

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

David I. Bavar, Ralph P. Weingarden
I or we Edwin M. Bosley & Margaret E. Bosley

legal owners 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 232.2 to allow a side yard of five (5) feet in lieu of the required ten (10) feet, and from Section 232.3b to allow a rear yard of ten (10) feet in lieu of the required twenty (20) feet, and from Section 409c(4) to permit parking four (4) feet from the front property line in lieu of the required eight (8) feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
- 1.) That due to the size and configuration of the tract as well as the State Highway Administration and Baltimore County requirements for widening and improvements of York Road, Gibbons Avenue and the rear alley, the property cannot be properly utilized without the required variances, and strict enforcement would cause practical difficulty and unreasonable hardship
 - 2.) And for such other and further reasons as shall be shown at the time of the hearing hereon.

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 as amended pursuant to the Zoning Law For Baltimore County.

David I. Bavar, Ralph P. Weingarden
Edwin M. Bosley & Margaret E. Bosley
Address: 9712 York Rd.
Pikesville, Maryland 21208

James D. Nolan, Petitioner's Attorney
204 West Pennsylvania Ave.,
Towson, Md., 21284 833-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of January, 1973, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of February, 1973 at 1:00 o'clock.

Eric D. Hansen
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCES : BEFORE THE
SE/corner of York Road and : DEPUTY ZONING
Gibbons Boulevard - 8th District : COMMISSIONER
David I. Bavar - Petitioner :
NO. 78-187-A (Item No. 116) :
: OF
: BALTIMORE COUNTY

This Petition represents a request for a Variance from Section 232.2b to permit a side yard of five feet in lieu of the required ten feet and from Section 232.3b to allow a rear yard of ten feet in lieu of the required twenty feet, and from Section 409.2c(4) to permit parking four feet from the front property line in lieu of the required eight feet.

The property, located on the southeast corner of York Road and Gibbons Boulevard, consists of two parcels. The first parcel being Lots 1 through 6, and the second parcel being Lots 7 through 12 of Block AA, Timonium Heights. Improvements on the first parcel consist of a rather old one story frame structure presently being utilized as a service garage, service station and antique shop. Improvements on Parcel No. 2 consist of a two story frame dwelling.

In addition to the Petitioner, David I. Bavar who has owned the property since 1966, the following expert witnesses presented testimony: Brian D. Jones, a registered professional civil engineer with the firm of James Petrica and Associates, Incorporated; and, Hugh Gelston, a real estate appraiser and broker with many years experience in Baltimore County.

Since he purchased the property in 1966, Mr. Bavar, who is 50 percent owner of the property, has had several offers to sell including offers from oil companies. However, since most offers required selling the property in fee, and since he had purchased the property for development and investment purposes, the property was not sold.

The site has a total frontage of 245 feet with a depth of 126 feet to the center of a ten foot alley at the rear of the building. Required widening along

the front of the property for improvements to York Road coupled with the narrow depth of the property, create serious difficulties with regard to parking and setbacks with almost any type of development on the property. It was also pointed out that the combining of the two tracts will result in a fewer number of entrances along York Road, and as such, will create less traffic congestion. The razing of the existing buildings together with the construction of modern buildings at the rear is expected to increase site distance along the frontage and will upgrade the area in general.

The several Exhibits presented included a construction drawing indicating the widening and curb returns along the frontage of York Road and Gibbons Boulevard; several photographs; a plat indicating site distances at the corner of York Road and Gibbons Boulevard; and, a site plan of the overall tract.

Zoning Advisory Committee comments posed several questions with regard to site distance, parking, the use of the alley at the rear, and entrances. Many of these questions were answered or overcome by a revised site plan submitted at the beginning of the hearing. Others can be overcome through restrictions and further amendments to the plan.

