ition has been received and accepted for filing this

MICROFILMED

Petitioner's

Attorney

Zoning Commissioner

Received by Action Commoder!

Ficholas B. Commoder!

Chairman, Zoning Plans

Advisory Committee

FOR FILING

RECEIVED

PETITION FOR Z	ONING VARIANCE	8-1-383-A
TO THE ZONING COMMISSIONER OF BALTI		
The undersigned, legal owner(s) of the production of the description and plat attached by	berelo and made a part hereof, hereby	petition for a
Variance from Section . 409.2.b.(6) to per	mit 17 in lieu of 21 parking sy	paces.

of the Zoning Regulations of Baltimore County, following reasons: (indicate hardship or practic		uaty; sor the
In order to be competative outside of does not allow any expansion of retail is needed .	display is necessary, the exist sales area, therefore a parking	ting parts -
Property is to be posted and advertised [], or we, agree to pay expenses of above Value of the petition, and further agree to and are to be bounded by the contract of the co	ariance advertising, posting, etc., upon and by the zoning regulations and r	filing of this
	1/We do solemnly declar under the penalties of perju- are the legal owner(s) of which is the subject of this F	ry, that I/we the property
Contract Purchaser:	Legal Owner(s):	fac.
(Type or Print Name)	CHARLES WHLTER	s
Signature	Signature Month	Mark.
Address	(Type or Print Name)	
City and State	Signature	INAL ST.
		. She and the second se
Attorney for Pelitioner:	[1995] 9225 090800 8082000	
Attorney for Pelitioner: (Type or Print Name)	X2/1 Mass Ct	Phone No.
***************************************	X. Balt. Mrs. Ct. * Balt. Mr.	Phone No.
(Type or Print Name)	こうこうさんこう ファファファ ファファ コンド (4) はま はま はま (4) は	egal owner, con-

BALTIMORE COUNTY. MARYLAND

County, on the _____30th ____ day of ____April _____, 19_84 __ at _11:15 o'clock

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner	DateApril.11, 1984
Norman E. Gerber, Director PROM Office of Planning and Zoning	
Charles Walters	
SUBJECT 84-288-A	

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

Office of Planning and Zoning

NEG/JGH/sf

MICROFILMED

PETITION FOR ZCNING VARIANCE 34-288-9

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Variance from Section	u 409.2.b.(6) to permit 17 in lieu of 21 parking my	paces.
-----------------------	---	--------

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

In order to be competative outside display is necessary, the existing parking does not allow any expansion of retail sales area, therefore a parking variance is needed

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 tals 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, ander the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. 7.77.73.73.74.8.88 (1.88) + 2.88 + 2. (Type or Print Name) City and State Attorney for Petitioner: Name, address and phone number of legal owner, con-tract purchaser or representative to be contacted -------..... Attorney's Telephone No. Phone No. County, on the ______30th _____ day of _____April ______, 19.84 ___ at ____15.15 o'clock**M**...

April 17, 1984

RE. Case No. 84-288-A (Item No. 213)

Variance Petition

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The

following comments are not intended to indicate the appro-

printen. of the coming action requested, but to assure

as to the suitability of the requested toning.

hearing scheduled accordingly.

that al. parties are made sware of plans or problems with

regar: 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

of the Committee at this time that offer or request infor-

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

Chairman

Very truly yours,

NICHCLAS B. COMMODARI

Coming Plans Advisory Committee

Metilis & demondarfor

mation on your petition. If similar comments from the

Enclosed are all comments submitted from the members

Petitioner - Charles Walters

COUNTY OFFICE BLDG.

111 M. Chesapease Ave.

Towson, Maryrand 30204

Nicholas 1. Connoder:

Ch4 . : * 45

ME13 175

Bareau of

Engineering

Bureau of

Industrial

Departient of Traffic Engineering

Fire Prevention

Hearth Department

Project Plaining

Building Department

Board of Production

Impero Administratio

State Roads Commission

Mr. Charles Walters

Dear Mr. Walters:

NBC:bsc

Enclosures

Baltimore, Maryland 21222

211 Wise Avenue

ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS MICROFILMED

BALTIMORE COUNTY



Zoning Commissio /r County Office Building Towson, Maryland 21204

Property Owner: Charles Walters S/S New Deal Place 90' N/W from centerline Acres: 100 X 100 D. trict: 12th

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

General:

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.

