PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

MAD 30

NO D.C

6/3/21

TO THE ZONING COMMISSIONER OF BALTIMORZ COUNTY:

*, or we, Joseph L. Soley 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 238, 2 to permit a side yard set back of 0 feet from the south 4 27 E 15, 19 foot line in lieu of the required 30 feet, to permit a side yard set back of 5, 25 feet from the no. th 4 27 W 13, 31 foot line in lieu of the required 30 feet and to permit a rear yard set back of 0 feet in lieu of the required 30 feet.

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

The adjoining properties are presently zoned Business-Roadside and are developed with commercial uses. Therefore, no set back is needed to provide circulation around the proposed warehouse. The rear yard variance is needed to allow proper design and circulation for the required

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this edition, and further agree to and are to be bound by the zoning regulations and restrictions of alimore County adopted pursuant to the Zoning Law For Baltimore County.

Joseph L. Soley

Address 8001 York Road Towson, Maryland 21204 Address 306 W Joppa Road Towson, Maryland 21204 (823-1200) ORDERED By The Zoning Com

, 1987 ..., that the subject matter of this pe of Patimore County, in two newspapers of ger required by the Zoning Law of Putimore Cou

A- 171 AM -

W. LEE HARRISON

November 17, 1971



S. Eric Lillenna, Esq. Zoning Commissioner County Office Building

Re: Petition for Reclassification and Variances, Joppa and Emge Joseph L. Scley - Petitioner No. 72-51-RA (Item No. 4)

Dear Mr. DiNenna:

Please note an appeal to the Board of Appeals for Baltimore County the decision and order of the Deputy Zoning Commissioner dated mber 12, 1971 denying the above requests, on behalf of Joseph L. Soley.

I enclose herewith check in the amount of \$75.00 to cover the costs

DLes Harrison

b/enc. CC: Mr. Joseph Soley

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALITMORE COUNTY:

County and which is described in the description and plat attached hereto and made a part hereo hereby petition (1) that the zoning status of the herein described property be re-classified, pursuan to the Zoning Law of Baltimore County, from an....R-f.or.DR-5.5....

Error in original zoning.

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for ...

Property is to be posted and advertised as prescribed by Zoning Regu

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., apon filing of this petition, and further agree to and are to be bound by the souling regulations and restrictions of Baltimore County acopted pursuant to the Zoning Law for Baltimore

for damor

Towson, Maryland 21204

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 72-51-RA

919.17

72-51-11

306 W. Joppa Road Towson, Maryland 21204 (823-1200)

ORDERED By The Zoning Commissioner of Baltimore County, this 27th

..., 19d1..., that the subject matter of this petition be advertised, as equired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-a distinction County, that property be posted, and that the public hearing be had before the Zoning

RE: PETITION FOR RECLASSIFICATION

Joseph L. Soley Petitioner

establishment faces on Joppa Rord,

from D.R. 5.5 zone to B.R. zone, and VARIANCES from Section 238.2 of the Zoning Regulations of Baltimore County

.

OPINION

abutting on and under the same ownership as a tract of land to the south of it which faces

on Jappa Road. Under the old zoning maps this piece of land, tagether with the Jappa

on the Law zoning maps as D.R. 5.5, and the dividing line included part of the buildings

presently in use on the entire tract. All of this was unknown to the owner prior to the

appears that the demarcation line was not obvious on the 1000 scale map, which is the

mitted under the B.R. zoning, and found that he cannot do so without a reclassification.

He asks not only the reclassification, but variances to permit a side yard setback of 0 feel

in lieu of the required 30 feet, and to permit a rear yard setback of 0 feet in lieu of the

developed with commercial uses, and no setback is needed to provide circulation around

the warehouse which the Petitioner proposes to erect for the use of his present tenant, whose

The Board has withheld its decision of this case pending the determination by

required 30 feet. All of the adjoining properties are presently zoned B.R. and are

The owner now desires to use the rear portion of his lot for purposes per-

map adoption, and actually did not occur until after this application was filed. It

This case involves a small tract of land 185 feet north of Joppa Road and

with Variances.

