

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
WATSON'S GARDEN CENTERS, INC., 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from DR. 5.5 zone to an ...B.L. zone; for the following reasons: Because of error in recent zoning map for Central Sector adopted by the County Council for Baltimore County on March 24, 1971 and approved and enacted by the County Executive on April 2, 1971.

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 ...

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

WATSON'S GARDEN CENTERS, INCORPORATED
BY: James P. Harrison Legal Owner
Contract purchaser
Address: 102 M. Pennsylvania Avenue
Towson, Maryland 21204

Harrison Stone, Petitioner's Attorney
Address: 102 M. Pennsylvania Avenue
Towson, Maryland 21204
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 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 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 20th day of December, 1972, at 4:00 o'clock.

Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, INCORPORATED, 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. 232.3b to permit a rear yard setback of "0" feet instead of required 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty because of vandalism, etc., in the general area. Petitioner needs the area covered by the existing setback requirement in order to provide adequate security in the form of two garages for its vehicles.

See attached description

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 petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

WATSON'S GARDEN CENTERS, INCORPORATED
BY: James P. Harrison Legal Owner
Contract purchaser
Address: 1620 York Road
Lutherville, Maryland 21093

Harrison Stone, Petitioner's Attorney
Address: 102 M. Pennsylvania Avenue
Towson, Maryland 21204
ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of October, 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 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 20th day of December, 1972, at 4:00 o'clock.

Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

APR 1
3322 MOHAWK AVE.
BALTIMORE, MD 21224
PHONE 444-4324
associates / land surveyors

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE AND VARIANCE
PARCEL A
WATSON'S GARDEN SUPPLIES
1620 YORK ROAD, 6TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

RESUBMITTING FOR THE SAME at a point in the Southerly outline of land of Robert E. Shock, now occupied by Watson's Garden Supplies; said point being situate the following two courses and distances from the corner formed by the intersection of the West side of York Road, 66 feet wide, with the Northerly side of Bellona Avenue: (1) North 13 degrees 45 minutes 00 seconds West 268 feet and (2) South 76 degrees 30 minutes 00 seconds West 267.0 feet; thence running from said point of beginning along the outlines of the land of said Robert E. Shock, now occupied by Watson's Garden Supplies, the following three courses and distances: (1) South 76 degrees 30 minutes 00 seconds West 22.17 feet (2) North 14 degrees 44 minutes 00 seconds West 322.92 feet and (3) North 76 degrees 35 minutes 00 seconds East 28.17 feet to a point distant 267.0 feet from the West side of York Road, 66 feet wide; thence running by a line parallel to and 267.0 feet West from the West side of York Road, Southeasterly 322.85 feet to the point of beginning; containing 0.475 square feet more or less.

3/22/1972



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: November 16, 1972
FROM: Baltimore County Planning Board
SUBJECT: Zoning Reclassification Petition

Property Owner: Watson's Garden Centers, Inc.
Location: W/S of York Rd., 268' N. of Bellona Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
Cycle IV, Item 13

This request is for B.L. zoning for a portion of the corner of the Watson's Garden Center property located on the west side of York Road, 268 feet north of Bellona Avenue.

The entire property was zoned B.L. by Zoning Petition Numbers 5160 and 5251-RX, granted December 14, 1960 and May 24, 1961, respectively. A drafting error in plotting these petitions of that time was inadvertently carried over to the comprehensive zoning maps, adopted by the County Council on March 24, 1971. This resulted in unintentionally changing the zoning from B.L. to D.R. 5.5 on this portion of the tract.

The Planning Board, therefore, recommends that B.L. zoning be restored here so as to conform to the zoning classification granted by the aforementioned zoning petitions.

PETITIONERS EXHIBIT #2



County Council of Baltimore County County Office Building, Towson, Maryland 21204

November 17, 1972

COUNCILMEM

First District
FRANCIS C. BARRETT
Second District
WALTER TYRRE, JR.
Third District
WALTER TYRRE, JR.
Fourth District
WALTER TYRRE, JR.
Fifth District
WALTER TYRRE, JR.
Sixth District
WALTER TYRRE, JR.
Seventh District
WALTER TYRRE, JR.

