

PETITION FOR ZONING VARIANCE

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 255.1 (238.2) to permit side yard setbacks of 1'-2" and a minimum of 10' instead of the required 30'-0"

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

Additional space is needed for office area and carpet repair. The proposed spaces are needed because of expanding business. If these spaces are not granted, the future of the business will be in question.

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: (Type or Print Name) _____ Signature _____ Address _____ City and State _____ Attorney for Petitioner: (Type or Print Name) _____ Address _____ City and State _____ Attorney's Telephone No.: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of June, 1985, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 24th day of July, 1985, at 11:15 o'clock.

Zoning Commissioner of Baltimore County.

(over)

Case No. 86-39-A

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 18th day of June, 1985.

Zoning Commissioner

Petitioner Paul M. Spangler, et ux
Petitioner's Attorney
cc: Thompson, Grace & Hays, Inc.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1985

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

Mr. & Mrs. Paul M. Spangler
6300 Falls Road
Baltimore, Maryland 21209

000
Nicholas B. Commodari
Chairman

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

RE: Item No. 348 - Case No. 86-39-A
Petitioners - Paul M. Spangler, et ux
Variance Petition

Dear Mr. & Mrs. Spangler:

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
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

cc: Thompson, Grace & Hays, Inc.
Fidelity Trust Company Building
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

June 7, 1985

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

RE: Item #348 (1984-1985)
Property Owner: Paul M. Spangler, et ux
N/W cor. Falls Rd. and Bare Hill Ave.
Acres: .40
District: 3rd

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 Comments:

As no public facilities are involved, this office has no comment.

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.

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.

Very truly yours,

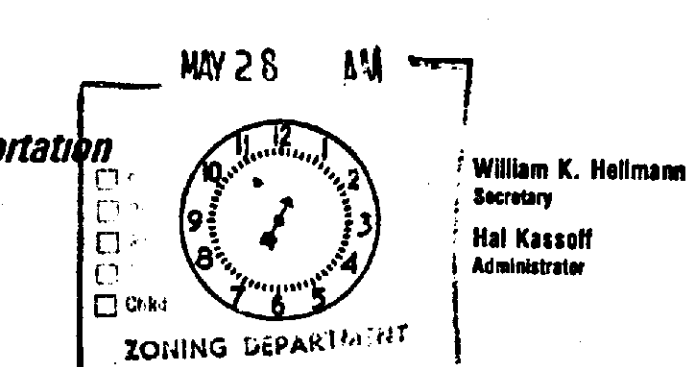
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:EAM:GDL:ss

cc: File



Maryland Department of Transportation
State Highway Administration



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

Attn: N Commodari

Re: Property Owner:
Paul M. Spangler, et ux
Location: N.W. Corner
Falls Road (Route 25)
and Bare Hill Ave.
Existing Zoning: M.L.
Proposed Zoning: Var.
to permit side yard
setbacks of 1 ft. 2
inches and a minimum of
10 ft. instead of the
required 30'
Acres: .40 acres
District: 34d Election

Dear Mr. Commodari:

On review of the submittal of 4/15/85, showing all access to the site by way of Bare Hills Ave, the S.H.A. finds the plan generally acceptable.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

by: George Wittman

CL-CW:es

cc: J. Ogle

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 555-5451 D.C. Metro - 1-800-492-5087 Starwide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GENTEN
DIRECTOR

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

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.

- (X) 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.
- () 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 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: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by §111 178-79. 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 §111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

cc: James Howell

Eugene A. Boler
Chief, Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

June 7, 1985

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

Item No. 340, 341, 342, 343, 344, 345, 346, and 348 ZAC-Meeting of May 21, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 340, 341, 342, 343, 344, 345, 346, and 348.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2506
494-4500
PAUL H. REINCKE
CHIEF

June 5, 1985

Mr. Arnold Jablon
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: Paul M. Spangler, et ux

Location: NW Corner Falls Road and Bare Hills Avenue

Item No.: 348

Zoning Agenda: Meeting of May 21, 1985

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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.

