

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John F. William Mitcherling, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 409.2 & (4) to permit parking spaces of less than 20' from proposed right of way line instead of the required 25' and to permit a front setback of 20' from proposed right of way line instead of the required average 40'.

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

RE: PETITION FOR VARIANCES
NW/4 of Belair Rd., 146.54'
SW of Kahlston Rd., 11th District
OF BALTIMORE COUNTY

JOHN MITCHERLING, et al, Petitioners : Case No. 79-142-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.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

I HEREBY CERTIFY that on the 13th day of December, 1978, a copy of the foregoing Order was mailed to Frank Cammarzo, Esquire, 112 Equitable Building, Baltimore, Maryland 21202, Attorney for Petitioners.

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
424-2168

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 am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser
Legal Owner
Address: 1900 East Southern Parkway
Baltimore, Md. 21229
Frank Cammarzo
Petitioner's Attorney
Address: 112 Equitable Bldg., Baltimore, Md. 21202
Protestant's Attorney
Address: 112 Equitable Bldg., Baltimore, Md. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of October, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of January, 1979, at 10:30 A.M.

John F. Etzel
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE: January 5, 1979

Please forward Copy of Comments
To: ROBERT MITCHELL
150 EASTFIELD ROAD
COLLEGE PARK, MD. 20740

10:30 A.M.
1/3/79

When I purchased the property, the original building was vacant, boarded and posted with "No Trespassing" signs and corralled. Repeated vandals to the premises occurred even with police notification. The health department notified me that the building was unsafe, and I was forced to raise the building. A professional building was planned. The size of the building was critical to the concept of group practice and parking spaces were precisely determined. A lot of expenditures were made for area analysis, contractors, architects and accountants, in order to plan a facility that would contribute to the betterment of the area. The building space necessary for group practice was shrunk to the smallest possible size that professional planners permitted. The restrictions that are presently placed on my building would not allow me to use the property in the manner for which it was originally purchased, decreasing the value of my property to other investors. If the variances above listed were allowed, the site would accommodate a building that could be used in a group practice. I feel that the financial burden of road improvement on both Kahlston and Belair Roads is an additional expense of \$15,000.00 that I must bear in order to use this property. I am already incurring the cost of overrun with extra work orders, yearly tax increases and increasing inflation which causes as delays are encountered. The property located on the northeast preimeter of the shopping center is a small one, being made even smaller by the restrictions to the point that a reasonable size building to house a group practice cannot be done. The analysis figures for a group practice building call for one no smaller than I have proposed, any smaller and it could only be used for a single practice. In addition, the setback of the existing building along the Belair Road vary and appear that the restrictions presently applied have been waived for the other property owners. I am asking for the same allowance. If the future Belair Road is widened 10' an additional 5' is required, this property will not be suitable for the purpose that it

required, this property will not be suitable for the purpose that it was intended, i.e., a group practice, and a considerable investment of mine will have been lost. I feel that if the above restrictions were waived, it will in no way jeopardize the widening of Belair Road but will allow the most productive use of this property.

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 494-2300
S. ERIC DINENNO
Zoning Commissioner
George J. Martinak
Deputy Zoning Commissioner

January 5, 1979

Frank Cammarzo, Esquire
112 Equitable Building
Baltimore, Maryland 21202

RE: Petition for Variances
NW/4 of Belair Road, 146.54' SW
of Kahlston Road - 11th Election
District
John Mitcherling, et al - Petitioners
NO. 79-142-A (Item No. 87)

Dear Mr. Cammarzo:

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

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNO
Zoning Commissioner

SED:mr

Attachment

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
TO: Leslie H. Groat
Director of Planning and Zoning
FROM: Petition #79-142-A, Item 87.
SUBJECT: Petition for Variances for minimum distance of parking spaces and front yard setback.
Petitioner - John and William Mitcherling

11th District

HEARING: Wednesday, January 3, 1979 (10:30 A.M.)

If granted, it is suggested that the petitioner be required to submit a landscaping plan to the Division of Current Planning and Development for their approval.