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

Dear Mr. DiNenna:

Please be informed that the Baltimore County Council at their meeting on Monday, November 6, 1972 approved Planning Board Resolutions certifying that early action is manifestly required in the public interest and because of emergency on the following petitions:

- Petition of Albert M. and Carolyn M. Antila to restore the B.L. and C.S. 2 zoning classifications for a portion of their property at the southeast quadrant of the intersection of Harford Road and 5th Avenue.
- Petition of Nathan Scherr to restore the D.R. 16 zoning classification to part of the tract of land in the Fourth Election District on which the Westbury Apartments have been constructed.
- Petition of Watson's Garden Centers, Inc., to restore the B.L. zoning classification to the rear portion of its property at 1620 York Road in Lutherville.

Very truly yours,

Francis C. Barrett
Francis C. Barrett
Chairman

FCB:bl

CC: Mr. Albert V. Quimby

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

October 26, 1972

Albert V. Quimby
Acting Director
County Office Building
Towson, MD 21204
410-2211

The Honorable Francis C. Barrett
Chairman, Baltimore County Council
Towson, Maryland 21204

Dear Sir:

At its regular meeting on Thursday, October 19, 1972, the Baltimore County Planning Board, under the provisions of Subsection 22-22(1) of the Baltimore County Code 1968, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest on the following zoning reclassification petitions:

Petition of Watson's Garden Centers, Inc., to restore the B.L. zoning classification to the rear portion of its property at 1620 York Road in Lutherville.

Petition of Shore Realty Company on behalf of Levenson and Klein to change the zoning classification of its property on Pulaski Highway from M.L. to B.R.

With respect to the Watson petition, the Planning Board is of the opinion that comprehensive-map reclassification of part of this property as D.R. 5.5, when the entire property had previously been classified and developed as B.L., resulted from a drafting error.

In the second case, the Planning Board is of the opinion that it would be in the public interest to expedite the hearing of this petition.

Copies of the petitions, together with their attorneys' letters to the Planning Board, are attached. I will be happy to provide additional information upon your request. Notification to the Zoning Commissioner of the Council's actions on these matters is necessary so that his early action can be taken in accordance therewith.

Sincerely,
Albert V. Quimby
Acting Secretary
Baltimore County Planning Board

cc: The Honorable Francis X. Bessie
The Honorable Gary Huddles
The Honorable C. Walter Tyrre, Jr.
The Honorable Webster C. Dove
The Honorable Harry J. Bartenfelder
The Honorable Wallace A. Williams
Mr. Herbert E. Hohenberger
Mr. S. Eric DiNenna

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1972

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 December 7, 1972, at 10:00 a.m., on the 7th day of December, 1972, the first publication appearing on the 7th day of December, 1972.

THE JEFFERSONIAN,
Lutherville, Maryland
Manager.

Cost of Advertisement, \$

PETITION FOR RECLASSIFICATION AND VARIANCE FROM AREA AND HEIGHT REGULATIONS

LOCATION: West side of York Road, 268 feet north of Bellona Avenue.

DATE: Thursday, December 14, 1972, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

PROPOSED ZONING: B.L.

EXISTING ZONING: D.R. 5.5

REASON FOR PETITION: To restore the B.L. zoning classification to the rear portion of the property at 1620 York Road, Lutherville, Maryland, which was previously zoned B.L. by Petition Numbers 5160 and 5251-RX, granted December 14, 1960 and May 24, 1961, respectively. A drafting error in plotting these petitions of that time was inadvertently carried over to the comprehensive zoning maps, adopted by the County Council on March 24, 1971. This resulted in unintentionally changing the zoning from B.L. to D.R. 5.5 on this portion of the tract.

RECOMMENDATION: The Planning Board, therefore, recommends that B.L. zoning be restored here so as to conform to the zoning classification granted by the aforementioned zoning petitions.

BY ORDER OF:
S. ERIC DINENNA,
ZONING COMMISSIONER OF
BALTIMORE COUNTY

ORIGINAL
Office of
THE TOWSON TIMES
TOWSON, MD. 21204 December 11 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 11 day of December 1972; that is to say, the same was inserted in the issue of December 7, 1972.

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan

RE: PETITION FOR A RECLASSIFICATION AND A VARIANCE : BEFORE THE
W/S of York Road, 268' N of : DEPUTY ZONING
Beltona Avenue - 8th District : COMMISSIONER
Watson's Garden Centers - Petitioner :
NO. 73-150-RA (Item No. 13) : OF
: BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a D.R. 5.5 Zone to a B.L. Zone and a rear yard Variance to permit a zero (0) foot setback across the full width of the herein described property.

Mr. Alexander P. Ratych, registered land surveyor, Mr. James S. Watson and Mr. Joseph Watson, secretary-treasurer and president, respectively for Watson's Garden Center, testified in essence as follows.