> Very truly yours. Bureau of Public Services

RAM: EAM: FWR: 85

E-SW Key Sheet 13 SE 26 Pos. Sheet SE 4 G Topo 104 Tax Map

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

ARTON TON

Ma.ch 28, 1084

Mr. Arnold Jablon

Re: Item #213 (1983-1984)

Dear Mr. Jablon:

Baltimore County highway and utility improvements exist and are not directly involved.

The Petitioner must provide necessary drainage facilities (temporary or

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 213 (1983-1984)

ROBERT A. MORTON, P.E., Chief

8.1 - 285 A CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

Manager

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN, Distrect weather -

Men and Clace, 100 NILLEG



Mr. Charles Welters 211 Wise Avenue Baltimore, Maryland 21222

137 233 -A

NOTICE OF HEARING

No: Patition for Variance 5/8 New Deal Place, 100' NW of Michaey Place Charles Walters - Patitioner Case No. 64-286-A

TIME: 11:15 A.M. DATE: Monday, April 30, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

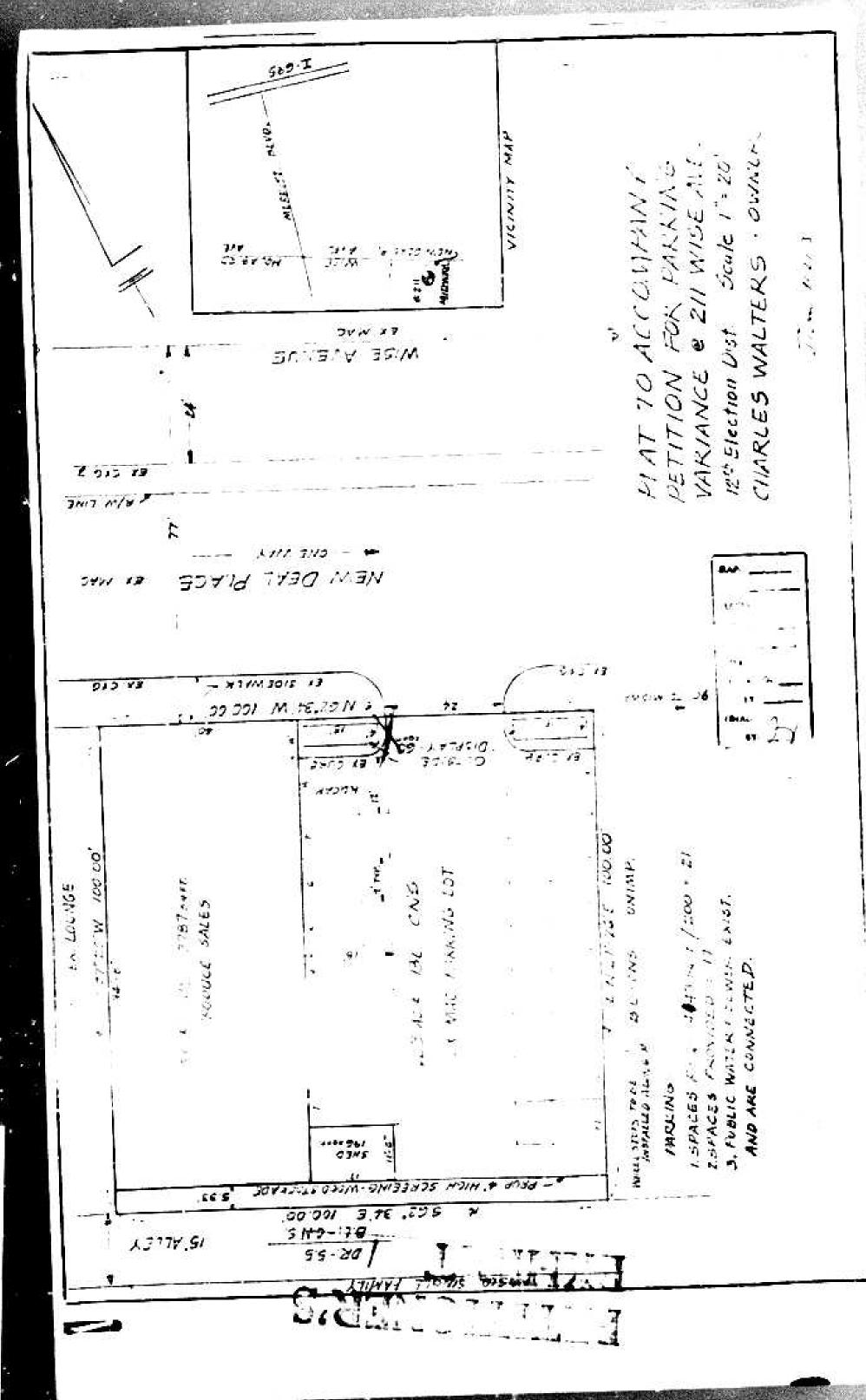
OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

