

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, EQUITABLE TRUST COMPANY, 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 sideyard setback of zero feet in lieu of the required 30'-0".

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

Business has grown, we can expand only by adding to existing building as shown on plans, construction will not affect or obstruct visibility, since property adjoins denied access property of State Roads Commission.

See attached description

RECEIVED
NOV 11 1975
ZONING DEPARTMENT

Property is to be posted and advertised as prescribed by Zoning Regulations, 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 of Baltimore County.

THE EQUITABLE TRUST COMPANY
BY: Charles E. Kountz, Jr. Senior Vice President
Address: 505 KANE ST.
BALTIMORE, MD 21224
Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day

of September 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of November, 1975, at 10:15 o'clock A.M.

William D. Fromm
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Eric DiNenna, Zoning Commissioner Date: November 6, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-98-A, Petition for Variance for a Side Yard.
South side of Baltimore National Pike 950 feet East of Old Frederick Road.
Petitioner - Estate of Eugene B. Heilman, The Equitable Trust Company, Trustees

1st District

HEARING: Monday, November 3, 1975 (10:15 A.M.)

There are no comprehensive planning factors requiring comments on this petition at this time.

William D. Fromm
Director of Planning

WDF:NEG:rw

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
South side of Baltimore National Pike
950 feet East of Old Frederick Road,
1st District : OF BALTIMORE COUNTY
ESTATE OF EUGENE B. HEILMAN,
Petitioners : Case No. 76-98-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

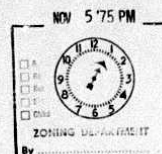
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

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

I hereby certify that on this 1st day of November, 1975, a copy of the foregoing Order was mailed to Equitable Trust Bank, Calvert and Fayette Streets, Baltimore, Maryland 21202, Administrator of Estate.

John W. Hession, III



Mr. George Peck
The Equitable Trust Company
P.O. Box 1556
Calvert and Fayette Streets
Baltimore, Maryland 21202

RE: Petition for Variance
S/S of Baltimore National Pike, 950'
E of Old Frederick Road - 1st Election
District
Estate of Eugene B. Heilman - Petitioner
NO. 76-98-A (Item No. 58)

Dear Mr. Peck:

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

Very truly yours,

George L. Hession
George L. Hession
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. Charles R. Kimmel
Kimmel Tire Company
505 Kane Street
Baltimore, Maryland 21224

Mr. Albert R. Marani
Lawrence Construction Company
5710 Bellows Avenue
Baltimore, Maryland 21212

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

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
822-7316

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Equitable Trust Co.

Location: S/S of Balto. Nat'l Pike 950' E of Old Frederick Rd.

Item No. 58 Zoning Agenda September 23, 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 100 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.
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. J. Kelly Noted and Approved: Paul J. Deitz
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau



WILLIAM D. FROMM
DIRECTOR

October 28, 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 #58, Zoning Advisory Committee Meeting, September 23, 1975, are as follows:

Property Owner: Equitable Trust Co.
Location: S/S of Baltimore National Pike 950' E of Old Frederick Road
Existing Zoning: B.R. -C.S.2
Proposed Zoning: Variance from Sec. 238.2 to permit a sideyard setback of zero feet in lieu of the required 30 feet.
No. of Acres: 110 x 76
99 134
District: 1st

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

Very truly yours,

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

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

DEC 18 1975

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community, a Variance to permit a side yard setback of Zero feet instead of the required 30 feet should be granted.

It IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 3rd day of November, 1975, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, State Highway Administration and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 197, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Franklin T. Hogans,
Chairman

October 24, 1975

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTION
DEPARTMENT OF TRAFFIC ENGINEERING
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERING
PROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BOARD OF EDUCATION
OFFICE OF THE BUILDINGS ENGINEER

Mr. Earl H. Lents, Sr. Vice President
The Equitable Trust Company
Trust Department
P.O. Box 1556
Baltimore, Maryland 21203

RE: Variance Petition
Item 58
The Equitable Trust - Petitioners
Company

Dear Mr. Lents:

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 Baltimore National Pike, 950 feet east of Old Frederick Road, and is currently improved with an existing building used for tire sales and service installation. The petitioners are requesting a Variance to permit a setback of zero feet in lieu of the required 30 feet, in order that an addition may be constructed on the easternmost side of the existing building.