The parcel in question consists of a slightly irregular strip of land with an average depth of 25.17 feet, and is part and parcel of an overall tract of ground improved and utilized as Watson's Garden Center for the past ten (10) years.

Said strip is located at the extreme rear of the tract and has been improved and utilized for seventeen (17) parking spaces, and a storage area for several years. A six (6) foot stockade fence has also been constructed along the rear of said strip and separates the garden center from the residential homes that front Division Avenue and back on the center.

Prior to relocating his business on the subject property, the present Petitioner petitioned for and received Business, Local zoning on the entire tract including the subject parcel. The zoning was granted by way of Case No. 5160 and No. 5251 on December 14, 1960 and May 24, 1961, respectively.

Since that time (1963), the business has flourished, the building has been expanded, and an accessory building and outdoor garden display areas have been added. Operating space has become a problem, as has the storage

of materials, vehicles, and equipment. Land planning experts were hired, and a master plan, indicating the most expeditious use of the property, was established.

As a result of this planning, applications for building permits for a greenhouse and two (2) garage type storage buildings were made to Baltimore County. No problems were encountered with the greenhouse. This permit was issued. However, the applications for the storage building was denied, based on the present zoning classification (D.R. 5.5) of the area on which the building was to be located.

Upon being informed that the present Comprehensive Zoning Map, adopted March 24, 1971, had established the westernmost commercial zoning boundary at a point three hundred (300) feet west of the center line of York Road which, in effect, downshifted the rear 25.17 feet from the original B.L. Zone granted by the above mentioned Petitions to a D.R. 5.5 Zone, Mr. Watson immediately filed a Reclassification Petition to restore the original commercial zoning. At the same time, application was made to the Planning Board for an emergency and/or earlier hearing that would remove the Petition from regular cycle hearings.

At its regular meeting on Thursday, October 19, 1972, the Planning Board, under the provision of Subsection 22-22 (1) of the Baltimore County Code 1968, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest on Mr. Watson's Petition.

In connection with this action, the Planning Board further stated that it was their opinion that the D.R. 5.5 classification had been placed on the subject parcel (after the property had been classified and developed as B.L.) as a result of a drafting error. (See Petitioner's Exhibit No. 4)

The Honorable Francis C. Barrett, Chairman of the Baltimore County Council, wrote to the Zoning Commissioner on October 26, 1972, and informed him that the Planning Board's resolution had been approved by the

- 2 -

without interfering with the general welfare of the community while maintaining the spirit and intent of the regulations.

The only screening ever required by the Baltimore County Zoning Regulations, was a four (4) foot high fence or planting adjacent to the area used for parking. Several years ago, a six (6) foot high stockade fence was constructed directly on the property line across the full width of the lot. If this six (6) foot high fence was not constructed as a result of the request by adjoining property owners, it has served the purpose of providing screening and privacy for several years. The fact that Mr. Tober is presently requesting that it be maintained, is some indication that a six (6) foot fence placed on the property line is an asset rather than a liability.

Testimony indicated that the fence had aged several years, and even though new posts have been installed, some sections are not in the best of repair. This condition also lends credit to the Petitioner's testimony that a masonry wall would be beneficial. However, any height over and above six (6) feet could encroach on the welfare of the adjoining residences and would violate the spirit and intent of the regulations as they have applied to the Petitioner's property and the adjoining residential properties for several years. Therefore, any wall, whether it be the wall of a building or a screen type wall, should be setback a minimum of one (1) foot for each foot in height over six (6) feet. However, it should not be situated closer than 2.5 feet to the property line, the distance required for an accessory structure on an adjoining residential lot.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 12th day of January, 1973, that the herein described property or area should be and the same is hereby Reclassified from a 5.5 Zone to a B.L. Zone.

Further, a Variance to Section 232.3b, to permit a rear yard setback of 2.5 feet across the full width of the site, instead of the required twenty (20)

feet should also be Granted, subject, however, to the following restrictions:

1. A six (6) foot high masonry wall being constructed across the full width of the herein petitioned for property. Said wall may be utilized as the rear wall of a building or building, said building being subject to all other pertinent zoning requirements.
2. The height of said six (6) foot wall may be increased based on a ratio of a one (1) foot setback measured from the property line for each foot or part thereof that the wall extends above six (6) feet.
3. Said Reclassification and Variance also being subject to the approval of a site plan by the State Highway Administration, Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

Baltimore County Council at their meeting of November 6, 1972. (See Petitioner's Exhibit No. 2)

Planning Board recommendations with regard to this hearing, again indicated that a drafting error had been made, and recommended that the B.L. zoning be restored to conform to the classification granted by the aforementioned zoning Petitions. No recommendation was made with regard to the requested Variance. (See Petitioner's Exhibit No. 2).

