PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

or we, William H. Gallahan III. ... 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 250.3 to permit a rear yard setback of

30 feet in lieu of the required 40 foot setback.

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

following reasons: unducte hardship or practical dimensity)
The satchast requirements of Section 200.3 are impractical and impose a hardship
on the contract purchaser. This is due to the fact that the proposed building
is 40 feet from the existing property line, however by virtue of a proposed
taking by Baltimore County for the videning of Mylamder Lame, the rear of the
proposed building will be 30 feet away from property line. The structure cannot
be moved due to the site configuration without causing a reducerture cannot
airs, depth and configuration of the pro- disple reduction in the size of the
building is impractical due to layout design and other considerations.

See attached description

Adde

DAT

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

In 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 failshore County adopted pursuant to the Zoning Law For Baltimore County.

M. Merritt	William W. Callahan Hil
My Muul Contract purchaser	Legal Owner
1940 Ruxton Rond	Address 1907Rush Sey Ra
Towan, Maryland 21204	BAGO MD 21234.
Joel D. Fedder Act O field	Protestant's Attorney
ess Baltimore, Maryland 21201	

Asidre ORDERED By The Zoning Commissioner of Baltimore County, this ... 17th-, 197 _5 that the subject matter of this petition be advertised. as

__day of ___**April**_______197**5**___at-**10100** o'clock

Zoning Commissioner of Baltimore County.

BALTIMO COUNTY OFFICE OF PLANNING ZONING

S. ERIC DINENNA JAMES E. DYER

Ed.

and and

M H. CALLANAN #75-219-A 50/ M S. Joppa Rd. opp. Danway d Ber. 160' N of Joppa Rd. on S of Mylander Lane 9to

ONBER RECEIVED FOR

Joel D. Fedder, Esquire 2100 One Charles Center more, Maryland 21201

> RE: Petition for Variances Beginning 150' N of Joppa Road osite Danway Road and Begin opposite Danway Road and Beginn 160' N of Joppa Road on the east side of Mylander Lane - 9th Election District William H. Callahan - Petitioner NO. 75-249-A (Item No. 172)

Dear Mr. Fedder:

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

anus & Hg JAMES E. DYER

JED/me

cc: Mr. William A. Feustle 1414 East Joppa Road Towson, Maryland 21204

930 Park Avenue Baltimore, Maryland 21201

John W. Hessian, III, Esquire People's Counsel

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William H. Callahan III ____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, 250.4 to permit a distance of 60 feet

from a residential zone boundary in lieu of the required 100 foot distance.

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

following reasons: Undicate hardship or practical difficulty)
The configuration of the site is such that the front of the building which
would house offices properly belongs adjacent to the residential line along
Jopa Road. To bring truck traffic around to the Jopas Road side of the site
is impractical, would create greater traffic and congestion in rear of property
and would impose a great hardship on the contract purchaser. If the variance is
granted, all heavy truck traffic and tenant dumpeters will be restricted to
the interior or the site, thus shielding the residential area from same. The
granting of the variance would permit proper planning for the site and would
provide a practical method for the site? and development.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this tion, and further agree to and are to be bound by the zoning regulations and restrictions of impere County adopted pursuant to the Zoning Law For Baltimore County.

eroy 1. Merriet	William H. Callahan III
Contract purchaser	Legal Owner
daries 1940 Ruxton Road	Address 190 (1505) ley to
Towson, Maryland 21204	Barro Mo atas
Fedder and Garten P. A.	10
Joel D. Fedder Joel I ted	div
2100 One Charles Center	Protestant's Attorney
ddress Baltimore, Maryland 21201	

, 197 _5 that the subject matter of this petition be advertised, a 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 Bullding in Townson, Baltimore day of April 1975 at 10:00 o'clock County on the 23rd

Bea

....

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

PETITION FOR VARIANCE TO PERMIT A DISTANCE OF 60 FEET FROM A RESIDENTIAL ZONE BOUNDARY INSTEAD OF THE REQUIRED 100 FEET; AND TO PERMIT A REAR VADO OF 10 FEET INSTEA YARD OF 30 FEET INSTEAD OF THE REQUIRED 40

FEET.

Beginning I50 feet North of

Joppa Road opp. Danway Rd.

and beginning I60 feet North
of Joppa Road on the east BALTIMORE COUNTY side of Mylander Lane 9th District.