M. 126822

DATE___ 2 6 84 ___ACCOUNT_ R- 01- 615 000 8 090++++***************************

















I, the undersigned, support Charles Walters in his effort to obtain a variance for outside tables, parking and, enc osed walken lot at

1. El Krang 2. alen I Februar 3. linear Lawron 4. Mus G. Truce 5. Elijal Brice 6. Doerthy -) Man-7. Starley I marin

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1968 Plaselemere Rd 34 4 Miser due Disas 371-8- Weil are 3,000

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9- SEABRIGHT AVE 7 ma Buch

1 Lia Buyht 354 Will Ove Botto M.L

103 Wise 135 Bay 8100 DR 125 Boysida Da

2 Scalright light 2 Midway Due 2/222 obtain a variance for outside tables, parking and enclosed was not at 211 Wise Avenue, Baltimore, Maryland:

114 A. Wese Glie 1. Beatrice Gibson 313 Wine and 2. Edua Gocknown 311 Wise are 3. fauline, Factock 4. W. L. Khow Ja Il word 305 A Wine Cire 5. Juito Peror 6. 9/2 3 -7. Charly hour 12 SeabrigHT AVE 8. Opinille Elya 1100 Wise are 400 wesi are . Lucise Elya 10. Paris tooWest are 11. Jusul Ffer 100 Win Com 400 Wine ane 12. Celestia Karke 400 Wice ave 13. Vaulette Galinus 400 Wine #3 1. andwood Wehner 203 400 Mesetrailar 12 15, Roba Telhardt 1911 Kalman - 1 16. Con 11. 73 del Ru Rd 17. Jun Smythers

19. Mrs. Charles Botton

20. Mrs. Emmis auslin

1, the undersigned, support Charles Walters in his effort to obtain a variance for outside tables, parking and enclosed welkupon lot at 211 Wise Avenue, Baltimore, Maryland:

. Medicine Shoppe 2011 Wise Aug 2. Key Teally Inc 203 Wese the 3. JRY-17 LIO 205/2 Wis auc. Bill Fisher 301 wise and 5. Ptt Preose 303 Wise cace ast Varlis 305 Wise leve 1. Done Porte 307 Wise Aue 325 Mine ave. 8. anthony E. Stefanski 220: KAR A. 9. Kenny Sawhuy 10. 18. A. mo Dec 6 Winone are 22. 18 Senbricht Ave 11. W.C MElwa 12 WISE AUE Vol. FRE Co. 214 WISE AUE. 202 Wise are 13. Bayney & Crak House 28 Wening Che 14. Brull: Brown 15. Joans Caketti 3 Medway 16. M. Gudinie 1 Bux 2 H midway 17. J. Kimbel 11 Thin 6 securialt the 533 Sanside Nr. 3 Starright

convicus 4/50AY 11:55 84- 281 A Morma Stone , Eng Charles Karten let Anune Bherseghin, & 308 love are

Peneghen, he sor town Cer

owner of produce learness on loise ave - 40 years in busines - bought pro - Dec 1983 - 10,500 nte 4. a - fem buendes - 62 - 3750 mg. use front 1 pup for retain - 49 x50 - meed 21 expects - he was f 17 have desplay own entered, 2 12 x2 + xxx - also colo fox 11 × 12, netter Ally 18 × 19 which talk up spece - can so in + out feet - scent used 10 speels a any one time - much 3 n 4 atiligel - yourd 66 - CNG - del leve put for but f 2 me befor buying try wer alres - till whe leaving - bout + sould - in well elegang center, Y other store . seed outside desplay are for juste to see + will lead them to stop - loves bunus No duply - business de reasond up a recover, with a deal - want to get vegs on dupley - w/o would have to close - State consetilors + has dupley over - obser't withher my truffic on live - of live out New Deal ll, the int hat genting lot we during burnier burn true , exect to lieve at must a year filed @ any one tome. would not allow yearing of other stores be been let met door + men flee market - if would continue flee market

