

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Gustin's Baltimore Toro, Inc., owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and make a part hereof hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-6 zone to an NE-10-D zone; for the following reasons:
See attached brief
Variance for side yard 235.2 (232.2) to permit a side yard of 8' instead of the required 12'

See attached description

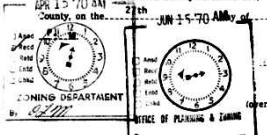
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulation 1. I, or we, agree to pay expenses of above re-classification and/or Special Exception 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.

Gustin's Baltimore Toro, Inc.
None
Contract purchaser
By: Bernard W. Rauschen
Legal Owner
Address: 2205 E. Joppa Road
Baltimore, Maryland 21234

Colleen H. Hornes, Esquire
102 West Pennsylvania Avenue
Suite 603, Towson, Maryland 21204
Phone: 825-0711

ORDERED By The Zoning Commissioner of Baltimore County, this 16th 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of July, 1970, at 1:00 o'clock P.M.



Edward D. Hardesty
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 22, 1970

Colleen H. Hornes, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Type of Hearing: Variance
Location: S/S Joppa Road, 600' West of Old Harford Road
Petitioner: Gustin's Baltimore Toro, Inc.
Committee Meeting of April 28, 1970
9th District
Item 260

Dear Mr. Hornes:

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 an unimproved tract of land which is being used as parking in violation of the present zoning law. The surrounding properties to the north and west with commercial uses. The property to the south and east are improved residential properties. The houses are from ten to thirty years of age and in good repair. Joppa Road at the present time is undergoing a widening and resurfacing operation, which will provide for a forty-eight foot roadway on a seventy foot right-of-way.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

Joppa Road is an existing road which shall ultimately be improved as a U-2000 curbed roadway on a 70-foot right-of-way in the very near future.

Storm Drainage

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

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
701 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: SEP-10-68

DESCRIPTION TO ACCOMPANY ZONING PETITION
GUSTIN'S BALTIMORE TORO, INC.
JOPPA ROAD

BEGINNING for the same at a point located 710' westerly along the south side of Joppa Road and S 21° 24' W 96.46' from the intersection of the south side of Joppa Road and the center line of Old Harford Road said point of beginning being the beginning of the second parcel of land which by deed dated September 23, 1959 and recorded among the Land Records of Baltimore County in Liber WJR 3611 folio 502 was conveyed by Theron L. Gustin to Gustin's Baltimore Toro, Inc. running thence and binding on the first to the fourth of last lines inclusive the four following courses and distances: 1) S 58° 40' E 72.00', 2) S 21° 24' W 151.90', 3) N 58° 41' W 72.00' and 4) N 23° 24' E 151.90' to the place of beginning.
CONTAINING 0.251 acres of land more or less.
BEING all of the second parcel of land which by deed dated September 23, 1959 and recorded among the Land Records of Baltimore County in Liber WJR 3611 folio 502 was conveyed by Theron L. Gustin to Gustin's Baltimore Toro, Inc.



E. F. RAPHEL
Eugene F. Raphael #2246
Reg. Professional
Land Surveyor

IN THE MATTER OF THE PETITION OF
GUSTIN'S BALTIMORE TORO, INC.,
REASONS FOR RECLASSIFICATION

- I. There was a mistake in the original zoning.
A. At the time of the original zoning, August, 1966, this property was owned and operated by Gustin's Baltimore Toro, Inc. and being used in their business for such uses as are conducive to RM zoning.
B. The classification of this area as R-6 is erroneous since the tract of ground is land-locked and has no access to any public road.
- II. There has been a change in the character of the neighborhood since the original zoning.
Since the adoption of the original zoning map many areas in the vicinity have developed commercially and that the land on which reclassification is sought (i.e. .251 acres more or less) is of such relatively small size that there would be no adverse effect on adjoining properties. See Council vs. Board of County Commissioners of Prince George's County, 225 Md. 535: 171 A2d 742.