With regard to the Variance, the Petitioner described the nature of his business as one that requires large outdoor display areas for plants, trees, and shrubs. He also cited a need for an indoor storage area for maintenance and security reasons, and the unusually long distance between his rear property line and the dwellings on the adjoining lots (approximately two hundred (200) feet). The existing six (6) foot high stockade fence that separates them from his business, the fact that he is the owner of one (1) of these adjoining lots, and that his father and mother reside on this property, was also offered as justification for the Variance.

It was also his opinion, as an expert landscape architect, that the placing of a masonry wall along these property lines would benefit the residences by providing a permanent screen that will not deteriorate over the years and will abate much of the noise that exists during the day, as well as the noise from traffic on York Road during the night hours when his business is closed.

In answer to questions concerning the property owned by him and resided on by his father and mother, Mr. Joseph Watson stated that he had no plans to build a driveway or road through the lot that would connect it to Division Avenue. He further indicated that he had no plans for the property at this time other than what it is being used for. In the event that his parents move, the dwelling would, in all likelihood, be rented.

The Protestants, who were represented by counsel, were Mrs. Helen K. Ross, secretary and member of the zoning board, of the Lutherville

- 3 -

Community Association, Mrs. Ross resides at 1098 Division Avenue across the street from the dwelling that backs on the subject property, and Mr. Allen Tober, who owns and resides on a lot that backs on the subject property and sides on the dwelling occupied by Mr. Watson's father and mother.

Mr. Tober requested that the existing stockade fence be maintained and replaced as needed. However, he felt that any new wall constructed as a result of this hearing, whether part of a building or a screening wall, should not be placed directly on the property line, and that evergreen screening of some type should be placed in front of the wall.

Mrs. Ross strongly objected to the granting of the reclassification. It was her opinion as well as that of her counsel, that a drafting error, or any error for that matter, had not been made, and that the Planning Board and/or County Council had intended to establish the commercial zoning line as it presently exists (three hundred (300) feet from the center line of York Road). It was also their opinion that the granting of this request would establish a jog in the zone line as it parallels York Road, and as such, it would be out of character and not in the best interest of the community. They felt that if the Planning Board had erred, they would have recommended that the entire line be corrected including the properties on both sides of Watson's Garden Center.

OPINION

It is the opinion of the Deputy Zoning Commissioner, that the evidence and testimony presented in this case overwhelmingly supports the Petitioner's contention that an error was made in placing a D.R. 5.5 zoning classification on the subject parcel, and that the area petitioned for should be reclassified to a B.L. Zone.

Insofar as the Variance is concerned, the Petitioner has proven to the satisfaction of the Deputy Zoning Commissioner that practical difficulties do exist with the development of his property for his particular use, and some relief to the twenty (20) foot rear yard setback requirement can be given

- 4 -

RES/jen
9/27/72

MEMORANDUM

The Petitioner, Watson's Garden Centers, Incorporated, asserts that the recent zoning map adopted by the County Council for Baltimore County for the Central Sector on March 24, 1971 and approved and enacted by the County Executive on April 2, 1971, was in error in classifying the tract of land involved in these proceedings DR 5.5 instead of BL.

Under the prior zoning map, the depth of Petitioner's property was measured from the side of York Road and was zoned BL in its entirety. When the aforesaid recent map was adopted, such depth was measured from the center of York Road, leaving a strip in the rear of approximately 8,125 square feet inadvertently zoned DR 5.5.

The requested reclassification continues to remain totally compatible with the existing zoning in both the immediate and general area of the subject property.

For the above reasons, Petitioner believes it was in error not to assign a BL classification to the subject tract.

WATSON'S GARDEN CENTERS,
INCORPORATED

E. Harrison Stone
Attorney for Petitioner

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: Dec. 9, 1972
Posted for: RECLASSIFICATION & VARIANCE
Petitioner: WATSON'S GARDEN CENTERS, INC.
Location of property: W/S of York Rd., 268' N. of Beltona Ave.
Location of Signs: 010 W/S of York Rd., 300' N. of Beltona Ave.
Remarks: Charles M. H. H. H.
Posted by: Signature Date of return: Dec. 15, 1972

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, CC, CA										
Reviewed by: [Signature]			Revised Plans: Change in outline or description Yes No							
Previous case:			Map #							

