## PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

1, or we.\_YORK-TOKSON, INC. \_\_\_\_\_legal owner\_of the property situate in Baltimore unity and which is described in the description and plat attached hereto and made a part hereof.

tion for a Variance from Section ... 238.2 In paratt side setbacks of .....

0 feet and 15 threatery feet instead of required 30 feet Proids. Section 238.2 to permit a front setback of 50 feet in lieu

of the required average of 72.5 feet.

of the nequired exercise of 72.6 feet.

The season groups of the season of the season

is veriance be granted.

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

Lor we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this little, and further agree to and are to be bound by the unding regulations and restrictions of limore, County adopted pursuant to the Zoning Law For Baltimore County.

See attached description

Paul P Ragnese
Vice President Legal Owner Address 115 South Haven Street Baltimore, Maryland 21224

YORK-TOWSON, INC.

Protestant's Attorney

, 1977 ..., that the subject matter of this petition be advertised, as of Baltimore County, in two newspapers of general circulation throughe Zoning Law of Baltimore County, in two newspapers of general circulation through County, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106. County Office Building in Towson. Baltimore 1977 at10:15 o'clock

T. 8

RECEIVED FOR FILING

Zoning Commissioner of Baltimore County,

NAME OF TAXABLE PARTY.

RE: PETITION FOR VARIANCES N/S of Pulaski Highway, 575' NE of Batavia Farm Road - 15th Election District York-Towson, Inc. - Petitioner NO. 77-204-A (Item No. 177)

BEFORE THE DEPUTY ZONING COMMISSIONER OF

BALTIMORE COUNTY

... ... ... This matter comes before the Deputy Zoning Commissioner as a result of

a Petition requesting Variances to allow side yard setbacks of zero feet and 15 feet to 25 feet in lieu of the required 30 feet, and a front yard setback of 50 feet in lieu of the required average of 72.5 feet for a proposed building on

a now vacant 0.374 acre tract at the subject location. Testimony by the Petitioner indicated that he proposed to contruct a 60

loot by 80 foot building for lease as a service garage. Comments submitted by the Office of Planning and Zoning raised the possibility of positioning the building farther toward the rear to provide for better traffic circulation.

Adjacent commercial property owners, on both sides of the site, appeared in protest, claiming that the granting of the Variances would be detrimental to their businesses

Based on all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the requested Variances should not be granted. The standard for granting a Variance is whether strict compliance with the zoning regulations would result in 'practical difficulty or unreasonable hardship." In the present instance, it is obvious that any hardship or practical difficulty would be self-induced by the action of the Petitioner and would not be sufficient ground for the relaxation of the setback requirements.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 197# day of April, 1977, that all of the Variances should be and the same are hereby DENIED.

DESCRIPTION OF PROPERTY

way. The Southwesternmost corner of the property is approximately

575 feet Northeast of Batavia Farm Road; this distance being along a

line paralleling the North side of Pulaski Highway in a direction of

at the Southwesternmost corner and describing each side in clockwise

order we have: The Westernmost side is 216.7 feet long and lies on

a line S 150 17' E in direction. The Northernmost side is 84.9 feet

long and lies on a line S  $78^{\circ}$  57' W in direction. The Easternmost

side is 201.07 feet long and lies on a line \$ 11° 38' E in direction.

The total area of the property is 16312.24 square feet or

The dead to this property, made between James Hradsky and

All improvements on the property, of which none presently

The Southernmost side is 72.5 feet.long and lies on a line N  $66^{\circ}$  42'

Anna Hradsky, his wife, Grantors, and York-Towson, Incorporated, a

Liber 4613 Pages 480 - 482 of the Land Records of Baltimore County

body corporate of the State of Maryland, Grantee, is located in

exist, shall be known as No. 8224 Pulaski Highway.

The property is located on the North side of Pulaski High-

The description of the property itself follows. Beginning

DATE

N 660 42' E.

E in direction.

RE. PETITION FOR VARIANCE FITHON FOR VARIANCE from Sections 238,1 and 238,2 of the Baltimore Courty Zoning Regulations N/S Pulaski Highway 575\* NE of Batavia Farm Road

COUNTY BOARD OF APPEALS BALTIMORE COUNTY No 77-204-A

OPINION

This case comes before this Board as the result of the denial by the Deputy Zoning Commissioner of the requested variances. The subject property is located in the Fifteenth Election District of Baltimore County, on the north side of Pulaski Highway, 575 feet northeast of Batavia Farm Road. The property is approximately 73 feet wide and 217 feet deep, and is located between two other existing businesses and is zoned B.R.