Leslie H. Groat
Leslie H. Groat
Director of Planning

LHG:JGH:rw

GERHOLD CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
REG-34470

September 28, 1978

Zoning Description

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the northwest side of Belair Road, 50 feet wide, distant 113.53 feet measured southwest from the center of Belair Road from the center of Belair Road, North 1/4 degree 49 minutes 00 seconds East 111.25 feet, thence running northerly and binding on a line curving to the left which connects the northeast side of Belair Road with the west side of Kahlston Road, with a radius of 15 feet for a distance of 23.59 feet to a point on the southwest side of Kahlston Road, North 1/4 degree 18 minutes 30 seconds West 94.06 feet and thence leaving Kahlston Road and binding on the property line of the petitioners herein, the two following courses and distances viz: South 1/4 degree 12 minutes 30 seconds West 127.07 feet and 30 th 40 degrees 31 minutes 00 seconds East 109.63 feet to the place of beginning.

Containing 0.296 of an Acre of land more or less.
Being the property of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Office.



John F. Etzel & S

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Pursuant to the advertisement, posting of property, and public hearing on the 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 Petitioner(s),

the Variance(s) should be had, and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of October, 1978, that the herein Petition for the aforementioned Variance(s) should be and the same is/are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Zoning Commissioner of Baltimore County, the Department of Public Works, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of October, 1978, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County

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 17th day of October, 1978.

S. ERIC DINENNA
Zoning Commissioner

Petitioner: Mitchering
Petitioner's Attorney: Cannizzaro
Frank Cannizzaro, Esquire
112 Equitable Building
Baltimore, Maryland 21202

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Reviewed by
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman
Nicholas B. Commodari

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Public Protection

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

December 21, 1978

Frank Cannizzaro, Esquire
112 Equitable Building
Baltimore, Maryland 21202

RE: Item No. 87
Petitioners - John & William
Mitchering
Variance Petition

Dear Mr. Cannizzaro:

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 not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans that may have a bearing on this case. The Director of Planning may file a written report with Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This currently vacant business, Local (B. L.) zoned site is located at the intersection of Belair and Kahlston Roads, opposite Andre's Tavern, in the 11th Election District. As a result of your proposal to construct a one-story professional office building and provide parking closer to Belair Road than the required setbacks will allow, this Variance hearing is necessitated.

Prior to the scheduled hearing, the petition forms should be signed by you.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be

Item No. 87
Petitioner - Mitchering
Page 2
December 21, 1978

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
Chairman
Zoning Plans Advisory Committee

NBC/sf

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Mr. Webster Mitchering
105 Endfield Road
Baltimore, Maryland 21213

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

December 14, 1978

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

Re: Item #87 (1978-1979)
Property Owner: John & William Mitchering
NWS Belair Rd. 146.54' S/W Kahlston Rd.
Existing Zoning: B-1-U-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right-of-way line in lieu of the required 8' and a front setback of 29' from the right-of-way line in lieu of the average 40'.
Address: 0.296 District: 11th

Dear Mr. Dinenna:

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

General:

The comments supplied September 15, 1978, by the Baltimore County Bureau of Engineering in connection with the preliminary plan for this site, "Mitchering Professional Building" are applicable and referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #87 (1978-1979).

Very truly yours,

THORNTON M. MOURING, P.E.
Chief, Bureau of Engineering

END:EAH:PMH
cc: H. Shulowitz
Attachment

G-W Key Sheet
43 x 44 NE 30 PWS. Sheets
NY 11 9 Topo
62 Top Map

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: September 15, 1978

FROM: Ellsworth H. Oliver, P.E.
Chief, Bureau of Engineering

PROJECT NAME:	Mitchering Professional Building	DOCK PLAN	
PROJECT NUMBER:	88170	PRELIMINARY PLAN	X
LOCATION:	NWS Belair Road & S/W Kahlston Road	TENTATIVE PLAN	
DISTRICT:	11th	DEVELOPMENT PLAN	
		FINAL PLAN	

The preliminary plan for the subject site, dated July 28, 1978, has been reviewed by the Developers Design Approval Section and we comment as follows:

GENERAL COMMENTS:

Belair Road is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road 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.

