### PETITION FOR ZONING RE-CLASSIFICATION 75.6LRA AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Henry M. Witmyer, Jr., Helen A. Witmyer, his wife and I, or we. The Foundr. Service & legal owners of the property situate in Baltimore County and which were been time description and plat attached hereto and made a part hereof hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zosing Law of Baltimore County, from an..... DR-16......

zone: for the following reasons

Error in the zoning may

RECEIVED FOR FILING

11 6 222

#25-64

erty is to be posted and advertised as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification and/or Special Exception adv tions and restrictions of Raltimore County adopted pursuant to the Zoning Law for Baltimore oundry Service & Supply Cospany Milling M. Wilney or ... Henry M. Wilney or ... State of Manager parketing of the Manager of the Wilney of the

Pikesville, Maryland 21208

Towson, Maryland 21204

Lowell Howell, Pelitoner's Attorney

Tomas L. Hennessey, P.A.

Address 407-W. Pennsylvania Avenue
Towsor, Maryland 21204

ONDERED By The Zoning Commissioner of

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Daltimore County, that property be posted, and that the public hearing be had before the Zoning er of Baltimore County in Room 106, County Office Building in Towson, Baltimore

day of Septemb er 1974 at 19:00 clock 200ing Commissioner of Partie

Santambar 10, 1974

Clewell Hovell, Jr., Esquire 407 West Pennsylvania Avenue Towson, Maryland 21204

> RE: Petition for Reclassification and Variances NE/S of Breton Hill Road, 181.50' N of Old Court Road - 3rd District Henry M. Witmyer, et ux -Petitioners NO. 75-64-RA (Item No. 8-C)

I have this date passed my Order in the above captioned matter in

James 2 X/gd TAMES E. DYER

### PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

OCCUPANTISSIONER OF BALTIMORE COUNTY: TO THE ZUNING COMMISSIONERS OF RATIFICIES COUNTY:

Henry H. Hitzper, Jr., Helen A. Mitmyer, his wife and
The Poundry Service 5 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. 255. 213.1 and 213.24 i thack

of 21 feet in lieu of the required 75 feet under Section 243.1 and a rear yard setback of 0 in lieu of the required 50 feet under

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

The shape of the Petitioners' lot prevents them from complying with the above requirements.

undry Service & Supply Company Handle Handle Handle Grant Service & Supply Company Handle Handle Handle Grant Handle Handle Grant Handl

DENT CONTRACT STATES

(0

Helen A. Witner. Legal Owner his wife Address 618 Coventry Road Towson, Naryland 21204

Pikesville, Maryland 21208

cuell Howell, Fritioner's Attorney
pas L. Hennessey, P.A.
dress 497. W. Pennsylvania Ayenue
Towaon, Maryland 21204

of August 197<sup>1</sup>... that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore

day of September 197 4, at 10:00 clock Stai Va Gerna ---A.-M. ----

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75-64RA

NWS-F

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11. 22.4

PETITION FOR RECLASSIFICATION
OF 0.5364 ACRES, 3RD ELECTION
DISTRICT AND VARIANCE FROM
FRONT AND REAR SETBACK
REQUIRENEW.
HEARY M. WITHYER, JR.,
HELER A. WITHYER, HIS WIFE
AND THE FOUNDRY SERVICE 6 SUPPLY
COMPANY

BALTIMORE COUNTY

#### MEMORANDUM

I REQUEST FOR RECLASSIFICATION OF 0.5364 ACRES FROM DR-16 to M.L.

A. Prior to the adoption of the present Third District Map on March 24, 1971, the M.L. Zoning line ran in a north-westerly direction from the intersection of the centerlines of the Lane and Greenwood Road approximately along the centerline of the Control of the

B. Due to an error in draftsmanship the former Official Zoning Map, Third District, did not show this line in its proper location, however. It showed the line in its present location.

C. When the Planning Department made its recommendations for the present map, it was, therefore, faced with an apparent situation where the DR-16 line for the Brittony Apartments as in its correct place along the centerline of cool and the ML. line was in its present place. There was apparently a wedge of DR-1 zone between the twe lines which would have been unusable. Accordingly, it recommended that the DR-16 line be moved over to the M.L. line.

D. The Planning Department, faced with the task of redrawing maps for the entire county, did not have time to compare the legal descriptions with the Zoning Map. It is clear from conversations with Planning Officials that there was no intention to change the M.L. Zoning line near the Applicant's property, but only to remove an apparent anomaly from the Third District Zoning Map.

E. In fact it is the present intention of the Planning Department to recommend on the proposed new map for the Third District that the M.L. line be returned to its former position along the centerline of Breton Hill Road.

P. Petitioners, however, being faced with business conditions which require additional construction on their property, cannot wait reclassified the new map. Therefore, they seek an immediate reclassified to the construction of their property back to M.L. Zoning based on the said error in the present zoning map.

II PETITION FOR VARIANCE FROM REQUIRED 75' PRONT YARD SETBACK TO 21' AND FROM REQUIRED 50' REAR YARD SETBACK to 0'.

A. Because of the long narrow shape of the Petitioners' lot, which varies in depth from 151.06' to 40', they are unable to build on their lot without variance from the present setback requirements of the Baltimore County Zoning Regulations.

B. Section 255.2 requires that the front and rear yards shall be those required in a M.R. Zone where the M.L. zoning is within 100 feet of a residential zone boundary. Section 243.1 fath. rome) requires a 75 foot front s

C. Since together Sections 243.1 and 243.3 require yards of 125 Seet, no Dalling could be erected on the Petitioners' property. This, of course, not only constitutes practical states are also unreasonable hardship on the Petitioners since because the states of their property they are prohibited by the present regulations as making the use of their property which they could have done but for the shape of their property which they could have done but for the shape of their lot.

