

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Henry McNew, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an B.L. zone to an R.R. zone, for the following reasons:

See reasons set out in attached memorandum

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Contractor's equipment storage yard

Property 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 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 Dorothy C. McNew Legal Owner
Address 7911 Montrose Avenue-Balto., Md. 21237

Address 407 W. Penna. Ave., Towson, Md. 21204
825-9200

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 1975, 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 20th day of March, 1975, at 10:00 o'clock

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Henry McNew, 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 238.2 to permit a side yard setback of 5 feet in lieu of the required 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)

Variance is needed to permit side yard setback of 5 feet for building instead of thirty feet as required by above section, because lot is on corner of Philadelphia Road and Summit Avenue, and widening of Summit Avenue will cause hardship on building location on said lot.

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 Dorothy C. McNew Legal Owner
Address 7911 Montrose Ave.-Balto., Md. 21237

Address 407 W. Penna. Ave., Towson, Md. 21204
825-9200

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of October, 1975, 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 20th day of March, 1975, at 10:00 o'clock

Eric D. Nenna
Zoning Commissioner of Baltimore County.

(over)

MEMORANDUM IN SUPPORT OF PETITION

The following reasons for granting of reclassification of the above property from B.L. Zone to B.R. Zone and Special Exception for Contractor's equipment storage yard:

1. The map adopted on March 24, 1971, failed to recognize that the property in question is of such dimension and location as to make it unusable for B.L. uses.
2. The said map did not recognize the need for areas in which to store contractor's equipment in the immediate area.
3. That the use requested is commensurate with all properties surrounding the instant property.
4. And for other reasons to be offered at the hearing on this Petition.

Lewis L. Fleury, Attorney for Petitioner
407 West Pennsylvania Avenue
Towson, Maryland 21204
825-9200

LAW OFFICE OF
HENNESSEY,
FLEURY AND RADZICH
407 W. PENNSYLVANIA
AVENUE
TOWSON, MD. 21204

RE: PETITION FOR RECLASSIFICATION,
SPECIAL EXCEPTION AND VARIANCE
NW/corner of Philadelphia Road and
Summit Avenue - 14th District
HENRY MC NEW, ET UX
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 75-219-RXA (Item No. 29)

ORDER TO ENTER APPEAL

Mr. Commissioner:

Please note on Appeal from your decision on June 24, 1975 in the case of Henry McNew, et ux to the County Board of Appeals and forward all papers in connection therewith to said Board for Hearing.

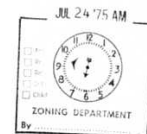
John W. Hession, III
People's Counsel

Charles E. Kuntz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that a copy of the foregoing Order was mailed this 24th day of July, 1975 to Lewis L. Fleury, Esquire, 407 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

cc: Mr. Pasquale Caraffa
1603 Summit Avenue
Baltimore, Maryland 21213



E. F. RAPHEL & ASSOCIATES
Regional Professional Land Surveyors
201 COWLAND AVENUE
TOWSON, MARYLAND 21204

September 26, 1974

RESIDENCE 771-4862

DESCRIPTION OF COMPANY PETITION FOR RECLASSIFICATION
OF PROPERTY OF HENRY MCNEW AND WIFE

Beginning at the same at a point formed by the intersection of the center line of Philadelphia Road (Route 7) and the northeast of Summit Avenue said point being the southern most corner of Lot 8 as shown on the Plat of Summit Farms and recorded among the Land Records of Baltimore County in Plat Book MPC 7, folio 48 running thence and binding on the easternmost side of Summit Avenue and on the west outline of Lot 8 N19°21'W 226.74' thence leaving Summit Avenue and binding on the rear of Lot 8 thru 5 inclusive as shown on the aforesaid Plat N70°39'E 100' run in thence and binding on the division line between Lots 5 and 4 118°1'W 100.52' to the center of Philadelphia Road (Route 7) running thence and binding on the center of Philadelphia Road (Route 7) to the front of Lots 5 to 8 inclusive as shown on the aforesaid Plat the two following courses and distances: (1) 216°1'W 111.1' to the place of beginning.

Containing 0.49 Acres of land more or less.

Being all of Lots 5 thru 8 inclusive as shown on the Plat of Summit Farms and recorded among the Land Records of Baltimore County in Plat Book MPC 7, folio 48.