William H. Callahan, III

Case No. 75-249-A

BEFORE THE

ZONING COMMISSIONER

ORDER TO ENTER APPEARANCE

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



John W. Hessian, III

Deputy People's Counsel County Office Building Towson, Maryland 21204 494-3212

was mailed this 7th day of April, 1975, to Joel D. Fedder, Esquire, 2100 One Charles Center, Baltimore, Maryland 21201,

I will not attend. JWH

Joel D. Fedder, Esq. Re: Item 172 April 22, 1975 Page 2

with loading docks facing away from the existing residential development, and also to permit a rear yard setback of 30 feet from Mylander hame as it is proposed to be widened.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing the series of the hearing that the series of the hearing that 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the neer future.

Very truly yours,

Franklin T. HOGANS, JR. Chairman, Zoning Plans Advisory Committee

FTH:JD

cc: James Petrica & Associates, Inc. 409 Jefferson Building Towson, Maryland 21204

PROM THE OFFICE OF GBORGE M. AM STEPHENS, JR. AND ASSOCIAT INC. ENGINEERS P.O. BOX 6828, TOMSON, MARYLAND 21204

Pebruary 12, 1975

178.79 feet, (2) southeasterly along a curve to the right with a radius of 200,00 to the right with a radius of 3153,66 feet for a distance of 32.61 feet curve being subtended by a chord bearing S 86° 52' 06" W 32.61 feet, thence ng Joppa Road (12) N 3° 15' 36" W 73.33 feet, (13) northerly along a curve ded by a chord bearing N 1* 03' 12" E 31.70 feet, (14) N 83* 21' 28" W 158.36 fost and (15) N 30° 28' 03" E 898.02 feet, (16) 5 46° 07' 07" F 209.53 feet and (17) S 46° 03' 35" E 711.22 feet to the point of heginning.

.oel D. Fedder, Eagle-Timore County Office of Planning & Zoning
2100 One Charles Center
Baltimore, Maryland 21201 County Office Building

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

Petitioner's Attorney Joel D. Pedder Reviewed by Franklin There to cc: James Petrica & Associates, Inc. 409 Jefferson Building Towson, Nd. 21204

JUN 27 1975

RE: PETITION FOR VARIANCES Beginning 150' N of Joppa Road opposite Danway Road and Beginning 160' N of Joppa Road on the east side of Mylander Lane - 9th Election District William H. Callahan - Petitioner NO. 75-249-A (Item No. 172)

DEPUTY ZONING COMMISSIONER

BEFORE THE

: BALTIMORE COUNTY

111 111 111

This Petition represents a request for a Variance from Section 250.4 to permit a structure to be located within 60 feet of a residential zone bound ary in lieu of the required 100 feet, and Section 250.3 to permit a rear yard setback of 30 feet in lieu of the required 40 foot setback from the south side of Mylander Lane as proposed to be widen to 40 feet. The property is situated parallel to and 150 feet north of the center line of Joppa Road, binding on the east side of Mylander Lane, in the Ninth Election District of Baltimore County.

Testimony was presented by Mr. Leroy M. Merritt, Contract Purchaser developer and Mr. Bryon D. Jones, a civil engineer who prepared the Peti tioner's site plan. The testimony established that the subject site is zoned M. L. R. (Manufacturing Light, Restricted), contains 9.935 acres, and is proposed to be developed with two warehouses and/or storage buildings; one of which will contain 76,800 square feet, and the other 90,000 square feet-

The property is very irregular in shape, forming a triangular shape and is bisected approximately through the center in a southwestern direction by visting sanitary and storm drain lines that have been constructed within a 20 foot wide utility easment. The elevation of the property was described as being substantially lower than surrounding properties which border Mylander ane on the west and the rear or southern property line abutting the dwelling that front Joppa Road

The Petitioner felt that the unusual physical features of the site represented both hardship and practical difficulty insofar as normal development

of the site was concerned. He also felt that the Variance that would permit construction of the 90,000 square foot warehouse within 60 feet of the residential zone line (actually 50 feet from the rear property line of adjoining residents), would in turn make possible truck loading areas at the opposite end of the building. The Petitioner as well as the area residents, who were in attendence, were of the opinion that this would have a lesser degree of impact on the dwellings that back up to the subject property.