D. The Petitioners' business is basically that of a supplier to foundries. They purchase and store on their lot non-inflammable and non-explosive materials for resale to foundries. Basically the use to which they put their property is that of a warchouse.

E. The Petitioners seek to erect an additional building on their lot with disensions of 60 feet by 96 feet. They intend no new uses of their property, not even an expansion of its present use. The total area of both the new and old building will be 0.199 acres out of their total lot area of 0.9204 acres.

The new building will not constitute substantial injury 7. The new building will not constitute substantial injuto public health, safety or general welfare. The proposed building is a warehouse for the storage of non-inflammable liquids and materials in drums which are presently stored on Petitioners' property in the open. Because the Petitioners propered by saffer loss from thet and damage from the elements and vandais, they wish to enclose these materials in a secure building.

G. If Petitioners are granted their variance, the use of their property will not be intensified since they contemplate no new employees or increased business. They marcly wish to cut down their present losses caused by open storage.

H. Actually, if the requested variances are granted, public health and safety will be enhanced because of the additional security involved in the storage of these materials.

Respectfully submitted,

Clewell Howell, Jr. Thomas L. Hennessey, P.A. Attorneys for Petitioners 407 W. Pennsylvania Avenue Towson, Maryland 21204 823-7710

PURITION FOR RESCLASSIFICATION AND VARYANCE

20HTHG

6

side of Breton Hill Road 181.50 feet RUEDAY, SEPTEMBER 10, 197h at 10:00 A.M.

PUBLIC HEARING

oon 106, County Office Building, 111 V. Ch

Present Zonings D.R. 16
Proposed Tenings H.L.
Proposed Tenings H.L.
Protition for Vertance from the Tening Regulations of
Ratiances County to penalt a front year setback
of 22 feet instead of the required 75 feet; and to
pannit a reser years setback of Zero feet instead
of the required 50 feet.

The Koning Regulation to be excepted as follows:

Pront
Pront
Section 255.2 (243,1 abd 243,3) - Raise Yards - 75 feet.

Being the property of Henry M. Witnyer, Jr. and Helen A. Witnyer, as shown on plan

C. A. Myers

HENNESSEY.
FLEURY AND DAUGE
407 W. PENNSYLVAN

EMORY ROAD . UPPERCO, MARYLAND 21155 . GArfield 9-5079

ALL that lot or parcel of land situace, lying and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

ECOINNING at a point 181.50 feet measured along the Northeast side of Breton Hill Road from the intersection of the Northeast side of Breton Hill Road from the intersection of the Northeast side of that road with the extension of the centerline of Old Court Road, said point also being at the end of the South 31 degrees 49 minutes with the control of the South 31 degrees 49 minutes (Cappan) 1.05 foot line in a Deed from Western Maryland Railway (Cappan) 1.05 foot line in a Deed from Western Maryland Railway (Cappan) 1.05 foot line in a Deed from Western Maryland Railway (Cappan) 1.05 foot line in a Deed from Western Maryland Railway (Cappan) 1.05 foot line in a Deed from Western Maryland Railway (Cappan) 1.05 foot line in a Deed from the Cappan in the Railway (Cappan) 1.05 foot line in the Line in the Land of 2831.93 feet, an arc of 210.60 feet and a chord of North 42 degrees 49 minutes 47 seconds West 210.55 feet, thence North 33 degrees 49 minutes East 40 feet 210.50 feet and to intersect the boundary line of the present M.L. zone, thence binding, South 31 degrees 37 minutes 52 seconds East 256.20 feet and to intersect the first above mentioned Deed Line, thence binding, South 31 degrees 37 minutes 52 seconds East 256.20 feet and to Sunta 31 degrees 49 minutes West 26.30 feet to the place of beatming, containing 0.5364 acres more or less.

BEING a part of the same land described in a Deed from Western Maryland Railway Company to Henry M. Witmyer, Jr. and Helen A. Witmyer, his wife, dated September 20, 1963, recorded in Liber R.R.G. Ro. 4223 folio 58 etc.

AS prepared June 3, 1974 for The Foundry Service and Supply Company. (Henry M. Witmyer, Jr. and Helen A. Witmyer, his wife,

Pursuant to the advertisement, posting of property, and public hearing on the above petition and aring that by reason of a drafting error having beeen made in the original zoning map, and the health, safety and general welfare of the community not being adthe above Reclassification should be had: and to restaurant the restaurance and the re is hereby reclassified; from a D. R. 16 zone to a M. L. PERSONAL PROPERTY OF THE PARTY exhibits of this order, 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 Deputy Zoning Commissioner of Baltimore County Elanning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition the shave re-classification should NOT RE HAD, and/or the Special Exception should NOT BI GRANTED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this. 197 ... that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and ...zone; and/or the Special Exception for..... Zoning Commissioner of Baltimore County

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 Variances requested not adversely affecting the health, safety and general re of the community, Variances to permit a front yazd setback of 21 feet of the required 75 feet; and a rear yard setback of zero feet instead of FOR ouired 50 feet should be granted. Deputy
S ORDERED by the Zoning Commissioner of Baltimore County this 197 4., that the herein Petition for a Variance should be and the granted, from and after the date of this order, subject to the approval of a site the Department of Public Works and the Office of Phaning and Zoning.

Deputy Zoning Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the above petition the above Variance should NOT BE GRANTED. IT 3 ORDERED by the Zoning Commissioner of Baltimore County, this .... ..., 197 ..., that the above Variance be and the same is hereby DENIED

County Council of Baltimore County County Office Building, Towson, Maryland 21204 August 6, 1974

COUNCII MEN First District Second District Third District

Mr. S. Fric DiNenna Zoning Commissioner County Office Building

Fourth District Fifth District

Sixth District Seventh District

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Attached herewith please find copy of Planning Board Resolution certifying to the County Council that early action is manifestly required in the public interest on the petition of Henry M. and Helen A. Witmyer, Jr. to change the zoning classification of their tract located on the north side of Breton Hill Road, west of Old Court Road, from D.R. 16 to M. L., which the County Council passed at their meeting on Monday, August

Sincerely yours.