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONINC
TOWSON MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

Cross X

April 20, 1984

well need been at adject tog in land

abragated, the flee months must cause -

Mr. Charles Walters 211 Wise Avenue Baltimore, Maryland 21222

> Re: Petition for Variance (Case No. 84e288-A) S/S New Deal Place, 100' NW of Midway Place Charles Walters - Petitiones

Dear Mr. Walters:

This is to advise you that \$49.40 is due for advertising and posting

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

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

Chall ARNOLDJABLON Commissioner

DATE 4-30-84 ACCOUNT 6-0:-615-000 MOUNT \$ 49.40 (crak) ron advertising & perting Can of 4-288-4 @ 028******* 430ax VALIDATION OR SIGNATURE OF CASHIER

business. Testimony was clear that the icss of the four spaces would in no way adversely impact traff c or cause traffic congestion. Mr. Walters testified that without the display stands, he would be at a distinct disadvantage to his competition, which includes the Protestants herein who operate a similar business directly across the street. Other competition in the area has display stands which showcase available seasonal fruit and vegetables to passing motorists. Since this type of business is obviously seasonal, the Petitic er believes that he would not be able to operate without the displays, especially during Spring and Summer.

The property at issue here does not front on Wise Avenue but on New Deal Place, r. service road running parallel to Wise Avenue which is one-way west. Traffic must cross from Wise Avenue via New Deal Place to enter the Petitioner's business.

The Protestants allege that the Petitioner has continually violated the zoning laws, but this argument has no bearing on this hearing. The process for a variance will not be turned into a violation hearing. Klein v. Coloniai Pipeline Co., 462 A.2d 546 (1983). Additionally, they alloge that the Petitioner is also running a flea market on the property. However, this property is zoned appropriately for such a business enterprise. Their argument reflects the es-, underlying feelings of disenchantment between the Protestants and the er, the cause of which is of no concern here. This is unfortunate, since it clouds the issue raised for relief.

Protestants testified that they have seen the Petitioner's parking lot hich is in contradiction to the Petitioner's testimony. They are also concerned that the Petitioner will take adventage of any relief granted. They are competitors and admit that their parking lot, which has only ten spaces, is selem, if ever, filled to capacity. They presented no evidence to contradict

- 2 -

the testimony of the Petitioner that the requested variance ratifies the strict burden of proof required by Section 307 of the Baltimore County Zoning Regulations (BCZR). The Petitioner has successfully met that burden, and the Protestants were unable to provide any evidence to the contrary.

10 West aus.

107 Wise au.

The Petitioner seeks relief from Section 409.2.b.(6), pursuant to Section 307 BCZR

An area variance may be grant d where strict application of the Zoning regulation would cluse practical difficulty to the petitioner and his property. McLean v. Soley. 'S Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the dis-"rict or whether a lesser relaxation than that applied for would give substantial relief; and
- 3. whether "ellef can be granted in such fashion that the spirit of the ordinance vill be observed and public safety and welfare secured.

Anderson v. Bo. of ippeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use promoted would not be contrary to the spirit of the BCZR and would not result up tantial detriment to the public good.

due consideration of the testimony and evidence presented, it is clear practical difficulty or unreasonable hardship would result if the instant were not granted. It has been ustablished that the requirement the Peseeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the vari-Eanc requested will not be detrimental to the public health, safety, and general welfare.

fursuant to the advertisement. posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, AT IN ORDERED by the Foring Commissioner of Baltimore County, this 🎁 tay of May, 1984, that the Petition for Variable to permit 17 parking spaces instead of the required 21 spaces be and is meneby GRANTED. From mer the date of this Order, subject, however, to the following restrict

- The Petitio er may apply on this building permit and fe granted same upon receipt of this Order; nowever, Retitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition,
- 2. If the Petitioner continues to operate the flea market on the premises, whether inside or out of the building on site, he must provide those spaces determined by the BCZB to be required, compliance with which may be satisifed by leasing appropriate spaces off lite on property adjacent to the subject property.
- 3. A sign indicating "no left 'urr" onto New Deal Flace shall be provided at the exit from the parking lot.