E. F. Raphael
Reg. Prof. Land Surveyor
No. 2246

June 24, 1975

Lewis L. Fleury, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Reclassification,
Special Exception, and Variance
NW/corner of Philadelphia Road
and Summit Avenue - 14th Election District
Henry McNew, et ux - Petitioners
NO. 75-219-RXA (Item No. 29)

Dear Mr. Fleury:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

cc: Mr. Pasquale Caraffa
1603 Summit Avenue
Baltimore, Maryland 21213
John W. Hession, III, Esquire
People's Counsel

PROTESTANT'S EXHIBIT A

TO THE ZONING BOARD COMMISSION:

We the undersigned, oppose the attempted rezoning of lot from BL to BR on the corner of Philadelphia Road and Summit Avenue.
Alfred Miller Jr. 1900 Summit Ave
Pasquale Caraffa 1603 Summit Ave 21237
Charles E. Kuntz Jr. 1605 Summit Ave 21237
Barbara Helmick 1605 1/2 Summit Ave 21237
Robert J. Ryan 1605 1/2 Summit Ave 21237
Frances Chrusniak 1604 Summit Ave 21237
Dave Chrusniak 1604 Summit Ave 21237
Benny Margowski 7317 Heide Ave 21237
Mary Margowski 7317 Heide Ave 21237
Mr. Catharine Thies 7310 Heide Ave 21237
Mr. J. Henry Thies 7310 Heide Ave 21237
James B. Thies Jr. 7310 Heide Ave 21237
Jack D. Thies 7316 Heide Ave 21237
Ray Taw 1701 Summit Ave 21237
Charles Nye 1702 Summit Ave 21237
Robert J. Panten 7414 Phila Rd 21237
Anna Amorah 1601 Summit Ave 21237

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1974

Lewis L. Fleury, Esq.
407 W. Penna. Ave.,
Towson, Md. 21204

RE: Reclassification and Special
Exception Petition
Item 29 - 8th Zoning Cycle
Henry McNew - Petitioner

Dear Mr. Fleury:

The Zoning Plans 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 Commission with recommendations as to the appropriateness of the requested zoning.

The subject property is located at the intersection of the northwest side of Philadelphia Road and the northeast side of Summit Avenue, in the 14th Election of Baltimore County, and is presently unimproved. The facilities of the Maryland Fence Company exist opposite the site on Summit Avenue, and an auto service shop abuts the property to the northeast. The Phil-Mar Inn restaurant lies opposite the site on Philadelphia Road.

The petitioner is requesting a Reclassification from the existing Business Local zone to a Business Roadside zone, with a Special Exception for contractor's equipment storage yard. A variance for a 5 foot side yard setback instead of the required 30 feet has been requested.

Lewis L. Fleury, Esq.
Re: Item 29 - 8th Zoning Cycle
October 25, 1974

Page 2

The petitioner is proposing to erect a 3000 square foot building with access from Summit Avenue. Off street parking is provided for 5 vehicles.

This petition for Reclassification is accepted for filing on the date of the enclosed filing certificate. However, any revisions or corrections to petitions, descriptions, or plats, as may have been requested by this Committee, shall be submitted to this office prior to December 1, 1975, in order to allow time for final Committee review and advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1975 and April 15, 1975, will be forwarded to you well in advance of the date and time.

Very truly yours,

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

JBB:JD

Enclosure

cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
825-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Henry McNew

Location: NW/4 of Phila. Rd. NE/4 of Summit Ave.

Item No. 49 Zoning Agenda Cycle #8 - October 1, 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.

Reviewed: *H. F. Dillon*

Noted and

Planning Group
Special Inspection Division

Approved: *Paul H. Reincke*

Deputy Chief
Fire Prevention Bureau

Maryland Department of Transportation

State Highway Administration

October 4, 1974

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

Re: 8th Zoning Cycle, Oct. 1974
Property Owner: Henry McNew
Location: NW/4 of Phila. Rd. (Route 7)
NE/4 of Summit Ave.
Existing Zoning: Business Local
Proposed Zoning: Business Roadside.
Special exception for contractor's
Equipment Storage Yard, Variance
from Sec. 238.2 to permit a side
yard set back of 5 ft. instead of
30 ft.
No. of Acres: 0.49
District: 14th

Dear Sir:

The proposed entrance channelization indicated on the subject plan is acceptable to the State Highway Administration, however, the construction thereof must be accomplished under permit from the Administration.

