

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINKE
CHIEF

March 27, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Bart Amodeo

Location: NW/Cor. Eastern Ave. and Wiltshire Road

Item No.: 237 Zoning Agenda: Meeting of 3/20/84

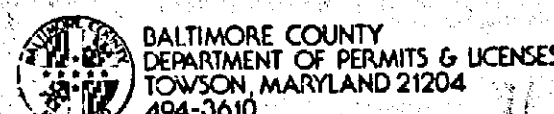
Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of 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: April 3-9-84 Noted and Approved: George M. McManis
Planning Group Fire Prevention Bureau
Special Inspection Division.

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

March 22, 1984

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 237 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bart Amodeo
Location: N/S Cor. Eastern Ave. and Wiltshire Road
Existing Zoning: B.R. -25-1
Proposed Zoning: Variance to permit a rear yard setback of 22' in lieu of the required 30'.

Address: 115/115 x 100/100
District: 15th.

The items checked below are applicable:

- (A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Building and other applicable Codes.
- (B) A building/other permit shall be required before beginning construction.
- (C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 14/16 not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, Line 5, Section 107 and Table 102, also Section 503.2.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____
- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) 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 505 and the required construction classification of Table 101.
- (I) Comments - Finish floor elevations shall be 1'-0" higher than flood tide established by the Department of Public Works. It is approximately an elevation of 10'-0".

NOTE: These comments reflect only on the information provided by the drawings 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 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles B. Burman, Chief
Plans Review

CEB:es

April 10, 1984

Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland 21214

NOTICE OF HEARING

Re: Petition for Variance
NW/Corner Eastern Avenue and Wiltshire
Road (210 Eastern Avenue)
Bart Amodeo - Petitioner
Case No. 84-299-A

TIME: 10:45 A.M.

DATE: Monday, May 7, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Richard J. DiPasquale
Zoning Commissioner
of Baltimore County

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

No. 126893

DATE: 3-9-84 ACCOUNT: R-01-615-000

AMOUNT: 100.00

RECEIVED FROM: Richard J. DiPasquale

FOR: Filing fee for item 237 Amodeo

CASH 25 \$ 056*****1000010 6122A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE

15th Election District

ZONING: Petition for Variance
LOCATION: Northwest corner Eastern Avenue and Wiltshire Road
(210 Eastern Avenue)
DATE & TIME: Monday, May 7, 1984 at 10:45 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 a rear yard setback of 22 ft.
instead of the required 30 ft.

Being the property of Bart Amodeo, 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

RICHARD J. DIPASQUALE
ATTORNEY AT LAW
5718 HARFORD ROAD
BALTIMORE, MARYLAND 21214
AREA CODE 301
TELEPHONE 428-4528

April 25, 1984

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

Re: Petition for Variance
NW/Corner Eastern Avenue and Wiltshire
Road (210 Eastern Avenue)
Bart Amodeo - Petitioner
Case No. 84-299-A
Hearing Date: Monday, May 7, 1984
@10:45 a.m.

Dear Mr. Jablon:

Please be advised that the undersigned represents Bart Amodeo in his Petition for Variance as captioned above.

I have previously had scheduled two matters in the District Court of Maryland for Baltimore County, one at 9:00 a.m. and one at 11:00 a.m. and would anticipate being free at approximately 11:30.

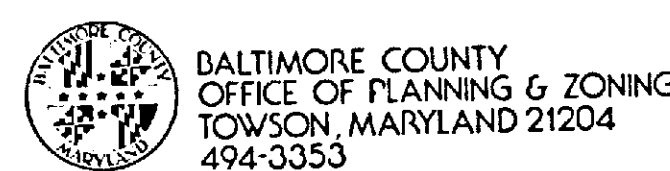
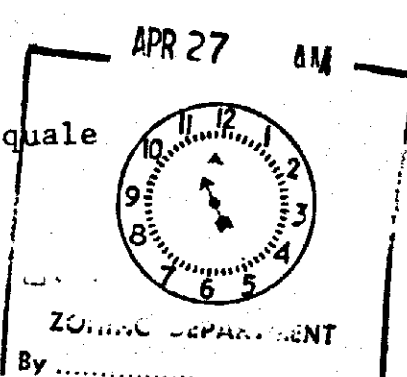
In view of the above, it would be greatly appreciated if you would delay the hearing on the above captioned Petition until my arrival at the hearing room as scheduled. Should there be any difficulty regarding this request, do not hesitate to contact the writer immediately.