Area residents, who appeared and testified with respect to the requested Variances, did express concern with regard to the proposed 30 foot paved roadway within 20 feet of their rear property line. It was their opinion that even though the 30 foot roadway was only intended to provide circulation around the building, it would be conducive to the parking of vehicles including diesel trucks with their motors running at all hours. They felt that the roadway should be entirely eliminated or its width substantially reduced and made one way to eliminate or reduce the possibility of parking at their rear door.

The People's Counsel appeared at the hearing and, while he did not object to the granting of the Variances per se, he did question the need for the number of automobile parking spaces indicated on the plans (125). He also pointed out that the plan erroneously indicated that 15% of the warehouse space would be utilized for retail purposes, i.e., only wholesale sales that are clearly incidential to the warehouse function are permitted in a M. L. R. Zone.

Without reviewing all testimony and evidence in detail, but based on all such testimony and evidence presented, it is the opinion of the Deputy Zoning Commissioner that the subject property's irregular shape and topography as well as the fact that it is bisected by a utility easement, does present problems with regard to its development. The property is classified M. L. R., a zone which requires that the development plans be specifically approved with regard to the placement of the structure, interior roads, parking area, grading screening, and areas of lawn and planting. Notwithstanding this fact, the

- 2 -

positioning of the building, as proposed by the Petitioner, will, with certain restrictions, afford adjoining residential property owners protection that could not otherwise be specifically required. In view of these facts, the requested Variances, with certain restrictions, should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 9th day of May, 1975, that the herein Petition for a Variance from Section 250.4 to permit a structure to be located within 60 feet of a residential zone boundary in lieu of the required 100 feet, and Section 250.3 to permit a rear yard setback of 30 feet in lieu of the required 40 feet setback from the south side of Mylander Lane as proposed to be widened to 40 feet, should be GRANTED, subject to the following restrictions

- 1. The site plan submitted with this Petition dated February 2, 1975, must be revised with all reference to retail use being removed from the plan.
- 2. The paved roadway at the front of the 90,000 square foot building, that adjoins or lies in close proximity to the rear of residential properties fronting Joppa Road, shall be reduced from 30 feet to 20 feet with a 10 foot fire lane clearly indicated on the north side of said 20 foot roadway. Said roadway shall also be clearly posted "No Parking At Any Time".
- 3. The evergreen screening, proposed in the buffer area adjoining said residential properties, shall be a mini of five foot high and shall be planted in two rows on staggered five foot centers.
- 4. The building permit application for the proposed warehouse shall not be approved until such time as the site develop-ment plan as required under Section 252, has been approved by the Office of Planning and the Deputy Zoning Con

Deputy Zoning Commissione Baltimore County

FOR 0 # ... YO

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Franklin'T: Hogan

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FOR

VED

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M.

DATE

HEMBERS SEALTS DEPARTMENT

April 22, 1975

Joel D. Fedder, Esq. 2100 One C harles Center Baltimore, Maryland 21201

RE: Variance Petition Item 172 William H. Callahan, III -Petitioner

Dear Mr. Fedder:

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 appropriateness of parties are made sware of plans or problems who parties are made sware of plans that hay have a bearing on this case. The plans that hay have a bearing on this case. The plans that pay file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the southeast side of Mylander Lane, 80.13' north of Joppa Road, and is currently in a vacant, graded state. This property abuts across Mylander Lane the existing Bendix Aviation Corporation, and according to the south single family dwellings fronting on the south single family dwellings fronting out the south single family dwellings fronting the control of the south single family dwellings fronting the south single for warehousing construction storage and a Mosos lodge. The current zoning of the property is MLR (Manufacturing light, Remtricted), which permits warehousing and distribution as a matter of right.

The petitioner is requesting setback variances in order that the proposed warehouse may be constructed

Joel D. Fedder, Esq. Re: Item 172 April 22, 1975

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with loading docks facing away from the existing residential development, and also to permit a rear yard setback of 30 feet from Mylander Lane as it is

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,

Frankle Thogson FRANKLIN T. HOGANS, JR. Chairman, Zoning Plans Advisory Committee

PTH . TO

Enclosure

cc: James Petrica & Associates, Inc. 409 Jefferson Building Towson, Maryland 21204

S. ERIC DINENNA



- 3 -

April 8, 1975

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

Dear Mr. DiNenna

Comments on Item #172, Zoning Advisory Committee Meeting, March 18, 1975, are as follows:

Property Owner: William H. Collahan III Location: SE/S of Mylander Lane 80.13' N of Joppa Road Existing Zoning: M.L.R.

