

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, _____, 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 Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ the request to raise restrictions prohibiting an entrance on to Burmont Ave., as set forth in case # 69-112 ASPH (name John Doyle). The purpose being to alleviate hazardous driving conditions on Liberty Road by facilitating entrance and egress to the property described.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Sholom Y. Levin
Contract Purchaser
Address: 9324 Liberty Road
Baltimore, Md. 21133
Petitioner's Attorney
Address: 2617 Maryland Avenue
Baltimore, Md. 21218

ORDERED BY the Zoning Commissioner of Baltimore County, this 28th day of Feb., 1967, 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 newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of March, 1967, at 1:00 o'clock, P. M.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 146
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Mr. Sholom Y. Levin
9324 Liberty Road
Randallstown, Md. 21133

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

Your Petition has been received and accepted for filing this 28th day of February 1975

S. Eric DiNenna,
Zoning Commissioner

Petitioner: Sholom Y. Levin

Petitioner's Attorney
cc: Morris H. Steinhorn, Architect
2617 Maryland Avenue
Baltimore, Md. 21218

Reviewed by Franklin T. Hogans, Jr.
Chairman,
Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 10, 1975

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Md. 21204

XXXXXXXXXXXXXXXXXXXX
Franklin T. Hogans, Jr.

Mr. Sholom Y. Levin
9324 Liberty Road
Randallstown, Maryland 21133

RE: Special Hearing Petition
Item 146
Sholom Y. Levin - Petitioner

Dear Mr. Levin:

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 Commissioner with recommendations as to the appropriateness of the requested zoning.

The petitioner is requesting a Special Hearing to delete a restriction placed on his property by Order of the Deputy Zoning Commissioner, and Hearing Case No. 69-112-ASPH, prohibiting access at the rear of this property onto Burmont Avenue.

The subject property is located on the northeast side of Liberty Road, 175 feet southeast of Burmont Avenue, and is presently improved with a retail drapery store and shop area.

The rear of this property currently zoned DR 5.5 enjoys special permission for use as an off street parking area only, as per the aforementioned zoning case.

Development of this property is subject to a plat approved December 3, 1968 by George E. Gavrelis, then Director of Planning of Baltimore County, and

Mr. Sholom Y. Levin
Re: Item 146
March 10, 1975

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incorporated by reference as exhibit "A" within the Order of the Deputy Zoning Commissioner, Hearing Case No. 69-112-ASPH.

A field inspection revealed the rear of the property not to be in compliance with the aforementioned approved plan, insofar as required macadam paving, curbing and screening.

Please note with interest the comments of the Department of Traffic Engineering regarding the lifting of the subject restriction as it affects ingress and egress onto Burmont Avenue.

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,

Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman,
Zoning Plans Advisory Committee

FTH:JD

Enclosure

cc: Morris H. Steinhorn, Architect
2617 Maryland Avenue
Baltimore, Maryland 21218

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

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

February 26, 1975

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

Re: Item #146 (1974-1975)
Property Owner: Sholom Y. Levin
N/25 of Liberty Rd., 175' S/E of Burmont Ave.
Existing Zoning: RM & TM 5.5
Proposed Zoning: Special Hearing to approve the request to raise restrictions prohibiting an entrance onto Burmont Avenue, as set forth in Case #69-112 ASPH (name John Doyle)
No. of Acres: 0.69 Acres District: 2nd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The physical circumstances appear essentially as they had been in 1968 when this site was considered as Item #83 (1968-1969); therefore, the comments supplied in connection therewith are referred to for your consideration in connection with this Item #146 (1974-1975).

Very truly yours,

Ellsworth H. Diver, P.E.
Chief, Bureau of Engineering

END:RAM:FW:as

P-4 Key Sheet
28 NW 37 Post. Sheet
NW 7 J Topo
77 Tax Map

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

875-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Sholom Y. Levin

Location: NE/S of Liberty Rd. 175' SE of Burmont Ave.

