

74-35-A PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Carpet Fair, 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,

herby petition for a Variance from Section 238.1 whereby we request a

10 foot front setback in lieu of a 25 foot setback required, and

238.2 whereby we request a 15 foot side yard along our northern

boundary in lieu of a 30 foot setback required; 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 CASE NO. 76032 DOCMET NO. 98 FOLIO NO. 410 FILE DATE: 4/25/73 We require an excessive number of parking spaces to accommodate customers at peak hours during special sales. We must, therefore, utilize our property by constructing one very large and easily accessible parking lot, well lit and concentrated in one location served by one point single entry and exit. Topography here dictates that this be on the south side of the building as shown on the accompanying plat. As we will be keeping as many trees as possible, we request keeping the building as close to Reisterstown Road as possible, otherwise we will be obscured by both our trees and those on neighboring properties to the north and south adjoining us. For these reasons we are making a considerable investment in land, building, and sweat to move our premises directly across the street from our existing quarters. 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.

Contract purchaser Carpet Fair, Inc. Legal Owner
Address c/o Maryland Commercial Contractors, Inc.
8001 York Road (21204)
377-7111

Petitioner's Attorney Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day

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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of August, 1972, at 10:00 o'clock

James E. L...
Zoning Commissioner of Baltimore County.

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RE: PETITION FOR VARIANCES : BEFORE THE
NE/S of Reisterstown Road : DEPUTY ZONING
209.99' NW of High Falcon Road :
4th District : COMMISSIONER
Carpet Fair, Incorporated - :
Petitioner : OF
NO. 74-35-A (Item No. 5) : BALTIMORE COUNTY

This Petition represents a request to permit a ten (10) foot front yard setback instead of the required twenty-five (25) feet and a fifteen (15) foot side yard setback instead of the required thirty (30) feet.

The subject site is located on the east side of Reisterstown Road, 209.99 feet northwest of High Falcon Road, in the Fourth Election District of Baltimore County.

Testimony indicated that the 1.17 acre parcel is presently improved with two (2) vacant dwellings and several accessory structures. The Petitioner's plans call for the removal of said structures and the construction of a twelve thousand (12,000) square foot building that will be utilized for carpet sales. However, problems have been encountered with the topography of the site, which drops off somewhat steeply to the south. The grades along the road frontage also dictate that the entrance be located towards the southern end of the site.

Based on these problems, the Petitioner's engineer felt that the most practical and feasible location of the building would be as it was petitioned for, with the building being located in the northern end of the lot. It was also his opinion that the ten (10) foot front yard setback would provide for the exposure from Reisterstown Road that is considered necessary in advertising his business.

After reviewing the above testimony and making an on-site field inspection of the subject site, it is the opinion of the Deputy Zoning Commissioner that the Petitioner is faced with a hardship but not to the extent petitioned for. A sixteen (16) foot front yard setback along with the

fifteen (15) foot side yard setback would provide the relief needed to locate the building at a point that would provide for proper grading of the site. Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 9th day of August, 1973, that Variances to permit a fifteen (15) foot side yard setback instead of the required thirty (30) feet and to permit a sixteen (16) foot front yard setback instead of the required twenty-five (25) feet, should be and the same is hereby GRANTED, from and after the date of this Order, subject to a revised site plan that shall include the following:

1. Existing and proposed paving width of Reisterstown Road.
2. Four (4) foot high compact screening where the parking area is adjacent to residential properties.
3. Type of paving and curbing for the parking area.
4. A required eight (8) foot strip for the parking area from the proposed street right-of-way.
5. Driveway and street to line up with interior driveways.
6. Approval of said site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

James E. L...
Deputy Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ASSOCIATES, INC. * IN THE CIRCUIT COURT
Plaintiff * FOR
vs. * BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND * IN EQUITY
Respondent * Docket 98, Folio 410
* Case No. 76032

AMENDED DECREE

The petition for declaratory decree in the above captioned matter and answer thereto, having come on for hearing in open court, testimony and evidence having been taken before the Court and counsel having been heard, and the within proceedings having been considered, it is, this 2nd day of MAY, 1973, by The Circuit Court for Baltimore County in Equity,

ADJUDGED, ORDERED AND DECREED that this Court shall, and hereby assumes jurisdiction over the subject matter set forth in the aforesaid petition; and