REVIEWER: _____
Planning Group
Special Inspection Division

Noted and Approved: _____
File Prevention Bureau

/mb

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 result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested 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



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

June 7, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Re: Item # 348 Zoning Advisory Committee Meeting as follows:

Property Owner: Paul M. Spangler, et ux
Location: NW/Corner Falls Road and Bare Hill Avenue
District: 3rd.

APPLICABLE TYPES AND CIRCLES:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.A.R.I. #117-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-2 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 404 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Accessory Permit, an alternative permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architect/Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 313 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Overline. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Five plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
10. Comments: At the time of filing the designer shall show the specific use of the proposed area - if it is part of the cleaning process the type of cleaning agents, equipment, etc., etc. shall be shown on the construction plans.
11. These abbreviated 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 the applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

1/22/85

Michael J. Conner
C. J. Conner, Chief
Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

IN RE: PETITION ZONING VARIANCES
NW/Corner of Falls Road and
Bare Hills Avenue (6300 Falls
Road) - 3rd Election District
Paul M. Spangler, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 1 foot 2 inches and a minimum of 10 feet instead of the required 30 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Paul M. Spangler, appeared and testified. John Hilliard, a registered architect, appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, zoned M.L., is located on Falls Road in the Bare Hills Industrial Park and is improved with a 5,660 square foot building. The Petitioners need to expand their carpet cleaning and sales business. They propose to add a 16' x 13' addition for office space in front of the building and a 40' x 40' addition to allow for carpet cleaning in the rear.

The property was purchased some years ago after the original property owner divided the property and sold two parcels, one to the Petitioners. At that time, the Contract Purchaser of the adjoining parcel demanded a larger lot and the Petitioners agreed to give up ten feet of the lot that they were buying, leaving them with a parcel measuring approximately 65 feet by 280 feet. Without these variances, the Petitioners could not expand and they would lose business. There is no alternative except to request these variances.

The existing building is nonconforming. It has been a long-standing policy of the Zoning Commissioner to require that appropriate variances be requested

ORDER RECEIVED FOR FILING
DATE July 24, 1985
BY [Signature]

where minor additions are proposed that are in line with existing deficient setbacks and are not creating any other deficiency. Here, the proposed additions will be in line with the existing building on its north side, which is 1 foot 2 inches from the existing property line. The opposite side of the building is 10 feet from the south property line. There are no other violations existing. The means of access to the site is a driveway on the south side which leads to the parking area.

The Petitioners seek relief from Sections 255.1 and 238.2, pursuant to Section 307, 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 reasonably 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 variances 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 requested variances were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the

land due to the special conditions unique to this particular parcel. In addition, the variances 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 this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of July, 1985, that the Petition for Zoning Variances to permit side yard setbacks of 1 foot 2 inches and a minimum of 10 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Paul M. Spangler
People's Counsel
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE July 24, 1985
BY [Signature]

PETITION FOR VARIANCE

3rd Election District

LOCATION: Northwest corner of Falls Road and Bare Hills Avenue
(6300 Falls Road)

DATE AND TIME: Wednesday, July 24, 1985 at 11:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 255.1 (238.2) to permit side yard setbacks of 1'2" and a minimum of 10 ft. in lieu of the required 30 ft.

Being the property of Paul M. Spangler, et ux as shown on the plat filed with the Zoning Office.