Thomas Toportrich Secretary Pro Tem

TT-M

Enc. 1

CG: Mr. William D. Fromn

OF 0.5364 ACRES, 3RD ELECTION DISTRICT AND VAPIANCE FROM PRONT AND DAR SETBACK PROUTEMENTS

REGOLDENEMIS
HERRY M. WITHYER, JR.,
HELEN A. WITHYER, HIS WIFE
AND THE FOUNDRY SERVICE & SUPPLY

AUG 6 74 PM -ZONING DEPARTMENT

BEFORE THE

ZONING COMMISSIONER

BALTIMORE COUNTY

WILLIAM D. FROMM

**a**uly 19, 1974

Honorable Harry J. Bartenfelder Chairman, Baltimore County Counc! Towson, Maryland 21204

At its regular meeting on Thursday, July 18, 1974, the Baltimore County Planning Board, under the provisions of Subsection 22-22(i) of the Baltimore County Code 1968, as amended, unanimously approved a resolution to certify to the County Council that early action is manifestly required in the public interest on the petition of Henry M. and Helen A. Wilmyer, Jr. to change the zonling classification of their tract located on the north side of Breton Hill Road, west of Old Court Road, from D.R. 16 to M.L.

After reviewing the petitioner's letter and a copy of the zoning map, the Planning Board concluded that a drafting error had apparently been made at the time the zoning boundary lines were drawn.

Copies of the petition and of the letter addressed to the Chairman of the Planning Board are attached. Judges of the petition and at the tester accressed to the Chairman at the Francing soard are and I will provide additional information upon your request. Notification to the Zoning Commissioner of the Council's action on this matter is necessary so that he may take timely action.

French HISTON George H. Pryor, Acting Secretar Baltimore County Planning Board

GHP/JGH/kks

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cy (w/attachments): The Honorable Francis X. Bossle

The Honorable Gary Huddles The Honorable G. Walter Tyrie, Jr. The Honorable Webster C. Dove The Honorable Francis C. Barrett

Honorable Wallese A. Williams Mr. Herbert E. Hohenberger V

Mr. S. Eric DiNenna

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 105 WEST CHESAPEAKE AVENUE

### PETITION FOR ZONING RE-CI ASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Henry M. Witmyer, Jr., Helen A. Witmyer, Jiffeld H. In Section I. or we. The Foundary Service & Legal wanted of the property state in Baltimore County and which the Section in the description and plat attached hereto and mad- a part hereof. hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant 

NASAHARA NOSARRAKAN MENGALAK MENGALAK NENGRIK MENGRIKA MENGRIKAN MENGRIKAN KENGRIKAN MENGRIKAN M

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and vertrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

The Foundry Service A. Supply Company Henry M. Nithweet Jr.

BY: Honry M. Nithweet Jr.

PRESIDENT XXMMW-XXXMMM Helen A. Milwyet, Legal Owner - Lessor Address 1505 Greenwood Road Address 618 Coventry Road

...., 197 ..., that the subject matter of this petition be advertised, as

Towson, Maryland 21204

Protestant's Attorney

Property is to be posted and advertised as prescribed by Zoning Regulations.

\_\_\_\_zone; for the following reasons:

Visuates to research a Service March Instrument of the ...

Pikesville, Maryland 21208

407-W.-Pennsylvania-Avenue Towson, Maryland 21204

ORDERED E The Zoning Commissioner of Baltimore County, this...

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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

Error in the zoning map

The Honorable Charles B. Heyman Chairman, Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204 Members of Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204

mas L. Hennessey, P.M.

Re: Property of Henry M. Witmyer, Jr. and Helen A. Witmyer, his wife, Petition for Reclassification of 0.5364 Acres from DR-16 to M.L. Zoning, Request for Hearing Outside of the Zoning Cycle to Correct Technical Error

RECEIVED

JUN 21 1004

BALTIMONI CUIN:Y

June 21, 1974

RECEIVED FOR FR.INS

Attached to this letter are copies of Petition for Zoning Re-Classification, Petition for Zoning Variance, Plat of the subject property, cartified legal description of the subject property, maps of the area of the property on 200 foot scale and 1,000 foot scale and learnardum Which were filed with the Zoning Commissioner of Baltimore County simultaneously with the delivery of this letter to you.

It is our position that the location of the M.L. zoning line which bisects my client's property, as shown by the attached plat results from a drafting error which resulted in some core in the present zoning of my client's property above no the present zoning of my client's property above no the present official zoning map of the Third District of Baltimore County. Accordingly, on bohalf of my clients I request that the Petition for Zoning Re-Classification be heard outside the Zoning Cycle.

My clients urgently require the construction of a new building on this property and are suffering financial hardship because of their inability to do so. Therefore, I request your early consideration of this request.

Thank you for your kind cooperation in this

Very truly yours, Clewell Howell, Jr./ REQUEST FOR RECLASSIFICATION OF 0.5364 ACRES FROM DR-16

MEMORANDUM

A. Prior to the adoption of the present Third District the on these 24, 1971, the d.L. Zoning line ran in a north-way the content of the present the content of the centerines of Many Line of the present and approximately alors the content of the present mental and approximately alors the content of the present content of the content of the present content of the c

B. Due to an error in draftstanship the former Official Ecning Map, Third District, did not they this line in its proper location, however. It showed the line in its present location.

C. When the Planning Department made its recommendations for the present map, it was, therefore, faced with an apparent situation where the DR-16 line for the Unitering Apparent was in its correct place along the contributed Devices Mill Road and the M.M. line was in its present place. There was apparently a wedge of DR-1 some between the two lines which would have less numerable. Accordingly, it recommended that the DR-16 line be moved over to the M.L. line.

