

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOSEPH DAMICO, 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 409.22(3) to allow 0 parking spaces instead of the required 27 spaces.

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

The reason for the within Petition is that there is no private parking facilities for the operation of Sorrento's Carry Out. There is metered parking in front of the building and immediately across the street is a Baltimore County Metered Parking Lot with approximately 40 spaces. Sorrento's has been operating for approximately 10 years and is expanding the floor space for its business.

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

JOSEPH DAMICO
Lessee
Address: 347 Martin Drive
Baltimore, Maryland 21229

JOSEPH DAMICO
Legal Owner
Address: 9 Forest Drive
Catonsville, Maryland 21228

JOHN CARROLL COOLAHAN
Petitioner's Attorney
Address: 5420 Carville Avenue, 21227
242-1200

JOHN CARROLL COOLAHAN
Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 12th day of May, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of May, 1974, at 2:00 o'clock.

JOHN CARROLL COOLAHAN
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE
SE/corner of East Drive and
Stevens Avenue - 13th District
Joseph Damico - Petitioner
NO. 74-259-A (Item No. 163)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Variance to permit zero parking spaces instead of the required 27 spaces for a restaurant. The property is situated on the southeast corner of East Drive and Stevens Avenue, in the Thirteenth Election District of Baltimore County.

Testimony and evidence was submitted on behalf of the request by the Petitioner, who has operated a restaurant on the adjoining property for approximately ten years. He now plans to expand his business into an adjoining store that was formally used for a variety of uses, the last of which was a laundromat. Many buildings in this area, including the Petitioner's existing and proposed stores, have existed for several years without benefit of any parking.

Recognizing this inadequacy, the Revenue Authority has, in recent years, constructed a substantial parking lot on the opposite side of East Drive. The Petitioner submitted several photographs of the area that included the Revenue Authority Parking. The photographs, taken at various times of the day, clearly indicated that the subject parking lot is, for the most part, unused and, as such, would be convenient and available to his customers.

After reviewing the above testimony and evidence, it is the opinion of the Deputy Zoning Commissioner that the Petitioner is faced with a hardship in complying with the present parking regulations. The availability of the parking in close proximity to his business should alleviate any burden or overcrowding of surrounding streets that may be brought about by the proposed change in occupancy from a laundromat to a restaurant. The requested Variance will

not be detrimental to the health, safety and general welfare of the community, and should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16th day of May, 1974, that the herein Petition for Variance to permit zero parking spaces instead of the required 27 spaces for a restaurant should be and the same is hereby GRANTED. Said granting shall be subject to the approval of all necessary permits by County and State agencies.

JOHN CARROLL COOLAHAN
Deputy Zoning Commissioner of
Baltimore County

May 16, 1974

John Carroll Coolahan, Esquire
5420 Carville Avenue
Baltimore, Maryland 21227

RE: Petition for Variance
SE/corner of East Drive and Stevens
Avenue - 13th District
Joseph Damico - Petitioner
NO. 74-259-A (Item No. 163)

Dear Mr. Coolahan:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JAMES E. DYER
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 10, 1974

COUNTY OFFICE BUILDING
111 S. Greenleaf Ave.
Towson, Maryland 21204

XXXXXXXXXXXXXXXXXXXX

Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSION

HEALTH DEPARTMENT

PROJECT PLANNING

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

John Carroll Coolahan, Esq.,
5420 Carville Avenue
Baltimore, Maryland 21227

RE: Variance Petition
Item 163
Joseph Damico - Petitioner

Dear Mr. Coolahan:

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 southeast corner of East Drive and Stevens Avenue, in the 13th Election District of Baltimore County. It comprises two of an existing group of several stores. To the north, across Stevens Avenue, are various other commercial establishments, including a dry cleaners and a Karate school. Retail stores also exist on the northwest corner of Stevens Avenue and East Drive. The properties opposite the site, to the west and across East Drive, are improved with an existing Esso automotive service station and a Baltimore County Revenue Authority parking lot.

The petitioner is proposing a restaurant and is requesting an off street parking Variance

John Carroll Coolahan, Esq.
Re: Item 163
April 10, 1974

to permit zero parking spaces instead of the required twenty-seven (27) spaces.

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 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 E. BYRNES, III
JAMES E. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Silberman & Associates - Engineers
902 W. 36th Street
Baltimore, Maryland 21211

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

WM. T. MELER

DIRECTOR

DEPUTY TRAFFIC ENGINEER

April 11, 1974

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

Re: Item 163 - ZAC - March 26, 1974
Property Owner: Joseph Damico
E/S East Drive and the S/S Stevens Avenue
Variance to allow zero parking spaces instead of the required 27 spaces
District 13

Dear Mr. DiNenna:

The granting of a variance to zero parking spaces instead of the required 27 parking spaces will create congestion with parking on all surrounding streets.