ROYSTON, MULLER,
THOMAS & McLEAN
ROUTE 80
114 W. PENNA. AVE.
TOWSON, MD. 21204
RES-1000

MAR 28 1973

**BALTIMORE COUNTY
ZONING ADVISORY COMMITTEE**



**PETITION AND SITE PLAN
EVALUATION COMMENTS**

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

Mr. J. DILLON, JR.,
Chairman

E. Harrison Stone, Esq.,
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 13
Watson's Garden Centers, Inc. - Petitioner

Dear Mr. Stone:

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 located on the west side of York Road, 268 feet north of Bellona Avenue, in the 8th District of Baltimore County, and situated at the rear of the existing Watson's Garden Center complex. This property is 22.17 feet x 322.92 feet and contains 8125 square feet and is directly adjacent to existing residential DR 5.5 properties that front on Division Avenue. The submitted site plan indicates that this area will be used for parking and two garage structures are proposed. This property is currently being used in conjunction with the garden center.

The petitioner is advised that any structures placed in this area would require a 20 foot setback from the adjoining residential zone, therefore, the proposed structures would either have to be relocated or a Variance requested to Section 232.3b to permit a zero rear yard in lieu of the required 20 feet.

This petition is accepted for filing on the date of the enclosed filing certificate. However, all corrections to site plans as requested shall be submitted to this office prior to Thursday, February 1, 1973 in order to allow time for advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1973 and April 15th, 1973 will be forwarded to you in the near future.

Yours very truly,
John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJD:JO
Enclosure

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

Bureau of Engineering
ELLSWORTH N. DIVER, P.E. Chief

October 24, 1972

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

Re: Item #13 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Watson's Garden Center
W/S York Road, N/S Bellona Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass. from D.R. 5.5
District: 8th No. Acres: 8,125 sq. ft.

Dear Mr. DiNenna:

All public works facilities exist relative to this site. No further public works improvements are required for development of this site.

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.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RANK:ONE:SS

S-SE Key Sheet
17 NS 1 Justification Sheet
NW 12 A Topo
60 Tax Map

**BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204**



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

October 26, 1972

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

Re: Cycle Zoning IV
Item 13 - ZAC - Oct. 72 to Apr. 73
Property Owner: Watson's Garden Center
W/S York Road N/S Bellona Avenue
Reclass. from D.R. 5.5 to B.L.
District 8

Dear Mr. DiNenna:

The subject petition is requesting a zoning change from DR 5.5 to B.L. Since the site is already used as B.L. no increase in traffic generation is expected.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

**Maryland Department of Transportation
State Highway Administration**

Harry R. Hughes
Secretary
David H. Fisher
Administrator

October 12, 1972

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

Re: Reclassification
Oct. 1972
Property Owner: Watson's Garden
Center
Locations: W/S York Road (Route 45)
W/S Bellona Ave. - Present
Zoning: D.R. 5.5
Proposed Zoning: Reclass. from
D.R. 5.5
District: 8
No. Acres: 8,125 sq. ft.

Dear Mr. DiNenna:

The subject plan indicates "asphalt" as existing between the parking lot and the right of way line of York Road. An inspection at the site revealed railroad ties in place of the berm. It was noted that there are voids in the barrier, through which vehicles could pass onto the right of way and onto the walk. The barrier should be continuous.

The average 1971 daily traffic count on this section of York Road is 27,000 vehicles.

Very truly yours,

Charles Lee, Chief
Development Engineering
Section

John E. Meyers
John E. Meyers
Asst. Development Engineer

CLJ:EM:bk

Baltimore County Fire Department



Towson, Maryland 21204

833-7310

J. Austin Deitz
Chief

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

Attention: Mr. Jack Dillon, Acting
Chairman,
Zoning Advisory Committee

Re: Property Owner: Watson's Garden Center

Location: W/S York Road, N/S Bellona Avenue

Item No.13 Zoning Agenda IV ZONING CYCLE
October 1972 - April 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed 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 _____ 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.
- (X) 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.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John H. Ball* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

nls
4/25/72

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH**



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

October 10, 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 Reclassification, Zoning Advisory Committee Meeting, October 4, 1972, are as follows:

Property Owner: Watson's Garden Center
Location: W/S York Road, N/S Bellona Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclassification to B.L.
District: 8
No. Acres: 8,125 sq. ft.

