

71-257-X PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Plain 'n' Fancy Donuts, Inc., legal owner... of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified pursuant to the Zoning Law of Baltimore County, from an _____ to _____, for the following reasons:

Hereby Petition for a Variance from Section 232.2 (b) of the Zoning Regulations of Baltimore County to permit a side-yard variance of zero feet in lieu of the required fifteen feet.

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, a service garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Plain 'n' Fancy Donuts of America, Inc.

Contract preparer
Address: 12730 Twin Brook Parkway
Rockville, Maryland

Legal Owner
Address: 306 W. Joppa Road
Towson, Maryland 21204

Protestant's Attorney
Address: 306 W. Joppa Road, Towson, Md.

W. Lee Harrison & Charles E. Brooks
Petitioner's Attorney

Address: 306 W. Joppa Road, Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Maryland, on the _____ day of _____, 1971, at 11:00 o'clock

W. Lee Harrison
Zoning Commissioner of Baltimore County

(over)

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
1020 Cromwell Circle P.O., Baltimore, Md. 21204, Tel. 301-820-0900

Lester Matz
John C. Childs
Associates
Ronald W. Broyles
George W. Bushby
Robert W. Casaban
Leonard M. Cline
Edward P. Fiala
Norman F. Hartmann
Paul Lee
Fred P. Newman
Wilson P. Quinn
Paul B. Smeton

DESCRIPTION

0.6746 ACRE PARCEL, SOUTH CORNER OF REISTERSTOWN ROAD AND CHERRY HILL ROAD, FOURTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for a Special Exception & Yard Variances

Beginning for the same at a railroad spike set at the intersection of the center line of Cherry Hill Road and the southwest side of Reisterstown Road, sixty-six feet wide, running thence binding on said southwest side of Reisterstown Road, (1) S 43° 39' 35" E 105.00 feet to a 3/4 inch pipe set, thence (2) S 27° 54' 46" W 295.00 feet to a 3/4 inch pipe set, thence (3) N 43° 35' 35" W 105.00 feet to a railroad spike set in the center line of Cherry Hill Road, thence binding on said center line, (4) N 27° 54' 46" E 295.00 feet to the place of beginning.

Containing 0.6746 of an acre of land.

RLS:mp1 J.C. #69205 January 29, 1971



Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

W. LEE HARRISON
306 W. JOPPA ROAD
TOWSON, MARYLAND 21204

May 3, 1971

Dr. and Mrs. Clarence E. McWilliams
11904 Reisterstown Road
Reisterstown, Maryland 21136

Re: Cherry Hill Road and Reisterstown Road
Baltimore County, Maryland

Dear Dr. and Mrs. McWilliams:

This letter is sent to you for the purpose of confirming our agreement of May 3, 1971 with reference to the above captioned property to the effect that I will assume the obligation of having 4' and/or the remainder of the mutual boundary between the above captioned property and your property planted with 4' high dense screen planting.

Trusting the above meets with your approval, I remain,

Very truly yours,

PLAIN AND FANCY DONUTS, BY:

Charles D. Gordon, President

CC: The Honorable Edward D. Hardesty
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

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

April 26, 1971

Re: Petition #71-257-XA
Plain 'n' Fancy Donuts, Inc.-Petitioners
Hearing scheduled at 11:00 a.m. 5/3/71

Dear Mr. Hardesty:

On behalf of the Baltimore County Public School System I wish to submit the following comments with respect to the subject petition for a Special Exception for Garage, Service requested by the above-captioned petitioners:

1. It is our understanding that the subject petitioner is requesting this Special Exception for the purpose of constructing an Automobile Tire Service Center at the southwest corner of Reisterstown and Cherry Hill Roads in the Fourth District.
2. This property is located immediately adjacent to the Franklin Senior High School which utilizes Cherry Hill Road as an ingress and egress artery for the school's only parking lot. The intersection in question is not serviced by a traffic signal thereby causing, at the present time, a serious traffic problem for school staff personnel, visitors and students.
3. The granting of a Special Exception for this commercial installation would worsen an already very serious traffic problem. Consequently, in the opinion of the undersigned, unless and until this traffic problem is abated it is the opinion of the undersigned that the subject petition should be denied.

