PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MELVIN R. GILL, ET UX 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 409.2b(3 and 6) to permit forty (40) offstreet parking spaces instead of the required sixty (60)

SPACES.

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

The offstreet parking requirements do not take into consideration the transient nature, nor the seasonal occurance of the carry-out trade.

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.

Melvin R. Gill
Evelyn R. Gill
Legal Owner

Contract purchaser

Address 20 East Seminary Avenue
Lutherville-Timonium, Md. 21093

Protestant's Attorney

Petitioner's Attorney

Address

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of October, 1975, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of November, 1975, at 1:00 o'clock P. M.

Zoning Commissioner of Baltimore County.

(over)

1:00 P 11/19/75

ORDER RECEIVED FOR FILING
DATE 10/7/75
BY

76-116-ASPH

76-116-A
(Item No. 70)

76-116-ASPH

RE: PETITION FOR VARIANCE and SPECIAL HEARING for off-street parking in a residential zone SW/S of York Road, 735' N. of Seminary Avenue 8th District
Melvin R. Gill, et ux Petitioners

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
No. 76-116-ASPH

OPINION

This case comes before the Board on an appeal from an Order of the Zoning Commissioner which granted the petition. The subject property is located on the southwest side of York Road approximately 735 feet north of Seminary Avenue, in the Eighth Election District of Baltimore County. The property is leased to Robert S. Curreri, trading as the Ocean Pride Seafood Company. This is a combination carry-out and crab garden seafood business. The Petitioner requests a variance to permit forty off-street parking spaces and a permit for business parking in a residential zone as per Section 409.4 of the Baltimore County Zoning Regulations.

Mr. Curreri described for the Board his operation, and the practical difficulty that he would suffer if the variance were not granted. The Board's interpretation, based upon the testimony and review of the Zoning Regulations, is that the required off-street parking for the Petitioner's operation is forty-five spaces. The variance petition requested that this requirement be reduced to forty off-street parking spaces.

After carefully reviewing the testimony and the regulations governing the requested petition, it is the judgment of this Board that the Petitioner has evidenced sufficient hardship to warrant the requested variance, and has satisfied the requirements of Sections 409.4 and 502.1 as same relate to this petition. Therefore, the petition will be granted subject to the restrictions as set out in the following Order.

Melvin R. Gill - 76-116-ASPH

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 10th day of March, 1977, by the County Board of Appeals, ORDERED that the variance to permit forty off-street parking spaces in lieu of the required amount be and the same is hereby GRANTED, and it is

FURTHER ORDERED that the petition for off-street parking in a residential zone in accordance with the plat of the subject property which is a part of the file and record in this case be and the same is hereby GRANTED, and it is

FURTHER ORDERED that the variance and special permit for off-street parking shall be restricted as follows:

1. Both the variance and special permit for off-street parking shall be limited to the term of the present tenant's occupancy and present use.
2. There shall be no freestanding light standards.
3. The property shall be screened as set out on the plat of the subject property included in the file and record of this case.

Any appeal from this decision must be in accordance with Rules B-1 thru B-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 VARIANCE and PETITION FOR SPECIAL HEARING
Southwest side of York Road 735 feet North of Seminary Avenue, 8th District
MELVIN R. GILL, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 76-116-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. Kountz, Jr.
Deputy People's Counsel

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

I hereby certify that on this 17th day of November, 1975, a copy of the foregoing Order was mailed to Mr. Melvin R. Gill, 20 East Seminary Avenue, Lutherville-Timonium, Maryland 21093, Petitioner.

NOV 19 '75 PM

DESCRIPTION FOR VARIANCE

Beginning at a point on the southwest side of York Road, approximately seven hundred and thirty-five (735) feet northwest of Seminary Avenue, and thence running the four (4) following courses and distances:

1. N 18° 00' W 125'
2. S 72° 00' W 200'
3. S 18° 00' E 125'
4. and N 72° 00' E 200' to the place of beginning.

DESCRIPTION FOR OFFSTREET PARKING IN A RESIDENTIAL ZONE

Beginning at a point on the southwest side of York Road, approximately seven hundred and thirty-five (735) feet northwest of Seminary Avenue, and thence running the five (5) following courses and distances:

1. N 18° 00' W 125'
2. S 72° 00' W 200'
3. S 18° 00' E 125'
4. N 72° 00' E 13'
5. and N 18° 00' W 125' to the place of beginning.

