

76-69-ASP **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, George W. Helfrich, 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 409.4 variance to permit parking setback of 0' instead of a required 25' from residential zone line.

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

This application is made in conjunction with application, plats and description filed by the same owner concerning the same parcel for a special use permit under zoning regulation 409.4 for construction and operation of a parking facility in a D.R. 3.5 zone that is immediately adjacent to a M.R. 1-M zone which itself joins a M.L. 1-M zone as shown on the plats filed therein. The reason for this application is that the applicant needs the additional area so that the facility will have the required number of parking spaces and enough natural area left to shield the spaces. The applicant wishes by this application to obtain a variance to install parking spaces within 25 feet of a D.R. 3.5 zone for which the applicant has also concurrently applied for a special permit to allow parking. The applicant cannot build on his M.L. 1-M zoned land an office building of suitable size to best utilize the site without having adjacent land available for a screened parking area.

See attached description

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

Contract purchaser George W. Helfrich Legal Owner
Address 1107 Kentworth Drive
Baltimore, Maryland 21204
Protestant's Attorney
Charles C. Atwater Petitioner's Attorney
Address 211 Grace Bldg., Balto., Md. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of August, 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 1st day of October, 1975, at 10:30 o'clock.

Eric D. DiNenna
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, George W. Helfrich, 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 a special use permit under Zoning Regulation 409.4 for construction and operation of a parking facility in a D.R. 3.5 zone that is immediately adjacent to a M.R. 1-M zone which itself joins a M.L. 1-M zone as shown on the attached surveyor's plat.

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.

Contract Purchaser, George W. Helfrich Legal Owner
Address 1107 Kentworth Drive, Balto. Md. 21204
Petitioner's Attorney Charles C. W. Atwater
Address 211 Grace Bldg., Balto., Md. 21202
Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 12th day of August, 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 1st day of October, 1975, at 10:30 o'clock.

Eric D. DiNenna
Zoning Commissioner of Baltimore County

(over)

RE: PETITION FOR VARIANCE AND SPECIAL HEARING
S/S of Cromwell Bridge Road, opposite Beaverbank Circle - 9th Election District
George W. Helfrich - Petitioner
NO. 76-69-ASPH (Item No. 25)
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a parking setback Variance and permission to permit commercial parking in the residential zone. The property in question is part and parcel of an overall tract containing 1.2 acres which is divided into three separate zones. The easternmost one-half of the elongated parcel is zoned M.L. with the remaining portion being zoned M.R. and D.R. 3.5. The M.R. zoned portion of the property is a 100 foot wide strip intended to serve as a buffer between the M.L. property and the residential property.

Testimony presented during the course of the hearing established that the property rises sharply from its frontage on Cromwell Bridge Road to the rear where it abuts a Baltimore Gas & Electric Company transmission line. The Petitioner felt that certain hardships existed due to the grading conditions and a County requirement for a sanitary sewer easement through the residentially zoned property. He was of the opinion that because of these problems, the residentially zoned portion could not be developed with dwellings similar to those that exist on adjoining properties. He felt that the most logical use would be that of a parking area to support a four story office building that is proposed to be erected on the M.L. zoned portion of his property.

Testimony further indicated that in addition to the sanitary sewer easement through the residential property, a storm drain easement also existed on the M.R. portion of the property and that a stream that feeds into this storm drain along the rear slope was causing some erosion problems. The Petitioner felt that the proposed improvements, i.e., grading, paving and screen planting would benefit the community by providing needed off-street parking and putting

an otherwise unusable parcel of ground to a substantial use.

Area residents who testified in protest to the request felt that the residential area should and could be improved with homes similar to those that exist on two sides of the property. They also felt that the 100 foot wide strip of M.R. zoned land was intended as a buffer to separate the manufacturing zone from the residential zone. It was pointed out that there have been very few if any changes in the neighborhood during the past 17 years and any such improvements, as are presently proposed by the Petitioner, would represent an intrusion in their neighborhood and would otherwise devalue their homes.

Without reviewing the testimony and evidence in detail but based on all such evidence presented, it is the opinion of the Deputy Zoning Commissioner that the benefits of the parking area, as proposed, would not overcome the intrusion into the residentially zoned area that would exist if the Petitioner's request were to be granted. The Petitioner is faced with certain hardships, with regard to the narrow depth and unusually steep grade, however, this fact was recognized and a Variance granted under a previous case, which permits a 12 foot front yard setback in lieu of the required 25 feet. For these reasons, the Petitioner's request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of October, 1975, that the herein request for permission to park commercial vehicles in a residential zone and the request to permit parking in a M.R. Zone within zero feet of a residential property line should be and the same are hereby DENIED.