D. The Planning Department, faced with the task of redresing In Planning Department, faced with the teak of redrawing low into entire country, did not have time to econome the person of the control of the state of the control of the conversations with the Sching Map. It is clear from conversations on the state of the state of the conversations of the state of the

E. In fact it is the present intention of the Planning Department to recommend on the proposed new map for the Third District that the M.L. line be returned to its former position along the centerline of Breton Hill Road.

P. Petitioners, however, being faced with business condition an associated acceleratification of the DR-16 portion of their property back to M.L. Zoning based on the said error in the present zoning map.

II PRITICH FOR VARIANCE FROM REQUIRED 75' FRONT YARD SUIDACK TO 21' AND FROM REQUIRED 50' REAR YARD SETDACK to 0'.

A. Recause of the long narrow shape of the Petitioners' unble to build on their lot without varies in dooth from 151.66' to 40', they are unable to build on their lot without variance from the prosent sotback requirements of the Baltinrac County Zoning Regulations.

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C. Since together Sections 243,1 and 243,3 require yards of 125 foot, no building could be erected on the Petitioners' procestry. This, of course, not only constitutes practical but also unreasonable hardenie on the Petitioners' affect because the course of the petition of the petition

D. The Petitioners' business in basically that of a amplior to foundries, They purchase and store on their lot non-inflammable and non-explosive materials for resale to foundries. Basically the use to which they put their property is that of a warehouse.

F. The Petitioners meek to erect an additional building on their lot with dimensions of 60 feet by 96 feet. They intend an new use of their property, not even an expansion of this procent use. The total area of both the new and old buildings will be 0.399 acres out of their total lot area of 0.2920 cc.0s.

P. The new building will not constitute substantial injury . The new building will not constitute substantial injur to public health, safety or ceneral welfare. The orconoed building is a warehouse for the storage of non-influentable liquids and natorials in drums which are presently stored on Petitioners' property in the open. Because the Petitioners presently suffer loss from their and dausge from the elements and vandals, they wish to enclose these materials in a secure building.

G. If Petitioners are granted their variance, the use of their property will not be intensified since they contemplate no now employees or increased business. They marely wish to cut down their present losses caused by open storage.

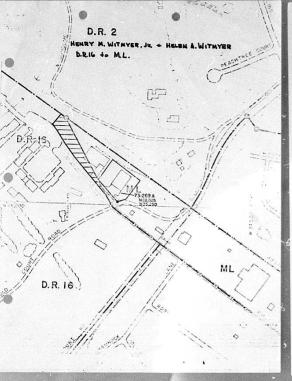
H. Actually, if the requested variances are granted, public month and safety will be enhanced because of the additional security involved in the storage of these materials.

Perpentiully submitted,

Clewell Howell, Jr. 107 W. Fennsylvenia ... Towson, Maryland 21204

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CH, Jr:kp



S. ERIC DINENNA



July 19, 1974

Honorable Harry J. Bartenfelder Chairman, Baltimore County Council Towson, Maryland 21204



At its regular meeting on Thursday, July 18, 1974, the Baltimore County Planning Board, under the At its regular meeting on hursday, July 18, 1974, the Bottmore County rionning board, under the provisions of Subsection 22-22(1) of the Bottmore County Code 1988, as amended, unanimously opproved a resolution to certify to the County Council that early action is manifestly required in the public in-terest on the petition of Henry M. and Helen A. Witmyer, Jr. to change the zoning classification of their tract located on the north side of Breton Hill Road, west of Old Court Road, from D.R. 16 to M.L.

After reviewing the petitioner's letter and a copy of the zoning map, the Planning Board concluded that a drafting error had apparently been made at the time the zoning boundary lines were drawn.

Copies of the petition and of the letter addressed to the Chairmon of the Planning Board are attached. I will provide additional information upon your request. Notification to the Zoning Commissioner of the Council's action on this matter is necessary so that he may take timely action.

George H. Pryor, Acting Secretary

GHP/JGH/kks

Attachments

cy (w/attachments): The Honorable Francis X. Bossle

The Honorable Gary Huddles The Honorable G. Walter Tyrie, Jr. The Honorable Webster C. Dove The Honorable Francis C. Barrett The Honorable Wallace A. William 'e bert E. Hohenberge

Mr. Thomas Tanarayich Mr. S. Eric DiNenna V

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 100 WEST CHESAPEAME AVENUE

AREA CODE 201 PLANNING 494-3211

The mas L. Hennessey, P.A.

RECEIVED JUN 21 1974 BALTIMORE COUNTY

June 21, 1974

The Honorable Charles B. Heyman Chairman, Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204

Members of Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204

> Re: Property of Henry M. Witmyer, Jr. and Helen A. Witneyer, his wife, Petition for Reclassification of 0.3364 Acres from DR-16 to M.L. Zoning, Request for Hearing Outside of the Zoning Cycle to Correct Technical Error

Contlumon.

Attached to this letter are copies of Petition for Zoning Re-Classification, Petition for Zoning Variance, Plat of the subject property, certified legal description of the subject property, maps of the area of the property and 200 foot scale and 1,000 foot scale and Henorandum which were filed with the Zoning Commissioner of Maltimore County simultaneously with the delivery of this letter to you.

It is our position that the location of the by the attached plat results from a drafting error which results from a drafting error which results from a drafting error which results from the second of the first shown on the present official zoning map of the first District of Baltimore County. Accordingly, on behalf of my clients I request that the Fetition for Zening Re-Classification be heard outside the Zoning Cycle.

My clients urgently require the construction of a new building on this property and are suffering financial hardship because of their inability to do so. Therefore, I request your early consideration of this request.