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mgp

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director

JOSEPH E. HANCOCK, JR.
County Office Building
Towson, MD 21204
474-3211

October 25, 1972

S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204
474-3331

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 #13, IV Zoning Cycle, October 1972-April 1973, are as follows:

Property Owner: Watson's Garden Center
Location: W/S York Road, N/S Bellona Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass from D.R. 5.5 to B.L.
District: 8
No. Acres: 8,125 square feet

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

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 26, 1972

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

Re: Item #13
Property Owner: Watson's Garden Center
Location: W/S York Road, W/S Bellona Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Reclass from D.R. 5.5 to B.L.

District: 8
No. Acres: 8.125 square feet

Dear Mr. Dineen:

Amount of acreage too small to have any effect on student population.

Very truly yours,

W. Mick Poterich
W. Mick Poterich
Field Representative

WMP:ld

E. Harrison Stone, Esq.,
102 W. Pennsylvania Avenue
Towson, Md. 21204

Item 13

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 19th day of October 1972.

E. Eric Dineen
E. ERIC DINEEN,
Zoning Commissioner

Petitioner: Watson's Garden Centers, Inc.

Petitioner's Attorney: E. Harrison Stone

Reviewed by *James E. Dyer*
James E. Dyer,
Deputy Zoning Commissioner

BALTIMORE COUNTY, MARYLAND No. 5888

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Jan. 12, 1973 ACCOUNT#01-662

AMOUNT \$74.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Messrs. Royston, Muller, Thomas & McLean
102 W. Penna. Ave.
Towson, Md. 21204
Advertising and posting of property for Watson's
Garden Centers - #73-150-R

BALTIMORE COUNTY, MARYLAND No. 5754

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Nov. 6, 1972 ACCOUNT#01-662

AMOUNT \$50.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER
Messrs. Royston, Muller, Thomas & McLean
102 W. Penna. Ave.
Towson, Md. 21204
Petition for Reclassification for Watson's
Garden Centers, Inc.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

E. ERIC DINEEN
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner



474 - 3351
474 - 3341

January 25, 1973

E. Harrison Stone, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for a Reclassification and a Variance
W/S of York Road, 268' N of Bellona Avenue - 8th District
Watson's Garden Centers - Petitioner
NO. 73-150-RA (Item No. 13)

Dear Mr. Stone:

This is in reply to your letter requesting clarification of the Variance granted in the above referenced case.

The Petitioner requested a Variance to permit a zero foot rear yard setback across the full width of his property. However, the Variance, as granted, requires that a 2.5 foot rear yard setback be maintained for any future buildings constructed on this property.

The Variance was made subject to three (3) restrictions. The first being that a six (6) foot high masonry wall be constructed across the full width of the lot with the stipulation that the wall could be used as the rear wall of any future building built along the rear of the property provided said building met all other pertinent zoning requirements.

In the event that the screen wall is utilized as part of any building, it must be setback 2.5 feet from the property line across the full width of the lot.

Restriction No. 2 provides that any such building and wall may extend above six (6) feet in height provided that it does not exceed a ratio of one (1) foot of setback for each foot that it extends above six (6) feet. In other words, said building and wall would be permitted a height of 8.5 feet at a 2.5 foot setback; a height of 9.5 feet at a 3.5 foot setback; a height of 12 feet at a 6 foot setback, etc.

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

E. Harrison Stone, Esquire
January 25, 1973
Page 2

The intent of these restrictions was to require that the six (6) foot high stockade fence, that presently exists along the rear property line, be replaced with a substantial solid six (6) foot high masonry wall. Since this requirement is somewhat unusual and is expected to be rather expensive, the Petitioner was given the option of building an independent six (6) foot high wall on the property line, or moving the wall back from the property line and utilizing it as part of his proposed accessory storage building.

In no case can the rear wall of any such building, whether it is part of said screening wall or not, be located closer than 2.5 of the rear property line.

Nothing in this Order was intended to restrict a building from having a steep roof, i.e., if the rear wall is built at a setback of 2.5 feet, the maximum height at that point would be 8.5 feet. However, if the roof extends inward, at that height to a point six (6) feet or more from the property line, the roof could be raised or stepped up to a height of twelve (12) feet.

The third restriction simply makes a site plan for the above subject to approval.