If developed as proposed, the improvements will not be detrimental to the health, safety and general welfare of the community and will, by way of having only one entrance on the York Road frontage of 245 feet, cut down on future traffic congestion in the area. A hardship does exist with regard to the depth of the lot. However, the Deputy Zoning Commissioner fails to see any hardship or difficulty with regard to the setback Variance from Gibbons Boulevard. The property, having an average length of approximately 235 feet, is sufficient to provide the proper or required setback along that frontage.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of March, 1973, that the herein Petition,

for Variances to permit a rear yard of ten feet in lieu of the required twenty feet, and to permit parking spaces within four feet of the York Road property line in lieu of the required eight feet is hereby GRANTED, subject to the following restrictions and conditions:

1. The rear of the building must be constructed or improved with brick along its total length.
2. Any commercial use of the alley at the rear shall be subject to its being improved to County Standards and agreement to said use by adjoining property owners.
3. The parking area at the front shall be curbed, and all parking spaces shall be painted or striped in such a manner as to provide minimum widths of nine feet for each space provided.
4. Approval of an overall functional site plan, (which includes the location of any outdoor trash reciprocal) by the Department of Public Works, Bureau of Traffic Engineering and the Office of Planning and Zoning.

It is further ORDERED that the Variance to permit a five foot side yard setback in lieu of the required ten feet along the Gibbons Boulevard frontage is hereby DENIED.

James S. H...
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 2/14/73
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 2/14/73
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 2/14/73
BY [Signature]

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Oulmy
Acting Director
County Office Building
111 N. Chesapeake Ave.
Towson, Md. 21284
464-3311

January 18, 1973

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 #116, Zoning Advisory Committee Meeting, December 26, 1972 are as follows:
Property Owner: David I. Bavar, et al
Location: E/S of York Road, S/S of Gibbons Boulevard
Present Zoning: B-1.
Proposed Zoning: Var from Sect. 232.2 to permit side yard of 5' instead of req 10' and from Sect 232.3b to permit a rear yard of 10' instead of req 20' and from Sect 409c to permit parking 4' from property line instead of required 8'
District: B
No. Acres: 0.767 acres

The plan must be revised to show the correct number of parking spaces provided.
The entrance on York Road must be a minimum of 25' in width and the entrance on Gibbons Boulevard must be a minimum of 24' in width.

Very truly yours,
John L. Wimbley
Planner
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 17, 1973

John J. Dillon, Jr.,
Chairman
MEMBERS
STATE WILDS COMMISSION
BUREAU OF PLANNING AND ZONING
FIRE DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
ZONING ADMINISTRATION
POLICE

James D. Nolan, Esq.,
204 West Pennsylvania Avenue
Towson, Maryland 21204
RE: Variance Petition
Item 116
David I. Bavar, Ralph P. Weingarden
Edwin M. Bosley & Margaret E. Bosley -
Petitioners

Dear Mr. Nolan:
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.
These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations on the appropriateness of the requested zoning.

The subject property is located on the southeast corner of York Road and Gibbons Boulevard, in the 8th District of Baltimore County. The subject property is currently improved with two structures, one is an old service station and combination antique shop and the other is a residence, which is located directly adjacent to an existing Hess Oil station to the south. The property on the north side of Gibbons Boulevard is a small electronics and TV repair shop. The properties to the rear are residential homes that are separated from the subject property by an unimproved alley way. The west side of York Road is improved commercially with the Towson Willey Volkswagen dealership and the COP Telephone Company building. No curb and gutter exists along York Road or Gibbons Boulevard at this location. There is also an untagged trailer located at the rear of this property, which must be removed immediately as it is not permitted at this location.
This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time,

James D. Nolan, Esq.
Item 116
Page 2
January 17, 1973

which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

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

JJD:rga:rd
(Enclosure)

Division of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

January 16, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Re: Item #116 (1972-1973)
Property Owner: David I. Bavar, et al.
S/S of York Road, S/S of Gibbons Blvd.
Present Zoning: S.L.
Proposed Zoning: Var. from Sect. 232.2 to permit side yard of 5' instead of req. 10' and from Section 232.3b to permit a rear yd. of 10' instead of req. 20' and from Sect. 409C to permit parking 4' from property line instead of req. 8'
District: 8th No. Acres: 0.767 acres

Dear Mr. DiNenna:

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

Highways:

Gibbons Boulevard is an existing road and shall ultimately be improved as a 30-foot curbed street on a 50-foot right-of-way. A 5-foot widening for the road frontage of the site and improvements are required in connection with any subsequent grading or building permit applications.