Eric D. DiNenna
Deputy Zoning Commissioner of Baltimore County

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BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENNA
Zoning Commissioner

October 6, 1975

Charles C. Atwater, Esquire
1211 Grace Building
Baltimore, Maryland 21202

RE: Petition for Variance and Special Hearing
S/S of Cromwell Bridge Road, opposite Beaverbank Circle - 9th Election District
George W. Helfrich - Petitioner
NO. 76-69-ASPH (Item No. 25)

Dear Mr. Atwater:

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

Very truly yours,

James E. Dyer
Deputy Zoning Commissioner

JED/me

Attachments

cc: Mr. Antonius M. de Lange
903 Cromwell Bridge Road
Towson, Maryland 21204

Mr. William G. Wood, President
Towson-Lock Raven Community Council, Inc.
P. O. Box 9709, Endowment Branch
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Council
111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

DOLLENBERG BROTHERS

Registered Professional Engineers & Land Surveyors

708 WASHINGTON AVENUE AT YORK ROAD

TOWSON, MD. 21204

July 12, 1974

Zoning Description

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

Beginning for the same at a point on the south side of Cromwell Bridge Road distant South 9 degrees 17 minutes West 70 feet from the intersection of the north side of Cromwell Bridge Road with the center line of Beaver Bank Circle and running thence and binding on the south side of Cromwell Bridge Road South 60 degrees 43 minutes East 115 feet to the line dividing the D.R. 3.5 Zone and the M.R. 1-M Zone as shown on Zoning Plat 3-C, thence leaving Cromwell Bridge Road and binding on said zone dividing line South 26 degrees 34 minutes 52 seconds East 205 feet to the north right of way line of the Baltimore Gas and Electric Company Electrical Transmission Line, thence binding on said right of way line North 70 degrees 30 minutes East 260 feet to the southeast corner of Lot No. 34 as laid out on the Plat of Section Two, Cromwell Heights which plat is recorded among the 1st Records of Baltimore County in Plat Book 11-L.R. No. 25 folio 67, thence binding on the easternmost outlines of said lot, North 11 degrees 34 minutes 10 seconds East 154.19 feet to the south side of Cromwell Bridge Road and thence binding on the south side of said road, easterly by a line curving to the left having a radius of 2535 feet for a distance of 223.4 feet to the place of beginning.

Containing 1.2 Acres of land more or less.

Being a part of the land of the petitioner herein as shown on a plat filed in the office of the Zoning Commissioner.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner

Date: September 26, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-69ASPH. Petition for Variance to permit Parking setback of zero feet instead of the required 25 feet.
Petition for Special Hearing for Off-Street Parking in a residential zone.
South side of Cromwell Bridge Road opp. Beaverbank Circle.
Petitioner - George W. Helfrich

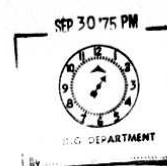
9th District

HEARING: Wednesday, October 1, 1975 at 10:30 A.M.

The Planning staff voices no adverse comment regarding the variances being requested noting that topographic and dimensional features of the subject tract do cause problems in developing it within its industrial zoning context. If granted, the granting should be conditioned upon approval of site plans by the appropriate County agencies.

WDF:NEGnb

William D. Fromm
Director
Office of Planning and Zoning



PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>D.S.</u>	Revised Plans: Change in outline or description _____ Yes Map # _____									
Previous case:										

NOV 1 1975

RE: PETITION FOR VARIANCE and
PETITION FOR SPECIAL HEARING
South side of Cromwell Bridge Road
opposite Beaverbank Circle,
9th District
GEORGE W. HELFRICH, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-69-ASPH

ORDER TO ENTER APPEARANCE

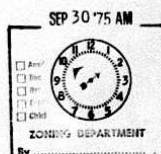
Mr. Commissioner:

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. Kautz, Jr.
Deputy People's Counsel

John W. Heslan, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 30th day of September, 1975, a copy of the foregoing Order
was mailed to Charles C. Atwater, Esquire, 1211 Grace Building, Baltimore, Maryland 21202,
Attorney for Petitioner.



BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 24, 1975

Charles C. Atwater, Esq.
1211 Grace Building
Baltimore, Maryland 21202

RE: Variance Petition
Item 25
George W. Helfrich - Petitioner

Dear Mr. Atwater:

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 subject property is located on the south
side of Cromwell Bridge Road opposite Beaver Bank
Circle, and is currently unimproved. The property
has three different zoning classifications, D.R. 3.5,
M.L.-I.M., and M.R.-I.M.

