

PETITION FOR SPECIAL HEARING 83-118-XSPHA **TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY**

The undersigned, legal owner(s) 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 Special Hearing under Section 300.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve, deny, confirm that the restaurant facility known as the Pacific Inn enjoys a nonconforming use and a nonconforming use for ten apartments and parking for these uses.

Property is to be posted and advertised as prescribed by Zoning Regulations.
 I, or we, agree to pay expenses of the above Special Hearing 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.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Charles R. Gross, Jr., Darius S. Gross
Signature	<i>Charles R. Gross, Jr.</i>
Address	Frederick M. Gross
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
J. Earle Plumhoff and	Frederick M. Gross
(Type or Print Name)	(Type or Print Name)
Nolan, Plumhoff & Williams	Address
Newton A. Williams	Route 2, Box 134, Towson, Maryland 21287
Signature	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Address
204 W. Pennsylvania Avenue	Frederick M. Gross
City and State: Towson, Maryland 21204	Name
Attorney's Telephone No. 301-423-1809	Route 2, Box 134, Towson, Md. 21287
	Address
	1-751-1277

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 1982, 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 10th day of November, 1982, at 10:00 o'clock A.M.

William E. Hammond
 Zoning Commissioner of Baltimore County

ZCO - No. 1 (over)

Charles R. Gross, Jr. et al 83-118-XSPHA
 SE corner Pulaski Hwy. & Chesebo
 15th

83-118-XSPHA
 15th

ORDER RECEIVED FOR FILING
 DATE 10/27/82

PETITION FOR SPECIAL EXCEPTION 83-118-XSPHA **TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY**

The undersigned, legal owner(s) 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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for (long existing) living quarters in a commercial building, namely, ten (10) rooms and/or apartments, in a B.R. zone pursuant to Section 236.4 and other applicable sections of the Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.
 I, or we, agree to pay expenses of above 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.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Frederick M. Gross and Darius S. Gross
Signature	<i>Frederick M. Gross</i>
Address	Charles R. Gross, Jr.
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Newton A. Williams	Frederick M. Gross
(Type or Print Name)	(Type or Print Name)
Nolan, Plumhoff & Williams, Chartered	Address
Newton A. Williams	Route 2, Box 134, Towson, Maryland 21287
Signature	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Address
204 W. Pennsylvania Avenue	Frederick M. Gross
Towson, Maryland 21204	Name
Attorney's Telephone No. 823-7800	Route 2, Box 134, Towson, Md. 21287
	Address
	1-751-1277

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 1982, 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 10th day of November, 1982, at 10:00 o'clock A.M.

William E. Hammond
 Zoning Commissioner of Baltimore County

ZCO - No. 1 (over)

PETITION FOR ZONING VARIANCE 83-118-XSPHA **TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY**

The undersigned, legal owner(s) 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 238.2 (102.2) to permit distance between buildings of (a) 3 feet, (b) 32 feet, (c) 13 feet, (d) 50 feet, (e) 59.30 feet, (f) 53.20 feet and (g) 56.85 feet in lieu of the maximum required 60 feet, and to permit side yards of (h) 23 feet in lieu of the required 30' and Section 1802.2-B(V.B.2) to permit a rear yard of (j) 15 feet in lieu of the required 20' and to permit a rear yard of (j) 15 feet in the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) attached)

- (1) That the long established Pilot Motel, Pacific Inn and 2-story brick duplex were primarily constructed prior to the enactment of Zoning Regulations for Baltimore County and exist as shown.
- (2) That the owners are offering the commercial properties for sale and without the requested variances, the Petitioners will continue to sustain practical difficulty and unreasonable hardship.
- (3) That the requested variances are for validation purposes only for long existing buildings, and are in harmony with the spirit and intent of the Regulations.

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.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Charles R. Gross, Jr., Darius S. Gross
Signature	<i>Charles R. Gross, Jr.</i>
Address	Frederick M. Gross
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
J. Earle Plumhoff and	Frederick M. Gross
(Type or Print Name)	(Type or Print Name)
Nolan, Plumhoff & Williams, Chartered	Address
Newton A. Williams	Route 2, Box 134, Towson, Maryland 21287
Signature	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Address
204 W. Penna. Ave., Towson, Md. 21204	Frederick M. Gross
City and State	Name
Attorney's Telephone No. 823-7800	Route 2, Box 134, Towson, Md. 21287
	Address
	1-751-1277

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of October, 1982, 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 10th day of November, 1982, at 10:00 o'clock A.M.

