

1/12/77 78-124-A #17 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wardell Barber, legal owner of the property situated 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 605.66.2a to permit a canopy to be located 5 feet from a right of way line instead of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (define hardship or practical difficulty)
The location of the existing pump islands are such that the canopy overhang must project beyond the 10 foot setback requirement in order to protect customers at the outside pump island from adverse weather conditions.

Resubmitted 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.

Wardell Barber
Tombasco
Contract Purchaser
5565 Starratt Place
Columbia, Maryland 21044
Petitioner's Attorney

Wardell Barber
Legal Owner
Address: Route 4, Box 251W
Winnboro, South Carolina 29180
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of October, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of December, 1977, at 10:00 o'clock.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNanno, Zoning Commissioner
FROM: Leslie H. Groff, Director of Planning
SUBJECT: Petition #78-124-A,
Petition for Variance for a Canopy
Northwest corner of Baltimore National Pike and Lincoln Avenue
Petitioner - Wardell Barber

1st District

HEARING: Monday, December 12, 1977 (10:00 A.M.)

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

Leslie H. Groff
Director of Planning

LHG:JGH:hw

RE: PETITION FOR VARIANCE
NW corner of Baltimore National Pike
and Lincoln Avenue, 1st District
WARDLE BARBER, Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 78-124-A

ORDER TO ENTER APPEARANCE

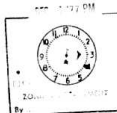
Mr. Commissioner:

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

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

John W. Hession, III
John W. Hession, III
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 29th day of November, 1977, a copy of the foregoing Order was mailed to Mr. Wardell Barber, Route 4, Box 251W, Winnboro, South Carolina 29180; and Mr. R. M. Tombasco, Shell Oil Company, 5565 Starratt Place, Columbia, Maryland 21044, Contract Purchaser.



December 16, 1977

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
NW corner of Baltimore National Pike
and Lincoln Avenue - 1st Election
District
Wardell Barber - Petitioner
NO. 78-124-A (Item No. 77)

Dear Mr. Williams:

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

Very truly yours,

George D. Hession
George D. Hession
Deputy Zoning Commissioner

GJM/mc

Attachments

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

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 1, 1977

Mr. Wardell Barber
Route 4, Box 251W
Winnboro, South Carolina 29180

RE: Variance Petition
Item Number 77
Petitioner - Wardell Barber

Dear Mr. Barber:

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 that 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 suitability of the requested zoning.

Located on the north side of Baltimore National Pike between Winters Lane and Lincoln Avenue in the 1st Election District, this property is currently improved with a gasoline service station. This property was the subject of a previous zoning hearing, Case No. 66-164-A, in which a Variance to permit a sign having a height of 40 feet in lieu of the required 25 feet and a square footage of 219 feet in lieu of the required 100 square feet was granted. The request at this time is to construct a free-standing canopy on the existing pump islands within 5 feet of the right-of-way in lieu of the required 10 feet.

Revised site plans should be submitted at the time of application for a building permit indicating the square footage and heights of the existing signs on the property.

W. T. SADLER, INC.

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE: WARDLE BARBER PROPERTY

LOCATION: BALTIMORE NATIONAL PIKE (U.S. ROUTE 40)
AT LINCOLN AVE. 1st ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: OCTOBER 10, 1977

DESCRIPTION:
Beginning for the same at a point on the North side of Baltimore National Pike, U.S. Route 40, at the corner formed by the said North side of Baltimore National Pike and the West side of Lincoln Avenue, and running thence along the North side of Baltimore National Pike
South 72 degrees 21 minutes 30 seconds West 172.17 feet to a point at the corner formed by the said North side of Baltimore National Pike and the East side of Winters Lane, thence running along the East side of said Winters Lane North 50 degrees 02 minutes 50 seconds East 34.56 feet and North 10 degrees 13 minutes 30 seconds East 133.24 feet to a point, thence leaving Winters Lane
South 78 degrees 33 minutes 30 seconds East 93.97 feet
South 11 degrees 26 minutes 30 seconds West 5.00 feet and
South 78 degrees 33 minutes 30 seconds East 100 feet to a point on the West side of Lincoln Avenue, thence running along the said West side of Lincoln Avenue
South 11 degrees 26 minutes 30 seconds West 43.49 feet and South 41 degrees 59 minutes 00 seconds West 20.32 feet to the place of beginning.