Very truly yours,

C. RICHARD MOORE
C. RICHARD MOORE
Assistant Traffic Engineer

CRN/pk

PROPERTY DESCRIPTION OF 5401 & 5401 1/2 EAST DRIVE, BALTIMORE COUNTY, MD.

Beginning at the intersection of northeast side of East Drive and the southwest side of Stevens Avenue, 34 feet wide, thence binding on the southwest side of Stevens Avenue with a bearing of

S 44°05' E 84.4 Feet

to the division line between lot 23 and lot 24 as shown on a of "Arbutus Terrace" as surveyed by J. Spence Howard, dated May 1921, and recorded in the land records of Baltimore County in Plat Book M.P.C. No. 7 part 1 folio 17. Thence with part of the said division line between lots 23 & 24 with a bearing and distance of

S 45°52' W 50.0 feet

to a point in the center of the party wall between the property immediately to the southwest. Thence with the center line of the said party wall with a bearing and distance of

N 44°03' W 49.67 feet

to the northeast side of East Drive. Thence binding on the northeast side of East Drive with a bearing and distance as now computed,

N 11°04'57" E 60.88 feet

to the point of beginning.

Containing 3,276.75 square feet more or less.

Being known as 5401 and 5401 1/2 East Drive, Baltimore County, MD



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 1, 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 163, Zoning Advisory Committee Meeting
March 26, 1974, are as follows:

Property Owner: Joseph Damico
Location: E/S of East Dr. & the S/S of Stevens Ave.
Existing Zoning: B.L. C.C.C.
Proposed Zoning: Variance to allow zero (0) parking
spaces instead of the required
twenty-seven (27) spaces.
No. of Acres: 3,276.75 sq. ft.
District: 13

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

Food Service Comments: Prior to construction, renovation
and/or installation of equipment for this food service facility,
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
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/cu6

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 #163, Zoning Advisory Committee Meeting, March 26, 1974, are as follows:

Property Owner: Joseph Damico
Location: E/S of East Drive and the S/S of Stevens Avenue
Existing Zoning: B.L. C.C.C.
Proposed Zoning: Variance to allow zero (0) parking spaces instead of the required twenty seven
(27) spaces
No. of Acres: 3,276.75 square feet
District: 13th

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

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESTER AVE. TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 884-2211 ZONING 884-2201

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 27, 1974

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

Z.A.C. Meeting of: March 26, 1974

Re: Item 163
Property Owner: Joseph Damico
Location: E/S of East Dr. & the S/S of Stevens Ave
Present Zoning: B.L. C.C.C.
Proposed Zoning: Variance to allow zero (0) parking spaces instead of
the required twenty-seven (27) spaces.

District: 13th
No. Acres: 3,276.75 sq. ft.

Dear Mr. DiNenna:

No effect on student population.

WNP/ml

Very truly yours,
Wick Petrovich
W. Nick Petrovich
Field Representative

H. ENGLISH, P.E., President
EUGENE J. CLIFFORD, P.E.
MR. ROBERT L. BERNY

MARCUS W. WESTBARK
JOSEPH H. MCDONNAN
ALVIN LORICK
JOSEPH A. WHEELER, Superintendent

T. HARVEY WILLIAMS, JR.
RICHARD M. TUCKER, M.D.
MR. RICHARD F. GUTTERAL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: May 10, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #74-259-A... Southeast corner of East Drive and Stevens Avenue
Petition for Variance for Off-Street Parking
Petitioner - Joseph Damico

13th District

Hearing: Monday, May 13, 1974 (10:30 A.M.)

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

The granting of this request would not be in conflict with the Baltimore
County 1980 Codeplan, the official County master plan.

William D. Fromm
William D. Fromm
Director of Planning

WDF:NEG:rw



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1974

John Carroll Coolahan, Esq.
5420 Carville Avenue
Baltimore, Maryland 21227

RE: Variance Petition
Item 163
Joseph Damico - Petitioner

Dear Mr. Coolahan:

This office is in receipt of revised plans
and/or descriptions which reflect the required
changes of the participating agency(s) of the
Zoning Advisory Committee.

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: Silbermann & Associates - Engineers
902 W. 36th Street
Baltimore, Maryland 21211

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

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

May 2, 1974

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

Re: Item #163 (1973-1974)
Property Owner: Joseph Damico
E/S of East Dr., and the S/S of Stevens Ave.
Existing Zoning: B.L. C.C.C.
Proposed Zoning: Variance to allow zero parking spaces
instead of the required 27 spaces
No. of Acres: 3,276.75 sq. ft. District: 13th

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 submitted plan must be revised to indicate the existing sidewalk areas,
curb and gutter, mountable concrete curbing and width of paved traveled roadway.
Further, the locations of public utilities serving this site are to be indicated
on the revised plan.