Item No. #146

Zoning Agenda January 21, 1975

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. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
4. 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.
5. Site plans are approved as drawn.
6. The Fire Prevention Bureau has no comments at this time.

Reviewed by: J. J. Kelly Noted and Approved: Franklin T. Hogans, Jr.
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau



Maryland Department of Transportation
State Highway Administration

January 31, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attn: Mr. Franklin Hogans

Re: L.A.C. Meeting, Jan. 21, 1975
Item: 146, Property Owners:
Sholom Y. Levin Location:
NE/S of Liberty Rd. (etc
28) 175' SE of Burmont Ave.
Existing Zoning: RM 5.5
Proposed Zoning: Spec. hearing to approve the request to raise restrictions prohibiting an entrance on to Burmont Ave., as set forth in case #69-112 ASPH (name John Doyle)
No. of acres: 0.69 acres Dist. 2nd

Dear Mr. DiNenna,

The existing entrance from Liberty Road is acceptable to the State Highway Administration.

The 1973 average daily traffic count on this section of Liberty road is 15,000 vehicles.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering Access Permits

CL-JEN-es

By: John E. Meyers

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 31, 1975

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

Dear Mr. DiNenna:

Comments on Item 146, Zoning Advisory Committee Meeting, January 21, 1975, are as follows:

Property Owner: Shalom Y. Levin
Location: NE/S of Liberty Rd. 175' SE of Burmont Ave.
Existing Zoning: BR & DR 5.5
Proposed Zoning: Special Hearing to approve the request to raise restrictions prohibiting an entrance on to Burmont Ave., as set forth in case #69 112 ASPH (name John Doyle).
No. of Acres: 0.69 Acres
District: 2nd

Comments: Since this is for a special hearing to prohibit entrance on to Burmont Avenue, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

PHB/bec

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTORWM. T. MELLER
DEPUTY TRAFFIC ENGINEER

March 3, 1975

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

Re: Item 146 - ZAC - January 21, 1975

Property Owner: Shalom Y. Levin
Location: NE/S of Liberty Rd. 175' SE of Burmont Ave.
Existing Zoning: BR & DR 5.5
Proposed Zoning: Special Hearing to approve the request to raise restrictions prohibiting an entrance on to Burmont Ave., as set forth in case #69 112 ASPH (name John Doyle).

No. of Acres: 0.69 Acres
District: 2nd

Dear Mr. DiNenna:

The subject petition is for a special hearing to raise the restrictions for an entrance on to Burmont Ave. The restriction should not be lifted until Burmont Avenue is improved to County standards.

Very truly yours,

Michael S. Plantgan
Michael S. Plantgan
Traffic Engineering Assoc.

MSR/bza

WILLIAM D. F. M.
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER

February 21, 1975

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

Dear Mr. DiNenna:

Comments on Item #146, Zoning Advisory Committee Meeting, January 21, 1975, are as follows:

Property Owner: Shalom Y. Levin
Location: NE/S of Liberty Road 175' SE of Burmont Avenue
Existing Zoning: B.R. and D.R.5.5
Proposed Zoning: Special Hearing to approve the request to raise restrictions prohibiting an entrance on to Burmont Avenue, as set forth in case #69 112 ASPH (Name John Doyle).
No. of Acres: 0.69 acres
District: 2nd

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.

After a field inspection and a review of this petition along with petition #69-112A SPH the office feels that the restrictions should remain until Burmont Avenue is improved.

Very truly yours,

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 488-3811 ZONING 488-3811BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: January 22, 1975

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

Z.A.C. Meeting of: January 21, 1975

Re: Item 146

Property Owner: Shalom Y. Levin

Location: NE/S of Liberty Road, 175' S.E. of Burmont Avenue

Present Zoning: BR & DR 5.5

Proposed Zoning: Special Hearing to approve the request to raise restrictions prohibiting an entrance on to Burmont Avenue as set forth in case #69 112 ASPH (name John Doyle).