William E. Hammond
 Zoning Commissioner of Baltimore County

(over)

Continued from page 1 - Petition for Zoning Variance

in lieu of the required 30 feet; from Section 238.1 (303.2) to permit front yards of (k) 45 feet, (l) 16.20 feet and (m) 40 feet, all in lieu of the maximum required average setback of 100 feet; from Section 409.2.c (4) to permit distance between street property line and parking spaces of (n) 0 feet in lieu of the required 8 feet; from Section 238.2 to permit a side yard of (o) 27 feet in lieu of the required 30 feet; from Section 409.2.b (3) to permit (p) 16 parking spaces in lieu of the required 60 spaces; and from Section 402.1 to permit a lot width of (q) 66.54 feet in lieu of the required 90 feet; and from Section 409.2a, to permit 42 parking spaces in lieu of the required 60 spaces for the Pilot Motel.

BALTIMORE COUNTY **ZONING PLANS** **ADVISORY COMMITTEE**



PETITION AND SITE PLAN **EVALUATION COMMENTS**

BALTIMORE COUNTY, MARYLAND **INTER-OFFICE CORRESPONDENCE**

TO: William E. Hammond, Zoning Commissioner
 FROM: Norman E. Genter, Director, Office of Planning and Zoning
 SUBJECT: Zoning Petition No. 83-118-XSPHA
 Charles R. Gross, Jr., et al

As to the nonconforming use status of the subject facilities, this office offers no comment. As to the granting of the requested special exception and variances, this office cannot support them.

Norman E. Genter
 Director of Planning and Zoning

NEG:JGH:dme

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Your Petition has been received and accepted for filing this 11th day of October, 1982.

Petitioner: Charles R. Gross, Jr., et al
 Petitioner's Attorney: Newton A. Williams
 Reviewed by: *Nicholas B. Commodari*
 Nicholas B. Commodari, Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

- Chairman: Nicholas B. Commodari
- Members: William E. Hammond, Norman E. Genter, Darius S. Gross, Frederick M. Gross, Charles R. Gross, Jr., J. Earle Plumhoff, Newton A. Williams, Nolan, Plumhoff & Williams, Chartered

November 10, 1982
 RE: Case #83-118-XSPHA (Item No. 132)
 Petition of Charles R. Gross, Jr., et al
 for Special Exception, Special Hearing
 and Variance Petition

Dear Mr. Williams:
 The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

Located on the southeast corner of Pulaski Highway and Chesebo Avenue in the 15th election district, the subject property is improved with the facilities of a restaurant/apartment building, motel buildings, a single family dwelling and a semi-detached dwelling. All of these structures and uses have been existing for a number of years, and it is your client's proposal to "legalize" the uses and the appropriate setbacks and subdivide the property. In view of this fact, this combination hearing is required.

After numerous discussions, the site plan was revised to the satisfaction of this office and in accordance with the enclosed comments. It is my understanding that you have contacted the representatives from the Committee who had adverse comments, and the site plan was revised accordingly. This should be fully discussed at the scheduled hearing.

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:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Case #83-116-XSPHA (Item No. 132)
Petitioner-Charles R. Gross, Jr., et al
Special Exception, Special Hearing
and Variance Petition
Page 2

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

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

NEC:mch

Enclosures

cc: R.T.F., Inc.
112 Main Street
Westminster, Maryland 21157

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. DISTEL P.E.
DIRECTOR

March 1, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #132 (1981-1982)
Property Owner: Charles R. Gross, Jr., et al
N/E corner Duval and Chesaco Avenues
Acres: 3.290 District: 15th

Dear Mr. Hammond:

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:

This property comprises portions of the subdivision and resubdivision of Rosedale Terraces. Subdivision and resubdivision of property within Baltimore County is subject to Baltimore County Subdivisions Regulations.

Highways:

Pulaski Highway (U.S. 40) 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.

Chesaco and Duval Avenues, existing public roads, are proposed to be improved in the future as 40-foot and 30-foot closed section roadways on 60-foot and 50-foot rights-of-way, respectively, with fillet areas for sight distance at the Chesaco Avenue-Pulaski Highway and Duval Avenue intersections.

The future relocation of Batavia Farms Road (70-foot right-of-way) is proposed to traverse this property.

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

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 #132 (1981-1982)
Property Owner: Charles R. Gross, Jr., et al
Page 2
March 1, 1982

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages 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 supply and sanitary sewerage are serving this property.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:FAM:RWR:ss

cc: Jack Wimbley
John Trenner

I-SW & J-SE Key Sheets
8 & 9 NE 20 & 21 Pos. Sheets
NE 2 E & F Topo
89 Tax Map



Maryland Department of Transportation

State Highway Administration

James J. O'Donnell
Secretary
M. S. Caltrider
Administrator

February 1, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Dear Mr. Hammond:

Re: ZAC Meeting of 1-26-82
ITEM: #132
Property Owner: Charles R. Gross, Jr., et al
Location: N/E corner Duval & Chesaco Ave. @ Pulaski Hwy. (Route 40)
Existing Zoning: B.R. & D.R. 5.5
Proposed Zoning: Variance to permit distance between bldgs. of 3', 32', 13', 50', 59', 30', 53.20' & 56.85' in lieu of the maximum required 60', and to permit side yards of 23' and 2' in lieu of the required 30' and to permit a rear yard of 15' in lieu of the required 30', to permit front yard of 45', 16.20' & 40' in lieu of the maximum required average setback of 100', to permit distance between street property line and parking spaces of 0' in lieu of the required 8', to permit 29 parking spaces in lieu of the required 58 spaces; and to permit a lot width of 68.54' in lieu of the required 80'.
Special Hearing to approve that the restaurant facility known as Pacific Inn enjoys a non-conforming restaurant use and a non-conforming use of 8 apartments as to available on site parking.
Acres: 3.290
District: 15th

My telephone number is 13011659-1250

Teletypewriter for Impaired Hearing or Speech:
365 7555 Baltimore Metro - 565-451 D.C. Metro - 1-800-482-5067 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

February 1, 1982

Mr. W. Hammond

On review of the revised site plan of January 6, 1982 and field inspection, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration finds the Pulaski Highway frontage improved with concrete curb and gutter, however, improvements could be desired with some of the existing entrances and their location.

If the site is found not to be a non-conforming use, the State Highway Administration requests that the section of curb and gutter 25' in length be constructed 120'± west of the east property line as shown on the attached sketch.

Very truly yours,

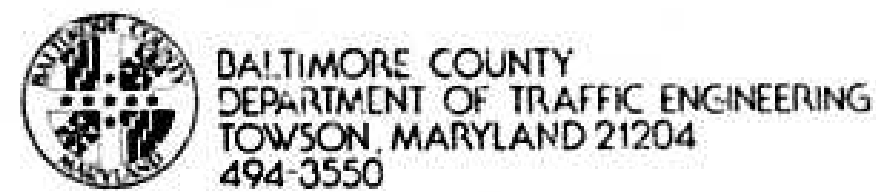
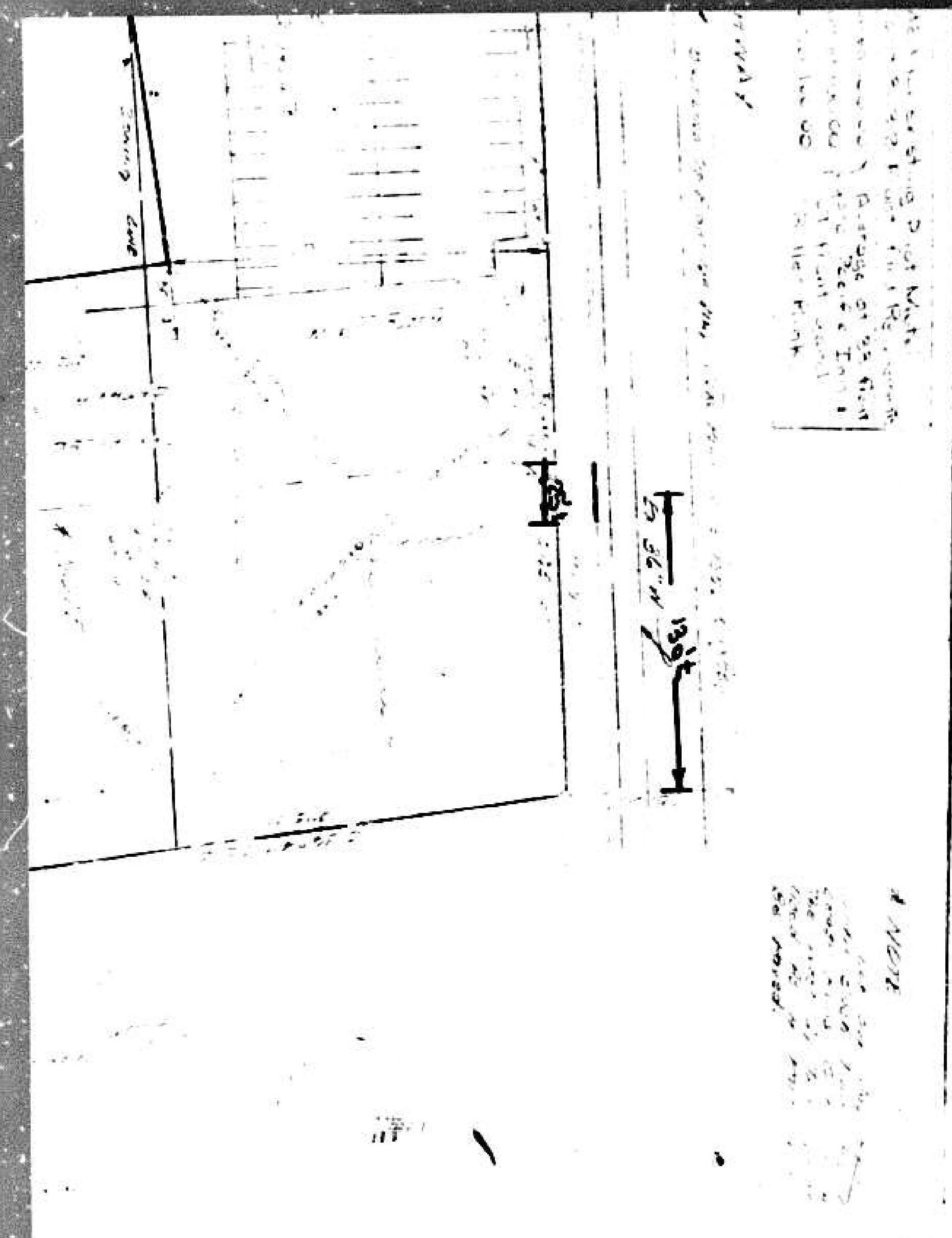
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:vrd

