

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Donald E. Keller
I, or we, Wayne Keller et al. 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 of the Baltimore County Zoning Ordinance to permit a side yard of one foot (1') and side yard varying from ten feet (10') on the west side to thirty feet (30')

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

The thirty feet yard requirements of the triangular site make it impractical on which to build. We would like to remove the old existing structure and improve the site with a new building and better site planning. To force a building in the allowable area would result in a bad site plan.

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. 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 _____ Legal Owner _____
Address _____ Address: 5931 N. Charles Street
Catonsville, Maryland 21207
BY _____
DATE: April 19, 1976 PM
Petitioner's Attorney _____ Protestant's Attorney _____
Address _____
Address _____
ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of March, 1976, 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 April, 1976, at 10:15 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
North side of Eastern Avenue : OF BALTIMORE COUNTY
opp. 45th St., 15th District
DONALD E. & WAYNE KELLER, : Case No. 76-216-A
Petitioners

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 15th day of April, 1976, a copy of the foregoing Order was mailed to Messrs. Donald E. & Wayne Keller, 3634 Fox Meadow Court, Jarrettsville, Maryland 21084, Petitioners.



Paul H. Reincke
CHIEF

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Donald E. & Wayne Keller

Location: N/S Eastern Ave. 30' W Forty-Fifth (45th) St.

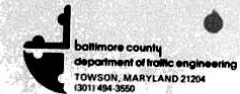
Item No. 172 Zoning Agenda February 24, 1976

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.
- (x) 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: John W. Hession, III Noted and Approved: Paul H. Reincke
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau



STEPHEN E. COLLINS
DIRECTOR

March 3, 1976

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

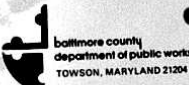
Re: Item 172 - ZAC - February 24, 1976
Property Owner: Donald E. & Wayne Keller
Location: N/S Eastern Ave. 30' W Forty Fifth (45th) St.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit side yard of 1' and side yard varying from 10' to 30'
No. of Acres: 0.378
District: 12th

Dear Mr. DiNenna:

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

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



March 24, 1976

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

Re: Item #172 (1975-1976)
Property Owner: Donald E. & Wayne Keller
N/S Eastern Ave., 30' W. 45th St.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit side yard of 1' and side yard varying from 10' to 30'.
No. of Acres: 0.378 District: 12th

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

Baltimore County highway and utility improvements are not directly involved. Eastern Avenue (Md. 150) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State 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.

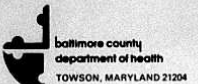
There may be an abandoned 20-inch Baltimore City water transmission main through this site or in close proximity thereto. It is the responsibility of the Petitioner to ascertain and clarify any rights-of-way through this property and to initiate such action as may be required to relocate, release or otherwise eliminate such rights-of-way. The Petitioner should contact the Baltimore City Water Division in this regard.

Further, the submitted plan must be revised to indicate existing physical improvements onsite and adjacent to this property, i.e. trailer, buildings, structures, driveway, entrances, fence, alley at rear, utility poles, public sanitary sewerage and connection thereto, drains, inlets, the above mentioned water main and right-of-way, etc.

Additional fire hydrant protection may be required in the vicinity.

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

END: EAM; FWR:SS
cc: W. Munchel



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

April 20, 1976

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, February 24, 1976, are as follows:

Property Owner: Donald E. & Wayne Keller
Location: N/S Eastern Ave. 30' W Forty-Fifth (45th) St.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit side yard of 1' and side yard varying from 10' to 30'
Acres: 0.378
District: 12th

Metropolitan water and sewer are existing.