FERDINAND FIASTRO
ATTORNEY AT LAW
43 CENTRAL SAVINGS BANK BUILDING
3 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202

AREA CODE 301
TELEPHONE 727-6667

February 11, 1977

County Board of Appeals
Room 218
Court House
Towson, Maryland, 21204

Re: Case No. 76-116-ASPH - Melvin R. Gill, Et Ux
for Special Hearing for off-street parking for Variance - parking spaces
SW/S York Rd. 735' N. of Seminary Ave. - 8th District
2/17/76 - Z.C. Granted Petition

Mr. Clerk:

Please strike my Appearance as Counsel for the Protestants.

Very truly yours,

Ferdinand Fiastro

FF:ejl

cc: Thomas L. Hennessey, Esq.
John W. Hessian, III, Esq.
Bridlewood Improvement Assn.
c/o M's. Jo Herrmann
Peter Moralis
York Manor Improvement Assn.
c/c David Sharretts

Recd 2-14-77
10:15 AM

February 17, 1976

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Variance and Special Hearing
SW/S of York Road, 735' N of Seminary Avenue - 8th Election District
Melvin R. Gill, et ux - Petitioners
NO. 76-116-ASPH (Item No. 70)

Dear Mr. Hennessey:

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

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/scw

Attachments

cc: Mr. Peter Moralis
9 Wendslow Place
Lutherville, Maryland 21093

M's. Jo Herrmann
21 Thornhill Road
Lutherville, Maryland 21093

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

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 Petitioners,

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, the Variance to permit 40 off-street parking spaces in lieu of the required 60 spaces should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of February, 1976, that the herein Petition for a Variance to permit 40 off-street parking spaces in lieu of the required 60 spaces 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 State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE February 12, 1976
BY [illegible]

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

PETITION FOR SPECIAL HEARING

76-116-A SPH (Item No. 70)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, MELVIN R. GILL, ET UX legal owner S 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 off-street parking in a residential zone.

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

Melvin R. Gill
Evelyn D. Gill
Legal Owner

Address 20 East Seminary Avenue
Lutherville-Timonium, Md. 21093

Petitioner's Attorney

Protestant's Attorney

Address

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of October, 1975, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of October, 1975 at 1:00 o'clock P. M.

S. Eric DiNenna
Zoning Commissioner of Baltimore County

(over)

OCT 7 '75 PM

OFFICE OF PLANNING & ZONING

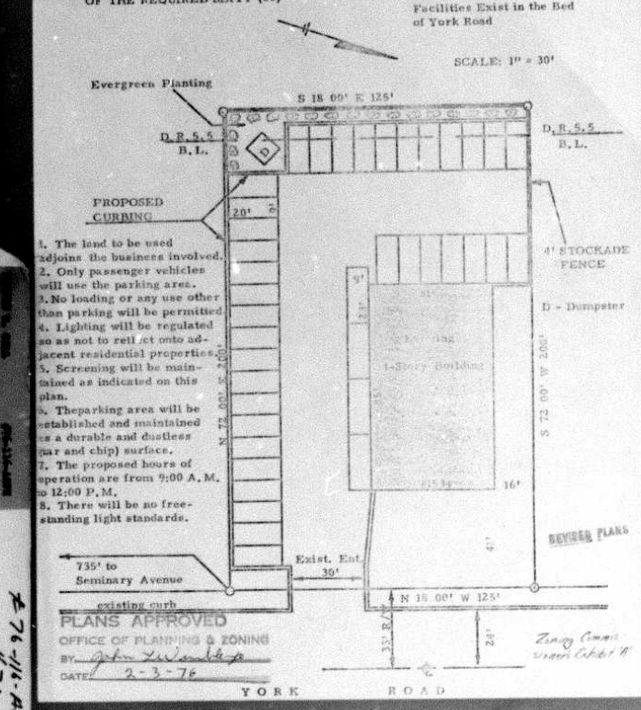
PLAT TO ACCOMPANY REQUEST FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE AND TO PERMIT FORTY (40) OFF-STREET PARKING SPACES INSTEAD OF THE REQUIRED SIXTY (60)

Zoned - B.L. and D.R.5.5

8th Election District

Public Water and Sewer Facilities Exist in the Bed of York Road

SCALE: 1" = 30'



1. The land to be used adjoins the business involved.
2. Only passenger vehicles will use the parking area.
3. No loading or any use other than parking will be permitted
4. Lighting will be regulated so as not to reflect onto adjacent residential properties.
5. Screening will be maintained as indicated on this plan.
6. The parking area will be established and maintained as a durable and dustless (tar and chip) surface.
7. The proposed hours of operation are from 9:00 A.M. to 12:00 P.M.
8. There will be no free-standing light standards.