SIDEWALK COMMENTS:

Kahlston Road is an existing road which shall ultimately be improved with a 40-foot combination curb and gutter cross-section on a 50-foot right-of-way. Improvements in connection with this site shall consist of curb and gutter and a minimum of 30 feet of paving along the frontage of the site. The Developer's responsibilities shall be as follows with the construction to be accomplished under County inspection:

- The submission of detailed construction drawings to extend a minimum distance of 500 feet beyond the limits of the site or as may be required to establish line and grade.
- The submission of cross-sections as deemed necessary for design or construction purposes. The sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1"=4' horizontal to 1"=4' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any off-site road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way.

Project 88170
Mitchering Professional Building
Page 2
September 15, 1978

GENERAL COMMENTS (Cont'd)

- The grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The construction of combination curb and gutter in its ultimate location and a minimum of 30 feet of paving adjacent thereto along the frontage of the property.
- The relocation of any utilities or poles as required by the road improvements.

Entrance locations along Kahlston Road are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-30 and R-32, 1977 Edition), as the Developer's total responsibility.

Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. R. Brown, 494-3221.

The Developer shall be responsible for construction of all high-ply improvements required in connection with this site and all state-outs shall be in accordance with Baltimore County Standards.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Sidewalks are required on all public roads adjacent to this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards (Details R-19) which places the back edge of the sidewalk 2 feet off the property line. This plan has been referred to the State Highway Administration for their comments and approval. Their comments, if any, will be forwarded.

In accordance with Bill No. 33-72, street lights are required in all developments. The Developer's engineer shall indicate on the preliminary plan the locations of the light standards so that comments can be given on them, as well as other County regulations. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County 11 assumes the cost of the power after installation.

Project 88170
Mitchering Professional Building
Page 3
September 15, 1978

GENERAL COMMENTS

In accordance with the current Baltimore County drainage policy, the Developer is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property, to be developed to a suitable outfall. The Developer's cost responsibilities include the siting of easements and rights-of-way - both on-site and off-site - including the design in fee to the County of the rights-of-way. Preparation of all construction, rights-of-way and easement drawings including engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Construction drawings are required for off-site drainage facilities and any easite facilities serving off-site areas. The plans are to be designed in accordance with Baltimore County Standards and Specifications, and the drainage submitted for review and approval by the Baltimore County Bureau of Engineering. Construction is to be accomplished under County inspection.

On-site drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

The Developer must provide necessary drainage facilities (temporarily or permanently) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface water. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

A grading plan is required for processing construction plans, or for a building permit.

SIDEWALK, CURB, AND FRONT YARD LANDSCAPE COMMENTS

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

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

All proposed developments are subject to the requirements of the Storm Water Management Policy. It shall be the responsibility of the Developer's engineer to obtain and familiarize himself with the requirements and design criteria available from this office. The preliminary plan must indicate the required storm water management features before tentative approval can be granted.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year, 10-year and 100-year frequency storm must be provided on the site. Controlled release allowing the original runoff based on a 2-year, 10-year and 100-year frequency must also be provided.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road right-of-way following completion of the initial grading of the road-on subgrade. The stabilization shall be accomplished within the shortest period of optimum weather as established in the Baltimore County Soil Conservation District Manual. Minimum acceptable stabilization material will be as specified in the Baltimore County Soil Conservation District Manual under "Critical Area Stabilization (With Soil-Purment Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

WATER CONNECTIONS

A preliminary print of this property has been referred to the Baltimore City Water Division, for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Public water is available to serve this property. There are existing 8-inch and 12-inch water mains in Kahlston Road and Belair Road, as shown on drawings 830-1011 and 830-1012, File 3, respectively.

Permit to obtain a natural connection from the existing main in Kahlston Road may be obtained from the Department of Permits and Licenses, if necessary.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance of his private water service system. He is responsible for all accompanying right-of-way acquisition costs.

The Developer is responsible for the cost of capping any existing water main connection not used to serve the proposed building.

This property is subject to a Water System Connection Charge based on the size of water meter utilized. The total Water System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges. If there is an existing water connection to the property, the Developer is entitled to a credit of one system connection charge against any applicable system connection charges.

The Developer will be required to pay for the cost of any fire hydrants required to protect this property.