Very truly yours,

Richard J. DiPasquale

cc: Mr. Bart Amodeo
Mr. Nicholas B. Commodari

eeh



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

ARNOLD JABLON
ZONING COMMISSIONER

May 10, 1984

Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland 21214

IN RE: Petition Zoning Variance
NW/Corner of Eastern Avenue
and Wiltshire Road
(210 Eastern Avenue) - 15th
Election District
Bart Amodeo, Petitioner
Case No. 84-299-A

Dear Mr. DiPasquale:

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

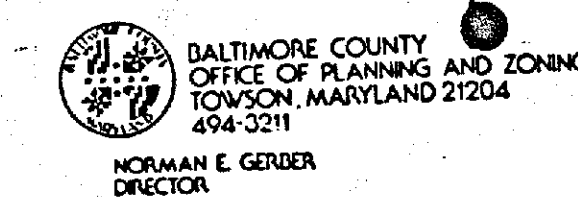
Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3011
NORMAN E. GERBER
DIRECTOR

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

3/24/84

Re: Zoning Advisory Meeting of 3/20/84
Item # 237
Property Owner: BART AMODEO
Location: NW/Corner Eastern Ave. & Wiltshire Rd.

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.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore 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.
- () Varying 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 floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () 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 on _____
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____
- () 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:
H CURB ON WHEEL STOPS ARE REQUIRED AROUND ALL PARKING AREAS. PARKING (SPACE) AS SHOWN ON THE SITE PLAN IS CLOSER THAN 8' TO THE R/W AND MUST BE RELOCATED.

Norman E. Gerber
Norman E. Gerber
Chief, Current Planning and Development

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
April 30, 1984

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

ofo
Nicholas B. Commodari
Chairman

MEMBERS

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

RE: Item No. 237 - Case No. 84-299-A
Petitioner - Bart Amodeo
Variance Petition

Dear Mr. DiPasquale:

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.

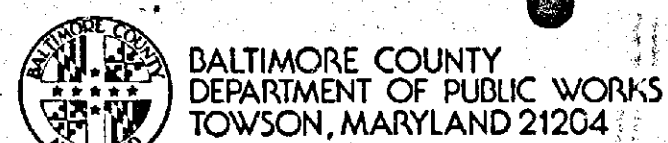
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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

NBC:bsc

Enclosures



HARRY J. PISTEL, P.E.
DIRECTOR

April 27, 1984

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

Re: Item #237 (1983-1984)
Property Owner: Bart Amodeo
N/W cor. Eastern Ave. and Wiltshire Rd.
Acre: 115/115 X 100/100 District: 15th

Dear Mr. Jablon:

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 site is part of an overall larger property (Seven-Eleven Store, Project 82118), for which Subdivision Review Comments were supplied July 26, 1982 by the Developers Engineering Division for the plan dated June 19, 1982. Those comments remained applicable October 19, 1982 for the October 4, 1982 revised plan for the proposed Seven-Eleven Store (Project 82118).

The Seven-Eleven Store - Project 82118 plan was reviewed by the County Review Group September 2, 1982, with a Continuing Meeting and plan approval on November 4, 1982.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #237 (1983-1984).