The status of the alley is unknown; however, a commercial site cannot have ingress or egress from a residential alleyway.

York Road is a State Road; therefore, all road improvements and entrance locations along this road will be subject to State Highway Administration review and requirements.

Storm Drains:

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.

York Road is a State Road; therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

Sediment Control:

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 and Sanitary Sewer:

Public water and sewer are available to serve this site.

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

END:HAM:DM:iss

S-NE Key Sheet
69 NW 1 Position Sheet
NW 15 A Topo
51 Tax Map



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. DIRECTOR
WM. T. MELZER DEPUTY TRAFFIC ENGINEER

January 17, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Re: Item 116 - ZAC - December 26, 1972
Property Owner: David I. Bavar, et al
York Road S/S of Gibbons Boulevard
Var. from Section 232.2 to permit side yard of 5' instead of req. 10' and from Section 232.3b to permit a rear yard of 10' instead of req. 20' and from Section 409C to permit parking 4' from prop. line instead of req. 8' - District 8

Dear Mr. DiNenna:

The subject petition is requesting the variances to a side yard, rear yard and set back requirements for parking in the front yard.

The variance to the front yard may cause sight distance problems on Gibbons Boulevard. The proposed parking lot does not meet County standards and the plan should be revised to show parking stalls 20 feet long with 20 foot aisles or stalls should be 18 feet long with 24 foot aisles.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



State Highway Administration

Harry R. Hughes
Secretary
David H. Fisher
Administrator

January 3, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284
Attn: Mr. John J. Dillon

Item 116
Re: Z.A.C. meeting 12/26/72
Property Owner: David I. Bavar, et al
Location: E/S York Road (Route 45)
S/S of Gibbons Boulevard
Present Zoning: S.L.
Proposed Zoning: Var from Sect. 232.2 to permit side yard of 5' instead of req. 10' and from Sect. 232.3b to permit a rear yd. of 10' instead of req. 20' and from Sect. 409C to permit parking 4' fr. prop. line instead of req. 8'
District 8 No. acres 0.767 acres

Dear Mr. DiNenna:

The radius at the corner of Gibbons Blvd. at the subject site is to be 30'. The proposed entrance from Gibbons Blvd. will conflict with the radius return, therefore, the entrance must be located clear of the radius. The policy is to maintain a minimum 10' tangent between the corner and the entrance.

It is our opinion that the plan should be revised prior to the hearing.

The entrance from York Road will be subject to approval and permit from the State Highway Administration.

The 1971 average daily traffic count for this section of York Road is ... 17,234 vehicles.

Very truly yours,
Charles Lee, Chief
Development Engineering Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

CLJEM:bk

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21284

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

January 3, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21284

Dear Mr. DiNenna:

Comments on Item 116, Zoning Advisory Committee Meeting January 2, 1973, are as follows:

Property Owner: David I. Bavar, et al
Location: E/S of York Road, S/S of Gibbons Boulevard
Present Zoning: S.L.
Proposed Zoning: Var. from Sect 232.2 to permit side yard of 5' instead of req 10' and from Sect 232.3b to permit a rear yd of 10' instead of req 20' and from Sect 409C to permit parking 4' fr prop line instead of req 8'
District: 8
No. Acres: 0.767

Metropolitan water and sewer are available to the site.

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

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.

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

HVB:mp

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

JAMES PETRICA, P.E.
WALTER P. WEISAND, JR., P.E.

