

79-225-XA PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William M. Biensach, 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.b. (5 & 6) to permit 17 parking spaces in lieu of the required 20 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship: i.e., the required additional 3 spaces could be provided on the Northeastern side of the building at an estimated cost in excess of \$10,000 by relocating the 2 existing utility poles, excavating into the embankment sloping upward from the existing paved parking area, and constructing a retaining wall varying in height to about 8 feet maximum.

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.

Bill's Arco
Contract purchaser
Mr. William M. Biensach, Prop.
Legal Owner
Address: 7940 Harford Road
Baltimore, MD 21234
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of February, 1979, 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 108, County Office Building in Towson, Baltimore County, on the 14th day of April, 1979, at 2:00 o'clock P.M.

Eric D. Minna
Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William M. Biensach, 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 (4) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an... to... for the following reasons:

as a Special Exception, under the said Zoning Law and Zoning Regulations, of Baltimore County, to use the herein described property, for a service garage.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception 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.

Bill's Arco
Contract purchaser
Mr. William M. Biensach, Prop.
Legal Owner
Address: 7940 Harford Road
Baltimore, MD 21234
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of February, 1979, 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 108, County Office Building in Towson, Baltimore County, on the 14th day of April, 1979, at 2:00 o'clock P.M.

Eric D. Minna
Zoning Commissioner of Baltimore County.

(over)

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/corner of Harford Road and Linwood Avenue - 9th Election District
William M. Biensach - Petitioner
NO. 79-225-XA (Item No. 143)

This matter comes before the Zoning Commissioner as a result of a Petition for Special Exception for a service garage in a B.L. Zone and, additionally, a Petition for Variance to permit seventeen parking spaces in lieu of the required twenty spaces, for property at the above location.

Without reviewing the evidence in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the Special Exception should be granted. Likewise, the prerequisites of Section 307 of the aforementioned Regulations have been met and the Variance should also be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of April, 1979, that both the Petition for Special Exception for a service garage and the Petition for Variance to permit seventeen parking spaces in lieu of the required twenty spaces should be and the same are hereby GRANTED, from and after the date of this Order, subject to the following restrictions:

1. The sidewalk adjoining and the entrances to the subject property must be repaired and suitably acceptable to both Baltimore County and the State of Maryland.
2. The site must be maintained in a clean and sanitary condition at all times.
3. Approval of a site plan by the State Highway Administration, the Department of Public Works, and the Office of Planning and Zoning, to include landscaping approval by the Current Planning and Development Division.
4. Said Special Exception must be utilized within five years or become null and void.

Eric D. Minna
Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE :
NW corner of Harford Rd. and Linwood Avenue, 9th District : OF BALTIMORE COUNTY

WILLIAM M. BIENSACH, Petitioner : Case No. 79-225-XA

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

I HEREBY CERTIFY that on this 20th day of March, 1979, a copy of the foregoing Order was mailed to Mr. William M. Biensach, Proprietor, Bill's Arco, 7940 Harford Road, Baltimore, Maryland 21234, Petitioner.

John W. Hession, III
John W. Hession, III

MARYLAND SURVEYING AND ENGINEERING CO., INC.

Affiliated With LYON ASSOCIATES, INC.
6907 WHITSTONE ROAD • BALTIMORE, MARYLAND 21207 • TELEPHONE: 301 944-9291
ENGINEERING • SURVEYING • PLANNING

BILL'S ARCO
SURVEYOR'S DESCRIPTION OF SPECIAL EXCEPTION FOR
SERVICE GARAGE AND PARKING VARIANCE

BEGINNING FOR THE SAME at a point on a course of North 58° 47' 45" West 73.75 feet from an iron pipe set on the corner formed by the intersection of the Northwest side of Harford Road sixty feet wide with the Northeast side of Linwood Avenue forty feet wide; and running thence for the following courses and distances, to wit: (1) North 58° 47' 45" West 88.60 feet; (2) North 19° 13' 35" East 137.74 feet; (3) South 62° 31' 58" East 11.00 feet; (4) North 32° 10' East 68.44 feet; (5) South 43° 19' East 40.25 feet; (6) South 21° 16' 30" West 60.33 feet; (7) South 68° 43' 30" East 41.57 feet; (8) South 21° 16' 30" West 27.00 feet; (9) North 68° 43' 30" West 27.00 feet; (10) South 21° 16' 30" West 52.00 feet; (11) South 68° 43' 30" East 16.50 feet; (12) South 21° 16' 30" West 62.25 feet to the place of beginning.