Thank you for your kind cooperation in this

Very truly yours, Clevell Howell, dr. /

CH.Jr:kn

# PETITION FOR ZONING RE-CIASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The Zoning Commissioner of Maltimore County:

Benry M. Mitmyer, Jr., Helan A. Witmyer, hill the material wife and
I, or we... 1970 Junity, Service, E. legal owners, of the property situate in Baltimore

County and which Wederheed in the description and plat attached bereto and made a part herrof. hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant

to the Zoning Law of Baltimore County, from an. DR-16 -----zone: for the following reasons

Error in the zoning man

Property is to be posted and advertised as prescr	ibed by Zoning Regulations.
I, or we, agree to pay expenses of above re-classific	
posting, etc., upon filing of this petition, and further	acree to and are to be bound by the
regulations and restrictions of Baltimore County adopte	of pursuant to the Traine I are to be
County.	a pursuant to the Zoning Law for Baltimore
	1 4011 []
The Foundry Service & Supply Company	Remarka to to
- // 2 - Olie	nry M. Witmyor, Jr.
	Lie Hallmin
PRESIDENT XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	len A. Witmyer, / Legal Owner - Le
	his wife Address_618_Coventry_Road
Pikesville, Maryland 21208	iddress_old_coventry_Koad
racesville, Maryland 21208	Towson, Maryland 21204
11 100/ 1	
61.0001.00	
Clewell Howell, Petitioner's Attorney	Protestant's Attorney
Thomas L. Hennessey, P.A.	
Address 40-7-WPennsylvania-Avenue	
Towson, Maryland 21204	
ORDERED By The Zoning Commissioner of Baltin	core County, thisday
of 197, that the subject	matter of this petition be advertised, as
required by the Zoning Law of Baltimore Committee	, av adreimen, as

Marchines Recinculation contribution and authorise and aut

### BALTIMORE COUNTY, MAINLAND

out Baltimore County, that property be posted, and that the public hearing be had before the Zon ne

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna Zoning Commissioner	Date August 28, 1974
FROM William D. Fromm Director of Planning	
SUBJECT Comments on Zoning Reclassification	on Petition No. 75-64-RA

Petitioners- Henry M. and Helen A. Witmyer

As a matter of policy, reclassification petitions exempted from cyclical procedures have been commented upon by the Planning Board; however, the procedures have been commented upon by the trianning board; nowever, the hearing date for the subject periting precedes the September meeting of the Board. Therefore, my comments are being transmitted to you in time for the hearing. Additionally, a similar cumment has been prepared for submitted to the Planning Board at its meeting of September 19, 1974, and, if approved, the planning Board at its meeting of September 19, 1974, and, if approved, the planning Board at its meeting of September 19, 1974, and, if approved, the planning Board at its meeting of September 19, 1974, and, if approved, the planning Board at its meeting of September 19, 1974, and, if approved the planning Board at its meeting of September 19, 1974, and, if approved the planning Board at its meeting of September 19, 1974, and, if approved the planning Board at its meeting of September 19, 1974, and, if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and if approved the planning Board at its meeting of September 19, 1974, and 197 will be forwarded to you.

> William Dono William D. Fromm

WDF/JGH/ta:

D.R. 2 HENRY M. WITHYER, JL. + HELEN A. WITHYER D.R.16 to M.L. 0 0 ML D. R. 16

OF 0.5164 ACRES, SID ELECTION DISTRICT NID VARIANCE FROM PROOT AND EAR SETBACK FROM PROOF AND EAR SETBACK FROM PROOF AND THE PROMPT OF THE PROOF OF THE POWERT SERVICE & SUPPLY COUPANY SERVICE & SUPPLY COUPANY BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

#### MEMORA: IDUM

REQUEST FOR RECLASSIFICATION OF 0.5364 ACRES FROM DR-16 to M.L.

A. Prior to the adoption of the present Third District May on Harch 24, 1971, the H.L. Zoning line ran in a north-waterly direction from the interoction of the centerlines of the control of the control

B. Due to an error in draftumanship the former Official Ecning Hap, Third District, did not show this line in its proper location, however. It showed the line in its present location.

C. When the Planning Department made its recommendations for the present map, it was, therefore, faced with an argarent situation where the DR-16 line for the Brittensy Apartments was in its correct place along the contribute of more will be and the ML. line was in its present places of more was apparently a wedge of DR-1 cone between the but lines which would have been unusable. Accordingly, it recommended that the DR-16 line be moved over to the MLL line.

D. The Planning Department, fixed with the leak of redrawing near for the entire county, did not have time to compare the legal descriptions with the Eening Map. It is clear from conversacions with Planning Officials that there was no intention to change the did. Zening line near the Applicant's properly but only to remove an apparent anomaly from the Third District Zoning Map.

E. In fact it is the present intention of the Planning Department to recommend on the proposed new map for the Third District that the H.J. line be returned to its former position along the centerline of Breton Hill Road.

P. Potitioners, however, being found with business conditions an immediate reclamification of the RR-16 portion of their property back to M.L. Soning based on the said error in the present zoning map.

PETITION FOR VARIANCE FROM REQUIRED 75' FRONT YARD SETBACK TO 21' MID FROM REQUIRED 50' REAR ARD SETBACK to 0'.

A. Because of the long rarrow shape of the Petitioners' lot, which varies in depth from 151.06' to 40', they are unable to build on their lot without variance from the present setback requirements of the Baltimore County Zoning Regulations.

B. Section 255.2 requires that the front and rearyards shall be those required in a N.R. Zone where the M.L. Zoning is within 100 feet of a residential zone boundary. Section 243.1 (N.R. zone) requires a 75 foot front settack line and Saction 243.1 requires a 50 foot rear setback line.

C. Since together Sections 243.1 and 243.3 require varies of 125 feet, no building could be erected on the Petitioners' property. This, of course, not only constitutes practical difficulty, but also unreasonable hardani on the Petitioners since because of the shape of their property they are provided by the present resulations from making the use of their percent which they could have done but for the shape of their let.