ADJUDGED, ORDERED AND DECREED That the zoning classification of the parcel of real property, title to which is vested in the petitioner and more fully described in the said petition and attached exhibits thereto containing 1.28 acres of land, more or less, has been erroneously and unintentionally changed by The Office of Planning and Zoning from F.R. zone to D.R. 3.5 zone by virtue of a mapping error; and

ADJUDGED, ORDERED AND DECREED that the Zoning Commissioner of Baltimore County rectify the comprehensive zoning maps adopted March, 1971 and now in effect, and correct the zoning classification of said parcel of land from the erroneous classification of D.R. 3.5 zone to the correct and intended B.R. zone; and

ORDERED, That the Zoning Commissioner of Baltimore County be directed to clearly indicate the intended B.R. zone classification on all copies of the comprehensive zoning maps now in effect; and further ORDERED that the Petitioner pay the costs of these proceedings.

John P. ...
JUDGE

True Copy Test
ELMER H. KAHLINE, JR., Clerk
...
Deputy Clerk



THIS DEED, made this 31st day of October, 1963, by and between GEORGE W. CHRISTY and MYRTLE A. CHRISTY, his wife, of Baltimore County, State of Maryland, of the first part, and BALTIMORE COUNTY ASSOCIATES, INC., a body corporate of the State of Maryland, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said George W. Christy and Myrtle A. Christy, his wife, do grant and convey unto the said Baltimore County Associates, Inc., its successors and assigns, in fee simple, all that piece or parcel of ground, situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:-

BEGINNING FOR THE SAME at a point on the northeasternmost line of Reisterstown Road, as laid out and now existing, distant 1,000 feet, more or less, southeasterly from the center line of paving of Timber Grove Road, as now exists, said point being also 33 1/2 feet southeasterly from a point where formerly stood a 14 mile stone, and running thence North 39 degrees 14 minutes 10 seconds East 197.93 feet, thence South 48 degrees 29 minutes 00 seconds East 245.04 feet, thence South 45 degrees 46 minutes 00 seconds West 241.00 feet to a point on the aforesaid northeasternmost line of Reisterstown Road, thence binding along said northeasternmost line of Reisterstown Road North 37 degrees 30 minutes 00 seconds West 223.40 feet to the place of beginning, containing 1.17 acres of land more or less, according to survey by Purdon and Jeschke, Registered Engineers and Land Surveyors, dated July 2nd, 1963.

BEING the same lot of ground which by deed dated September 25th, 1945, and recorded among the Land Records of Baltimore County in Liber R.S.S. No. 1409, Folio 15, was granted and conveyed by Truman Grabill, Unmarried, et al, unto the Grantors herein, in fee simple.

SAVING AND EXCEPTING therefrom so much thereof as was by deed dated December 29th, 1948, and recorded among the Land Records of Baltimore County in Liber T.S.S. No. 1721, Folio 360, was granted and conveyed by the said George W. Christy, et al, unto John W. Seymour and wife.

TOGETHER with all of the easements and rights reserved by the said George W. Christy and wife in said deed to Seymour.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or any-wise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Baltimore County Associates, Inc., its successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantors.

TEST:
George W. Christy
GEORGE W. CHRISTY
Myrtle A. Christy
MYRTLE A. CHRISTY (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 31st day of October, 1963, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared GEORGE W. CHRISTY and MYRTLE A. CHRISTY, his wife, the above-named

PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
121 N. Calverton Ave.
Towson, Maryland 21204

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

August 2, 1973

Mr. Morris Holman, President
Carpet Fair, Inc.,
c/o Maryland Commercial Contractors, Inc.
8001 York Road
Towson, Maryland 21204

RE: Variance Petition
Item 5
Carpet Fair, Inc., - Petitioners

Dear Mr. Holman:

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 east side of Reisterstown Road, north of High Falcon Road, in the 4th District of Baltimore County. The property was the subject of a Reclassification petition and rehearing before Judge Proctor recently upholding a previous Reclassification petition (Case 76032, Docket No. 98, Folio 410).

The property is currently improved with an existing two-story frame dwelling, several frame outbuildings, and there are at least two adjacent residences on the north side of the property. There

Mr. Morris Holman, President
Item 5
Page 2
August 2, 1973

and several junked cars and miscellaneous junk and debris on the site. This site is immediately north of the existing Seymour Chevrolet dealership on Reisterstown Road.

Curb and gutter does not currently exist at this location, and there could be some problem with access to this site.

Prior to a hearing, a revised site plan must be submitted that indicates all utilities and all structures, as well as meeting all other requirements of the Zoning Commissioner's Rules of Practice and Procedure.