By: George Wittman

Attachment

cc: Mr. J. Wimbley (w-sketch)



STEPHEN E. COLLINS
DIRECTOR

April 8, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 132 -ZAC- Meeting of January 26, 1982
Property Owner: Charles R. Gross, Jr., et al
Location: NE/Cor. Duvall and Chesaco Avenue
Existing Zoning: B.R. & D.R. 5.5
Proposed Zoning: Variance to permit distance between buildings of 3', 32', 13', 59', 30', 53.20' and 56.85' in lieu of the maximum required 60', and to permit side yards of 23' and 2' in lieu of the required 30' and to permit a rear yard of 15' in lieu of the required 30', to permit front yard of 45', 16.20' and 40' in lieu of the maximum required average setback of 100', to permit distance between street property line and parking spaces of 0' in lieu of the required 8', to permit 29 parking spaces in lieu of the required 58 spaces and to permit a lot width of 68.54' in lieu of the required 80'. Special Hearing to approve that the restaurant facility known as Pacific Inn enjoys a non-conforming restaurant use and a non-conforming use of 8 apartments as to available on site parking.
Acres: 3.290
District: 15th

Dear Mr. Hammond:

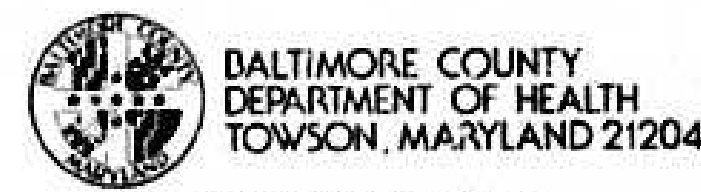
The entrance of this site along Chesaco Avenue does not meet County standards and some parking has to back out on to the public street. Both items should be corrected.

All entrances along Pulaski Highway are subject to the State Highway Administration's approval.

Sincerely,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate II

MSF/r14



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 29, 1982

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 132, Zoning Advisory Committee Meeting of January 26, 1982, are as follows:

Property Owner: Charles R. Gross, Jr., et al
Location: NE/Cor. Duvall and Chesaco Avenue
Existing Zoning: B.R. & D.R. 5.5
Proposed Zoning: Variance to permit distance between buildings of 3', 32', 13', 59', 30', 53.20' and 56.85' in lieu of the maximum required 60', and to permit side yards of 23' and 2' in lieu of the required 30' and to permit a rear yard of 15' in lieu of the required 30', to permit front yard of 45', 16.20' and 40' in lieu of the maximum required average setback of 100', to permit distance between street property line and parking spaces of 0' in lieu of the required 8' to permit 29 parking spaces in lieu of the required 58 spaces and to permit a lot width of 68.54' in lieu of the required 80'. Special Hearing to approve that the restaurant facility known as Pacific Inn enjoys a non-conforming restaurant use and a non-conforming use of 8 apartments as to available on site parking.

Acres: 3.290
District: 15th

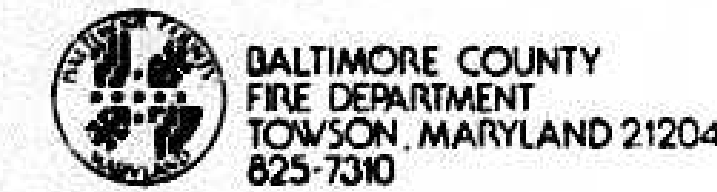
Metropolitan water and sewer exists.

Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval.

Very truly yours,

Jim J. Forrest
Jim J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF:ru



PAUL H. REINCKE
CHIEF

February 24, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Charles R. Gross, Jr., et al

Location: NE corner Duvall and Chesaco Avenues

Item No.: 132

Zoning Agenda: Meeting of January 26, 1982

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 plan for the property.

() 1. Fire hydrants for the referenced property are required 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.

(X) 2. A second means of vehicle access is required for the site. A minimum driveway width of 20 feet is required around motels and buildings for Fire Dept. access.

() 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 operation.