Very truly yours,

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

RJW:rs



March 5, 1976

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

Att: Mr. Franklin Hoggan

Re: Z.A.C. Meeting
Feb. 24, 1976
Item 172. Owner:
Donald E. & Wayne Keller
Loc. N/S Eastern Ave (Rte 150) 30' W 45th St. Ex. Zoning: B.R.
Prop. Zoning: Var. to permit side yard of 1' and side yard varying from 10' to 30'. Acres: 0.378 Dist. 12th

Dear Mr. DiNenna,

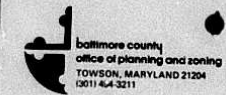
There exists a median break, in Eastern Avenue, near the west property line of the subject site. An additional median break will not be permitted, therefore the entrance should be located as near opposite the median break as possible. Otherwise, it will be necessary to make "U" Turns on Eastern Avenue.

The plan must indicate standard concrete curb between the parking lot and the sidewalk and must indicate the existing entrance and storm drain inlet.

Very truly yours,

Charles Lee, Chief
Bur. of Eng. Access Permits
by: John E. Meyers

CL-JEM/es



WILLIAM D. FROMM
DIRECTOR

April 2, 1976

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 #172, Zoning Advisory Committee Meeting, February 24, 1976, are as follows:

Property Owner: Donald E. and Wayne Keller
Location: N/S Eastern Ave. 30' W Forty-Fifth (45th) st.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit side yard of 1' and side yard varying from 10' to 30'
Acres: 0.378
District: 12th

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

ORDER RECEIVED FOR FILING

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, a Variance to permit a side yard of one foot on the east side and 10 feet on the west side instead of the required 30 feet should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of April, 1976, 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 and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

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 April, 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: April 5, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-216-A. Petition for Variance for Side Yards.

North side of Eastern Avenue opposite Forty Fifth Street.
Petitioner - Wayne Keller and Donald E. Keller

15th District

HEARING: Monday, April 19, 1976 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

William D. Fromm
Director of Planning

WDF:JGH:rw

LEGAL DESCRIPTION
of
Property
of
Donald E. Keller
and
Wayne Keller et al
known as
6908 Eastern Avenue
Baltimore County, Maryland
Election District No. 12

Beginning at a point along the north right of way line of Eastern Avenue thirty feet (30') west of its intersection with the centerline of Forty Fifth Street S 20°47' W a distance of 255.10 feet; then along a common line with now or formerly Endress property N 13°48' W a distance of 228.50 feet to a pipe in the curb at the north right of way line of Eastern Avenue; thence with said right of way line on a radius of 1009.08 feet a distance of 146.10 feet said radius and arc having a chord S 80°12' W a distance of 144.28 feet to the point of beginning. All of this property located in Baltimore County and containing 16,509.125 square feet or .378 acres.

April 23, 1976

Mr. Donald E. Keller
5931 North Charles Street
Catonsville, Maryland 21207

RE: Petition for Variance
N/S of Eastern Avenue, opposite 45th
Street - 15th Election District
Donald E. Keller, et al - Petitioners
NO. 76-216-A (Item No. 172)

Dear Mr. Keller:

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

Very truly yours,

George A. Martinak
Deputy Zoning Commissioner

GJM/mc

Attachments

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

Mr. Fred Demski
President, Eastwood Civic Association
7283 Ridgewood Drive
Baltimore, Maryland 21224

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 25, 1976

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

Z.A.C. Meeting of: February 24, 1976

Re: Item 172
Property Owner: Donald E. & Wayne Keller
Location: N/S Eastern Ave. 30' W Forty-Fifth (45th) St.
Present Zoning: B.R.
Proposed Zoning: Variance to permit side yard of 1' and side yard varying from 10' to 30'.

District: 12th
No. Acres: 0.378

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative.

WNP/ml

H. EMBLE PARKS, President
EUGENE C. HESS, Vice-President
HIS ROBERT L. GERNY

MARCUS M. ROTARIS
JOSEPH N. MCGOWAN
ALVIN LORECK
JOSHUA R. WHEELER, SUPERVISOR

T. BAYARD WILLIAMS, JR.
RICHARD W. FRACEY, CH.
MRS. RICHARD A. GUNTER



TOWSON, MD. 21204

April 1, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Keller was inserted in the following:

- | | |
|---|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☒ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland, once a week for one successful week before the 19th day of April 1976, that is to say, the same was inserted in the issues of April 1, 1976.