D. The Petitioners' business is basically that of a supplier to foundries. They purchase and store on their lot non-inflammable and non-explosive materials for resals to foundries. Basically the use to which they put their property is that of a warehouse.

E. The Petitioners seek to erect an additional building on their lot with dimensions of 60 feet by 96 feet. They intend no new uses of their property, not even an expansion of its prosent use. The total area of both the new and old building will be 0.399 acres out of their total lot area of 0.2234 ec.os.

F. The new building will not constitute substantial injury to public health, safety or general welfare. The proposed building is a warehouse for the storage of non-inflarmable liquids and natorials in drums which are presently stored on Petitieners' property in the open. Because the Petitiener presently suffer loss from their and data. The present of the control of the property of the control of the control

G. If Petitioners are granted their variance, the use of their property will not be intensified since they contemplate now employees or increased business. They marely wish to cut down their present losses caused by open storage.

Actually, if the requested variances are granted, public health and safety will be enhanced because of the additional security involved in the storage of these materials.

Respectfully submitters,

Clewell Howell, Jr. Thomas L. Honnessey, Attorneys for Patitio 407 W. Pennsylvania Towson, Maryland 21204

June 21, 1974

The Honorable Charles B. Heyman Chairman, Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204

Members of Baltimore County Planning Board Suite 301 - Jefferson Building Towson, Maryland 21204

> Re: Property of Henry M. Witmyer, Jr. Property of Anny M. Altimyer, Jr. and Helen A. Witnyer, his wife, Petition for Reclassification of 0.5364 Acres 2rom DR-16 to M.L. Zoning, Request for Hearing Outside of the Zoning Cycle to Correct Technical Error

Attached to this letter are copies of Petition for Zoning Re-Classification, Petition fex Zoning Variance, Plat of the subject property, certified legal description of the subject property, maps of the area of the property nago no 200 foot scale and 1,000 foot scale and theorem due were filed with the Zoning Commissioner of wanty samultaneously with the delivery of this letter to you.

M.L. zoning line which bisects my client's property, as shown by the attached plat results from a drafting error which resulted in an error in the present zoning of my client's property as shown on the present zoning of my client's property as shown on the present clicial zoning map of the Third District of Baltimore County. Accordingly, on behalf of my client's I request that the Pettition for Zoning Re-Classification be heard outside the Zoning Cycle.

My clients urgently require the construction of a new building on this property and are suffering financial hardship because of their inability to do so. Therefore, I request your early consideration of this request.

Thank you for your kind cooperation in this

Very truly yours, Clewell Howell, Jr.

CH Jr.kn

BALFIMORE COUNTY FORING PLANS ADVISORY COMMITTEE

August 15, 1974

Thomas L. Hennessey, Esq. 407 W. Pennsylvania Avenue Towson, Keryland 21204

ME: Roclassification Petition Item 8C Henry M. Witmyer, Jr., Helen A. Witmyer & The Foundry Service & Supply Company Petitioners

Dear Mr. Hennessey:

The Zonine Advisory Committee has reviewed the plans submitted with the above referenced petition and has sade at 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 source artists requested, but to assure that all parties are made eware of plans or problems with regard to the development plans that may have a because 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 Brote, Mill Road, approximately 181 feet northeast of Old Court Road, in the 3rd Election District of Baltimore County. It is presently improved with a large storage building utilize, by The Foundry Service & Supply Company.

The Western Maryland Railway right-of-way abuts the property to the rear, and the Brittany Apartments exist opposite the property on Areton Hill Road. The Sullivan Floring Company warehouse abuts the property on the castern side.

The petitioner is requesting a Reclassification from D.R. 16 to M.L. and proposes to erect a 60'x96' addition to the existing structure. Additionally,

The Honorable S. Eric DiNenna Zoning Commissiorer, Baltimore County Mrs. Susan Carrell Office of Planning and Zoning

> ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

Thomas L. Hennessey, Esq. Re: Item 8C

August 15, 1974

Variances have been requested to permit a front yard setback of 21 feet and a roar yard setback of 0' instead of the required 75 feet and 50 feet respectively.

This petition is accepted for filing on the date of This perition 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 dawa 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

Page 2

Enclosure

cc: Charles A. Myers, Surveyor Emory Road Upperco, Maryland 21155

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING

Bea

BALTIMORE COUNTY

WM. T. MELZER

July 24, 1974

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

Re: Property Owner: Henry and Helen Witnyer, Jr., and The Foundry Service and Supply Company MEYS Breton Hill Road, 181.50 feet NV of Old Court Road Reclassification from D.R. 16 to N.L. and variance from Section 255.2 a front yard setback of 21 feet in lieu of the required 75 feet under Section 283.1 and a rear yard setback of 0 feet District of the required 50 feet under Section 283.3

Due to the small size of this site, it is not expected to cause any major traffic problems.

Very truly yours,

nichael S. Flanigan Traffic Engineer Associate

MSF/pk

Baltimore County Fire Department

J. Austin Deitz

for filing this 15th

Petitioner A. Witmyer, Jr., Helen A. Witmyer & The Foundry Service & Supply Company Petitioner's Attorney Thomas L. Hennessey

oc: Charles A. Myers, Surveyor Emory Road Upparoo, Maryland 31155



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

day of August

Your Petition has been received and accepted

S. ERIC DINENNA Zoning Commissioner

A Eni Ve Mes

Reviewed by Chemes B. Byerres, III

Zoning Advisory Committee

Towson. Maryland 21204 025-7310

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

Attention: Mr. Jack Dillon, Chairman Zoning Advisory Committee

Re: Property Owner: Henry M. & Helen A. Witmyer, Jr. & The Foundry Service &Bupply Co. NE/S of Breton Hill Road, 181.50' NW of Old Court Road Location:

Item No. Zoning Agenda July 9, 1974

Gentlenen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below narked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the reference property are required and shall be located at intervals of feet along an approved road in accordance with Scitimore County Standards as published by the Department of Public Works.
( ) 2. A second nears of weblic access is required for the site.
( ) 3. The vehicle dead-end condition shown at

EXCHEDS 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.

of the Fire Prevention Code prior to occupancy or beginning (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard Mo. 101

( ) 6. Site plansacropole 1970 Edition prior to occupancy.