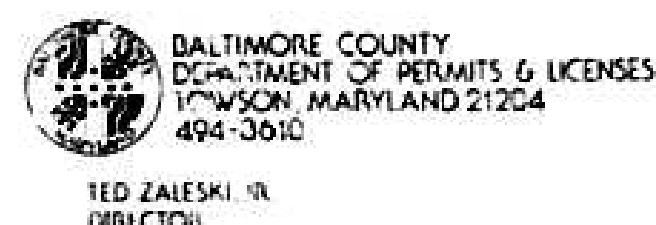
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWED BY: *George M. McGonigle* Approved: _____
Planning Group: _____ Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALESKI, JR.
DIRECTOR

February 26, 1982

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #132 Zoning Advisory Committee Meeting, January 26, 1982 are as follows:

Property Owner: Charles R. Gross, Jr. et al
Location: NE/Corner Duvall and Chesaco Avenue
Existing Zoning: B.R. & D.R. 5.5
Proposed Zoning:

Acres: 3.290
District: 15th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the handicapped and aged and other applicable Codes.
- A building/_____ permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- A change of occupancy shall be applied for, along with an alteration permit application, and these required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.

X 1. Comments - It would appear the distance variance 53.20' and 56.85' and 32'-0" will prohibit access to emergency vehicles if parking is approved as shown. Section 119.3 would be applicable for this variance.

NOTE: These comments reflect only on the information provided by the drawing submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired additional information may be obtained by visiting Room #12 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burbanck
Charles E. Burbanck, Chief
Plans Review

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 22, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 26, 1982

RE: Item No: 126, 127, 128, 129, 130, 131, 132, 133
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,

Mr. Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WHP/bp

RE: PETITION FOR SPECIAL EXCEPTION: BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCES : OF BALTIMORE COUNTY
SE corner Pulaski Hwy. &
Chesaco Ave., 15th District
CHARLES R. GROSS, JR., et al, : Case No. 83-118-XSPHA
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of 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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 27th day of October, 1982, a copy of the foregoing Order was mailed to J. Earle Plumhoff, Esquire and Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioners.

John W. Hession III
John W. Hession, III

RE: PETITIONS FOR SPECIAL EXCEPTION, : BEFORE THE
SPECIAL HEARING, AND VARIANCES : ZONING COMMISSIONER
SE/Corner of Pulaski Highway and Chesaco :
Avenue - 15th Election District :
Charles R. Gross, Jr., et al - Petitioners : OF
NO. 83-118-XSPHA (Item No. 132) : BALTIMORE COUNTY

The petitioners herein, Charles R., Jr., Frederick M., and Darin S. Gross, brothers/owners of the subject property, seek to establish the existence of a nonconforming use for the restaurant facility known as the Pacific Inn and ten room and/or apartments therein with associated attendant parking; a special exception for living quarters (ten rooms and/or apartments) in a commercial building (Pacific Inn) in a B.R. (Business, Roadside) Zone with a C.S-1 (Commercial, Strip) District superimposed thereon; and variances to permit (a) distances between buildings of 3 feet, 32 feet, 13 feet, 50 feet, 59.30 feet, 53.20 feet, and 56.85 feet in lieu of the maximum required 60 feet, (b) side yard setbacks of 23 feet, 2 feet, and 27 feet in lieu of the required 30 feet, (c) a side yard setback of 2 feet in lieu of the required 20 feet, (d) a rear yard setback of 15 feet in lieu of the required 30 feet, (e) front yard setbacks of 45 feet, 16.20 feet, and 40 feet in lieu of the maximum required average setback of 100 feet, (f) a distance between street property line and parking spaces of zero feet in lieu of the required 8 feet, (g) 16 parking spaces (Pacific Inn) and 42 parking spaces (Pilot Motel) each in lieu of the required 60 spaces, and (h) a lot width of 68.54 feet in lieu of the required 90 feet, all as shown on the site plan prepared by R.T.F., Inc., revised October 19, 1982, and marked Petitioners' Exhibit 1. The subject site has a frontage of 990 feet, more or less, on the south side of Pulaski Highway, extending easterly from Chesaco Avenue.

Frederick M. Gross testified that his grandparents purchased the property in 1937, the year Pulaski Highway was constructed. During that same year, the 2 1/2-story single house, depicted on the photograph marked Petitioners' Exhibit 23, was moved to its present location and the Pacific Inn was constructed on its former site. The improvement, marked "Pacific Inn 3 Story Brick" on Petitioners' Exhibit 1, consisted of a restaurant/restaurant on the first floor with two apartments and eight rooms and baths on the upper floors which were rented to individuals employed because of the war. He further testified these uses have continued with no interruption of a year since that time. It is this improvement, located on the portion of the tract zoned B.R.-C.S-1, that the petitioners wish to be recognized as nonconforming and, in conjunction therewith, request a

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DATE: *Feb 26, 1982*

BY: *John W. Hession III*

special exception for living quarters in a commercial building, together with variances to permit a side yard setback of 27 feet in lieu of the required 30 feet and 16 parking spaces in lieu of the required 60 spaces.