- 400mg

Bartimore County

FOR RECEIVED 5

OROE

+ 3 -

IN RE: PETITION ZONING VARIANCE S/S of New Deal Place, 100' NW of Midway Place - 12th Election District

BEFORE THE ZONING COMMISSIONER

Charles Walters,

OF BALTIMORE COUNTY
Case No. 84-288-A

Petitioner

.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 17 parking spaces instead of the required 21 spaces, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel.

Pruno Perseghin, Sr. and Bruno Perseghin, Jr. appeared and testified

The subject property, zoned B.L.-C.N.S. was purchased by the Petitioner in December, 1983 for the purpose of operating a produce and seafood market. After purchasing, the Petitioner recognized the need to have display stands in the front of the property to attract customers traveling on Wise Avenue, a major thoroughfare. He also proposes to construct a shed around a cool box needed for refrigeration. The potential additional retail uses would expand the total area of his business to 4,143 square feet, which requires 21 parking spaces. Inasmuch as the display stands and shed would take up 3) of the available parking spaces and there is no other area to expand or relocate the proposed uses, a variance is required.

The Petitioner has been in the produce business for many years. It has been his experience that, even during the busiest season, never more than seven spaces were needed. In fact, he testivied that, at most, only three or four spaces would be utilized at any one time. Customers come and go quickly in this type of business because turnaround is important to both the customer and the

PETITION FOR VARIANCE

12th Election District

ZONING:

Petition for Variance

LOCATION:

South side New Deal Place, 100 ft. Northwest of Midway Place

DATE & TIME: Monday, April 30, 1984 at 11:15 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit 17 in lieu of 21 parking spaces

Being the property of Charles Walters, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY business. Testimony was clear that the loss of the four spaces would in no way adversely impact traffic or cause traffic congestion. Mr. Walters testified that without the display stands, he would be at a distinct disadvantag? to his competition, which includes the Protestants herein who operate a similar business directly across the street. Other competition in the area has display stands which showcase available seasonal fruit and vegetables to passing motorists. Since this type of business is obviously seasonal, the Petitioner believes that he would not be able to operate without the displays, especially during Spring and Summer.

The property at issue here does not front on Wise Avenue but on New Deal Place, a service road running parallel to Wise Avenue which is one-way west.

Traffic must cross from Wise Avenue via New Deal Place to enter the Petitioner's business.

The Protestants allege that the Petitioner has continually violated the zoning laws, but this argument has no bearing on this hearing. The process for a variance will not be turned into a violation hearing. Klein v. Colonial Pipeline Co., 462 A.2d 546 (1983). Additionally, they allege that the Petitioner is also running a flea market on the property. However, this property is zoned appropriately for such a business enterprise. Their argument reflects the essential underlying feelings of disenchantment between the Protestants and the Petitioner, the cause of which is of no concern here. This is unfortunate, however, since it clouds the issue raised for relief.

The Protestants testified that they have seen the Petitioner's parking lot full, which is in contradiction to the Petitioner's testimony. They are also concerned that the Petitioner will take advantage of any relief granted. They are competitors and admit that their parking lot, which has only ten spaces, is seldom, if ever, filled to capacity. They presented no evidence to contradict

- 2 L

August 31, 1993

TO WHOM IT MAY CONCERN:

I, Alvin D. Lloyd, Sr., hereby give permission for Mr. Charles Walters to use the vacant lat in the 200 black of Wise Avenue at New Deal Place in front of three (3) brick garages and across from Wise Avenue Valunteer Fire Department.

Mr. Walters must obtain any and all necessary permits and/or licenses to operate a produce stand there.

Mn 9 M. St.

This agreement can be concelled by either party on seven (7) days' notice.

Agreed By:

Charles Walter

FETTEONER'S
EXHIBIT ___

the testimony of the Petitioner that the requested variance satisfic the strict burden of proof required by Section 307 of the <u>Baltimore County Zoning Regulations</u> (BCZR). The Petitioner has successfully met that burden, and the Protestants were unable to provide any evidence to the contrary.