Additional Baltimore County highway and utility improvements are not required
at this time.

Very truly yours,

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

END:ENR:FOR:iss

0-SW Key Sheet
18 SW 15 Pos. Sheet
SW 5 D Topo
101 Tax Map

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

873-7318

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Joseph Damico

Location: E/S of East Drive & the S/S of Stevens Avenue
Item No. 163 Zoning Agenda March 26, 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 _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. 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.

Reviewer: *Atkinson Kelly* Noted and Approved: *Paul H. Reincke*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

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

April 11, 1974

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

Re: Item 163 - ZAC - March 26, 1974
Property Owner: Joseph Damico
E/S East Drive and the S/S Stevens Avenue
Variance to allow zero parking spaces instead of the required 27 spaces
District: 13

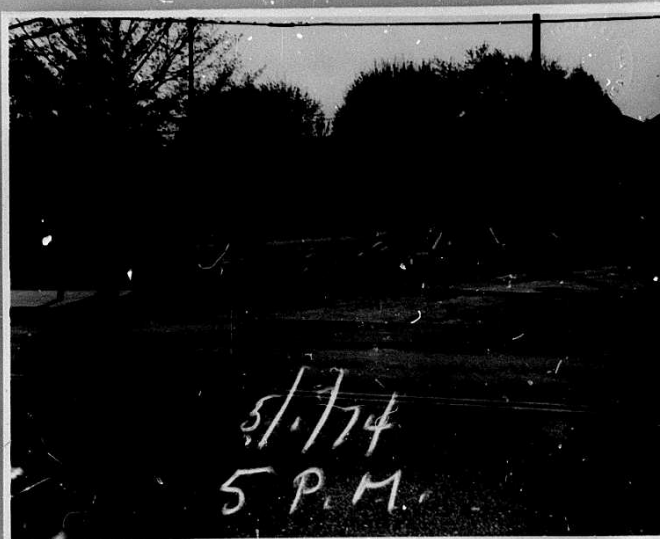
Dear Mr. DiNenna:

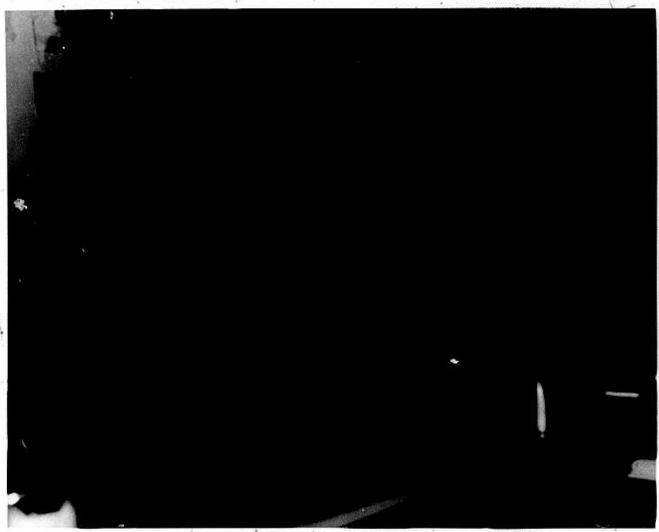
The granting of a variance to zero parking spaces instead of the
required 27 parking spaces will create congestion with parking on all
surrounding streets.

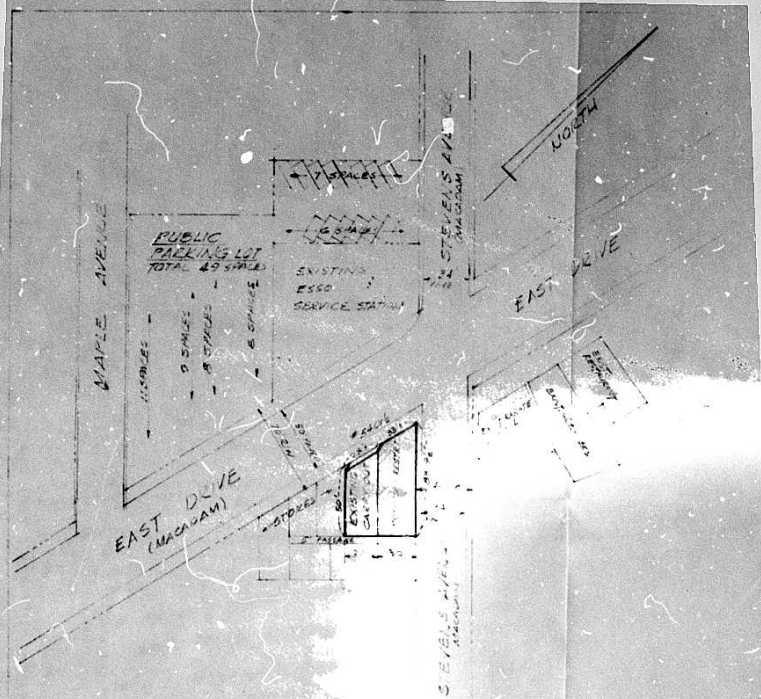
Very truly yours,

C. Richard Moore
C. Richard Moore
Assistant Traffic Engineer

CRH/pk







SITE PLAN - SCALE 1" = 50'