( ) 7. The Fire Prevention Sureau has no comments at this time.

Hoted and Laul H Reinche 

mls 4/16/73

# -BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH-

July 16, 1974

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

Dear Mr. DiNenna:

Comments on Reclassification, Zoning Advisory Committee Meeting, July 9, 1974, are as follows:

Property Owner: Henry M. & Helen A. Witnyer, Jr. & Location: NE/S The Foundry Service & Supply Co.
Location: NE/S The Foundry Service & Supply Co.

Existing Zouning: D.R.16

Proposed Zoning: D.R.16

Proposed Zoning: Reclass from D.R.16 to M.L. & Variance from Section 253: 2 a front yard setback of 21' in lieu of the required 75' under Section 240.1 and a rear yard setback of 10' in lieu of the required 30' under 0' in lieu of the required 30' under No. of Acres: 0.5364

District: 3rd

Revised plot plan showing utilities needed.

Guynns Falls Moratorium: A moratorium was placed on new sever connections in the Guynns Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on May 14, 1974; therefore approval may be withheld for this connection.

Air Pollution Connents: 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, Director BUREAU OF ENVIRONMENTAL SERVICES

HVB/ncs CC--W.L. Phillips

S. ERIC DINENN.



July 12, 1974

Mr. S. Eric DiNenna: Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item Zoning Advisory Committee Meeting, July 9, 1974, are as follows:

Property Owner: Henry M and Helen A Witmyer, Jr. and the Foundry Service & Supply Co. Location: NE/S of Bretan Hill Road, 181.50' NW of Old Court Road Exiting Zoning: D.R.16
Proposed Zoning: Reclass from D.R.16 to M.L. and Variance from Section 255.2
a front yard setback of 21' in lieu of the required 75' under Section 243.1 and a rear yard setback of 0' in lieu of the inquired 50'under Section 243.3
No. of Acres: 0.5364
District: 37d

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a

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

Very truly yours.

John sulles John L. Wimbley Planning Specialist II Office of Planning and Zoning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 11, 1974

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

Z.A.C. Meeting of: July 9, 1974

Very truly yours,

W. Nick Petrovich

Re: Item

Property Owner: Henry M. & Helen A. Witmyer, Jr., & The Foundry Service & Supply Company

NE/S of Breton Hill Road, 181.50' N.W. of Old

Present Zoning: D.R. 16

Proposed Zening: Reclass from D.R. 16 to M.L. & Variance from Section 255.2; a front year's setback of 211 in 18u of the required 75 under Section 24s.1 and a rear year setback of 01 in 18u of the required 50 under Section 24s.3,

District.

No. Acres:

No adverse effect on student population.

WNP/ml

Field Representation

### OFFICE OF O COMMUNITY IM IS

RANDALLSTOWN, MD. 21133 August 26, 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric Dinenna, Zoning Commis ioner of Baltimore County

was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One xxxxxxxx

weeks before the 26th day of Aug., 1974, that is to assume the same was inserted in the issue of August 21, 1974.

STROMBERG PUBLICATIONS, ....

By Buth Morgan

No. 15163 BALTIMORE COUNTY MARYLAND

DATE Sept. 10, 1974 ACCOUNT 01-662

AMOUNT \$80.00

PINK - AGENCY

Helen A. Witmer 618 Coventry Road Towson, Md. 21204 Advertising and posting of property.

# CERTIFICATE OF PUBLICATION

appearing on the \_\_\_\_\_ 220d \_day of \_\_\_ August\_

THE JEFFERSONIAN. D. Feank Structur

0

Cost of Advertisement \$

BALTIMORE COUN OFFICE OF FINAL . F MISCELLANEOUS	EVENUE DIVISION	No. 15	CHEE
DATE August 7	, 1974 ACCOUNT	01-662	900
	AMOUNT_	\$50.00	
WHITE - CASHIER	PINK - AGENCY	YELLOW - C	STOMEN
The Foundry Serv 1505 Greenwood B Pikesville, Md. Petition for Rec	d. 21208		
Witneyer, Jr.	12 Property of the last	Tioe Top	neura u.

Witneyer, Jr. #75-64-RA

PETITION	M	MAPPING PROGR					ESS SHEET				
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet		
	date	by	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map											
Petition number added to outline											
Denied										N.	
Granted by ZC, BA, GC, GA											
Reviewed by:			(	hange	d Pla	tline	or desc	riptic		Yes No	

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received \* this 2/05 day of

Petitioner WITMYER Petitioner's Attorney Horosto \* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



CERTIFICATE OF POSTING

Posted for Hearing Trus Apt 12 1924 C. Mica AM.

Location of Signe Syn Bartel curry from 160 2 Mine

Location of property S/S of Sunthing De 5400' West of Below Re

2- SIGNS

CERTIFICATE OF POSTING

Posted for Petitions FOR O RECARSSIFICATION (C) VARIANCE.

Location of Signa: NE/S OF BRETEN HILL RY, 280' + as - No.

Location of property: NE/S OF BRETEN HILL Rd. 181.50 W OF

DEPARTMENT OF BALTIMORE COUNTY

Petitioner: John M. Smith

Posted by Mish Her

Petitioner: HENRY M. WITMYER TR.

