

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Thomas E. Sr. and Rose Mary

Legal owner of the property situated 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 rear yard setback of twenty feet (20') instead of the required thirty feet (30').

Present building is at required setbacks. New freezer would have to be placed in front yard to conform to setbacks and would create a hardship in design and parking.

See attached description

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

Contract purchaser
Address
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day

1972, 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 the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building, in Towson, Baltimore County, on the 21st day of August 1972 at 10:30 o'clock

At Baltimore, Maryland

73-34-A

MAHAN & HOLDEFER, INC.
SURVEYOR AND CIVIL ENGINEERS
1200 POPULAR STREET / CAMBRIDGE, MD. 21613 (301) 228-3300
110 P. MAIN STREET / WESTMINSTER, MD. 21157 (301) 846-1700
110 WASHINGTON STREET / CATON, MD. 21031 (301) 802-5433

June 26, 1972

RECOMMENDATION OF VARIANCE FOR REAR YARD SETBACK FROM BALTIMORE COUNTY ZONING REGULATIONS

Beginning for the same on the southeast side of Philadelphia Road as laid out 60 feet wide, said place of beginning being distant 1,200 feet, more or less, measured southwesterly along said side of Philadelphia Road from its intersection with the centerline of Rosedale Avenue, thence leaving said place of beginning and running and bounding on the southeast side of Philadelphia Road (S) South 40 degrees 15 minutes 20 seconds West 101.00 feet, thence leaving the southeast side of said Philadelphia Road and running the 3 following courses and distances, viz: (S) South 21 degrees 07 minutes 40 seconds East 155.40 feet, thence (S) North 28 degrees 56 minutes 30 seconds West 100.00 feet and thence (S) South 10 minutes 40 seconds West 173.61 feet to the place of beginning.

Containing 0.377 acres of land, more or less.

This description has been prepared for zoning purposes only and is not intended to be used for other purposes.

ALAN ELLIOTT, P.E. / CAMBRIDGE / JOHN W. LUTER
J. CARROLL MAHAN, P.E. / WESTMINSTER / JAMES W. HOLDEFER, P.E.
GEORGE H. HOLDEFER, P.E.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

August 1, 1972

Mr. Thomas E. Schisler
3033 Granda Avenue
Baltimore, Maryland 21234

RE: Variance Petition
Item 11
Thomas E. Sr. and Rose Mary Schisler

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 attached comments are a result of this review and inspection.

The subject property is located on the southeast side of Philadelphia Road, in the 14th District of Baltimore County. This unimproved business roadside zone is directly adjacent to other unimproved properties. However, a service station does exist at the rear of this site. The service station fronts on Pulaski Highway. The northeast side of Philadelphia Road is improved at the corner of Rosedale Avenue and Philadelphia Road with a small beauty shop and residences opposite this proposed location. The subject petition is accepted for filing, however, revised site plan indicating one of the alternative parking arrangements, as indicated by the Department of Traffic Engineering, must be submitted prior to the hearing. We feel that this alternative parking layout is much more desirable and functional than the original arrangement on the submitted site plan. Also, a root high screen planting or fence must be indicated along the parking area that fronts on Philadelphia Road to screened a residential zoning across the street.

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 furnished to you in the near future.

Very truly yours,
John J. Dillon, Jr., Chairman
Zoning Advisory Committee

Enclosure

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Chief of Engineering
ELLSWORTH N. DYER, P.E., Chief

July 26, 1972

Mr. J. Eric Diller
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #11 (1972-1973)
Property Owner: Thomas E. Sr. & Rose Mary Schisler
5/25 Philadelphia Rd., 1935' W of Rosedale Ave.
Present Zoning: R-1
Proposed Zoning: Variance from Section 238.2 to permit a rear yard setback of 20' instead of required 30'
District: 14th No. ACRES: 0.377 Acres

Dear Mr. Dillman:

The formal comments dated May 6, 1972, furnished the Applicant, Dillman and Sons, in connection with Commercial Building Permit Application #366-72 (37655), by the Bureau of Public Service, remain applicable. A copy of those comments is attached for your consideration.