Proposed Zoning: Variances from Sec. 250.4 to permit a distance of 60' from a residential zone boundary in lieu of the required 1-0 foot distance and 250.3 to permit a rear yard setback of 30' in lieu of the required 40 foot setback No. of Acres: 9.935

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.

The floor area ratio must be corrected. No retail uses are permitted.

suggested that the area in the rear of the 90,000 square foot building have no use other than veway and this area by closed off at night. Compliance with Section 242 b and c has not

> Very truly yours. who while

John L. Wimbley Planning Specialist II Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING 103 WEST CHESAPEAKE AVENUE AREA CODE 301 PLANNING 494-3211 ZONING 494-3251

36 & 37 NE 8 & 9 Pos. Shts. NE 9 & 10 B & C Topo Baltimore County, Maryland 70 Tax Mar

Bepartment Of Jublic Works COUNTY OFFICE BUILDIN TOWSON, MARYLAND 21204

April 2, 1975

Bareau of Engineering ELLSWORTH N DIVER P. E. CHIEF

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Touson, Maryland 2120b

> Re: Iten #172 (1974-1975) Ten #1/2 (1976-1975)
> Property Owner: William H. Callehan III
> 5/ES of Mylander Lane, 60.13 N. of Joppa Ed.
> Existing Zoning: N.LER:
> Proposed Zoning: Variances from Sec. 250 h to
> permit a distance of 600 from a residential zone boundary in lieu of the required 100' distance & 250.3 to permit a rear yard setback of 30' in lieu of the required ho! setback. No. of Acres: 9.935 District: 9th

Dear Mr. DiNenna

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

Formal comments were supplied Mr. Leroy Merritt, August 26, 1976, by the Bureau of Public Services in connection with the preliminary plan "Joppa Road Warehousing" and as supplemented December 12, 1976, January 16, January 27, and March 6, 1975. Those comments are referred to for your consideration.

Baltimore County utilities and utility easements traverse this property.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within County utility easements and rights-of-way.

During the course of grading or construction on this site protection must be afformed by the contractor to protect the existing sandtary sewers and storm drains and prevent any desage thereof. Any desage custained would be the full perspensibility of the Fetitioner. It is the responsibility of the Fetitioner to initiate such section as may be necessary to absond, increase, relocate, etc. such utilities and/or utility.

Very truly yours, ELLSWORTH N. DIVER, P.E. Chief, Bureau of Engineering

co: 0. Reier (File in Joppa Rd. Warehousing)

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH-

DONALD J. ROOP, M.D., M.P.H.

March 12, 1975

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

Dear Mr. DiNenna

Comments on Item 172, Zoning Advisory Committee Meeting, March 18, 1975, are as follows:

Property Owner: William H. Callahan III
Location: SE/S of Mylander Lane 80.13'
Kwisting Zynd
Proposed Zoning: VANIANCES from Sec. 250.4 to
Proposed Zoning: VANIANCES from Sec. 250.4 to
If you can be a considered a consideration of the resulted 100 foor
distance 4 350.3 to permit a

""" of the resulted 40 last setback.
District 9th

Metropolitan water and sever are available.

Very truly yours

Otomo N. Duni Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

HV8:nc

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 2120-



DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CHIPPORD. P.E. WM. T. MELZER

DEPUTY TRAFFIC ENGINEER

March 21, 1975

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

Re: Item 172 - ZAC - March 18, 1975 Property Owner: William H. Callahan III Location: SE/S of Mylander Lane 80.13' N of Joppa Rd. Existing Zoning: M. L. R. Proposed Zoning: VARIANCES from Sec. 250.4 to permit a distance of 60' from a residential zone boundary in lieu of the required 100 foot distance & 250.3 to permit a rear vard setback of 30' in lieu of the required 40 foot setback. No. of Acres: 9.935

District: 9th

The proposed variances to the setbacks are not expected to cause any major traffic problems.

Very truly yours,

Michael S. Flanigan Traffic Engineering Assoc.

MSF/bz/

PETITION MAPPING PROGRESS SHEET Wall Map Original Duplicate Tracing 200 Sheet FUNCTION date by date by date by date by Descriptions checked and outline plotted on map Petition number added to Revised Plans: Reviewed by: 7/ / C Change in outline or description___Yes Previous case;

CERTIFICATE OF PUBLICATION

TOWSON, MD.,... April 3....., 19.75 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Bultimore County, Md., oncocinx each: ofx one time successive weeks before the 23rd day of _____April______, 19.75., the first publication appearing on the _____ 3rd _day of ____ April

THE JEFFERSONIAN,

Cost of Advertisement, \$_..

