

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, I. H. Ferd Hahn, 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 Variance from Section 402.2(b) (6) of the Baltimore Code to provide for 30 parking spaces in lieu of the required 39 parking spaces.

I request the Board of Appeals to grant the above variance for the following reasons (indicate hardship or practical difficulty):

Practical difficulty and undue hardship

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to abide by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

DATE 3/17/71
BY I. H. Ferd Hahn
Address 305 W. Clarendon Avenue, Baltimore, Md. 21204

Contract purchaser I. H. Ferd Hahn
Legal Owner I. H. Ferd Hahn

Address 305 W. Clarendon Avenue, Baltimore, Md. 21204

Attorney for Petitioner Charles E. Brooks, Brooks and Turnbull, 305 W. Clarendon Avenue, Baltimore, Md. 21204

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of January, 1971, 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 27th day of March, 1971, at 11:00 o'clock.

Edward D. Hardesty
Zoning Commissioner of Baltimore County

PARKING VARIANCE: S4/S Reisterstown Road Int. W/Clarendon Avenue
Petitioner: I. H. Ferd Hahn

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDER FOR DISMISSAL

MR. CLERK: Please dismiss the Appeal filed in the above captioned case.

CHARLES E. BROOKS, Brooks and Turnbull, 305 W. Clarendon Avenue, Towson, Maryland 21204, 296-2600, Attorneys for Reba Phillips, Appellant

I HEREBY CERTIFY that on this 10th day of August, 1971, a copy of the foregoing Order for Dismissal was mailed to Leonard J. Grossman, Esq., 15 N. Guilford Avenue, Baltimore, Maryland 21202, Attorney for Petitioner.

CHARLES E. BROOKS, Brooks and Turnbull, 305 W. Clarendon Avenue, Towson, Maryland 21204, 296-2500, Attorneys for Reba Phillips, Appellant

cc: Zoning Grossman, Esq. Brooks, Esq. Mr. Veise

Appealed 7/27/71

RE: PETITION FOR VARIANCE FROM SECTION 402.2(b)(6) OF BALTIMORE COUNTY ZONING REGULATIONS SW CORNER OF REISTERSTOWN ROAD AND CLARENDON AVENUE 3RD DISTRICT

I. H. Ferd Hahn, Petitioner

Reba Phillips, Protestant-Appellant

Zoning File No. 71-226-A

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 9
Case No. 129
File No. 4703

CERTIFICATE OF NOTICE

Mr. Clerk: Pursuant to the provisions of Rule 1101-8(b) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., W. Giles Parker and William N. Gaffney, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it, namely, Leonard J. Grossman, Esq., 15 N. Guilford Avenue, Baltimore, Maryland, 21202, Attorney for the Petitioner; Charles E. Brooks, Esq., 305 W. Clarendon Avenue, Towson, Maryland, 21204, Attorney for the Protestant-Appellant; and Mr. John J. Veise, 17 Clarendon Avenue, Baltimore, Maryland, 21208, Protestant; a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemier, County Board of Appeals of Baltimore County, County Office Building, Towson, Md. 21204, Telephone - 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Leonard J. Grossman, Esq., 15 N. Guilford Avenue, Baltimore, Maryland, 21202, Attorney for the Petitioner; Charles E. Brooks, Esq., 305 W. Clarendon Avenue, Towson, Maryland, 21204, Attorney for the Protestant-Appellant, and Mr. John J. Veise, 17 Clarendon Avenue, Baltimore, Maryland, 21208, Protestant, on this 3rd day of August, 1971.

Muriel E. Buddemier, County Board of Appeals of Baltimore County

PARKING VARIANCE: S/W/S Reisterstown Road Int. W/Clarendon Avenue
Petitioner: I. H. Ferd Hahn

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

ORDER FOR APPEAL

MR. CLERK: Please enter an Appeal on behalf of Reba Phillips, Protestant, by Charles E. Brooks and Brooks and Turnbull, her attorneys, from the Order of the Board of Appeals for Baltimore County rendered in the above captioned case on the 2nd day of July, 1971.

CHARLES E. BROOKS, Brooks and Turnbull, 305 W. Clarendon Avenue, Towson, Maryland 21204, 296-2600, Attorneys for Protestant

I HEREBY CERTIFY that on this 30th day of July, 1971, two copies of the foregoing Order for Appeal were delivered to the County Board of Appeals for Baltimore County, County Office Building, Towson, Maryland 21204.