The Petitioner seeks relief from Section 409.2.b.(6), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

- 3 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

- I. The Petitioner may apply for his building permit and be granted same upon receipt of this loder; nowever, Petitioner is hereby made aware that proceeding at this time is at his own hisk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. If the Petitiones continues to operate the fina market on the premises, whether inside on the fire building on site, he tist provide those spaces determined () the BCZP to be required, compliance with which may be satistfed by inasing appropriate spaces off site on property adjacent to the subject property.
- 3. A sign indicating "no left turn" onto New Isa. Flace shall be provided at the exit from the parking juty

John Comussioner of

Beginning for the same at a point 100 feet Northwest of the intersection of Midway and New Deal Place. Consisting of lots 7 thru 10 of Block I as shown on plat of Inversess recorded in the land records of Baltimore County in Plat Book 10

DESCRIPTION

NW of Midway Place - 12th 20NING COMMISSIONER Election District OF BALTIMORE COUNTY Charles Walters.

Petitioner

IN RE: PETITION ZONING VARIANCE

S/S of New Deal Place, 100'

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 4 -

BEFORE THE

The Petitioner herein requests a variance to permit '" parking spaces instead of the required?" spaces, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel.

Bruno Perseghin, Sr. and Bruno Perseghin, Sr. appeared and testified

The subject property, zoned B.L.-T.N.S. was purchased by the Petitioner in December, 1981 for the purpose of operating a produce and seafood market. After purchasing, the Petitioner recognized the need to have display stands in the front of the property to attract customers traveling on Wise Avenue, a major thoroughfare. He also proposes to so struct a sned around a cool box needed for refrigeration. The potential additional retail uses would expand the total area of his business to 4.143 square feet, which requires A parking spaces. Independent as the display stands and shed would take up 3% of the available parking spaces and there is no other area to expand or relocate the proposed uses, a variable is required.

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BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 21, 1984

Mr. Arnold Jablon Zoning Commissioner Baltimore County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: February 14, 1984

RE: Item No: 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, (213) 214. Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours Wm. Nick Petrovich, Assistant Department of Planning

WNP/1h

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1984

COUNTY OFFICE SLDG. 111 W. Chesaperte Ave. Towson, Maryland 2120:

Micholas B. Compodari Chairman

REPUBLIS Engineering

Department of Traffic Engineering State Roads Commission Juresu o: Fire Provention

Mealth Department Project Planning Building Department Board of Education Soning Administration Industrial Development

Variance Petition Dear Mr. Walters:

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 st.tability of the requested zoning.

RE: Case No. 84-288-A (Item No. 213)

Petitioner - Charles Walters

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, Shells B. lemmodarifor

NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

Enclosures

NBC:bsc

Mr. Charles Walters

Baltimore, Maryland 21222

211 Vise Avenue

E-SW Key Sheet SE 4 G Topo 104 Tax Map

RE: PETITION FOR VARIANCE S/S New Deal Place, 100' NW of Midway Place, 12th District

BEFORE THE ZONING COMMISSIONER C F BALTIMORE COUNTY

CHARLES WALTERS, Petitioner Case No. 84-288-A

ENTRY OF APPEARANCE

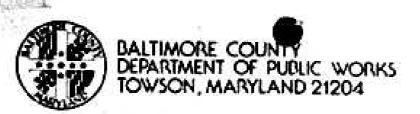
Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Physics Cole Friedman Phyllis Cole Priedman People's Couns., for Baltimore County

Lette Hay Zummer Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 10th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. Charles Walters, 211 Wise Avenue, Baltimore, MD 11222, Petitioner.

Phyllis Cole Friedman



HARRY J. PISTEL, P. E. DIRECTOR

March 28, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #213 (1983-1984) Property Owner: Charles Walters S/S New Deal Place 50' N/W from centerline Acres: 100 X 100 District: 12th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat ubmitted to this office for review by the Zoning Alvisory Committee in connection with the subject

General:

Baltimore County highway and utility improvements exist and are not directly involved.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 213 (1983-1984).

