

73-310-7 #213 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Warthen Fuel Co., 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 for a Variance from Section 255.1 (see 238.2) of the Baltimore County Zoning Regulations to allow a side yard setback of 18 feet instead of the required 30 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached description

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

Contract purchaser Warthen Fuel Co., Inc.
Legal Owner
Address 1400 E. Joppa Road, Towson, Md. 21204

Protestant's Attorney
Address 1400 E. Joppa Road, Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of May, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of June, 1973, at 10:30 o'clock.

Zoning Commissioner of Baltimore County.
(over) MICROFILMED

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
215 N. CHARLES ST.
TOWSON, MARYLAND 21204

June 8, 1973

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

A. Owen Hennegan, Esq.,
406 Jefferson Building
Towson, Maryland 21204

RE: Variance Petition

Item 213

Warthen Fuel Co., Inc. - Petitioner

Dear Mr. Hennegan:

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 as to the appropriateness of the requested zoning.

The subject property is located on the north-west side of Benson Avenue, 200 feet east of Rome Road, in the 13th District of Baltimore County. This property is zoned M1 and is improved with a 1-1/2 story block building which fronts on Benson Avenue and is used as an office. There are also two storage fuel tanks and a small pump house directly behind the office. This property also borders Constance Avenue on the west side which is unimproved and apparently is a private road. No curb and gutter exist along Benson Avenue at this location. The surrounding area is improved with a body and fender shop on the east side of the property, a warehouse on the west side and a tool and die company to the north.

MICROFILMED

A. Owen Hennegan, Esq.
Item 213
Page 2
June 8, 1973

The property in question is proposed to be developed with an addition the same size of the existing building.

The day of our field investigation we observed several fuel trucks belonging to the petitioner parked on what is Constance Avenue. Also, there is a retaining wall toward the rear of the property behind which was an area that was littered with wood, old radiators, oil drums, an old truck body and a metal shed. The petitioner was informed that this was a zoning violation and that he should have it cleared.

The petitioner is advised to pay particular attention to the Bureau of Engineering comments, Health Department and the Project Planning Division. Revised site plans should be submitted prior to the hearing.

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 forwarded to you in the near future.

Very truly yours,

JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr.:JD
(Enclosure)

cc: The Office of John Carroll Dunn
8 East Nulberry Street
Baltimore, Maryland 21202

MICROFILMED

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

Division of Engineering
ELLENWORTH H. DYER, P. E., CHIEF

May 29, 1973

Re: Item #213 (1972 - 1973)
Property Owner: Warthen Fuel Company, Inc.
1/2 S of Benson Avenue, NE/S of Constance Avenue
Present Zoning: M1.
Proposed Zoning: Variance from Section 255.1 to permit a side yard setback of 18' instead of required 30'.
District: 13th No. Acres: 1.6 acres

Dear Mr. DiMenna:

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:

Benson Avenue, an existing public road, is proposed to be improved in the future in this vicinity as a 50-foot closed-type roadway cross-section on a 70-foot right-of-way. Highway improvements including highway right-of-way widening and any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

The status of "Constance Avenue" indicated in the submitted plan as a right-of-way 30 feet wide is unknown and assumed to be private. It is the responsibility of the petitioner to ascertain and clarify rights therein and to initiate such action that may be necessary to abandon, widen or extend this right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #213 (1972 - 1973)
Property Owner: Warthen Fuel Company, Inc.
Page 2
May 29, 1973

Storm Drains: (Cont'd)

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.

Water:

Public water supply is available and serving this property.

It appears that additional fire hydrant protection may be required in the vicinity.

Sanitary Sewers:

Public sanitary sewerage is not available to serve this property which is assumed to be utilizing a private onsite facility.

Public sanitary sewerage can be made available by construction of a sanitary sewer extension approximately 300 - 400 feet in length from the existing sewerage at Benson and Rome Avenues.

