

74-158-A 104 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, **MAE L. & JOSEPH F. BRIEKER**, 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 Area requirements permitting a rear yard setback of 23 feet instead of the stated 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)

Petitioner desires to erect an addition to an existing building because of an expansion in the business and the present building of approximately 30 feet by 40 feet being too small. The addition of 23 feet to the rear is needed to alleviate the present difficulty.

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 For Baltimore County.

Contract purchaser
Address: 8021 Saratoga Drive
Baltimore, Maryland 21237

Perry E. Darby
Petitioner's Attorney
Address: 8027 Philadelphia Road
Baltimore, Maryland 21237

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 _____ day of _____, 1973, at _____ o'clock

[Signature]
Zoning Commissioner of Baltimore County.

FRANK S. LEE
1277 NEIGHBORS AVENUE
BALTIMORE, MARYLAND 21237

November 1, 1973

No. 7609 - 11 Philadelphia Road
South side of Philadelphia Road 1750 feet more or less northeast of Pulaski Hwy
15th District Baltimore County, Maryland

Beginning for the same on the south side of Philadelphia Road at the distance of 1750 feet more or less measured northeasterly along the south side of Philadelphia Road from the intersection of Philadelphia Road and Pulaski Highway, and thence running and binding on the south side of Philadelphia Road North 49 degrees 18 minutes 20 seconds East 101.43 feet, thence leaving Philadelphia Road for three lines of division as follows: South 31 degrees 03 minutes 40 seconds East 155.43 feet, South 58 degrees 56 minutes 20 seconds West 100 feet and North 31 degrees 03 minutes 40 seconds West 130.46 feet to the place of beginning.

Containing 0.74 acres of land more or less.



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 9, 1974

Perry E. Darby, Esq.,
8057 Philadelphia Road
Baltimore, Maryland 21237

RE: Variance Petition
Item 104
MAE L. & JOSEPH F. BRIEKER -
Petitioners

Dear Mr. Darby:

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 south side of Philadelphia Road, 1100 feet northeast of Pulaski Highway, in the 15th District of Baltimore County. This property, which is zoned Business Roadside, is currently improved with a one-story block building which contains two existing businesses.

The petitioner is requesting a Variance to allow a 23 foot rear yard instead of the required 30 feet for a proposed 25x40 foot addition.

In reviewing the comments of the State Highway Administration and the Department of Traffic Engineering, I am requiring that revised

Perry E. Darby, Esq.,
Re: Item 104
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January 9, 1974

site plans be submitted that reflect these comments, and I recommend that should this Variance receive a favorable comment, that it would be made subject to State Highway Administration and the Department of Traffic Engineering's approval of a site plan.

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:JJD

Enclosure

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Md. 21237

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

January 4, 1974

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

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

Re: Item #104 (1973-1974)
Property Owner: MAE L. & JOSEPH F. BRIEKER
S/S of Philadelphia Road, 1,100' N/E of Pulaski Hwy.
Existing Zoning: B.R.
Proposed Zoning: Variance to allow a 23' rear yard setback instead of the required 30'
No. of Acres: 0.34 District: 15th

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:

Philadelphia Road (Md. 7) 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.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan. Comments regarding drainage have been supplied the Petitioner for this site by the Bureau of Public Services, in connection with Commercial Building Permit Application #263-72, April 6, 1972 and subsequent thereto. Those comments are referred to for your consideration.

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.

Item #104 (1973-1974)
Property Owner: MAE L. & JOSEPH F. BRIEKER
Page 2
January 4, 1974

Water and Sanitary Sewer:

Public water supply and sanitary sewerage apparently are serving the existing building. The plan should be revised to show the means of connection to the public sewerage in Philadelphia Road.

Very truly yours,

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

END:PHM:FWR:iss

cc: G. Reiser

1-28 Key Sheet
7-15 15 Pos. Sheet
NE 2 E Topo
96 Tax Map



Maryland Department of Transportation
State Highway Administration

Merry B. Hughes
Secretary
Bernard M. Evans
Administrator

December 6, 1973

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

Re: 2.A.C. Meeting
December 4, 1973
ITEM 104:
Property Owner: MAE L. & JOSEPH F. BRIEKER
Location: S/S of Philadelphia Road (Route 7) 1,100' N.E. of Pulaski Highway
Existing Zoning: B.R.
Proposed Zoning: Variance to allow a 23 ft. rear yard setback instead of the required thirty (30) feet.
No. of Acres: 0.34
Districts: 15th

Dear Mr. DiNenna:

The subject plan indicates a Parking lot barrier curb along the right of way line.