Sincerely yours,

Preston L. Grady, Director
Capital Program Planning

FILED

cc: Mr. Joshua R. Wheeler, Superintendent of Schools
Mr. John B. Shock, Associate Superintendent of Schools
Mr. Albert H. Hasty, Assistant Superintendent of Schools
Mr. Robert J. Krabbe, Principal, Franklin Senior High School

W. LEE HARRISON, JR., PRESIDENT
HARRISON & CHILDS, INC. ENGINEERS
306 W. JOPPA ROAD
TOWSON, MARYLAND 21204

EDWARD D. HARDESTY, ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

JOSEPH B. WHEELER, SUPERINTENDENT OF SCHOOLS
JOHN B. SHOCK, ASSOCIATE SUPERINTENDENT OF SCHOOLS
ALBERT H. HASTY, ASSISTANT SUPERINTENDENT OF SCHOOLS
ROBERT J. KRABBE, PRINCIPAL, FRANKLIN SENIOR HIGH SCHOOL

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 1, 1971

Messrs. W. Lee Harrison
& Charles E. Brooks
306 W. Joppa Road
Towson, Maryland 21204

RE: Type of Hearing: Special Exception
for Service Garage
Location: SW Cor. Reisterstown & Cherry Hill Road
Petitioners: Plain 'n' Fancy Donuts
Committee Meeting of March 9, 1971
4th District
Item 131

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 a vacant tract of land, with the property to the east improved with vacant lots and residential uses. The property to the south is improved with residential uses. The property to the north is improved with residences and a large shopping center. The property to the west is improved with the Franklin Senior High School. Reisterstown Road in this location is not improved insofar as concrete curb and gutter are concerned at the present time. Cherry Hill Road is a County road, which is not improved insofar as concrete curb and gutter are concerned.

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:

Cherry Hill Road, an existing road, will be improved as a 36-foot closed section on a 66-foot right-of-way. Highway improvements, including highway right-of-way widening and any necessary reversible slope easements, will be required

Messrs. W. Lee Harrison
& Charles E. Brooks
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Highways: (Continued)

In conjunction with any subsequent grading or building permit application, (See Highway Construction Drawing C-2554 on file in the Developers Design Approval Section of the Bureau of Engineering).

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

The entrances shall be constructed in accordance with Baltimore County Standards.

Cherry Hill Road, west of Reisterstown Road is proposed to be generally relocated in connection with the future Northwest Freeway.

Reisterstown Road (U.S. 140) is a State road; therefore, all improvements, intersections and entrances on this road will be subject to State Roads Commission requirements.

Sediment Control:

Development of this property through striping, 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 striping of top soil.

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

Storm Drains:

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

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. Connection of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Reisterstown Road (U.S. 140) is a State road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Roads Commission.

Messrs. W. Lee Harrison
& Charles E. Brooks
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Water:

Public water supply is available to serve this property.

Sanitary Sewer:

Public sanitary sewerage will be available to serve this property upon completion of the construction of the 8-inch public sanitary sewer, presently under contract, shown on Drawing #69-0473 (1).

PROJECT PLANNING DIVISION:

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

HEALTH DEPARTMENT:

Public water and sewers are 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.

DEPARTMENT OF TRAFFIC ENGINEERING:

Subject variance should have no major effect on traffic.

BOARD OF EDUCATION:

No bearing on student population.

STATE ROADS COMMISSION:

The subject plan indicates proposed right-of-way and highway improvements that are in accordance with State Roads Commission proposals.

FIRE DEPARTMENT:

The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1957 edition, and the Fire Prevention Code when construction plans are submitted for approval.

Messrs. W. Lee Harrison
& Charles E. Brooks
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ZONING ADMINISTRATION DIVISION:

The petitioner should contact the contract purchaser with regard to the site that is proposed for the service garage. The site would be limited to 150 square feet in area, with a maximum height of 25 feet.

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, Chairman

OLH:JD
Enc.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met, a Special Exception for a Garage, Service, should be granted; and it further appearing that by reason of the following findings of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the Variance requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved, the above Variance to permit a side yard of zero (0) feet instead of the required fifteen (15) feet should be granted.

A Special Exception for a Garage, Service, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of June, 1971, that the above described property be and the same is hereby reclassified from a Zone to a Zone.

Special Exception for a Garage, Service, should be and the same is granted, and after the date of this order and a Variance to permit a side yard of zero (0) feet instead of the required fifteen (15) feet should be and the same is granted, from and after the date of this Order, subject to the approval of the site plan by the State Roads Commission, the Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of 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 5th day of June, 1971, that the above re-classification be and the same is hereby DENIED and that the above describe property or area be and the same is hereby continued as and to remain a Zone, and/or the Special Exception for

be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Date: March 11, 1971

FROM: Everett Reed, Plans Review

SUBJECT: #131 Plain n' Fancy Donuts of America S.W. Cor. Reisterstown & Cherry Hill Road District: 4

Petitioner to comply with all applicable requirements of Baltimore County Building Code and regulations. Also, see Section 609.5 and 914.4 on Service Stations.