William T. Sadler P.E.S. 7790

Mr. Wardell Barber
Page 2
Item Number 77
December 1, 1977

and the relocation of the two parking spaces from the westerly property line along Winters Lane.

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,
Nicholas A. Commodari
NICHOLAS A. COMMODARI
Chairman
Zoning Plans Advisory Committee

ND:rf

cc: W. T. Sadler, Inc.
Surveyors
305 W. Chesapeake Ave.
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

MAR 17 1978

ORDER RECEIVED FOR FILING
DATE 10/25/77
BY 10/25/77

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

the above Variance should be granted 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.

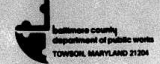
to permit a canopy to be located 5 feet from a right-of-way line instead of the required 10 feet.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of December, 1977, that the above 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 State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of December, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



THORNTON M. MOULDER, P.E.
DIRECTOR

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

Re: Item 777 (1977-1978)
Property Owner: Wardell Barber
M/W cor. Balto. National Pike & Lincoln Ave.
Existing Zoning: B.R. & D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right-of-way line in lieu of the required 10'.
Acres: 0.4776 District: 1st

Dear Mr. DiNenna:

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

General:

Baltimore County highway and utility improvements are not directly involved.
The construction of concrete sidewalks along the Baltimore National Pike frontage of this site remains a requirement and responsibility of the Petitioner.
Additional fire hydrant protection is required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 777 (1977-1978).

Very truly yours,
ELIZABETH W. DYER, P.E.
Chief, Bureau of Engineering

END:ENB:PMH:sa

cc: W. Munchel

8-10 Key Sheet
5 SW 24 & 25 Top. Sheets
SW 2 P & G Topo
95 Tax Map



STEPHENS COLLINS
DIRECTOR

October 27, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item 77 - ZAC - October 25, 1977
Property Owner: Wardell Barber
Location: NW/C Baltimore National Pike & Lincoln Ave.
Existing Zoning: B.R. & D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right of way line in lieu of the required 10'.
Acres: 0.4776
District: 1st

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance.

Very truly yours,
C. Richard Moore
Assistant Traffic Engineer

CRW/cmw



State Highway Administration

October 31, 1977

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

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Oct. 25, 1977
Item: 77
Property Owner: Wardell Barber
Location: NW/C Balto. National Pike
(Rte. 40) & D.R. 3.5
Existing Zoning: B.R. & D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right of way line in lieu of the required 10'.
Acres: 0.4776
District: 1st

Dear Mr. DiNenna:

The existing entrances from Baltimore National Pike are acceptable to the State Highway Administration.

The proposed variance should have no adverse effect on the highway.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Myers

CL:JEN:dj

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



November 4, 1977

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

Dear Mr. DiNenna:

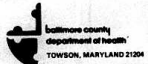
Comments on Item 777, Zoning Advisory Committee Meeting, October 25, 1977, are as follows:

Property Owner: Wardell Barber
Location: NW/C Baltimore National Pike and Lincoln Avenue
Existing Zoning: B.R. and D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right of way line in lieu of the required 10'.
Acres: 0.4776
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

Landscaping must be provided in accordance with Section 405 of the Zoning Regulations and shown on the site plan.

Very truly yours,
John L. Winstley
Project and Development Planning



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

November 2, 1977

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

Dear Mr. DiNenna:

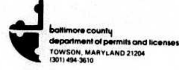
Comments on Item 777, Zoning Advisory Committee Meeting of October 25, 1977, are as follows:

Property Owner: Wardell Barber
Location: NW/C Baltimore National Pike and Lincoln Avenue
Existing Zoning: B.R. and D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right of way line in lieu of the required 10'.
Acres: 0.4776
District: 1st

Metropolitan water and sewer are available, therefore, no health hazards are anticipated.

Very truly yours,
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

ES:jjg



JOHN D. SEEVERT
DIRECTOR

November 3, 1977

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

Dear Mr. DiNenna:

Comments on Item 77 Zoning Advisory Committee Meeting, October 25, 1977 are as follows:

Property Owner: Wardell Barber
Location: NW/C Baltimore National Pike & Lincoln Ave.
Existing Zoning: B.R. & D.R. 3.5
Proposed Zoning: Variance to permit a canopy to be located 5' from the right of way line in lieu of the required 10'.
Acres: 0.4776
District: 1st

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three 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.
- ☐ E. 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 _____.

Very truly yours,

Charles E. Burdick
Charles E. Burdick
Plans Review Chief
CER-rvj

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Wardell Barber

Location: NW/C Balto. National Pike & Lincoln Ave.