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 36, 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: David S. Hyman & Associates
2622 Maryland Avenue
Baltimore, Maryland 21218

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

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

July 17, 1973

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

Re: Item # (1973 - 1974)
Property Owner: Carpet Fair, Inc.
11411 - 11415 Reisterstown Road
Present Zoning: B.R.
Proposed Zoning: Variance from Section 238.1 to permit a 10' front setback instead of the required 25' and to permit a side yard of 15' instead of the required 30'
District: 4th
No. Acres: 1.28 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.

General:

The plan should be revised to indicate all existing physical features on the site, i.e., improvements, houses, garages, buildings, drives, etc., and public utilities as related to this site.

Highways:

Reisterstown Road (U.S. 140) 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. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

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 #5 (1973 - 1974)
Property Owner: Carpet Fair, Inc.
Page 2
July 17, 1973

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage 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 and Sanitary Sewers:

Public water supply and sanitary sewerage are available to serve this property. It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

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

ENCLOSURE

T-301 Map Sheet
52 NW 36 Sec. 8, Twp.
13 N 13 E Top
50 Tax Map

cc: J. Loos

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

July 6, 1973

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

RE: ZAC Meeting, July 3, 1973
Property Owner: Carpet Fair Inc.
Location: 11411-11415 Reisterstown Road (Rte. 451E/S, N off High Falcon Rd.)
Present Zoning: B.R.
Proposed Zoning: Variance from Section 238.1 to permit a 10' front setback instead of the required 25' and to permit a side yard of 15' instead of the required 30'
District: 4
No. Acres: 1.28 acres
Item: 5

Dear Mr. DiNenna:

The entire frontage of the subject site must be improved with curb and gutter. The roadside face of curb is to be 28' from and parallel to the centerline of Reisterstown Road.

There is an 80' right of way (40' from center) proposed for Reisterstown Road. It must be indicated on the plan. A concrete curb must be constructed between the proposed right of way line and the parking lot.

An entrance 30' in width with 10' radius returns would be sufficient to serve the proposed development.

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

The entrance will be subject to State Highway Administration approval and permit.

The 1972 average daily traffic on this section of Reisterstown Road is 23,100 vehicles.

Very truly yours,

Charles Len, Chief
Development Engineering Section

John E. Meyer
Asst. Development Engineer

CLJEN:dp

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

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204
822-7510

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Carpet Fair, Incorporated

Location: 11411-11415 Reisterstown Road

Item No. 5 Zoning Agenda Tuesday, July 3, 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 site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John E. Meyer*

Planning Group
Special Inspection Division

Noted: *Paul H. Rains*

Approved: *Paul H. Rains*
Deputy Chief
Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

July 9, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY HEALTH 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 5, Zoning Advisory Committee Meeting
July 3, 1973, are as follows:

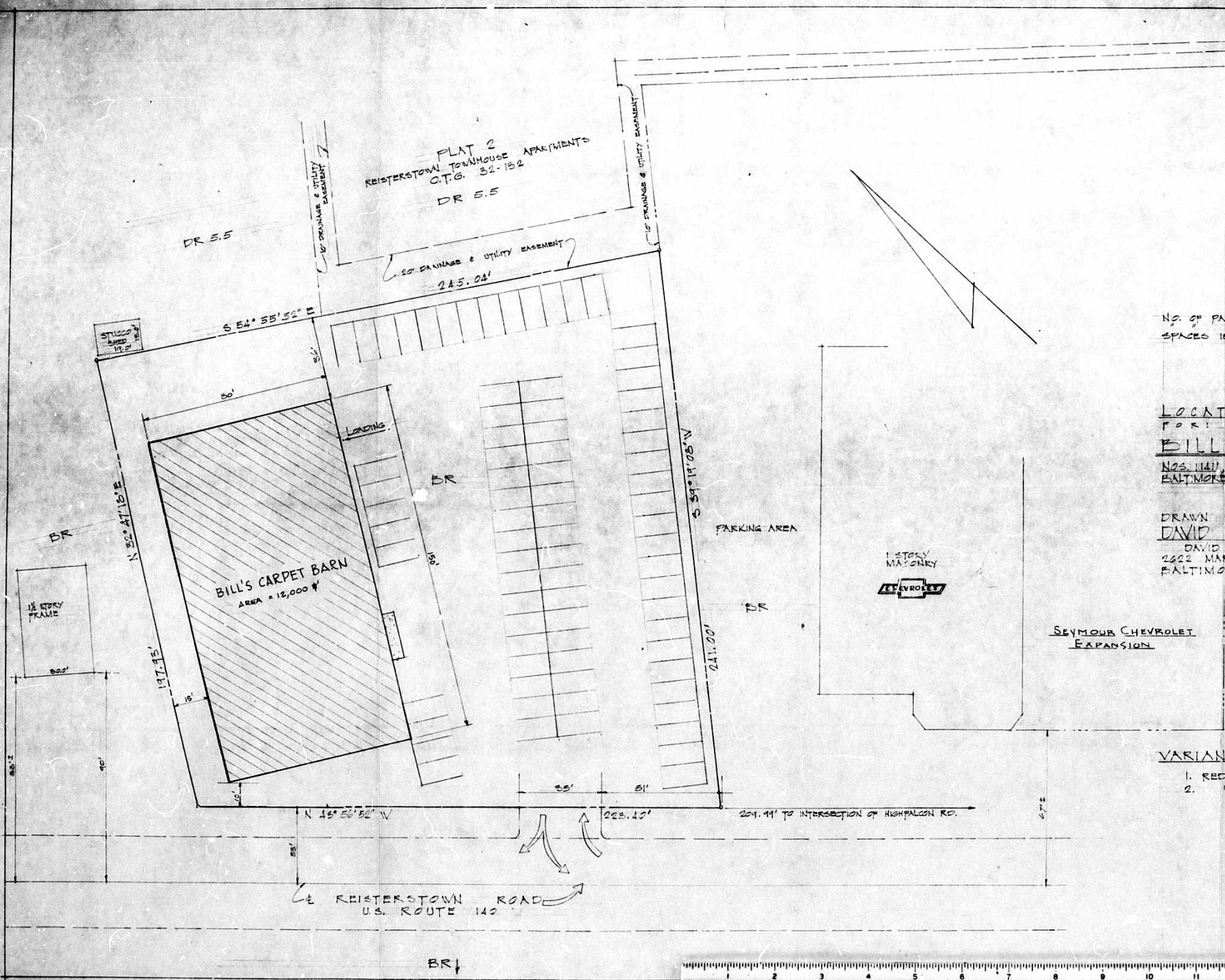
Property Owner: Carpet Fair, Inc.
Location: 11411-11415 Reisterstown Road
Present Zoning: B.R.
Proposed Zoning: Variance from Section 238.1 to permit a 10' front setback instead of required 25' and a side yard of 15' instead of required 30'
District: 4
No. Acres: 1.28

Revised plot plan must be submitted showing location of water supply and sewage disposal system.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:anp



NO. OF PARKING SPACES REQUIRED 60
 SPACES 100' ± = 9' X 20' PROVIDED 78

LOCATION PLAN
 FOR:
BILL'S CARPET BARN
 NOS. 11411, 11413, & 11415 REISTERSTOWN ROAD
 BALTIMORE COUNTY, MARYLAND 4TH ELECTION DISTRICT

DRAWN BY:
DAVID S. HYMAN & ASSOCIATES
 DAVID S. HYMAN, ENGINEER, PLANNER
 2022 MARYLAND AVENUE
 BALTIMORE, MARYLAND 21218

SEYMOUR CHEVROLET
 EXPANSION

SAFeway
 STORE
 SITE

- VARIANCES REQUESTED:**
1. REDUCE NORTH SIDE YARD TO 15' FROM REQUIRED 20'
 2. " FRONT YARD TO 10' FROM REQUIRED 25'