028-2800

JAMES PETRICA AND ASSOCIATES, INC.
Consulting Engineers
409 JEFFERSON BLVD
TOWSON, MARYLAND 21284

December 8, 1972

DESCRIPTION OF PROPERTY
TO ACCOMPANY PETITION FOR
VARIANCE FOR SIDE AND REAR YARD
AND FRONT YARD PARKING SETBACK

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

Beginning for the same at a point on the East side of York Road (66 feet wide) at the intersection of the South side of Gibbons Boulevard (40 feet wide), thence leaving the South side of Gibbons Boulevard and running the following courses and distances: (1) Binding on the East side of York Road South 18°-27'-51" East 245.00 feet, (2) North 71°-32'-09" East 126.00 feet, (3) North 18°-27'-51" West 230.00 feet to the South side of Gibbons Boulevard, thence binding thereon by a line curving Northwesterly to the left with a radius of 539.142 feet the distance of 127.184 feet having a chord bearing North 78°-19'-29" West 126.89 feet to the point of beginning.

Containing 0.767 acres of land more or less.

Being the properties of: David I Bavar and Ralph P. Weingarden as recorded among the Land Records of Baltimore County in Liber OTG 4710 folio 306, and Margaret E. Bosley and Edwin M. Bosley as recorded among the Land Records of Baltimore County in Liber GLB 2013 folio 127 and Liber GLB 2115 folio 194.

Being the same lots of ground designated as lots nos. 1 thru 12 in Section AA on Plat No. 2 of Timonium Heights, which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7 folio 15.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 3, 1973
FROM: William D. From, Director
Office of Planning and Zoning
SUBJECT: Petition #73-187-A. Southeast corner of York Road and Gibbons Boulevard.
Petition for Variance for Side and Rear Yards and Front Property Line for Off-Street Parking.
Petitioners - David I. Bavar, et al.

8th District

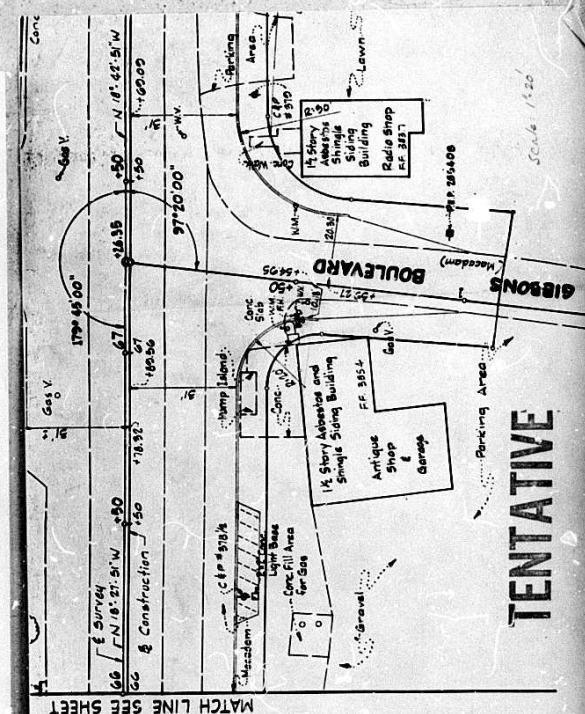
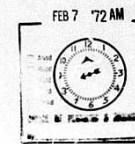
HEARING: Wednesday, February 21, 1973 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

The request is not in keeping with the spirit and intent of Sections 232.3 and Section 259.20 of the Zoning Regulations.

William D. From
William D. From
Director

WDF:NEG:rw



TENTATIVE

RECEIVED
FEB 12 1973
JAMES PETRICA & ASSOCIATES, INC.

PETITION FOR A VARIANCE

IN DISTRICT

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FOR THE

ORIGINAL

OFFICE OF

THE TOWSON TIMES

TOWSON, MD. 21204

February 5 - 1973

THIS IS TO CERTIFY, that the annexed advertisement of

S. Eric Dimsena
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 5th day of February, 1973 that is to say, the same was inserted in the issue of February 1, 1973.

STROMBERG PUBLICATIONS, Inc.

By: Ruth Morgan

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 1, 1973

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 the 1st day of February, 1973, the said publication appearing on the 1st day of February, 1973.