The 1973 average daily traffic count for this section of Philadelphia Road is ... 9,600 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

J. E. Meyers
By: J. E. Meyers

CLJ:Rshk

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County, Maryland
Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Branch of Engineering
ELLSWORTH K. DIVER, P. E. CHIEF

October 26, 1974

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

Re: Item #29 (Cycle VIII - October 1974 - April 1975)
Property Owner: Henry McNew
Intersection of NW/4 of Philadelphia Rd. & NE/4 of Summit Avenue
Existing Zoning: B.L.
Proposed Zoning: B.R. w/ Special Exception for a contractor's equipment storage yard
No. of Acres: 0.49 District: 14th

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 subject property is situated within the Baltimore County Metropolitan District and is included within the limits of the Baltimore County Comprehensive Water and Sewerage Plan, amended July, 1974.

Philadelphia Road is a State Road; therefore, all improvements, intersections, entrances and driveway encroachments 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.

Highways:

Summit Avenue is an existing macadam roadway which is proposed to be improved as a 30-foot closed roadway section within a 50-foot right-of-way. Highway right-of-way and improvements would be required in conjunction with any building permit application.

Storm Drainage:

An open channel or ditch conveys offsite storm water flows along the rear of this property and the northeast side of Summit Avenue.

No provisions for accommodating storm water or drainage flows have been indicated on the plat; however, a storm drainage study and facilities, including onsite easements, would be required in conjunction with any building permit application.

Item #29 (Cycle VIII - October 1974 - April 1975)

Property Owner: Henry McNew
Page 2
October 26, 1974

Storm Drainage: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

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.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the issuance of any grading or building permits.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve this property.

An 8-inch sanitary sewer traverses the rear of this property within a 10-foot easement. No structures or footings will be permitted to encroach upon the easement and protection to the existing sewer must be provided in the course of any grading or excavation operations to prevent damage to the sewer.

Very truly yours,

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

END:RAM:RMD:SS

J-35 Key Sheet
6 NE 17 Pgs. Sheet
NE 2 E Topo
96 Tax Map

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



November 6, 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 #29, Zoning Cycle VIII, October, 1974, are as follows:

Property Owner: Henry McNew
Location: NW/4 of Phila Rd NE/4 of Summit Avenue
Existing Zoning: Business Local
Proposed Zoning: Business Roadside. Special Exception for Contractor Equipment Storage Yard. Variance from Sec. 238.2 to permit a side yard set back of 5 ft. instead of 30 ft.
No. of Acres: 0.49
District: 14th

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 bearing on this petition.

This office would like to see any proposal the petitioner would have to show how the property would be effectively screen the proposed storage areas from the residential premises adjoining.

Very truly yours,

John L. Wimbley
John L. Wimbley, Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.

DIRECTOR

WM. T. MELZER

DEPUTY TRAFFIC ENGINEER

October 28, 1974

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

Re: Item 29 - Cycle Zoning 8 - October 1974 through April 1975
Property Owner - Henry McNew
Intersection of NW/4 of Philadelphia Road & NE/4 of Summit Avenue
B.R. with special exception for a contractor's equipment storage yard
District 14

Dear Mr. DiNenna:

A change from B.L. to B.R. zoning should not change the trip density.

Very truly yours,

E. Richard Moore
E. Richard Moore
Assistant Traffic Engineer

CRP/rmg

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204
October 16, 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 29, Zoning Reclassification,
Cycle #8, are as follows:
Property Owner: Henry McNew
Location: NW/4 of Phila. Rd. NE/S of Summit Ave.
Existing Zoning: Business Local
Proposed Zoning: Business Roadside. SPECIAL EXCEPTION
for Contractors Equipment Storage Yard.
VARIANCE from Sec. 238.2 to permit a
side yard set back of 5 ft. instead of
30 ft.
No. of Acres: 0.49
District: 14th
Metropolitan water and sewer are available.
Water Resources Administration Comments: If lubrication
work and oil changes are performed at this location, revised plans
must be submitted showing method providing for the elimination of
waste oil in accordance with Water Resources Administration require-
ments.
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. Devin
Thomas H. Devin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/mcp
CC--W.L. Phillips

Henry McNew - #75-219-RXA

3.

- b. Spreading yew bushes of at least four (4)
feet in height planted in two (2) rows,
staggered alternately six (6) feet on
center; or
- c. Upright yew bushes of at least four (4) feet
in height planted in two (2) rows, staggered
alternately three (3) feet on center.

