

74-3-A (over 20.201) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

William J. Gattus and
I, or we, MARY A. GATTUS, his wife, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part here,

hereby petition for a Variance from Section 2-232.4 and 502.2 (b) of the Baltimore County Zoning Regulations for 82 parking spaces in lieu of the required 250 parking spaces.

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

It is proposed that a building containing 50,000 square feet be erected on the property which would be used as a retail furniture store and storage area. This is a permitted use under the present zoning, Business Local (B1). The parking requirements as set forth in the above named sections would require 1 parking space for each 200 sq. ft. of total floor area. The property is not of sufficient size to allow a building of 50,000 sq. ft. and the 250 parking spaces required. The proposed building would be for retail sales and retail storage incident thereto. It is believed that at no time would there be in excess of 100 customers on the premises so that the required provision for 250 parking spaces would be an undue hardship. Petitioners also believe that there is ample available parking at other retail shopping areas in the immediate vicinity. It is requested that a variance be granted to permit the construction of the proposed building with the parking requirement limited to 120 spaces.

See attached description
Property is to be posted and advertised as prescribed by Zoning Regulations 1, 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.

By William J. Gattus President
Mary A. Gattus Legal Owner
Contract purchaser
Address 366 St. Paul Place, Baltimore 21202
DATE July 9, 1973
By Robert L. Gilland Protestants Attorney
Address 366 St. Paul Place, Baltimore 21202
DATE July 9, 1973

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of July, 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 2nd day of July, 1973, at 11:00 a.m. o'clock.

Wm. D. Fromm
Zoning Commissioner of Baltimore County,
(over)

RE: PETITION FOR VARIANCE : BEFORE
from Sec. 232.4 and : COUNTY BOARD OF APPEALS
Sec. 409.2(d) of Baltimore :
County Zoning Regulations : OF
SE corner of Old North Point Rd. :
and Willow Road : BALTIMORE COUNTY
12th District :
William J. Gattus, et al :
Petitioners :
Warwick Properties, Inc. : No. 74-3-A
Contract Purchaser :

ORDER OF DISMISSAL

Petition of William J. Gattus, et al (Warwick Properties, Inc., contract purchaser), for variance from Sections 232.4 and 409.2(d) of the Baltimore County Zoning Regulations on property located on the southeast corner of Old North Point Road and Willow Road, in the 12th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed March 19, 1974 (a copy of which is attached hereto and made a part hereof), from the attorney representing the Petitioners-Appellants in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners-Appellants requests that the appeal filed on behalf of said Petitioners be dismissed and withdrawn as of March 19, 1974.

It is hereby ORDERED, this 21 day of March, 1974, that said appeal be and the same is Dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Baker, Jr.
Chairman

W. Giles Parker
W. Giles Parker

Robert L. G. Hilland
Robert L. G. Hilland

RE: PETITION FOR VARIANCE : BEFORE THE
SE/corner of Old North Point Road : DEPUTY ZONING
and Willow Road - 12th District :
William J. Gattus, et al : COMMISSIONER
Petitioners :
NO. 74-3-A (Item No. 229) : OF
BALTIMORE COUNTY

The Petitioners are requesting a Variance to permit eighty-two (82) parking spaces instead of the required two hundred fifty (250) spaces for a retail furniture store. The store is to contain fifty thousand (50,000) square feet and is proposed to be erected on a 2.73 acre tract of ground situated on the southeast corner of Old North Point Road and Willow Road, in the Twelfth Election District of Baltimore County.

Mr. Sidney Checkett, the contract purchaser, described himself as a furniture retailer with twenty-five (25) years experience in the furniture business. He was not aware that a Variance would be required until the property had been surveyed. The use of the building was described as a warehouse furniture store, with twenty-three thousand (23,000) square feet being utilized for warehousing and twenty-seven (27,000) square feet being utilized for retail sales. It was Mr. Checkett's opinion that the eighty-five (85) spaces would be more than sufficient for his business and that the spaces could be supplemented by on-street parking as well as available parking area on adjoining shopping areas. The property's irregular shape was also described as creating a hardship in development of the property.

After reviewing the testimony and evidence presented, it is evident that the Petitioners' engineer had difficulties in laying out the proposed site plan. Development problems with utilization of the irregular shaped lot are no doubt added to by the size of the building required to be located thereon. One corner of the building has been cutback to allow access to Willow Road. The two parking areas provided in the apexes of the triangular

shaped lot are isolated by the building that extends to the easternmost property line, eliminating any possibility of interior circulation between the two parking areas.