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

467-7771
John Hilliard
JOHN HILLIARD
CHARLES D. GRACE
EDWIN F. MAYS

THOMPSON, GRACE & MAYS, Inc.
ENGINEERS-CONTRACTORS
Fidelity Trust Company Building
Towson 4, Maryland

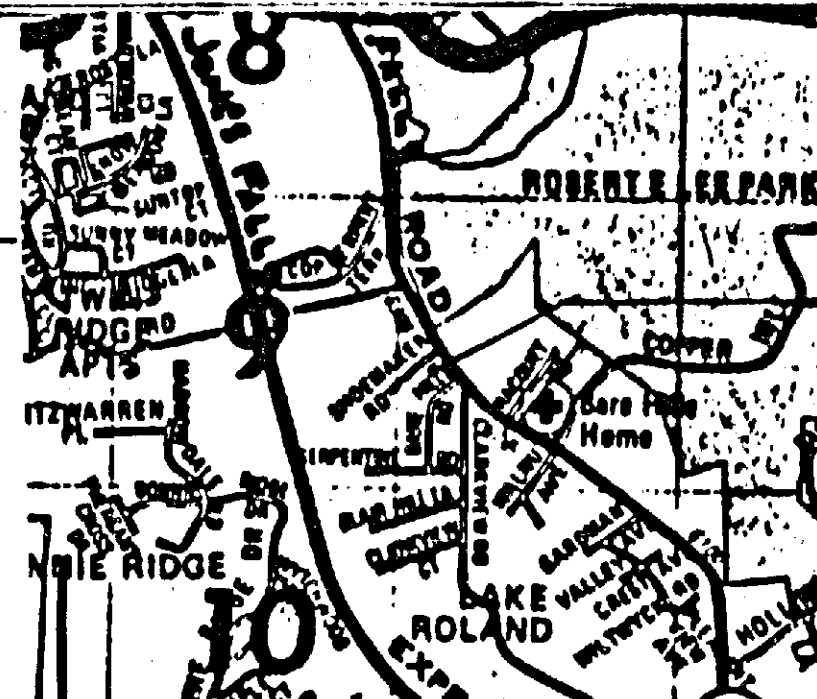
ADOLPH FURMAN
Dead to
65' Frontage Falls Road

BEGINNING for the same at an iron pipe driven in the ground at the intersection formed by the Southwest side of Falls Road (50 feet wide) with the northwest side of Bare Hills Avenue (40 feet wide) said Bare Hills Avenue being partly open and graded on the land of said Charles C. McColgan near the southerly outline of the land in the deed from Leonard H. Wendt, Receiver to Charles C. McColgan dated July 27, 1903 and recorded among the Land Records of Baltimore County in Liber M.B.M. No. 266 folio 453 said point of beginning being the beginning of the first parcel of land which by deed dated May 28, 1916 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1438 folio 363 etc. was conveyed by Walter E. Hester and wife to Adolph Furman and wife and running thence binding on the first line of the lastly described deed and on the northwest side of Bare Hills Avenue, with the use in common for about 180 feet South 57 degrees 15 minutes West 281.33 feet to an iron bar heretofore planted at the end of said first line, thence running with and binding on a part of the second line of the lastly described deed, North 27 degrees 15 minutes West 65.00 feet thence leaving the said second line and running for a line of division North 57 degrees 15 minutes East 279.52 feet to the southwest side of Falls Road (50 feet wide) thence continuing the same course North 57 degrees 15 minutes East 13.00 feet to the southwest edge of the concrete shoulder of the paved portion of said Falls Road and to intersect the fourth line of the lastly described deed, thence running with and binding on the southwest edge of said concrete shoulder and on a part of said fourth