This property and the existing configuration of buildings on this site were the subject of a previous Variance, Case No. 69-157-A, at which time

Mr. Earl H. Lents, Sr. Vice President
The Equitable Trust Company
Re: Item 58
October 24, 1975
Page 2

a two-bay service area was added to what was then an abandoned gasoline station.

The property abuts along its eastern property line automobile storage, and abuts along its southern property line a commercial building and parking area. Two additional parking spaces are proposed to be created along the eastern property line in conjunction with the proposed bay addition.

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: Lawrence Construction Company
5710 Dellona Avenue
Baltimore, Maryland 21212
Attn: Mr. Bertero Basignani

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

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

October 6, 1975

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

Re: Item #58 (1975-1976)
Property Owner: Equitable Trust Co.
S/S of Balto. Nat'l Pike, 950' E. of Old Frederick Rd.
Existing Zoning: BR - CS - 2
Proposed Zoning: Variance from Sec. 238.2 to permit a side yard setback of 0' in lieu of the required 30'.
No. of Acres: 110 x 76
99 134
District: 1st

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 submitted plan must be revised to indicate the present and/or proposed means of supplying public water and sanitary sewerage to this site, and adjoining property ownership.

Very truly yours,

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

END:RAM:PM:iss

H-NE Key Sheet
3 SW 21 Pos. Sheet
SW 1 P Topo
95 Tax Map

Maryland Department of Transportation State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

September 30, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Attn: Mr. Francis Hogans
Towson, MD. 21204

Re: Z.A.C. meeting, 9-23-75
ITEM: 58
Prop. Owner: Equitable Trust Co.
Location: S/S of Balto. Nat'l Pike (Rt. 40) 950' E. of Old Frederick Rd.
Existing Zoning: BR - CS - 2
Proposed Zoning: Variance from Sec. 238.2 to permit a sideyard setback of zero feet in lieu of the required 30'.
No. of Acres: 110 x 76
99 134
District: 1st

Dear Mr. DiNenna:

The existing entrances into the subject site are acceptable to the State Highway Administration; however, we are concerned that the proposed additional development of the site will generate more traffic to the site, which presently has problems with parking and maneuvering. Although the plan indicates that required parking is provided, vehicles were parked on the shoulder of RTE. 40 and on the grass portion of the State highway's right-of-way at the time that the on site inspection was made.

While

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
John E. Myers
Asst. John E. Myers

Baltimore County Department of Health TOWSON, MARYLAND 21204

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

September 23, 1975

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

Dear Mr. DiNenna:

Comments on Item #58, Zoning Advisory Committee Meeting, September 23, 1975, are as follows:

Property Owner: Equitable Trust Co.
Location: S/S of Balto. Nat'l. Pike 950' E of Old Frederick Rd.
Existing Zoning: BR - CS - 2
Proposed Zoning: Variance from Sec. 238.2 to permit a sideyard setback of zero feet in lieu of the required 30 feet.