Any appeal from this decision must be in accordance with Rules 8-1 thru
8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reifer, Jr.
Walter A. Reifer, Jr., Chairman

Robert L. Gifford
Robert L. Gifford

John A. Miller
John A. Miller

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 8, 1974

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

Z.A.C. Meeting of: October 1, 1974 (Cycle #8)

Re: Item 29
Property Owner: Henry McNew
Location: NW/4 of Philadelphia Rd. NE/S of Summit Avenue
Present Zoning: Business Local
Proposed Zoning: Business Roadside. Special Exception for Contractors
Equipment Storage Yard. Variance from Section 238.2
to permit a side yard setback of 5 ft. instead of
30 ft.

District: 14th
No. Acres: 0.49

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Petrowich, Jr.
W. Nick Petrowich, Jr.
Field Representative.

N.M.P./m
N. EMILIE PARKS, M.D.
EUGENE C. HESS, M.D., M.P.H.
MRS. ROBERT L. BERNY

MARCUS M. BOWEN
JOSEPH N. MCDONALD
ALVIN LORICK
JOSHUA R. WHEELER, M.D.

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.D.
MRS. RICHARD K. WHEELER

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION,
AND VARIANCE : BEFORE THE
NW/4 corner of Philadelphia Road : ZONING COMMISSIONER
and Summit Avenue - 14th Elec- : OF
tion District : BALTIMORE COUNTY
Henry McNew, et ux - Petitioners :
NO. 75-219-RXA (Item No. 29) :

... ..

This matter comes before the Zoning Commissioner as a result of a Peti-
tion filed by Henry McNew, et ux, for a Reclassification from a B. L. Zone to a
B. R. Zone, a Special Exception for a Contractor's Equipment Storage Yard,
and a Variance to permit a side yard setback of five (5) feet in lieu of the re-
quired thirty (30) feet. Said property is located on the northwest corner of
Philadelphia Road and Summit Avenue, in the Fourteenth Election District of
Baltimore County, and contains 0.49 of an acre of land, more or less.

Without reviewing the evidence in detail but based on all the evidence
presented at the hearing, in the judgment of the Zoning Commissioner, the Com-
prehensive Zoning Map of March 24, 1971, erroneously classified the subject
property B. L. The prerequisites of Section 502.1 of the Baltimore County Zon-
ing Regulations have been met, and, therefore, the Special Exception for a
Contractor's Equipment Storage Yard should be granted. Further, as strict
compliance with the Baltimore County Zoning Regulations would result in prac-
tical difficulty and/or unreasonable hardship upon the Petitioners, and as the
granting of the requested Variance does not adversely affect the health, safety,
and general welfare of the community, the Variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore
County, this 24th day of June, 1975, that the herein described property
or area should be and the same is hereby reclassified from a B. L. Zone to a
B. R. Zone; a Special Exception for a Contractor's Equipment Storage Yard

UNDER RECEIVED FOR FILING
DATE June 24, 1975
BY John A. Miller

UNDER RECEIVED FOR FILING
DATE June 24, 1975
BY John A. Miller

RE: PETITION FOR RECLASSIFICATION : BEFORE
FROM B.L. to B.R. zone, :
SPECIAL EXCEPTION for : COUNTY BOARD OF APPEALS
Contractor's Equipment :
Storage Yard, and : OF
VARIANCE from Section 238.2 of : BALTIMORE COUNTY
the Zoning Regulations : No. 75-219-RXA
NW corner Philadelphia Road :
and Summit Avenue :
14th District :
Henry McNew, et ux :
Petitioners :

OPINION

This case comes before the Board on an appeal by the People's Counsel from
an Order of the Zoning Commissioner of Baltimore County, dated June 24, 1975, granting
a reclassification, special exception and variance. The Petitioner requests a reclassifi-
cation from B.L. to B.R. zone, a special exception for a Contractor's Equipment Storage
Yard, and a variance to permit a side yard setback of five (5) feet in lieu of the required
thirty (30) feet. Said property is located on the northwest corner of Philadelphia Road
and Summit Avenue, in the Fourteenth Election District of Baltimore County, and contains
0.49 acres of land, more or less.

At the outset of the hearing before the Board, the People's Counsel, Mr.
John W. Hession, III, moved to dismiss his appeal as to the reclassification to B.R. Said
Motion was granted; therefore, the special exception and variance are the only requests
before the Board.