STROMBERG-PUBLICATIONS, INC.

BY: John D. Male

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

76-216-A

District: 15th Date of Posting: 4-1-76

Posted for: Henry Dean, Jr. 19th 1976 @ 10:15 P.M.

Petitioner: Wayne Keller

Location of property: N/S of Eastern Ave. 30' W 45th Street

Location of Sign: 1 Sign Posted on Eastern Ave. right corner from 45th Street

Remarks:

Posted by: Paul H. Nease Signature Date of return: 4-2-76

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received this 17th day of Feb 1976. Filing Fee \$ 25 Received Check Cash Other

S. Eric DiNenna
Zoning Commissioner

Petitioner: Keller Submitted by

Petitioner's Attorney Reviewed by

* 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. 33303

DATE: March 29, 1976 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED: Maryland Corp., 8375 Hampers Hale Rd., Millersville, Md. 21108
FOR: Petition for Variance for Wayne Keller #76-216-A

484892NK 30 2500NK

VALIDATION OR SIGNATURE OF CASHIER

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

No. 33338

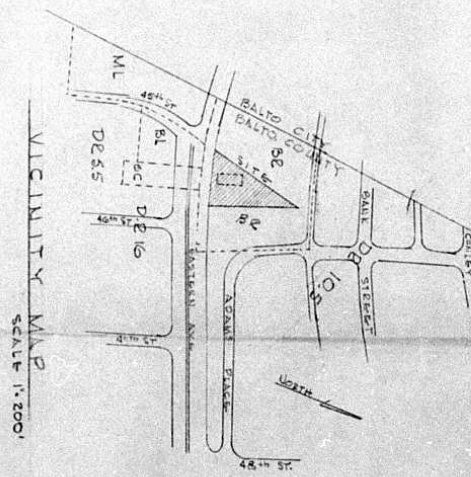
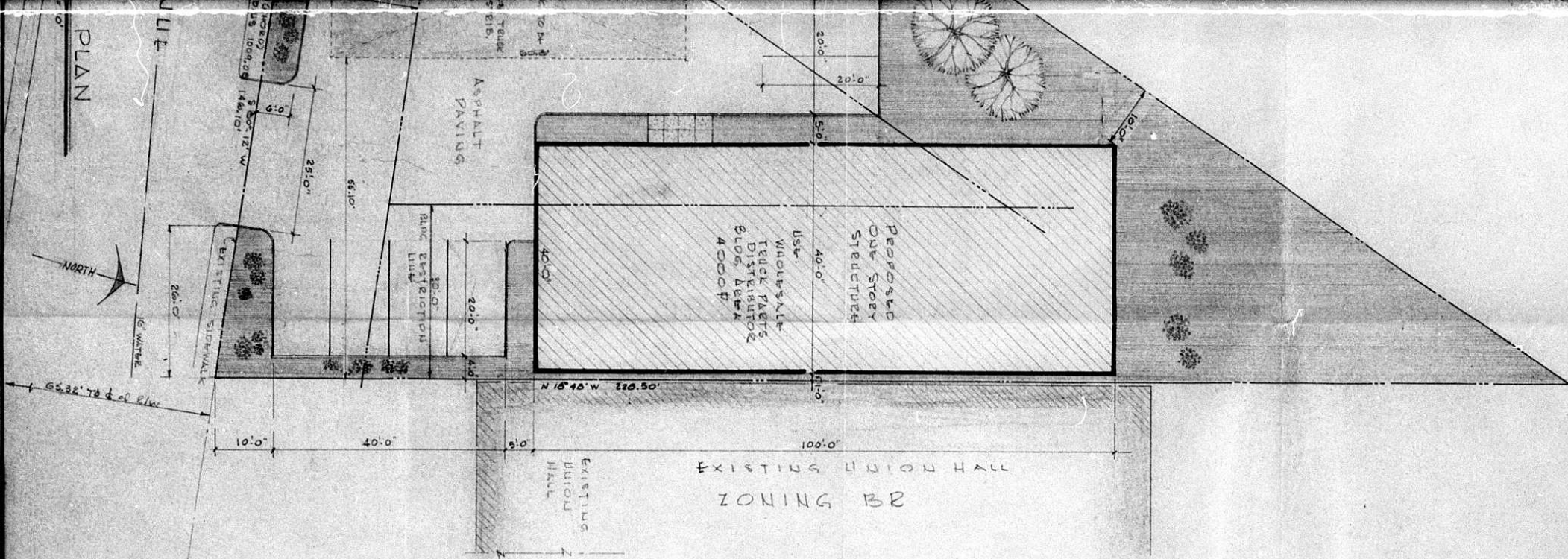
DATE: April 19, 1976 ACCOUNT: 01-662