19.75

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 5 day of

1975. Item #

Petitioner CALLANAN Submitted by V. Fronce Petitioner's Attorney FEDDER Reviewed by NBC

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

OFFICE OF

THE TOWSON DIN IES

TOWSON MD 21204

test from the intersection of the center line of Joppa Road as the center line of Danway Roa and running thesee the follow

ing seventeen courses, viz (1) S.B1 '11' M W 178.79 feet, (1)

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION- PEGILLIAG 150 FEET LOWTH OF JOPPA ROAD was inserted in THE TOWSON TIMES, a weekly newspaper published

in Baltimore County, Maryland, once a week for one successive

weeksbefore the 23 day of April 1975 that is to say, the same was inserted in the issues of April 4, 1975

STROMBERG PUBLICATIONS, Inc.

C. Curran

DATE March 31, 1975 ACCOUNT 01-662

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINAN REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

AMOUNT_ \$25.00

No. 17972

Leroy M. Merritt

1940 Buxton Rd. Towson, Md. 21204

Petition for Variance for William H. Callaba

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANZOUS CASH RECEIPT DATE April 30, 1975 ACCOUNT 01-662 AMOUNT \$90.50

CERTIFICATE OF POSTING

Towson, Maryland

ZONING DEPARTMENT OF BALTIMORE COUNTY

and our Buth on Joga Hd opp. Dannay Sh.