The Boltimore County Zoning Regulations require a thirty (30) foot minimum setback on each side in the B.R. zone. This requirement leaves the property owner the real use of only thirteen (13) feet in the center of his property. In his opinion, this creates "practical difficulty and/or unreasonable hardship" for him in any realistic use of this property. He proposes to erect a masonry or steel type building for a warehouse type use on this property, but needs side yard variances from thirty (30) feet on one side to five (5) Feet, and from thirty (30) feet on the other side to seventeen (17) feet. No variance are needed for any other Baltimore County zoning regulation, and no adverse comments were received from other County agencies.

The owner of the business on the south side of this property appeared as a protestant. He objected to the erection of a building five feet from his property line. He also expressed concern over access of fire equipment to the rear of his building, and to any drainage problems that may arise from the erection of the proposed building. interesting to the Board to note that in 1961 he was granted variances to construct his building just five feet from both side property lines on a wuch larger plot of land. Has the definition of "practical difficulty and/or unreasonable hardship," which allows the grantiof any variance, so drastically changed in this interim?

York-Towson, Inc. - #77-204-A

The owner of the business on the north side of this property also appeared as a His objections were basically the same. The only obvious difference was in the location of his building, which is located directly upon the property line, this building

In considering the configuration of this parcel of land and the fact that both adjacent properties are already improved, the Roard feets that the denial of the requested variances does, in fact, constitute a "practical difficulty and/or unreasonable hardship" upon this property owner. The proposed use seems to be in accord with Baltimore County's designation of property uses in a B.R. zone. However, the Board feels that the variance on the north side should be to only twenty (20) feet instead of the requested seventeen (17) feet, this being the minimum width for a commercial driveway providing access to the rear of the building. Screening across the rear of the lot from the residential properties should

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 26th day of October, 1977, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated April 19, 1977, be reversed, and that the following variances be, in fact, granted

- South side property line be reduced from thirty (39) feet to five (5) feet.
- North side property line be reduced from thirty (30) feet to twenty (20) feet.

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 BALT IMORE COUNTY Hanpel

115 South Haven Street Baltimore, Haryland 21224 April 21, 1977

Zoning Commissioner County Office Building Towson, Maryland 21204

RE: Request for Appeal - Petition for Variances N/S of Pulaski Highway, 575' ME of Batavia Farm Road - 15th Election District York-Touson, Inc. - Petitioner No. 77-204-A (Item No. 177)

Dear Sire

FEM THE DENIAL.

We are herewith filing an appeal 

The property of the Variances requested by us for the above referenced property. We would like to bring to your attention the following relevant information:

- 1. The buildings of the two adjacent objecting property owners are located on their respective lots in such a way that if they were to be crected at this time would require the same variances that we are requesting. The fact that they have been allowed to locate their buildings in the manner in which we have not to us seems unfair.
- 2. We have advertised the property in question for some time. In every instance a prospective buyer wished to erect a building to conduct his business. It is not a "self-induced hardship" to expect that a piece of unimproved real estate, in order to be put to productive use, must have a building on it. We presently have a bona-fide earnest buyer for the property in which the sale is contingent on his placing a 4500 square foot building on the property in order to conduct his business. Other inquiries, (at least half a dozen) were by other businessmen who also needed at least, if not more than, a building of this modest size. It is a "self-induced hardship" to continue paying taxes on a piece of property which is in no way able to generate income to even pay its own taxes. It is also a "self-induced hardship" on Baltimore County to reject the creation of a business location that would certainly return increased tax revenues.

3. We, the Petitioners, fail to see how the erection of a building such as is proposed would be detrimental to the businesses of the adjacent property owners. Each has his own self contained parking facilities (neithe property owner has ever had permission to park on our property) and the increased general commerce resulting from an additional business in the vicinity could only increase, if anything, the business volume of the adjacent property owners.

