

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Robert R. Boutwell, 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 239.2 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

In order to use this lot for the buildings proposed and have the required parking with proper entrance off York Road, the easement which was granted the County for sewer and storm sewer in 1972 has required that the rear building be kept to the rear of the lot.

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 of Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____ Address _____
Petitioner's Attorney _____ Protester's Attorney _____
Address _____

ORDERED By the Zoning Commissioner of Baltimore County, this 18th day of June, 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 25th day of June, 1973, at 10:15 o'clock A.M.

(over) MICROFILMED

RE: PETITION FOR VARIANCES : BEFORE THE
W/S of York Road, 295' N of : DEPUTY ZONING
Church Lane (Texas Road) - : COMMISSIONER
8th District :
Robert R. Boutwell, et ux :
Petitioners : OF
NO. 73-314-A (Item No. 222) : BALTIMORE COUNTY

This Petition represents a request for Variances to permit a side yard setback of zero (0) feet for building No. 1, and to permit a side yard setback of six (6) feet and a rear yard setback of four (4) feet for building No. 2, in lieu of the thirty (30) foot side and rear yard setback requirements.

The subject property is located on the west side of York Road, two hundred and ninety-five (295) feet north of Church Lane, in the Eighth District of Baltimore County.

Testimony indicated that practical difficulties were encountered in developing the property with regard to the recent construction of a sanitary sewer across the width of the property which necessitates constructing two (2) buildings instead of one (1). Difficulties were also encountered with the sixty (60) foot setback requirements as compared to the one hundred (100) foot lot width. A site layout, under these conditions, would permit a building width of only forty (40) feet, reduce the number of parking spaces obtainable, and create an undesirable traffic circulation pattern within the site.

After reviewing the above testimony, it is the opinion of the Deputy Zoning Commissioner that the Petitioners have proven hardship and that the granting of the Variances will permit development of the site in a manner that will not be detrimental to the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 27th day of June, 1973, that the herein requested Variances to permit a side yard setback of zero (0) feet for building No. 1,

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located on the front portion of the Petitioners' property, and to permit a side yard setback of six (6) feet and a rear yard setback of four (4) feet for building No. 2, located on the rear or westernmost portion of the Petitioners' property, in lieu of the required thirty (30) foot side and rear yard areas, should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

James E. Kline
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE June 27, 1973
BY [Signature]

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MCA
WATKINS, CHILDS & ASSOCIATES, INC.
CONSULTING
ENGINEERS
10200 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-823-0900

Letter Mate
John C. Childs
Associates
Robert W. Boyles
Gerrit W. Boyles
Robert W. Cahan
Edmund P. Hulse
Norman P. Hermann
Fred P. Mirman
William P. O'Brien
Paul R. Shotton

DESCRIPTION

0.96 ACRE PARCEL, MORE OR LESS, WEST SIDE OF YORK ROAD, 295 FEET, MORE OR LESS, NORTH OF CHURCH LANE, (TEXAS ROAD), BALTIMORE COUNTY, MARYLAND.

This Description is for Side Yard & Rear Yard Variances

Beginning for the same at a point in the center line of York Road (66 feet wide) at a distance of 295 feet, more or less, measured northwesterly from the center line of Church Lane (Texas Road), where said center line intersects the center line of York Road; thence leaving said center line of York Road, (1) S 82° 50' 20" W 437.71 feet to a point, thence (2) N 06° 53' 50" E 103.50 feet to a point, thence (3) N 82° 50' 20" E 392.08 feet to the center line of York Road, thence binding on said center line, (4) S 18° 39' 40" E 102.50 feet to the place of beginning.

Containing 0.96 acres of land, more or less.

RLS:impl J.O. 71093 May 2, 1973



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Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna, Zoning Commissioner Date: June 14, 1973
FROM: William D. From, Director
SUBJECT: Petition #73-314-A, West side of York Road 295 feet North of Church Lane (Texas Road)
Petition for Variance for Side and Rear Yards.
Petitioners - Robert R. Boutwell and Maxine E. Boutwell
8th District

HEARING: Monday, June 25, 1973 (10:15 A.M.)

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

William D. From, Director

WDF:ING/rw

Dr. Robert R. Boutwell
115 Baltimore Road
Cockeysville, Maryland 21093

Shan 323

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 day of May 1973

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Petitioners: Robert R. Boutwell & Maxine E. Boutwell

Petitioner's Attorney: WATKINS, CHILDS & ASSOCIATES, INC.
10200 Cromwell Bridge Road (21204)
Reviewed by: [Signature]
Chairman, Zoning Advisory Committee

WILLIAM M. BALDWIN
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
VALLEY 3-0760

May 10, 1973



Mr. S. Eric Dinenna,
Zoning Commissioner
Baltimore County Office of Planning
and Zoning
Towson, Maryland 21204

Re: Petition for side and rear yard Variances
Robert R. Boutwell and wife
W/S York Road, 8th District, Baltimore County

Dear Mr. Dinenna:

Please enter my appearance as attorney for the above captioned Petitioners.

