

# 72-394 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **BENEFICIAL CENTERS, INC.**, legal owner of the property situate in Baltimore County and which is described in the attached plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 and 238.2

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

to permit a side yard of 18.27 feet instead of the required 30 feet and a rear yard of 10.0 feet instead of the required 30 feet, because strict compliance would cause practical difficulty and unreasonable hardship due to the shape of this tract and other factors to be covered at the time of the hearing hereon.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. We agree to pay expenses of above Variance 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.

**BENEFICIAL CENTERS, INC.**  
Contract purchaser: **James D. Nolan, Esq., Attorney**  
Address: **2102 Grand Avenue, Kansas City, Missouri 64108**

**James D. Nolan, Esq., Attorney**  
Address: **204 W. Pennsylvania Avenue, Towson, Md. 21204**

OK'ED BY The Zoning Commissioner of Baltimore County, this 29th day of July, 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 25th day of August, 1971, at 2:00 o'clock.

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JAMES PETRINA, R.E.  
WALTER P. NEWMAN, JR., P.E.  
WILLIAM SHEET, P.E.

JAMES PETRINA AND ASSOCIATES, INC.  
Consulting Engineers  
409 JEFFERSON BUILDING  
TOWSON, MARYLAND 21204  
June 16, 1971

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

All that parcel of land in the Third Election District of Baltimore County,

Beginning for the same at a point in the centerline of the Reisterstown turnpike (U.S. Route 140) 66 feet wide said point being located 0.4 mile Northwest of Valley Road being also the beginning of lands which by deeds are recorded among the land records of Baltimore County in Liber GLB 2926, folio 353 and Liber NJR 3525, folio 437, thence leaving the centerline of the Reisterstown turnpike and running the following seven courses and distances, (1) South 62°-27'-00" West 203.00 feet, (2) South 72°-30'-00" West 46.67 feet, (3) South 56°-25'-00" West 10.00 feet, (4) South 34°-25'-00" 11.58 feet, (5) South 00°-50'-30" West 21.50 feet, (6) South 62°-40'-00" West 75.17 feet, (7) South 42°-07'-00" West 247.90 feet to the centerline of the Green Spring Branch of the Northern Central Railway (now abandoned), thence binding on the centerline of the aforesaid railway South 65°-12'-30" East 183.30 feet, thence leaving the centerline of said railway the following five courses and distances (1) South 52°-32'-10" West 571.67 feet, (2) South 06°-42'-50" East 319.50 feet, (3) South 8°-17'-10" West 75.50 feet,

(4) South 06°-42'-50" East 37.33 feet, (5) South 34°-45'-40" West 181.60 feet to a point, said point being on the north right-of-way line of the Western Maryland Railway Company and being 50.00 feet distant measured radially from the centerline of Western Maryland Railway Company main track, thence along said right-of-way line with a curve to the left in a Northwesterly direction having a radius of 2914.68 feet for a distance of 786.28 feet to a point, (the chord of said arc being North 33°-35'-38" West 783.91 feet), thence parallel with and 50.00 feet measured northeasterly from the center of the aforementioned track binding on the North right-of-way line North 41°-19'-20" West 814.91 feet to a point, thence leaving the Western Maryland Railway Company right-of-way North 34°-15'-40" East 290.88 feet to the centerline of the Green Spring Branch of the Northern Central Railway (now abandoned), thence the following two courses and distances (1) South 65°-15'-20" East 1267.87 feet (2) North 43°-06'-10" East 609.61 feet to the centerline of the Reisterstown Turnpike (U. S. Route 140) thence South 48°-41'-30" East 179.45 feet to the place of beginning.

Containing 21.847 acres of land more or less.