The considered opinion of a businessman with twenty-five (25) years experience cannot be taken lightly, however, the parking regulations that require two hundred fifty (250) spaces for a building the size of the one proposed, are considered to be minimum and for a very good reason. There can be no guarantee that the presently proposed use will continue forever. On the other hand, there is every reason to believe that a building as substantial as the one proposed will be in existence for many years and that just about any other permitted use would create serious parking problems.

It is the opinion of the Deputy Zoning Commissioner that the Petitioners present floor area requirements would result in the site being overbuilt and that they have not proven hardship or practical difficulty insofar as the requested Variance is concerned.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 9th day of July, 1973, that the above Variance be and the same is hereby DENIED.

James S. Hef
Deputy Zoning Commissioner of
Baltimore County

JOSEPH D. THOMPSON, P.E. & L.S.
CIVIL ENGINEERS & LAND SURVEYORS
1150
101 SHELL BUILDING • 400 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION FOR ZONING VARIANCE

BEGINNING for the same at the intersection formed by the center line of Willow Road with the center line of Old North Point Road, thence binding on said center line southeasterly by 630 feet more or less, thence southwesterly perpendicular to the said Old North Point Road 30 feet, thence South 74 Degrees 25 Minutes 13 Seconds West 175.07 feet, thence North 86 Degrees 34 Minutes 47 Seconds West 66.00 feet, thence South 79 Degrees 10 Minutes 13 Seconds West 158.80 feet, thence South 72 Degrees 55 Minutes 13 Seconds West 113.00 feet, thence South 72 Degrees 55 Minutes 13 Seconds West 172.33 feet, thence South 45 Degrees 39 Minutes 13 Seconds West 47.14 feet, thence North 00 Degrees 43 Minutes 23 Seconds East 250.28 feet, thence northwesterly perpendicular to the said center line of Willow Road 25 feet, thence binding on said center line North 29 Degrees 49 Minutes 43 Seconds East 77.0 feet more or less, to the place of beginning.

CONTAINING 3.90 acres of land more or less.



5-15-73

Joseph D. Thompson

ASSOCIATE
MAURICE W. BALDWIN
TOWSON, MARYLAND 21204

August 8, 1973

Mr. Eric De Nenna
Zoning Commissioner for Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

Re: William Gattus

Dear Mr. De Nenna:

Please note an appeal on behalf of the applicant in the above matter and forward such necessary and requisite documents to the Board of Appeals of Baltimore County.

Very truly yours,

Maurice W. Baldwin
Maurice W. Baldwin

MWB:



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DeNenna, Zoning Commissioner Date: June 28, 1973

FROM: William D. Fromm, Director
Office of Planning and Zoning
SUBJECT: Petition 74-3-A, Southeast corner of Old North Point Road and Willow Road, Petition for Variance for Off-Street Parking
Petitioners - William J. Gattus and Mary A. Gattus

12th District

HEARING: Monday, July 2, 1973 (11:00 A.M.)

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

If the proofs of Section 502-1 are not any development on this site should be conditioned to conformance to an approved site plan.

WDF:NEG:rw

William D. Fromm, Director
Office of Planning and Zoning

George H. Provost, Jr.
Acting Director
Office of Planning and Zoning



County Board of Appeals
County Office Building
Chesapeake Avenue
Towson, Maryland 21204

Re: William J. Gattus, et ux
Case # 74-3-A

Attention: Mr. Robert L. Gilland
Gentlemen:

Please dismiss the appeal taken in the above entitled case.

Thank you for your attention in this matter.

Very truly yours,

Maurice W. Baldwin
Maurice W. Baldwin

MWB:pb

Rec'd 8/14/74

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 26, 1973

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

John J. Dillon, Jr.

Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENTMr. William J. Gattus
7407 Poplar Avenue
Baltimore, Maryland 21224RE: Variance Petition
Item 229
William J. Gattus and Mary
A. Gattus - Petitioners

Dear Mr. Gattus:

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 of the property. The following comments are a result of this review and inspection.

The subject property is located on the southeast corner of Willow Road and Old North Point Road, in the 12th District of Baltimore County. The subject property is currently zoned Business Local and borders Broad and Cheese Creek on the south side of the property. There is an existing Topps Shopping Center on the north side of Old North Point Road and there are residences existing along Willow Road at this location. Willow Road is one-way northbound.

The petitioner is requesting a Variance to allow 82 parking spaces instead of the required 250. No curb and gutter exists along Old North Point Road at this location. There is an existing monumental

Mr. William J. Gattus
Item 229
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June 26, 1973

entrance to the Topps Shopping Center on the opposite side of the street. It appears that the petitioner may be overdeveloping his site in requesting a Variance for this many parking spaces.