We thank you for your consideration of this appeal and would appreciate a hearing as quickly as possible so that our prospective buyer may proceed with

Very truly yours. Fano P. Rognese

Paul P. Ragonese

#9 22 77 PM

PETITION FOR VARIANCE from Sections 238.1 and 238.2 of the Baltimore County Zoning Regulations N/S Pulaski Highway 575 N/E of Batavia Parm Road 15th District

REPORE THE COUNTY BOARD OF ADDRAG

FRANK J. PRALLICCIARDI 8220-22 Pulaski Highway Baltimore, Maryland 21237

ROBERT MINNIX 8226 Pulaski Highway Baltimore, Maryland 21237 Appellants

PAUL RAGONESE York-Towson Inc. 115 South Hanen Street Baltimore, Maryland 21224

Appellee

ORDER FOR APPEAL

MR. CLERK.

Please enter an appeal, pursuant to Maryland Rule B2, on behalf of Protestants, Frank J. Frallicciardi and Robert Minnix, from the Order of the Board of Appeals of Baltimore County of October 26,1977,

Popert A. DiCicco
Askew, Wilson & DiCicco
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-5400
Attorney for Appellants

NO. 77-204-A



a se sections.

a comment

April 19, 1977

Land to the second line was to the second line for

I HEREBY CERTIFY that on this day of November 1977, prior to the filing hereof, a copy of the foregoing Order for Appeal was mailed to J. Carroll Holzer, Esquire, County Solicitor, Office of Law, County Office Building, Towson, Maryland 21204, S. Eric DiNenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, Paul Ragonese, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland 21224, John W. Hessian, III, Esquire, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, in compliance with Maryland Rule 306(c) and Maryland Rule B2(c)

Robert A. DiCico

ASKEW, WILSON

BARIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

TO S. Eric Dillenna, Zoning Commissioner Date Narch, 29, 1977

Norman E. Gerber, Acting Director of Planning

SUBJECT Polition #77-204-A. Petition for Variance for Front and Side Yard Setbacks. Weith alle of Fulanki Highway 575 feet Northeant of Batavia Farm Road.

15th District

State of the second

HEARING: Tuesday, April 12, 1977 (10:15 A.M.)

There are no comprehensive factors requiring exament on this petition Hosever, perhaps consideration could be given to moving the building to the rear of the lot, thereby avoiding, the problem created by the proposed 15 foot-wide driveway to the rear parking area.

NEG: JGH: rv

RE: PETITION FOR VARIANCE from Sections 238.1 and 238.2 of the Boltimore County Zoning Regulations N/S Pulaski Highway 575' NE of Batovia Farm Road 15th District CIRCUIT COURT FOR BALTIMORE COUNTY York-Towson, Inc. AT LAW Zoning File No. 77-204-A 458 Frank J. Frallicciordi and Robert Minnix Protestants - Appellants 6413

## CERTIFICATE OF NOTICE

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., John A. Miller and William T. Hockett, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing appeal to the representative of every party to the proceeding before it; namely, Nathan Patz, Esq., 10 Light Street, Baltimore, Maryland, 21202, attorney for the Petitioner; Mr. Paul P. Ragonese, Vice-President, York-Towson, Inc., 115 South Have Street, Baltimore, Maryland, 21224, Petitioner; Robert A. DiCicco, Esq., 208 West Pennsylvania Avenue, Towson, Maryland, 21204, attorney for the Protestants-Appellant Mr. Frank J. Frallicciordi, 3220-22 Pulaski Highway, Baltimore, Maryland, 21237, and Mr. Robert Minnix, £226 Pulaski Highway, Boltimore, Maryland, 21237, Protestants-Appellants; and John W. Hessian, III, Esq., County Office Building, Towson, Maryland 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

County Board of Appeals of Baltimore County Room 219 Court House, Towson, Md. 21204

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Nathan Patz, Esq., 10 Light Street, Baltimore, Maryland, 21202, attorney for the Petitioner; Mr. Paul P. Ragunese, Vice-President, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland, 21224; Robert A. DiCicco, Esq., 200

RE: PETITION FOR VARIANCE N/S of Pulaski Hwy. 575' NE of Batavia Farm Rd., 15th District

Mr. Commissioner

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

YORK-TOWSON, INC., Petitioners : Case No. 77-204-A

......