Colleen H. Hornes, Esquire
102 West Pennsylvania Avenue
Suite 603
Towson, Maryland 21204
Phone: 825-0711
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Zoning Commissioner Date: July 24, 1970
FROM: Mr. George E. Connelly, Director of Planning
SUBJECT: Petition #71-15-RA, Beginning 96.46 feet from the south side of Joppa Road 710 feet West of Old Harford Road.
Petition for Reclassification from R-6 to B.M.
Petition for Variance to permit a side yard of 8 feet instead of the required 12 feet.
Gustin's Baltimore Toro, Inc. - Petitioners

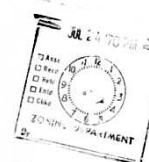
9th District

HEARING: Monday, July 27, 1970 (1:00 p.m.)

The Staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from R-6 to B.M. zoning together with a variance of the side yard requirements. In the zoning maps previously approved by the Planning Board no extension of commercial zoning was recommended here. It was the feeling of the Planning Board that any required expansion of facilities could take place within the area now zoned for commercial purposes and that the subject property could be used for parking only within the context of a use permit.

We believe that those recommendations and the map itself are correct. Additional commercial zoning ought not to be created here.

GEG:mah



BALTIMORE COUNTY, MARYLAND

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

TO: Mr. Edward D. Hardesty
Attn: Oliver L. Myers Date: May 5, 1970
FROM: C. Richard Moore
SUBJECT: Item 260 - ZAC - April 28, 1970
Property Owner: Gustin's Baltimore Toro, Inc.
Joppa Road W. of Old Harford Road
Reclass. to BM with variance for side yard of 8' instead of 12'

The subject petition is requesting a change from RM of .25 acres to the rear of existing commercial use. The anticipated increase in trip density should have no major effect on traffic. However, should this commercial area continue to increase, then some traffic problems can be anticipated.

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRR:m

Colleen H. Hornes, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204
Item 260

June 22, 1970

FIRE DEPARTMENT

Owner shall be required to comply to all applicable requirements of the 102 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

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

OL:mme

Enclosures

Colleen H. Hornes, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204
Item 260

June 22, 1970

Sediment Controls

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.

Water and Sanitary Sewers

Public water and sewer services are available to serve this site.

TRAFFIC PLANNING DIVISION

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

DEPARTMENT OF TRAFFIC ENGINEERING

The subject petition is requesting a change from RM of .25 acres to the rear of existing commercial use. The anticipated increase in trip density should have no major effect on traffic. However, should this commercial area continue to increase, then some traffic problems can be anticipated.

BUILDING ENGINEER'S OFFICE

Petitioner to comply with all applicable requirements of Baltimore County Building Code. Also see Section 406 on warehouses.

HEALTH DEPARTMENT

Public water and sewer available to the site.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

BOARD OF EDUCATION

Would not increase student population.

11-16-70

Po must to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of substantial changes in the character of the neighborhood

the above reclassification should be had, and it further appearing that by reason of the following finding of facts that the request for the Variance to permit a side yard of eight (8) feet instead of the required twelve (12) feet was withdrawn by the Petitioner.

A Special Exception from the Zoning Ordinance of Baltimore County, Maryland, is hereby granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of July, 1970, that the herein described property or area should be and the same is hereby reclassified, from an R-6 zone to an RM zone because of the foregoing, the Petition for a Variance to permit a side yard of eight (8) feet instead of the required twelve (12) feet is DISMISSED with prejudice, from and after the date of this Order.

It is further ORDERED that the site plan be subject to approval by the Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

the above re-classification should NOT BE HAD, and or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of July, 1970, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a R-6 zone, and or the Special Exception for be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

TELEPHONE 822-3000 EXT. 367

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

DATE July 6, 1970

TO: Edith E. Brown, Esq., 100 N. Penn. Ave., Baltimore, Md. 21201

RE: Petition for Reclassification and Variance for Gasco's Baltimore Town

AMOUNT TO ACCOUNT NO. 60-000

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

RETURN THIS PORTION WITH YOUR REMITTANCE

CHARGE

4

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

TELEPHONE 464-2410

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Revenue Division

COURT HOUSE

TOWSON, MARYLAND 21204

DATE July 27, 1970

TO: Edith E. Brown, Esq., 100 N. Penn. Ave., Baltimore, Md. 21201

RE: Advertising and posting of property for Gasco's Baltimore Town, Inc.