Mr. Henry McNew, the Petitioner, testified that if successful he would
construct a building approximately 60 feet by 50 feet (Petitioner's Exhibit No. 1 - revised)
and store approximately six (6) contractor's earth moving and hauling vehicles outside.
He described specifically how he planned to improve and utilize this lot. Mr. McNew
also told the Board that unless the requested variance was granted he would suffer practical
difficulty in the development of his land. The location of the planned improvement, as
per Petitioner's Exhibit No. 1 - revised, is the only practical area that same may be situ-
ated. This location, due to the physical topography of the site, necessitates the five
foot setback variance along approximately fifty feet of the east side of the subject property.

should be and the same is GRANTED, and the Variance to permit a side yard
setback of five (5) 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 fol-
lowing restrictions:

1. No more than six (6) contractor's vehicles shall be
placed on the property at any one time.
2. Approval of a site plan by the State Highway Admin-
istration, the Department of Public Works, and the
Office of Planning and Zoning.

John W. Hession, III
John W. Hession, III
Zoning Commissioner of
Baltimore County

Henry McNew - #75-219-RXA

2.

After reviewing the revised plat (Petitioner's Exhibit No. 1) and the
Petitioner's testimony, the Board agrees that the denial of the requested variance would
cause the Petitioner practical difficulty in using his land within the zoning classification.
It is the judgment of this Board that the granting of the requested variance, described above,
would be within the spirit and harmony of the Zoning Regulations. It is also the judg-
ment of this Board that the Petitioner's proposal satisfies the requirements of Section 502.1
of the Zoning Regulations of Baltimore County for a Contractor's Equipment Storage Yard,
subject to certain restrictions to be herein imposed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day
of January, 1976, by the County Board of Appeals, ORDERED that the special exception
for a Contractor's Equipment Storage Yard petitioned for, be and the same is hereby
GRANTED, and it is

FURTHER ORDERED, that the variance to permit a side yard setback of five
(5) feet in lieu of the required thirty (30) feet petitioned for, be and the same is hereby
GRANTED. The special exception and the variance herein granted are subject to the
following restrictions:

1. The Petitioner shall develop the site as per revised plat
(Petitioner's Exhibit No. 1), and the proposed building
shall not exceed 3,000 square feet in base floor area
and shall be located on the site as per Petitioner's
Exhibit No. 1 - revised.
2. No more than six (6) contractor's earth moving and
hauling vehicles may be stored outside.
3. The entire north side of the subject property, as same is
adjacent to the D.R. 5.5 zone, shall be screened.
Said screening shall be live evergreen plantings con-
sisting of one of the following:
a. White pine trees of at least six (6) feet in
height planted in two rows, staggered
alternately six feet on center; or

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
FROM B.L. to B.R. : ZONING COMMISSIONER OF
PETITION FOR SPECIAL EXCEPTION : BALTIMORE COUNTY
FOR CONTRACTOR'S EQUIPMENT :
STORAGE YARD. :
PETITION FOR VARIANCE FOR :
SIDE YARD. :
Northwest corner of Philadelphia :
Road and Summit Avenue, 14th :
District. :
HENRY AND DOROTHY MC NEW : Case No. 75-219-RXA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 of the
Baltimore County Charter, I hereby enter my appearance in this
proceeding. You are requested to notify me of any hearing date
or dates which may be now or hereafter designated therefore, and
of the passage of any preliminary or final Order in connection
therewith.

Charles E. Hession, III
Charles E. Hession, III
Deputy People's Counsel

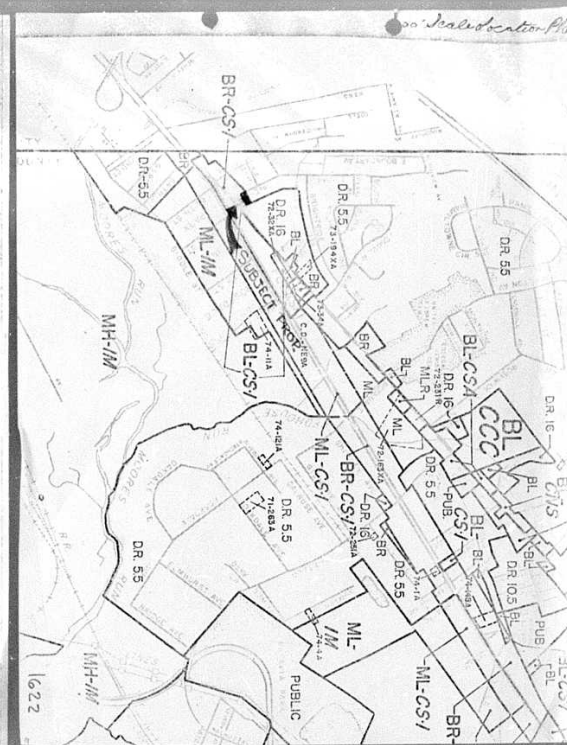
John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
410-7411

I HEREBY CERTIFY that a copy of the foregoing Order was
mailed this 15th day of March, 1975 to Lewis L. Fleury, 407 W.
Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III
People's Counsel



I WILL NOT APPEAR.