SANITARY SEWER CONNECTIONS

Public sanitary sewerage is available to serve this property. There are existing 8-inch sanitary sewers in Belair and Kahlston Roads, as shown on drawings 830-375 and 830-369, File 1, respectively. Permission to connect to either of these existing public sanitary sewers may be obtained from the Department of Permits and Licenses.

The Developer is entirely responsible for the construction, and the cost of the construction and maintenance, of his private sanitary sewerage, which must conform with the Baltimore County Plumbing Code. The Developer is also responsible for all accompanying right-of-way acquisition costs.

The Developer is responsible for the cost of plugging any existing house connection not used to serve the proposed structure.

This property is subject to a Sanitary Sewer System Connection Charge based on the size of water meter used. The total public Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges. If there is an existing sewer connection to this site, the Developer will be eligible for a credit of one system connection charge against any applicable system connection charges due.

A Public Works Agreement must be executed by the owner and Baltimore County for all public improvement, after which a Building Permit may be approved.

DESIGNED: EDWARD A. MCDONOUGH
REVIEWED: M. DIVER, P.E.
Chief, Bureau of Engineering

ENCLOSURE:
see file

LESTER H. CHASE
DIRECTOR

December 11, 1978

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 #87, Zoning Advisory Committee Meeting, October 17, 1978, are as follows:

Property Owner: John and William Mitcherling
Location: NW/4 Belair Road 146.54' SW Kahlston Road
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 8' and a front setback of 29' from the right of way line in lieu of the average 40'.
Acres: 0.296
District: 11th

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.

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

October 31, 1978

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

Attention: Mr. R. Commodari

Re: Z.A.C. Meeting, October 17, 1978
Item: 87
Property Owner: John & William Mitcherling
Location: NW/4 Belair Road (etc. 1) 146.54' SW Kahlston Road
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 8' and a front setback of 29' from the right of way line in lieu of the average 40'.
Acres: 0.296
District: 11th

Dear Mr. DiNenna:

The plan is generally acceptable. The petitioned variance should cause no adverse effects to the State highway.

CL:JEM:dj

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

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21201

STEPHEN E. COLLINS
DIRECTOR

November 22, 1978

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

Item No. 87 - SAC - Meeting of October 17, 1978
Property Owner: John & William Mitcherling
Location: NW/4 Belair Rd. 146.54' SW Kahlston Rd.
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 8' and a front setback of 29' from the right of way line in lieu of the average 40'.
Acres: 0.296
District: 11th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to parking setback and the setback from the right of way.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Engineer Associate II

MSF/mjs

JOHN D. SEIFERT
DIRECTOR

November 2, 1978

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

Dear Mr. DiNenna:

Comments on Item # 87 Zoning Advisory Committee Meeting, October 17, 1978 are as follows:

Property Owner: John & William Mitcherling
Location: NW/4 Belair Road - 146.54' SW Kahlston Road
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 8' and a front setback of 29' from the right of way line in lieu of the average 40'.
Acres: 0.296
District: 11th

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and Code and other applicable codes.
- A building permit shall be required before construction can begin.
- Additional _____ Permit shall be required.
- Building shall be upgraded to new use - require alienation permit.
- Three sets of construction drawings will be required to file an application for a building permit.
- 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.
- 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.
- Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- No Comment.
- Comment: Relation of building to property lines could cause exiting problems.

Very truly yours,
Charles E. Sullivan
Charles E. Sullivan
Plans Review Chief

CEI:mg

Paul H. Reinecke
CHIEF

November 16, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: John & William Mitcherling

Location: NW/4 Belair Rd. 146.54' SW Kahlston Rd.

Item No. 87 Zoning Agenda Meeting of 10/17/78

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 required and shall be located at intervals or 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 "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: *George M. McGehee*
George M. McGehee
Special Inspection Division
Noted and Approved:
Fire Prevention Bureau

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

November 15, 1978

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

Dear Mr. DiNenna:

Comments on Item #87, Zoning Advisory Committee Meeting, October 17, 1978, are as follows:

Property Owner: John & William Mitcherling
Location: NW/4 Belair Rd. 146.54' SW Kahlston Rd.
Existing Zoning: B.L.-C.S.-2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 8' and a front setback of 29' from the right of way line in lieu of the average 40'.
Acres: 0.296
District: 11th

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

Prior to new installation(s) of fuel burning equipment the owner should contact the Division of Air Pollution Control, 494-3779, to obtain requirements for such installation(s) before work begins.