Containing 14,574.8 square feet of land, more or less.

Saving and excepting that portion of the tract zoned DR 5.5.



Signed This 30th day of November 1979
Robert L. Smith

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3353
S. ERIC DINENNA
ZONING COMMISSIONER

April 23, 1979

Mr. William M. Biensach
7940 Harford Road
Baltimore, Maryland 21234

RE: Petitions for Special Exception and Variance
NW/corner of Harford Road and Linwood Avenue - 9th Election District
William M. Biensach - Petitioner
NO. 79-225-XA (Item No. 143)

Dear Mr. Biensach:

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

Very truly yours,

Eric D. Minna
Zoning Commissioner

SED:m

Attachments

cc: Parkville Community Council
c/o John Geer Disney, Esquire
2903 Manns Avenue
Baltimore, Maryland 21234

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna
Zoning Commissioner
Date: March 22, 1979
FROM: Leslie H. Groff, Director
Office of Planning and Zoning
SUBJECT: Petition #79-225XA, Item 143

Petition for Special Exception for a service garage and Variance for parking Northwest corner of Harford Road and Linwood Avenue
Petitioner - William M. Biensach

9th District

HEARING: Wednesday, April 4, 1979 (2:00 P.M.)

The proposed use would not be inappropriate here. If granted, it is suggested that the order be conditioned to require that a landscaping plan be submitted to and approved by the Division of Current Planning and Development.

Leslie H. Groff, Director

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

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 7th day of February, 1979.

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Biensach
Petitioner's Attorney:

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

cc: Maryland Surveying & Engineering Co. Inc.
6707 White Stone Road
Baltimore, Maryland 21207

Mr. William M. Biensach
dba Bill's Arco
7940 Harford Road
Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

000

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Mr. William M. Biensach
dba Bill's Arco
7940 Harford Road
Baltimore, Maryland 21234

March 19, 1979

RE: Item No. 143
Petitioner - Biensach
Special Exception and
Variance Petition

Dear Mr. Biensach:

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 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.

Because of your proposal to construct a large addition to the existing service station for additional service bays and auto parts sales and storage area, this combination hearing is required. The location of the damaged and disabled vehicles has not been indicated on the submitted site plan. However, as per my conversation with Mr. Fred Skelton of Maryland Surveying and Engineering Co., Inc., he stated that no outside storage area of said vehicles is proposed. If this petition is granted and at the time of application for the necessary building permits, a note indicating same, must be stated on the submitted site plans. In addition, said site plans must be sealed by an engineer or surveyor.

Item No. 143
Petitioner - Biensach
Page 2
March 19, 1979

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. 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/sf

enclosures

cc: Maryland Surveying & Engineering Co., Inc.
6707 White Stone Road
Baltimore, Maryland 21207

baltimore county
department of public works
TOWSON, MARYLAND 21204

THURNTON M. MOURING, P.E.
DIRECTOR

February 7, 1979

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

Re: Item #143 (1978-1979)
Property Owner: William M. Biensach
N/W cor. Harford Rd. & Linwood Ave.
Existing Zoning: P.L.
Proposed Zoning: Special Exception for a service garage.
Acres: 0.3346 District: 9th

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.

Highways:

Harford Road (Md. 147) 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.