Item No. 77 Zoning Agenda Meeting of 10/25/77

Comments:

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 proposed 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 _____

REMOVED 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 "Life Safety Code", 1970 Edition prior to occupancy.
- ☒ 6. Site plans are approved as drawn.
- ☒ 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *John D. Seevert* Planning Division
Special Inspection Division
Approved: *Charles E. Burdick* Plans Review Chief
Fire Prevention Bureau

78-124-A

MAR 17 1978

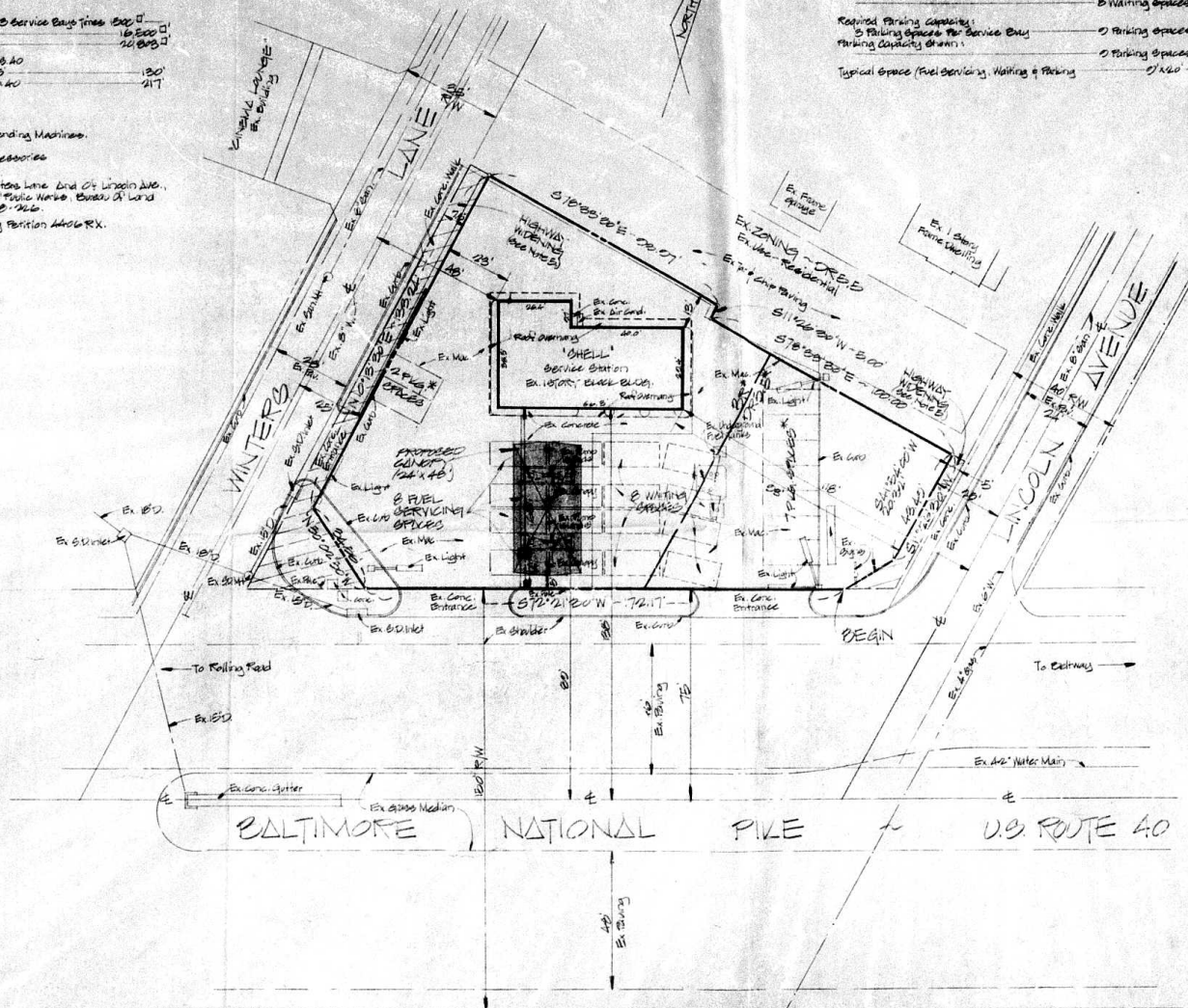
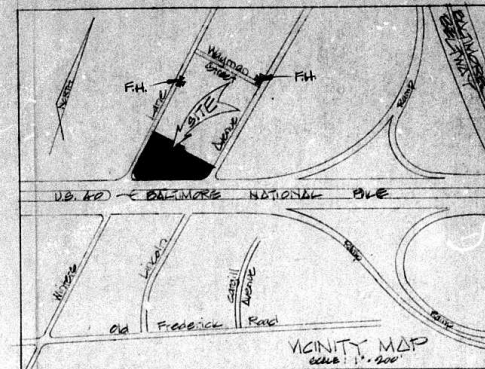
MAY 17 1978