The parking area(s) should be surfaced with a dustless, bonding material.

Very truly yours,

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

THD/JRP:ph

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 18, 1978

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

Z.A.C. Meeting of: October 17, 1978

RE: Item No: 87
Property Owner: John & William Nitcherling
Location: NW/4 Belair Rd. 146.54' SN Kahstent Road
Present Zoning: B.L.C.S. 2
Proposed Zoning: Variance to permit a parking setback of 0' to the right of way line in lieu of the required 5' and a front setback of 23' from the right of way line in lieu of the average 40'.

District: 11th
No. Acres: 0.296

Dea: Mr. DiNenna:

No bearing on student population.

Very truly yours,

Nick Petrovich
N. Nick Petrovich,
Field Representative

NSP/tp

JOSEPH N. MILLERMAN, JR. VICE PRESIDENT
T. BARBAR WILLIAMS, JR. VICE PRESIDENT
MARCOLO M. BOUTELLE
THOMAS H. ROYCE
WES LORRINE F. CHARTOFF
ROBERT H. HARTMAN
ROBERT F. GIBBS, SUPERINTENDENT
ALVIN LORRICK
WES LORRINE F. CHARTOFF
ROBERT H. HARTMAN
ROBERT F. GIBBS, SUPERINTENDENT

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

No. 76215

DATE: January 3, 1979 ACCOUNT: 01-662

AMOUNT: \$62.68

RECEIVED: Nitcherling & Nitcherling
FOR: Cost of Advertising and Posting Case No. 79-1-24

2500 4230 4 6268

VALIDATION OR SIGNATURE OF CASHIER

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

No. 73541

DATE: 9-28-78 ACCOUNT: 01-662

AMOUNT: 25.00

RECEIVED: [Signature]
FOR: Zoning Variance
[Signature] (John Nitcherling)
1-16-79
2500

VALIDATION OR SIGNATURE OF CASHIER

OFFICE OF THE TIMES
TOWSON, MD. 21204 December 14 1978

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCES - John & William Nitcherling was inserted in the following:

- ☐ Catonsville Times
- ☐ Dandall Times
- ☐ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 15th day of December 1978, that is to say, the same was inserted in the issues of December 14, 1978

STROMBERG PUBLICATIONS, INC.

By *Esther Berger*

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 14, 1978

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each one successive weeks before the 15th day of December 1978, the first publication appearing on the 14th day of December 1978.

THE JEFFERSONIAN

[Signature]
Manager

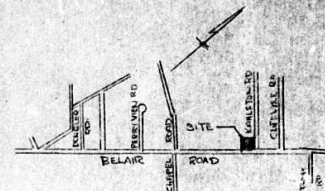
Cost of Advertisement: \$

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 12/18/78
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Signature Date of return: 12/18/78



EXIST FILE
NYD
127



VICINITY MAP
1" = 1000'

ZONING PLAT

A PETITION FOR A VARIANCE FROM SECTION 403.2 C (4)
TO PERMIT PARKING SPACES 0' FROM RIGHT OF WAY
LINE INSTEAD OF THE REQUIRED 5'; 233.1 (303.2)
TO PERMIT A FRONT SETBACK OF 29' FROM PROPOSED
RIGHT OF WAY LINE INSTEAD OF THE REQUIRED
AVERAGED 40'

ANDRE'S
TAVERN

ZONING DATA
EXISTING ZONING: 1BL-C-2
ELECTION DISTRICT: 11TH
BALTIMORE COUNTY, MARYLAND
PROPERTY: 0.296 ACRES
: 12,815 SF
GREEN SPACE: 3,600 SF (28%)
USE: SEEDS FOR BIRDS AND COVER
EXIST USE: AUTO SERVICE/STATION (REMOVED)
NEW USE: PROFESSIONAL OFFICE BUILDING