Very truly yours,

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

RAN:EAM:FWR:s

cc: H. Shalowitz

1-SW Key Sheet
4 NE 26 Pos. Sheet
NE 1 G Topo
97 Tax Map



Lowell K. Bridwell
Secretary
M. S. Caltrider
Administrator

March 28, 1984

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

Attention: Mr. N. Commodari

Re: ZAC Meeting of 3-20-84
ITEM: #237.
Property Owner: Bart Amodeo
Location: NW/Cor. Eastern Ave., Route 150, and Wiltshire Road
Existing Zoning: B.R.-CS-1
Proposed Zoning: Variance to permit a rear yard setback of 22' in lieu of the required 30'.
Acre: 115/115 X 100/100
District: 15th

Dear Mr. Jablon:

On review of the plan and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Telephones for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 237, Zoning Advisory Committee Meeting of March 20, 1984

Property Owner: Bart Amodeo

Location: NW/Cor. Eastern Ave. District 15

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 404-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any chandelier operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

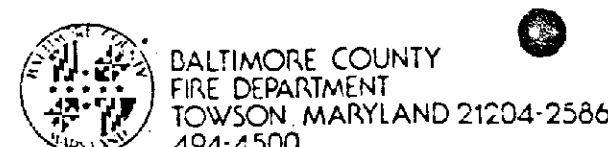
SS 20 1082 (1)

Zoning Item # 237 Zoning Advisory Committee Meeting of March 20, 1984
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

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

SS 20 1283 (2) R



PAUL H. REINCKE
CHIEF

March 27, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Bart Amodeo

Location: NW/Cor. Eastern Ave. and Wiltshire Road

Item No.: 237 Zoning Agenda: Meeting of 3/20/84

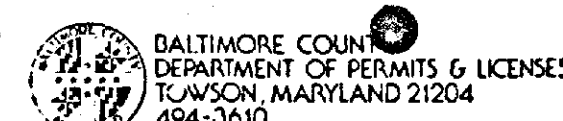
Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of 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. Hammond*
Planning Group
Special Inspection Division

/mb



TED DAKES JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

March 22, 1984

Dear Mr. Jablon:

Comments on Item # 237 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bart Amodeo
Location: N/S Cor. Eastern Ave. and Wiltshire Road
Existing Zoning: B.R.-CS-1
Proposed Zoning: Variance to permit a rear yard setback of 22' in lieu of the required 30'.

Acre: 115/115 X 100/100
District: 15th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill H-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- () A building/_____ other _____ shall be required before beginning construction.
- (X) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-engineered walls and signatures are required on Plans and Technical Data.
- (X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 101, line 2, Section 1007 and Table 1002, also Section 2012.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) 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 505 and the required construction classification of Table 401.
- (X) Comments - Finish floor elevations shall be 1'-0" higher than flood tide established by the Department of Public Works. It is approximately an elevation of 10'-0".

NOTE: These comments reflect only on the information provided by the drawings 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 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdette
Charles E. Burdette, Chief
Plans Review

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1984

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

ofo
Nicholas B. Commodari
Chairman

MEMBERS

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

Mr. Bart Amodeo
210 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No. 237
Petitioner - Bart Amodeo
Variance Petitioner

Dear Mr. Amodeo:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Current Planning - Sue Carroll, 494-3335

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

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

NBC:bsc

RICHARD J. DIPASQUALE
ATTORNEY AT LAW
8718 HAWFORD ROAD
BALTIMORE, MARYLAND 21214
AREA CODE 301
TELEPHONE 428-4938

April 3, 1984

Nicholas B. Commodari, Chairman
Zoning Plans Advisory Committee
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 237
Petitioner - Bart Amodeo
Variance Petitioner

Dear Mr. Commodari:

This letter will serve to confirm our telephone conversation of April 2, 1984 wherein I advised that I would be representing Bart Amodeo as legal counsel in obtaining the variance in the above captioned matter.

Please arrange to note my representation in the file, keeping me apprised of any and all conferences and hearings.

Very truly yours,

Richard J. DiPasquale

eeh

DESCRIPTION

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF EASTERN AVE. AND WILTSHIRE RD. AND RUNNING S 54.05' 40" WEST 115'; THENCE N 35.56' 59" WEST 100'; THENCE N 54.05' 50" EAST 115'; THENCE S 35.56' 59" EAST 100' TO THE BEGINNING POINT.
ALSO KNOWN AS 210 EASTERN AVENUE.