REVISED PLANS

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John W. Hessian, III
DATE 2-3-76

Zoning Commissioner's Exhibit #1

#76-116-ASPH #70

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date November 17, 1975

FROM William D. Fromm, Director of Planning

SUBJECT Petition #76-116-A. Petition for a Variance for Off-Street Parking.
Petition for Special Hearing for Off-Street Parking in a Residential Zone.
Southwest side of York Road 735 North of Seminary Avenue.
Petitioner - Melvin R. Gill and Evelyn D. Gill

8th District

HEARING: Wednesday, November 19, 1975 (1:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

The staff believes that the parking standards should be viewed as minimum requirements in a roadside location such as this. The staff shares the concern of the State Highway Administration in view of the fact that there is no additional on-street parking available to provide for possible overflows.

William D. Fromm
Director of Planning

WDF:NEG:rw

NOV 18 '75 PM

FERDINAND FIASTRO
ATTORNEY AT LAW
43 CENTRAL SAVINGS BANK BUILDING
3 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202

AREA CODE 301
TELEPHONE 727-6667

MAR 17 '76 AM

ZONING DEPARTMENT

March 11, 1976

Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland, 21204

Re: Petitions for Variance and Special Hearing
SW/S of York Road, 735' N. of Seminary Avenue -
8th Election District, Melvin R. Gill, et ux -
Petitioners - No. 76-116-ASPH (Item No. 70)

Dear Sir:

On behalf of Mrs. Jo Herrmann and Mr. Peter Moralis, Protestants to the above captioned Petitions, please enter an Appeal to the County Board of Appeals of the Order dated February 17, 1976 granting the Variance to permit 40 off-street parking spaces in lieu of the required 60 spaces and granting the off-street parking in a residential zone.

I enclose you herewith check in the amount of $40.00 to cover costs thereof. Should there be any more cost, please inform and I will promptly forward to you the same.

Very truly yours,

Ferdinand Fiastro

FF:ejl
Enclosure

cc: Thomas Hennessey, Esq., 407 W. Pennsylvania Ave., Towson, Maryland, 21204
Mr. Peter Moralis, 9 Wendslow Place, Lutherville, Maryland, 21093
Mrs. Jo Herrmann, 21 Thornhill Road, Lutherville, Maryland, 21093
John W. Hessian, III, Esq., People's Counsel, 111 W. Chesapeake Avenue, Towson, Maryland, 21204

Appeal

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-116-ASPH

District 8th Date of Posting 4-7-76

Posted for:

Petitioner: Melvin R. Gill

Location of property: SW/S of York Rd. 735' N of Seminary Ave.

Location of Signs: 1 Sign Posted right in Front of Cosby Ave. Stony Hill Facing York Rd.

Remarks:

Posted by Mel H. Hess Date of return: 4-15-76
Signature

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: JRH

Revised Plans:
Change in outline or description ___ Yes ___ No

Previous case:

Map #

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 30th day of Sept. 1975. Filing Fee $ 25.00. Received ___ Check ___ Cash ___ Other

S. Eric DiNenna,
Zoning Commissioner

Petitioner Melvin Gill, Et Ux Submitted by R Curreri

Petitioner's Attorney Reviewed by JRH

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

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-116-ASPH

District 8th Date of Posting 10-30-75

Posted for: Hearing Wed. Nov. 19, 1975 @ 1:00 P.M.

Petitioner: Melvin R. Gill

Location of property: SW/S of York Rd. 735' No of Seminary Ave.

Location of Signs: 2 Signs Posted on York Rd. Facing York Rd.