CHARLES E. BROOKS, Brooks and Turnbull, 305 W. Clarendon Avenue, Towson, Maryland 21204, 296-2600, Attorneys for Protestant

RE: ALLEGED ZONING VIOLATION BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

I. H. Ferd Hahn, Petitioner

No. 71-226-A

OPINION

The Petitioner in this case, I. H. Ferd Hahn, has asked for a variance from the off-street parking requirements in connection with the operation of a small shopping center which he owns, and which is occupied by three business tenants. There are six stores, or units, three of which are occupied by the establishment of Irving Kaldner, two of which are occupied by an art shop, and one of which is occupied by a ladies dress shop operated by one Reba Phillips, who was the principal complaining witness.

The evidence shows that the normal requirement under the zoning law would be for 39 parking spaces of standard size, and the variance requests a permit to provide only 30 parking spaces. The plats which are in evidence and the testimony shows conclusively that there is no difficulty with entry to the parking area, and that the reason the request for variance was made is that the owner of the property desires to construct a 10 foot addition to the portion of the building operated by Kaldner, who needs more room for his business, which would automatically reduce by approximately six hundred square feet the open space on the lot behind the building.

There was evidence that there had been some difficulty with persons unknown who had developed the practice of parking cars on this lot all day and going down by bus or otherwise. However, this has now been out to a stop by the posting of signs and the towing away of illegally parked cars. Part of the parking area is on a lot zoned R-6 behind the shopping center, which is also owned by Mr. Hahn, for which he obtained a special permit for parking a number of years ago.

The testimony of Mr. John J. Dillon, Jr., who inspected the property as a

I. H. Ferd Hahn - No. 71-226-A 2.

Planning and Zoning technician for Baltimore County, indicates to the Board that there would be no problem to anyone if the variance were granted, and the record finds as a fact that there would be undue hardship and practical difficulty to Mr. Hahn if he were required to provide the maximum number of spaces. There has apparently been no difficulty with parking on the lot since the all day parking were eliminated, and the presently designated spaces are wider than those required by the Regulations.

The only other witness was a gentleman who lives on the side street behind the property, who felt that any increase in activity in the shopping center would increase the now heavy traffic on Clarendon Avenue. However, the Board cannot give much weight to this, as the evidence showed that there is a hamburger shop on the north east corner at the intersection of Clarendon Avenue and Reisterstown Road which is open late and is apparently the generator of much more traffic than any of the shops on Mr. Hahn's property, which are only open for normal business hours and close at approximately 5 p.m.

The Order of the Deputy Zoning Commissioner of Baltimore County will therefore be affirmed, and the variance will be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day of July, 1971, by the County Board of Appeals ORDERED, that the variance petitioned for 30 parking spaces be and the same is hereby GRANTED.

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

Walter A. Reiter, Jr., Chairman (Acting)
W. Giles Parker

William T. Gaffney

BROOKS & TURNBULL, ATTORNEYS AND COUNSELORS AT LAW, 305 WEST JORDAN BLVD, TOWSON, MARYLAND 21204

AREA CODE 301 923-1200

March 30, 1971

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

Re: 71-226-A

Dear Mr. Hardesty:

Please note an appeal from your decision of March 3, 1971 granting a variance from the thirty-nine parking spaces to thirty parking spaces in the above captioned case. In behalf of Reba Phillips.

I enclose a check in the amount of \$40.00 made payable to Baltimore County.

Sincerely yours,

Charles E. Brooks

CEB: Reba Phillips



ZONING DESCRIPTION FOR PARKING VARIANCE

BEGINNING for the same at the point formed by the intersection of the west-most side of Reisterstown Road (44 feet wide) with the southernmost side of Clarendon Avenue (50 feet wide) as shown on the Plat of Reisterstown Road as filed among the Land Records of Baltimore County in Plat Book 1 (folio 278), thence binding on the westernmost side of said Reisterstown Road south 36 degrees 00 minutes 40 seconds east 159.33 feet to the division line between Lots No. 107 and 106 as shown on said Plat, thence leaving said road and binding on said division line south 57 degrees 42 minutes 50 seconds east 132.10 feet to the division line between Lots No. 107 and 106 as shown on said Plat, thence binding on said division line north 32 degrees 17 minutes 10 seconds west 40.00 feet to the division line between Lots No. 106 and 111, thence binding on a part of said division line south 57 degrees 42 minutes 50 seconds west 11.50 feet to the division line between R-1 and R-6 Zoning, thence binding on said zoning division line north 36 degrees 00 minutes 40 seconds west 119.74 feet to the southernmost side of said Clarendon Avenue, thence binding on said line north 57 degrees 42 minutes 50 seconds east 162.30 feet to the place of beginning.

