PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

TO THE ZOUNG COMMISSIONER OF BALLIMORIC COURT.

THE ZOUNG COMMISSIONER OF BALLIMORIC COURT OF THE THE ZOUNG COUNTY AND WHITE IT ARRADAU. legal owner and the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.

for a Variance from Section 238,2 to permit side yard set backs of

1.0 foot and 16.97 feet instead of the required 30 feet and a rear yard set back

of 11, 16 feet instead of the required 30 feet.

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

Hardship and practical difficulty

see attached description

CLIVED FOR FILING F Address 3206 Greenmount Ave. 21218 A. Owen Henrigan Address 406 Jefferson Bldg. 197 0, that the subject matter of this petition be advertised, as Zoning Law of Baltimore County, in two newspapers of general circulation throughounty, that property be posted, and that the public having be had before the Zoning Baltimore County in Room 108, County Office Buisling in Townon, Baltimore

RE: PETITION FOR VARIANCES Zoning Regulations SE/S of York Road 1041 NE of Burke Avenue Arthur A. Brandou Petitioner

BEFORE COUNTY ROARD OF APPEALS OF

No. 71-28-4

OPINION

This case is an application for a variance from Section 238.2 of the Zonina Regulations to permit reductions in the required side yard and rear yard setbacks. foot frontage on York Road and contains . 146 of an acre more or less. The land has a current zoning classification of B.R. (Business Roadside), and the evidence indicated the dau wishes to build a one story men's clothing and haberdashery store of a quote Mr. Brandau's testimony, is that of a "Swiss Chalet". The dosigns presented by his architect and engineer support his contention that it would be a hardship to build any thing on this lot without the requested variances.
There is an existing two and one half story frame dwelling on the lot which will be torn down and which at present is in very

drain easement across one corner of the lot in the rear, and the lot nextdoor on the south has been in a large part taken by the County for roud surposes in the relocation and the ent of the intersection of York Road with Burke Avenue

Since the setbacks provided for in the Zoning Regulations are 30 feet for side varies, it would obviously be impossible to erect any sort of a commercial building on a culty and hardship required to be shown for the granting of a variance. The Board finds as a fact that such conditions exist in this case and will, therefore, affirm the decision of the Zoning Commissioner and grant the variances requested. This relief we also find will not cause substantial injury to the public health, safety, or general welfare of the

Arthur A. Brandau - 71-28-A

The only person objecting to this petition was a Mrs. Holden who did not appear in person, but was represented by a real estate broker who stated that the granting of the variances to N. Brandou might interfere with the development of the Holden to point out that it would indeed be inconsision! If it denied variances for any reaso

ORDER

For the reasons set forth in the aforegoing Opinion, it is this day of February, 1971, by the County Board of Appeals, OR DERED that the variance oned for to permit side yard setbacks of 1 foot and 18.97 feet instead of the required 30 fest; and to permit a rear yard setback of 11.16 feet instead of the required 30 feet, be and the same are hereby GRANTED, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and

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

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slowik, Chairma W. Giles Porker

2.

LAW OFFICES OF NOLAN, PLUMHOFF & WILLIAMS 204 WEST PENNSYLVANIA AVENUE TOWSON MAN / AND 31304

The Honorable Edward D. Hardesty Zoning Commissioner, Baltimore Off. of of Planning and Zoning County Office Building Towson, Maryland 2120

Dear Mr. Hardesty

71-28- 0 Re: Type of Hearing: Side and Rear Yard setback and Rear Yard setback Location: E/S York Road 104' North of Burke Avenue Petitioner: Arthur A. and Dorothy L. Brandou Committee Meeting of July 7 9th District, Item 2

SFP - 3 '70 PM

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ZONING DEPARTMENT

Please note an Appeal to the County Board of Appeals from your Order of August 5, 1970, granting side yard and rear yard setback variances to the Petitioners, Arthur A. and Dorothy L. Brandau, as requested in the within proceedings, and pursuant to the zonling plat filled in the case dateo

This Appeal is on behalf of an adjoining property owner, Miss Marion Holden of 2 East Burke Avenue, Towson, Maryland 21204.