AMOUNT TO ACCOUNT NO. 60-000

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

RETURN THIS PORTION WITH YOUR REMITTANCE

CHARGE

4

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO: OFFICE OF FINANCE, REVENUE DIVISION, COURT HOUSE, TOWSON, MARYLAND 21204

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

#71-15 R R

District: 9th

Date of Posting: July 9, 1970

Posted for: Harvey M. Jones, July 27, 1970, C. L. Jones, Jr.

Petitioner: Harvey M. Jones, Jr.

Location of property: 710 West of 1st St. & Jones Rd. & Jones Rd.

Location of sign: 710 West of 1st St. & Jones Rd. & Jones Rd.

Remarks: (M. Jones, Jr.)

Posted by: M. H. Jones

Date of return: July 16, 1970

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 15th day of June 1970

Paul D. Hardisty

Zoning Commissioner

Petitioner's Attorney: Edward D. Hardisty

Chairman of Advisory Committee

PETITION FOR RECLASSIFICATION AND VARIANCE - 90-000000

RECEIVED FROM 94 to 95

LOCATION: 710 West of 1st St. & Jones Rd. & Jones Rd.

DATE: July 27, 1970

TIME: 10:00 A.M.

PLACE: Public Hearing Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

THE ZONING COMMISSIONER OF BALTIMORE COUNTY, MARYLAND, HAS ORDERED THAT THE PETITION FOR RECLASSIFICATION AND VARIANCE BE DENIED.

REASON: The Petitioner has failed to show that the proposed reclassification and variance are in the public interest.

DATE OF DECISION: July 27, 1970

BY: Zoning Commissioner

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 2, 1970

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 two (2) consecutive weeks before the 27th day of July, 1970, the first publication appearing on the 9th day of July, 1970.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION AND VARIANCE - 90-000000

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DATE: July 27, 1970

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DATE OF DECISION: July 27, 1970

BY: Zoning Commissioner

THE TOWSON TIMES

714 YORK ROAD

TOWSON, MD. 21204

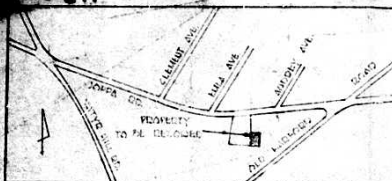
July 13 - 1970

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardisty, 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 13th day of July 1970, that is to say, the same was inserted in the issue of July 9, 1970.

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan



GENERAL NOTES:

