

AUG 21 1972

RE: PETITION FOR RECLASSIFICATION AND VARIANCE
Beginning 185' N of Joppa Road
and 138' E of Emge Lane - 9th
District
Joseph L. Soley - Petitioner
NO. 72-51-RA (Item No. 4)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioner seeks a Reclassification from a D.R.5.5 Zone to a B.R. Zone and Variances to permit a zero (0) side yard on the west, a zero (0) rear yard and a 5.25 foot side yard on the east instead of the required thirty (30) foot side yard and rear yard.

The proposed building, which is to be one hundred and twenty (120') feet by sixty (60') feet is to be used as dead storage warehouse, having water, sewers or heat. The building would cover all but 76.4 square feet of the parcel. The one (1) parking space required for the two (2) employees would be provided on an adjoining parcel, which is zoned B.R. in part, and is improved with a commercial building owned by the Petitioner. This parcel has a frontage of 124.7 feet along Joppa Road and extends back to a depth of one hundred and eighty-five (185') feet (two hundred and twenty (220') feet from the centerline of Joppa Road) at which point it binds on the parcel which is the subject of this Petition. The entire one hundred and eighty-five (185') foot depth was zoned B.R. by Petition prior to the adoption of the present zoning map.

The present zoning map establishes a commercial B.R. depth of one hundred and fifty (150') feet from the centerline of Joppa Road, leaving approximately seventy (70') feet of D.R.5.5 zoning on the rear portion which binds on the subject parcel. This portion (seventy (70') feet) is presently improved and used as a parking area for the existing commercial building.

The Petitioner claims error based on the fact that the Baltimore

County Council did not zone the entire tract B.R., i.e., to a depth of two hundred and ninety-three (293') feet from the centerline of Joppa Road. He further contends that the property to the east which has a depth of two hundred and ninety-three (293') feet as measured from the centerline of Joppa Road is also zoned B.R. in its entirety, and that the property to the west, having a depth of two hundred and twenty (220') feet as measured from the centerline of Joppa Road, was also zoned B.R. in its entirety. To provide continuity and orderly development, he proposes that his property be zoned B.R. for its entire depth of two hundred and ninety-three (293') feet.

After reviewing all aspects of the case, it is the opinion of the Deputy Zoning Commissioner, that the Petitioner did not prove that the Baltimore County Council erred in zoning the subject property D.R.5.5.

This decision is based on the fact that we are dealing with two (2) separate and distinct parcels. It is one thing to say that a parcel should be zoned in its entirety, however, it is quite another to assume that an additional parcel purchased, or being purchased separately, should be zoned in conformity with an entirely separate parcel merely because they bind on one another. The subject parcel is or was part of a residentially improved lot that is oriented to and fronts on Emge Lane.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 12th day of November, 1971, that the above Reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as to remain a D.R.5.5 Zone.

It is further ORDERED that the requested Variances also be DENIED.

James E. D.
Deputy Zoning Commissioner of
Baltimore County

ORIGINAL
OFFICE OF
THE TOWSON TIMES
TOWSON, MD. 21204 August 23 - 1971

THIS IS TO CERTIFY, that the annexed advertisement of The Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one (1) week, beginning on the 23 day of August 1971 that is to say, the same was inserted in the issue of August 19, 1971.

STROHNER PUBLICATIONS, Inc.

Paul Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 23, 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 a week, beginning on the 23 day of August 1971, the first publication appearing on the 12th day of August 1971.

THE JEFFERSONIAN

Cost of Advertisement, \$

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING

DATE 11/21/71

BY *James E. D.*

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 18, 1971

COUNTY CLERK
111 S. Chesapeake Ave.
Towson, Maryland 21204

CLERK
OLIVER L. WEAVER
Chairman

MEMBERS

BUREAU OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE AND COUNTY
HEALTH DEPARTMENT

BOARD OF
PUBLIC UTILITIES

HEALTH DEPARTMENT

PLANNING DEPARTMENT

BOARD OF
ZONING ADJUSTMENT

INDUSTRIAL
DEVELOPMENT

Mr. George R. Gavrelle
Director
Office of Planning and Zoning
302 Jefferson Building
Towson, Maryland 21204

RE: Item 4 (April - October 1971)
Property Owner: Joseph L. Soley
Location: N of Joppa Road, 138' E of
Emge Lane
Present Zoning: D.R.5.5
Proposed Zoning: B.R. and Variance
from 38.2
District 9th Sector: Central
Acres: 0.19

Dear Mr. Gavrelle:

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 undeveloped tract of land which immediately abuts land owned by the Petitioner to the south. The property to the north is a vacant residential tract of land with double fronting on Joppa Road to the west. The property to the east and south is improved with a restaurant and a grocery supply outlet. Property to the east is improved with Carpet Pair building, the property to the south with several commercial uses. Joppa Road in this location has no lane, extensive highway widening and improvement to major collector streets.

SUMMARY OF RECOMMENDATIONS:

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

The proposal that "No Water, No Sewer, No Gas" are required conflicts with the Baltimore County Building and Plumbing Codes. If this property is in conformance with the existing code, then the following comments apply.

REMARKS:

This site has frontage on Joppa Road.

Joppa Road is an existing County Road, which has been improved by major collector standards.

Item 4

Storm Drains:

Provisions for accommodating storm 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. 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.

On site drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Codes.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property, and sediment control is required by State Law. A grading permit is, therefore, necessary for all grading, including the striping 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:

Public water facilities are available to benefit this property.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the water shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewer:

Public sanitary sewer facilities are available to benefit this property.