Enclosed is a check payable to Baltimore Courty, Maryland in the amount of \$35,00 for this Appeal. Please acknowledge receipt of this Appeal and advise us immediately whether there is anything further needed to complete the appeal.

James D. Nolan

A. Owen Hennegau, Esq. 406 Jefferson Padg. Towson, Md. 21204

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

1970 at 100 o'clock

A. Owen Hennegan, Esq. 406 Jefferson Buildg. Towson, Maryland 21204

RE: Type of Hearing: Side and Rest Yard setback Location: E/S York Road, 104' No. of Burke Avenue No. of Burke Amenue Fetitioner: Arthur A. & Borothy L. Brandau Committee Meeting of July 7th, 1970

OLIVER L YTTERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ANGINEERING STATE BOADS COMM BUREAU OF

HEALTH DEPARTMENT

BUILDING DEPARTMEN BOARD OF EDUCATION

ZONING ADMINISTRATI

INDUSTRIAL DEVELOGRENT

The Zoning Advisory Committee has reviewed the The Loning Advisory Lormittee 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 located on the east side of fork Radd and is currently improved with a 2% story frame house. The property to the nerth is used as an impounding lot for the service station across the street. The property to the sauth is somethy billiams county and is vecent land. The property to the east is used residentially. Curb and guitter are atting at this location.

BUREAU OF ENGINEERING:

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

York Road (U.S. 11:) is a State road; therefore, all improvements, intersections, and entrances on this road will be subject to State Roads Commission requirements.

Highway right-of-way wicening will be required along York Read in connection with any subsequent grading or building permit upplication. It is suggested that the Street, Road and Bridge Design Group of the Bureau or Engineering be consulted at such time.

A. Owen Hennegan, Esq. 406 Jefferson Bldg. Item 2 Page 2

July 16, 1970

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

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The petitioner must provide necessary drainage facilities (temporary or permenent) to prevent creating may multances or damages to adjacent proporties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or incorper installation of drainage facilities, would be the full responsibility of the petitioner.

York Road (U.S. 111) is a State road. Therefore drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

It is noted that a utilities easement exists or is required for the existing storm drain through this property, and no structuve is permitted to be constructed within such easement.

Public water supply is available to serve this property.

Sanitary Sewer

Public sanitary sewerage is available to serve this property.

PROJECT PLANNING DIVISION:

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

A. Owen Hennegan, Esq. 406 Jefferson Bldg. Towson, Naryland 21204 Item 2 Page 3

July 16, 1970

DEPARTMENT OF TRAFFIC ENGINEERING:

The entrance as shown is not adequate for communical use. Also any webicle parking in spaces #8 through 11 will require backing into York Road to exit the site. This is undesirable.

BUILDING ENGINEER'S OFFICE:

Potitioner to comply with $\phi(1)$ applicable requirements of Baltimore County Building Code and Regulations when plans are submitted.

FIRE DEPARTMENT:

The owner shall be required to comply to all applicable requirements of the 101 Life Safety Code, 1967 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards.

BOARD OF EDUCATION:

No bearing on student population.

DEPARTMENT OF MEALTH:

Public water and sewers are available.

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

STATE ROADS COMMISSION:

The proposed entrance to the subject site must have a minimum width of 25'. The entrance must be of a depressed curb type with 36' deparession transitions. There must be a minimum of 5' from the property line extended to the beginning of the transition.

It is requested that the assigning of a hearing date be withheld until such time as the plan is reviced.

Access from York Road will be subject to State Roads Commission approval and permit.

July 16, 1970

ZONING ADMINISTRATION DIVISION:

Revised plans must be received prior to the hearing as per the requirements of the Bureau of Engineering, State Roads Commission, and Department of Traffic Engineering comments.