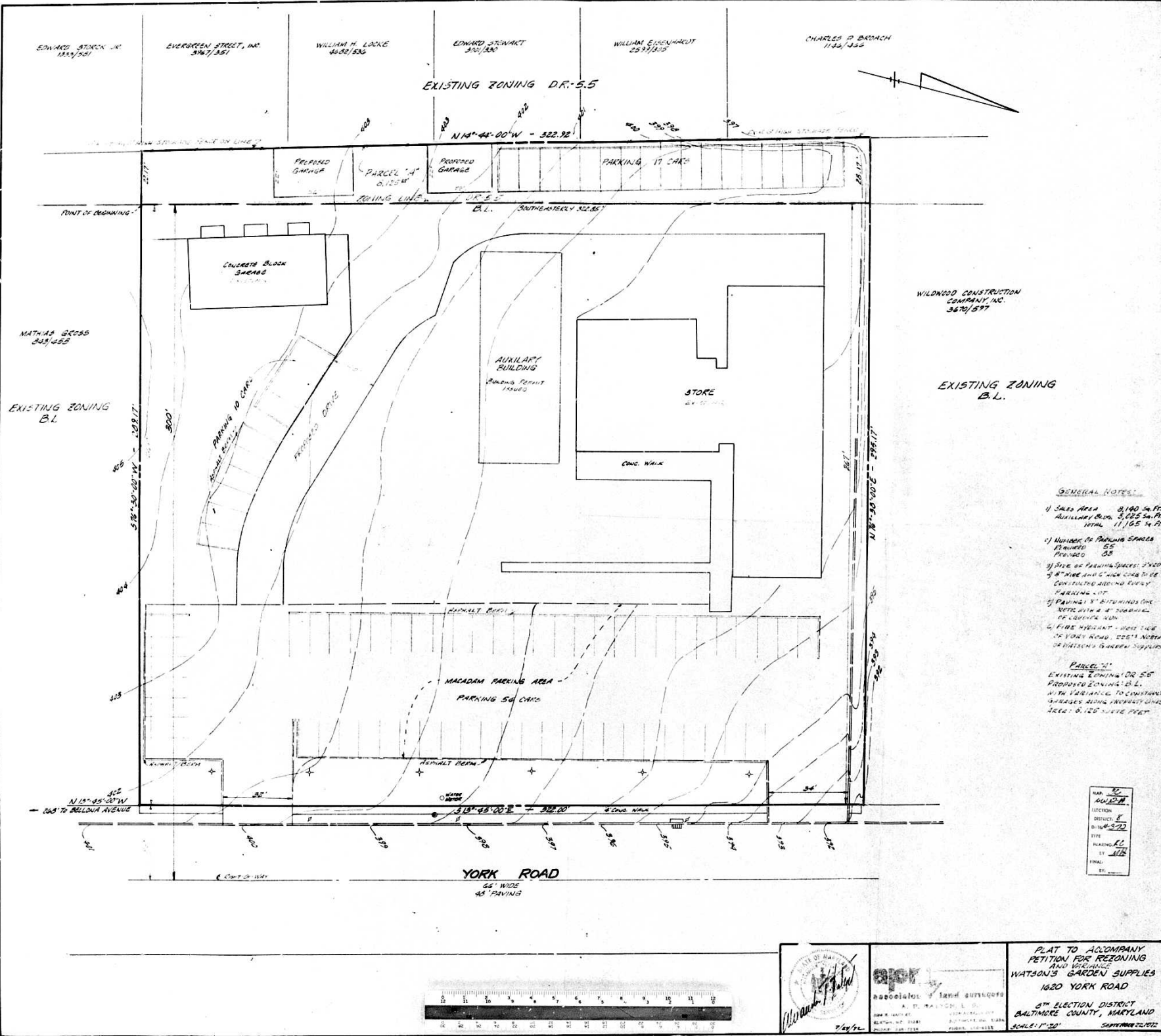
If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED:mc