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524,1 of the Baltimore County

Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing 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

Lesseau III John W. Hessian, III People's Counsel County Office Building

I HEREBY CERTIFY that on this 7th day of April, 1977, a copy of the aforegoing Order was mailed to Mr. Paul P. Ragonese, Vice President, York-Towson, Inc., 115 S. Haven St., Boltimore, MD 21224, Petitioners.

John W. Hessen II



York-Towson, Inc. No. 77-204-A (\*6413)

W. Pennsylvania Avenue, Towson, Maryland, 21204, attorney for the Protestants; Frank J. Frallicciardi, 8220-22 Pulaski Highway, Jaltimore, Maryland, 21237, and Robert Minnix, 8226 Pulaski Highway, Baltimore, Maryland, 21237, Protestants-Appellants; and John W. Hessian, III, Esq., County Office Building, Towson: Maryland, 21204, People's Counsel for Baltimore County, on this 13th day of December, 1977.

TO OLD PHILADELPHIA D.D. ~ SANITARY SEWER EASEMENT 1-41-27 RESIDENTIAL PROPERTY S. 78°57'W 81.9'. LOCATION PLATE WIRE PENER STATE SAW PROPOSED, 17.1 PARRING DATA
ASSOC SOS & 16 SPACES REQ.
16 PROVIDED. TYPE OF PAYING - ASPHALT COMPLET LOT IS THE ECTION DIST. 150'RW HI GH WAY PULASKI 12" WATER MAIN

MAR 0 1 1979

BALTIMORE COURSE COUNTY BOARD OF APPEAL NO. 77-204-1 York-Towson, Inc. 115 South Hanen Street Baltimore, Maryland 21224 Appellee

## MOTION FOR EXTENSION OF TIME TO FILE RECORD

The Appellants, Frank J. Frallicciardi and Robert Minnix. by Robert A. DiCicco, Arkew, Wilson and DiCicco, move, pursuant to Maryland Rule B7(b), for an extension of time to file the Record of the proceedings before the Board of Appeals, and state:

- 1. The Petition for Appeal was timely filed on December 6. 1977.
- 2. At the present date, the transcript of testimony is not yet completed for filing.
- 3. The Court Reporter has advised Appellants that due to a backlog of work, an additional thirty (30) days will be necessary to prepare a transcript.

WHEREPORE, the Appellants respectfully request this rable Court to extend the time for the filing of the Record

Be'd 12/19/77

I HEREBY CERTIFY that on this 5 day of December 1977, a copy of the foregoing Petition of Appeal was mailed to J. Carroll Holzer County Solicitor, Office of Law, County Office Building, Towson, Maryland 21204, S. Eric DiMenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, Paul Ragonese, York-Towson, Inc., 115 South Haven Street, Baltimore, Maryland 21224, John W. Hessian, III, Esquira, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, in compliance with Maryland Rule 306(c) and Maryland Rule 82(a).

ROBERT A. DICICCO

until Pebruary 4, 1978, which date is thirty (30) days after the original due date.

Attorneys for Appellants

I HEREBY CERTIFY that on this 14 foregoing Motion For Extension Of Time To Pile was mailed to S. Eric DiMenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, and to Mathan Patz, Esquire, Twenty Pirst Ploor, Maryland National Bank Building, Baltimore,

Robert A. DiCicco

ABKEW, WILSON

5

RE: PETITION FOR VARIANCE from Section 238.1 and 238.2 of the Baltimore County Zoning Regulations M/S PUlaski Highway 575 M/S of Batavia Farm Road 13th Datariot FRANK J. FRALLICCIARDI 8220-22 Pulaski Highway Baltimore, Maryland 21237 ROBERT MINNIX Appellants

PAUL RAGONESE York-Towson, Inc. 115 South Haven Street Baltimore, Haryland 21224

30 CEKYSE CIRCUIT COURT

FOR BALTIMORE COUNTY BEFORE THE COUNTY BOARD OF APPEALS

NO. 77-204-A

..... DECO 61977 > PEOPLE'S COUNSEL sh-noted TATTO

PETITION FOR STAY

Frank J. Frallicciard, and Robert Minnix, Appellants by Robert A. DiCicco, their attorneys. pursuant to Maryland Rule B6, represents unto this Honorable Court:

- 1. Filed herewith by Appellents is an Order for Appeal from the Order of the Baltimore County Board of Appeals, dated October 26,1977,
- 2. Pursuant to said Order, the set-back restrictions on Appellee's property are reduced from 30 feet to 5 feet on the South side and 30 feet to 20 feet on the North side.
- 3. Appellants have requested the Court to reverse said Order and to deny Appellee a variance from the set-back restrictions.
  - 4. Without a Stay of the Order, Appellee may commence construction

Ruid 17/8/77

and wall of Profession Con

RE: PETITION FOR VARIANCE from Section 238.1 and 238.2 of the Baltimore County Zoning Regulations M/S Fulaski Highway 375 M/S of Batavia Farm Road 13th District

FRANK J. PRALLICCIARDI 8220-22 Pulaski Highway Batlimore, Maryland 21237

Appellants

PAUL RAGONESE York-Towsen, Inc. 115 South Haven Street Baltimore, Haryland 21224 Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY BEFORE THE

COUNTY BOARD OF APPEALS

Ro. 77-204-4

JEIL THE DEC 3 6 1977 PEOPLES CHESTEL TETTETT

## PETITION OF APPEAL

Frank J. Frallicciardi and Robert Minnix, Appellants by Robert A. DiCicco, Askew, Vilson & DiCicco, their attorneys, submit this Petition of Appeal pursuant to Haryland Rule B2(e) and state:

- 1. This is an appeal from the October 26,1977, Opinion and Order of the Baltimore County Board of Appeals, No. 77-204A, reversing the denial of an application for zoning variance and ordering that the following variances be granted:
- (a) South side property line be reduced from 30 feet to 5 feet.
- (b) North side proeprty line be reduced from 30 feet to 20 feet.
- 2. The Petition Appellants are the owners of the lots adjacent to the subject property and are Protestants of record in the proceedings

before the Zoning Commissioner and the Board of Appeals relating to the

A DICICCO

412/8/77

on the subject property closer than 30 feet to the property line to the cetriment of Appellants and before a final adjudication of the natter by this court

WHEREFORE, Appellants request this Honorable Court to grant a Stay or such Order until such time as the Court renders a final decision on the aforesaid Appeal.

> ROBERT A.DICICCO Askev, Wilson. 6 biCicco 208 W. Pennsylvania Avenue Towson, Haryland 21204 823-5400

I HEREBY CERTIFY that on this copy of the foregoing Petition for Stay was mailed to J. Carroll Holzer, County Solicitor, Office of Law, County Office Building, Towson, Maryland 21204, S. Eric DiNenna, Zoning Commissioner, County Office Building, Towson, Maryland 21204, Paul Ragonese, York-Towson, Inc., 115 South Haven Street, Baltimore, Haryland 21224, John W. Hessian, III, Esquire, People's Counsel, 102 W. Pennsylvania Avenue, Towson, Maryland 21204.

ROBERT A. DICICCO

application for variance

- 3. The granting of the variance will adversely affect the Appellants' use, enjoyment and value of their adjoining property.
- 4. The decision of the Baltimore County hoard of Appeals is against the weight of competent, material and substantial evidence as submitted in the record and including de novo evidence to be taken
- 5. The taking of additional testinony is necessary to the proper disposition of this matter, and should be heard pursuant to Maryland Annotated Code, Article 41, Section 255, on the grounds that Protestants were not represented by an attorney at the hearing before the Board of Appeals and Protestants failed to present all material evidence in suppor of their position and on their own behalf.
- 6. 'A gray of the October 26.1977 Order of the Baltimore County Board of Anneals must be entered, pending decision of this Court on this Appeal, so as to prevent the Appellees from commencing construction within 30 feet from their property line.

WHEREFORE, Appellance pray that:

- a. Additional testimony be taken.
- b. A Stay of the Order of the Baltimore County Board of Appeals. October 26.1977. No. 77-204-A be immediately entered.
- c. The Order of the Baltimore County Board of Appeals No. 77-204be reversed and the Appelles be denied a variance from the Zoning Regulation
- d. The Appellants be granted such other and further relief as the nature of the cause may require.