Bureau of Public Services

RAM: EAM: FWR: 85

13 SE 26 Pos. Sheet

PETITION FOR VARIANCE

12th Election District

ZONING:

Petition for Variance

LOCATION:

South side New Deal Place, 100 ft. Northwest of Midway Place

DATE & TIME:

Monday, April 30, 1984 at 11:15 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Clesapeake

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit 17 in lieu of 21 parking spaces

Being the property of Charles Walters, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zening Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

Morman H. Stane, Jr., Require Baltimore, Maryland 21222

> IR RE: Petition Zoning Veriance S/S of New Deal Flace, 100' M of Midwey Place - 12th Election District Charles Walters, Petitioner

Al/orl

oe: Pocale's Counsel

DALTIMORE COUNTY OF CE OF PLANNING AND ZONING TOWSON MARYLAND 21204 NORMAN E GERDER DRECTOR

> Mr. Arnold Jablon Zoning Commissioner County Office Building Touson, Maryland 21204

Dear Mr. Jablon:

ALCOHOL:

3/14/84

ke: Zoning Advisory Meeting of 2-14-84 Property Owner: CHARLES WALTERS

Location: 1/2 was bone never go who er MILLWAY

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

There are no site planning factory requiring comment.)A County Review Group Meeting to racialized.)A County Review Group meeting was Parket and the minutes will be forward by the Bureau of Public Scivings.

)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

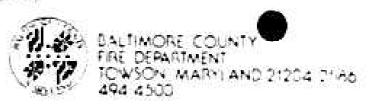
This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the flootplain is prohibited unger the provisions of Section 22-98 of the Development

Regulations. 1Development of this site may constitute a potential conflict with the Baltimore County Mester Plan.)The amended Development Plan was approved by the Planning Board

)Landscaping should be provided on this site and shown on the plan.)The property is located in a deficient service area as defined by 8111 178-79. No building permit may be issued until a Reserve Capacity Use Cortificate has been issued. The deficient service

)The property is located in a traffir area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. (Additional comments:

THE SYUARE POOTAGE IN THE PAREING NOTES SHOWNS HEH 3 S. Fr. SERVED BE 4103 SG FT.



PAUL H REINCHE

March 2, 1984

Mr. William Manmond Caning Cammissioner Office of Planning and Zoning Baltimore County Office Building Towson, Mrzyland 21204

Attention: Nick Commodari, Chairman Zoring Plans Advisory Committee

RE: Property Owner: Charles Walters

Location: S/S New Deal Place 90' N/W from c/l Midway

Zoning Agenda: Meeting of 2/14/84 Item No.: 213

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 . incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road is accordance with Baltimore County Standards as published by the feet along an approved road in 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 operation.

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

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

Special Inspection Division

(x) 7. The Fire Prevention Bureau has no comments, at this cime. Leoge Milliand

REVIEWER: 6 17 9-11 Kill 3-2-17 Approved: Noted and

Fire Prevention Bureau

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Saltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Foultioner(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.

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

Pursuant is the advertisement, postis appearing that strict compliance with th result in practical difficulty and unreason the variance(s) requested will/will not the community, the variance(s) should

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

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유프리트 경기가	appearing that strict compliance with the Baltimore County Zoning Regulations would/would not
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/roould not be granted.	Therefore IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

Zoning Commissioner of Baltimore County, this ----Instance it is communed at a day of -----, 19----, that the herein Petition for Variance(s) to permit

> Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

March 9, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

ZAC- Meeting of February 14, 1984

Item No. 203, 204, 205, 207, 207, 209, 210, 211, 212, 213, and 214. Location: Existing Zoning: Proposed Zoning:

Acres District:

Dear Mr. Jablon:

The Der cent of Traffic Engineering has no comments for item numbers 203, 204 203, 206, 207, 209, 219, 211, 212, 213, and 214.

> Michael S. Flanigan Traffic Engineering Assoc. II

MSF/ces

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Armold Jablon, Zoning Commissioner Date March 26, 1984 TO Office of Planning and Zoning

FROM Jan J. Forrest

SURJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following soming items and does not anticipate any health hazards at this time regarding these items.

Meeting - February 14, 1984

Item #203 - Leroy Y. Haile, Jr., et al Item #205 - Margaret R. Sudek Item #206 - Edward Wos, et ux

Item #207 - Anne Myscola Item #208 - Joseph P. Ambrose, Sr. Item #209 - Abell Communications Item #210 - Security Mini Storage Item #211 - Charles R. Gebbard, et ux / Item #213 - Charles Walters

Meeting - February 21, 1984

/Item #215 - Anthony J. Moken, et ux Item #219 - Dale T. Vois Item #220 - Estate of Belen A. Singer

Meeting - March 6, 1984

Item #227 - James J. Wart. III

Meeting - March 20, 1984

LJF/fth

Item #230 - James Forbes, et ux Item #232 - David J. Blevins, et ux

BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON MARYLAND 21704-2586 494 4500

PAUL H REMICKE

March 2, 1984

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Charles Walters

Location: S/S New Deal Place 90' N/W from c/l Midway

Zoning Agenda: Meeting of 2/14/84 Item No.: 213

Centlemen:

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 _____ feet along an approved road in accordance with Baltimore County Staniards as published by the Department of Public Works.