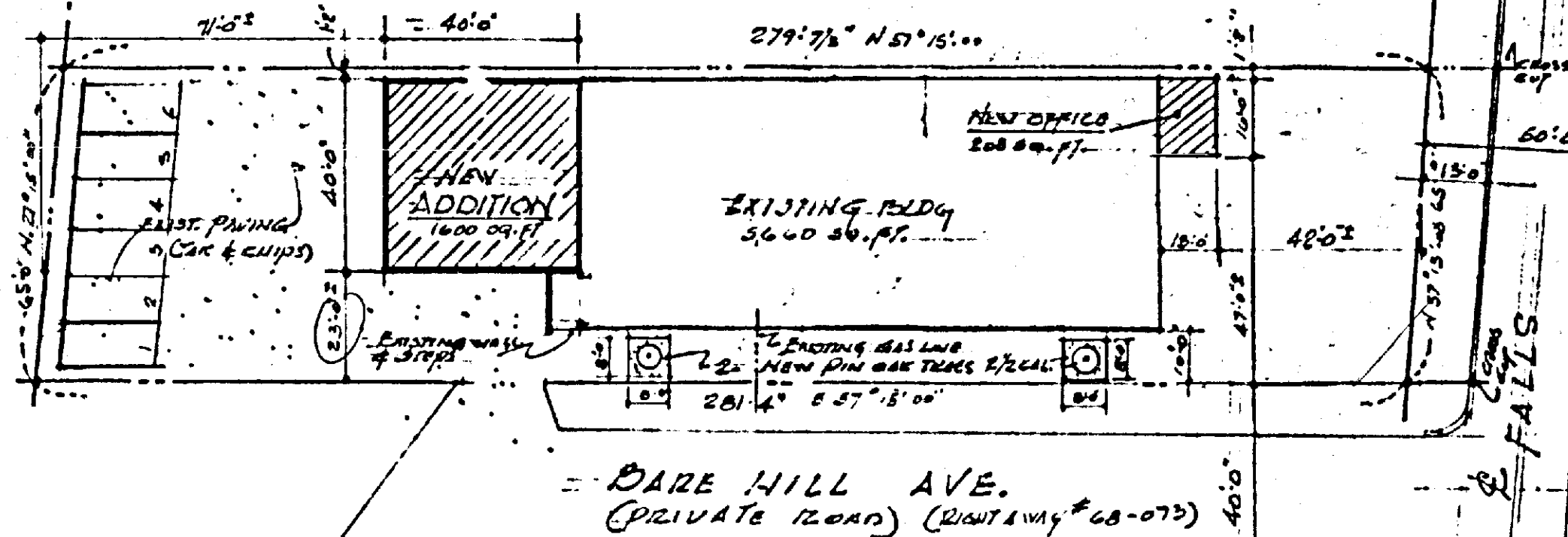
PHONE: TOWSON 2806

Joseph Thompson
Vn 3-8820

ORDER RECEIVED FOR FILING
DATE July 24, 1985
BY [Signature]



LOCATION PLAT



SITE PLAN

2002.05.15 30:00

VACANT LOT

NEW ADDITION TO
KLEENITE RUG
CLEANERS

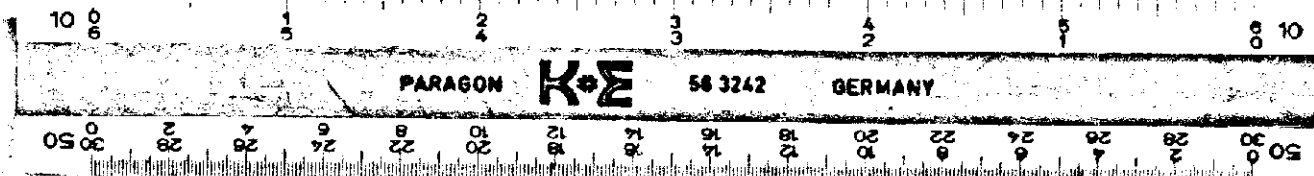
6300 FALLS RD NW
MR PAUL M. SPANGLER

CLARK RD.

6 - spaces previous 7:0" x 18:0"



4-15-85



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 result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested 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



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

June 7, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Re: Item # 348 Zoning Advisory Committee Meeting as follows:

Property Owner: Paul M. Spangler, et ux
Location: NW/Corner Falls Road and Bare Hill Avenue
District: 3rd.

APPLICABLE TYPES AND CIRCLES:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.A.R.I. #117-1 - 1980) and other applicable Codes and Standards.
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7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
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11. These abbreviated 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 the applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

1/22/85

[Signature]
C. E. Burman, Chief
Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 11, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

IN RE: PETITION ZONING VARIANCES
NW/Corner of Falls Road and
Bare Hills Avenue (6300 Falls
Road) - 3rd Election District
Paul M. Spangler, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The property was purchased some years ago after the original property owner divided the property and sold two parcels, one to the Petitioners. At that time, the Contract Purchaser of the adjoining parcel demanded a larger lot and the Petitioners agreed to give up ten feet of the lot that they were buying, leaving them with a parcel measuring approximately 65 feet by 280 feet. Without these variances, the Petitioners could not expand and they would lose business. There is no alternative except to request these variances.