PARKING DATA
BUILDING GROSS AREA : 4500 SF
FEED PARKING : ONE SPACE FOR 300 SF FL AREA
TOTAL REQUIRED PARKING : 15 SPACES
PARKING SPACES SHOWN : 15 SPACES
PARKING SIZE 8'6" x 18'0" (M.C.)
PARKING AREA SURFACE BITUM PAVING

Notes: STORM WATER MANAGEMENT
Lot size 0.196 of an Acre ±
ORIGINAL: SERVICE STATION + Macadam Lot
Proposed: OFFICE Building paved Lot + Landscaping
(NO INCREASE IN RUN OFF)

Note: Curb cuts, ramps, parking spaces, signs, etc. will be in compliance with the Maryland State Code for the Handicapped & Aged (See 216.34 & 316A)

Note: Silt Fence if Heavy Cattle wire & erosion cloth with metal fence posts or straw bales to be placed around perimeter of site if necessary with a stabilized construction entrance or shown to comply with standard sediment control practices

Water, water & sewer (Public) connections are available on site

REVISED SEPT 28 1978
REVISED SEPT 13 1978

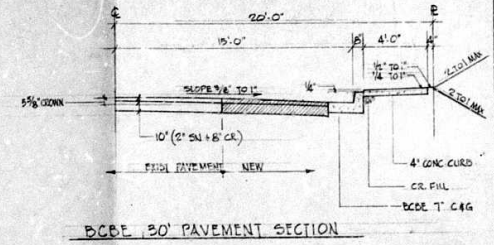
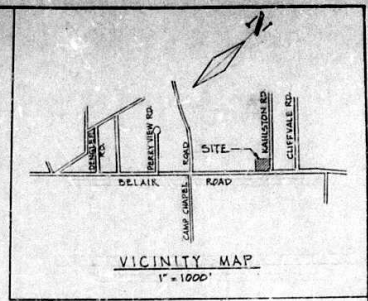
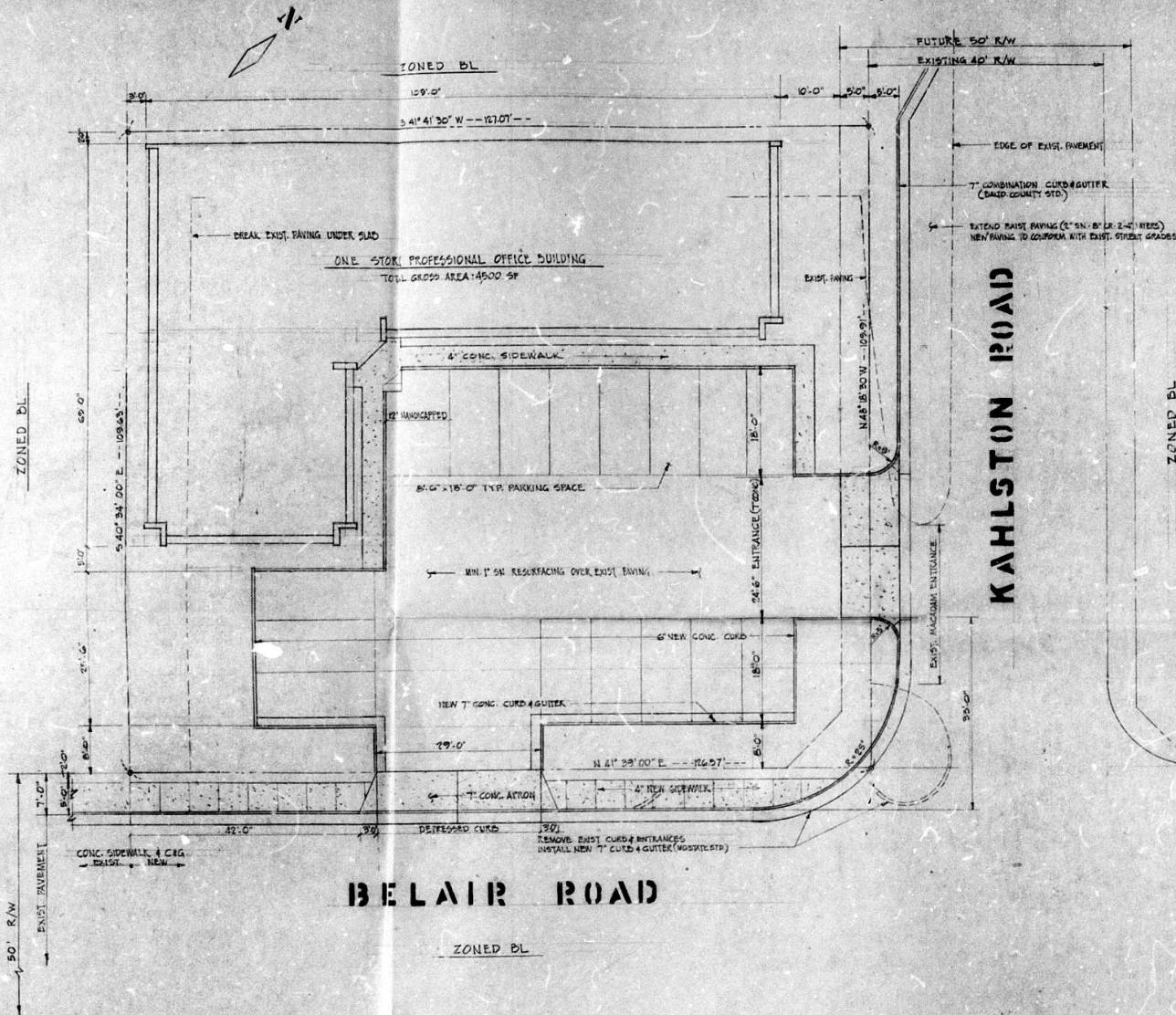