District: 2nd

No. Acres: 0.69 acres

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

WSP/ml

M. EVELYN PARKS, Treasurer
EUGENE J. HESSE, Superintendent
MRG ROBERT L. GARDNERMARLON W. BOUTWELL
JENNIFER M. MCGOWAN
ALVIN LORICKT. EMMETT KELLEY
R. CHARLES W. TAYLOR
WES. MICHAEL

September 17, 1976

Aaron Margolis, Esquire
410 Maryland Trust Building
Calvert and Redwood Streets
Baltimore, Maryland 21202Re: Case No. 75-229-SPH
Shalom Y. Levin

Dear Mr. Margolis:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edythe D. Lyons

Encl.
cc: Mr. Charles Burns
Mr. Henry L. Scheeler
John W. Hamlen, III, Esquire
Mr. S. Eric DiNenna
Mr. N. E. Garber
Mr. J. Howell

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENNA
Zoning Commissioner
JAMES E. DYER
Deputy Zoning Commissioner

April 8, 1975

Aaron Margolis, Esquire
410 Maryland Trust Building
Calvert and Redwood Streets
Baltimore, Maryland 21202

RE: Petition for Special Hearing
NE/S of Liberty Road, 175' SE of
Burmont Avenue - 2nd District
Shalom Y. Levin - Petitioner
NO. 75-229-SPH (Item No. 146)

Dear Mr. Margolis:

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Mr. Charles Burns
3621 Burmont Avenue
Randallstown, Maryland 21133

Mr. Henry L. Scheeler
3609 Burmont Avenue
Randallstown, Maryland 21133

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

DESCRIPTION OF 9324 LIBERTY ROAD, 2ND ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

Beginning to the same on the northeast side of Liberty Road 175 feet, more or less, southeast of Burmont Avenue, running thence South 50 degrees 02 minutes East 50 feet, thence leaving said road and running North 29 degrees 05 minutes East 700 feet, thence North 25 degrees 37 minutes 30 seconds East 109.32 feet, thence North 31 degrees 07 minutes 30 seconds East 119.67 feet, thence North 33 degrees 37 minutes 30 East 111 feet, thence 33 degrees 45 minutes East 154.19 feet, thence South 40 degrees 40 minutes 70 seconds West 75 feet, thence South 39 degrees 05 minutes West 200 feet, to the place of beginning, saving and excepting that portion of the land zoned business roadside of said property containing 0.69 acres, more or less, and recorded in the Land Records of Baltimore County, Libro 5349 page 228.

LAW OFFICES
AARON MARGOLISASSOCIATE
JEFFREY N. PRITZER

April 28, 1975

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
NE/S of Liberty Road, 175' SE of
Burmont Avenue - 2nd District
Shalom Y. Levin - Petitioner
No. 75-229-SPH (item No. 146)

Dear Sir:

Please enter an Appeal to the County Board of Appeals in behalf of Shalom Y. Levin, Petitioner, from the Decision and Order of the Deputy Zoning Commissioner of April 8, 1975 in the above matter.

Enclosed herewith is check in the amount of \$15.00 made payable to Baltimore County, Maryland, to cover the cost of the Appeal. Please advise of the required posting costs in order that payment for that item may be forwarded to your office.

Very truly yours,

Aaron Margolis
Aaron Margolis

AM:mk

Enclosure

cc: Mr. Shalom Y. Levin



RE: PETITION FOR SPECIAL HEARING : BEFORE
to Lift Restrictions on :
Case No. 69-112-ASPH : COUNTY BOARD OF APPEALS
NE'S of Liberty Road, 175' SE of
Burmont Avenue :
2nd District :
Shalom Y. Levin : BALTIMORE COUNTY
Petitioner : No. 75-229-SPH

OPINION

This case comes before the Board on an appeal by the Petitioner from a decision of the Deputy Zoning Commissioner, who in a special hearing requesting the removal of a restriction imposed in a prior zoning case, denied the Petitioner's request. In Case No. 69-112-ASPH the then owner of the subject property requested business parking in the residentially zoned portion of the subject property and was granted such business parking, subject to a restriction prohibiting ingress and egress to this parking lot from Burmont Avenue.

In the subject case, the Petitioner requested that this restriction so imposed in Case No. 69-112-ASPH be lifted. The subject property is located on the northeast side of Liberty Road, approximately 175 feet southeast of Burmont Avenue in the Second Election District of Baltimore County. A plot of the subject property, a part of the file of the subject case, indicates the irregular shape of the subject lot and the existing improvement upon said lot. One might particularly note the limited access to the northeast side of Liberty Road, said frontage being approximately 50 feet.

The Petitioner, Shalom Y. Levin, told this Board that he has owned and operated his business at the subject property for approximately three years. This business has about ten employees and is a drapery, upholstery, carpet and interior decorating concern. A summary of Mr. Levin's testimony and that of several of his employees who also testified in this appeal is that, since the Liberty Road has been widened to four lanes without shoulder in front of the subject property, that ingress and egress from the Liberty Road is extremely hazardous. The Petitioner and several of his employees also told the Board that Burmont Avenue is being used by the employees, tradesmen and patrons of

Shalom Y. Levin - No. 75-229-SPH

2.

this business. Because of the extremely unsafe and hazardous conditions existing when attempting to enter and/or leave the subject property from the Liberty Road, persons coming to and from the subject business either park on Burmont Avenue and then walk to the subject property and/or leave the subject property and turn westerly on the Liberty Road and then turn easterly on Burmont Avenue to come back into the Randallstown area and exit onto the Liberty Road at the traffic control signal at Offutt and Liberty Roads. A summary of this testimony is expressed in a letter in the file in the subject case. This letter is dated April 2, 1975 and is addressed to the then Deputy Zoning Commissioner, James Dyer, from Aaron Margolis, Attorney for the Petitioner.

Michael S. Flanagan, a Traffic Engineer for Baltimore County also testified before the Board and in conclusion stated that it was no doubt safer to enter or exit the Liberty Road via Burmont Avenue than it was from the narrow driveway of the subject property. Despite his comments dated March 3, 1975, Mr. Flanagan stated that if conditions of safety might be promoted by allowing ingress and egress to the subject property from Burmont Avenue that he would not object to same. Mr. Flanagan stated that this would not counter his general feeling that commercial traffic should not be allowed onto residential streets, but that he could conceive of certain instances where traffic safety might be promoted if such were allowed.

Lt. Thomas E. Kelly of the Fire Prevention Bureau of Baltimore County testified that while the subject property was not large enough for the Fire Department to insist upon two entrances to same, that it was his judgement that it would be a safer condition from his concern if there would be allowed two entrances to the subject property. Lt. Kelly also noted that the fire hydrant that would serve the subject property in case of fire emergency is located on Burmont Avenue.

The testimony of the four employees of the Petitioner emphasizes the hazardous plight of one attempting to enter and leave the subject sight via the Liberty Road access. These employees now use Burmont Avenue and would continue to use this

Shalom Y. Levin - No. 75-229-SPH

3.

street whether or not the driveway access, ingress and egress restriction, was lifted. The sole proponent in this case, one Harry L. Scheder, for the last twenty years has owned the adjoining property at 3609 Burmont Avenue. Mr. Scheder's property lies between the frontage of the subject property at Burmont Avenue and the lot of the Baltimore Gas and Electric Company, which is located at the corner of Burmont Avenue and Liberty Road. These lots and their relative size and shapes are reflected on the plot of the subject property. Mr. Scheder's property, according to this plot, is zoned approximately half Business Roadside and half DR5.5. At the time of the hearing, Mr. Scheder was not aware of the part commercial zoning of his lot and since having been apprised of this at the hearing has applied to the Baltimore County Council to have his lot zoned in its entirety, Business Roadside. Mr. Scheder's complaints were general and he had indicated that the Baltimore Gas and Electric Company lot was really used as a parking lot and that frankly, until a recent point in time, he did not know of the restriction against ingress and egress to Burmont Avenue from the subject property but had had other complaints concerning the business operation behind his home.

A member of this Board resides a short distance out the Liberty Road from the subject property and uses the Liberty Road constantly. This member made a specific visit to the subject property and its environs, entering and exiting the subject property from the Liberty Road as well as driving Burmont Avenue to and from the Liberty Road for its entire length. Other neighborhood roads were traveled as well.

After carefully considering the testimony and evidence offered in this case, it is the judgement of this Board that the spirit and intent of the zoning regulations would be better served if the restriction against ingress and egress to and from the subject property from Burmont Avenue would be lifted. The principle change in condition which affects the subject property has been the widening to four lanes without shoulders of the Liberty Road. The effect of this widening upon various entrances along this road must be seen to be realized but same makes such ingress and egress extremely hazardous and this Board is compelled to agree with the testimony of the Petitioner and his employees. There can be absolutely no doubt that traffic safety would be promoted if the subject property could

Shalom Y. Levin - No. 75-229-SPH

4.

utilize the Burmont Avenue frontage as opposed to the Liberty Road frontage for vehicular ingress and egress. The Board is also impressed by the fact that the traffic conditions along the narrow Burmont Avenue will not be significantly changed by permitting ingress and egress to the subject lot from Burmont Avenue because the general traffic pattern involving use of the subject property already involves the use of Burmont Avenue.

In conclusion, it is the judgement of this Board that the spirit and intent of the zoning regulations would be better served and the best interest of the majority would be served if the existing restriction be lifted and ingress and egress to the subject property via the Burmont Avenue be permitted. For the reasons set out above, the Board will remove the previously imposed restriction and shall order that such ingress and egress to the subject property via Burmont Avenue be permitted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1976, by the County Board of Appeals, ORDERED that the restriction imposed in Case #69-112-ASPH prohibiting ingress and egress to and from the subject property is hereby lifted, and the subject petition requesting the removal of this restriction be and the same is hereby GRANTED.

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

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

John A. Miller

William T. Hackett

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
NE'S of Liberty Road, 175' SE of :
Burmont Avenue - 2nd District : DEPUTY ZONING
Shalom Y. Levin - Petitioner : COMMISSIONER
NO. 75-229-SPH (Item No. 146) :
FOR
BALTIMORE COUNTY

This Petition represents a request for a Special Hearing to determine whether or not the Deputy Zoning Commissioner should approve the removal of a restriction originally established in the granting of a permit for parking in a residential zone by way of Case No. 69-112-ASPH, Petitioner, John Doyle, which prohibited the ingress and egress from a residential parking lot located at the rear of the Petitioner's business.

The parcel of land, which is the subject of this Opinion, is situated on the northeast side of Reisterstown Road, approximately 175 feet southeast of Burmont Avenue, and lies in the Second Election District of Baltimore County. Said parcel is irregular in shape having a frontage of 50 feet on Liberty Road with a rectangular depth of 200 feet, at which point it tapers to a width of thirty feet before widening into the parking area from which the Petitioner is now requesting a rear entrance to Burmont Avenue. The narrow 50 foot wide portion of the property fronting Liberty Road is commercially zoned Business. Local to a depth of approximately 240 feet, and is improved with a building 40 feet by 75 feet on which two additions, 20 feet by 75 feet, has been added. The first of these additions resulted in the then property owner, John A. Doyle, et al., petitioning for a side yard Variance of zero feet instead of the required 30 feet and Special Hearing to permit business parking on the residentially zoned portion of the property fronting Burmont Avenue.

In commenting on that Petition, the then Director of Planning, Mr. George E. Gavrellis, made the following statement:

"This office does not approve the plan for off-street parking as submitted. We are opposed to utilization of Burmont Avenue as a means of access to this parking with its 12 foot width. The parking lot itself comes too close to adjoining residential tracts. The lot should be shifted to be immediately adjacent to existing commercial zoning, thereby leaving more area on the residential edges for buffering, screening, or transition. No provision is made for future widening of Burmont Avenue."

After hearing the testimony and evidence presented during the course of that hearing, the then Zoning Commissioner, Mr. Edward D. Hardesty, saw fit to grant the Variance and the use permit for parking. The use permit was restricted, however, to use for parking in accordance with a plat approved on December 3, 1968, by Mr. Gavrellis. Said plat clearly omitted any entrance to Burmont Avenue and did, in fact, indicate an eight foot wide screening area parallel and adjacent to the south side of Burmont Avenue. The approved plan further indicates that this screening area as well as two areas along the east and west side of the proposed parking area was to be planted with four to five foot high scotch pines.

During the course of this hearing, the Petitioner and several of his employees established that an entrance to Burmont Avenue had been utilized, in violation of said approved plan, for an undetermined period of time after the property was sold by the original owner. The testimony further indicated that employees and customers had traversed Burmont Avenue, a 12 foot wide paved road, Trent Avenue, and other streets in improved residential subdivisions to gain access to Liberty Road by way of Offutt Road at which point there is a traffic signal. The entrance to Burmont Avenue has since been barricaded requiring that all access to and from the property be by way of Liberty Road. It was their contention that it was most difficult, if not impossible, to make a left turn on Liberty Road from the site during peak traffic hours. Traffic leaving the subject site during peak hours was described as

having to join the flow of traffic in a northerly direction and either make a right turn on Burmont Avenue or proceed northerly making a left turn at the first possible location.

The fact that trucks cannot negotiate the narrow driveway, eight feet wide, between the Petitioner's building and a fence on the adjoining property line to gain access to the rear loading area, was not considered a great problem. The unloading of trucks is presently accomplished by unloading at the front of the building, or backing across the Baltimore Gas & Electric Company property on the west side of the building to accomplish the necessary unloading at the rear of the building. The Petitioner and his employees were of the opinion that leaving the site by way of Liberty Road during peak traffic hours created a hazardous situation which could be alleviated by removal of the restriction prohibiting access from the residential parking area at the rear.

Two area residents, both of whom reside on Burmont Avenue, one to the east and the other immediate adjoining the parking area on the west, appeared in protest to the Petitioner's request. They felt that the narrow width of Burmont Avenue, 12 feet, was not conducive to commercial traffic and that the opening of the parking area directly to Burmont Avenue would commercialize the residential area and should not be granted as long as residents and residential zoning exists along Burmont Avenue.

Prior to writing this Opinion, the writer visited the area, inspected the subject site and traveled the streets in question. Inquiries were made to the State Highway Administration with regard to the extent and purpose of construction observed along Liberty Road in the vicinity of the subject property. Said construction or improvements were described as being for the purpose of providing five lanes of traffic, two north and two south with a center lane for turning movements from both directions. Said improvements were to extend from Offutt Road, south of the site to Deer Park Road on the north, and were expected to be completed by June.

Other than the possible increase in traffic, conditions in the area have not changed since the original granting of the use permit. Burmont Avenue

remains a hard surfaced, 12 foot wide residential street. Other streets that must be negotiated by traffic using Burmont Avenue route are improved to a wider width but are fully developed along both sides by two family and single family residences. The properties on either side of the subject parking area are likewise residential, as is the property on the north side of Burmont Avenue, which is presently being utilized as a grazing land for cattle.

Without reviewing all testimony and evidence presented, but based on all such testimony and evidence, it is the opinion of the Deputy Zoning Commissioner, that the area in question has not changed to the extent that a driveway should now be permitted to Burmont Avenue. With the exception of Liberty Road improvements now underway, which should make turning movements in and out of the subject property less difficult, the conditions in the area are basically the same as those that existed when the use permit was originally granted in 1968. The restriction prohibiting access to Burmont Avenue therefore remains valid, and the Petitioner's request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of April, 1975, that the herein requested Special Hearing, to lift restrictions prohibiting an entrance onto Burmont Avenue as set forth in Case No. 69-112 ASPH, should be and the same is hereby DENIED.

James E. Doyle
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE: April 2, 1975

BY: John P. Doyle

ORDER RECEIVED FOR FILING

DATE: April 2, 1975

BY: John P. Doyle

ORDER RECEIVED FOR FILING

DATE: April 2, 1975

BY: John P. Doyle

ORDER RECEIVED FOR FILING

DATE: April 2, 1975

BY: John P. Doyle

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 17919
DATE March 7, 1975 ACCOUNT 01-662
AMOUNT \$25.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Josh Levin & Associates, Inc.
9324 Liberty Rd.
Randallstown, Md. 21133
Petition for Special Hearing
#75-229-SPH 5.00 MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 17963
DATE March 24, 1975 ACCOUNT 01-662
AMOUNT \$57.75
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Josh Levin & Associates, Inc.
9324 Liberty Rd.
Randallstown, Md. 21133
Advertising and posting of property
#75-229-SPH 3.50 MC 24 37.75 MC

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 20252
DATE May 2, 1975 ACCOUNT 01-662
AMOUNT \$35.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Aaron Margolis, Esquire
Cost of Filing of an Appeal on Case No. 75-229-SPH (Item No. 146)
NE/S of Liberty Road, 175' SE of Burnmont Avenue - 2nd Election District
Sholom Y. Levin - Petitioner 3.50 MC 2

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 20278
DATE May 13, 1975 ACCOUNT 01-662
AMOUNT \$10.00
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Aaron Margolis, Esquire
Cost of Posting Property of Sholom Y. Levin for an Appeal Hearing
NE/S of Liberty Road, 175' SE of Burnmont Avenue - 2nd Election District
Case No. 75-229-SPH (Item No. 146) 1.00 MC

2-SIGNS 75-229-SPH
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 2nd Date of Posting MAY 10, 1975
Posted for: APPEAL
Petitioner: Sholom Y. Levin
Location of property: NE/S of LIBERTY RD. 175' SE of BURNMONT AVE.
Location of Signs: 9324 LIBERTY RD. S/Side BURNMONT AVE. 360' +/- N of LIBERTY RD.
Remarks: Sholom Y. Levin
Posted by Signature Date of return: MAY 16, 1975

PETITION FOR SPECIAL HEARING
2ND DISTRICT
ZONING: Petition for Special Hearing to
Lift Restriction on Case #75-229-SPH
LOCATION: Northeast side of Liberty
Road 175 feet East of Burnmont
Avenue.
DATE & TIME: Monday, March 11,
1975 at 1:00 P.M.
PUBLIC HEARING: Room 106, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore
County, by authority of the Zoning Act
and Regulations of Baltimore County, will
hold a public hearing
Petition for Special Hearing Under
Section 902 of the Zoning Regulations of
Baltimore County, to determine whether or
not the Zoning Commissioner should
approve the request to raise restrictions
on an entrance on the Burnmont
Avenue as set forth in Case No. 75-229-SPH.
This is to certify, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of the three successive weeks before the 13th
day of March, 1975, the first publication
appearing on the 13th day of March,
1975.
THE JEFFERSONIAN,
A. L. Smith, Manager
Cost of Advertisement, \$.....