() 2. A second means of vahicle 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 operation.

() 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 approve!, as drawn.

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

REVIEWER LATT COLUMN J-2-84 Approved: Fire Prevention Bureau

Special Inspection Division

DALTIMORE COUNTY AND ZONING

3/14/841

Re: Zoning Advisory Meeting of Item # Property Owner: Location:

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

)There are no site planning factors requiring comment.)A County Review Group Meeting is required. IA County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory. The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory. iParking calculations must be shown on the plan.)This property contains soils which are defined as wellands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan. The property is located in a deficient service area as defined by 8111 178-79. No building cermit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service)The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. (]Additional comments: "He topings I must be true to the second 1194 3 24 1 4 1 Char Be 1918 3 1918

Eugene G Bolis

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO... Nicholas Comodari, Zoning Repartment Date... March 1, 1984..... PROM. C. E. Burnham. Shief. Plana Review C & B

SUBJECT ... Joning Advisory Committee Meeting Pebruary 14, 1984

See Comments Item #203 Standard Comment Item #20h Item #205 No Comment Item #206 See Comment Item #207 See Comments See Comments Item #208

Standard Comments Item #209 Item #210 See Comments See Comments Item #211

Item #212 See Comment Item #213_ No Comment

Item #214 See Comments

CEB/vv



ARNOLD JADLON ZONING COMMISSIONER

September 6, 1984

The Monorable John W. O'Rourke 10 Dummenway P.O. Box 9086 Baltimore, Maryland 21222

RE: Building Setback 211 Wise Avenue (Cheap Charlie's)

Dear Councilmen O'Rourke:

Per your letters of August 31, 1984, a review of our records indicates that two site plans currently are on file. The first plan initially was approved in August, 1976. This was submitted in conjunction with the construction of a proposed ceramic store. The second plan was submitted in accordance with one of our requirements for the filing of a variance petition. At present, the building in question is outlined on the plat. It is depicted as being 11 feet, 6 inches by 17 feet. This structure is attached to the existing retail produce store and subsequently is in line with that building. A further review of the plan indicates that both the existing retail store, shed and four foot acreening are all 5.33 feet off of the property line. An on-site inspection of the property by James Thompson on September 6, 1984, does support that fact. As a result, this occurance does not constitute a violation of the setback requirements.

Enclosed you will find a copy of both the original site plan and the most recent plat of the property filed in Case No. 35 1884. In addition, I also have included the decision rendered in that matter, wherein, the Petitioner, Charles Walters, represented by Norman R. Stone, Jr., Esquire, was granted a variance of 17 parking spaces in lieu of the required 21.

If I can be of any further assistance, please call.

Sincerely,

MES E. DYER

JED: JHT: eoh

cc: File

- = 15.5

BALTIMORE COUNTY, MARYLAND

AISM 3D

WITER-OFFICE CORRESPONDENCE

TO. Jim Duez Zoning Supervisor

Date August 31 1944

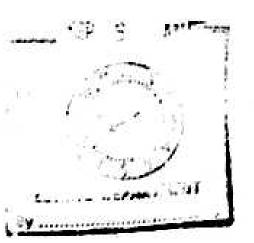
FROM ... Councilman loan M. O'Rourke, 7th Dist.

WINET. Henr enclosed sex Building on property line Wise Avenue and New Deal Place (Cheap Charlies)

I would be interested in knowing if you have a site plan for the above location

Thank you.

JMO/ma



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO...Zoning Enforcement Date August 3), 1984

FROM .. Course Come John & O'Roughe, 7th Dist.

SUBJECT. Gulldang an asomesky line Wise Avenue at New Frat Place

It has been brought to my attention that a building has been constructed at the above location-on the property line.

I would appreciate it if you would investigate this matter and let me know the result.

CC. Jim Dycz lankną Supervisor

LIVAKIMENT