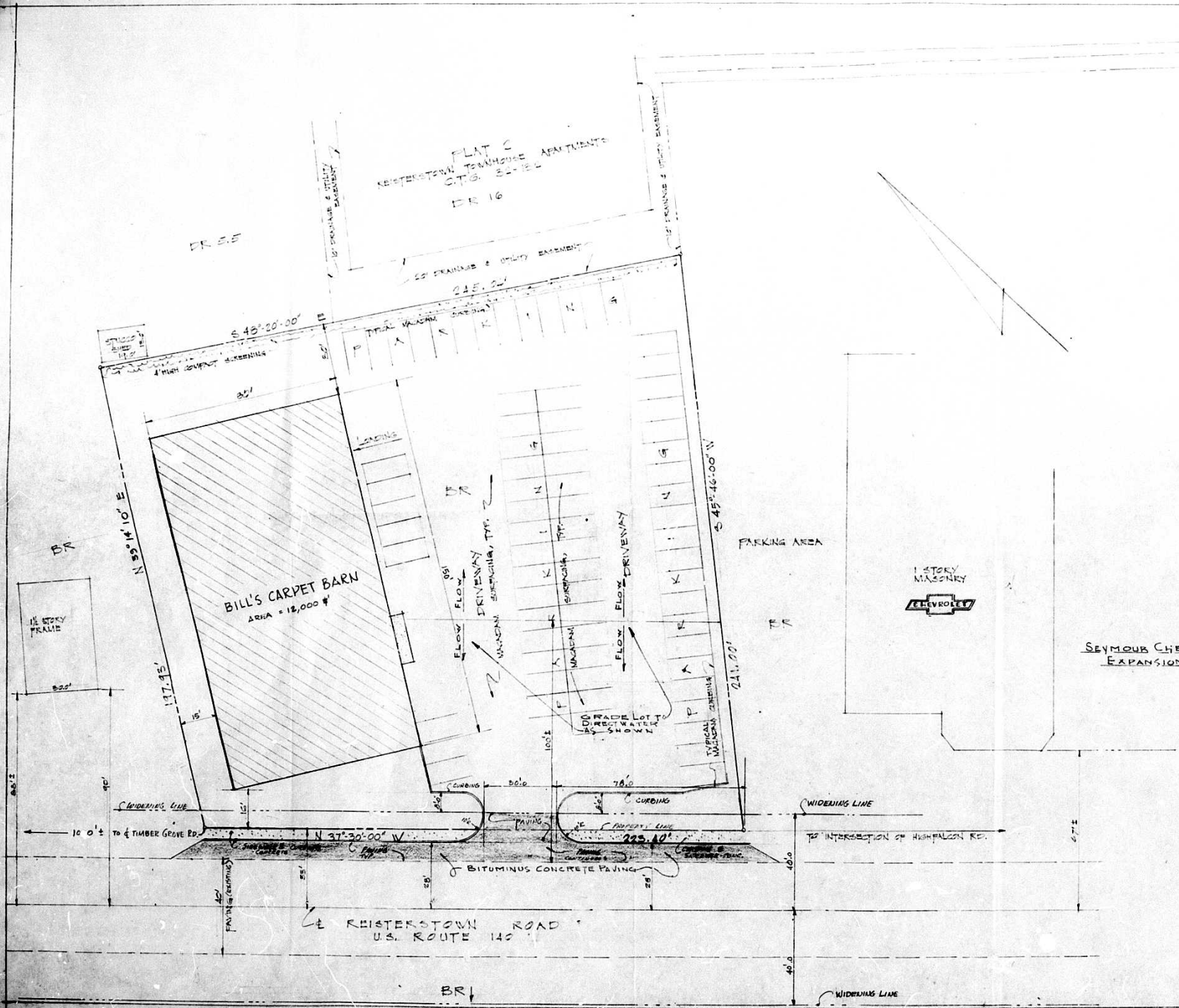
NOTE: THIS IS NOT A SURVEY PLAT

78 PARKING SPACES
 467-6762



REVISED: 5/30/73; 4/1/73; 6/8/73
73-10 FEB. 13 Loc. Plan





NO. OF PARKING SPACES REQUIRED 60
 PROVIDED 73
 NOTE: THIS IS NOT A SURVEY PLAT

LOCATION PLAN SCALE: 1" = 20'
 FOR:
BILL'S CARPET BARN
 N2S 1/4, 1/4S, & 1/4S REISTERSTOWN ROAD
 BALTIMORE COUNTY, MARYLAND 4TH ELECTION DISTRICT

DRAWN BY:
DAVID S. HYMAN & ASSOCIATES
 DAVID S. HYMAN, ENGINEER, PLANNER
 2222 MARYLAND AVENUE
 BALTIMORE, MARYLAND 21218

**SEYMOUR CHEVROLET
 EXPANSION**

**SAFeway
 STORE
 SITE**

VARIANCES REQUESTED:
 1. REDUCE NORTH SIDE YARD TO 15' FROM REQUIRED 20'
 2. " FRONT YARD TO 10' FROM REQUIRED 25'

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: *[Signature]*
 DATE: 11/13/73
 TITLE: *[Signature]*
 DATE: 11/14/73

74-35-A

#1162-73
 11/12/73

REVISED: 5/30/73; 6/1/73; 6/2/73; 7/1/73; 9/6/73
 10/17/73; 10/24/73
 73-10 FEB 13 Loc. Plan