[illegible]

CERTIFICATE OF PUBLICATION

ROSEDALE, MD., February 27, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE OBSERVER, a weekly newspaper published in Rosedale, Baltimore County, Md., one time before the 20th day of March, 1975, the publication appearing on the 27th day of February, 1975.

THE OBSERVER,
Robert J. Smith
Advertising Mgr.

Cost of Advertisement \$17.20

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

No. 17146

DATE Nov. 20, 1978 ACCOUNT 03-662

AMOUNT \$20.00

DISTRIBUTION
PINK - Agency YELLOW - CUSTOMER

LEWIS L. FLETCHER, Esq.
107 W. Penna. Ave.
Towson, Md. 21204.

Petition for Reclassification and Special Exception for
Mary Mallon AGS 05 2847 21 5000 REC

[illegible]

Copyal

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY #75-219-KX P
Towson, Maryland

District: 14th Date of Posting: 8-14-75

Posted for: _____

Petitioner: Henry Matthews

Location of property: N.W. Corner of Park Rd. & Summit St.

Location of Signs: 1 sign. Goodly kept on Car of Summit cor.

Remarks: _____

Posted by: Paul H. Hines Date of return: 8-21-75
Signature

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Uplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>W J H</u>			Revised Plans: Change in outline or description <u> </u> Yes <u> </u> No							
Previous case: <u> </u>			Map # <u> </u>							

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 14th
 Posted for: Hessig, Thos. Mural Bn.
 Petitioner: Henry McNew
 Location of property: N.W.C.R. of Phila. Bldg. & Commercial Co.
 Location of Signs: 3 days on Phila. Bldg. & Commercial Co.
 Remarks:
 Posted by: Marcel H. Nees
 Signature: _____
 Date of return: 12-6-28

H-75-214-R-1A

Public Hearing Room 1st, County
Office Building, 115 W. Chicago
St. Chicago, IL 60604
By Order of _____
S. EAC WARDEN
Regional Commissioner of
Baltimore County

PAID BY _____

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

No. 23302

DATE July 28, 1975 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM John W. Hession, III, Esquire, People's Counsel
FOR Cost of Filing of an Appeal and Posting of Property
ON CASE NO. 75-219-RXA (Item No. 29)
NW Corner of Philadelphia Road and Summit Avenue - 14th
Election District
Henry McNew, et al - Petitioners

75 D 106

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 30th day of September 1974 Item # _____.

Eric DiNenna
S. Eric DiNenna, C
Zoning Commissioner

Petitioner Henry McNew Submitted by Fleury
Petitioner's Attorney Fleury Reviewed by Fleury

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

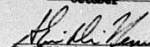
Item 29 - 8th Soning Cycle

Lewis L. Fleury, Esq.,
407 W. Penna. Ave.,
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 23th day of October 1974.


S. ERIC DINENNA,
Zoning Commissioner

Petitioner Henry Mollew

Petitioner's Attorney Lewis L. Fleury

Reviewed by James B. Garton III
Chairman,
Soning Advisory
Committee

cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 17943

DATE March 17, 1975 ACCOUNT 01-662

AMOUNT \$117.8

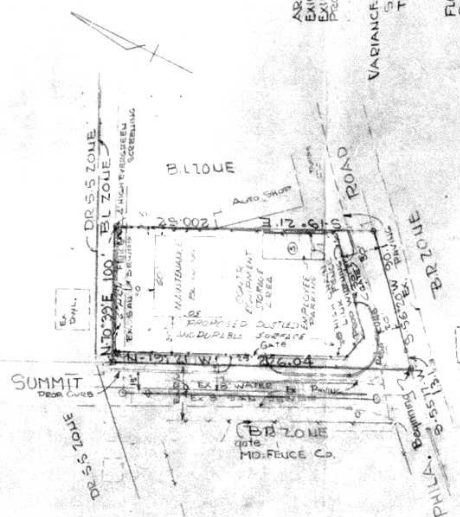
DISTRIBUTION
PAID - ADULTS YELLOW - CUSTOMER