No. of Acres: 110 x 76
99 134
District: 1st

Metropolitan water and sewer are existing.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

CHVB:dla

Baltimore County Department of Public Engineering TOWSON, MARYLAND 21204 (301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

October 6, 1975

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

Re: Item 58 - ZAC - Sept. 23, 1975
Property Owner: Equitable Trust Co.
Location: S/S of Balto. National Pike 950' E. of Old Frederick Road
Existing Zoning: BR - CS - 2
Proposed Zoning: Variance from Sec. 238.2 to permit setback of zero feet in lieu of the required 30 feet
No. of Acres: 110 x 76
99 134
District: 1st

Dear Mr. DiNenna:

No additional traffic engineering problems are anticipated by the requested variance to the side yard setback.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:mc

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: September 24, 1975

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

Z.A.C. Meeting of: September 23, 1975

Re: Item 58

Property Owner: Equitable Trust Company

Location: S/S of Balto. National Pike 950' E. of Old Frederick Road

Present Zoning: B.R. - C.S. - 2

Proposed Zoning: Variance from Section 238.2 to permit a sideyard setback of zero feet in lieu of the required 30 feet.

District: 1st

No. Acres: 110 x 76
99 134

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Neil Peterson
W. Neil Peterson
Field Representative.

WPM/ml

PETITION FOR A VARIANCE
 IN ZONING
 FOR THE
 ESTATE OF EUGENE B. HEILMAN
 LOCATION: South side of Baltimore National Pike, 100 feet West of Old Frederick Road.
 DATE & TIME: MONDAY, NOVEMBER 3, 1975 at 10:15 A.M.
 PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance from the Zoning Regulations of Baltimore County to permit a sale yard instead of a lot to be used as follows:
 The Zoning Regulations to be applied as follows:
 Section 20-3-5-10-10
 As that parcel of land in the First District of Baltimore County, Maryland, on the south side of Baltimore National Pike at a point approximately 100 feet east of the intersection of Baltimore National Pike and Old Frederick Road, owned by the Estate of Eugene B. Heilman, for a distance of approximately 100 feet; creating thereon a sale yard of 100 feet more or less to an iron pipe, running north at right angles to the lot line, for a distance of 10 feet more or less, running thence in a westerly direction for a total distance of 10 feet more or less, running thence in a northerly direction 15 feet 00" for a total distance of 25 feet more or less, back to the lot line.
 The Equitable Trust Company, Trustee, as shown on plat plan filed with the Zoning Department.
 Hearing Date: Monday, November 3, 1975 at 10:15 A.M.
 Public Hearing: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
 BY ORDER OF
 ZONING COMMISSIONER OF BALTIMORE COUNTY
 Dr. H.

OFFICE OF THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 October 16th 75

THIS IS TO CERTIFY, that the annexed advertisement of
 Petition for Variance- Estate of Eugene B. Heilman
 was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one
 week before the 3rd day of Nov. 1975, that is to say, the same was inserted in the issues of October 16, 1975.

STROMBERG PUBLICATIONS, INC.

By: E.P. Strunk

PETITION FOR A VARIANCE
 IN ZONING
 FOR THE
 ESTATE OF EUGENE B. HEILMAN
 LOCATION: South side of Baltimore National Pike, 100 feet West of Old Frederick Road.
 DATE & TIME: MONDAY, NOVEMBER 3, 1975 at 10:15 A.M.
 PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
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 The Zoning Regulations to be applied as follows:
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 As that parcel of land in the First District of Baltimore County, Maryland, on the south side of Baltimore National Pike at a point approximately 100 feet east of the intersection of Baltimore National Pike and Old Frederick Road, owned by the Estate of Eugene B. Heilman, for a distance of approximately 100 feet; creating thereon a sale yard of 100 feet more or less to an iron pipe, running north at right angles to the lot line, for a distance of 10 feet more or less, running thence in a westerly direction for a total distance of 10 feet more or less, running thence in a northerly direction 15 feet 00" for a total distance of 25 feet more or less, back to the lot line.
 The Equitable Trust Company, Trustee, as shown on plat plan filed with the Zoning Department.
 Hearing Date: Monday, November 3, 1975 at 10:15 A.M.
 Public Hearing: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
 BY ORDER OF
 ZONING COMMISSIONER OF BALTIMORE COUNTY
 Dr. H.

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 16th, 1975
 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 a week for one week before the 3rd day of November, 1975, that is to say, the same was inserted in the issues of October 16th day of October, 1975.