Very truly yours,
Ellsworth N. Dyer, P.E.
Chief, Bureau of Engineering

ENCLOSURES
J-EH Ray Sheet
7 WS 15 Position Sheet
WS 2 E Topo
56 Tax Map
cc: George A. Reier
Natti A. Kasir

Attachments

Baltimore County Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

May 9, 1972

RECEIVED
MAY 12 1972
BUREAU OF PUBLIC SERVICE
BUREAU OF ENGINEERING

RE: Com. Bldg. Appl. #366-72 (37655)
Dillman & Sons
8/3 7013 Philadelphia Road
125' E of Rosedale Avenue
District 14

Comments:
The submitted application has been reviewed and comments are as follows.

REMARKS ON THE PETITION
RE: Highway Comments:
Philadelphia Road (MD Route 7) is a State Road; therefore, all improvements, interchanges and entrances on this road will be subject to State Highway Administration requirements.

It shall be the responsibility of the Applicant's engineer to clarify all right-of-way within the property and to indicate such action that may be necessary to abandon, widen or extend said right-of-way. The Applicant shall be responsible for the acquisition of all necessary easements and for all costs of acquisition and/or abandonment of these right-of-way.

There are no existing county roads involved; therefore, this office has no further highway comments.

Storm Drain Comments:
In accordance with the drainage policy for this type development, the Applicant is responsible for the total actual cost of drainage facilities required to serve the 20' wide rear yard. The drainage facilities include the acquisition of easements and right-of-way, construction and installation of all conduits, the design in fee to the County of the right-of-way, construction of all conduits, the design, right of way and all actual construction costs including the County overhead both within and outside the development, are also the responsibility of the Applicant.

RE: Com. Bldg. Appl. #366-72 (37655)
Dillman & Sons
District 14

May 9, 1972

Storm Drain Comments, Cont'd:
On-site drainage facilities serving only areas within the site do not require construction under a County permit. Such facilities are considered private. Therefore, construction and maintenance shall be the Applicant's responsibility.

The Applicant must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of any 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 Applicant.

As stated before, Philadelphia Road is a State Road. Therefore, drainage requirements as they affect that road are under the jurisdiction of the Maryland State Highway Administration.

Sediment Control Comments:
Development of this property through striping, grading and stabilization could result in a sediment erosion problem. Therefore, the Applicant must provide sediment control facilities. A grading permit is, therefore, necessary for all grading, including the striping of the road.

Water Comments:
While water is available to serve this property, there is an existing 12-inch water main in the area as shown on drawing #20-273 (1). Permission to obtain a reduced connection from this existing main may be obtained from the Department of Public Works and Licenses.

The Applicant is entirely responsible for the construction, and the cost of the water main and the connection of the water main to the site. He is responsible for all necessary easements and right-of-way.

Any construction within the site and right-of-way will be subject to the existing, or existing and a portion of the State Highway Administration, in addition to those of Baltimore County.

This property is subject to a Water System Connection Charge based on the size of the water main to which it is connected.

RE: Com. Bldg. Appl. #366-72 (37655)
Dillman & Sons
District 14

May 9, 1972

Water Comments, Cont'd:
The total Water System Connection Charge is determined, and payable, upon application for the building permit.

Sanitary Sewer Comments:
There is an existing private sanitary sewer along the south property line of this site, which is served by the public sewer in Philadelphia Road as shown on drawing #20-273 (1).

Permission to connect to the private system must be obtained from the owner of this system, and permission to use the connection from this site to the public sanitary sewer must be obtained from the Department of Public Works and Licenses.

The Applicant is entirely responsible for the construction, and the cost of the construction and maintenance, of his private sanitary sewer, which must conform with the Baltimore County Plumbing Code.

No approval is granted to include any food waste grinder through the sanitary line. This is subject to further review, upon application for permission to the Department of Public Works and Licenses.

Sanitary sewer is subject to a Sanitary Sewer System Connection Charge based on the size of water meter used. This charge is in addition to the normal front foot assessment and permit charges.