Bart Amodeo
210 Eastern Ave.
Besse, Maryland 21221

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

ARNOLD JABLON
ZONING COMMISSIONER

May 3, 1984

Richard J. DiPasquale, Esquire
5718 Harford Road
Baltimore, Maryland 21214

Re: Petition for Variance
NW/corner Eastern Avenue and Wiltshire
Road (210 Eastern Avenue)
Bart Amodeo - Petitioner
Case No. 84-299-A

Dear Mr. DiPasquale:

This is to advise you that \$40.64 is due for advertising and posting of the above property.

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

No. 130297

DATE 5-7-84

ACCOUNT 01-615-100

AMOUNT \$40.64

RECEIVED FROM Bart Amodeo

FOR Postage Adv. 84-299-A

6 055*****05410 5374A

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCE
NW/corner of Eastern Avenue
and Wiltshire Road
(210 Eastern Avenue) - 15th
Election District
Bart Amodeo,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 22 feet instead of the required 30 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner was represented by Counsel who proffered the necessary information. There were no Protestants.

The Petitioner presently operates a 20' x 36' food carry-out store from the subject property, zoned B.R.-C.S-1. He needs additional space due to an increase in business, and he proposes to expand the existing kitchen located in the rear of the store. The site is a corner lot and fronts on Eastern Avenue, a major thoroughfare. Next door is a tire store and to the rear is a Seven-Eleven store. The area is extensively commercial in nature. No residences border or are adjacent to the instant property. The purpose of the proposed 10' x 20' addition will be solely for kitchen use.

The total square footage of the building and proposed addition is 884 feet, which requires five parking spaces. The Petitioner has provided 11 spaces. There is some concern about space #7, as shown on Petitioner's Exhibit 1. Due to this concern, space #7 shall be deleted.

The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. 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
3. 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.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of May, 1984, that the Petition for Variance to permit a rear yard setback of 22 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner 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. Curb or wheel stops shall be placed around all parking areas.
3. No landscaping need be provided.

OSM
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE May 14, 1984

BY [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Bart Amodeo
SUBJECT: 84-299-A

Date: April 20, 1984

If granted it is requested that the order be conditioned to require landscaping.

NEG/JGH/sf

Norman E. Gerber, Director
Office of Planning and Zoning

IN RE: PETITION ZONING VARIANCE
NW/corner of Eastern Avenue
and Wiltshire Road
(210 Eastern Avenue) - 15th
Election District
Bart Amodeo,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 22 feet instead of the required 30 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner was represented by Counsel who proffered the necessary information. There were no Protestants.

The Petitioner presently operates a 20' x 36' food carry-out store from the subject property, zoned B.R.-C.S-1. He needs additional space due to an increase in business, and he proposes to expand the existing kitchen located in the rear of the store. The site is a corner lot and fronts on Eastern Avenue, a major thoroughfare. Next door is a tire store and to the rear is a Seven-Eleven store. The area is extensively commercial in nature. No residences border or are adjacent to the instant property. The purpose of the proposed 10' x 20' addition will be solely for kitchen use.

The total square footage of the building and proposed addition is 884 feet, which requires five parking spaces. The Petitioner has provided 11 spaces. There is some concern about space #7, as shown on Petitioner's Exhibit 1. Due to this concern, space #7 shall be deleted.

The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. 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
3. 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.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of May, 1984, that the Petition for Variance to permit a rear yard setback of 22 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner 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. Curb or wheel stops shall be placed around all parking areas.
3. No landscaping need be provided.

OSM
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE May 14, 1984

BY [Signature]

RICHARD J. DIPASQUALE
ATTORNEY AT LAW
8718 HAWFORD ROAD
BALTIMORE, MARYLAND 21214
AREA CODE 301
TELEPHONE 428-4938

April 25, 1984

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

Re: Petition for Variance
NW/corner Eastern Avenue and Wiltshire
Road (210 Eastern Avenue)
Bart Amodeo - Petitioner
Case No. 84-299-A
Hearing Date: Monday, May 7, 1984
@10:45 a.m.

