item 209 Page 2

Storm Drainage

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.

Liberty Road is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Sediment Controls

Development of this property through striping, grading, and stabilization could result in a sediment pollution problem, damaging private and public buildings, downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of the soil.

Grading studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Sanitary Sewers

Public sanitary sewerage is not available to serve this property; therefore, a private sewage disposal system must be provided in accordance with Department of Health regulations and requirements.

Water

Public water supply is available to serve this property.

PROJECT PLANNING DIVISION

The parking should be revised for better circulation.

BUREAU OF TRAFFIC ENGINEERING

The requested R-10 and off street parking in a residential zone appears to be satisfactory and provides better utilization of the property in question.

BUILDING ENGINEER'S OFFICE

Must meet all requirements of Baltimore County Building Code.

CERTIFICATE OF PUBLICATION

TOWSON, MD. JUN 6 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 one (1) week commencing before the 17th day of July, 1969, the first publication appearing on the 26th day of June, 1969.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2nd

Date of Posting: 6-30-69

Posted for: Special Hearing

Petitioner: Marty's, Inc.

Location of property: Beg. 236' from SW of Liberty Rd. 170' W. of Chapman Rd.

Location of Sign: 9302 Liberty Rd

Remarks: [Signature]

Posted by: [Signature]

Date of return: 7-1-69

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2nd

Date of Posting: MARCH 7, 1970

Posted for: [Signature]

Petitioner: MORTON SALTZ

Location of property: Beg. 236' from SW of Liberty Road

170' W. of Chapman Road

Location of Sign: 9302 Liberty Road

Remarks: [Signature]

Posted by: [Signature]

Date of return: MARCH 12, 1970

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: July 3, 1969

FROM: George E. Gonnelli, Director of Planning

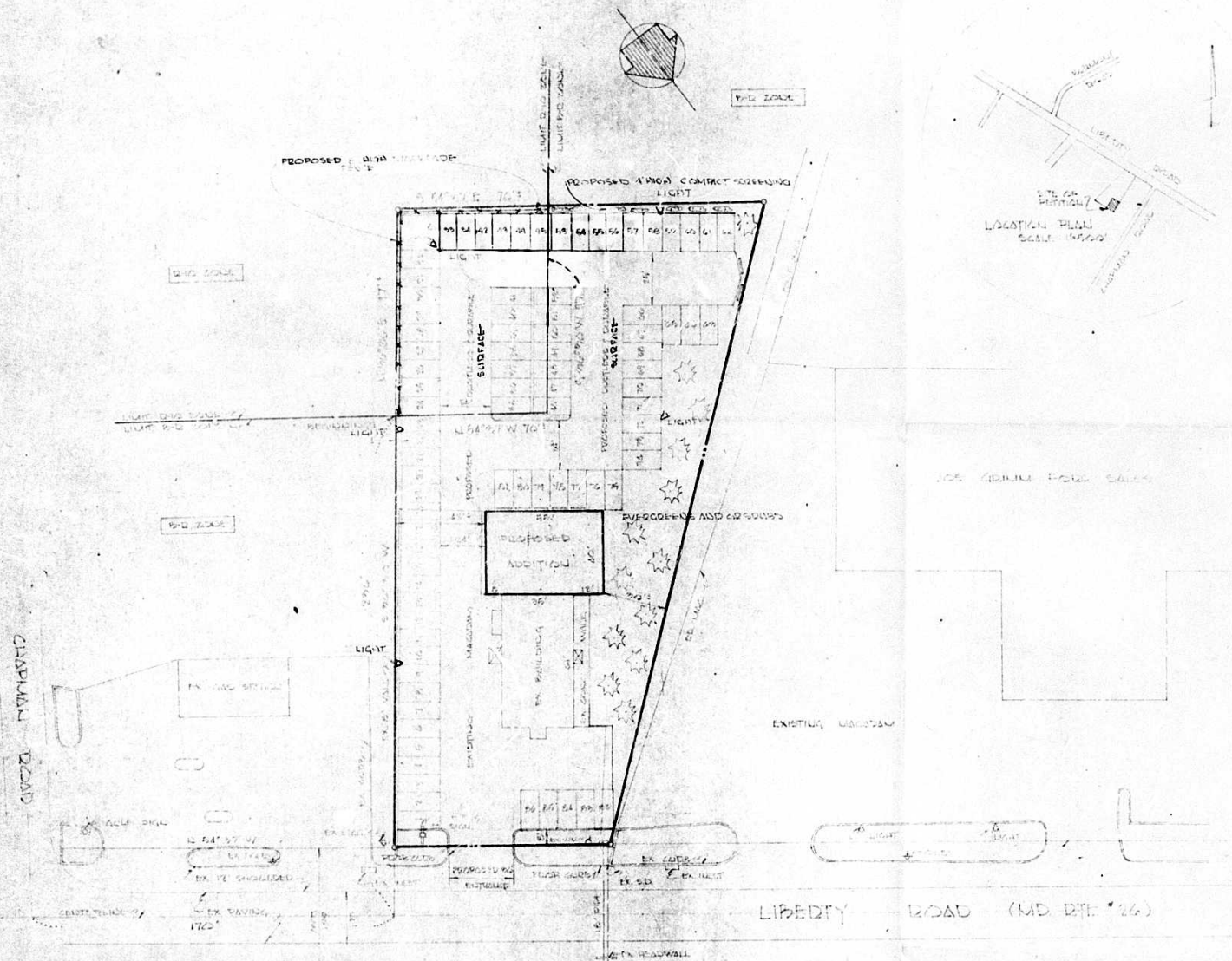
SUBJECT: Petition 70-15-SPH, "Special Hearing to permit off-street parking in a residential zone. Beginning 236 feet from the southwest side of Liberty Road 170 feet north of Chapman Road. Marty's Inc., Petitioner.