cc: Mrs. Anne Kay Kramer
800 Tower Building
Baltimore, Maryland 21202



EDWARD STOECK, JR.
1889/501

EVERGREEN STREET, INC.
3767/351

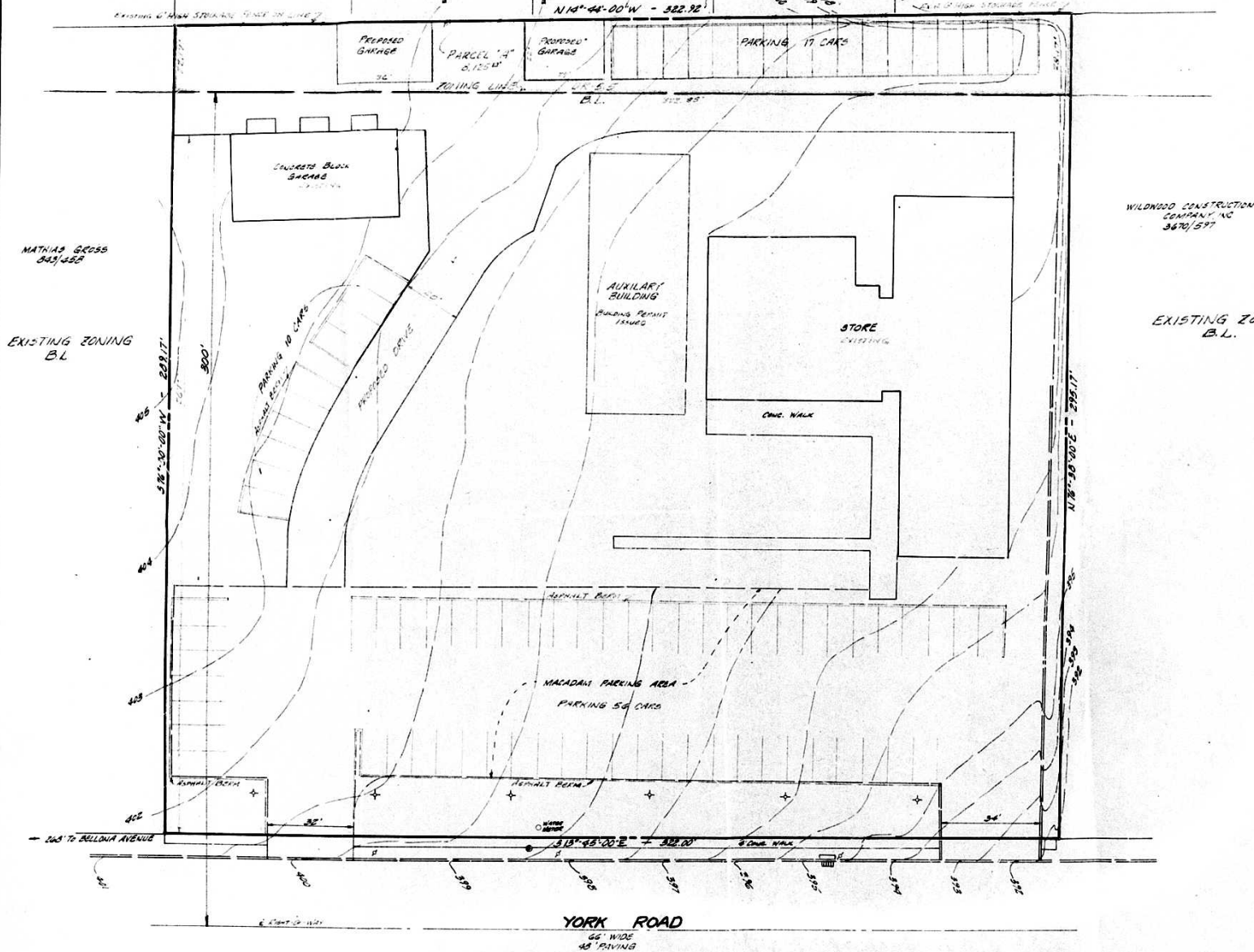
WILLIAM H. LOCKE
4182/332

EDWARD STEWART
300/330

WILLIAM EISENHART
2597/325

CHARLES D. BORDACH
7100/422

EXISTING ZONING DR-5.5



WILSONO CONSTRUCTION
COMPANY, INC.
3670/577

EXISTING ZONING
B.L.

3 "GENERAL NOTES"

- 1) LOT AREA 8,140 SQ. FT.
AC. LOTS: 0.187 AC. 3,025 SQ. FT.
TOTAL 11,165 SQ. FT.
- 2) NUMBER OF PARKING SPACES
PROPOSED 55
EXISTING 25
- 3) DIST. OF PARKING SPACES: 15' x 20'
4' x 8' AND ONE 6' x 12' LONG DRIVE
CONSTRUCTED ACCORDING TO CITY
SPECIFICATIONS
- 4) 1/2\"/>

PARCEL 1A

EXISTING ZONING DR-5.5
PROPOSED ZONING B.L.
1. TO BE A ZONING TO CONFORM
APPROVED AREA REQUIREMENTS
AREA: 0.125 ACRES

PET EXHIBIT #3



ASSOCIATION OF BALTIMORE
COUNTY PLANNING BOARDS
A. P. RAY, JR., PRES.
1000 E. 10TH ST.
BALTIMORE, MD. 21202
PHONE: 333-1234

PLAT TO ACCOMPANY
PETITION FOR REZONING
WATSON'S GARDEN SUPPLIES
1620 YORK ROAD
5TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1\"/>