Additionally, a variance to permit a lot width of 68.54 feet in lieu of the required 90 feet is requested for the D.R. (Density, Residential) 5.5 zoned parcel containing a two-story, semi-detached dwelling fronting on Chesaco Avenue and designated as Lot 3 on Petitioners' Exhibit 1. This improvement was constructed in 1948 and is presently being rented.

The remaining variances are for the parcel zoned both B.R.-C.S-1 and B.R. containing the Pilot Motel and designated as Lot 4 on Petitioners' Exhibit 1 and involve distances between existing buildings; front, side, and rear yard setbacks; a distance between street property line and parking spaces; and 42 parking spaces in lieu of the required 60 spaces. Mr. Gross stated that the improvements depicted on Petitioners' Exhibit 1 as buildings E (three-car garage) and D were constructed in 1941, building F in 1943, building C in 1947, and building A in 1958 and that all sixty units were completed by 1958. He indicated that truckers generally use the motel rather than travelers and that the parking spaces available are adequate since the operator of the motel provides a shuttle bus service for the guests.

In summation, Mr. Gross felt that because all improvements were constructed between 1937 and 1958 and have existed without any problems, the purpose of this hearing is to legitimize the existing uses, give recognition to existing parking deficiencies, and locate property lines so the uses may be individually sold at some future time.

Robert T. Fishbaugh, registered land surveyor, and Bernard M. Willemain, planner, testified that they felt the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met; that the health, safety, and general welfare of the community will not be adversely affected; and that to comply with the zoning regulations would create a practical difficulty and unreasonable hardship upon the petitioners.

Since this Commissioner agrees with the testimony and evidence presented and no one appeared at the hearing to present adverse testimony, the nonconforming use, special exception, and variances all should be granted; therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of July, 1983, that the nonconforming use for the restaurant facility known as the Pacific Inn and two apartments and eight rooms therein with associated attendant parking has existed and has been conducted prior to the adoption of the Baltimore County

Zoning Regulations and, as such, is hereby GRANTED the right to continue; the Petition for Special Exception for living quarters, i.e., two apartments on the second floor and eight rooms on the third floor, in a commercial building (Pacific Inn) in a B.R. Zone-C.S-1 District is hereby GRANTED; and the Petition for Variances to permit (a) distances between buildings of 3 feet, 32 feet, 13 feet, 50 feet, 59.30 feet, 53.20 feet, and 56.85 feet in lieu of the maximum required 60 feet, (b) side yard setbacks of 23 feet, 2 feet, and 27 feet in lieu of the required 30 feet, (c) a side yard setback of 2 feet in lieu of the required 20 feet, (d) a rear yard setback of 15 feet in lieu of the required 30 feet, (e) front yard setbacks of 43 feet, 16.20 feet, and 40 feet in lieu of the maximum required average setback of 100 feet, (f) a distance between street property line and parking spaces of zero feet in lieu of the required 8 feet, (g) 16 parking spaces (Pacific Inn) and 42 parking spaces (Pilot Motel) each in lieu of the required 60 spaces, and (h) a lot width of 68.54 feet in lieu of the required 90 feet is hereby GRANTED, from and after the date of this Order, all subject, however, to the following restrictions:

1. These approvals shall be in accordance with Petitioners' Exhibit 1.
2. If any of the subject site is sold by lots and/or uses, the subdivision created by such sale(s) shall be in accordance with the applicable subdivision regulations in effect at the time.
3. Any change in use and/or increase in the facilities known as Pacific Inn and Pilot Motel created by interior renovation or exterior enlargement shall be subject to a special hearing to amend the site plan and the herein special exception in accordance with Section 502.1 of the Baltimore County Zoning Regulations.
4. Compliance with the comments submitted by the Department of Traffic Engineering, dated April 8, 1982, regarding the Chesaco Avenue entrance.
5. A revised site plan, incorporating the restrictions set forth above, being submitted for approval by the Department of Public Works and the Office of Planning and Zoning, including landscaping and screening requirement for approval by the Current Planning and Development Division.

Zoning Commissioner of
Baltimore County

Lot 1
VARIANCE
LETTER

P.
O.
NO LETTER
NO LETTER

Lot 2

Lot 3

Q.