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 cartificate, will be forwarded to you in the near future.

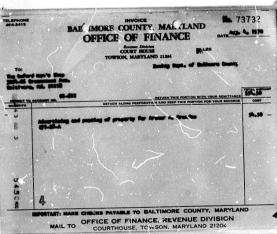
Very truly yours.

DETVEN L. MYERS, Chatrnan

DLM:JD

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28-A



ORDER RECEIVED FOR FILING

V Itom 2

BALTINGS COUNTY OFFICE OF PLANNING AND ZONING

County Office Suilding 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing this

Edward D. Aardesty

Petitioner Arthur A. & Brothe L. Breedes
Petitioner's Attorner A. Com Monagon, Com.

Chairman of the Advisory Committee

WALTER P. WEIGAND, JR., P. E.

7/-28

7

Јамев Ретпіса ано аввисіатев. Ін

Соливіто у Епріпесті

409 регусняван виноння
томогн. налучано вівоа

Јиро 8, 1970

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCE FOR SIDE AND REAR YARDS

All that parcel of land in the Ninth District of Baltimore unty,

Beginning for the same at an iron pipe on the southeast side of York Road 66 feet wide at the distance of 104 feet measured northeasterly along the southeast right-of-way line of York Road from the center of Burke Avenue, running thence and binding on the southeast side of York Road north 20 degrees 35 minutes. East 51.00 feet to an iron pipe, thence South 76 degrees 43 minutes. East 163.00 feet to an iron pipe heretofore set on the northwest side of an alley 20 feet wide heretofore laid out, thence binding on the northwest side of said alley with the use in common with others south 15 degrees 34 minutes West 9.44 feet to an iron pipe heretofore set in line with the center of the garage there situate, running thence North 76 degrees 06 minutes West passing through the center of waid garage 47.00 feet to an iron pipe heretofore set, thence Pouth 15 degrees 34 minutes West 41.00 feet to an iron pipe heretofore set, thence Pouth 15 degrees 34 minutes West 41.00 feet to an iron pipe heretofore set, thence Fouth 17 degrees 02 minutes 50 seconds West 120.50 feet to the place of beginning.

Containing 0.146 of an acre of land more or less.

Being the property of Arthur A. Brandau and Dorothy Lee Brandau,

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr.Edward D. Hardesty, Zoning Commissioner Date. July 31, 1970

FROMM: George E. Gavrelis, Director of Planning

SURJECT, Petition *71-28-A. Southeast side of York Nord 104 feet Northeast of Burke Avenue Petition for Viriance to permit a side yard setback of 1 foot and 18.77 feet instead of the required 30 feet; and to permit a rear yard of 11.16 feet instead of the required 30 feet.

Arbur A. Brandou - Petitioner

9th District

HEARING: Monday, Augus 3, 1970 (1:00 p.m.)

The Planning Staff will offer no comment on this petition

GEG:msh



Date of Posting Och 1 - 20

Date of Posting Och 1 - 20

Date of Posting Och 1 - 20

Posted for:

Petitioner: Albura A Date of Act of Local Act of Control of Posting Och 1 - 20

Location of Property: Selection of State of Posting Och 1 - 20

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TOWSON IN IN IT IS ORIGINAL

TOWING, NO 212264

R21-7500

July 20, 1970

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hordosty, Zoning Commissioner of Faltimore County was inserted in THE DUNDALK TIMES, a weekly newspaper published

in Baltimore County, Maryland, once a week for One EXEXENSIAN
week/ before the 20th day of July, 19 70 that is to say, the same
was inserted in the issue/ of July 16, 1970.

STROMBERG PUBLICATIONS, Inc.

By Reeth Morgan

PRINCIPLE IN VALUE OF THE PRINCIPLE IN VALUE

CERTIFICATE OF PUBLICATION

TOWSON MD July 16, 1970.