WHITE - CASHIER

Henry McLeve, Jr.
7911 Montrose Ave.
Baltimore, Md. 21237

Advertising and printing of property 85-219-MA
1 4 7 4 8 6

Revised Plat -
No'd 12/9/75
12/9/75



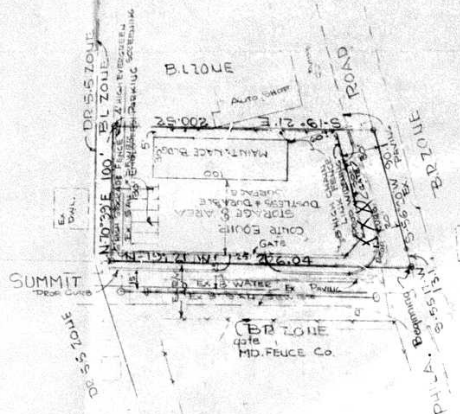
GENERAL DATA
AREA OF PROPERTY 0.43 AC.
EXISTING ZONE BL
PROPOSED ZONE - BR S/E FOR
CENTR. EQUIPMENT STORAGE YARD
VARIANCE REQUESTED FOR 'SIDE YARD'
SETBACK OF 5' INSTEAD OF
THE REQUIRED 30'

PARKING DATA
FLOOR AREA OFFICE 15000'
PARKING RATIO 1 SP/PER 3 EMPLOYEES
EST. NO. EMPLOYEES - 5
5/3 = 2 SPACES REQUIRED
PROVIDED

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION
PROPERTY OF
HENRY McNEU & WF
14" ELECT. DIST BALTO. CO.
SCALE 1" = 50' 9-25-74
REVISED BUILD NOV. 24, 975

E. F. FARRILL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

1622



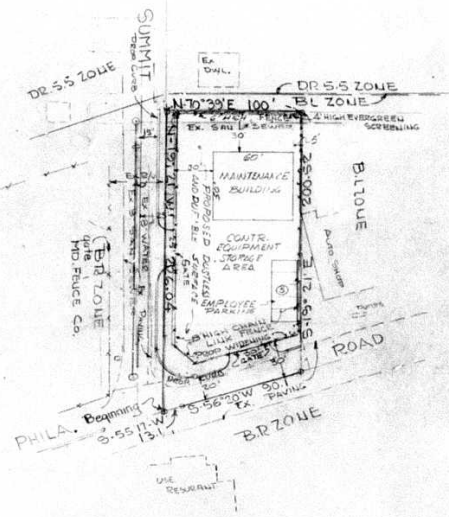
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E. F. FARRILL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

1622

SANITARY STORM DRAINS
SNOW REMOVAL
EXCAVATING

EXPERT TRENCHING
FOOTERS

ELECTRICAL LINES
WATER LINES
HAULING

HENRY McNEW, JR.
7911 MONTROSE AVENUE
BALTIMORE, MARYLAND 21237
Phone: 866-2472

August 17, 1976

Mr. George J. Martinak
Baltimore County
Zoning Office
Towson, Maryland 21204

Re: Case No. 75-219-RXA
Henry McNew
N/WS Philadelphia Road
N/ES Summit Avenue
District 7

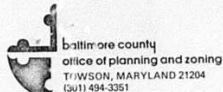
Dear Sir:

On June 24, 1975 we were granted a reclassification from BL to SR for the lots on Philadelphia Road and Summit Ave. This was taken to the county Board of Appeals and on January 20, 1976 this reclassification was granted. At the Appeal hearing I stated that I plan to put CR 6 with an Oil Treatment on the lot instead of blacktop as my machinery is on tracks and would out the blacktop. This was agreeable by everyone present at the appeal hearing. Would you please send me a letter stating this so I can get a permit to put a fence around the lots.

Thank You.

Very truly yours

Henry H. McNew, Jr.
Henry H. McNew, Jr.



S. ERIC DINENNA
ZONING COMMISSIONER

August 19, 1976

Mr. Henry H. McNew, Jr.
7911 Montrose Avenue
Baltimore, Maryland 21237

RE: NW/S of Philadelphia Road and the
NE/S of Summit Avenue - 7th
Election District
Henry McNew - Petitioner
NO. 75-219-RXA (Item No. 29)

Dear Mr. McNew:

This office is in receipt of your letter of inquiry, dated August 17, 1976.

In your letter you stated that testimony at the Baltimore County Board of Appeals' hearing was to the effect that CR 6 with oil treatment would be used on the lot instead of blacktop. Additionally, you request that this office provide you with a letter stating that this is a permissible use.