The existing building is nonconforming. It has been a long-standing policy of the Zoning Commissioner to require that appropriate variances be requested

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BY [Signature]

where minor additions are proposed that are in line with existing deficient setbacks and are not creating any other deficiency. Here, the proposed additions will be in line with the existing building on its north side, which is 1 foot 2 inches from the existing property line. The opposite side of the building is 10 feet from the south property line. There are no other violations existing. The means of access to the site is a driveway on the south side which leads to the parking area.

The Petitioners seek relief from Sections 255.1 and 238.2, pursuant to Section 307, 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 reasonably 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 variances 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 requested variances were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the

land due to the special conditions unique to this particular parcel. In addition, the variances 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 this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of July, 1985, that the Petition for Zoning Variances to permit side yard setbacks of 1 foot 2 inches and a minimum of 10 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Paul M. Spangler
People's Counsel
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE July 11, 1985
BY [Signature]

PETITION FOR VARIANCE

3rd Election District

LOCATION: Northwest corner of Falls Road and Bare Hills Avenue
(6300 Falls Road)

DATE AND TIME: Wednesday, July 24, 1985 at 11:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 from Section 255.1 (238.2) to permit side yard setbacks of 1'2" and a minimum of 10 ft. in lieu of the required 30 ft.

Being the property of Paul M. Spangler, et ux as shown on the plat filed with the Zoning Office.

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.

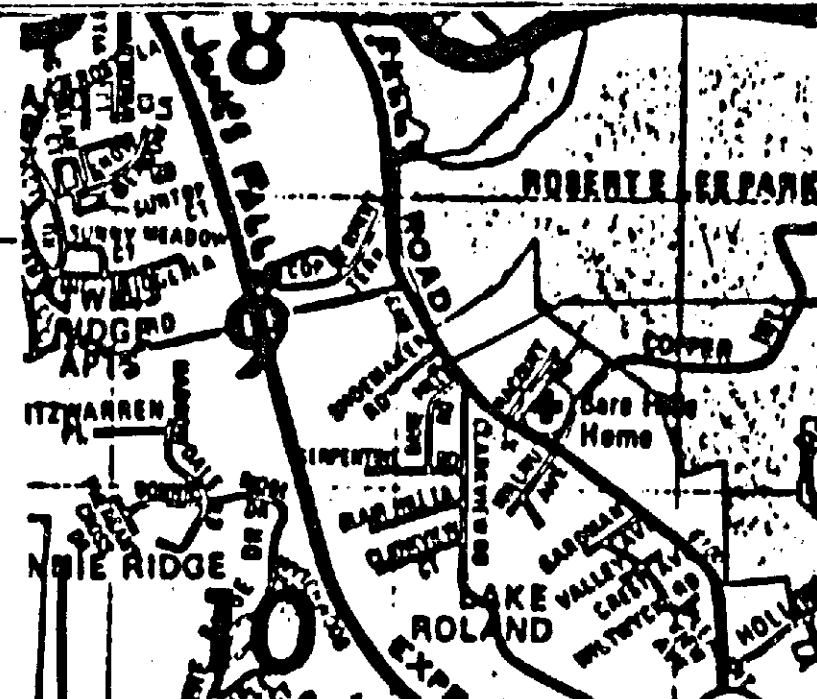
BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