THIS IS TO CERTIFY that the annexed advertisement was

L. Leank Streeten Manager.

Cost of Advertisement, \$____

TO: James D. Holan, Eq., 204 W. Pennsylvania Avenue Troyson, MARYLAND DETACH Alone PRECONT OF ALCOURT SID. 01-622 SCHOOL FOR FOR ALONE THE PROTOCOL FOR TOUR SID. AND THE PROTOCOL FOR TOU

ELEPHON 823.3000 EXT. 387	BALT AORE COUNTY, MARY ND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWNN MARYLAND 21204 BH	DATE	71320 10, 1970
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direct T	ACCOUNT NO COMMENT OF THE POSITION WITH		
CONTRACTOR			
# 22	Indicates for tertame for Archer A. Breades		15.00

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

414-2413	BALTIMORE COUNTY, MARYLA	AND No. 7	3840
	OFFICE OF FINANCE DATE 9/4		
	Revene Dicision DULED COURT HOUSE		
	TOWSON, MARYLAND 21304	Zoning Office 119 Courty Office Bidg Towsen, Md. 21204	
то:	Newton A. Williams, Ec., . 204 W. Peansylvania Avenue Towers, Md. 21204		
\$			107AL AMOUN
DEPOSIT TO	ACCOUNT NO. 01-622 RETURN THIS PORTS	ON WITH YOUR REMITTALES	COST
B 071 6	Cost of appeal - property of Arthur A. Brandon, No. 71-28-A	<u></u>	\$35.00
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EXISTING USE OF PROPERTY PROPOSED USE OF PROPERTY EXISTING ZONING PROPOSED ZONING GROSS AREA OF PROPERTY NET AREA OF PROPERTY BUILDING FLOOR AREA PARKING REQUIREMENT VACANT
RETAIL CLOTHING STORE
B.R.
B.R.
O 188 Ac.

0.146 Ac. 2400 So Ft. 1 SPACE/2005g Ft FLOOR AREA.

OFF STREET PARKING REQUIRED 12 SPACES
OFF STREET PARKING PROVIDED 12 SPACES

DAR EXISTING ZONING

CLARENCE L HOLLENSHADE

MACA 2000

CLARENCE L HOLLENSHADE

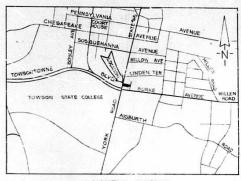
CLARENCE L HOLLENSHADE

MACA 2000

CLARENCE L HOLLENSHADE

CLARENCE L HOLLENSH

ARTHUR A. BRANDAU & DOROTHY L. BRANDAU
92 YORK ROAD
TOWSO:, MARYLAND 21204



VICINITY SKETCH

Scale: 1" 1000"

#2 BRANDAU

REVISED FLANS



BEARINGS, DISTANCES AND AREAS SHOWN ON THIS PLAT ARE TAKEN FROM EXISTING DEEDS AND PLATS AND A SURVEY BY WILLIAM G ULRICH JR. DATED DECEMBER 17, 1969.