The Petitioners have owned the subject property for some time and intend to construct on the land a building to house a motorcycle sales agency. The Petitioners presently lease premises in Cockeysville from Mr. Goldberg which lease expires on or about October 1, 1973 and my client must vacate the premises on the aforementioned date, therefore, time is of the essence.

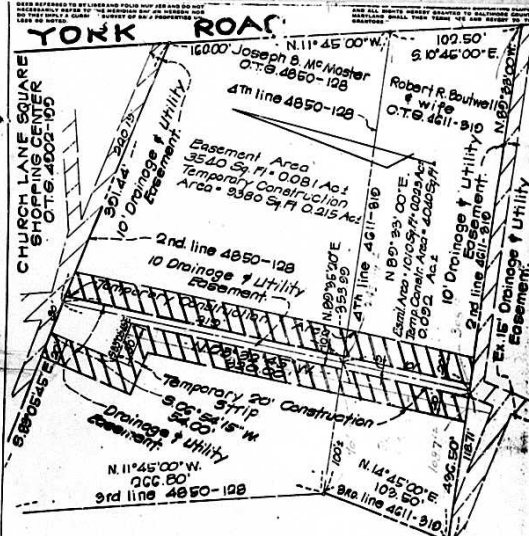
I shall appreciate anything that your office can do to expedite scheduling of the hearing in this matter.

Very truly yours,

William S. Baldwin

WSB:cab

cc: Mr. Robert R. Boutwell
10768 York Road
Cockeysville, Maryland 21030



BALTIMORE COUNTY		DEPARTMENT OF PUBLIC WORKS		BUREAU OF LAND ACQUISITION	
SCALE: 1" = 50' SHEET 1 OF 1		PLAT TO ACCOMPANY ACQUISITION OF		DISTRICT NO. 8TH	
DATE: 5-17-73		UTILITY EASEMENT		POSITION SHEET NO. 61 NW 5	
APPROVED: [Signature]	DEAD END	AREA TO BE ACQUIRED	EXISTING COUNTY E	CONSTRUCTION PLAN NO. 71-05-17-1	FEDERAL PROJECT NO.
BUREAU OF LAND ACQUISITION	DATE	AREA TO BE RELEASED	TEMPORARY CONSTRUCTION AREA	11-05-17-1	
APPROVED: [Signature]	DATE	RELEASED	10-17-73	MARYLAND PROJECT NO.	

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ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

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Mr. Robert R. Boutwell
115 Belmore Road
Lutherville, Maryland 21093

Item 222

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 6th day of May 1973

[Signature]
S. ERIC DIMENNA
Zoning Commissioner

Petitioner: Robert R. Boutwell & Maxine E. Boutwell

Petitioner's Attorney: Matz, Childs & Associates, Inc.
1620 Cromwell Bridge Road (21204)
Reviewed by: *[Signature]*
Chairman, Zoning Advisory Committee

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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Ave.
Towson, Maryland 21204

June 13, 1973

JOHN J. DILLON, JR.
Chairman

Mr. Robert R. Boutwell
115 Belmore Road
Lutherville, Maryland 21093

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

RE: Variance Petition

Item 222
Robert R. Boutwell & Maxine E.
Boutwell - Petitioners

Dear Mr. Boutwell:

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 west side of York Road, 295 feet north of Church Lane, in the 8th District of Baltimore County. This P.R. and B.M. zoned property is proposed to be developed with two structures -- the first (I will refer to Building A) is an 85'x60' retail store which is requesting a 0' side yard instead of 30', and the second (Building B) is proposed to be a service garage with auto parts sales. This is proposed to be located at the rear of the property 6' from the side property line and 4' from the rear property line. (A Variance has already been granted for the side property line for a side yard of 25').

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Mr. Robert R. Boutwell
Item 222
Page 2
June 13, 1973

This petition is accepted for filing, however, all requirements for service garages must be complete with a revised site plan (see enclosure).

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,
[Signature]
JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr.:JD

(Enclosure)

cc: Matz, Childs & Associates, Inc.
1020 Cromwell Bridge Road (21204)

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

June 4, 1973

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

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

Re: Item #222 (1972 - 1973)

Property Owner: Robert R. Boutwell, et ux
W/S of York Rd., 295' N. of Church Lane
Present Zoning: S-2, and B-M
Proposed Zoning: Variance from Section 238.2 to permit a side yard setback of 0' instead of required 30' and to permit a rear yard setback of 4' instead of required 30'
District: 8th No. Acres: 0.26 acre

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:

York Road (H. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration.

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.

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.

Additional storm drain construction appears to be required through this property, generally in alignment with the sanitary sewer under construction within a utility easement shown on HW 71-171-2. (See Construction Drawings 711-0517 and 711-0518-4)

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Item #222 (1972 - 1973)
Property Owner: Robert R. Boutwell, et ux
Page 2
June 4, 1973

Water:

Public water supply is available to serve this property.

Sanitary Sewer:

Public sanitary sewerage will be available to serve this property upon completion of the construction of the public sanitary sewerage through this site, see Drawing 711-0517-1.