Very truly yours,

ELLENWORTH H. DYER, P.E.
Chief, Bureau of Engineering

ENCLOSURES

cc: J. Trimmer
S. Bellestri
C. Baker
J. Looe
File

Q-SW Key Sheet
11, SW 13 Pos. Sheet
SW 4 D Topo
101 Tax Map

MICROFILMED

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING, TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

JUDITH J. CLIFFORD, P.E.
DIRECTOR

Wm. T. MALLON
DEPUTY TRAFFIC ENGINEER

May 30, 1973

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

Re: Item 213 - ZAC - May 8, 1973
Property Owner: Warthen Fuel Company, Inc.
NW/S of Benson Avenue, NE/S of Constance Avenue
Variance from Section 255.1 to permit a side yard setback of 18' instead of required 30'.
District 13

Dear Mr. DiMenna:

No major traffic problems are anticipated by the requested variance to the side yard.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/pk

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

873-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Warthen Fuel Company, Inc.

Location: NW/S of Benson Avenue, NE/S of Constance Avenue

Item No. 213 Zoning Agenda Tuesday, May 8, 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 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 _____ is not 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", 1973 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: John P. Meehan Noted and Approved: Paul H. Reincke
Planning Group Special Inspection Division Deputy Chief Fire Prevention Bureau

mls
4/16/73

MICROFILMED

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 strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

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.

DATE June 1, 1973 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 strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

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 strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this June 1, 1973 day of June, 1973, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

May 11, 1973

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 213, Zoning Advisory Committee Meeting
May 8, 1973, are as follows:

Property Owner: Warthen Fuel Company, Inc.
Location: NW/4 of Benson Avenue, NE/4 of Constance Ave.
Present Zoning: M.L.
Proposed Zoning: Variance from Section 255.1 to permit
a side yard setback of 18' instead of req. 30'
District: 13
No. Acres: 1.6

Metropolitan water is available.

Sanitary sewer must be extended to site prior to Health
Department approval.

Very truly yours,

John A. Klenke
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mgf

MICROFILMED

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



May 15, 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 #213, Zoning Advisory Committee Meeting, May 8, 1973, are as follows:

Property Owner: Warthen Fuel Company, Inc.
Location: NW/4 of Benson Avenue, NE/4 of Constance Avenue
Present Zoning: M.L.
Proposed Zoning: Variance from Section 255.1 to permit a side yard setback of 10' instead of required 30'
District: 13
No. Acres: 1.6 acres

The site plan as presented is incomplete and must be revised to show all existing and proposed uses of the entire property.

Constance Avenue is a paper street and should either be closed or improved.

All driveways and parking areas must be paved with the required curbing provided. The entrance on Benson Avenue must be a minimum of 24 feet in width and no larger than 30 feet in width.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project Planning Division
Office of Planning and Zoning

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 464-3311 ZONING 464-3321

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 10, 1973

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

Z.A.C. Meeting of: Tuesday May 8, 1973

Re: Item 213

Property Owner: Warthen Fuel Company, Inc.
Location: NW/4 of Benson Avenue, NE/4 of Constance Avenue
Present Zoning: M.L.
Proposed Zoning: Variance from Section 255.1 to permit a side yard setback of 18' instead of required 30'

District: 13
No. Acres: 1.6 acres

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WHP/ml

MICROFILMED

W. D. FROMM, JR., President
J. ERIC DINENNA, Vice President
ALVIN LORECK

MARSHALL M. BISHOP, JR.
JOSEPH N. MCGRAW
ALVIN LORECK

T. DARWIN WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
WES. RICHARD K. HUGHES

JOSHUA N. WHEELER, Superintendent

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 5, 1973
FROM: William D. Fromm, Director

SUBJECT: Petition #23-310-A... Northeast corner of Constance and Benson Ave.
Petition for Variance for a Side Yard.
Petitioner - Warthen Fuel Co., Inc.

13th District

HEARING: Wednesday, June 20, 1973 (10:30 A.M.)

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.