ROBERT A. DICICCO RUDERT A. DICICCO
ASKEW, WILSON & DICICCO
208 W. Pennsylvania Avenue
Towson, Maryland 21204
823-5400



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 5, 1977

Petitioner

Mr. Paul P. Ragonese, Vice Pres. York-Towson, Inc. 115 South Haven Street altimore, Maryland 21224

MEMBERS SUREAU OF DEPARTMENT OF TRAFFIC ENGINEERIN

DESCRIPTION OF THE PROPERTY

STATE ROADS CO BUREAU OF FIRE PREVENTION HEALTH DEPARTMEN PROJECT PLANNIN BOARD OF EDUCATION

RE: Variance Petition Item 177 York-Towson, Inc.

Dear Mr. Ragonese:

The Zoning Plans Advisory Committee has reviewed the Ine Loning Flans 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 appropriate-ness of the soning action requested, but he saver that all parties are the soning action requested, but he saver that all parties are the saver are the saver are the saver are the saver are nest 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

This currently vacant b, R. zoned site is located on the north-west side of Pulasic Highway approximately 57sh northeast of Batavia Farms Ros in the 15th Election District. Adjacent properties, fronting on. Pulasic Highway are similarly zoned and improved with a top the side of the properties of the properties of the properties of the collinear of the properties immedia-oly to the north, zoned residential, and fronting on Old Philadelphia Road, are improved with single family dwellings.

Mr. Paul P. Ragonese Item No. 177 Page 2 April 5, 1977

This Variance is successitated by your proposal to con-struct a serice garage building closer to the side property lines within the required 30°. This Variance was advertised based on the submitted site plan in view of the fact that set-backs shown thereon are minimum. However, as indicated in the comments of the Department of Traffic Engineering and the comments of the Department of 1 rather congineering and the Office of Project and Development Planning the prime the Office of Project and Development Planning the prime property in order to permit proper traffic circulation. Parti-cular attention should be afforded the comments of the State Highway Administration concerning the curbing along the frontage of this site.

This petition is accepted for filling on the date of the en-closed filling 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 filling certificate, will be forwarded to you in the

Michelo A Connolar NICHOLAS B. COMMODARI Acting Chairman, Zoning

TON M. MOURING, P.E. DIRECTOR

March 17, 1977

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

Re: Item #177 (1976-1977) Item #177 (1976-1977)
Property Owner: York-Towson, Inc.
NAS Pulsaki Bry 575' NZ Batavia Farms Rd.
Existing Zoning: B.R.-C.S.;
Preposed Zoning: Variance to permit side setbacks of 0'
and 15' to 25' in lieu of the required 30' and a front
setback of 50' in lieu of the required average of 72.5'.
Acress 0.374 District 150'.

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.

Polabki Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road core 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 Balticore County.

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

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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

Item #177 (1976-1977) Property Owner: Page 2 March 17, 1977

Petitioner Tesh-Rowses, Inc.

Water:

Public water supply exists in Pulaski Highway. Additional fire hydrant protection is required  $\Gamma_1$  the vicinity.

Public sanitary sewerage exists in old Philadelphia Road, as indicated on the switted plan, the Peitiener will acquire a private offsite utility easement to offset the proposed sanitary sewer connection for this site.

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

STY OFFICE OF PLANNING & SONIE

Chesaposko Aven Narviend 21204

RIED: RAN- PWR- SE cc: W. Munchel

Maryland Department of Transportation

Harry R. Hughes Secretary Bernard M. Evans

February 16, 1977

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Feb. 8, 1977 ITEM: 177. Property Owner: York-Towson, Inc. Location: NW/S Pulaski Hey. (Route 40) 575' NE Batavia Farms Road Farms Road
Existing Zoning: B.R.-C.S. 1
Proposed Zoning: Variance to
permat side setbacks of 0' and
15 to 25' in lieu of the required 30' and a front setback
of 50' in lieu of the required
average of 22.5'.
Acres: 0.374

Dear Mr. DiNenna:

The entrance is presently channelized with concrete curb, how-ever, due to resurfacing of the site and an accumulation of debris, much of the curb has disappeared. An 8" face of curb must be exposed or new curb must be constructed. The proposed parking lot-er than the constructed. The proposed parking lot-on the plan. The plan must indicate existing curb and edge of the traveled way of Fulasti Highway. Very truly yours,

By: John E. Meyers

CL:JEM:vrd

Charles Lee, Chief Bureau of Engineering Access Permits

March 8, 1977

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 \$177, Zoning Advisory Committee Meeting, February 8, 1977, are as follows:

Property Currer: York-Touston, Inc.
Location: NNV/5 Puleak Highwey 575' NE Botavia Forms Road
Existing Zonings. Bs.1—C.53
Bs.1—C.53
Forms Road

This office has reviewed the subject petition and offers the following comments. These comments ore not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are mode owere

The building should be moved to the north or decreosed in size in order to have a 20 foot side-yard minimum for better traffic circulation.