Oho Court Rd

Posted by Florence E. Valland

ONG COURT PU

DEPARTMENT OF BALTIMORE COUNTY

#75-19-1

75-64-RA

Date of Posting 8-28-74

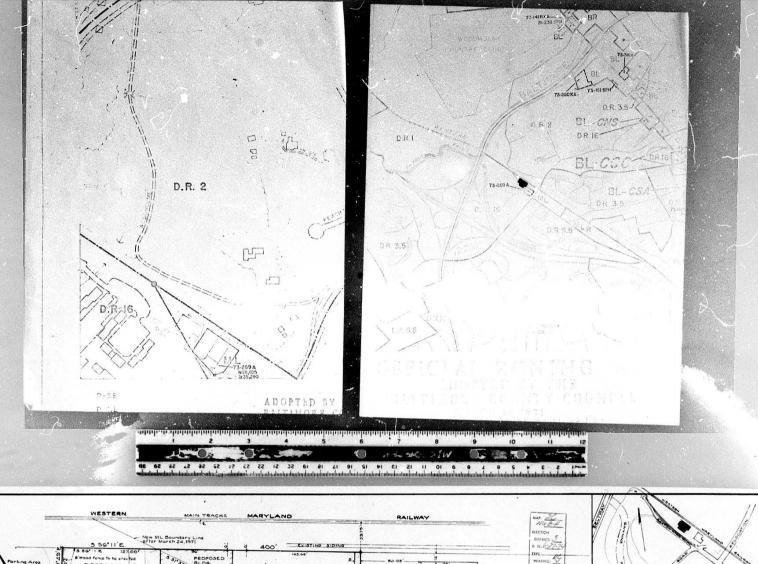
South Rd

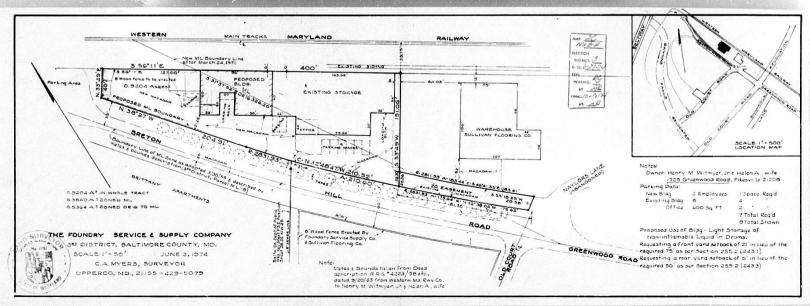
Date of Posting Au6. 22, 1974

Date of return: 8/28/24

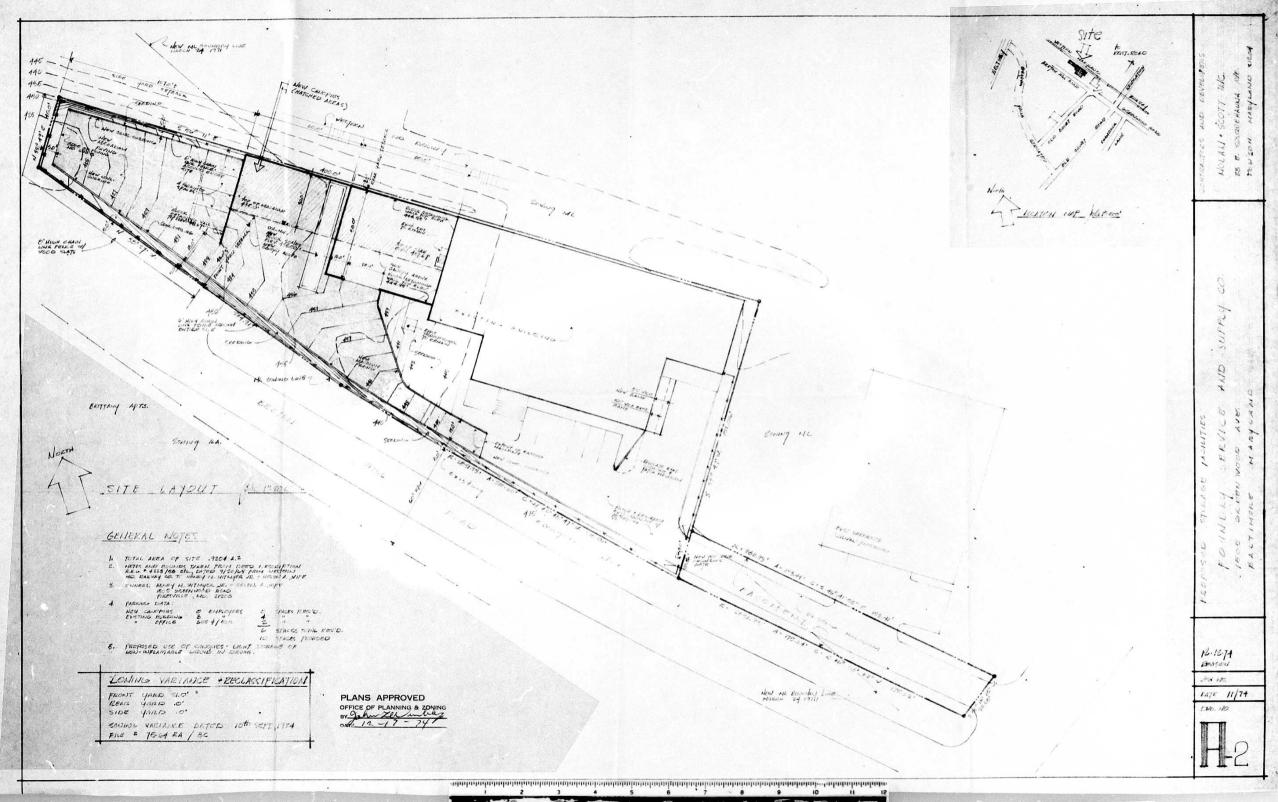


OCT 23 1974









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DEC.24, 1974