William D. Fromm
William D. Fromm, Director
Office of Planning and Zoning

WDF:HEG:rw

Zoning Description Petition for a Variance

BEGINNING for same at the corner formed by the intersection of the northwest side of Benson Avenue and the northeast side of Constance Avenue; thence binding on the northeasterly side of Benson Avenue and on part of the first line in a deed from JAMES C. FITZSIMMONS to ALBERT Z. WILSON, recorded among the Land Records of Baltimore County in Liber G.L.B. 2713, Folio 16, N56° 49' 25" E 70.60 feet to an iron pipe heretofore set, thence running for two new lines of division now made (1960) N 45° 21' 05" W 111.60 feet to an iron pipe, thence N 56° 49' 25" E 134.00 feet to an iron pipe set in the second line of the aforesaid conveyance, thence binding on said line N 45° 21' 05" W 131.55 feet to an iron pipe heretofore set at the end of the second line, thence binding on the third and fourth lines of the aforesaid conveyance S 44° 38' 55" W 200 feet to an iron set in the northeast of said 30 foot street, thence on same S 45° 21' 05" E 200 feet to the place of the beginning.

CONTAINING 1.6 acres of land more or less

April 16, 1973

JOHN CARROLL DURN
REGISTERED ARCHITECT



MICROFILMED

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. June 9, 1973

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 20th day of June, 1973, the first publication appearing on the 21st day of May, 1973.

THE TIMES.

John M. Martin
Manager
John M. Martin

Cost of Advertisement \$ 87.00
P.O. # 3100
Reg. No. 0

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 31, 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. once in each of one successive weeks before the 31st day of June, 1973, the first publication appearing on the 31st day of May, 1973.

L. Leander Smith
Manager
THE JEFFERSONIAN

Cost of Advertisement \$

MICROFILMED

1516A

73-310-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13TH Date of Posting: JUNE 5-73
 Posted for: VARIANCE
 Petitioner: WARTHEN FUEL CO.
 Location of property: NE COR. OF CONSTANCE AND BENSON AVES.
 Location of Signs: 4612 BENSON AVE.
 Remarks: _____
 Posted by: Charles P. Fied Date of return: JUNE 22-1973
SIGNATURE

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: <u>[Signature]</u>	Revised Plans: Change in outline or description				Yes _____ No _____					
Previous case: _____	Map # _____									

MICROFILMED

A. Owen Hennegan, Reg.
 406 Jefferson Building
 Towson, Maryland 21204

Item 213

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

this 16th day of May 1973

[Signature]
 S. ERIC SHENNA
 Zoning Commissioner

MICROFILMED

Petitioner: Warthen Fuel Co., Inc.

Petitioner's Attorney: A. Owen Hennegan
 c/o: The Office of John Carroll
 8 East Mulberry Street (21202)

Reviewed by: [Signature]
 Chairman,
 Zoning Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received* this 24th day of
May 1973. Item # _____

[Signature]
 S. ERIC SHENNA
 Zoning Commissioner

Petitioner: Warthen Fuel Co. Submitted by: Hennegan

Petitioner's Attorney: Hennegan Reviewed by: [Signature]

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

MICROFILMED

BALTIMORE COUNTY, MARYLAND
 No. 10808
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: May 25, 1973 ACCOUNT: 01-662

MICROFILMED

AMOUNT: \$25.00

DISTRIBUTION
 WHITE - CASHIER
 ROBERTS, MOORE, HENNEGAN, BRENNAN
 and CANNON
 406 Jefferson Building
 Towson, Md. 21204
 YELLOW - CUSTOMER
 Petition for Variance for Warthen Fuel Co., Inc. #73-310-A

