

78-238-A 7/176 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE BOARD OF COMMISSIONERS OF BALTIMORE COUNTY:

The Equitable Trust Company, Trustee
 Lestie H. Groat, Director of Planning
 hereby petition for a Variance from Section 106.1(b)(2) to allow a 10' front setback to a canopy over a gasoline pump island instead of 10'0" required.

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

In order to install a canopy, within the setback requirements, for the health, safety and welfare of the community, it would be necessary to relocate the existing pump islands and related underground piping from the gasoline storage tanks.

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

I, the undersigned, agree to pay expenses of these Variance proceedings, including the cost of 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.

AMOCO OIL COMPANY
 Lessee
 Address: P. O. Box 507
 Baltimore, Md. 21203

The Equitable Trust Company
 Trustee of N/S of Florence C. Bierman
 Legal Counsel
 Calvert & Fayette Streets
 Baltimore, Maryland 21202
 Attn: Trust Real Estate Department

Address: T. R. Box 507, Baltimore, Md. 21203

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1978, 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 15th day of May, 1978, at 11:00 o'clock A.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Di Nenna, Zoning Commissioner Date: May 2, 1978
 FROM: Lestie H. Groat, Director of Planning
 SUBJECT: Petition 78-238-A, Item 176

Petition for Variance for a canopy
 Northside of Reisterstown Road, 375.57 feet East of Rosewood Lane
 Petitioner - Estate of Florence C. Bierman

4th District - 3rd Councilmatic District

HEARING: Monday, May 15, 1978 (11:00 A.M.)

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

Lestie H. Groat
 Director of Planning

LHG:GJ:mw

RE: PETITION FOR VARIANCE
 N/S of Reisterstown Rd., 375.57'
 E of Rosewood Lane, 4th District
 ESTATE OF FLORENCE C. BIERMAN,
 Petitioner

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 78-238-A

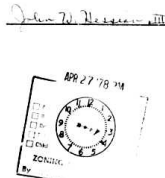
ORDER TO ENTER APPEARANCE

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.

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

I HEREBY CERTIFY that on this 27th day of April, 1978, a copy of the foregoing Order was mailed to The Equitable Trust Company, Calvert & Fayette Streets, Baltimore, Maryland 21202, Attention: Trust Real Estate Department, Trustee for the Estate of Florence C. Bierman, Petitioner, and L. J. Hayward, Esquire, P. O. Box 507, Baltimore, Maryland 21203, Attorney for Amoco Oil Company, Lessee.



Baltimore County
 Office of Planning and Zoning
 Towson, Maryland 21204
 (301) 464-5265

S. ERIC DINENNA
 ZONING COMMISSIONER

May 19, 1978

L. J. Hayward, Esquire
 P.O. Box 507
 Baltimore, Maryland 21203

RE: Petition for Variance
 N/S of Reisterstown Road,
 375.57' E of Rosewood Lane -
 4th Election District
 Estate of Florence C. Bierman -
 Petitioner
 NO. 78-238-A (Item No. 176)

Dear Mr. Hayward:

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

Very truly yours,

George J. Martinak
 Deputy Zoning Commissioner

GJM/jhm

Attachment

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

SS #1080

10231 Reisterstown Road
 Baltimore, Maryland

Commencing at a point in the northerly right-of-way line of Reisterstown Road three hundred seventy-five and fifty-seven hundredths (375.57') feet easterly from the easterly line of Rosewood Lane; thence continuing easterly along said northerly line of Reisterstown Road S 47°35'40" E a distance of one hundred twenty-five (125.0') feet; thence at right angles N 47°24'20" E a distance of one hundred twenty-five (125.0') feet; thence at right angles N 47°30'40" W a distance of two hundred (200.0') feet; thence at right angles S 47°24'20" W one hundred twenty-five (125.0') feet to the place of beginning containing 0.574 acres, more or less, situate in the 4th Election District, Baltimore, Maryland.

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MCKENNA, P.E.
 DIRECTOR

April 12, 1978

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

Re: Item #11 (1977-1978)
 Property Owner: Estate of Florence C. Bierman
 N/S Reisterstown Rd. 375.57' S/E Rosewood La.
 Existing Zoning: R-L-20-60
 Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.
 Acres: 0.574 District: 4th

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:

Reisterstown Road (Md. 140) 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.

Baltimore County highway and utility improvements are not directly involved. The submitted plan does not indicate the interconnection with the shopping center on the southeast side of this site.

The construction or reconstruction of concrete sidewalks, curb and gutter, entrances, aprons, etc., will be the full 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 #176 (1977-1978).

Very truly yours,
 Thornton M. McKenna, P.E.
 Chief, Bureau of Engineering

END: EAM:FW:ss

cc: W. Munchel

T-SE & SW Key Sheets
 44 SW 30 & 31 Pop. Sheets
 NW 11 & Topo. 56 Tax Map

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

L. J. Hayward, Esquire
 P. O. Box 507
 Baltimore, Maryland 21203

ITEM #176

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
 this 15th day of March, 1978.