Dear Mr. Jablon:

Please be advised that the undersigned represents Bart Amodeo in his Petition for Variance as captioned above.

I have previously had scheduled two matters in the District Court of Maryland for Baltimore County, one at 9:00 a.m. and one at 11:00 a.m. and would anticipate being free at approximately 11:30.

In view of the above, it would be greatly appreciated if you would delay the hearing on the above captioned Petition until my arrival at the hearing room as scheduled. Should there be any difficulty regarding this request, do not hesitate to contact the writer immediately.

Very truly yours,

Richard J. DiPasquale

cc: Mr. Bart Amodeo
Mr. Nicholas B. Commodari

eeh

IN RE: PETITION ZONING VARIANCE
NW corner of Eastern Avenue
and Wilshire Road
(210 Eastern Avenue) - 15th
Election District
Bart Amodeo,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-299-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 22 feet instead of the required 30 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner was represented by Counsel who proffered the necessary information. There were no Protestants.

The Petitioner presently operates a 20' x 36' food carry-out store from the subject property, zoned B.R.-C.S-1. He needs additional space due to an increase in business, and he proposes to expand the existing kitchen located in the rear of the store. The site is a corner lot and fronts on Eastern Avenue, a major thoroughfare. Next door is a tire store and to the rear is a Seven-Eleven store. The area is extensively commercial in nature. No residences border or are adjacent to the instant property. The purpose of the proposed 10' x 20' addition will be solely for kitchen use.

The total square footage of the building and proposed addition is 894 feet, which requires five parking spaces. The Petitioner has provided 11 spaces. There is some concern about space #7, as shown on Petitioner's Exhibit 1. Due to this concern, space #7 shall be deleted.

The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

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

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner 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. Curb or wheel stops shall be placed around all parking areas.
3. No landscaping need be provided.

[Signature]
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15 Date of Posting 4/30/84
Posted for: Bart Amodeo
Petitioner: Bart Amodeo
Location of property: NW corner of Eastern Ave. & Wilshire Rd.
Location of Sign: front intersection of Eastern Ave. & Wilshire Rd.
Remarks: None
Posted by: Paul D. Gorman Date of return: 4/26/84
Number of Signs: 1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
20th day of March, 1984

Petitioner: Bart Amodeo
Petitioner's Attorney: Richard J. DiPasquale, Esq.
Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

DUPLICATE CERTIFICATE OF PUBLICATION

TOWSON, MD., April 19, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of April, 1984, the 1st publication appearing on the 19th day of April, 1984.