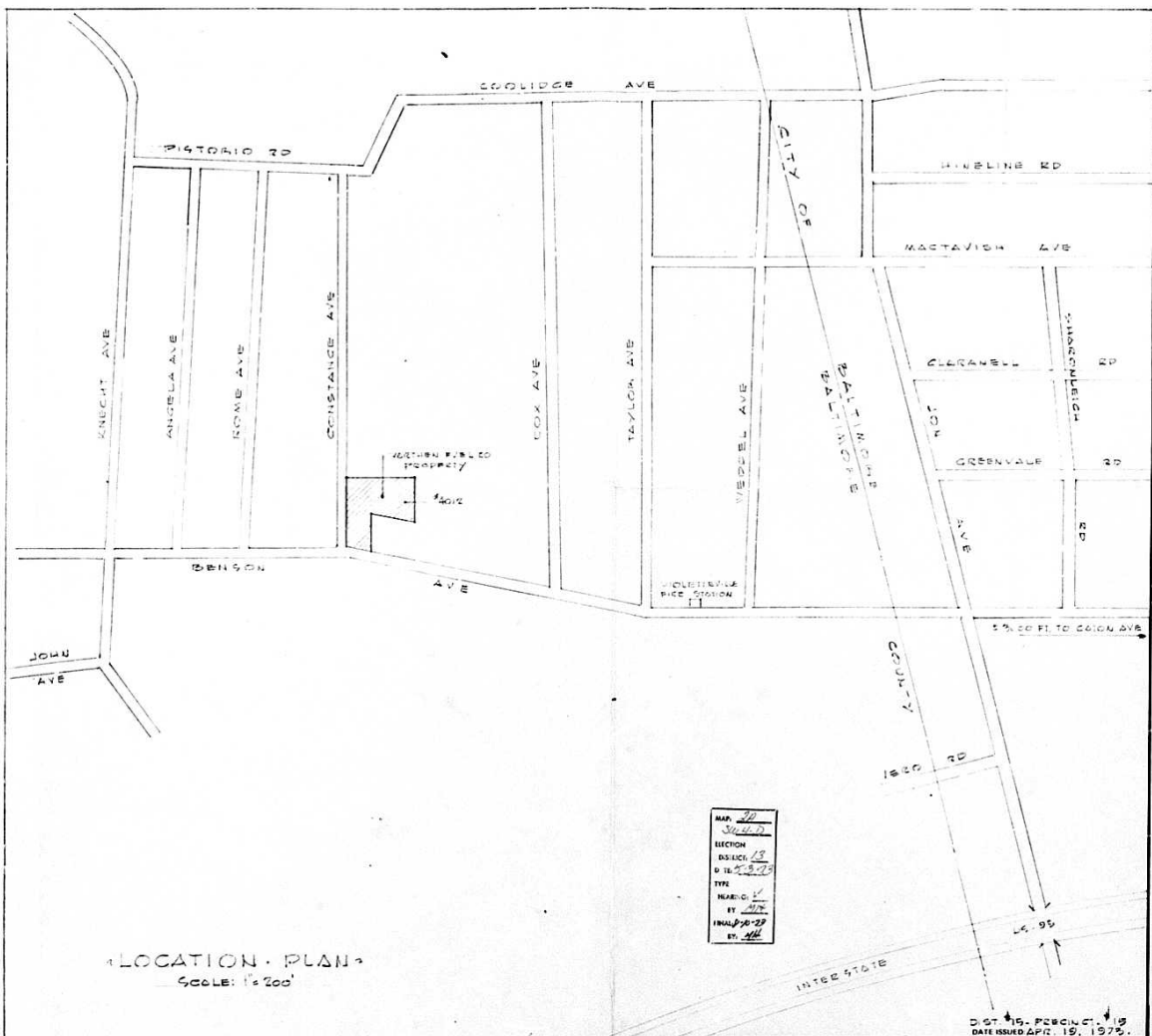
BALTIMORE COUNTY, MARYLAND
 No. 10857
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: June 22, 1973 ACCOUNT: 01-662

MICROFILMED

AMOUNT: \$54.50

DISTRIBUTION
 WHITE - CASHIER
 ROBERTS, MOORE, HENNEGAN, BRENNAN & CANNON
 406 Jefferson Building
 Towson, Md. 21204
 YELLOW - CUSTOMER
 Advertising and posting of property for Warthen Fuel Co.
 #73-310-A



LOCATION PLAN
SCALE: 1"=200'

MAP	7507
SECTION	18
DISTRICT	18
D. H.	18-18-18
TYPE	
NAME	WARTHEN FUEL CO.
ST.	18-18-18
DATE	4-19-79
BY	AD

	COMM. No. 7507	THE OFFICE OF JOHN CARROLL DUNN ARCHITECTS 1012 MULBERRY ST., BALTIMORE, MARYLAND 21202	SHEET No. A-10
	REVISIONS	ADDITION	REVISIONS
	DATE 4-19-79	1012 MULBERRY AVE BALTIMORE, CO. MD.	SCALE 1"=200'
	LOCATION PLAN		