The petitioner should familiarize himself with the comments of the Bureau of Engineering, the Dept. of Traffic Engineering, Project Planning and the State Highway Administration, and submit revised site plans as requested. The petitioner is also reminded that Section 409.2 -- "It is the intent of these regulations that adequate off street parking spaces be provided for all buildings, and that the requirements hereinafter set forth are and shall be taken as absolute minimums, to be exceeded wherever feasible."

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: Joseph D. Thompson, Inc.
101 Shell Building
700 E. Joppa Road (21204)Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204Bureau of Engineering
ELLWORTH H. DYER, P. E., CHIEF

June 12, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #229 (1972-1973)
Property Owners: William J. and Mary Gattus
Willow Road and Old North Point Road
Present Zoning: B.L.
Proposed Zoning: Variance from Section 232.4 and 409.2 (6)
to permit 82 parking spaces in lieu of the required 250
parking spaces
District: 12th No. Acres: 3.30 acres

Dear Mr. DiNenna:

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

Highways:

Old North Point Road (Md. 20) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road are under the jurisdiction of the Maryland Highway Administration.

Willow Road, an existing public road is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements and highway right-of-way widening, including a fillet area at the intersection for sight distance and reversible easements for slopes, will be required in connection with any grading or building permit application.

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 striping, 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 striping of top soil.

Storm Drains:

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

Item #229 (1972-1973)
Property Owners: William J. and Mary Gattus
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June 12, 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.

The flood plain for the Broad and Cheese Creek, as determined by a required storm drain study based upon a 100-year storm frequency, must be indicated on a revised plan. This stream is also subject to tidal action. Further information may be obtained from the Baltimore County Bureau of Engineering. In accordance with County Policy, channel improvements and stabilization of banks may be required. The total cost of drain requirements to serve this site will be the responsibility of the Developer.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are available to serve this property.

Very truly yours,

Ellsworth H. Dyer, P.E.
Chief, Bureau of Engineering

END:EAH/PJR:as

cc: G. Reiter
D. GriseE: V Key Sheet
6 SS 23 Pos. Sheet
SS 2 Topo
96 and 103 Tax MapsBALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

DIRECTOR

Wm. T. NELSON

DEPUTY TRAFFIC ENGINEER

June 7, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item 229 - ZAC - May 29, 1973
Property Owners: William J. and Mary Gattus
Willow Road and Old North Point Road
Variance from Section 232.4 and 409.2(6) to permit 82 parking
spaces in lieu of the required 250 parking spaces
District 12

Dear Mr. DiNenna:

Subject petition is a request for a variance for the required 246 spaces to 82 parking spaces. The parking requirement is based on a demonstrated need for parking and a variance to parking can be expected to cause a hardship on the neighborhood.

Internal circulation must be provided on the site since Willow Road is a one way northbound street and if circulation is not provided on the site, trucks will have to use residential streets to get to the proposed loading areas.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer, Associate

NSF/fk

Maryland Department of Transportation
State Highway AdministrationHarry R. Hughes
Location
Donard M. Evans
Assistant

June 1, 1973

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

Att: Mr. John Dillon

RE: A.C. McTigue, May 29, 1973
Property Owners: William J.
& Mary Gattus
Location: Willow Rd. and
Old North Point Rd.
(Site 20)
Present Zoning: B.L.
Proposed Zoning: Variance
from Section 232.4 and
409.2(6) to permit 82
parking spaces in lieu
of the required 250 parking
spaces
District: 12
No. Acres: 3.30 acres
Item: 229

Dear Mr. DiNenna:

There is a 60' right of way (30' from center) proposed for Old North Point Road that must be indicated on the plan.

The proposed roadside curb is to be 20' from existing centerline of Old North Point Road and not 10' as scaled on the plan.

The plan should be revised prior to the hearing.

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

We are concerned about the requested parking variance. The lack of the required 168 spaces could encourage undesirable parking on the streets.

The 1972 average daily traffic count on this section of Old North Point Road is 7,000 veh. per day.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
John E. Meyers
by John E. Meyers
Asst. Development Engineer

CL:JHdp

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTHJEFFERSON BUILDING
TOWSON, MARYLAND 21204

May 31, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICERMr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 229, Zoning Advisory Committee Meeting May 29, 1973, are as follows:

Property Owner: William J. and Mary Gattus
Location: Willow Rd. and Old North Point Road
Present Zoning: B.L.
Proposed Zoning: Variance from Section 232.4 and
409.2(6) to permit 82 parking spaces instead
of required 250 parking spaces
District: 12
No. Acres: 3.30

Metropolitan water and sewer are available.

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

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

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mg

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