Everett Reed, Plans Review

Enclosed

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map			1/2/71	Agg	2/4/71	Agg			
Petition number added to outline									
Denied									
Granted by									
ZC, BA, CC, CA									
Reviewed by: <u>EDM</u>	Revised Plans:				Change in outline or description Yes				
Previous case: <u>70-151-R</u>	Map # <u>4-500-1-D</u>				No				
					<u>NW-14-3</u>				

Amos W. Lee Harrison & Charles E. Brooks 306 W. Joppa Road Towson, Md. 21204

Item 131

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing this

Feb day of Mar, 1971

Edward D. Hardisty Zoning Commissioner

Petitioner Plain n' Fancy Donuts of America

Petitioner's Attorney Amos W. Lee Harrison & Charles E. Brooks Reviewed by Charles E. Brooks Chairman of the Advisory Committee

TELEPHONE	INVOICE	Nº 70-25
	BALTIMORE COUNTY, MARYLAND	
	OFFICE OF FINANCE	DATE: Mar 15, 1971
	Revenue Division	
	COURT HOUSE	
	TOWSON, MARYLAND 21204	
TO:	Mr. Lee Harrison, Esq.	
	306 W. Joppa Road	
	Towson, Md. 21204	
	Invoy Dept. of Baltimore County	
DEBIT TO ACCOUNT NO. 01-622	ATTENTION: THIS PORTION WITH YOUR SIGNATURE	TOTAL AMOUNT \$50.00
	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORD	
71-257-XA	Petition for Special Exception and Variance for Plain n' Fancy Donuts	10.00
	771-257-XA	
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND		
OFFICE OF FINANCE, REVENUE DIVISION		
COURTHOUSE, TOWSON, MARYLAND 21204		

TELEPHONE	INVOICE	Nº 81216
	BALTIMORE COUNTY, MARYLAND	
	OFFICE OF FINANCE	DATE: May 6, 1971
	Revenue Division	
	COURT HOUSE	
	TOWSON, MARYLAND 21204	
TO:	Plain n' Fancy Donuts of America, Inc.	
	13730 Baltimore Parkway	
	Rockville, Md. 20851	
DEBIT TO ACCOUNT NO. 01-622	ATTENTION: THIS PORTION WITH YOUR SIGNATURE	TOTAL AMOUNT \$5.50
	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORD	
71-257-XA	Advertising and posting of property	5.50
	771-257-XA	
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND		
OFFICE OF FINANCE, REVENUE DIVISION		
COURTHOUSE, TOWSON, MARYLAND 21204		

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 412 Date of Posting: APRIL 16, 1971
Posted for: SPECIAL EXCEPTION for a GARAGE, SERVICE
Petitioner: PLAIN n' FANCY DONUTS, INC.
Location of property: Section 46, Reisterstown and Cherry Hill Rd.
Location of Signs: 11946 Reisterstown Rd.
Remarks: Charles W. Reed
Posted by: Charles W. Reed
Date of return: APRIL 30, 1971

PETITION FOR SPECIAL EXCEPTION AND VARIANCE FOR GARAGE, SERVICE
LOCATION: Section 46, Reisterstown and Cherry Hill Road, Towson, Maryland
DATE & TIME: Monday, May 3rd, 1971 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Special Exception for a Garage, Service, and a Variance to permit a side yard of zero (0) feet instead of the required fifteen (15) feet, on the above described property, on the 15th day of April, 1971, at 11:00 A.M. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Special Exception for a Garage, Service, and a Variance to permit a side yard of zero (0) feet instead of the required fifteen (15) feet, on the above described property, on the 15th day of April, 1971, at 11:00 A.M. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for a Special Exception for a Garage, Service, and a Variance to permit a side yard of zero (0) feet instead of the required fifteen (15) feet, on the above described property, on the 15th day of April, 1971, at 11:00 A.M. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 15, 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., on the 15th day of April, 1971, the first publication appearing on the 15th day of April, 1971.

THE JEFFERSONIAN
L. Leach, Jr., Manager

Cost of Advertisement, \$

PETITION FOR SPECIAL EXCEPTION AND VARIANCE FOR GARAGE, SERVICE
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ORIGINAL

OFFICE OF

THE COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 April 19 - 1971

THIS IS TO CERTIFY that the annexed advertisement of Edward D. Hardisty, 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 15th day of April, 1971, that is to say, the same was inserted in the issue of April 15, 1971.

STROMBERG PUBLICATIONS, Inc.

R. R. Morgan