This property was the subject of a previous
petition for a Variance hearing, Case No. 69-248-A,
in which only the M.L.-I.M. zoned portion of the
property was proposed to be utilized with a front
yard setback of 12 feet in lieu of the required
25 feet. This Variance was granted May 23, 1969.

Charles C. Atwater, Esq.
Item 25
September 22, 1975
Page 2

The petitioner now is requesting a Special Hearing
to utilize the residentially zoned portion of the
property for off street parking, and also a Variance
to permit parking spaces within 25 feet of the residential
zone line. In conjunction with this request, a four-story
office building is proposed in the M.L. part of the property,
and off street parking area is proposed within the D.R. 5.5
and M.R.-I.M. portions.

Properties to the east and north of the subject site
are improved with commercial and industrial office uses,
and properties to the north and west are improved with
single family uses in the Cromwell Valley Development.
The property abuts to the southern property line the
right-of-way of the Baltimore Gas and Electric Company.
A considerable slope exists to the rear of this property.

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: Dollenberg Brothers
709 Washington Avenue at York Rd.
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

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

August 7, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning & Zoning
County Office Building
Baltimore, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #25, Zoning Advisory Committee Meeting,
August 12, 1975, are as follows:

Property Owner: George W. Helfrich
Location: S/S of Cromwell Bridge Road opposite Beaver
Bank Circle

Existing Zoning: DR 3.5

Proposed Zoning: Special Hearing to approve a special use permit
under Sec. 409.4 for construction and operation of a
parking facility & a Variance from Sec.
243.6 to permit parking setback of 0' instead
of a required 25'.

No. of Acres: 1.2
District: 9th

Metropolitan water and sewer are available.

Very truly yours,

Thomas H. Devlin, R.S., Director
Bureau of Environmental Services

EHTB/sk

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

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

August 26, 1975

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

Re: Item #25 (1975-1976)
Property Owner: George W. Helfrich
S/S of Cromwell Bridge Rd., opp. Beaver Bank Circle
Existing Zoning: DR 3.5
Proposed Zoning: Special Hearing to approve a special
use permit under Sec. 409.4 for construction and
operation of a parking facility and a Variance from
Sec. 243.6 to permit parking setback of 0' instead of
a required 25'.
No. of Acres: 1.2 District: 9th

Dear Mr. DiNenna:

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

General:

Formal comments were supplied the Petitioner December 17, 1970, by the Bureau
of Public Services with subsequent letters, July 28, 1971, May 3, 1972 and June 1,
1972, all in connection with Commercial Building Permit Application #1136-70.

Formal comments were also supplied the Petitioner March 14, 1973, supplemented
March 19, 1973, by the Bureau of Public Services in connection with Commercial
Building Permit Application #279-73.

Copies of those comments are attached for your consideration.

Comments were also supplied in connection with the Zoning Advisory Committee
review of this site in connection with Item #239 (1968-1969).

Very truly yours,

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

END:EAN:FWR:ss

cc: O. Reier (File BLD. #279-73)

NE 10 B Topo
70 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR



Wm. T. Melser
DEPUTY TRAFFIC ENGINEER

August 19, 1975

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

Re: Item 25 - SAC - August 12, 1975
Property Owner: George W. Helfrich
Location: S/S of Cromwell Bridge Rd. opposite Beaver Bank Circle
Existing Zoning: DR 3.5
Proposed Zoning: Special Hearing to approve a special use permit under
Sec. 409.4 for construction and operation of a
parking facility & a Variance from Sec. 243.6 to
permit parking setback of 0' instead of a required 25'.

No. of Acres: 1.2
District: 9th

Dear Mr. DiNenna:

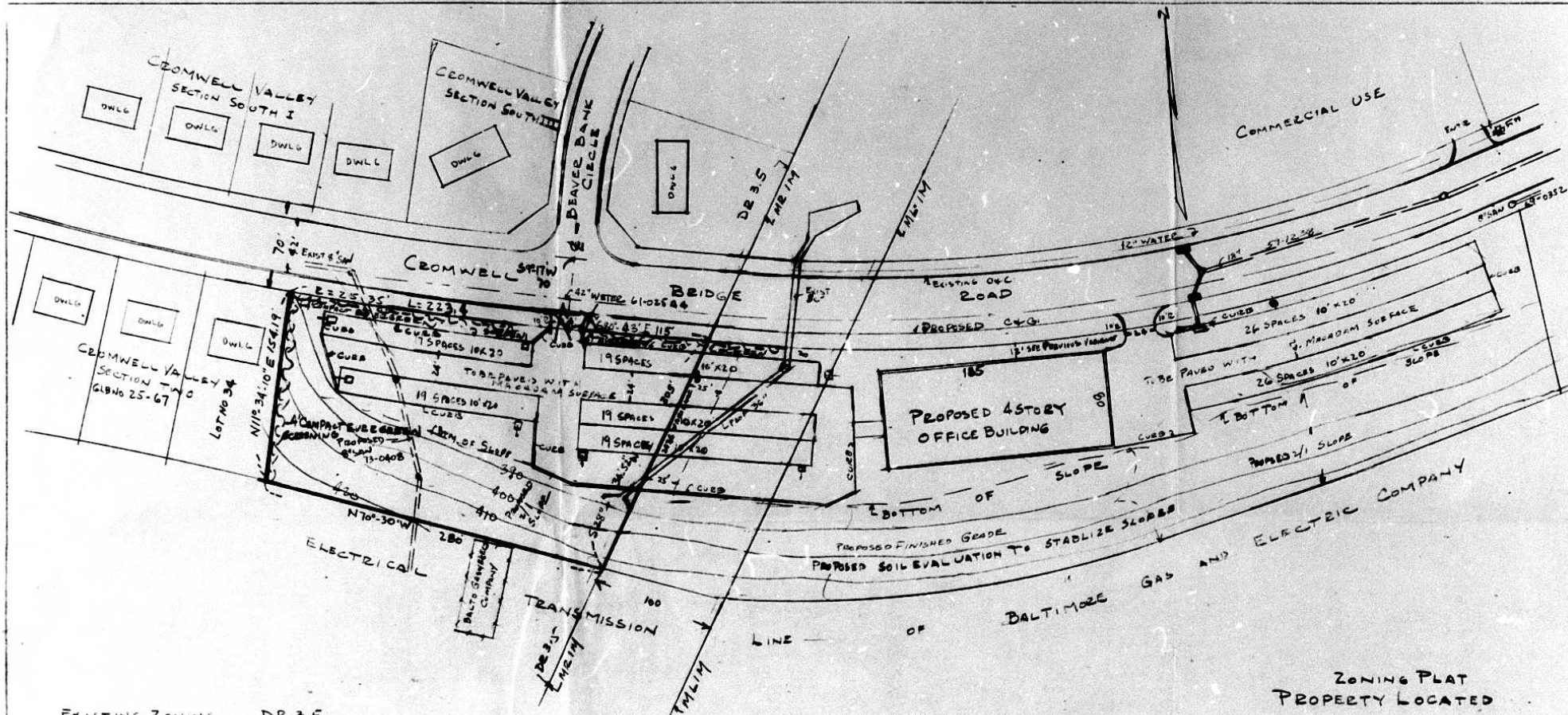
The requested special use permit for parking and variance
to the parking setback is not expected to cause any traffic problems.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate

MSF/bza

NOV 18 1975



EXISTING ZONING DR 3.5
 PROPOSED: 409.4' PERMIT FOR USE OF LAND
 IN RESIDENTIAL ZONE FOR PARKING AREA UNDER
 FOLLOWING CONDITIONS:

ONLY PASSENGER VEHICLES, EXCLUDING BUSES, PARKING PERMITTED
 NO LOADING SERVICE OR USE OTHER THAN PARKING PERMITTED
 PARKING DURING OFFICE HOURS ONLY (8AM TO 11PM)
 LIGHT BEAMS TO BE FOCUSED AWAY FROM RESIDENTIAL AREA
 LIGHT STANDARDS LIMITED TO 8' IN HEIGHT
 SCREENING TO BE 6' UPRIGHT TREES PLANTED ON 5' CENTERS

243.6' VARIANCE OF 0' INSTEAD OF 25 FEET; PARKING
 ADJACENT TO DR 3.5 ZONE BOUNDARY IN MR ZONE

PARKING DATA

1ST FLOOR	15300	300	=	51	SPACES REQUIRED
2ND FLOOR	15300	500	=	31	"
3RD FLOOR	15300	500	=	31	"
4TH FLOOR	15300	500	=	31	"

TOTAL 144 SPACES REQUIRED
 145 SPACES PROVIDED

ZONING PLAT
 PROPERTY LOCATED
 IN
 9TH DISTRICT - BALTO CO. MD
 AREA IN DR 3.5 ZONE = 1.12 ACRES



REVISED JUNE 2, 1975
 SCALE = 1" = 50' JULY 10, 1974
 DOLLENBERG BROTHERS
 SURVEYORS & CIVIL ENGINEERS
 412 DELAWARE AVE TOWSON MD