AMOUNT: \$41.00

RECEIVED: Land M. Realty, 5931 Charles St., Baltimore, Md. 21207
FOR: Advertising and posting of property #76-216-A

484542NK 19 4100NK

VALIDATION OR SIGNATURE OF CASHIER



Professional seal and signature of the architect, Charles W. Englehart.

Map 48
Section 15
2-1-76
V
ALL

JOB NO.
V

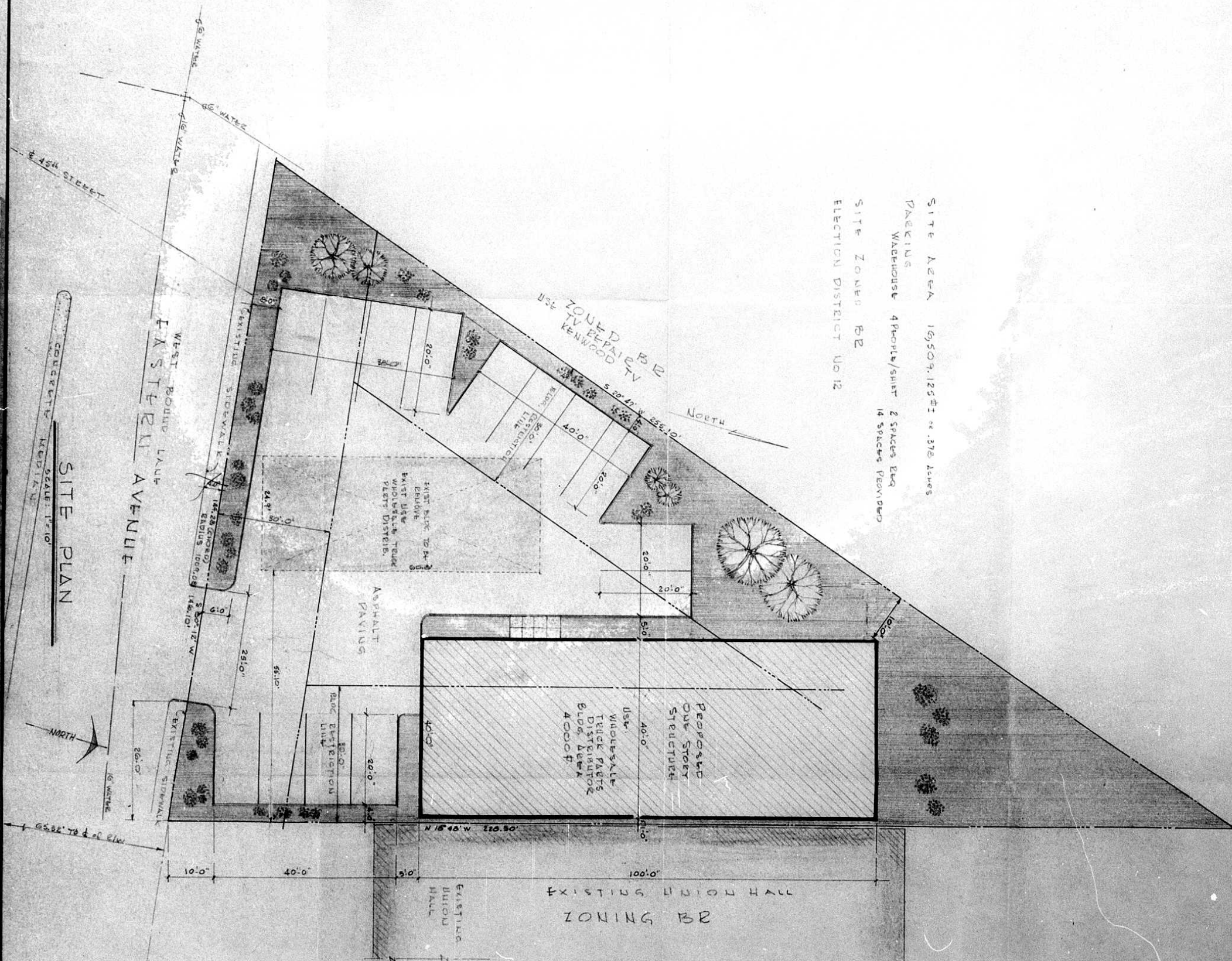
SHEET NO.
1

SCALE
DATE 12/10/75
REVISIONS

MARKWOOD CORPORATION | **CHARLES W. ENGLEHART**
CONSTRUCTORS/DESIGNERS | ARCHITECT
8375 JUMPERS HOLE ROAD
MILLERSVILLE, MARYLAND 21108
301-544-0200

SITE PLAN FOR VARIANCE
DONALD E KELLER & WAYNE KELLER REAL PROPERTY
EASTERN AVENUE
BALTIMORE COUNTY, MARYLAND

SITE AREA 16,509.125 sq. ft. 372 ACRES
 PACKING
 WAREHOUSE 4 PEOPLE/SHIFT 2 SPACES REQ
 14 SPACES PROVIDED
 SITE ZONED R2
 ELECTION DISTRICT NO 12



SITE PLAN

SCALE: 1"=10'



תורה

NORTH

3452
20%

PEOPLED
OUT STORY
STRUCTURE

WHOLESALE
TEDECK PAETS