SCALE 1"=10' 7-28-78
GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

PROFESSIONAL OFFICE BUILDING

PERRY HALL, MARYLAND
OWNERS: DRS JOHN & WILLIAM MITCHERLING TEL: 323-3900

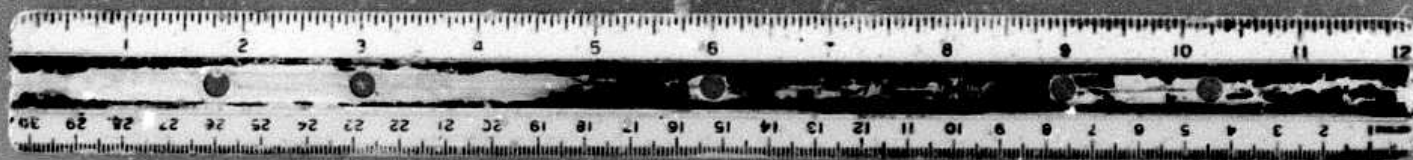
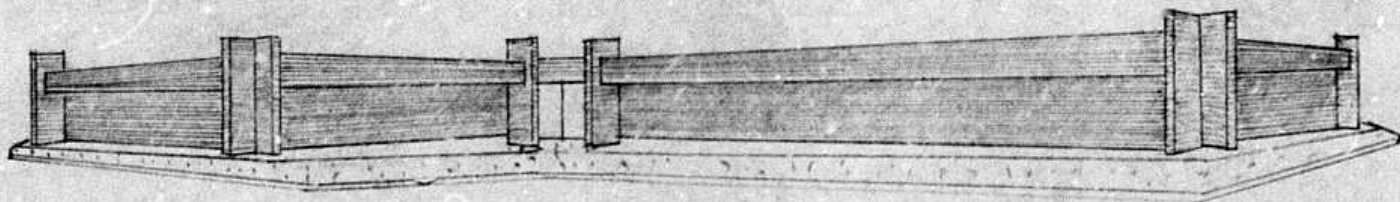
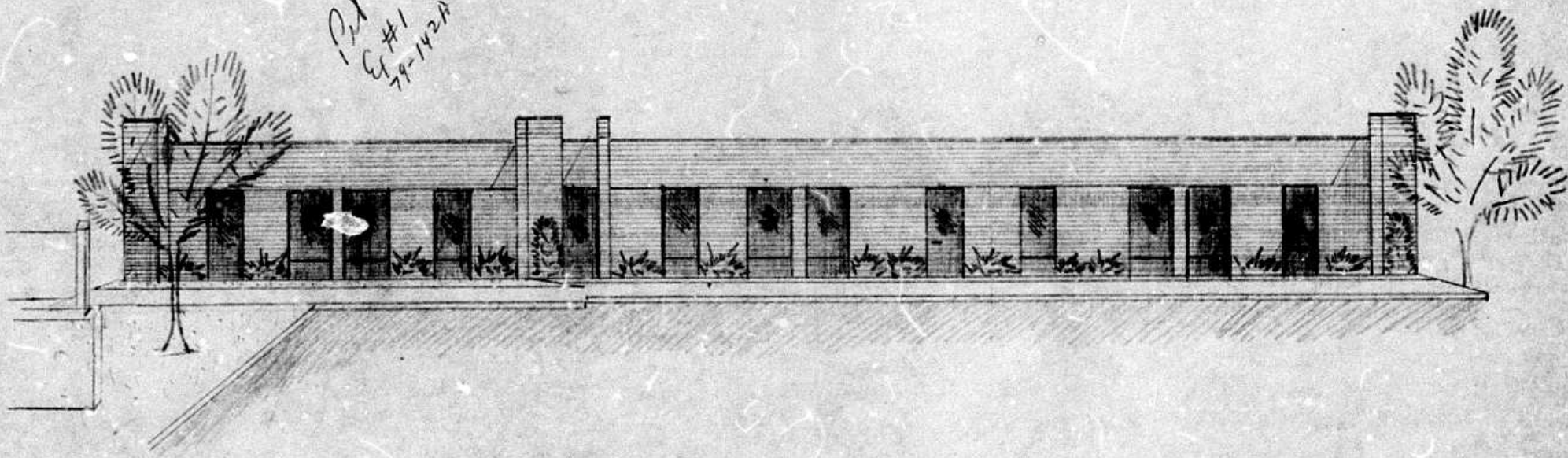


