

74-282-A (June 10, 1974) 621# 4-282-124 74-282-A (June 10, 1974) 621# 4-282-124

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Henry A. and Anne
I, or we, Mr. and Mrs. Henry A. and Anne Fischer, legal owners 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 238-2 to provide for a 0 rear and side yard setback, instead of 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)

That the property is unimproved, has a 58.42 ft. frontage and 103 ft., more or less, depth and it is impossible to put a retail store on the property with the required parking with the existing set back requirements.

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
Henry A. Fischer
Legal Owner
Anne M. Fischer
Address: 411 FOX Chapel Road
Timonium, Maryland 21093
Protestant's Attorney
Saunders M. Almond, Jr.
Address: 407 Mercantile-Towson Bldg.
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 8th 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 10th day of June, 1974, at 10:15 o'clock.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 1, 1974

Saunders M. Almond, Jr.
407 Mercantile-Towson Bldg.
Towson, Maryland 21204

RE: Variance Petition
Item 129
Henry A. & Anne N. Fischer -
Petitioners

Dear Mr. Almond:

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 Joppa Road, approximately two hundred and thirty-seven (237) feet west of Pleasant Plains Road and is presently unimproved. Curb and gutter exist along Joppa Road.

To the north and opposite the subject site is the Orchard Inn restaurant. The property to the east is improved with an automotive service station and the property to the west is improved by a Little Tavern restaurant. To the south and opposite the rear of the site is a rowhouse development.

The petitioner is requesting a Variance to permit rear and side yard setbacks of zero (0) feet instead of the required thirty (30) feet. A one-story retail store is proposed with off street

DOLLENBERG BROTHERS

FRANK H. DOLLENBERG
PAUL H. DOLLENBERG
CARL H. DOLLENBERG
JOHN F. STEEL
PHILIP H. CROSS

Registered Professional Engineers & Land Surveyors
709 WASHINGTON AVENUE AT YORK ROAD
TOWSON, MD. 21204

January 3, 1974

Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Joppa Road at the distance of 237 feet westerly measured along the south side of Joppa Road from the center of Pleasant Plains Road and running thence and binding on the south side of Joppa Road South 81 degrees 37 minutes west 50.42 feet, thence leaving said road and binding on the outlines of the petitioners herein the three following courses and distances viz: South 8 degrees 53 minutes 36 seconds East 102.35 feet, North 53 degrees 06 minutes 30 seconds East, running to and binding for a part on the north side of a 20 foot alley, 56.92 feet and North 8 degrees 06 minutes 30 seconds East 103.85 feet to the place of beginning.

Containing 0.14 of an Acre of land more or less.

Being the property of the petitioners herein as shown on a plat filed in the office of the Zoning Commissioners.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED:swl

Attachments

Saunders M. Almond, Jr.
Re: Item 129
Page 2
March 1, 1974

parking for eight (8) cars.

This petition is being withheld from approval until such time as the site plans are revised to reflect the comments of the Project and Development Planning Division.

Very truly yours,

JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Dollenberg Brothers
709 Washington Ave.,
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 5, 1974

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #74-282. S/S Joppa Road, 237' W. of Pleasant Plains Road
Petition for variance for a rear and side yard.
Petitioner - Henry A. and Anne N. Fischer

9th District

HEARING: Monday, June 10, 1974 (10:15 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 inconsistent with the 1980 Guideplan, the official master plan of Baltimore County.

William D. Fromm
Director of Planning

WDF:NEG/rwh

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLYFORD, P.E. Wm. T. MUELER DIRECTOR DEPUTY TRAFFIC ENGINEER

March 1, 1974

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

Re: Item 129 - ZAC - January 29, 1974
Property Owner: Henry and Anne Fischer
S/S Joppa Road, 237 feet W of the center of Pleasant Plains Road
Variance for a 0 foot rear and side yard setback instead of 30 feet
District 9

Dear Mr. DiNenna:

The subject petition is for variances to the rear and side yards. I have reviewed the submitted plan and have the following comments.

Two parallel parking spaces on the west property line are under sign and one of them will not work.

No loading should be done from the area in the rear of the site.

Very truly yours,
Michael S. Flanigan
Traffic Engineering Associate

MSF/pk

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 17, 1974

Saunders M. Almond, Jr.
407 Mercantile-Towson Bldg.
Towson, Maryland 21204

RE: Variance Petition
Item 129
Henry A. & Anne N. Fischer -
Petitioners

Dear Mr. Almond:

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
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Dollenberg Brothers
709 Washington Ave.,
Towson, Maryland 21204

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 Petitioners.