Remarks:

Posted by Mel H. Hess Date of return: 11-6-75
Signature

PETITION FOR A VARIANCE AND SPECIAL HEARING
8th DISTRICT

ZONING: Petition for a Variance for Off-Street Parking. Petition for Special Hearing for Off-Street Parking in a Residential Zone.
LOCATION: Southwest side of York Road 735 feet North of Seminary Avenue.
DATE & TIME: WEDNESDAY, NOVEMBER 19, 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 Variance from the Zoning Regulations of Baltimore County to permit forty (40) Off-Street Parking spaces instead of the required sixty (60) spaces.
Petition for Special Hearing for Off-Street Parking in a residential zone.

The Zoning Regulations to be excepted as follows:

Section 409.2b (5) - Off-Street Parking - 1 for each 200 square feet of total floor area.
Section 409.2b (6) - Off-Street Parking - 1 for each 200 square feet of total area of upper floors.

All that parcel of land in the Eighth District of Baltimore County

DESCRIPTION FOR VARIANCE

Beginning at a point on the southwest side of York Road, approximately seven hundred and thirty-five (735) feet northwest of Seminary Avenue, and thence running the four (4) following courses and distances:

1. N 18° 00' W 125'
2. S 72° 00' W 200'
3. S 18° 00' E 125'
4. and N 72° 00' E 200' to the place of beginning.

DESCRIPTION FOR OFFSTREET PARKING IN A RESIDENTIAL ZONE

Beginning at a point on the southwest side of York Road, approximately seven hundred and thirty-five (735) feet northwest of Seminary Avenue, and thence running the five (5) following courses and distances:

1. N 18° 00' W 125'
2. S 72° 00' W 200'
3. S 18° 00' E 125'
4. N 72° 00' E 57'
5. and N 18° 00' W 135' to the place of beginning.

Being the property of Melvin R. Gill and Evelyn D. Gill, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 19, 1975 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Oct. 30

OFFICE OF
THE TOWSON TIMES

TOWSON, MD. 21204

Oct. 29, 19 75

THIS IS TO CERTIFY, that the annexed advertisement of

on for Variance & Special Hearing- Gill

erted in THE TOWSON TIMES, a weekly newspaper published

more County, Maryland, once a week for one

before the 19th day of Nov. 1975 that is to say, the same

erted in the issues of October 29, 1975.

STROMBERG PUBLICATIONS, Inc.

By Dave Smith

PETITION FOR A VARIANCE AND SPECIAL HEARING
8th DISTRICT

ZONING: Petition for a Variance for Off-Street Parking. Petition for Special Hearing for Off-Street Parking in a Residential Zone.
LOCATION: Southwest side of York Road 735 feet North of Seminary Avenue.
DATE & TIME: Wednesday, November 19, 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 Variance from the Zoning Regulations of Baltimore County to permit forty (40) Off-Street Parking spaces instead of the required sixty (60) spaces. Petition for Special Hearing for Off-Street Parking in a residential zone.

The Zoning Regulations to be excepted as follows:

Section 409.2b(5) — Off-Street Parking—1 for each 200 square feet of total floor area.
Section 409.2b(6) — Off-Street Parking—1 for each 200 square feet of total area of upper floors.

All that parcel of land in the Eighth District of Baltimore County

DESCRIPTION FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE

BEGINNING at a point on the Southwest side of York Road, approximately seven hundred and thirty-five (735) feet Northwest of Seminary Avenue, and then running the five (5) following courses and distances: (1) N 18° 00' W 125'; (2) S 72° 00' W 200'; (3) S 18° 00' E 125'; (4) N 72° 00' E 57'; (5) and N 18° 00' W 135' to the place of beginning

DESCRIPTION FOR VARIANCE

BEGINNING at a point on the Southwest side of York Road, approximately seven hundred and thirty-five (735) feet Northwest of Seminary Avenue, and thence running the four (4) following courses and distances: (1) N 18° 00' W 125'; (2) S 72° 00' W 200'; (3) S 18° 00' E 125'; (4) and N 72° 00' E 200' to the place of beginning

Being the property of Melvin R. Gill and Evelyn D. Gill, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, November 19, 1975 at 1:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By order of
S. ERIC DINENNA
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 30, 19 75

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~~ ~~each~~ ~~successive~~ before the 19th day of November, 19 75, the ~~first~~ publication appearing on the 30th day of October, 19 75