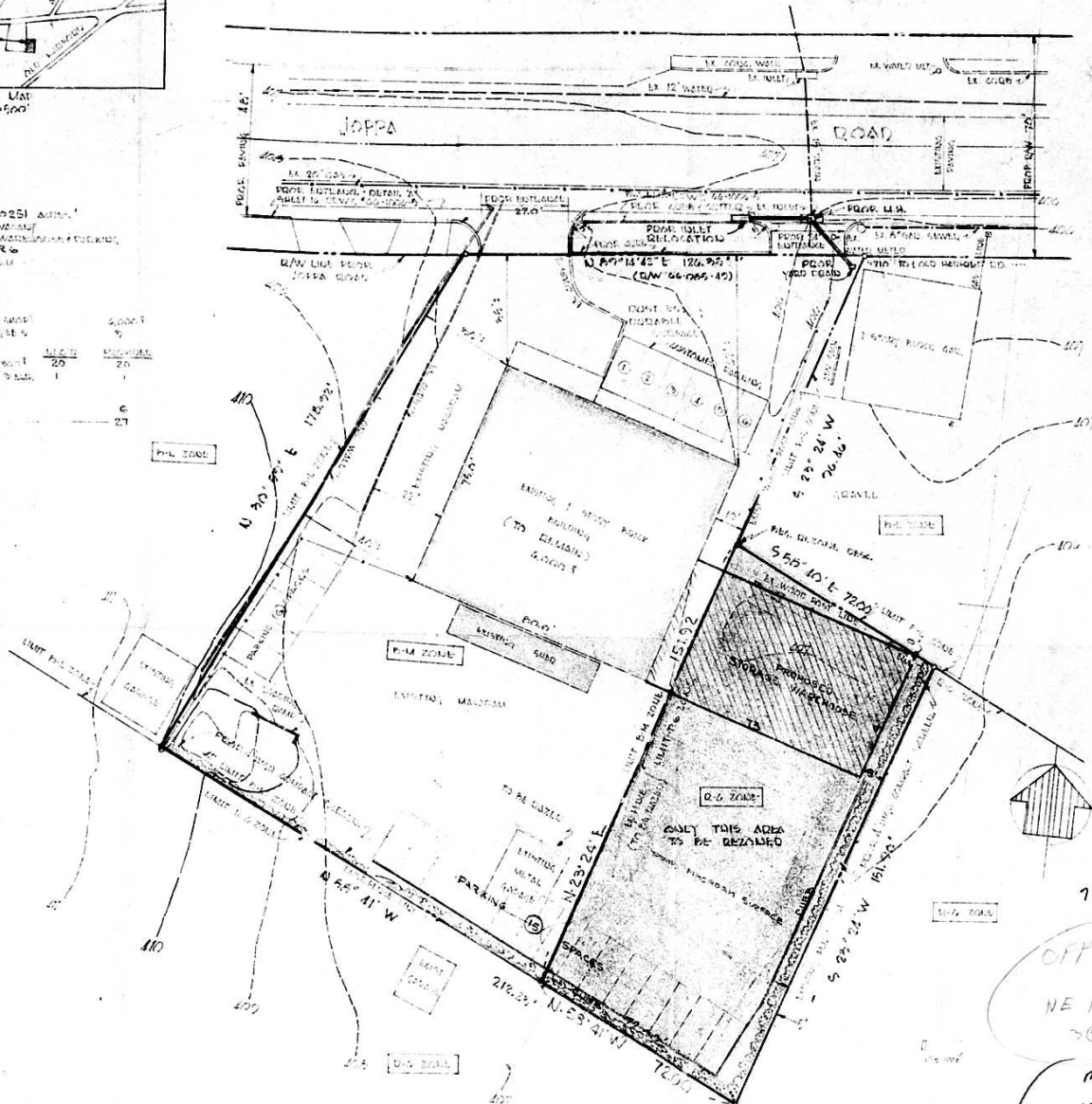
AREA OF PROPERTY — 0.251 ACRES
 EXISTING USE — VARIOUS
 PROPOSED USE — WAREHOUSE/STORAGE
 EXISTING ZONE — R-6
 PROPOSED ZONE — R-6

PARKING NOTES:

TOTAL PARKING SPACES (CARPETS) — 20
 TOTAL WAREHOUSE EMPLOYEES — 20

STAFF:

	NE-10-D	NE-10-D
1. OFFICE / STORAGE / ETC. PARKING	20	20
2. WAREHOUSE / ETC. PARKING	1	1
3. CUSTOMER PARKING	6	6
4. TOTAL	27	27



E.F. Raphael

E.F. RAPHAEL ASSOCIATES
 201 COLUMBIAN AVE.
 FOWERS 4, MARYLAND

PLAT TO ACCOMPANY ZONING PETITION
GUSTIN'S BALTIMORE TOWNSHIP
 2205 E. JOPPA RD.

DATE: 10/10/10
 SCALE: 1" = 100'

APPROVED BY: [Signature]
 DATE: 10/10/10

MAP
 3-C
 NORTH-
 EASTERN
 AREA
 NE-10-D