Linwood Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including a fillet area for sight distance at the Harford-Linwood intersection and any necessary reversible easements for slopes.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

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

Item #143 (1978-1979)
Property Owner: William M. Biensach
Page 2
February 7, 1979

Storm Drains:

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

Water and Sanitary Sewer:

Public water mains and sanitary sewerage exist in Linwood Avenue and Harford Road.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Somers

N-SE Key Sheet
25 FE 14 & 15 Pos. Sheets
NE 8 D Topo
FI Tax Map

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

LESLIE H. GRAFF
DIRECTOR

March 5, 1979

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 #143, Zoning Advisory Committee Meeting, December 29, 1978, are as follows:

Property Owner: William M. Biensach
Location: NW/C Harford Road and Linwood Ave
Existing Zoning: P.L.
Proposed Zoning: Special Exception for a service garage
Acres: 0.3346
District: 9th

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

An area must be shown for the storage of damaged and disabled vehicles.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3560

STEPHEN E. COLLINS
DIRECTOR

January 18, 1979

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

Item No. 143 - SAC - December 26, 1978
Property Owner: William M. Biensach
Location: NW/C Harford Rd. & Linwood Ave.
Existing Zoning: P.L.
Proposed Zoning: Special Exception for a service garage
Acres: 0.3346
District: 9th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested Special Exception for a service garage.

Very truly yours,

Stephen E. Weber
Stephen E. Weber
Engineer I

NSF/SEW/hms

baltimore county
department of public works
TOWSON, MARYLAND 21204
(301) 825-7110

Paul H. Reincke
CHIEF

January 18, 1979

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: William M. Biensach

Location: NW/C Harford Rd. & Linwood Ave.

Item No. 143 Zoning Agency Meeting of 12/26/78

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable, and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