DISTRIBUTOR
BLDG. 467A
4000P

BLDG. RESTRICTION
11445

EXISTING UNION HALL
ZONING BE

730

VICINITY MAP
SCALE 1:200

SCALE 1:200

SHEET NO. VI JOB NO.

SCALE
DATE 1/11/15
REVISIONS

MARKWOOD CORPORATION	CHARLES W. ENGLEHART
CONSTRUCTORS/DESIGNERS	ARCHITECT

8375 JUMPERS HOLE ROAD
MILLERSVILLE, MARYLAND 21108
301-544-0200

SITE PLAN FOR VARIANCE
DONALD E KELLER & WAYNE KELLER SHAL PROPERTY
EASTERN AVENUE
BALTIMORE COUNTY, MARYLAND

SITE AREA 16,509.125[±] sq. ft. 378.40 sq. ft.
 3482.0
 PACKING
 WAREHOUSE 4 PEOPLE/SUIT 2 SPACES Bldg
 14 SPACES PROVIDED
 SITE ZONED RE
 ELECTION DISTRICT NO 12

USE ZONED RE
 TV REPAIR B 12
 KENWOOD TV

NORTH

PROPOSED
 ONE STORY
 STRUCTURE
 USE:
 WHOLESALE
 TUCK PARTS
 DISTRIBUTOR
 BLDG. AREA
 4000 SF

EXISTING UNION HALL
 ZONING RE

EXISTING
 UNION
 HALL

BLOCK RESTRICTION
 LINE

WEST BOULEVARD
 EASTERN AVENUE

SITE PLAN
 SCALE: 1"=10'

CONCRETE MEDIAN

NORTH