75-249-19

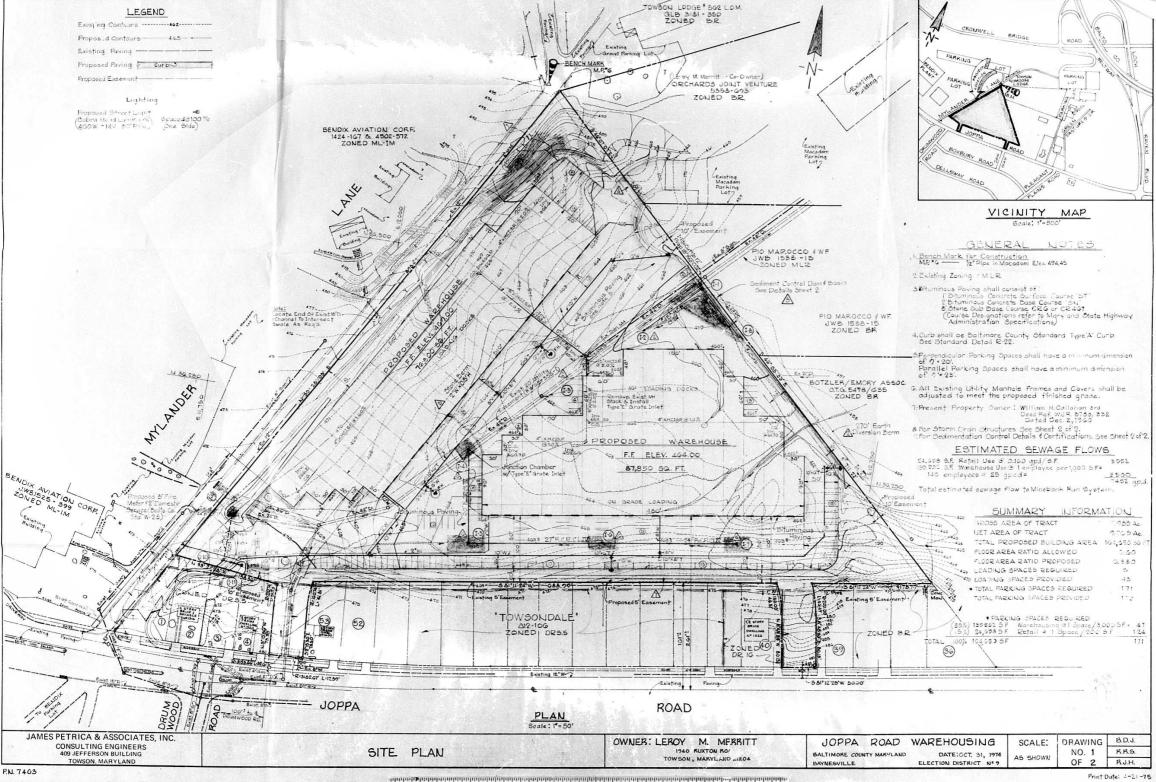
Date of Posting 7-3-75

Date of return 4-16-20

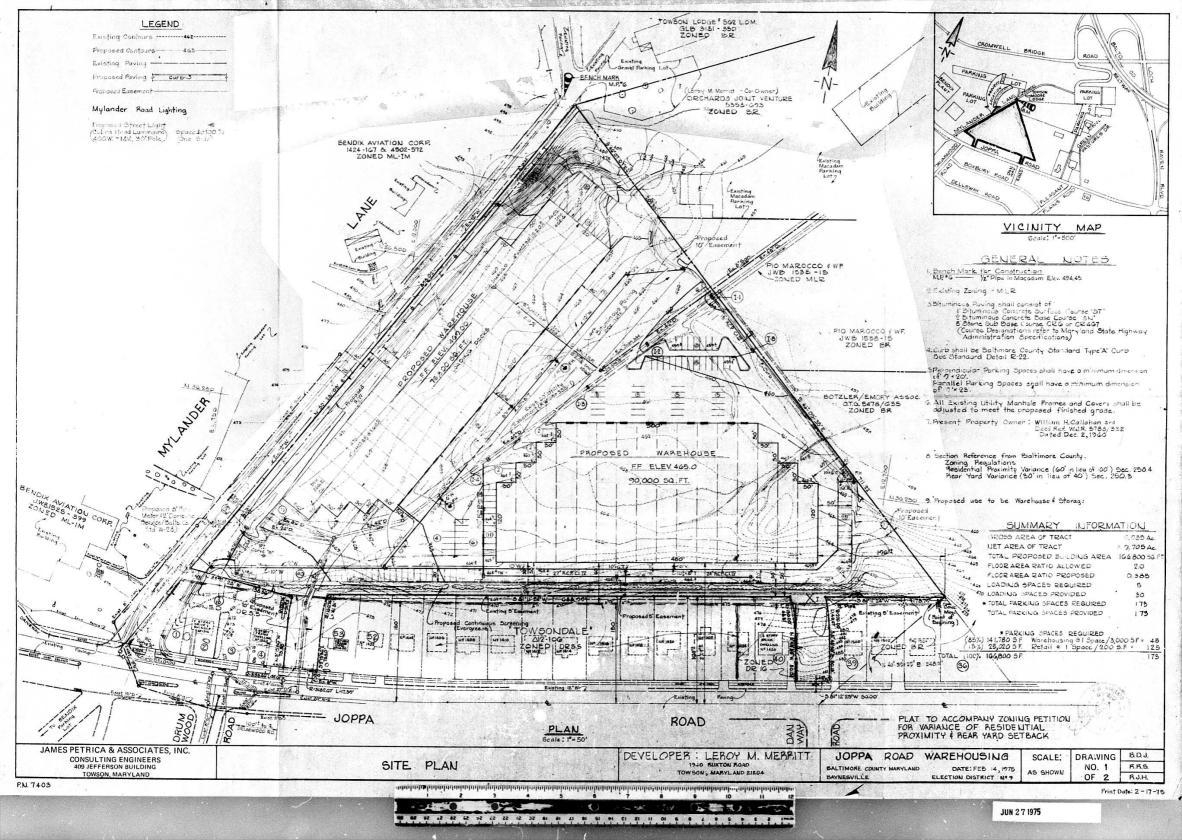
Merritt 19h0 Ruxton Rd. Towson, Md. 2120/ Advertising and posting of property for Wm. H. Callahan, 3rd-#75-219-A