THE JEFFERSONIAN

L. L. Strunk
 Manager

Cost of Advertisement, \$

1-Sign 76-98-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st
 Posted for: PETITION FOR VARIANCE
 Petitioner: ESTATE OF EUGENE B. HEILMAN
 Location of property: S/S OF BALTE. NAT. PIKE 950' E OF OLD FREDERICK RD.
 Location of Sign: FRONT 5545 BALTE. NAT. PIKE.
 Remarks: Thomas R. Boland
 Posted by: Signature Date of return: OCT. 24, 1975

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>J. H.</u>										
Revised Plans: Change in outline or description										
Previous case:										

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 Mr. Earl H. Lents, Sr. Vice President
 The Equitable Trust Company
 Trust Department
 P. O. Box 1556
 Baltimore, Md. 21203
 Your Petition has been received and accepted for filing this 23rd day of September 1975
S. Eric DiNenna
 S. Eric DiNenna,
 Zoning Commissioner
 Petitioner The Equitable Trust Company
 Petitioner's Attorney Franklin T. Hofans, Jr.
 cc: Lawrence Construction Company
 5710 Bellona Avenue
 Baltimore, Md. 21212 (Attn: Mr. Roberto Desigiani)

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 Your Petition has been received * this 25th day of Sept 1975
 Filing Fee \$ 25
 Received Check
Cash
Other
S. Eric DiNenna
 S. Eric DiNenna,
 Zoning Commissioner
 Petitioner Equitable Trust Co Submitted by Lawrence Const. Co.
 Petitioner's Attorney Franklin T. Hofans, Jr. Reviewed by FTH

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

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 25921
 DATE Oct. 15, 1975 ACCOUNT 01-662
 AMOUNT \$25.00
 RECEIVED FROM Lawrence Construction Co., Inc., 5710 Bellona Ave Baltimore, Md. 21212
 FOR Petition for Variance for Estate of Eugene Heilman 916-98-A
 25.00 CASH
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 25957
 DATE Oct. 29, 1975 ACCOUNT 01-662
 AMOUNT \$50.00
 RECEIVED FROM Kimmel Tire Co., 505 Kane St., Baltimore, Md. 21204
 FOR Advertising and posting of property for Estate of Eugene Heilman 916-98-A
 50.00 CASH
 VALIDATION OR SIGNATURE OF CASHIER

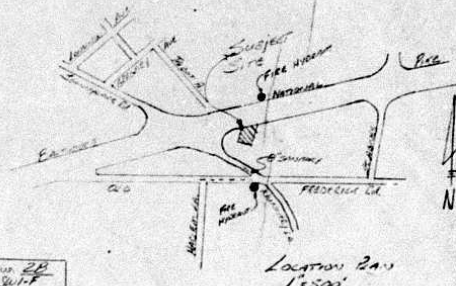
Parking Calculations:

EXISTING E.O. 2310 SQ. FT.	
① 1/300" REQUIRED	3 SPACES
PROPOSED ADDITION 1052 SQ. FT.	
② 1/300" REQUIRED	4 SPACES
TOTAL REQ.	12 SPACES
SPACES PROVIDED ON LOT	7 SPACES
R/O IN EAY	5 SPACES
TOTAL PROVIDED	12 SPACES

NOTE:
EXISTING ZONING - BR-CS-2
PUBLIC UTILITIES - EXISTING
Present Use
Kimmel

MARK BAYS

EXISTING AUTOMOBILE
RETAIL SALES & SERVICE



MAP	BR
SECTION	1
DATE	4/10/75
FILE	V
BY	JH
DATE	4/10/75

PLAT TO ACCOMPANY PETITION FOR SIDE YARD VARIANCE	
C.E. KIMMEL & Co.	
5545 BATHURST NATIONAL PIKE	
ELECTION DISTRICT I	
SCALE 1"=20'	
MARCH 1975	