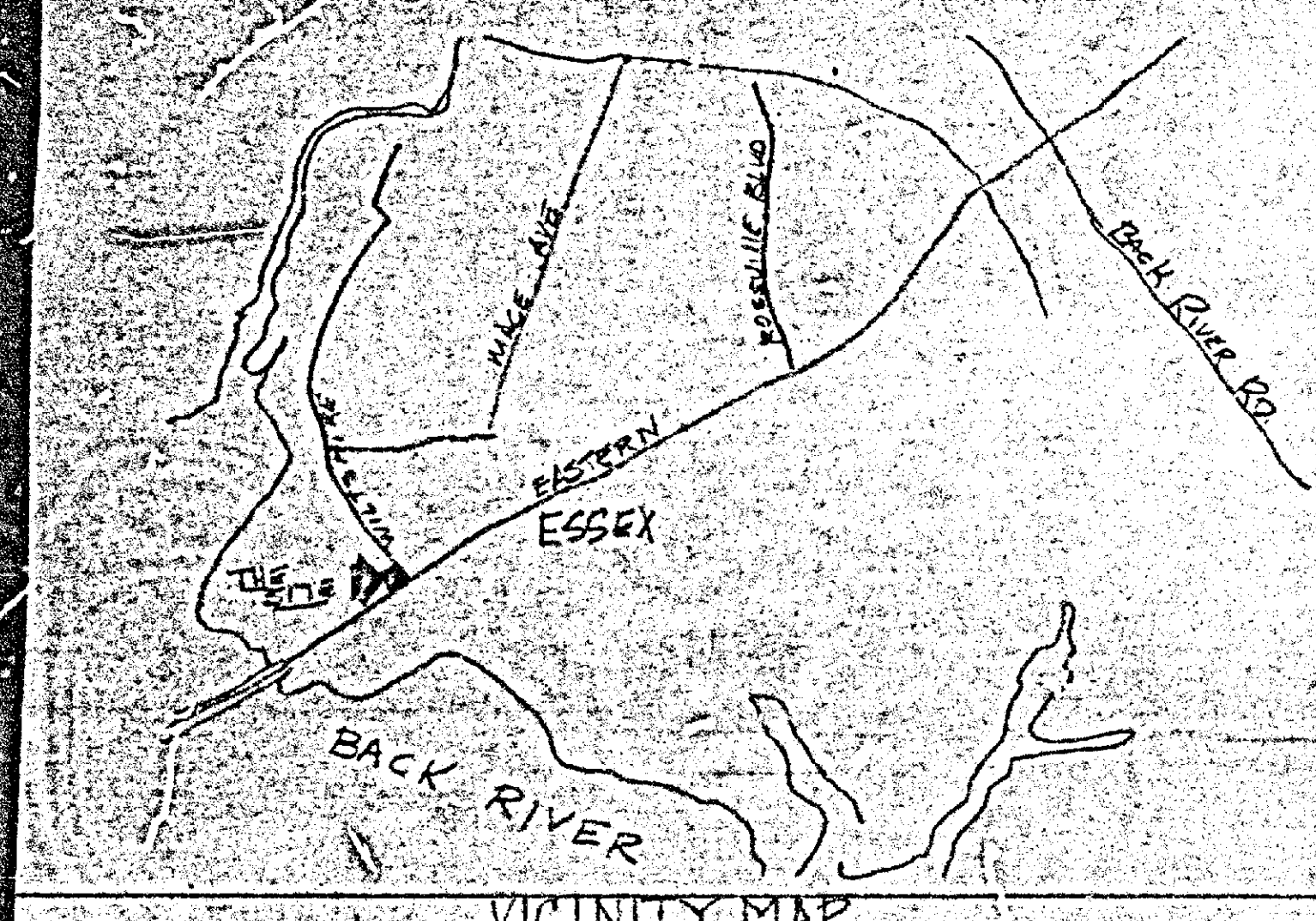
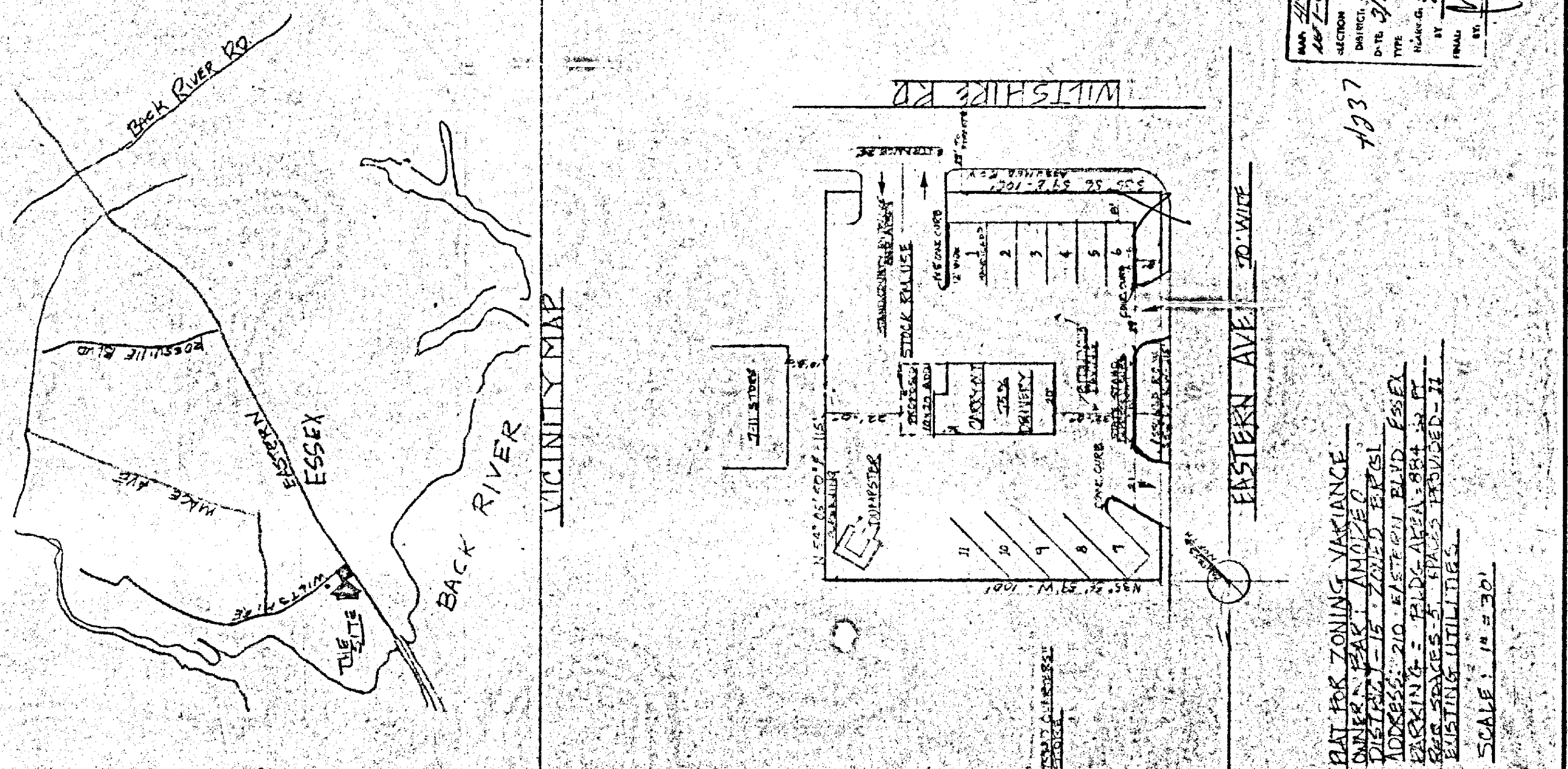
THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$ 18.00