S. ERIC DINENNA
 Zoning Commissioner

Petitioner: Estate of Florence C. Bierman
 Petitioner's Attorney: L. J. Hayward

cc: Amoco Oil Co.
 1 W. Charles St.
 Baltimore, MD 21201

Nicholas B. Commodari
 Chairman, Zoning Plans
 Advisory Committee

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 stated compliance with the Baltimore County Zoning Ordinance would result in practical difficulty and unreasonable hardship upon the Petitioner.

the granting of the above Variance should be held; and it further appearing that by reason of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance is granted a front yard setback of zero feet to line of the required ten feet, for a canopy over a gasoline pump, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of May 1978, that the above mentioned petition be granted the following: Item 176, Variance Petition, Estate of Florence C. Bierman, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Department of Planning and Zoning.

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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of May 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Street
Towson, Maryland 21204

who
Nicholas B. Commodari
Chairman

Members:
Director of Engineering
Department of Traffic Engineering
State Road Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

May 2, 1978

L. J. Hayward, Esquire
P. O. Box 507
Baltimore, Maryland 21203

RE: Variance Petition
Item Number 176
Petitioner: Estate of
Florence C. Bierman

Dear Mr. Hayward:

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 problem 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 northeast side of Reisterstown Road southeast of Rosewood Lane in the 4th Election District, the subject property is presently improved with an Amoco gas station. Adjacent properties to the northwest and southeast are zoned B.L. and consist of vacant land and a shopping center, respectively.

This Variance is necessitated by your client's proposal to construct a canopy over the existing pump islands within 0-feet of the proposed right-of-way of Reisterstown Road in lieu of the required 10-feet. As indicated in conversation with Mr. James E. Dyer, the Variance forms have been changed in order to reflect this request.

L. J. Hayward, Esquire
Page 2
Item Number 176
May 2, 1978

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 B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Amoco Oil Company
1 North Charles Street
Baltimore, Maryland 21201



Maryland Department of Transportation
State Highway Administration

Thomas E. DeVin
Secretary
M.S. Caltrider
Administrator

March 23, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, March 21, 1978
Item: 176
Property Owner: Estate of Florence C. Bierman
Location: NE/S Reisterstown Road, etc.
1403 375.57' SE Rosewood Lane
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.
Acres: 0.574
District: 4th

Dear Mr. DiNenna:

At such time as Reisterstown Road is widened, it may be necessary to move back the pump island, since 5' between the right of way line and the island is very restrictive. Since the island is to be extended and an additional pump is to be installed, we believe that a new island should be constructed at this time.

There is no right of way line barrier curb at the south property line as indicated on the plan, nor is there any curb around what should be a grass area around the sign and lights. A curb should be installed to keep vehicles off of this area.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:dj

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



Maryland Department of Transportation
State Highway Administration

Thomas E. DeVin
Secretary
M.S. Caltrider
Administrator

May 5, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, March 21, 1978
Item: 176
Property Owner: Estate of Florence C. Bierman
Location: NE/S Reisterstown Rd. (Rte. 140) 375.57' SE Rosewood Lane
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.
Acres: 0.574
District: 4th

Dear Mr. DiNenna:

We have been requested by the American Oil Company to addend our comments of March 23, 1978, to clarify the matter of the proposed improvements to Reisterstown Road.

Improvements to this section of the highway are not listed in the 1979-1983 Improvement Program, however, they are included in the critical section of the Twenty Year Highway Needs Study.

CL:JEM:dj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

April 28, 1978

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 #176, Zoning Advisory Committee Meeting, March 21, 1978, are as follows:

Property Owner: Estate of Florence C. Bierman
Location: NE/S Reisterstown Road 375.57' SE Rosewood Lane
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.
Acres: 0.574
District: 4th

This office has reviewed the subject petition and offers the following comments. These comments are 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
Planner III
Current Planning and Development



Baltimore County
Department of Health
TOWSON, MARYLAND 21204
(301) 494-3211

Donald J. Roof, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 20, 1978

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

Dear Mr. DiNenna:

Comments on Item #176, Zoning Advisory Committee Meeting, March 21, 1978, are as follows:

Property Owner: Estate of Florence C. Bierman
Location: NE/S Reisterstown Rd. 375.57' SE Rosewood Lane
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.
Acres: 0.574
District: 4th

Since the requested variance is for the construction of a canopy, a health hazard is not anticipated.

Very truly yours,

Thomas E. DeVin
Thomas E. DeVin, Director
BUREAU OF ENVIRONMENTAL SERVICES

ED/ES/rhs



Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 494-3202

STEPHEN E. COLLINS
DIRECTOR

March 29, 1978

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

Item No. 176 - ZAC - March 21, 1978
Property Owner: Estate of Florence C. Bierman
Location: NE/S Reisterstown Rd. 375.57' SE Rosewood Lane
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Variance to permit a front setback of 7' for a canopy in lieu of the required 10'.

Acres: 0.574
District: 4th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the front setback.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MEF/ram



OCT 04 1972