JAMES PETRICA, ENGINEER LIC NO. 3780

PLAT TO ACCOMPANY PETITION FOR

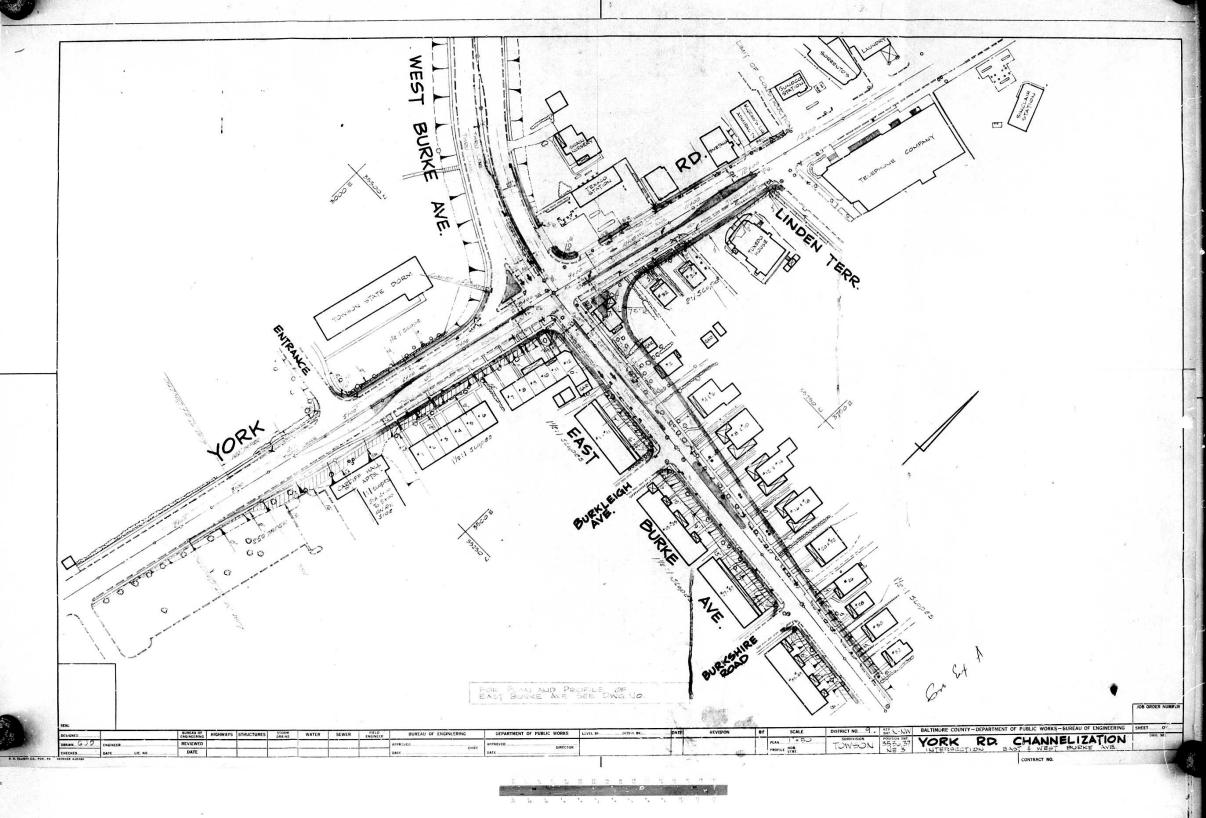
VARIANCE SIDE & REAR YARD SETBACKS IN EXISTING B.R ZONE