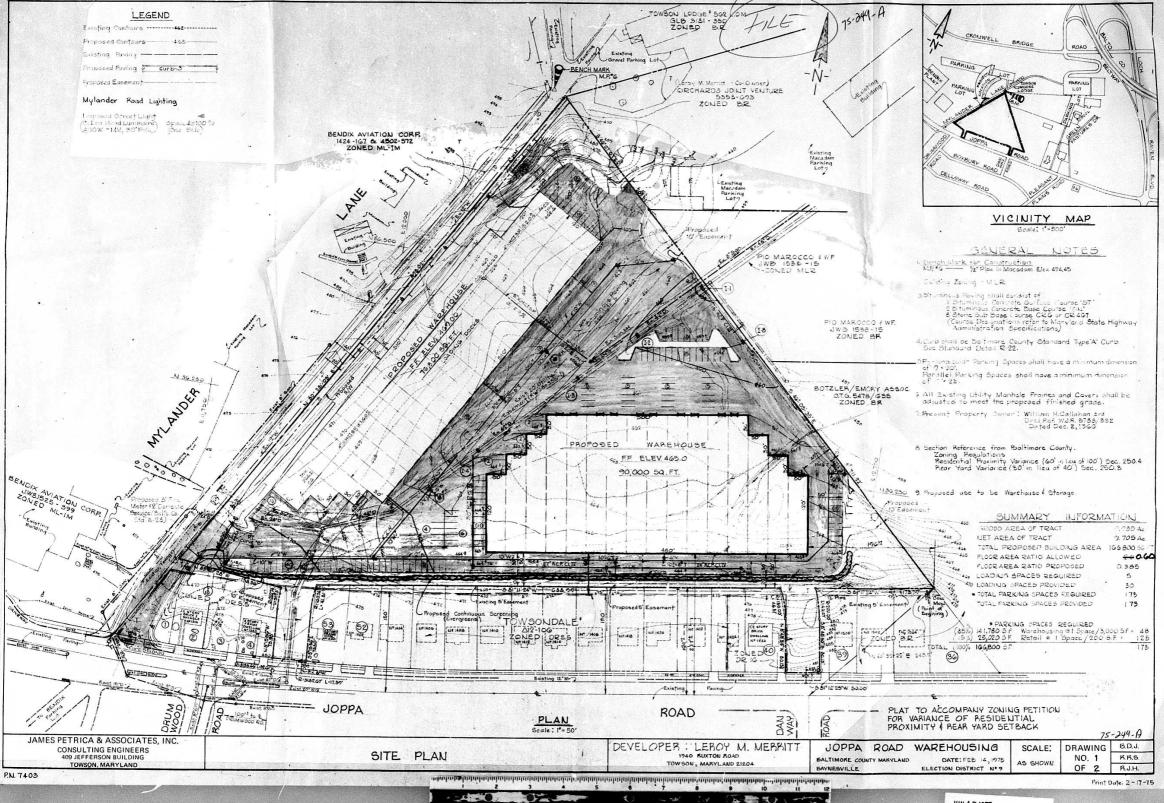






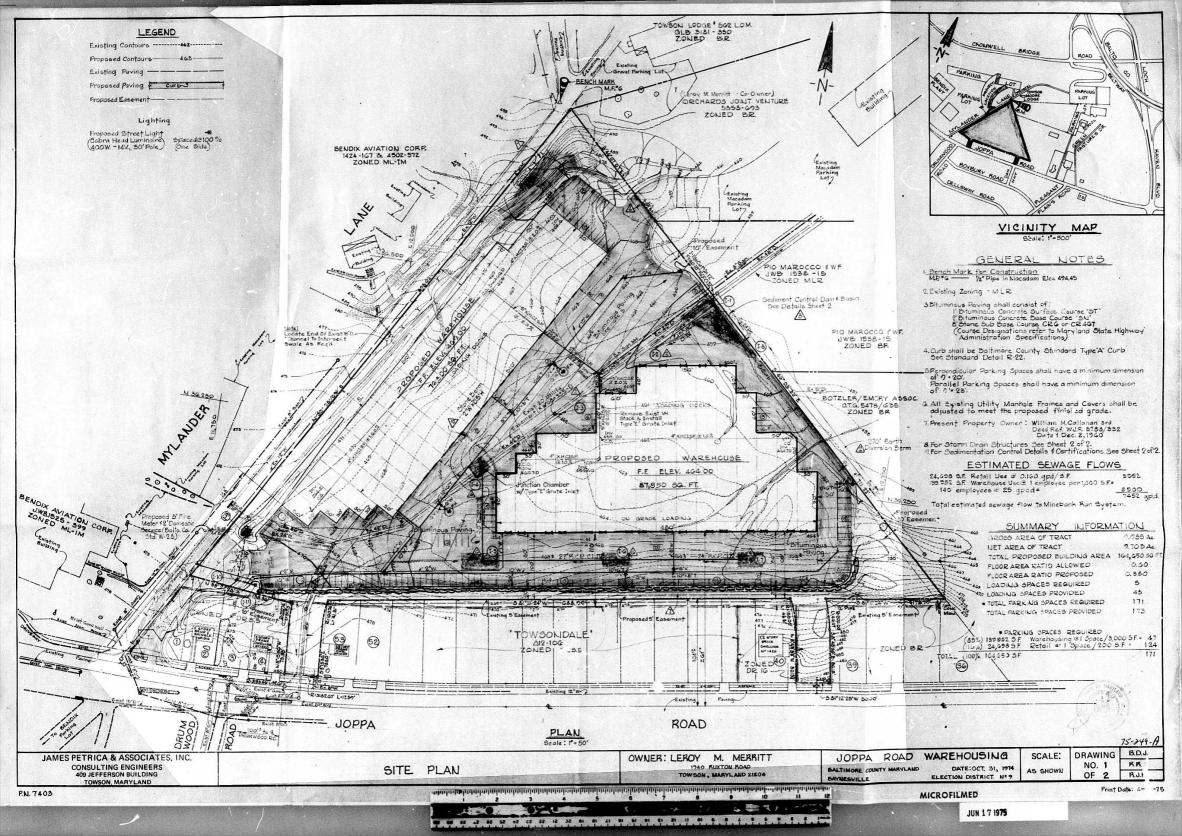
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