Very truly yours,

[Signature]
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END/RAW:PAR:es

cc: G. Reier
S. Bellestri
D. Orise
P. Koch
H. Skolowitz

V-SR Key Sheet
61 NW 1/4 & 5 Pos. Sheet
HW 15 A & B Topo
51 Tax Map

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BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Director
WILL T. MILLER Deputy Traffic Engineer

May 30, 1973

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

Re: Item 222 - ZAC - May 15, 1973

Property Owner: Robert R. Boutwell, et ux
W/S of York Road, 295' N of Church Lane
Variance from Section 238.2 to permit a side yard setback of 0' instead of required 30' and to permit a rear yard setback of 4' instead of required 30'
District 8

Dear Mr. Dimenna:

No major traffic problems are anticipated by the requested variance to the side and rear yards.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineer Associate

MSF/pk

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Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204
822-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Robert R. Boutwell, et ux

Location: W/S of York Road, 295' N of Church Lane

Item No. 222 Zoning Agenda: May 15, 1973

Gentlemen:

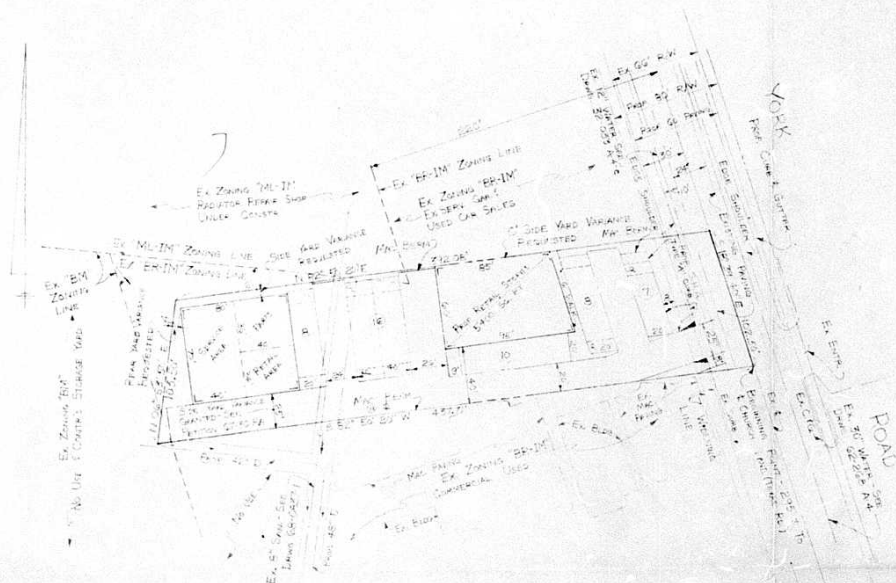
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 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 _____
- () 4. _____ the maximum allowed by the Fire Department. 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: *[Signature]* Noted and Approved: *[Signature]*
Planning Division Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

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LOCATION PLAN
SCALE: 1"=500'

MAN	RD
FILE	5822
RECORD	
D. PL.	5822
TYPE	
HEARD	
FILED	
BY	

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 0.92 ACRES ±
2. EXISTING ZONING OF PROPERTY "BR-IM", "ML-IM" & "BM" WITH YARD VARIANCES OF 15'
3. EXISTING USE OF PROPERTY "VACANT LAND"
4. PROPOSED ZONING OF PROPERTY "BR-IM" WITH YARD VARIANCES, "BM" & "ML-IM"
5. PROPOSED USE OF SITE "RETAIL SPACE" (MOTORVEHICLE SALES & SERVICE)
6. OFF-STREET PARKING DATA:
 A. TOTAL AREA OF RETAIL SPACE EQUALS 6,400 SQ. FT. REQUIRING 34 SPACES
 B. TOTAL PARTS & SERVICE AREA 4,240 SQ. FT. REQUIRING 14 SPACES
 C. TOTAL REQUIRED EQUALS 48 SPACES
 D. TOTAL PROPOSED EQUALS 49
7. PETITIONER IS REQUESTING A VARIANCE TO SECTION 225.2 OF THE ZONING CODE TO PERMIT A SIDE YARD OF 0' INSTEAD OF THE REQUIRED 30' (A VARIANCE OF 30')
8. PETITIONER IS REQUESTING A VARIANCE TO SECTION 225.2 OF THE ZONING CODE TO PERMIT A REAR YARD OF 4' INSTEAD OF THE REQUIRED 20' (A VARIANCE OF 16')
9. PETITIONER NOW HAS A SIDE YARD VARIANCE ON THE PROPERTY OF 15' INSTEAD OF THE REQUIRED 20'. SEE PETITION NO. 67-30 RA.
10. SEE LOCATION PLAN FOR FIRE HYDRANT LOCATIONS

PLAT TO ACCOMPANY PETITION FOR YARD VARIANCES VICINITY

YORK ROAD & CRANBROOK RD.
ELECTION DISTRICT 8 BALTIMORE COUNTY, MD
SCALE: 1"=50' APRIL 26, 1973