CONTAINING 0.510 acres of land more or less.

BEING all of Lots No. 107, 108, 109, 110 and part of Lot No. 111 as shown on the Plat of Reisterstown Road as aforesaid.

December 18, 1970
By: David W. Gales, Jr.



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 that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and a variance to Sec. 409.2-b(6) would give relief without substantial injury to the public health, safety and general welfare of the locality,

the above Variance should be had; and that the proposed use of the property is in accordance with the Baltimore County Zoning Regulations, it is hereby granted.

It is ORDERED by the Zoning Commissioner of Baltimore County this 3rd day of March, 1971, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, to permit 30 off-street parking spaces instead of the required 39 spaces, subject to the approval of the site plan by the State Roads Commission, Bureau of Public Services and the Office of Planning & Zoning.

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 that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and a variance to Sec. 409.2-b(6) would give relief without substantial injury to the public health, safety and general welfare of the locality,

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of March, 1971, that the above Variance be and the same is hereby DENIED.

MICROFILMED

71-226-A
101#
4884

ORIGINAL
THE COMMUNITY TIMES

P.O. BOX 367
RANDALLSTOWN, MD. 21133
PHONE-922-7560 February 17 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of Edward D. Hardesty, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for ONE WEEK before the 17 day of Feb. 19 71 that is to say, the same was inserted in the issues of February 11, 1971.

STROMBERG PUBLICATIONS, Inc.

By: *Robert M. Ryan*

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1971.

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 week before the 11th day of March, 1971, the first publication appearing on the 11th day of February, 1971.

THE JEFFERSONIAN

L. Leach Strickland
Manager

Cost of Advertisement, \$

True Copy Sent:
Robert M. Ryan
Zoning Commissioner of Baltimore County



CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1971.

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 week before the 11th day of March, 1971, the first publication appearing on the 11th day of February, 1971.

THE JEFFERSONIAN

L. Leach Strickland
Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3 Rd. Date of Posting: FEB. 11, 1971
Posted for: VARIANCE
Petitioner: I. H. FERD MAN
Location of property: SW CORNER OF REISTERSTOWN RD. AND CLARENDON AVE.
Location of Signs: (A) W. of REISTERSTOWN Rd. SO. E. of CLARENDON AVE.
(B) S. of CLARENDON AVE. 25 FEET N. of REISTERSTOWN RD.
Remarks: *Charles M. Mead*
Posted by: *Charles M. Mead* Date of return: FEB. 27, 1971

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3 Rd. Date of Posting: APRIL 16, 1971
Posted for: APPEAL
Petitioner: I. H. FERD MAN
Location of property: SW CORNER OF REISTERSTOWN RD. & CLARENDON AVE.
Location of Signs: S. of CLARENDON AVE. 25 FEET N. of REISTERSTOWN RD.
Remarks: *Charles M. Mead*
Posted by: *Charles M. Mead* Date of return: APRIL 30, 1971

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 1, 1971

Leonard J. Grossman, Esq.,
Goodman, Meagher & Enoch
15 No. Sullivan Avenue
Baltimore, Maryland 21202

RE: Type of Hearings Parking Variance
Location: SW/S Reisterstown Rd., Int.
W/Clarendon Avenue
Petitioner: I. H. Ferd Man
Committee Meeting of January 19, 1971
Item 101

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 improved with a one story retail sales building that contains several individual stores. The rear portion of the subject property is used as a parking lot with an existing entrance on Clarendon Avenue and another entrance on the south side of the stores onto Reisterstown Road. A proposed addition is shown on the existing stores which will require an additional three parking spaces. The property already has a Special Hearing for off street parking in a residential zone and is screened from the residential property to the rear. There is existing curb and gutter along Reisterstown Road at this location.