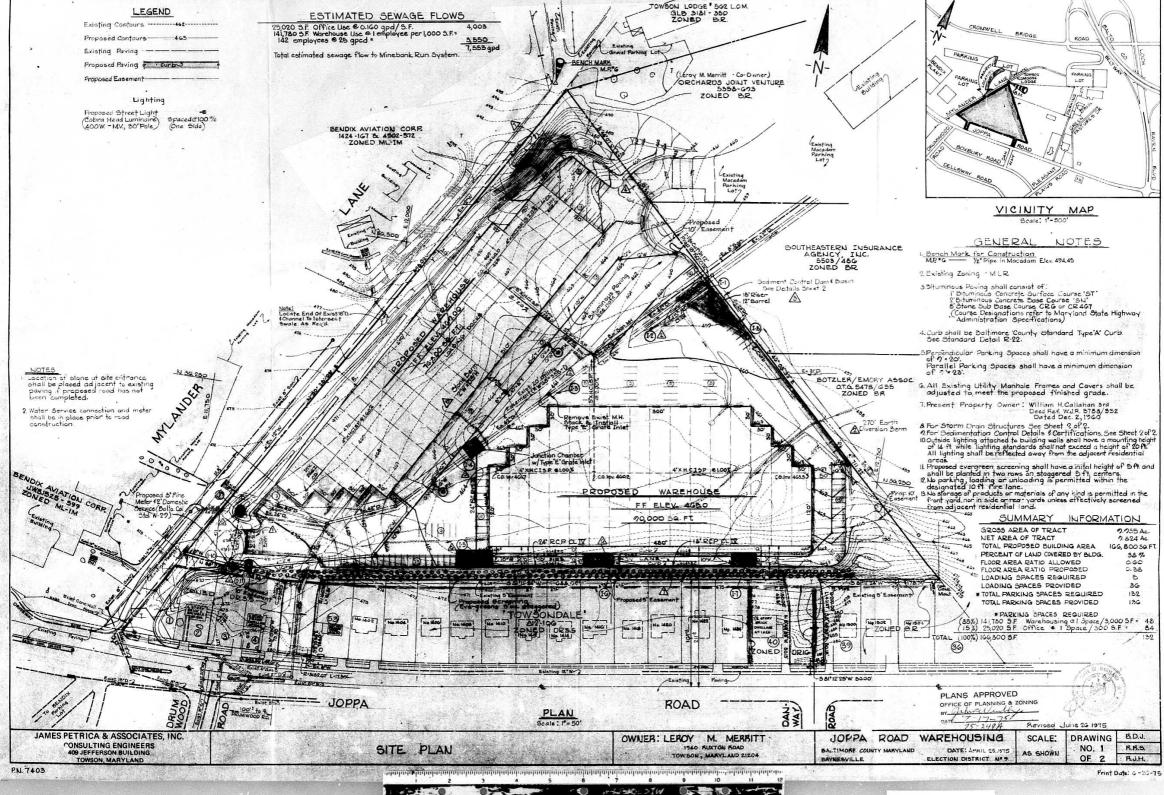




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JUN 17 1979





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