The norking area in the rear must be screened.

Very truly yours,

separtment of traffic eng TOWSON, MARYLAND 21204 (301) 494-3560

STEPHEN E. COLLINS DIRECTOR

March 9, 1977

Mr. Eric S. DiNenna Zoning Commissioner 2nd Floor, Courthouse Towson, Maryland 21204

Re: Item 177 - ZAC - February 9, 1977
Property Owner: Fort-Townon Inc.
Location: MNSP Paleakh New - 355' NE Batavia Farms Md.
Existing Donling:
Proposed Souties
Variance to permit side setbacks of 0' and a front setback of 50' in lieu of the required 30' and a front setback of 50' in lieu of the required average of 72.55'.

Acres: 0.374 District: 15th

Dear Mr. DiNenna:

The requested variance to permit a 0° side setback and front setback of 50° is not expected to cause any traffic problems. The requested 15° side setback does not provide for a 20° commercial drivesay.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate

MSF/jlf

MAR 0 1 1979



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

March 8, 1977

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

Doar Mr. DiNenna

Comments on Item 177, Zoning Advisory Committee Meeting, February 9, 1977, are as follows:

Property Owner: Nork-Towson, Inc.
My/S Pulsaki Hay. 575' NE
Batavia Farna Rd.
Existing Zoning: B.t.-C.1. permit side setbacks of 0'
Proposed Zoning: St.-C.2. permit side setbacks of 0'
and 15 to 25' in lieu of the required
30' and a front setback of 30' in lieu
of the required average of 72.5'.
District: 13th

Since metropolitan water and sewer are available, no health hazards are anticipated.

Very truly yours,

Other M. Kluin Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

THD: RJW: mahe

11

13

14

15

17

18

20

February 10, 1977

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

Dear Mr. DiNenna:

Comments on Item # 1772oning Advisory Committee Feeting, February 8, 1977 are as follows:

Property Onner: York-Towson, Inc
Location:
AVM/S Pairwit Highway - 575' N/E Batavia Farms Road
AVM/S Pairwit Highway - 575' N/E Batavia Farms Road
Proposed Zoning: Variance to permit side setbacks of 0' and 15 to 25' in lise
of the required 30' and a front setback of 50' in lise of the
Acres:
0.37L
Dataviot: 15th

The items checked below are applicable:

Structure shall conform to Baltimore Cour.y Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.

(X) B. A building permit shall be required before construction can begin.

Three sets of construction drawings will be required to file an application for a building permit.

fhree sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

( ) F. No comment.

G. Requested setback variance conflicts with the Baltimore County Building Code. See Section

Mark E. Sunham 10 B

Charles E. Burnham Plans Review Chief

PETITION FOR VARIANCE OF ZONI	NG*	
REGULATION:		IN THE
FRANK J. FRALLICCIARDI &	*	
ROBERT MINNIX		CIRCUIT COURT
Appellents	*	
		FOR BALTIMORE COUNT

ovember 3, 1978 YORK-TOWSON, INC., MISCELLANEOUS LAW NO. 6413 PAUL RACONESE Appellee

PROCEEDINGS & DECISION

THE COURT: All right. This is Case 6413, a petition for variance on property located on the north side of Pulaski Highway, 575 feet northeast of Batavia Farm Road. The appellant in the case, represented by Mr. Robert A. DiCicco, are Mr. Frank Frallicciardi and Mr. Robert Minnix. The original appellee in the case was Paul Ragoness, and I presume it's trading as York-Towson, Inc., who were represented by Mr. Nathan Patz.

We have had extensive off-the-record discussion in open ourt. Mr. DiCicco, could you bring me up to date? It's now 20 after 11:00 and Mr. Patz is not present.