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:
Reisterstown Road is a State road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

Leonard J. Grossman, Esq.
Item 101
February 1, 1971

BUREAU OF ENGINEERING (Continued)
Clarendon Avenue is an existing County street which has been previously improved as a 24-foot closed roadway section within the existing 50-foot right-of-way. Clarendon Avenue is proposed to be further improved in the future as a 30-foot minimum closed roadway section within a 50-foot minimum right-of-way. No further highway improvements are required at this time; however, highway right-of-way in the form of a fillet, 20 feet long on each leg of the existing right-of-way lines, will be required at the intersection of Clarendon Avenue and Reisterstown Road in connection with any subsequent grading or building permit applications.

Storm Drain:
Reisterstown Road is a State road. Therefore drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

No provisions for accommodating storm water or drainage have been indicated on the subject plan; therefore, the plan should be revised to show all storm drainage facilities proposed or existing within or adjacent to the subject property. A 10-foot minimum drainage and utility easement is required through the south side of this property to allow for future construction or supplementation of the existing storm drainage system. In addition, a temporary construction area is required to be established adjacent to the drainage and utility easement. Therefore, the above mentioned easement and construction area will be required in connection with any subsequent grading or building permit applications.

It should be noted that this property is situated in an area where the existing storm drainage system is inadequate and some flooding may be experienced in periods of rainfall with high intensity. For any further information in regard to the storm drainage requirements, the petitioner or his engineer should contact the Chief of the Storm Drain Design Group of the Bureau of Engineering.

The petitioner must provide necessary drainage facilities (temporary or permanent) 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 improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:
Public water supply and sanitary sewerage are available to serve this property.

Leonard J. Grossman, Esq.
Item 101
February 1, 1971

PROJECT PLANNING DIVISION:
This office has reviewed the subject plan and offers the following comment:
The site plan appears satisfactory, but at the time of the inspection of the site the parking lot was full. Therefore, it would appear that a variance to reduce the number of parking spaces would increase the parking problem in the area.

BOARD OF EDUCATION:
No bearing on student population.

BUILDINGS ENGINEER'S OFFICE:
Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations when plans are submitted.

HEALTH DEPARTMENT:
Public water and sewer is available to this site.

Air Pollution Comments:
The building or buildings on this site may be subject to regulation 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.

DEPARTMENT OF TRAFFIC ENGINEERING:
The subject petition is requesting a variance to permit 30 parking spaces in lieu of 39. This is considered undesirable since on the date the field inspection was made, the subject lot was full.

FIRE DEPARTMENT:
This office has no comment on the proposed site.

STATE ROADS COMMISSION:
The existing entrance channelization at the subject site is acceptable to the State Roads Commission.

Leonard J. Grossman, Esq.
Item 101
February 1, 1971

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 50 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

OLM:JD
Enc.

Leonard J. Grossman, Esq.
Counsel, Planning & Zoning
127 N. Baltimore Avenue
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

FORM 801

Your Petition has been received and accepted for filing this
_____ day of _____, 1978.

Edward D. Baidasty
EDWARD D. BAIDASTY,
Zoning Commissioner

Petitioner Leonard J. Grossman, Esq.

Petitioner's Attorney _____

Reviewed by

Albert J. Hines
Chairman of the
Advisory Committee

TELEPHONE
484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

№ 78878

DATE Nov. 3, 1971

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED

To:

P. K. Corporation
714 Belstarwood Road
Baltimore, Md. 21208

Zoning Dept. of Baltimore County

DEBIT TO ACCOUNT NO. 91-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT
\$64.75

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COPIES

Advertising and posting of property for I. H. Ford Mdn
#71-226-A

64.75

64.75

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE
484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

№ 78338

DATE Feb. 9, 1971

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED

To:

P. K. Corporation
714 Belstarwood Rd.
Baltimore, Md. 21208

Zoning Dept. of Baltimore County

DEBIT TO ACCOUNT NO. 91-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT
\$25.00

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COPIES

Petition for Variance for I. H. Ford Mdn
#71-226-A

25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

TELEPHONE
484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

№ 78618

DATE 4/2/71

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED

To:

Charles E. Brooks, Esq.
306 W. A. Joppa Road,
Towson, Maryland 21204

Zoning Office,
115 County Office Bldg.,
Towson, Maryland 21204

DEBIT TO ACCOUNT NO. 91-622

RETURN THIS PORTION WITH YOUR REMITTANCE

TOTAL AMOUNT
\$40.00

QUANTITY

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

COPIES

Cost of appeal - Petition of I. H. Ford Mdn

\$35.00

No. 71-226-A

1 sign

5.00

\$40.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