THE JEFFERSONIAN
A. Paul Smith
Manager

Cost of Advertisement, \$

PETITION FOR A VARIANCE

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 7057

DATE Feb. 22, 1973 ACCOUNT 01-662

AMOUNT \$63.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

James D. Nolan, Esq.
204 W. Penna. Ave.
Towson, Md. 21204
Advertising and printing of property for
David I. Bavar, 713-187-A 655C MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 7025

DATE Jan. 29, 1973 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

James D. Nolan, Esq.
204 W. Penna. Ave.
Towson, Md. 21204
Petition for Variance for David I. Bavar
713-187-A 250C MC

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#73-187-A

District: 84 Date of Posting: 2-1-73
Posted for: Heavy Veh. 210 1973. C. 1.00 P.M.
Petitioner: David I. Bavar
Location of property: SE/4 of 1st & 2nd St. & 4th St. & 5th St.
Location of sign: 1 sign located on front of house at 4th St.
is closed by
Remarks: Fred H. Hill
Posted by: Fred H. Hill Date of return: 2-7-73

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received this 14th day of

Dec 1972. Item #

J. Eric Dimsena
Zoning Commissioner

Petitioner: David I. Bavar Submitted by: T. Williams

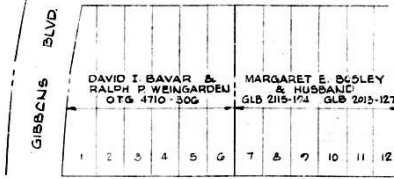
Petitioner's Attorney: Tolson Reviewed by: JBB

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

EXISTING USE OF PROPERTY
 PROPOSED USE OF PROP. RTY
 EXISTING ZONING
 PROPOSED ZONING
 GROSS AREA OF PROPERTY
 NET AREA OF PROPERTY
 BUILDING FLOOR AREA
 PARKING REQUIREMENT
 OFF STREET PARKING REQUIRED
 OFF STREET PARKING PROVIDED

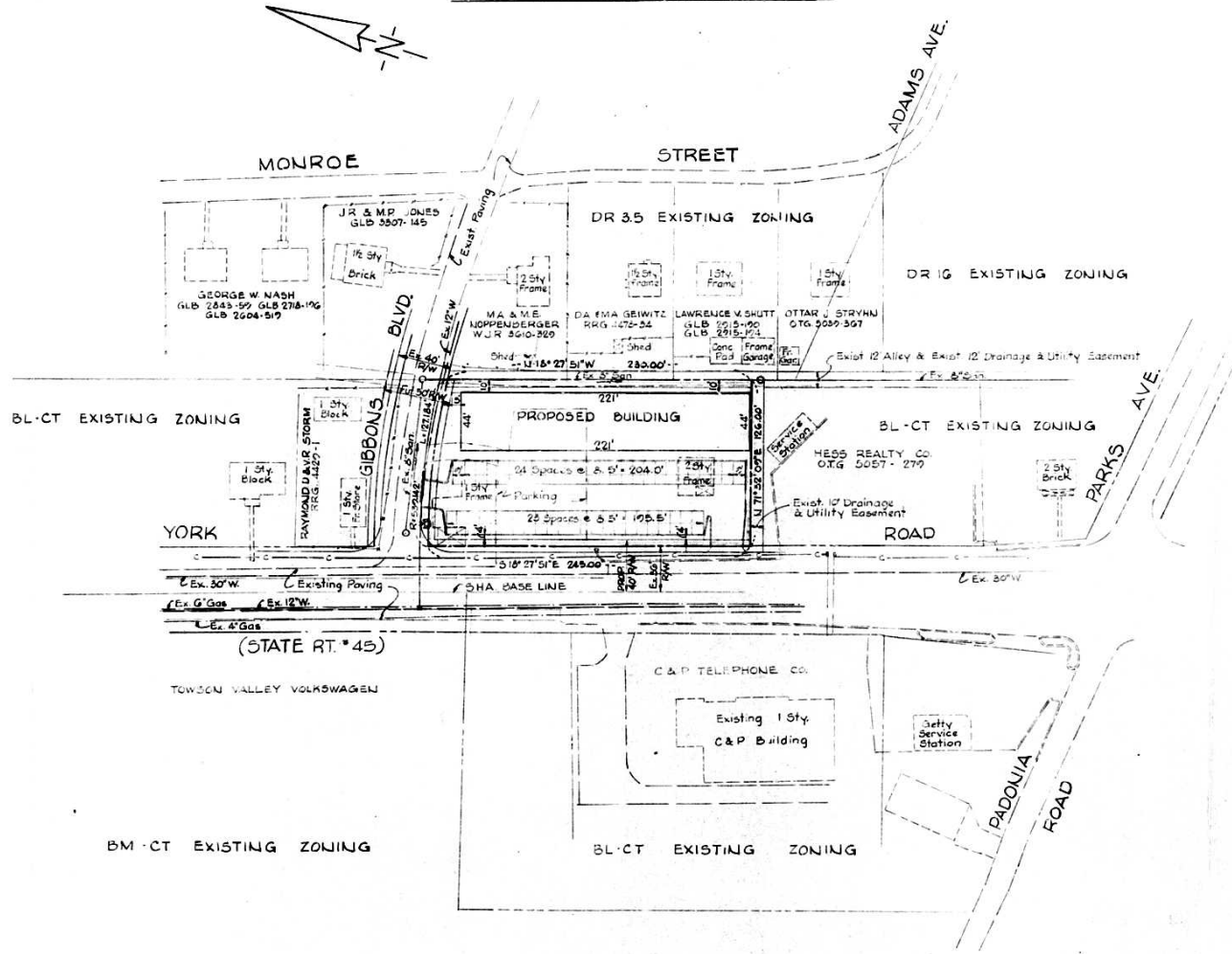
COMMERCIAL AND RESIDENTIAL
 COMMERCIAL (RETAIL)
 BL CT.
 BL CT.
 0.694 Ac.[±]
 0.650 Ac.[±]
 9724 SQ. FT.
 1 SPACE/200 SQ. FT. FLOOR AREA
 49 SPACES
 49 SPACES