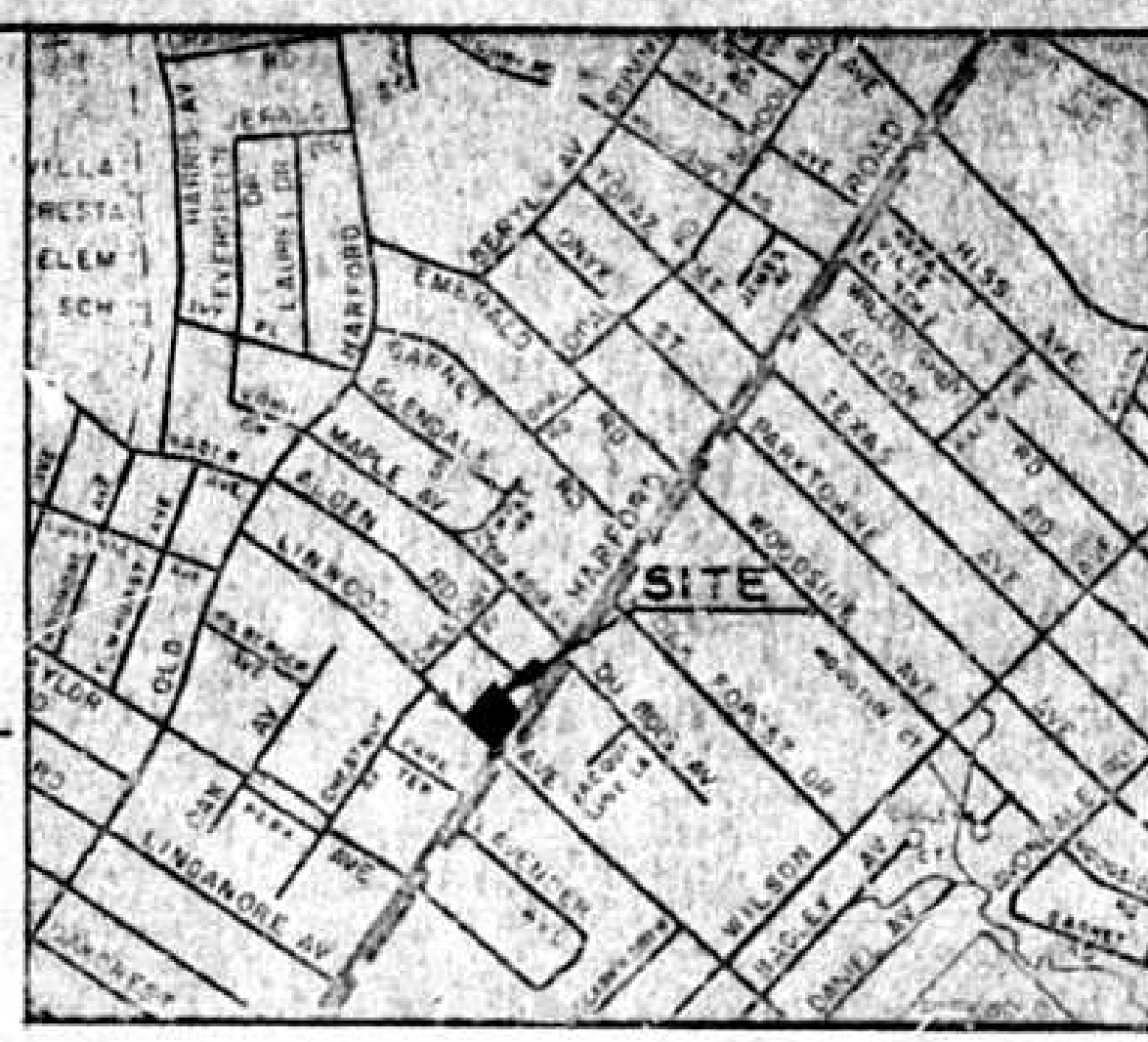
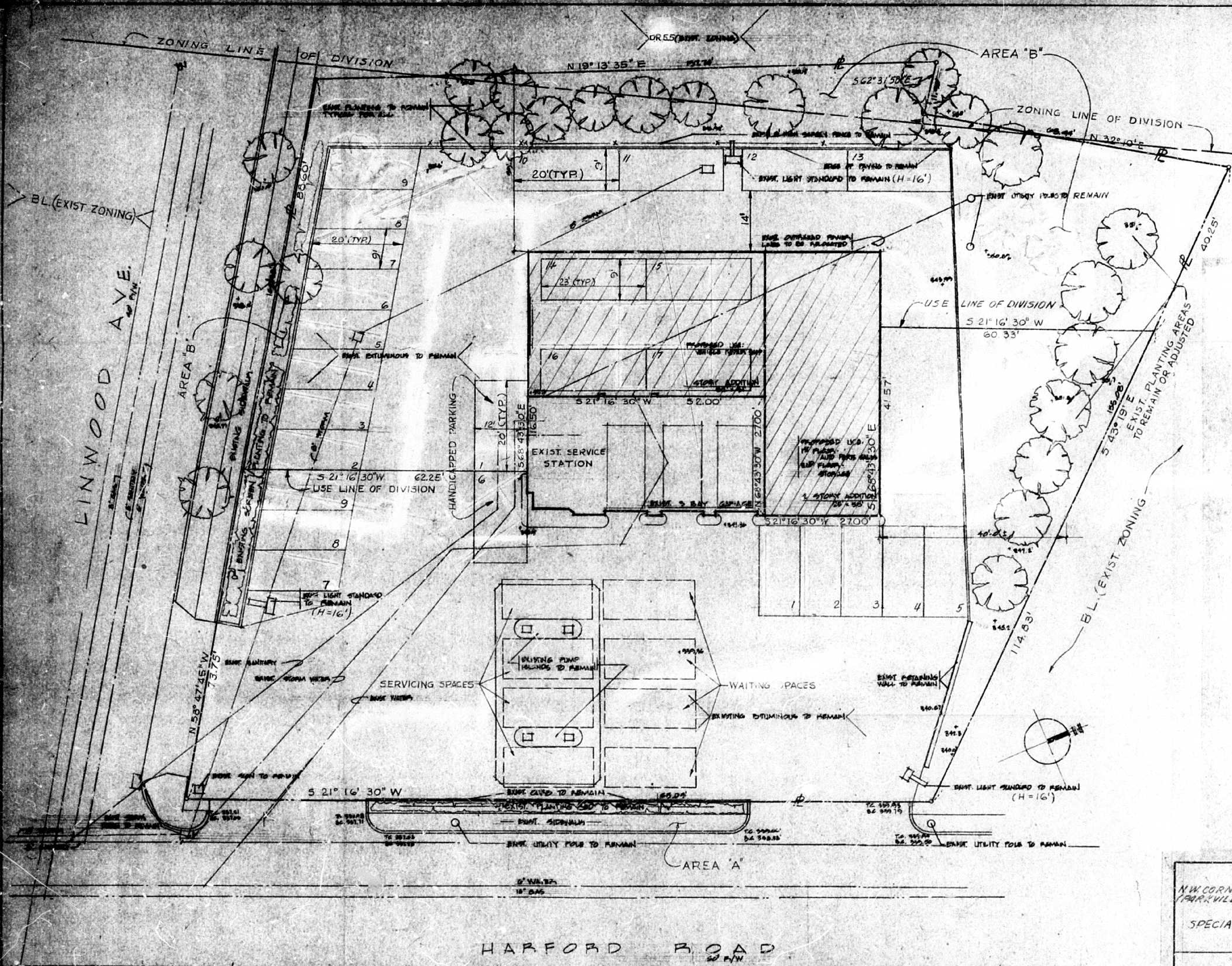
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 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", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *Paul Joseph Kelly* 1/18/79 Noted and Approved: *George W. Gammell*
Special Inspection Division Fire Prevention Bureau