Lot 4

BUILDING
KEY

GROSS - PULASKI HIGHWAY AT
CHESACO AVENUE PROPERTIES

Pacific Inn - BR-CS-1- Pulaski Highway at Chesaco Avenue

Parking Variance - 16 spaces for required 60 spaces - Sec. 409
Side Yard Variance - Sec. 238.2 - 27 feet for required 30 feet
Special Hearing to confirm 2 apartments and 8 rooms
Special Exception to permit 2 apartments and 8 rooms in a commercial building - Sec. 236.1

2 1/2 Story Single - Chesaco Avenue

No Variances Requested

2 Story - Semi-Detached

Lot Width Variance Request - 68.54 feet for required 90 feet

Pilot Motel Complex

Building A - Main Motel Building - Center - Motel Office

Building B - 1 Story Stone Motel to SW of Building A and to SE of Pacific Inn

Building C - 1 Story Stone Motel to E of Building A

Building D - 1 Story Stone Motel to SE of Building A

Building E - Stone Garage to Rear of Building B

Building F - 1 Story Stone Motel at Rear of Lot 4, to SE of Building D

Various front yard, distance between buildings and parking space to right-of-way variances requested, plus parking variance from Sec. 402.9(a) to permit 42 spaces for required 60 spaces.

Pilot Motel Variances Key

BUILDING A - 2 STORY MAIN MOTEL AND OFFICE

Front Yard Variance - 45' for Required 100' - Secs. 238.1 and 303.2

Distance Between Buildings, A to B, 56.85' required 60' - Sec. 238.2

(D.B.B. = Distance Between Buildings)

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G. D.B.B., A to C, 53.20' - required 60' - Sec. 238.2

BUILDING B - 1 STORY STONE MOTEL

A. D.B.B., B to E, 3' for required 60' - Sec. 238.2

E. D.B.B., B to D, 32' for required 60' - Sec. 238.2

E. D.B.B., B to F, 59.3' for required 60' - Sec. 238.2

BUILDING C - 1 STORY STONE MOTEL

M. Front Yard Variance - 40' for required 100' - Secs. 238.1 and 303.2

H. Side Yard Variance - 23' for required 30' - Sec. 238.2

C. D.B.B., C to D, 13' for required 60' - Sec. 238.2

BUILDING D - 1 STORY STONE MOTEL

D. D.B.B., D to F, 50' for required 60' - Sec. 238.2

BUILDING E - STONE GARAGE

L. Front Yard Variance, 16.2' for required 100' - Secs. 238.2 and 303.2

I. Side Yard Variance, 2' for required 20' - Sec. 238.2

BUILDING F - 1 STORY STUCCO MOTEL

J. Rear Yard, 15' for required 30' - Sec. 238.2

PARKING SPACES

N. 0' Parking Spaces from right-of-way line of Pulaski Highway for required 8' - Sec. 409.2

PLOT MOTEL

Parking Variance - Sec. 409.2, 42 spaces for required 60 spaces

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GROSS PROPERTIES - SOUTH SIDE OF PULASKI HIGHWAY
AT SOUTHEASTERN CORNER OF PULASKI HIGHWAY
AND CHESACO AVENUE

The Pacific Inn, The Pilot Motel, Skateland (no variances requested), Chesaco Avenue Individual Home (no variances requested) and Chesaco Avenue Duplex:

1. The Pacific Inn, the Pilot Motel, the Chesaco Avenue individual home and the Chesaco Avenue duplex were all either built prior to World War II (with the commencement of Baltimore County Zoning on January 2, 1945) or prior to the adoption of the present commercial and residential zone structure (on March 30, 1955), and all but the Chesaco Avenue individual house are non-conforming uses, imperiled by Section 104 of the Baltimore County Zoning Regulations.

2. According to the September 1, 1947, Baltimore County Zone Display Map, the southeastern corner of Chesaco Avenue and Pulaski Highway (thereon called Governor Nice Highway) was zoned "B" commercial (blue designation) then the only Baltimore County commercial zone; which "B" commercial zone permitted a great number of commercial uses unless specifically prohibited. The rear portions were then placed in the Cottage "A" zone.

3. During the period following the present BL, BM and BR zones inception by The Baltimore County Zoning Regulations dated March 30, 1955, the majority of the property, including all the Pulaski Highway frontage, was zoned commercial, i.e., BR, with the rear portions of the property being placed in the DR 5.5 zone. Subsequently, the C.S.-1 district designation was added to the Pulaski Highway frontage BR. Parts of the Chesaco Avenue portion of the property frontage and all of the Duvall Avenue property to the south were placed and remain in a DR 5.5 zone.

4. The requested variances, including sideyards, distances between buildings, and the parking variances all involve no new construction, but merely recognition and ratification of the existing restaurant, apartments and rooms above the restaurant, the motel, and a proposed revised

No New
Construction
Present Parking
Works in Field
County Cut-Back
Of Parking
Separates
Parking
Situation

Requested
Relief Removes
Non-Conforming
Use Spectrum As
To Parking And
Setbacks

Requested
Relief Allows
Separation into
Six Logical And
Actual Uses And
Lots

Health, Safety
And Welfare
Will Be
Improved

Continued Non-
Conforming
Status Will
Continue
Practical
Difficulty And
Unreasonable
Hardship And
Will Discourage
Upgrading,
Improvement And
Recycling Of
These Important
Pulaski Highway
Properties

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parking plan which cuts both motel and restaurant/apartment house building back severely despite a parking plan which works well in the field.