The Petitioner is entirely responsible for the construction of his on site private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

This plan submitted does not adequately reflect private improvements on site for storm drain facilities, water system and sanitary sewerage system.

If this property is not in conformance with the property Planning Joppa Road, it is inadvisable, that is, without fee access to any public facilities and the plan totally inadequate.

The plan should be revised to reflect these items.

Item 4

PROJECT PLANNING DIVISION:

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

BUILDING ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulations, when plans are submitted. Also, see Parking Lots Section 109.10 H.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject request is of .19 acres from D.R.5.5 to B.R. This small area should have no serious effect on volumes to Joppa Road and could generate 100 trips per day. However, if dead and storage warehouse, it could generate much less.

FIRE PREVENTION BUREAU:

Fire hydrants for the proposed site are required and shall be in accordance with Baltimore County Standards. The hydrants shall be located at 300' spacing.

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.

DEPARTMENT OF HEALTH:

Public water and sewer must be extended to serve this property. Otherwise, this office will not approve this operation at this location.

BOARD OF EDUCATION:

No bearing on student population.

ZONING ADMINISTRATION DIVISION:

The property must have fee access to Joppa Road in order for the Petitioner to construct the proposed on the property. It appears by the site plan that the subject tract is landlocked therefore no building application could be approved until proof is provided that there is fee access to public facilities.

Very truly yours,

Oliver L. Weaver
Oliver L. Weaver
Chairman

Item 4

CLERK

cc: Mr. Edward D. Hardesty
Zoning Commissioner
W. Lee Harrison, Esquire
306 W. Joppa Road
Towson, Maryland 21204

TELEPHONE 486-5413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE April 21, 1971

NO. 78679

FILED

TO: W. Lee Harrison, Esq.
305 W. Joppa Road
Towson, Md. 21204

Zoning Dept. of Baltimore County

REMITTANCE TO ACCOUNT NO. 01-522

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY 1

DESCRIPTION

Petition for Reclassification for Joseph L. Soley
Joppa Road

TOTAL AMOUNT \$58.00

COPIES 58.00

4

BALTIMORE COUNTY, MARYLAND No. 1410

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/23/71 ACCOUNT 01-662

AMOUNT \$75.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Cost of appeal - Jos. L. Soley
W. Lee Harrison, Atty for petitioner
#72-51-RA - 18667 FEE 24

75.00 ONE

TELEPHONE 484-2413

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Revenue Division
COURT HOUSE
TOWSON, MARYLAND 21204

DATE Sept. 27, 1971

NO. 84977

FILED

TO: Maryland Commercial Contractors, Inc.
5001 York Road
Towson, Md. 21204

Zoning Dept. of Baltimore County

REMITTANCE TO ACCOUNT NO. 01-662

RETURN THIS PORTION WITH YOUR REMITTANCE

DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS

QUANTITY 1

DESCRIPTION

Advertising and posting of property
#72-51-RA

TOTAL AMOUNT \$126.50

COPIES 126.50

4

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, GC, CA										
Reviewed by <i>[Signature]</i>	Revised Plans: Change in outline or description Yes ☐ No ☐									
Previous case: 69-181-RA	Map # 30									

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Reclassification Item No. 4

W. Lee Harrison, Esquire
305 W. Joppa Road
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 27 day of July 1971

[Signature]
Zoning Commissioner

Petitioner: Joseph L. Soley
Petitioner's Attorney: W. Lee Harrison

Reviewed by *[Signature]*
Chairman of Advisory Committee

NINTH ELECTION DISTRICT of BALTIMORE COUNTY, MD
FOR THE PURPOSE OF ZONING ONLY

PRESENT ZONING R-6 (DR-5.5)

PROPOSED ZONING DR-5.5 TO B-R

AREA TOTAL TRACT 0.72 of 1 ACRE

AREA OF ZONING 0.19 of 1 ACRE

AREA EXISTING BUILDING: TOTAL 2000 sq ft

RETAIL 70'x80' 5600 sq ft

SERVICE GARAGE 30'x80' 2400 sq ft

PARKING REQUIRED 42

DR 5.5

PROPOSED NEW WAREHOUSE
DEED: 1746 E JOPPA RD
AREA: 7200 sq ft
PARKING REQUIRED: 1 per 300 sq ft
TOTAL PARKING REQUIRED: 37
TOTAL PARKING SHOWN: 42
VARIANCES PROPOSED:

- 1 ZERO SIDE YARD IN LIEU OF 30'
- 2 ZERO REAR YARD IN LIEU OF 30'
- 3 5.5' SIDE YARD IN LIEU OF 30'

ALL PARKING REAR TO BE IN 1' grade & surface properly drained

Beginning parcel
to be zoned

B-R

EXISTING BUILDING
TUPICAL SUPPLIES
1744 E JOPPA RD

EXISTING

RETAIL
USES
70'x80' = 5600

SERVICE
4

1746 East Joppa Rd
GARAGE
30'x80' = 2400

1748 E Joppa Rd

JOPPA

ROAD

JOSEPH L SOLBY
8001 YORK ROAD
TOWSON, MARYLAND 21204
TEL 377-7111 (APR 2, 1971)

WILLIAM G. ULRICH JR
COUNTY SURVEYOR
COUNTY HOUSE
TOWSON, MARYLAND
SCALE 1" = 20' APRIL 2, 1971



W. G. BROWN JR. & ASSOCIATES, INC.