PETITION FOR SPECIAL HEARING
2ND DISTRICT
ZONING: Petition for Special Hearing to
Lift Restriction on Case #75-229-SPH
LOCATION: Northeast side of Liberty
Road 175 feet East of Burnmont
Avenue.
DATE & TIME: Monday, March 11,
1975 at 1:00 P.M.
PUBLIC HEARING: Room 106, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore
County, by authority of the Zoning Act
and Regulations of Baltimore County, will
hold a public hearing
Petition for Special Hearing Under
Section 902 of the Zoning Regulations of
Baltimore County, to determine whether or
not the Zoning Commissioner should
approve the request to raise restrictions
on an entrance on the Burnmont
Avenue as set forth in Case #75-229-SPH.
This is to certify, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of the three successive weeks before the 13th
day of March, 1975, the first publication
appearing on the 13th day of March,
1975.
THE JEFFERSONIAN,
A. L. Smith, Manager
Cost of Advertisement, \$.....

CERTIFICATE OF PUBLICATION
N 8477 E02201
Mar. 13, 1975
THIS IS TO CERTIFY, that the annexed advertisement
was published in the JEFFERSONIAN, a weekly
newspaper published in Pikesville, Baltimore
County, Maryland before the 13th day
of March, 1975
the first publication appearing on the
13th day of Mar., 1975
the second publication appearing on the
day of Mar., 1975
the third publication appearing on the
day of Mar., 1975
THE JEFFERSONIAN
Arnold London
Manager
Cost of advertisement, 23.25

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received * this 16 day of
JAN. 1975. Item #
Petitioner: MR. LEVIN Submitted by: MR. LEVIN
Petitioner's Attorney: Reviewed by: NRC
* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET
FUNCTION
Description checked and
outline plotted on map
Petition number added to
outline
Denied
Granted by
ZC, BA, CC, CA
Reviewed by: NRC Revised Plans:
Change in outline or description Yes
Previous case: Map #

LAW OFFICES
AARON MARGOLIS
ASSOCIATE
JEFFREY N. PRITZKER
May 8, 1975
Baltimore County, Maryland
c/o Zoning Office
121 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Case No. 75-229-SPH (Item 146)
NE/S of Liberty Road,
175' SE of Burnmont Avenue -
2nd Election District
Sholom Y. Levin
Gentlemen:
Enclosed herewith is check for \$10.00 to cover the
cost of posting the property in the above captioned
Appeal.
Very truly yours,
Aaron Margolis

2-SIGNS 75-229-SPH
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 2nd Date of Posting MARCH 15, 1975
Posted for: PETITION FOR SPECIAL HEARING
Petitioner: Sholom Y. Levin
Location of property: NE/S of LIBERTY RD. 175' SE of BURNMONT AVE.
Location of Signs: FRONT 9324 LIBERTY RD.
S/Side BURNMONT AVE. 360' +/- E of LIBERTY RD.
Remarks: Sholom Y. Levin
Posted by Signature Date of return: MARCH 31, 1975

LAW OFFICES
AARON MARGOLIS
ASSOCIATE
JEFFREY N. PRITZKER
March 25, 1975
Eric S. DiNenna, Esq.
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Re: Special Exception Hearing
No. 75-229-SPH
Sholom Y. Levin
Dear Mr. DiNenna:
Please enter my appearance as attorney for the
Petitioner in the above matter.
I understand the matter is set for hearing on
Monday, March 31 at 1:00 p.m. If there is any change
in the scheduled hearing date or time, I would appreciate
your letting me know.
Thank you for your kind attention.
Very truly yours,
Aaron Margolis
AM:mk
cc: John J. Hession, III, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204
Mr. Sholom Y. Levin

PROJECT: NEW ADDITION
 FOR JOHN LEWIS
 932A LIBERTY RD.
 BALTIMORE, MD.

ARCHITECT: NORMAN H. STEINBOCK, AIA
 2017 MARLBOROUGH AVENUE
 BALTIMORE, MARYLAND 21206

DATE: JANUARY 19, 1975

SCALE: 1/8" = 1'-0"

NOTES:

1. SEE EXISTING RECORDS FOR EXISTING BUILDING AND SITE.
2. SEE EXISTING RECORDS FOR EXISTING BUILDING AND SITE.
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