THE JEFFERSONIAN,

L. Leach Manager

Cost of Advertisement, $

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

No. 05991

DATE Nov. 20, 1975 ACCOUNT 01-662

AMOUNT $64.25

RECEIVED FROM Ocean Pride Seafood, Inc. 153½ York Rd. Lutherville Md. 21093

FOR Advertising and posting of property for Melvin R. Gill #76-116-ASPH

$171 20 6425

VALIDATION OR SIGNATURE OF CASHIER

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

No. 23389

DATE Oct. 1, 1975 ACCOUNT 01-662

AMOUNT $25.00

RECEIVED FROM Robert Curreri (Cash)

FOR Petition for Variance and Special Hearing for Melvin Gill

336 1 2500

VALIDATION OR SIGNATURE OF CASHIER

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

No. 31684

DATE March 19, 1976 ACCOUNT 01-662

AMOUNT $40.00

RECEIVED FROM Ferdinand Fiastro, Esquire

FOR Cost of Filing of an Appeal and Posting of Property on Case No. 76-116-ASPH (Item No. 70) SW/S of York Road, 735' N of Seminary Avenue - 8th Election District

Melvin R. Gill, et ux - Petitioners

4000

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 70

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Mr. Melvin R. Gill
20 East Seminary Avenue
Lutherville-Timonium, Maryland 21093

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

Your Petition has been received and accepted for filing this 24th day of October 1975

S. Eric DiNenna,
Zoning Commissioner

Petitioner Melvin R. Gill, et ux

Petitioner's Attorney _____ Reviewed by Franklin T. Hogans, Jr.
Chairman,
Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Franklin T. Hogans, Jr.
xxxxxxxxxxxxxxxx
Chairman

MEMBERS
ZONING ADMINISTRATION
OFFICE OF PLANNING
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 BUILDING ENGINEER

November 10, 1975

Mr. Melvin R. Gill
20 East Seminary Avenue
Lutherville-Timonium, Maryland 21093

RE: Special Hearing Petition
Item 70
Melvin R. Gill, et ux - Petitioners

Dear Mr. Gill:

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 southwest side of York Road, 735 feet northwest of Seminary Avenue, and is currently improved with a one-story building now utilized as the Oceanside Seafood Carry Out.

The petitioner is requesting a Special Hearing to permit off street parking in a residential zone, as well as a Variance to permit 40 off street parking spaces in lieu of the required 60. A Special Hearing request is necessitated by a small portion of the subject property being zoned D.R. 5.5 to the extreme rear, and the Variance request is necessitated by the proposed installation of a restaurant use in conjunction with the existing carry out operation.

Mr. Melvin R. Gill
Item 70
November 10, 1975
Page 2

This property abuts to the rear residential lots, and abuts along either side on its York Road frontage existing commercial uses.

Field inspection revealed the rear portion of the parking lot to be without a durable and dustless surface. Plans submitted indicated side parking area will be a tar and chip surface.

The petitioner should note with particular interest the comments of the State Highway Administration.

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.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

October 23, 1975

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

Re: Z.A.C. meeting: 10-14-75
ITEM: 70
Prop. Owner: Melvin R. Gill, Et Ux
Location: SW/S of York Rd. 735' NW of Seminary Ave. (Rt. 45)
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Variance from Sec. 409.2b (3&6) to permit 40 offstreet parking spaces instead of the required 60 spaces & a Speci. Hearing to approve offstreet parking in a residential zone
No. of Acres: 125 x 200
District: 8th

Dear Mr. DiNenna:

The entrance into the subject site is acceptable to the State Highway Administration; however, the requested variance to parking could cause on-site traffic problems that may be extended out onto York Road. This section of York Road is heavily traveled. The 1974 average daily traffic count is 29,000 vehicles. Any additional traffic problems would be especially critical.

CL:ajc

Very truly yours

Charles Lee, Chief
Bureau of Engineering
Access Permits
by: John E. Meyers

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

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

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

October 27, 1975

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

Re: Item #70 (1975-1976)
Property Owner: Melvin R. Gill, Et Ux
S/WS of York Rd., 735' N/W of Seminary Ave.
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Variance from Sec. 409.2b (3 & 6) to permit 40 off-street parking spaces instead of the required 60 spaces & a Special Hearing to approve off-street parking in a residential zone.
No. of Acres: 125 x 200 District: 8th

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 specifically which lots of the recorded subdivision "Lutherville Heights" (W.P.C. 7, Folio 68) comprise this site.