The total public sanitary sewer system connection charge is determined, and payable, upon application for the building permit.

The Applicant is entirely responsible for the construction, and the cost of the construction and maintenance, of his private sanitary sewer, which must conform with the Baltimore County Plumbing Code.

Any construction within the site and right-of-way will be subject to the existing, or existing and a portion of the State Highway Administration, in addition to those of Baltimore County.

RE: Com. Bldg. Appl. #366-72 (37655)
Dillman & Sons
District 14

May 9, 1972

Comments:
It is our opinion that the subject application should be held in abeyance until such time as the plan is revised.

Very truly yours,
George A. Reier
Bureau of Public Service

RE: Highway Comments:
Philadelphia Road (MD Route 7) is a State Road; therefore, all improvements, interchanges and entrances on this road will be subject to State Highway Administration requirements.

It shall be the responsibility of the Applicant's engineer to clarify all right-of-way within the property and to indicate such action that may be necessary to abandon, widen or extend said right-of-way. The Applicant shall be responsible for the acquisition of all necessary easements and for all costs of acquisition and/or abandonment of these right-of-way.

There are no existing county roads involved; therefore, this office has no further highway comments.

Storm Drain Comments:
In accordance with the drainage policy for this type development, the Applicant is responsible for the total actual cost of drainage facilities required to serve the 20' wide rear yard. The drainage facilities include the acquisition of easements and right-of-way, construction and installation of all conduits, the design in fee to the County of the right-of-way, construction of all conduits, the design, right of way and all actual construction costs including the County overhead both within and outside the development, are also the responsibility of the Applicant.

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 due to the depth of the lot and that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community.

to permit a rear yard setback of twenty (20) feet
Variance instead of the required thirty (30) feet should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of August, 1972, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this Order, to permit a rear yard setback of twenty (20) feet instead of the required thirty (30) feet, subject to the approval of a site plan by the State Highway Administration, the Bureau of Public DEPT. Zoning Commissioner of Baltimore County 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 Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day

of 1972, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

July 27, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 11 - ZAC - July 11, 1972
Property Owner: Thomas E. Sr. & Rose Mary Schisler
Philadelphia Road SW of Rosedale Avenue
Variance from Section 238.2 to permit a rear yard setback of 20' instead of required 30'
District 14

Dear Mr. DiNenna:

The requested variance is not expected to create any traffic problems.

It must be pointed out to the petitioner that a more efficient parking layout can be designed very easily. Should the petitioner desire any assistance with the parking lot, this office will provide some assistance.

Very truly yours,

Wm. T. Miller
Traffic Engineer Associate

MSF:mr



Maryland Department of Transportation

State Highway Administration

July 12, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland
Attn: Mr. John J. Dillon

ITEM 11
Re: Z. A. C. Meeting
July 11, 1972
Property Owner: Thomas E. Sr. & Rose Mary Schisler
Location: S/E/S Philadelphia Road, 1935' S/W Rosedale Ave. (Route 7)
Present Zoning: B.R.
Proposed Zoning: Variance from section 238.2 to permit a rear yard setback of 20' instead of required 30'
District 14
No. Acres: 0.377 acres

Dear Mr. DiNenna:

The subject plan indicates entrance channelization that would be acceptable to the State Highway Administration.

An entrance permit has been issued.

Very truly yours,

Charles Lee, Chief
Development Engineering Section

By: John E. Meyers
Asst. Development Engineer

CLJ:EMibk

300 West Preston Street, Baltimore, Maryland 21201. Telephone: 301-383-4204

Baltimore County Fire Department



Towson, Maryland 21204
828-7318

J. Austin Deitz
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee

Re: Property Owner: Thomas E. Sr. and Rose Mary Schisler

Location: S/E/S Philadelphia Road, 1935' S/W of Rosedale Avenue

Item No. 11 Zoning Agenda July 11, 1972

Gentlemen:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: [Signature] Noted and Approved: Deputy Chief
Planning Group Special Inspection Division Fire Prevention Bureau

mls
4/25/72

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

July 18, 1972

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 11, Zoning Advisory Committee Meeting July 11, 1972, are as follows:

Property Owner: Thomas E. Sr. and Rose Mary Schisler
Location: S/E/S Philadelphia Road, 1935' S/W of Rosedale Ave.

Present Zoning: B.R.
Proposed Zoning: Variance from Section 238.2 to permit a rear yard setback of 20' instead of required 30'.
District: 14
No. Acres: 0.377

Metropolitan water and sewer are available to the site.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene.

(continued)

Mr. S. Eric DiNenna

July 18, 1972

Department of Water Resources Comments: If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with the Department of Water Resources requirements.

Very truly yours,

Thomas W. Devlin
BUREAU OF ENVIRONMENTAL SERVICES

WMC:mas

cc: W.L. Phillips
L.A. Schuppert

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director

JEFFERSON BUILDING
Suite 301
Towson, Md. 21204
494-3211

S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
494-3211

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 11, Zoning Advisory Committee Meeting, July 11, 1972, are as follows:

Property Owners: Thomas E. Sr. and Rose Mary Schisler
Location: S/E/S Philadelphia Road, 1935' S/W of Rosedale Avenue
Present Zoning: B.R.
Proposed Zoning: Variance from Section 238.2 to permit a rear yard setback of 20' instead of required 30'.
District: 14
No. acres: 0.377 acres

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

Very truly yours,

Richard B. Williams
Planner II
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

ITEM # 11
July 11, 1972

TOWSON, MARYLAND 21204

Property Owner: Schisler
District: 14
Present Zoning: BR
Proposed Zoning: Var.
No. Acres: 0.377

No bearing on student population

SQUARE CUT ON N.W. CORNER OF SIGN
BASE ON EAST SIDE OF PHILADELPHIA RD.
ESSO STATION 500 S. OF ROSDALE HEIGHTS.

ROSEDALE HEIGHTS

PHILADELPHIA (60 WIDE) ROAD

T-200 Elec.

Z 2440 - B.R.

1. STORY BLOCK
2. STAT. 01

ZONED B.R.-C.S.1

PLOT PLAN

PROPOSED RETAIL STORE:

SECTION DISTRICT #14

BALTIMORE COUNTY MARYLAND

APPROX. 0.2-7 AC.

EXIST NO. 120 - P. P

A-22 OF B-110 - 2,400 Sq. Ft.

NEED PARKING SPACES REQD - $\frac{2400}{400} = 12$ SPACES

NEE BARKING SPACES PROVIDED = 12 (10 x 10, 180 Sq. Ft.)

✓ 2000-06 CONGRASS 146-11

VARIANCE FROM SECT. 238.2 TO PERMIT A REAR YARD SETBACK OF 20' INSTEAD OF REQUIRED 30'.