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

MEMORANDUM

Now comes Joseph L. Soley, owner of the above captioned property, by W. Lee Harrison, his attorney, and in accordance with Bill 72, ection 22, 22(b), states that the reclassification and variances requested

This request is for a rezoning of the rear portion of a tract of land nts on Joppa Road. The land is presently zoned B-R and R-6(DR-5. t appears that the County Council was in error when they adopted zoned B-R for its entire dopth as well as the property to the fore, creating a gap of R-8 (DR-5.5) approximately 65' x 125' County Council must be rectified by rezoning the proposed partel of land.

> W. Lee Harrison
> 306 W. Joppa Road
> Towson, Maryland 21204
> 823-1200
> Attorney for Politicans Attorney for Petitions

William G. Ulrich, Jr.

111 0

* GREE PHONE.

12-57

18 FULLERTON HEIGHTS AVE. BALTIMORE, MD. 21236

FOR THE PURPOSE OF ZONING ONLY

All that piece or parcel of land lying and being in the Ninth Election District of Bultimore County, State of Maryland and described

Beginning for the same at the northwesternmost corner of the art of ground conveyed by Walter C. Breidenstein to Stanley T. Vocke, by a deed dated October 15, 1945 and recorded among the land records of Bultimore in liber R.J.S. No. 1374 folio 142 etc. said point of beginning being distant north 87 degrees 11 minutes east 138 feet and north 4 degries 27 minutes west 165 feet from the center line of Fage Lane and the north at te of Johns Road (76 feet wide) running thence and hinding resent 3-R zoning line north 87 degrees 11 minutes east 124,74 or south 79 segrees 48 minutes west 125 feet 3 inches line of land owner by Walter C. Breidenstein and recorded among the land records of Bultison County in liber No. 1346 folio 519 etc., running thence and binding on said lot the two following courses and distances viz: south 79 degrees 48 sinutes west 125,25 feet and south 4 degrees 27 minutes east 57,19 feet to the place of beginning.

Containing 0.19 of an acre of land more or less.



William & Which JR

Joseph L. Soley - No. 72-51-RA

time for appeal to this Board has now expired and this action of the Deputy Zonina Commissioner further indicates that the present petition should be granted. It is to be noted that there were no protestants or any other objection in either case

This Board, therefore, determines as a matter of fact that there was error in the original zoning of the subject property, and will therefore grant the petition for the reclassification and the variances requested.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 26th day of June, 1972, by the County Board of Appeals ORDERED, that the reclassification from D.R. 5.5 to B.R. petitioned for be and the same is hereby Granted; and it is

FURTHER ORDERED, that Variances be Granted from Section 238.2 to permit a side yard setLack of 0 feet from "he south 4° 27 feet E. 15.19 foot line in lieu of the required 30 feet, to permit a side yard setback of 5,25 feet from the north 40 27 fee W. 73.31 foot line in lieu of the required 30 feet, and to permit a rear yard setback of 0 feet in lieu of the required 30 feet.

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

John A. Slowit

CERTIFICATE OF POSTING #77-51-84 Date of Posting and 14. 71 Posted for . Hearing Thurs Lut 94: 1971 & 10:00 Joseph L. Sila scrition of property: Bug 1851 M & Toppe Kil + 138' Earl & Loreston of Signer (3) I Ported ou Tippa Rd 2 Ported oppos 185! No 4 . Jup Ed. Date of return . Chery 26 - 21

The second second			
2 Sepin	GERTIFICATE OF ZOMMO DEPARTMENT OF BA YOURS, Maryl	LTIMORE COUNTY	#12-51-6
District. 9 N.		Date of Pactive	Luc. 2-11
Posted for: Petitioner: Janger Location of property: K	1. Soly.	Total Road	V. 138' Earl
Location of Signe (2)	L. Saleg. 3g. 185 He g. J ! Partil an Warden the other sail g. D	Sur Face	is do To Jeffer
Remarks: Posted by Olsard A	L. Kere	Data of return:	1-9-21