5. The requested zoning relief will allow an orderly and proper sales of any and all of the separate uses, allowing probable upgrading, and it removes the non-conforming use status as to setbacks and parking hanging over the property.

6. The requested zoning relief paves the way for subdivision into
(A) Lot 1, Pacific Inn/Apartment Building and Rooming;
(B) Lot 2, Chesaco Avenue individual house;
(C) Lot 3, Chesaco Avenue Duplex;
(D) Lot 4, Pilot Motel;
(E) Lot 5, Skateland; and
(F) Lot 6, Vacant Pulaski Highway, BR Parcel used for overflow tractor and trailer parking by motel.

7. The health, safety and welfare of the area will in no way be infringed, as it is not now, and in fact, the separation will allow upgrading and renovation of the various uses either by present or new owners and/or tenants.

8. Without the requested variances, the Gross family will continue to suffer practical difficulty and unreasonable hardship, and there will be little or no incentive on the part of either the owners (new or old) or the tenants to upgrade and improve these older, outmoded commercial uses.

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DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCES, SPECIAL EXCEPTION
AND SPECIAL HEARING CONCERNING THE PILOT MOTEL,
THE PACIFIC INN AND RELATED RESIDENTIAL PROPERTIES

ALL those parcels or tracts of land on the Northwest side of Duvall Ave., the Northeast side of Chesaco Ave. and on the Southeast side of Pulaski Highway in the Fifteenth Election District of Baltimore County, Maryland, according to a survey made by R.T.F. Inc. dated January 6, 1982 and described as follows:

BEGINNING for the same at a point at the Southeastern corner of the intersection of Pulaski Highway and Chesaco Avenue, said point being at the beginning of the North 53°27' East 49.26 foot line of Parcel Five of a tract of land conveyed unto Frederick M. Gross et al., by deed dated May 31, 1977 and recorded among the Land Records for Baltimore County in Liber E.H.K. Jr. 5772, Folio 007; (more fully described in Liber E.H.K. Jr. 5445 Folio 284), thence with said line and with all bearings referred to the Baltimore County Grid Meridian North 53°28'39" East 49.07 feet to a point on the Southern Right of Way Line of Pulaski Highway (150 feet wide); said point being distant South 31°01'09" East 75.00 feet from Baseline of Right of Way Station 62+36.33 as shown on S.R.C. Right of Way Plat No. 1355; running thence with said Southern Right of Way line and with a portion of the North 58°57'13" East 901.66 foot line of the aforementioned Gross conveyance North 58°58'51" East 90.36 feet to a railroad spike found in an existing tar and chip entrance road; thence continuing on said Right of Way Line North 58°58'51" East 310.30 feet to an iron pin set; thence leaving said Right of Way Line and with a new line of division now made South 27°59'32" East 324.74 feet to an iron pin set on and distant South 53°42'27" West 548.17 feet from the beginning of the Southeastly 948 foot line of Parcel Three of the aforementioned Gross conveyance; thence

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with a portion of said line South 53°42'27" West 229.61 feet to an iron pin set; thence continuing South 53°42'27" West 160.20 feet to an iron pin set on the Northeast side of Chesaco Avenue (40 feet wide); thence leaving said Southwesterly 948 foot line and with the Northeast side of Chesaco Avenue North 37°51'09" West 68.54 feet to an iron pin set; thence continuing North 37°51'09" West 69.98 feet to a P.K. nail set; continuing thence North 37°51'09" West 159.79 feet to a point; thence with a line curving to the left having a radius of 1118.70 feet for an arc length of 5085.64, said curve having a chord of North 39°23'06" West 59.84 feet to the place of beginning. Containing 3.290 acres of land more or less.

SUBJECT to an easement area as shown on S.R.C. Right-of-Way Plat Nos. 1355 and 1356 and an existing waterline leading in a Westwly direction to Chesaco Avenue.

BEING a portion of Parcel's Three, Four and Five of a tract of land conveyed unto Frederick M. Gross et al., by deed dated May 31, 1977 and recorded among the Land Records for Baltimore County in Liber E.H.K. Jr. 5772 folio 007; (more fully described in Liber E.H.K. Jr. 5445 folio 284).

Special hearing and special exception covers that portion of the above property utilized by the Pacific Inn and related property.

Robert T. Fishbaugh
Registered Land Surveyor No. 6034

Built Prior To
War And Present
Commercial
Zones And Are
Primarily
Non-Conforming
Uses

1945 To 1955
And "B"
Commercial And
Rear Cottage
"A"

Post 1955
BR-CS-1
BR And DR 5.5

All Requested
Zoning Relief

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Merely Ratification
And
Recognition

PETITIONER'S
EXHIBIT 4

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VALIDATION OR SIGNATURE OF CASHIER