Being the land of Uni-Properties Company which by the following deeds was conveyed to said body corporate, and recorded among the Land Records of Baltimore County in Liber RRG 4423 folio 381, Liber RRG 4461 folio 315 and Liber RRG 4472 folio 604.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: **3rd** Date of Posting: **AUG-7-71**  
Posted for: **VARIANCE**  
Petitioner: **BENEFICIAL CENTERS, INC.**  
Location of property: **N/S. OF REISTERSTOWN RD. 1320 FT. NW. OF VALLEY RD.**  
Location of Signs: **N/S. OF REISTERSTOWN RD. 625 FT. E. - W. OF REISTERSTOWN RD.**  
Remarks:  
Posted by: **Charles H. Neal** Date of return: **AUG-17-71**

## BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 30, 1971

**James D. Nolan, Esq., Attorney**  
Address: **204 W. Pennsylvania Avenue, Towson, Maryland 21204**

RE: Type of Hearing: Variance  
Location: 51/5 Reisterstown Rd., 2100' NW of Valley Rd.  
Petitioner: Beneficial Centers, Inc.  
Committee Meeting of July 13, 1971  
3rd District  
Item 11

Dear Sirs:  
The Zoning Advisory Committee has reviewed the plans submitted with this 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 west side of Reisterstown Road, and access to the property is through a right of way to the rear of the subject property. The property is currently improved with a large warehouse building that is used by the Western Auto Corporation.

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.

**Comments:**  
A commercial preliminary plan for Western Auto Supply Company Warehouse Addition, dated May 17, 1971 (printed June 3, 1971) was reviewed by this office and formal comments dated June 15, 1971 were forwarded to the Bureau of Public Services. That office furnished the petitioner and his engineer with written comments dated June 26, 1971. A copy of these comments is attached for your consideration. Your attention is particularly directed to the "General Comments" contained therein. Baltimore County will not subscribe to the Developer's proposal of retaining a portion of the 20' wide utility easement (MSD-139-2) in order for him

James D. Nolan, Esq.,  
Item 11  
July 30, 1971

to locate part of the improvements within this area. The Developer is advised to be clear of the utility easement and shall instruct his engineer to revise the plans accordingly.

## Storm Drains

The subject plan indicates that a 42" diameter drain pipe is proposed to be installed underneath the proposed building. It appears that this drain will convey off site storm water and drainage flows and, therefore, would be a public storm drain facility. Since the County would be responsible for all maintenance and any claims for damage, we will not entertain any such proposition. Therefore, some other alternative must be provided to construct a public storm drainage system within a 10' wide (minimum) drainage and utility easement that is not encumbered by a building or other structure.

## HEALTH DEPARTMENT:

1. Public water is available to the site.
2. Public sewer is proposed for the site.
3. Air Pollution Comment:

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.

## INDUSTRIAL DEVELOPMENT:

The Industrial Development Commission has reviewed the subject petition and offer the following comments:

The existing facility on the site is inadequate to meet the needs of this company. Plans to expand the building providing sufficient space for present and future requirements are being made. In order to meet these requirements a side and rear variance is necessary. The I.D.C. recommends that this request be given favorable consideration so that the company may continue to expand in Baltimore County.

## BOARD OF EDUCATION:

No bearing on student population.

## DEPT. OF TRAFFIC ENGINEERING:

The subject variances should have no major effect on traffic.

James D. Nolan, Esq.,  
Item 11  
July 30, 1971

## FIRE PREVENTION BUREAU:

Item 1 The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1967 Edition, and the Fire Prevention Code when construction plans are submitted for approval.

Item 2 Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards.

## STATE HIGHWAY ADMINISTRATION:

The existing entrance to the subject site is acceptable to the State Highway Administration.

## ZONING ADMINISTRATION DIVISION:

The subject petition is being accepted for a hearing date. However, due to the nature and possible consequences of the Bureau of Engineering comments, it is recommended that the Zoning Commissioner withhold any order granting the Variance requested until such time the plans have been revised to satisfactorily reflect the Bureau of Engineering comments, or this office has been notified that some other satisfactory solution has been worked out.

This petition is accepted for filing on the date of two enclosed filing certificates. Notice of the hearing date and time, which will be held not less than 30, nor more than 60 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

CLT:JG  
Enc.

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: **S. Eric Filmon** Date: **August 12, 1971**  
ATTN: **Oliver L. Myers**  
FROM: **Ellsworth S. Dyer, P.E.**

SUBJECT: **Item 11 (1971-1972)**  
Property Owner: **Beneficial Centers, Inc.**  
5/5 Reisterstown Road, 2100' NW of Valley Road  
Present Zoning: **M-1 and P-L-1**  
Proposed Zoning: **Variance from 255.1 - side yard; 238.2 - rear yard**  
District: **3rd**  
No. Acres: **21.847**

We wish to amend the comments, dated July 15, 1971 and transmitted to you in regard to the subject zoning item, by the rescinding of the previous Storm Drain Comments and substituting the following comments:

Upon further investigation and a field inspection by a representative of this office, it has been found that a 42-inch diameter storm drain, proposed to be constructed under the proposed warehouse on the subject property, will not intercept offsite storm water flows provided that the existing abandoned railroad embankment along the northernmost outline of this property is not altered.