AUG 21 1972

the Diputy Zoning Commissioner or another p	minion (140, 72-170-K) for reclassificati
from D.R. 5.5 to B.R. of a piece of land lyin	ng between the Joppa Road tract and the
which is the subject of the present petition.	This property was rezoned in accordance
with the Order of the Deputy Zoning Commis	sioner under date of March 15, 1972. T

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

REFORE THE DEPUTY ZONING

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 ng water, sewers or heat. The building would cover all but 76, 4 square feet parcel. The one (1) parking space required for the two (2) emplo, ses would be provided on an adjoining parcel, which is zoned B. R. in part, and mercial building owned by the Petitioner. This parcel 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 is the subject of this Petition. The entire one hundred and eighty-five (1851) foot depth was zoned B. R. by Petition prior to the adoption of the preser

The present zoning map establishes a commercial B.R. depth of one hundred and fifty (150') feet from the centerline of Joppa Road, leaving mately 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 p.esently red and used as a parking area for the existing commercial building

The Petitioner claims error Lased on the fact that the Bulti

County Council did not zone the entire tract B.R., i.e., to a depth of two hundred and nine cr-three (293') feet from the centerline of Joppa Road. He ds that the property to the east which has a depth of two hundr and inety-three (293') feet as measured from the centerline of Joppa Road is 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.

Deputy Zoning Commissioner, that the Petitioner did not prove that the Baltimore County Council erred in zoning the subject property D. R. 5. 5.

another. The subject parcel is or was part of a residentially improved lot

Baltimore County, this 12th day of November, 1971, that the above be and the same is hereby DENIED and that the above des cribed property or area be and the same is hereby continued as 200 to rema a D. R. 5. 5 Zone

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

U.S. RECE OLDER

Item h

Ney 18, 1971

BALTIMORE COUNTY ZONING ADVISORY COMMITTED

COUNTY OF FREE SADO

BUREAU OF ENGINEERING DEPARTMENT OF

STATE TO UDS COM

BUNEAU OF HEALTH CEPARITIES

SCHLDING PEPARTY

ZONING ADDRESSES PARTITIONAL DEVELOPMENT

Mr. George E. Gavrelis Director Office of Planning and Zoming 301 Jefferson Building Touson, Maryland 21204 Charges MENNINS

RE: Item h (April - Outdoor 197A)
Property Occasive Joseph L. Solery
Location: Not Joppe Road, 130° E of
Expelance
Present Scalege Lang.
Proposed Fording: B.R. and Verificate
Proposed Fording: B.R. and Verificate
Histori

Doar Mr. Gavrelis:

The Zoning Advisory Cognition has reviewed the plans submitted with the above referenced polition and has made an on after field imposi-of the property. The following commands are a result of this review and imagestion.

thich tendingly properly is presently an uniqueous tend of his which tendinally white land count by the Patitions to the south. The properties to the morth is a warnir radionale tweet of land with which ironiting on large Bood to the usert. The properties to the used and south tweet are depreced with a receivement and a surgical apply cetted. Prop to the cast is improved with Corpet Point building, the property to the south with sarround countries used to the south with sarround countries used to the south with sarround countries were south with sarround countries with sarround countries with the sarround countries with the sarround countries and improvement to major collectors attracted.

The following comments are farmished in regard to the that substituted to this affice for review by the Kening Advisory Caratabas commention with the subject item.

The proposal that "We Water, No Saure, No Mant" are required conflicts with the Salatiner County Mudding and Plumbing Crico. If property is in common fee title with the existing veteil are shown that following commonte apply:

This site has frontage on Jopps Post.