Please be advised that I have reviewed the file and the Order rendered by the Board of Appeals pertaining to your case and find no mention of the type of paving to be utilized on the parking area.

Oil treatment on parking lots has resulted in problems with water runoff and pollution, as well as vehicles tracking oil onto County roads. Therefore, it is impossible for this office to give you the approval that you request. An acceptable type paving is, of course, macadam, and the plans submitted with the Petition indicated that the paving would be of a durable and dustless surface.

If you have any further questions, please feel free to contact this office.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

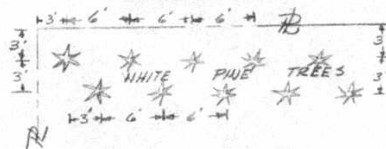
JED/mc

Mr. Henry H. McNew, Jr.
August 19, 1976
Page 2

cc: Mr. S. Eric Di Nenna
Zoning Commissioner

Mr. George J. Martinak
Deputy Zoning Commissioner

WHITE PINETREES PLANTING
DETAIL



PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY *John J. [Signature]*

DATE 10-11-76

75-219 AXA

GENERAL DATA

AREA OF PROPERTY 0.49 AC.
EXISTING ZONE BL.
EXISTING USE VACANT
PROPOSED ZONE - BR S/E For
CONTR. EQUIPMENT STORAGE YARD

VARIANCE REQUESTED FOR SIDEYARD
SETBACK OF 5' INSTEAD OF
THE REQUIRED 30'

PARKING DATA

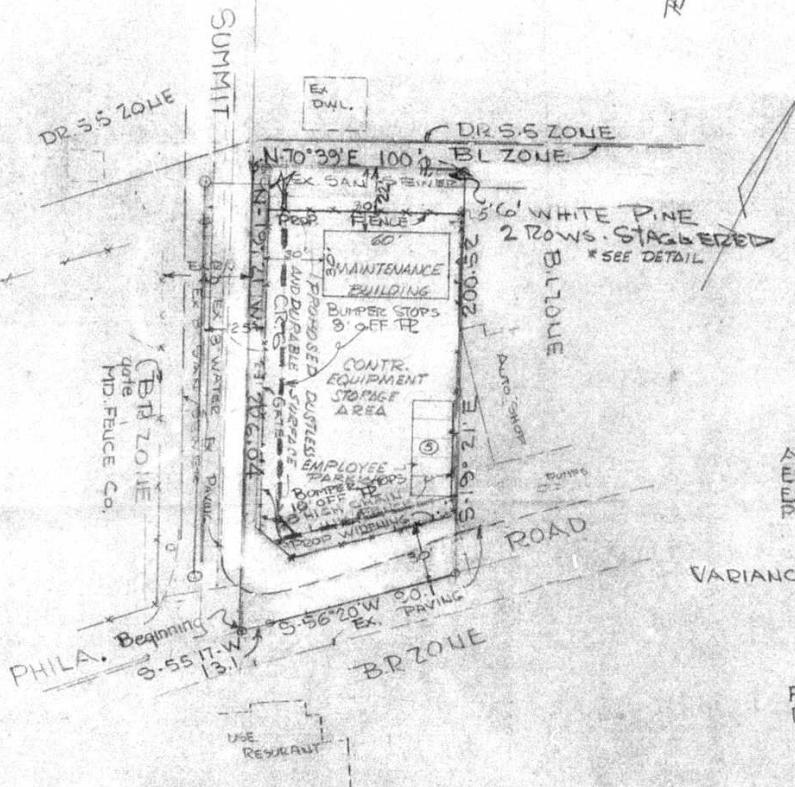
FLOOR AREA OFFICE 15000'
PARKING RATIO: 1 SP/PER 3 EMPLOYEES
EST. NO EMPLOYEES - 5
5/3 = 2 SPACES REQUIRED
5 " PROVIDED

PLAT TO ACCOMPANY PETITION
FOR RECLASSIFICATION
PROPERTY OF

HENRY McNEW & WF

14TH ELECT. DIST BALTO. CO.
SCALE 1" = 50' 9-25-74

REVISED BUILD. NOV. 24, 1975
REVISED CRSTOPS OCT 6, 1976



NOTE: NO PARKING SHALL BE
CLOSER THAN 8' TO WIDENING LINES
NO MORE THAN 6 CONTRACT
EQUIPMENT TO BE STORED OUT
SIDE OF BUILDING



E. P. RAFAEL & ASSOC
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURELAND AVENUE
TOWSON, MARYLAND 21204

1622