TIMONIUM HEIGHTS
 PLAT NO. 2 BLOCK AA
 W.P.C. 7-1B



YORK ROAD

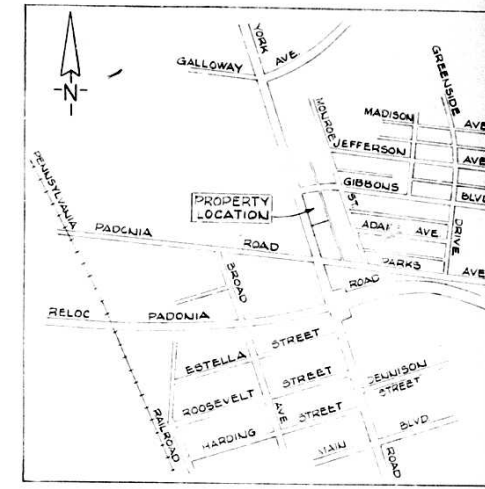
RECORDED PROPERTY OWNERS



VARIANCE PLAN

Scale: 1"=50'

OWNERS & CONTRACT PURCHASERS
 DAVID I. BAVAR &
 RALPH P. WEINGARDEN



LOCATION PLAN

SCALE: 1"=500'

GENERAL NOTES

1. Bearings and distances shown on this plan are taken from survey work prepared by George William Stephens Jr. and Associates, for S.H.A. Aldinger of York Rd. and computed where necessary by James Petrica and Associates Inc.
2. Section references from Baltimore County Zoning Regulations:
 Rear Yard Variance (0' in lieu of 20') Section 232.3(b)
 Side Yard Variance (5' in lieu of 10') Section 232.2(c)
 Front Yard Parking Setback Variance Section 409.2(b)(4) (4' in lieu of 8')



James Petrica
 JAMES PETRICA, PROFESSIONAL ENGINEER LIC NO 5780

PLAT TO ACCOMPANY PETITION FOR
VARIANCE FOR SIDE & REAR YARD AND FRONT YARD PARKING SETBACK IN EXISTING BL-CT ZONE

ELECTION DISTRICT #8 BALTO. CO., MD.
 SCALE: 1"=50' DEC. 3, 1972

Ret Ex #1

JAMES PETRICA & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 405 JEFFERSON BLDG., TOWSON, MD.