LOCATION MAP
Scale 1"=1000'-0"

ZONING NOTES:

Existing Zoning: BL
Existing Use: Service Station

AREA REQUIREMENTS:

2 Dispenser Islands with Single Dispenser
Pumps Serving & Cars at one time
Total Servicing Spaces - 4
Total Servicing Bays - 3
Total Bays and Spaces - 7
Site Area Required
7 x 1,500 sq. ft. = 10,500 sq. ft.
Accessory Uses:
1. Vending Machines
2. Tire Sales & Installation
3. Sales Auto Parts & Accessories
4. Vehicle Repair Service
5. Minor Accessory Uses
Additional Area Required - None
Proposed Combination Uses - None
Proposed Combination Uses - None
Total Area Required - 10,500 sq. ft.
Total Area of Tract - 29,574.8 sq. ft.

ACCESS POINTS:

2 Driveways on Harford Road, 35 feet wide
1 Driveway on Linwood Avenue, 35 feet wide

LANDSCAPING:

Consists of Grass and Shrubs
Area "A" = 246 sq. ft.
Area "B" = 6,539 sq. ft.
Total Area = 7,185 sq. ft. = 24.3% of Tract
22 of BL tract = 1,678.7 sq. ft. (Min. Req.)

PARKING:

Parking Spaces Required - 9
Parking Spaces Provided - 9

LIGHTING:

3-Colonial lantern Light, 400 W
2-TF-1 Floodlights Mounted on Exist. Sign

SCREENING:

Existing 8 feet in height 890 feet in length

SPECIAL EXCEPTION FOR SERVICE GARAGE AND PARKING VARIANCE

AREA REQUIREMENTS:

Vehicle Repair Shop 1,612 sq. ft.
Sales Auto Parts & Accessories 2,900 sq. ft.
(7 ft. 81,450 sq. ft.)
Total Service Garage Area 4,512 sq. ft.
Proposed Net Service Area 11,512.8 sq. ft.
Other Accessory Uses - None
Additional Area Required - None
Total Area Required - None Specified
Proposed Total Service Area Tract 14,574.8 sq. ft.

ACCESS POINTS:

Same as Service Station

LANDSCAPING:

Same as Service Station

LIGHTING:

Same as Service Station

PARKING:

Vehicle Repair Shop
1,612 sq. ft. 6,500 sq. ft./SP - 5.4 SP.
Sales Auto Parts and Accessories
(2 x 1,450) sq. ft. @ 200 sq. ft./SP - 14.5 SP.
Parking Spaces Required 19.9 SP.
Parking Spaces Provided 17 SP.
Parking Deficiency 2.9/19.9 = 15.3%

7940 HARFORD ROAD
NW CORNER HARFORD RD AND LINWOOD AVE
(PARKVILLE) BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 3
SPECIAL EXCEPTION FOR SERVICE GARAGE
AND PARKING VARIANCE

SITE PLAN

CHECKED BY FLS.	PREPARED BY MARYLAND SURVEYING AND ENGINEERING CO., INC.
SCALE 1"=100'-0"	SUBSIDIARY OF LYON ASSOCIATES, INC.
AUTH. NO.	6707 WHITE STONE ROAD
DRAWN BY AS	BALTIMORE COUNTY, MARYLAND 21207
DATE NOV 1, 1978	TELEPHONE 301-944-0291
FILE 2547-001	

BILL'S ARCO
ADDITIONS AND ALTERATIONS

A.1