ELECTION DISTRICT 9 BALTO. CO, MD. 9CALE: 1'-20' JUNE 9,1970

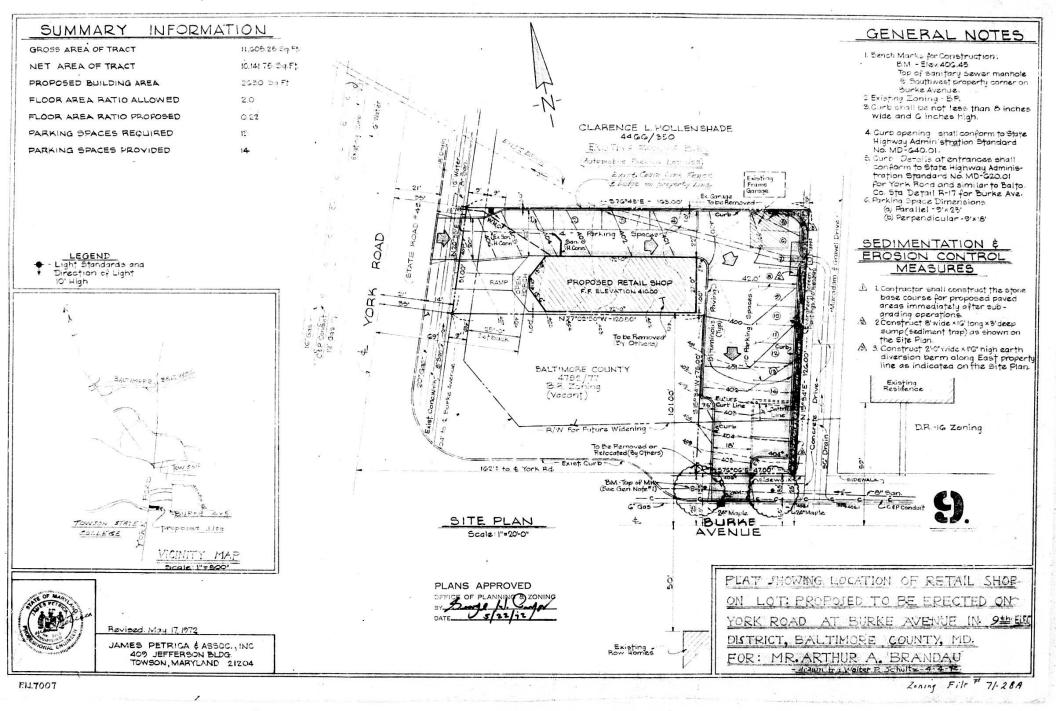
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JAMES PETRICA & ASSOCIATES INC. CONSQLTING ENGINEERS 409 JEFFERSON BLDG, TOWSON, MD.

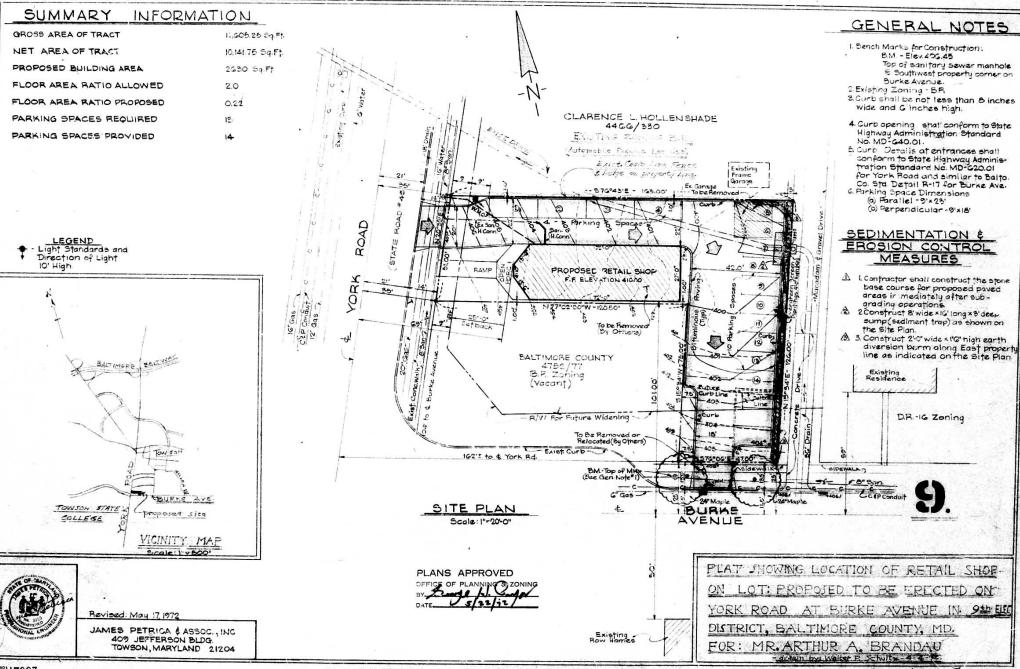
Revised July 9, 1970



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Zoning File # 7/- 28A