Highways:

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #70 (1975-1976)
Property Owner: Melvin R. Gill, Et Ux
Page 2
October 27, 1975

Storm Drains:

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

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving this site. This property is tributary to the Jones Falls sanitary sewer system subject to State Health Department imposed restrictions.

Additional fire hydrant protection may be required in the vicinity.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Wimbley
W. Archel

S-SE Key Sheet
46 NW 1 Pos. Sheet
NW 12 A Topo
60 Tax Map

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

825-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Melvin R. Gill, Et Ux

Location: SW/S of York Road, 735' NE of Seminary Avenue

Item No. 70 Zoning Agenda October 14, 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.

( ) 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.

(XXX) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: J. J. Kelly
Planning Group
Special Inspection Division

Noted and Approved: Paul H. Reincke
Deputy Chief
Fire Prevention Bureau

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

October 27, 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 #70, Zoning Advisory Committee Meeting, October 14, 1975, are as follows:

Property Owner: Melvin R. Gill, et ux
Location: SW/s of York Road 735' NW of Seminary Avenue
Existing Zoning: B.L. and D.R.5.5
Proposed Zoning: Variance from Sec. 409.2b(3&6) to permit 40 offstreet parking spaces instead of the required 60 spaces and a Special Hearing to approve off street parking in a residential zone.
No. of Acres: 125 x 200
District: 8th

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.

If there is going to be any free standing light standards, they should be shown on the the site plan and limited to 8 feet in height.

A five (5) foot landscape strip should be provided between the stockade fence and the parking area, preferably evergreen planting.

The dumpster should be completely screened from the adjoining residential properties.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

baltimore county
department of health
TOWSON, MARYLAND 21204

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

October 20, 1975

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

Dear Mr. DiNenna:

Comments on Item #70, Zoning Advisory Committee Meeting, October 14, 1975, are as follows:

Property Owner: Melvin R. Gill, et ux
Location: SW/S of York Rd. 735' NW of Seminary Ave.
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Variance from Sec. 409.2b (3&6) to permit 40 offstreet parking spaces instead of the required 60 spaces & a special hearing to approve off-street parking in a residential zone.
No. of Acres: 125 x 200
District: 8th

Metropolitan water and sewer existing.

Food Service Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:dlo

cc: L.A. Schuppert

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 21, 1975

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

Z.A.C. Meeting of: October 14, 1975

Re: Item 70
Property Owner: Melvin R. Gill, Et Ux
Location: SW/S of York Rd. 735' N.W. of Seminary Avenue
Present Zoning: B.L. & D.R. 5.5
Proposed Zoning: Variance from Section 409.2B (3 & 6) to permit 40 offstreet parking spaces instead of the required 60 spaces & a Special Hearing to approve offstreet parking in a residential zone.

District: 8th
No. Acres: 125 x 200

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative.

WNP/ml

H. EMSLIE PARKS, President
EUGENE C. HESS, Vice-President
MRS. ROBERT L. BERNEY
MARCUS M. BOTSARIS
JOSEPH N. McGOWAN
ALVIN LORECK
JOSHUA R. WHEELER, Superintendent
T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, M.D.
MRS. RICHARD K. WITMER

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

November 10, 1975

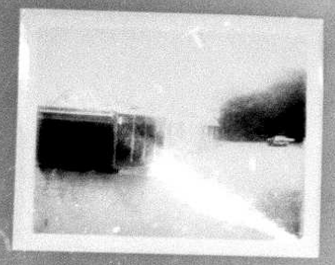
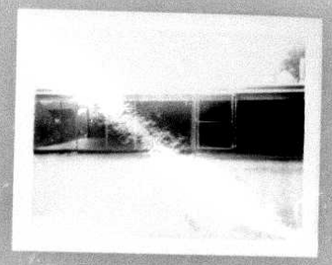
Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 70 - ZAC - October 14, 1975
Property Owner: Melvin R. Gill, Et Ux
Location: SW/S of York Rd. 735' NW of Seminary Ave.
Existing Zoning: B.L. & D.R. 5.5
Proposed Zoning: Var. from Sec. 409.2B(3&6) to permit 40 offstreet parking spaces instead of required 60 spaces & a Special Hearing to approve offstreet parking in a residential zone
No. of Acres: 125 X 200
District: 8th

Dear Mr. DiNenna:

The Baltimore County parking regulations are based on a proven need for parking. The proposed reduction in the parking requirement is undesirable.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc