

74-230-145 Case No. 145 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Alice Sprague, 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 301.1 (2)(2) of the Zoning Regulations, to allow a 75% of 30' = 22.5' to 13.83' for Drive-In Bank Canopy. To permit an open canopy of 13 feet instead of the required 22 1/2 feet.

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

The reduction in side yard setback for the Drive-In Bank Canopy is required because of the size of this parcel. The driveway entrances were constructed by the SHA when widening Liberty Road. The Bank could not be shifted to the east to provide proper canopy clearance without reducing parking spaces below the required minimum.

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.

Citizen's Management Company
Donald H. John
 Lessee
 Address: c/o Mr. John Kensing, Vice President
 6200 Baltimore Boulevard
 Riverdale, Maryland 20840
 Petitioner's Attorney
James H. Cook, Esq.
 409 Washington Avenue
 Towson, Maryland 21204
 Protestor's Attorney
James H. Cook, Esq.
 409 Washington Avenue
 Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of April, 1974, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of April, 1974, at 10:30 o'clock.

Zoning Commissioner of Baltimore County.

(over)

ZONING DESCRIPTION

MURPHY'S MART

LIBERTY ROAD AND OLD COURT ROAD

SIDE YARD VARIANCE

BEGINNING for the same on the northernmost side of Liberty Road (variable width) at a point distant 247 feet more or less measured easterly from the center of Old Court Road said point of beginning being the southwest corner of Murphy's Mart, thence binding on the northernmost side of said Liberty Road the three following courses and distances: south 44 degrees 08 minutes 50 seconds east 82.35 feet, south 80 degrees 50 minutes 40 seconds east 52.21 feet and south 65 degrees 17 minutes 30 seconds east 7.64 feet, thence leaving said Road and running for lease lines the two following courses and distances: north 25 degrees 51 minutes 10 seconds east 134.85 feet and north 64 degrees 08 minutes 50 seconds west 160.00 feet, thence running on the outline of Murphy's Mart south 25 degrees 51 minutes 10 seconds west 150.00 feet to the place of beginning.

CONTAINING 0.471 acres of land more or less.

January 10, 1974

BALTIMORE COUNTY, MARYLAND
 JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

Eugene J. Clifford, P.E. Director
 Wm. T. Melzer Deputy Traffic Engineer

April 10, 1974

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

Re: Item 146 - ZAC - March 5, 1974
 Property Owner: Alice Sprague
 N/S Liberty Road, 247 feet E of Old Court Road
 Variance to allow projection into yards in B.R. Zone from 75% of 30 feet = 22.5 feet to 13.83 feet for Drive-In Bank Canopy.
 District 2

Dear Mr. DiNenna:

The subject variance for a Drive-In Bank Canopy should create no traffic problems.

Very truly yours,

C. Richard Moore
 Assistant Traffic Engineer

CRH/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: Alice Sprague

Location: N/S of Liberty Road, 247 feet E of Old Court Road

Item No. 146 Zoning Agenda March 5, 1974

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 _____
- (X) 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. Site plans are approved as drawn.
- () 6. _____
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: John J. Dillon, Jr. Noted and Approved: Paul H. Reisch
 Planning Group Special Inspector Division Deputy Chief
 Fire Prevention Bureau

mls
 4/16/73

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 11, 1974

James H. Cook, Esq.,
 409 Washington Avenue
 Towson, Maryland 21204

RE: Variance Petition
 Item 146
 Alice Sprague - Petitioner

Dear Mr. Cook:

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 northeast side of Liberty Road, approximately two hundred and forty-seven (247) feet southwest of Old Court Road. It is presently unimproved, but is a portion of the Murphy's Mart shopping complex. It has previously been occupied by a produce stand.

An existing automotive service station lies adjacent to the site on the northwest and a church use exists adjacent to the northeast.

The petitioner is requesting a Variance to permit a side yard setback for an open canopy of thirteen (13) feet instead of the required twenty-two and one-half (22.5) feet. A thirty-five hundred (3500) square foot bank structure is proposed.

James H. Cook, Esq.,
 Pci Item 146
 Page 2
 March 11, 1974

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,

James B. Byrnes, III
 JAMES B. BYRNES, III
 Chairman,
 Zoning Advisory Committee

JBB:JD

Enclosure

cc: David W. Dallas, Jr. (Civil Engineer
 8713 Old Harford Road
 Baltimore, Md. 21234

Maryland Department of Transportation State Highway Administration

Harry R. Hughes
 Raymond M. Evans
 Administrators

March 7, 1974

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

Att: Mr. James Byrnes

Dear Sir:

Although the subject site should be considered as part of a Shopping Center, access by way of the Shopping Center entrance is circuitous.

There are existing entrances into the site that are in conformance with State Highway Administration Standards and that should function well for the proposed development.

The 1972 average daily traffic count for this section of Liberty Road is ... 32,300 vehicles.

Very truly yours,

Charles Lee
 Charles Lee, Chief
 Bureau of Engineering
 Access Permits
 By: John E. Meyers

CL:JEH/pk

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 19, 1974

James H. Cook, Esq.,
 409 Washington Avenue
 Towson, Maryland 21204

RE: Variance Petition
 Item 146
 Alice Sprague - Petitioner

Dear Mr. Cook:

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

JJB:JD

(Enclosure(s))

cc: David W. Dallas, Jr.
 8713 Old Harford Road
 Baltimore, Maryland 21234

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, the Variance to permit a side yard setback for an open canopy of thirteen (13) feet instead of the required twenty-two and one-half (22½) feet, 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.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of April, 1974, that the herein Petition for a Variance to permit a side yard setback for an open canopy of thirteen (13) feet instead of the required twenty-two and one-half (22½) feet, 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.

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 2nd day of April, 1974, that the above Variance be and the same is hereby DENIED.

William D. Fromm, Director
Office of Planning
Petitioner - Alice Sprague

2nd District
HEARING: Monday, April 8, 1974 (10:30 A.M.)
The staff of the Office of Planning has reviewed the subject petition and has the following comment to offer.
The granting of the requested special exception would not be inconsistent with the 1980 Guideplan, the County's official Master Plan.

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

March 18, 1974

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

Re: Item #146 (1973-1974)
Property Owner: Alice Sprague
N/S of Liberty Rd., 247' E. of Old Court Rd.
Existing Zoning: B.R. C.S.A.
Proposed Zoning: Variance to allow projection into yards in B.R. Zone from 75% of 30' = 22.5' to 13.83' for Drive-in Bank Canopy
No. of Acres: 0.471 District: 2nd

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

Liberty Road (Md. 26) 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 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

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. Survival 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 to serve this site.

Item #146 (1973-1974)
Property Owner: Alice Sprague
Page 2
March 18, 1974

Sanitary Sewers

Connection to public sanitary sewerage apparently is to be accomplished by extension from the private onsite sanitary sewerage which was constructed for the overall shopping center.

Very truly yours,

William D. Fromm, Director
Office of Planning
Petitioner - Alice Sprague

END:RAM:FW:RAM

P-SW Re - Check
24 NW 31 Pos. Sheet
NW 4 H Topo
77 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: April 5, 1974
FROM: William D. Fromm, Director
Office of Planning
SUBJECT: Petition #74-230-A. North side of Liberty Road 247 feet, more or less, East of Old Court Road.
Petitioner for Variance for a Side Yard.
Petitioner - Alice Sprague

2nd District

HEARING: Monday, April 8, 1974 (10:30 A.M.)

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

The granting of the requested special exception would not be inconsistent with the 1980 Guideplan, the County's official Master Plan.

William D. Fromm, Director
Office of Planning

WDF:NEG:rw



WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



April 5, 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 146, Zoning Advisory Committee Meeting, March 5, 1974, are as follows:

Property Owner: Alice Sprague
Location: N/S of Liberty Road, 247 feet E of Old Court Road
Existing Zoning: B.R.-C.S.A.
Proposed Zoning: Variance to allow projection into yards in B.R. zone from 75% of 30 feet = 22.5 feet to 13.83 feet for Drive-in Bank Canopy
No. of Acres: 0.471
District: 2nd

This office has reviewed the subject petition and it appears that the drive-in bank facilities should not create any traffic problems on or off site, as the number of storage spaces exceed the desirable design storage space criteria for drive-in bank facilities.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

March 8, 1974

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 146, Zoning Advisory Committee Meeting
March 5, 1974, are as follows:

Property Owner: Alice Sprague
Location: N/S Liberty Rd., 247' E of Old Court Rd.
Present Zoning: B.R. C.S.A.
Proposed Zoning: Variance to allow projection into yards in B.R. Zone from 75% of 30' = 22.5' to 13.83' for Drive-in Bank Canopy
No. of Acres: 0.471
District: 2

Metropolitan water and sewer are available.

A moratorium was placed on new sewer connections in the Gwynns Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on Sept. 13, 1973; therefore approval may be withheld for this connection.

Very truly yours,
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mas

CERTIFICATE OF PUBLICATION

L 8621 D3855

Pikesville, Md. Mar. 21, 1974

IS TO CERTIFY, that the annexed advertisement published in THE NORTHWEST STAR, a newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each one time before the 18th

Ap:11 19 74
rat publication appearing on the 21st
March 19 21.

THE NORTHWEST STAR

Cost of Advertisement, \$ 24.50

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 21, 1974

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 one time before the 21st day of April, 1974, the first publication appearing on the 21st day of March 19 74.

THE JEFFERSONIAN
A. Frank Smith, Manager

Cost of Advertisement, \$

1-Sign

74-230-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: MARCH 23, 1974
 Posted for: PETITION FOR VARIANCE
 Petitioner: ALICE SPRAGUE
 Location of property: N/S. of ALBERTY RD. 247' E. of CHD COURT RD.
 Location of Sign: N/S. of LIBERTY RD. 300' E. of CHD COURT RD.
 Remarks: _____
 Posted by: J. Bessons, Jr. Deane Date of return: MARCH 24, 1974
 Signature

Ben

James H. Cook, Esq.
 409 Washington Avenue
 Towson, Md. 21204 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted
 for filing this 8th day of March 1974.

S. Eric DiNenna
 S. ERIC DINENNA,
 Zoning Commissioner

Petitioner Alice Sprague

Petitioner's Attorney James H. Cook, Esq.
 or David E. Hall, Esq. (for all business)
 4111 Old Harbor Dr., #1114

Reviewed by James H. Cook, Esq.
 Chairman,
 Zoning Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		250 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>M.B.C.</u>	Revised Plans: Change in outline or description <u>Yes</u> Previous case: _____ Map # _____ <u>No</u>									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received "this" 19th day of

FEB. 1974. Item # _____

S. Eric DiNenna
 S. ERIC DINENNA
 Zoning Commissioner

Petitioner Alice Sprague Submitted by James Cook

Petitioner's Attorney James Cook Reviewed by ABC

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

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 13200

DATE April 8, 1974 ACCOUNT 01-662AMOUNT \$55.75

WHITE - CASHIER DISTRIBUTION
 PINK - AGENCY YELLOW - CUSTOMER

Messrs. Cook, Hall, Murray & Howard
 409 Washington Ave.
 Towson, Md. 21204
 Advertising and posting of property for Alice Sprague
 #74-230-A

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 13147

DATE March 14, 1974 ACCOUNT 01-662AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION
 PINK - AGENCY YELLOW - CUSTOMER

Messrs. Cook, Hall, Murray & Howard
 409 Washington Ave.
 Towson, Md. 21204
 Petition for Variance for Alice Sprague
 #74-230-A

250 CHEK