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 rear and side yard setbacks of 10 feet in lieu of the required thirty (30) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of June, 1974, that the herein Petition for a Variance to permit rear and side yard setbacks of zero (0) feet in lieu of the required thirty (30) 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 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 11th day of June, 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Office of Engineering
BILLSWORTH N. DIVER, P.E. Chief

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

February 21, 1974

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

Re: Item #129 (1973-1974)
Property Owner: Henry A. & Anne N. Fischer
Location: S/S of Joppa Rd., 237' W. of the center of Pleasant Plains Rd.
Existing Zoning: B.R.C.S.2
Proposed Zoning: Variance for a 0' rear and side yard setback instead of 30'
No. of Acres: 0.14 District: 9th

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 Zoning Advisory Committee reviewed and commented upon this site in connection with Item #79 (1973-1974) regarding a proposed illuminated advertising structure.

Highways:

Joppa Road is a recently improved County road in this vicinity; no further highway improvements are required at this time.

Construction or reconstruction of any sidewalk, curb and gutter, entrance, apron, etc. in connection with further development of this site will be the full responsibility of the Petitioner.

It is the responsibility of the Petitioner to ascertain and clarify his rights within the existing alley along the rear of this site. On the basis of the existing and/or proposed land uses, the alley apparently should be improved to function for both residential and commercial purposes.

The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

Item #129 (1973-1974)
Property Owner: Henry A. & Anne N. Fischer
Page 2
February 2, 1974

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.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent grading 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.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available and had served the former structure on this site.

Very truly yours,

BILLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:SAN:FW:SS

N-W Key Sheet
37 NE 9 Pos. Sheet
NE 9 2 Tops
70 Tax Map

Baltimore County Fire Department



Towson, Maryland 21204
827-7316

J. Austin Deitz
Chief

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Henry A. & Anne N. Fischer

Location: S/S of Joppa Road, 237 feet W of the center of Pleasant Plains Road

Item No. 129 Zoning Agenda Jan. 29, 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.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 [] shall be the maximum allowed by the Fire Department.
- (x) 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.

Reviewed: Insp. Wm. Brady
Planning Group
Special Inspection Division

Noted and Approved: Paul H. Riecke
Deputy Chief
Fire Prevention Bureau

m15
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

January 30, 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 129, Zoning Advisory Committee Meeting January 29, 1974, are as follows:

Property Owner: Henry A. & Anne Fischer
Location: S/S Joppa Rd., 237' W of C/L Pleasant Plains Rd.
Present Zoning: B.R.C.S.2
Proposed Zoning: Variance for 0' rear & side yard setback instead of required 30'
No. Acres: 0.14
District: 9

Metropolitan water and sewer are available.

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.

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.

Very truly yours,

THOMAS A. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mng

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

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



February 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 #129, Zoning Advisory Committee Meeting, January 29, 1974, are as follows:

Property Owner: Henry A. & Anne N. Fischer
Location: S/S of Joppa Road, 237 feet W of the center of Pleasant Plains Road
Existing Zoning: B.R.C.S.2
Proposed Zoning: Variance for a 0 feet rear and side yard setback instead of 30 feet
No. of Acres: 0.14
District: 9th

The parking as shown on the site plan will not function; therefore, the parking layout must be changed. No access will be allowed to the alley, except emergency exists that may be required by the Building Code. No parking, loading or unloading will be permitted in the alley.

Very truly yours,

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

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 25, 1974

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

Z.A.C. Meeting of: January 29, 1974

Re: Item 129
Property Owner: Henry A. & Anne N. Fischer
Location: S/S of Joppa Rd., 237 ft. W. of center of Pleasant Plains Rd.
Present Zoning: B.R.C.S.2
Proposed Zoning: Variance for a 0 ft. rear & side yard setback instead of 30 ft.

District: 9th
No. Acres: 0.14

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,
W. Nick Petrovich
Field Representative

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 5/22/74
Posted for: Henry A. & Anne N. Fischer
Petitioner: Henry A. & Anne N. Fischer
Location of property: S/S of Joppa Rd., 237' W of C/L Pleasant Plains Rd.
Location of Sign: 1 sign posted at Joppa Rd. 237' W of C/L Pleasant Plains Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: 5/24/74

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-3211 ZONING 494-3201

THOMAS A. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

JOSEPH M. MCGOWAN
ALVIN LORICK
JOSHUA M. WHEELER, Assistant

THOMAS A. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