ELECTION DISTRICT 13

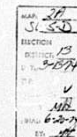
EXISTING: CARRY OUT STORE TO BE USED FOR CARRY OUT ONLY

PROPOSED: USE OF ADJACENT EXISTING BUILDING AS RESTAURANT AND LAUNDRY

MARKING: ONE SPACE FOR EACH 500 SQ. FT.
 1,816 SQ. FT. = 37.12 SPACES
 47' x 38' = 1,816 SQ. FT. (CUSTOMER AREA)
 1,816 SQ. FT. = 37.12 SPACES

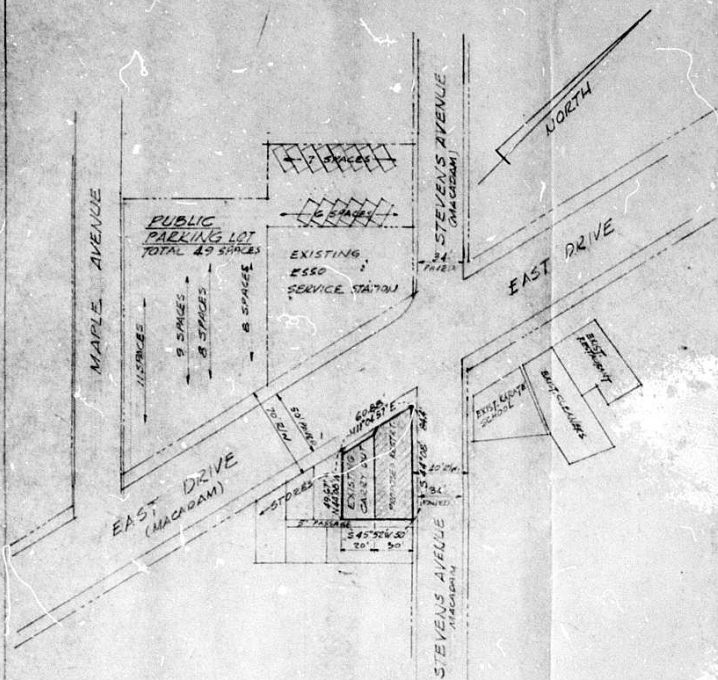
PUBLIC PARKING ALONG STREET - 49 SPACES

TOTAL BUILDING AREA = 50' x 63.75' = 3,187.5 SQ. FT.
 50' x 60' = 3,000 SQ. FT.



SILBERMANN & ASSOCIATES - ENGINEERS
 1000 14th St. N.W. Washington, D.C. 20004
 SCALE: 1" = 50'
 DATE: 6-20-74
 EXPANSION FOR CONCRETE CARRY OUT
 540' x EAST DRIVE - ANGLICAN RD. 2127
 SITE PLAN
 DRAWN BY: J. J. SILBERMANN
 CHECKED BY: J. J. SILBERMANN
 DESIGNED BY: J. J. SILBERMANN





SITE PLAN * SCALE: 1" = 50'

ELECTION DISTRICT 13

EXISTING: CARRY OUT STORE TO BE USED FOR CARRY OUT ONLY

PROPOSED: USE OF ADJACENT EXISTING BUILDING AS RESTAURANT (FORMERLY LAUNDRY)

PARKING: ONE SPACE FOR EACH 50 SQ. FT.
 $1,816 \text{ SQ. FT.} = 27 \text{ PARKING SPACES REQ'D}$
 $47' \times 28' = 1,316 \text{ FT}^2 \text{ (CUSTOMER AREA)}$
 $\frac{1,316}{50} = 26.32 \text{ SPACES}$

PUBLIC PARKING ACROSS STREET - 49 SPACES

TOTAL BUILDING AREA = $50 \times \frac{83.75 + 50}{2} = 50 \times 66.88 = 3,344 \text{ FT}^2$

PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY: *[Signature]*

DATE: 7-3-74



LOCATION MAP
 1" = 100'



SILBERMANN & ASSOCIATES-ENGINEERS
 902 W. 50TH ST. BALTIMORE, MARYLAND 21211

SCALE: 1" = 50'	DESIGNED BY: BLO & H.S.
DATE: 2/18/74	EXPANSION FOR SORRENTO'S CARRY OUT
	540 1/2 EAST DRIVE ANGUTUS, MD. 21227
SITE PLAN	DRAWING NUMBER: 5-1



JUL 12 1974