An inspection at the site revealed that the curb does not exist, although it was to have been constructed in conjunction with the existing building.

It is our opinion that the petition should not be scheduled for a hearing until such time as the matter is resolved.

The 1972 average daily traffic count for this section of Philadelphia Road is ... 10,500 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
[Signature]
JOHN E. HEYERS

CLJ:FWH

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 existing of the Variance requested not adversely affecting the health, safety and general welfare of the community,

to permit a rear yard of 23 feet instead of the a Variance required 30 feet should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of January, 1974, that the herein Petition for a Variance 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, Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

December 21, 1973

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

Re: Item 104 - ZAC - December 4, 1973
Property Owner: Mae L. & Joseph F. Brieker
Philadelphia Road N.E. of Pulaski Highway
Variance to allow rear yard setback
District 15

Dear Mr. DiNenna:

The plan must be revised to show the ditch in the rear portion of the property and all loading areas. The proposed parking arrangement is very tight and may, at times, become unworkable.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate

MSF:mnc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

December 6, 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 100, Zoning Advisory Committee Meeting
December 4, 1973, are as follows:

Property Owner: Mae & Joseph Brieker
Location: S/S Phila. Rd., 1100' NE of Pulaski Hwy
Present Zoning: B.R.
Proposed Zoning: Variance to allow a rear yard setback
of 23' instead of required 30'
No. Acres: 0.34
District: 15

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnc

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: November 27, 1973

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

Z.A.C. Meeting of: December 4, 1973

Re: Item 100
Property Owner: Mae L. & Joseph F. Brieker
Location: S/S of Philadelphia Rd, one thousand and one hundred ft. (1100) N.E. of
Present Zoning: B.R. Pulaski Highway
Proposed Zoning: Variance to allow a twenty-three (23) ft. rear yard setback instead of the required thirty (30) ft.

District: 15th
No. Acres: 0.34

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
Wick Petrovich
Field Representative

EMILIE PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. BERNY

MARCUS M. BOWMAN
JOSEPH N. WILSON
ALVIN ASPICK
JOSHUA R. THEILER, Vice President

T. HAROLD WILLIAMS, JR.
RICHARD W. FRACK, Vice
MRS. THOMAS R. L. LUFF

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 11, 1974

Perry E. Darby, Esq.,
8037 Philadelphia Road
Baltimore, Maryland 21237

Variance Petition
Re: Mae L. & Joseph F. Brieker -
Item 104 Petitioners

Dear Mr. Darby:

I am in receipt of additional or revised comments from the enclosed Zoning Advisory Committee member(s) with regard to your petition. Please read and add these comments to those previously sent to you. Should revised site plans be required as a result of these comments, please endeavor to have them filed prior to the hearing.

Very truly yours,

John J. Dillon, Jr., Chairman
Zoning Advisory Committee

JJDjr.:JD
(Enclosure(s))

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



January 11, 1974

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 #104, Zoning Advisory Committee Meeting, December 4, 1973, are as follows:

Property Owner: Mae L. & Joseph F. Brieker
Location: S/S of Philadelphia Road, one thousand and one hundred feet (1100) N.E. of
Pulaski Highway
Existing Zoning: B.R.
Proposed Zoning: Variance to allow a twenty-three (23) feet rear yard setback instead of the required thirty (30) feet.
No. of Acres: 0.34
District: 15th

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: January 28, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #74-158-A. South side of Philadelphia Road 1750 feet, more or less, northeast of Pulaski Highway
Petition for Variance for a Rear Yard
Petitioner - Joseph F. Brieker and Mae L. Brieker

15th District

HEARING: Wednesday, January 30, 1974 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has no comments to offer at this time.

William D. Fromm, Director of Planning

WDF:NEG:rw

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 11, 1974

Perry E. Darby, Esq.,
8037 Philadelphia Road
Baltimore, Maryland 21237

Variance Petition
Re: Mae L. & Joseph F. Brieker -
Item 104 Petitioners

Dear Mr. Darby:

I am in receipt of additional or revised comments from the enclosed Zoning Advisory Committee member(s) with regard to your petition. Please read and add these comments to those previously sent to you. Should revised site plans be required as a result of these comments, please endeavor to have them filed prior to the hearing.

Very truly yours,

John J. Dillon, Jr., Chairman
Zoning Advisory Committee

JJDjr.:JD
(Enclosure(s))

cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

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