GENERAL NOTES

- Existing Data shown herein is called out with vertical lettering. Proposed Data shown herein is called out with slanted lettering.
- Existing Zoning: BR & DREB*
- Site Dimensions & Slope:
Minimum Area Required: 16,500 sq ft
Area of site shown: 20,000 sq ft
Minimum Width Required Along U.S. 40: 120'
2 Driveways Times 60'
Width of site shown along U.S. 40: 217'
- Auxiliary Data:
Vehicle Repair Service: Sales of Cigarettes, Etc. From Vending Machines.
The Sales & Installation:
Sale of Small Auto Parts & Accessories
Minor Accessory Uses.
- For Highway Widening of Winters Lane and of Lincoln Ave. see Baltimore County Dept. of Public Works, Bureau of Land Acquisition, Drawing # BRN 56-126.
- * See Baltimore County Zoning Revision 4406-RX.

PARKING DATA*

- Required Vehicle Reasonable Capacity:
- Fuel Servicing Space For Fuel Dispenser: 6 Fuel Servicing Spaces Req.
 - Waiting Space For Fuel Servicing Space: 2 Waiting Spaces Required
 - Vehicle Reasonable Capacity: 2 Fuel Servicing Spaces, 2 Waiting Spaces
- Required Parking Capacity:
- 2 Parking Spaces For Service Bay
 - Parking Capacity shown: 2 Parking Spaces Required.
 - Typical Space (Fuel Servicing, Waiting & Parking): 21' x 40'



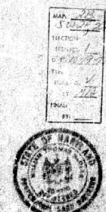
PLAT TO ACCOMPANY APPLICATION FOR
SETBACK, WIDENING & EASEMENT PERMIT
FOR PROPERTY LOCATED ON
BALTIMORE NATIONAL PIKE (U.S. 40)
BETWEEN
WINTERS LANE & LINCOLN AVENUE
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT #1
JULY 11, 1960