Since the Petitioner, by ownership, would be able to exercise control of any grading on this property, the proposed 42-inch diameter storm drain is considered to be a private onsite storm drainage system. As such, the system and the County will not be liable for any damages as a result of any failure, structural or otherwise.

*Ellsworth S. Dyer*  
ELLSWORTH S. DYER, P.E.  
Chief, Bureau of Engineering

END/STANDARD



J. D. Nolan, Esq.,  
 Jlen, Plumbhoff and Williams  
 204 W. Pennsylvania Ave.,  
 Towson, Maryland 21204

ALTHINE COUNTY OFFICE OF PLANNING AND ZONING  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Item 11

Your Petition has been received and accepted for filing  
 this \_\_\_\_\_ 13th day of July 1970

Frank D. Hardesty  
 Frank D. HARDESTY,  
 Zoning Commissioner

Petitioner: Beneficial Centers, Inc.

Petitioner's Attorney: J. D. Nolan, Esq. Reviewed by: Oliver L. Myers  
 Chairman of  
 Advisory Committee





# SUMMARY INFORMATION

|                                                  |                              |
|--------------------------------------------------|------------------------------|
| EXISTING USE OF PROPERTY                         | WAREHOUSING & LIMITED OFFICE |
| PROPOSED USE OF BUILDING EXTENSION - WAREHOUSING | WAREHOUSING                  |
| EXISTING ZONING                                  | ML                           |
| PROPOSED ZONING                                  | ML                           |
| GROSS AREA OF PROPERTY                           | 21,847 AC.                   |
| EXISTING BUILDING FLOOR AREA                     | 20,982 AC.                   |
| OFFICE                                           | 13,000 SQ. FT.               |
| WAREHOUSE                                        | 228,000 SQ. FT.              |
| PROPOSED BUILDING FLOOR AREA                     | 13,000 SQ. FT.               |
| OFFICE                                           | 13,000 SQ. FT.               |
| WAREHOUSE                                        | 580,800 SQ. FT.              |
| OFF STREET PARKING REQUIREMENTS                  | 1 SPACE PER 300 SQ. FT. AREA |
| WAREHOUSE AREA                                   | 1 SPACE PER 5 EMPLOYEES      |
| OFF STREET PARKING REQUIRED                      | 44 SPACES                    |
| OFFICE AREA                                      | 50 SPACES                    |
| WAREHOUSE AREA (90 EMPLOYEES)                    | 74 SPACES                    |
| TOTAL                                            | 162 SPACES                   |
| OFF STREET PARKING PROVIDED                      |                              |

S.C.P. PROPERTIES INC.  
C.T.G. 4522/180  
EXISTING ML ZONING

AUTOMOTIVE SERVICECENTER INC.  
C.T.G. 4497/596  
EXISTING ML ZONING

JOSEPH W. SPECT  
W.M. 2543/516  
EXISTING ML ZONING

PROPOSED BUILDING  
WAREHOUSE AREA

EXISTING BUILDING  
WAREHOUSE AREA

OFFICE AREA

UNI PROPERTIES  
R&G 4472/604

UNI PROPERTIES  
R&G 446/516

WESTERN MARYLAND RAILROAD CO.  
EX. SHING ML ZONING

PLAT TO ACCOMPANY PETITION FOR  
VARIANCE  
SIDE & REAR YARD SETBACKS  
IN EXISTING ML ZONE

ELECTION DISTRICT NO. 3 BALTO. CO. MD.  
SCALE 1" = 50' JUNE 1971

JAMES PETRICK & ASSOCIATES INC.  
CONSULTING ENGINEERS  
409 JEFFERSON BLVD. TOWSON MD.

UNI PROPERTIES COMPANY  
WESTERN AUTO DISTRIBUTION CENTER  
GARY, IND.

NOT RECORDED

PN 7104