2nd District

HEARING: Thursday, July 17, 1969 (10:00 A.M.)

The Planning staff voices no objection to the concept of use of the subject tract for off-street parking. We are not satisfied that the petitioner has devised the best site plan for parking. We believe that some landscaping should be provided within the parking complex and better provision should be made for interior circulation.

GEG:ams



BUILDING PERMIT NOTES:

PROPOSED USE: ADDITION TO EXIST. BLDG.
 EXISTING ZONE: R-12
 WATER OR FLOOD: 4.0% ADDED
 EXISTING BUILDING AREA: 21,000 S.F.
 PROPOSED FLOOR AREA: 2,000 S.F.
 TOTAL AREA: 23,000 S.F.
 EXISTING LOT: 11,000 S.F.
 PARKING: 10 SPACES
 EXISTING SEWER/WATER: AVAILABLE

REMARKS: NOTES: SEE LOT 10, A
 A. EXISTING BLDG. AND ADDITION. BLDG. AREA
 IS 21,000 S.F. AND ADDITION IS 2,000 S.F.
 TOTAL IS 23,000 S.F. BLDG. AREA.
 B. EXISTING ZONE IS R-12.
 C. EXISTING LOT IS 11,000 S.F.
 D. EXISTING BLDG. IS 21,000 S.F.
 E. EXISTING FLOOR AREA IS 21,000 S.F.
 F. EXISTING WATER/SEWER IS AVAILABLE.

NOTES:

1. EXISTING LOT: 11,000 S.F.
 2. PROPOSED LOT: 11,000 S.F.
 3. EXISTING ZONE: R-12
 4. PROPOSED ZONE: R-12
 5. EXISTING BLDG.: 21,000 S.F.
 6. PROPOSED BLDG.: 2,000 S.F.
 7. ALL FLOOR CODES TO BE 8-12 S.F. FLOOR

NOTE: PLOTTED FROM DEEDS PLATS & OTHER SOURCES.

PLANS APPROVED OFFICE OF PLANNING & ZONING

BY: *[Signature]*

DATE: *11/10/83*

Special Hearing denied by Atty. Gen.

PLAT TO ACCOMPANY PETITION FOR BUSINESS PARKING IN RESIDENTIAL ZONE
 LIBERTY'S INC.

ELECTION DISTRICT NO. 3
 SCALE: 1"=20'

WASHINGTON, DISTRICT OF COLUMBIA
 MAY 11, 1983

RECEIVED AT THE CLERK'S OFFICE - JUNE 1, 1983

ET: DAPHEL & ASSOCIATES
 registered professional land surveyors
 201 GOSWOLD AVE.
 KOWEN, MD. 21084