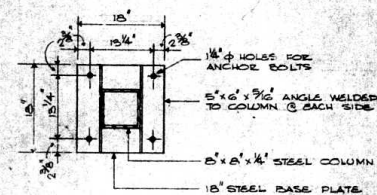
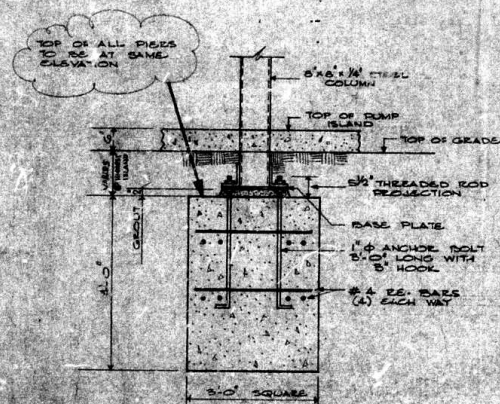
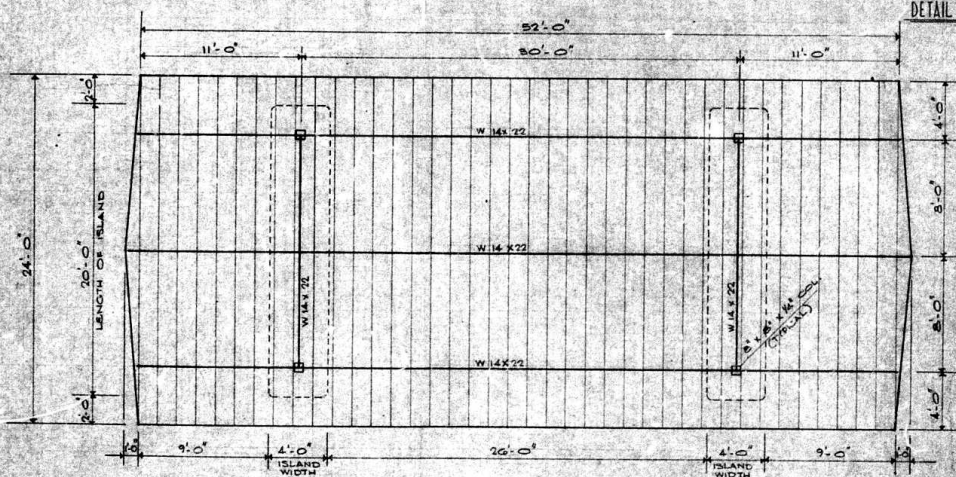
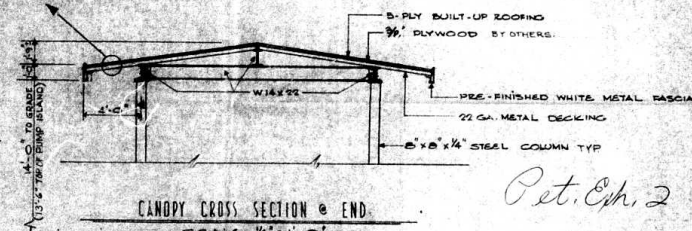
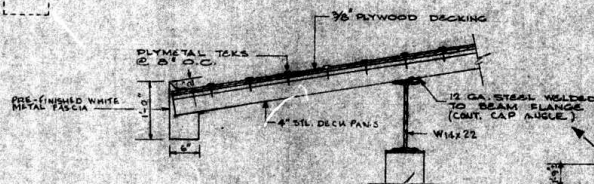
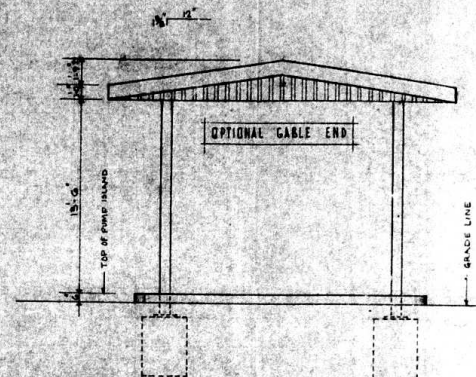
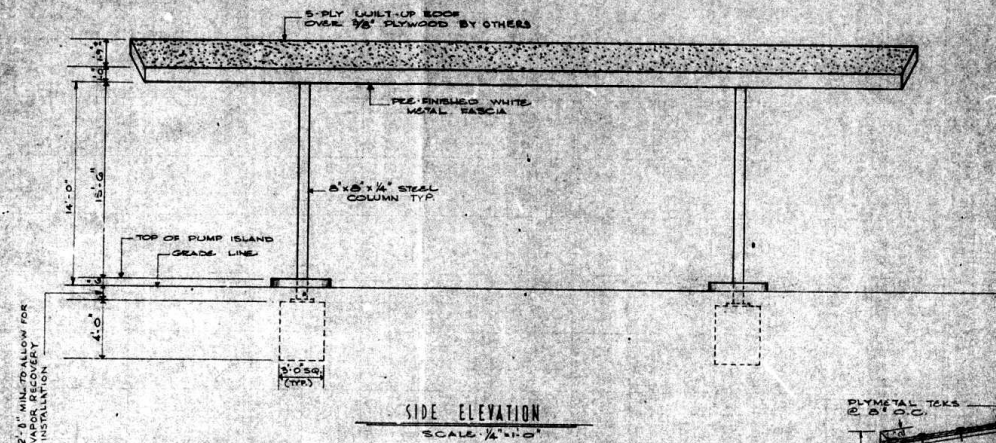
APPLICANT
SHELL OIL COMPANY
2000 STREET PLACE
COLUMBIA, MARYLAND 21046

OWNER
WIRDELL BURBER
MARGARET BURBER
304 WINTERS LANE
BALTIMORE, MARYLAND 21206

W. T. Sauer
R&A NO. 7750

W. T. Sauer, Inc.
SURVEYORS
200 N. CHESTER AVE
TOWSON, MARYLAND 21204





Pet. Exp. 2

DATE: NO. REVISIONS					
BEAMAN CORPORATION GREENSBORO, N. C.					
CUSTOMER: SHELL OIL COMPANY					
JOB: RANEX STYLE CANDY - 4 COLUMNS					
SUBJECT: ELEVATIONS - SECTIONS - PLANS					
DRAWN BY: JEAN		DATE: 6/4/76			
CHECKED BY: JC, C. HO.		DWG. NO. 73476			