MR. DICICCO: If it please the Court, at your direction I asked your secretary to call Mr. Patz to determine whether b ould be here for the 10:30 new time set for this case. Mr. Patz advised your office, in my presence, that the property had sen sold and that he advised his clients, the former owners, of the fact of this hearing, and also advised the new nurchosers that he would not be representing or continuing in their

representation. That was what he said over the telephone. And he is not here now, Your Honor.

THE COURT: All right. After my discussion with Mr. DiCicco in open court and at the bench it just seems to me that really this case is most. Because the new property owner, shoever the new property owner is, may not have any intention o building the building that was originally submitted. That the plans would have to be resubmitted anyway. And that it would he appropriate that if the new owner wanted to obtain a variance of any type that he would have to apply to the County Board.

I really don't believe that a variance granted in this type of situation, when an appeal has been filed, has any type of vested right. And I really think that the appropriate thing to do, unless counsel would object, really would be to reverse and remand this case to the County Board as being moot. Since the property has been sold to a new owner and the new owner has not indicated, although they have had an opportunity to get involved in this case, if they chose to, that they intended to follow through on the plans they had originally submitted for approval.

If it's agreeable I think that would protect the rights of all parties certainly, because it would put the parties back where they were. If the two appellants won in this case today then certainly the new owner could go back, submit another plan and request some other type of variance. In any event this

would not prohibit them from coming in for a 20 foot variance or a 10 foot variance, or any type of variance. But I don't think it would be appropriate to grant the variance as it was

And I think the record should be clear that I have not made any decision on the law or on the facts. This is without prejudice to both sides to go forward.

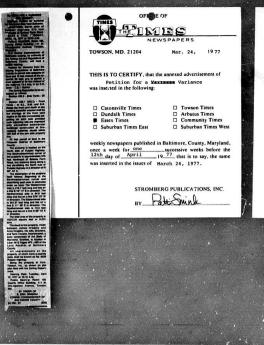
MR. DICICCO: Very well, Your Honor.

THE COURT: All right. What I am doing then is reversing the order of the County Board of Appeals on the basis that the property has been sold and the issues before this ourt are moot. Because the new property owner has not indicated who they are or has not made any effort to contact the Court and to indicate in any way that they intend to go through with the plan as originally submitted to the proper zoning

Accordingly, this 6th day of November, 1978, the der of the County Board of Appeals is hereby reversed and led with costs to be paid by the Appellees

16

17



CERTIFICATE OF POSTING

Posted for Healing There space 12" 1932 & 10, 15 AM.
Petitioner Josh Tarareni.

Torritor of Super I Segion Contid on Mis. of Parlock Hickory Spence. 525' N. L. Z. Bakazka Germa Red.

15403

Location of property. N.15. J. Gulardie Doglory 525 Mile L. Butartin Garne Rel.

Posted by Med & Man

Robert A. DICIcco, Esq. 208 W. Permylvania Ave. Tolkon, Md. 21204

ING DEPARTMENT OF BALTIMORE COUNTY #77-204-#

Date of Posting Mar - 24-27

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

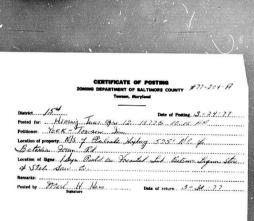
ATE April 26, 1977 ACCOUNT 01-662

100 7 8 9 LATS 40

No. 51670

4 0.0 CMSC

Date of return: May - 3/- 27



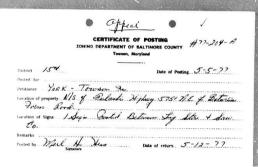
CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

> THE JEFFERSONIAN. L. Leanh Structur

DATE ADELL 18, 1977 ACCOUNT (	12-662					
AMOUNT						
PROMITED York-Towson, Inc., 115 S.	Haven St., 3	alto., Mi.				
70" Advertising and posting of p		L. 10., 1				

BALTIMORE	COUNTY OFFICE O	Building ake Avenue	ZONING			
1	Towson, Maryla etition has been Filing Fee \$	received * th	Received			
		Fric DiNende oning Commissi	oner	Other		
Petitioner Kak to						
Petitioner's Attorney		Reviewed by Ca-				
<ul> <li>This is not to be assignment of a l</li> <li>B</li> </ul>	e interpreted as nearing date. W. Dukes n 114 Chesley H.C.			ion for		





MAR 0 1 1979