

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Nicholas B. Mangione, 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 (R-6)

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 Nicholas B. Mangione Legal Owner
Address 1040 Gorsuch Ave.
Baltimore, 21218, Md.
Petitioner's Attorney Edward D. Hardesty
Address 2510 Creighton Ave., Baltimore, Md.

ORDERED By the Zoning Commissioner of Baltimore County, this 11th day of March, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of April, 1970, at 11:30 o'clock A.M.

Edward D. Hardesty
Zoning Commissioner of Baltimore County

(over)

PARCEL "A"
Beginning at a point, such point being 527.81 feet from the intersection of Darlington Drive and Oakleigh Rd. and also the South-East corner of Parcel 1 of the Plat of the Oakleigh Shopping Center recorded among the Land Records of Baltimore County in R. S. D. No. 89, Folio 12; and thence bounding on the North-West side of said Darlington Drive, recorded among the Land Records of Baltimore County as "Plat 1" Section "A" and Resubdivision of part of Section "A" Harbor Park W. J. R. 27 Folio 58, in a radius 909.57, 251.09 feet to a point; and thence N. 30° 15' 11" W. 168.35 feet away from said Darlington Drive to a point on the South-East side of a proposed Stone Drain Easement; and thence along said easement S. 82° 45' 00" W. 213.04 feet to a point on the aforementioned plat of the Oakleigh Shopping Center and thence S. 14° 00' 30" E. 149.02 feet back to the place of beginning.



RE: PETITION FOR SPECIAL HEARING
N/S of Darlington Drive, 527.81'
E of Oakleigh Road - 9th District
Nicholas B. Mangione - Petitioner
NO. 70-191-SH (Item No. 167)
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner, Nicholas B. Mangione, has requested off-street parking in a residential zone (R-6) on the subject property, located on the north side of Darlington Drive, 527.81 feet east of Oakleigh Road. It immediately adjoins the east portion of the parking lot for the shopping center located on Darlington Drive and Oakleigh Road.

At the present time, the Petitioner has two hundred and ten (210) existing parking spaces, two (2) above the required amount as provided for in the Baltimore County Zoning Regulations. The Petitioner argued that due to the extensive business of the restaurant in the shopping center, there is inadequate parking from approximately 10:00 P. M. to the closing of the restaurant.

Also located in the shopping center are several stores, including a Safeway Food Market, which closes at 9:00 P. M. or 9:30 P. M. It was admitted by the Petitioner, that at the present time, he is seeking additional tenants for fifty-six (56) feet of R-6 Zoning adjacent to the restaurant where he intends to build stores.

The Petitioner further testified that only on various occasions, namely weekend nights, is the present parking lot filled to capacity.

Mrs. Edith Purcell, a member of the Harford Park Improvement Association, testified that her association wants this property for park use and that appraisals are now being made for the acquisition of this land. As was stated at the hearing, it is impossible to determine what the Department of Recreation and Parks would do concerning this alleged acquisition and that this fact will have no bearing on the Petition of Mr. Mangione. This Commissioner is without jurisdiction concerning the acquisition of park land.

Mrs. Purcell, who resides at 2510 Creighton Avenue which is three (3) houses southeast of Darlington Avenue, claimed that the north end of the parking lot has never been filled to capacity except for New Year's Eve. Further

objections were raised by other Protestants, residents and members of the association concerning the condition of the present parking lot. They further testified that they had never observed the present parking lot filled to capacity and that many of them shop in this shopping center.

It was admitted by the Petitioner that there was no problem parking with Safeway and that the problem arises only from the extensive business conducted by the restaurant.

The attorney for the Protestants argued that the Petitioner has not met the burden of proof necessary for this Commissioner to grant the parking requested in a residential zone. The Commissioner agrees.

As aforementioned, the Petitioner stated that he expects to expand the shopping center with several other stores. He is operating under the minimum spaces required under the Baltimore County Zoning Regulation and if the fifty-six (56) foot width were added, a minimum of fifteen (15) to twenty (20) spaces would be necessary depending on what business was conducted therein. It was obvious to this Commissioner that he seeks additional parking, not to provide for the present shopping center customers, but for future use of his commercial zone. This was not made part of his Petition.

For the foregoing reasons, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County this 11th day of April, 1970, that the Petitioner be DENIED his request for off-street parking in a residential zone.

Edith Purcell
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
FILE
BY Edith Purcell
ADMINISTRATIVE SERVICES

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 10, 1970

COUNTY OFFICE BLDG.
111 N. Calverton Ave.
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Mr. Nicholas B. Mangione
1040 Gorsuch Avenue
Baltimore, Maryland 21218

RE: Type of Hearing: Special Hearing
Off street parking in a Residential Zone (R-6)
Location: N/S Darlington Ave., 527.81'
NE Oakleigh Road
Petitioner: Nicholas B. Mangione
Committee Meeting of March 3, 1970
9th District
Item 167

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 unimproved with the properties to the north and south improved with dwellings, 10 to 15 years of age, in good repair. The property to the east is unimproved property, zoned R-6, which is an additional tract owned by the petitioner. The property to the west is a shopping center which is also owned by the petitioner. Darlington Avenue in this location is an unimproved road.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors requiring comment.

DEPARTMENT OF TRAFFIC ENGINEERING:

Although parking meets minimum Baltimore County standards, the parking layout is not satisfactory and would create parking on the street and, therefore, should be revised. As to the special exception for parking in a residential zone, the closest use is 500 feet from the farthest parking space. It is questionable whether a portion of this parking will be used by the shopping center.

Nicholas B. Mangione

- 2 - March 10, 1970

HEALTH DEPARTMENT:

Since proposed petition is for parking, no health hazards are anticipated.

BOARD OF EDUCATION:

No bearing on student population.

FIRE DEPARTMENT:

This office has no comment for proposed zoning.

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with Baltimore County Building Code, Rules and Regulations (see Section 409.10H).

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
OLIVER L. MYERS, Chairman

OLIVER L. MYERS
Enc.

BUREAU OF ENGINEERING

Zoning Plat - Comments

March 11, 1970

167. Property Owner: Nicholas B. Mangione
(1969-1970) Location: N/S Darlington Ave., 527.81' N.E. Oakleigh Rd.
District: 9th
Present Zoning: R-6
Proposed Zoning: Special Hearing for parking in an (R-6) zone.

HIGHWAYS:

Darlington Drive will be improved as a 40 foot closed section with flexible paving on a 60 foot right-of-way.

Highway improvements will be required in conjunction with any subsequent building or grading permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering.

SEDIMENT CONTROL:

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

STORM DRAINAGE:

A major storm course through this site. Prior studies have been made of this storm which may be utilized and updated, if required, to establish the 50 year storm flood-plain. Channel improvements will be required in accordance with County policy.

The Developer is responsible for the total cost of drain requirements required to serve this site.

WATER:

Public water supply is available to serve this site as submitted.

SEWAGE:

Public sanitary sewerage is available to serve this site.

OTHER:

Key - R-6-E
Date - 2/28/1972
File - 1075
Tab - 30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Edward D. Hardesty

TO: Zoning Commissioner

Date: March 5, 1970

FROM: Richard B. Williams

PROJECT PLANNING DIVISION

SUBJECT: Zoning Advisory Agenda Item #167

March 3, 1970
Nicholas B. Mangione
N/S Darlington Ave.,
527.81' NE Oakleigh Rd.

This plan has been reviewed and there are no site-planning factors requiring comment.

11-6-70

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

c/o

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF
ENGINEERINGDEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

March 10, 1970

Mr. Nicholas B. Mangione
1640 Gersuch Avenue
Baltimore, Maryland 21218RE: Type of Hearing: Special Hearing
Off street parking in a Residential
Zone (R-6)
Locations: N/S Darlington Ave., 527.81'
NE Oakleigh Road
Petitioner: Nicholas B. Mangione
Committee Meeting of March 3, 1970
9th District
Item 167

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Nicholas B. Mangione

- 2 -

March 10, 1970

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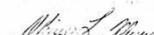
BUILDING ENGINEER'S OFFICE:

Petitioner to comply with Baltimore County Building Code, Rules and Regulations (see Section 409.10H).

ZONING ADMINISTRATION DIVISION:

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Very truly yours,


OLIVER L. MYERS, Chairman
OLM:JD
Enc.

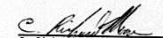
BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
JEFFERSON BUILDING
TOWSON, MARYLAND 21204
INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty
Attn: Oliver L. Myers
FROM: C. Richard Moore
SUBJECT: item 167 - ZAC - March 3, 1970
Property Owner: Nicholas B. Mangione
Darlington Ave., NE Oakleigh Road
Special Hearing for parking in an (R6) zone

Date: March 9, 1970

Although parking meets minimum Baltimore County standards, the parking layout is not satisfactory and would create parking on the street end, therefore, should be revised. As to the special exception for parking in a residential zone, the closest use is 500 feet from the farthest parking space. It is questionable whether a portion of this parking will be used by the shopping center.


C. Richard Moore
Assistant Traffic Engineer

CRM:mr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver L. Myers
FROM: Ian J. Forrest
SUBJECT: item 167 - Zoning Advisory Committee Meeting, March 3, 1970

Date: March 9, 1970

Health Department Comments:

167. Property Owner: Nicholas B. Mangione
Location: N/S Darlington Ave., 527.81' NE Oakleigh Rd.
Present Zoning: R-6
Proposed Zoning: Special hearing for parking in
District: 9th a (R6) zone
No. Acres: 0.90

Since proposed petition is for parking, no health hazards are anticipated.


Ian J. Forrest
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJP/ca

BALTIMORE COUNTY BOARD OF EDUCATION

ZONING ADVISORY COMMITTEE MEETING
OF March 3, 1970

Petitioner: Mangione

Location:

District:

Present Zoning:

Proposed Zoning:

No. of Acres:

Comments: NO BEARING ON STUDENT POPULATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commission Date: 3/5/70
Attn: Mr. Myers
FROM: Inspector T. E. Kelly
Fire Department
SUBJECT: Property Owner Nicholas B. Mangione

Location: N/S Darlington Avenue, 527.81' NE Oakleigh Rd.

Item #167 Zoning Agenda March 3, 1970

Fire Department has no comment for proposed zoning.

Inspector T. E. Kelly

cc: Jay Hanna

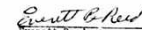
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward Hardesty
C/O. Mr. O. L. Myers
FROM: Everett Reed, Plans Review
SUBJECT: #167 Nicholas B. Mangione
N/S Darlington Avenue
N/S Oakleigh Road
District 9

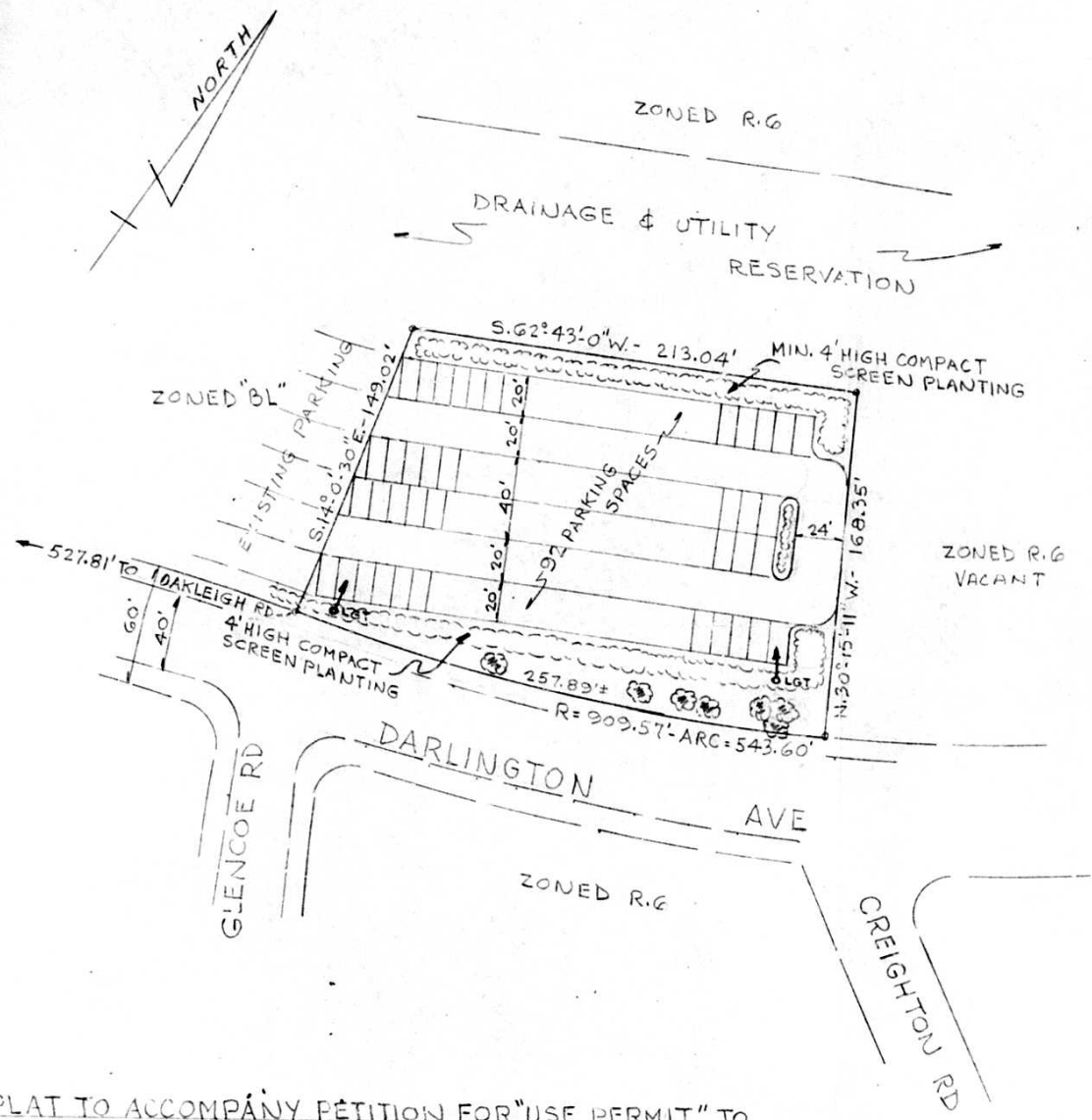
Date: March 5, 1970

Petitioner to comply with Baltimore County Building Code, Rules and Regulations (see Section 409.10H)


Everett Reed,
Plans Review

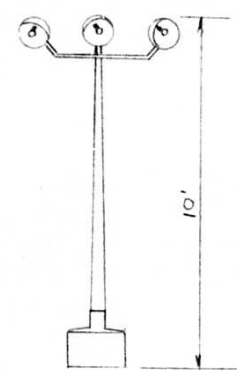
DR:mc

Chairman of
Advisory Committee



COMMERCIAL DATA

- 1-EXISTING COMM. USES = 30,250^{sq}ft
(PKNG @ 1 PER 200^{sq}ft)
- 2-EXISTING LOUNGE = 2,770^{sq}ft
(PKNG @ 1 PER 50^{sq}ft)
- 3-TOTAL NO OF SPACES-REQ: 208
EXISTING: 210
PROPOSED: 302



TYPICAL LIGHT POLE
(LIGHT RAYS TO BE DIRECTED AWAY FROM
RESIDENTIAL AREAS)
LIGHT POLE SHOWN THUS → LGT

NOTES

- 1- ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING AREA.
- 2- NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING WILL BE PERMITTED.
- 3- LIGHTING WILL NOT BE "ON" AFTER 10 P.M.
- 4- ALL PARKING & DRIVES WILL BE PAVED WITH A DURABLE, DUSTLESS SURFACE AND PROPERLY DRAINED.
- 5- SCREEN PLANTING AS PER PLAN.

PLAT TO ACCOMPANY PETITION FOR "USE PERMIT" TO
PARK AUTOMOBILES IN A RESIDENTIAL ZONE.
9th DISTRICT - BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50'

PETITIONER
NICHOLAS B. MANGIONE
3902 WHITE AVE
BALTIMORE, MD. 21214