Jopps Boad to an existing County Food, which has been I proved to

Storm Drains:

Provisions for accommodating storm drainage have not been indicated on the

-2-

The Fetitioner must provide necessary drainings facilities (temporary or personant) to prevent creating any musances or danages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, seek to improper grading or improper installation of drainings facilities, would be the full reponsibility of the Patitioner.

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 Flumbing and Bailding Codes.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, desaging private and public holdings below this property, and sediment cantrol is required by State law. A grading paratits, therefore, necessary for all grading, including the atripping 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 paralts. Waters

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, Flumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sever:

Public sanitary sever facilities are available to benefit this property.

The Potitioner is entirely responsible for the construction of his on site ate sanitary sources, which must conform with the Paltimore County Plumbing

This plat substitud does not adequately reflect private improvements on sit for stors dealn facilities, water system and sentiary newerage system.

If this property is not in fee with the property fronting Joppa Road, it is landlocked, that is, without fee access to any public facilities and the plan totally inodewarks.

The plan should be revised to reflect these items.

PROJECT PLANNING DIVISION:

0

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

- 3 -

& TOWNSON I IM IES

The Zening Commissioner of Baltimore County

STROMNERG PUBLICATIONS, Inc

By Buth morgan

BUILDINGS ENGINEER'S OFFICE:

Petitioner to comply with all applicable requirements of the Baltimore County Building Code and Regulation, when plans are submitted. Also, see Parking Lots "Section 1803.10 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 Joyan Road and could generate 100 trips per day. However, if dead end storage unrelocuse, it would generate much less.

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

The owner shall be required to comply with all applicable requirements of the 100 Life Safety Code, 1967 edition and the Fire Prevention Code then construction plans are established for approxile.

DEPARTMENT OF HEALTH:

Public wats, and never must be extended to serve this property. Otherwise, this office will not approve this operation at this location.

BOARD OF EDUCATION:

No beraring on student population.

ZONING ADMINISTRATION BIVISTON:

The property must have in fee access to Joyan Road in order for the Patitioner to construct the proposal on the property. It repress by the site plan that the subject twent is landleshed therefore no bud ding explication could be appeared until proof is provided that there is in fee access to public facilities.

Very truly yours.

0 CERTIFICATE OF PUBLICATION

TOWSON, MD ... August 19 17th day of ...

0

Iten h

OLN: no

W. Lee Harrison, Esquire 306 W. Joppa Poad Towson, Mary and 2120h

(1)

MIG 21 1672

********	PALTIM OF COUNTY MARYL! ID	7867 9 21, 1971
		TOTAL AMOUNT \$50.00
DEPORT TO	RETURN THIS PORTION WITH TOUR EXHITTANCE DETACH ALONG PERFORATION AND REEF THIS FORTION FOR YOUR RECORDS	COST -
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ELEPHONE co4-2413	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Large Deline COUNTY BOUSE TOWN, MAYLAND 21204	
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- 3	Abortising and pasting of property 72-51-8A	126.9
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PETITION	M	MAPPING PROGRESS SHEET								
	Wall Map				Duplicate		Tracing		200 Sheet	
FUNCTION	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	~	1								
Reviewed by: 4 Previous case: 69-	18	[<u>]</u> - e		Chan	sed Pl	utline		scrip	tion	_Ye _No

M. Lee Harrison, Esquire 305 W. Jopps Read Townon, Maryland 21204	BALT:HORE COUNTY OFFICE OF PLANNING ZONING ROCLAMBIC County Office Building Item No. b 11 U. Chaspaské Avenue Tomono, Naryland 21204
this <u>27</u>	Your Patition has been received and accepted for filling day of <u>July</u> Jan D J J J J J J J J J J J J J
Petitioner: Joseph L. Petitioner's Attorney	Zoning Commissioner Oley 102 en/

BALTIMORE COUN	ITY, MAS /LAND	No. 1410
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	DISTRIBUTION	
WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER
	Control of the Assessment Acres	
Cost of appeal -		
	Jos. L. Soley	,,
W. Lee Harrison	, Atty for peritione	
W. Lee Harrison		75.00m