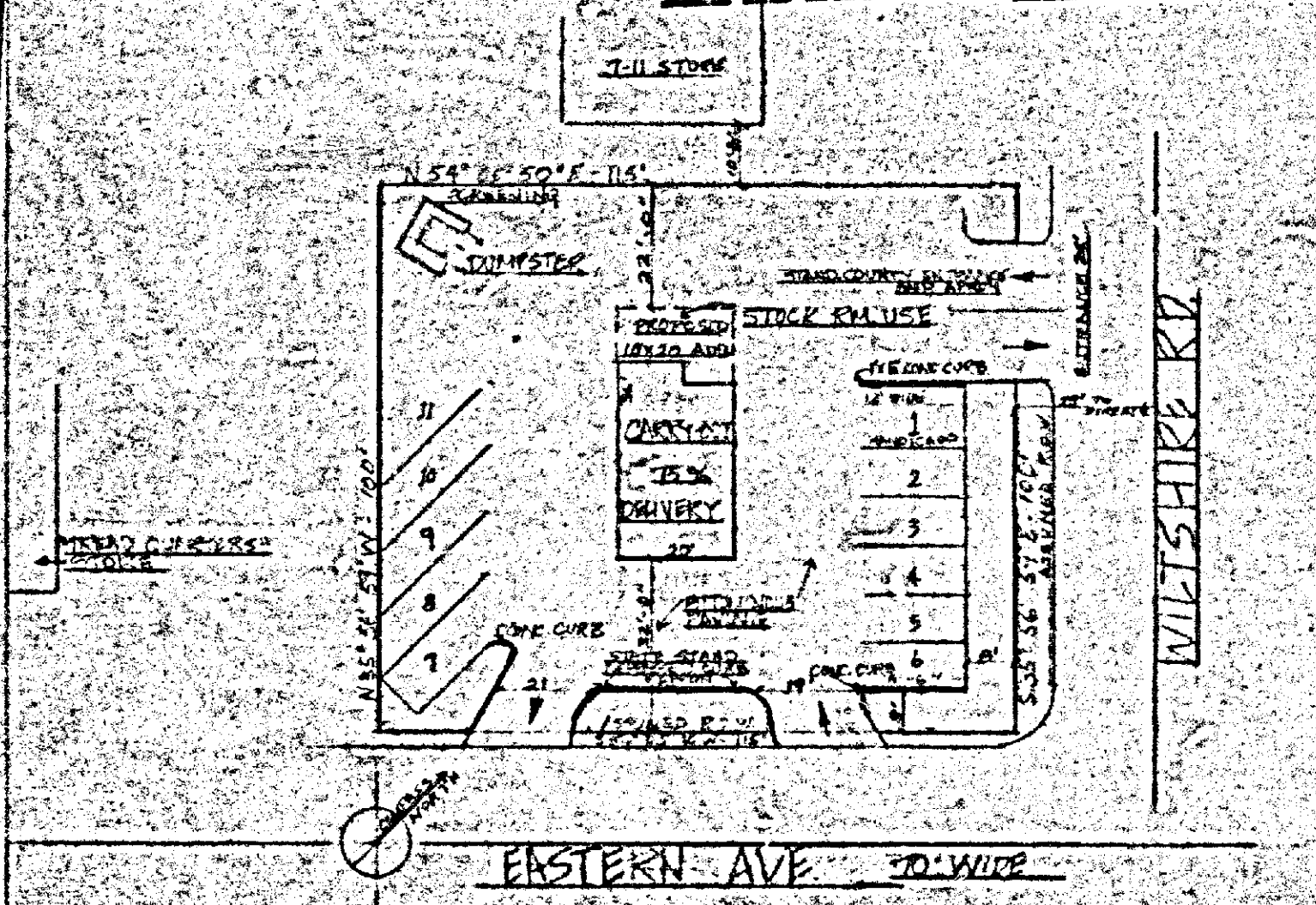
PETITION FOR VARIANCE
15th Election District
LOCATION: Northwest corner of Eastern Avenue and Wilshire Road (210 Eastern Avenue)
DATE & TIME: Monday, May 7, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
The Zoning Commissioner of Baltimore County, by authority of the Board of Commissioners, will hold a public hearing on the petition for a variance to permit a rear yard setback of 22 feet instead of the required 30 feet, as more fully described on Petitioner's Exhibit 1. The hearing will be held on the 19th day of April, 1984, at 10:00 A.M. in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204. The purpose of the proposed 10' x 20' addition will be solely for kitchen use. The total square footage of the building and proposed addition is 894 feet, which requires five parking spaces. The Petitioner has provided 11 spaces. There is some concern about space #7, as shown on Petitioner's Exhibit 1. Due to this concern, space #7 shall be deleted. The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR). An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

Petition For Variance
15th Election District
LOCATION: Northwest corner of Eastern Avenue and Wilshire Road (210 Eastern Avenue)
DATE & TIME: Monday, May 7, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
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The Times
Middle River, Md., April 19, 1984
This is to certify, That the annexed advertisement was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 19th day of April, 1984.
[Signature]
Publisher



PETITIONER'S EXHIBIT



PAT FOR ZONING VARIANCE
15th Election District
LOCATION: Northwest corner of Eastern Avenue and Wilshire Road (210 Eastern Avenue)
DATE & TIME: Monday, May 7, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
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CERTIFICATE OF PUBLICATION

TOWSON, MD., April 19, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of April, 1984, the 1st publication appearing on the 19th day of April, 1984.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement, \$ 18.00