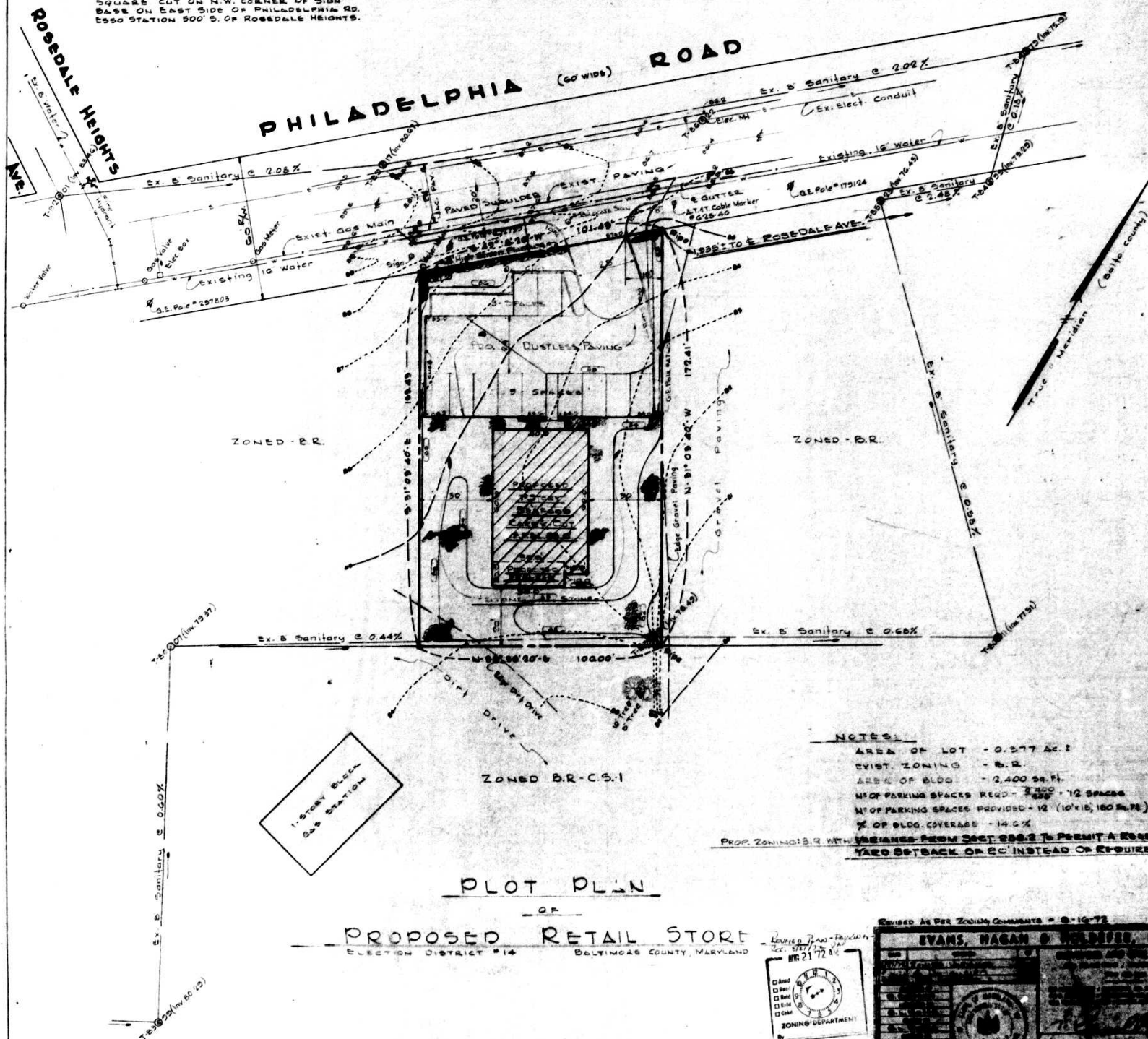
EVANS, HAGAN & HOLDEFER, INC

VOID SEE REVISED
REVISED 8/24/72 yaf
Kna

BENCH MARK:

HUB N° X-6754 ELEV. 102.520 (Baltimore Co.)

SQUARE CUT ON N.W. CORNER OF SIGN
BASE ON EAST SIDE OF PHILADELPHIA RD.
5550 STATION 500 S. OF ROSEDALE HEIGHTS.



NOTES:

- AREA OF LOT - 0.277 AC ±
- EXIST. ZONING - B.R.
- AREA OF BLDG. - 2,400 SQ. FT.
- Nº OF PARKING SPACES REQ'D - 12 SPACES
- Nº OF PARKING SPACES PROVIDED - 12 (10' x 15, 100 SQ. FT.)
- % OF BLDG. COVERAGE - 14.0%

PROPOSED ZONING: B.R. WITH VARIANCES FROM DIST. 200.2 TO PERMIT A ROSE
YARD SETBACK OF 20' INSTEAD OF REQUIRED 50'.

PLOT PLAN

OR

PROPOSED RETAIL STORE

ELECTION DISTRICT #14 BALTIMORE COUNTY, MARYLAND

REVISED AS PER ZONING COMMENTS - 8-16-72

EVANS, HAGAN & WILKINS, INC.



RECEIVED AND FILED	
DATE	FILED
21-72	10-16-72
ZONING DEPARTMENT	