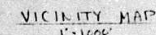


P14
 #2
 79-142A



Pt
#1
79-142A





A PETITION FOR A VARIANCE FROM SECTION 409.2 C (4)
TO PERMIT PARKING SPACES 0' FROM RIGHT OF WAY
LINE INSTEAD OF THE REQUIRED 8' : 232.1 (300.2)
TO PERMIT A FRONT SETBACK OF 29' FROM PROMENADE
RIGHT OF WAY LINE INSTEAD OF THE REQUIRED
AVERAGED 40'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: [Signature]
DATE: 7-25-77
79-142-A
C-810-77

ANDRE'S
TAVERN

ZONING DATA
EXISTING ZONING: RB-C-2
ELECTION DISTRICT: 11TH
BALTIMORE COUNTY MARIAND
PROPERTY: 0.296 ACRES
112,815 SF
OFFSPACE: 3400 SF (28%)
UNDERPASSES OR DRIVEWAYS
EXIST USE: AUTO SERVICE STATION (FURNISH)
NEW USE: PROFESSIONAL OFFICE BUILDING

BUILDING GROSS AREA: 4500 SF
 REQUIRED PARKING: ONE SPACE FOR 300 SFT AREA
 TOTAL REQUIRED PARKING: 15 SPACES
 PARKING SPACES SHOWN: 15 SPACES
 PARKING SIZE: 8' 6" X 18' 0" (min.)
 PARKING AREA SURFACE: BITUM. PAVING

Note: Curb cuts, ramps, parking spaces, signs etc.
will be in compliance with the Maryland State Code
for the Handicapped & Aged (301 916.34 & 316.4)

Note: Silt Fence if Heavy Cattle wire & erosion cloth with metal fence Posts or straw bales to be placed around perimeter of site as necessary with a stabilized construction entrance or storm to comply with standard sediment control practices.

Note: w/adv. • power (Publuc) connections are available on site

REVISED SEPT 28 1978
REVISED SEPT 19 1978



GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

PROFESSIONAL OFFICE BUILDING

BERBY HALL, MARYLAND

OWNERS: DR. JOHN WILLIAM MITCHERLING TEL: 815-1800