467-7771
[Signature]
JOSEPH D. THOMPSON
CHARLES D. GRACE
SCOTT F. MAYS

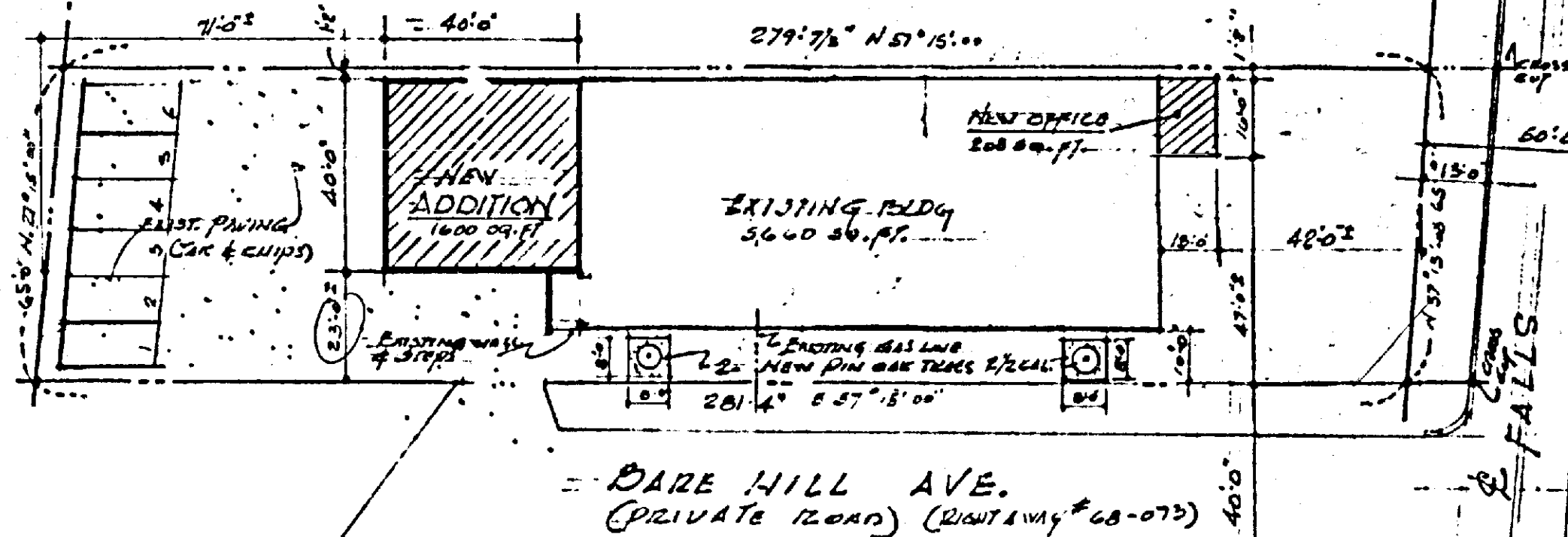
THOMPSON, GRACE & MAYS, Inc.
ENGINEERS-CONTRACTORS
Fidelity Trust Company Building
Towson 4, Maryland

ADOLPH FURMAN
Dead to
65' Frontage Falls Road

BEGINNING for the same at an iron pipe driven in the ground at the intersection formed by the Southwest side of Falls Road (50 feet wide) with the northwest side of Bare Hills Avenue (10 feet wide) said Bare Hills Avenue being partly open and graded on the land of said Charles C. McColgan near the southerly outline of the land in the deed from Leonard H. Wendt, Receiver to Charles C. McColgan dated July 27, 1903 and recorded among the Land Records of Baltimore County in Liber M.B.M. No. 266 folio 453 said point of beginning being the beginning of the first parcel of land which by deed dated May 28, 1916 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1438 folio 363 etc. was conveyed by Walter E. Hester and wife to Adolph Furman and wife and running thence binding on the first line of the lastly described deed and on the northwest side of Bare Hills Avenue, with the use in common for about 180 feet South 57 degrees 15 minutes West 281.33 feet to an iron bar heretofore planted at the end of said first line, thence running with and binding on a part of the second line of the lastly described deed, North 27 degrees 15 minutes West 65.00 feet thence leaving the said second line and running for a line of division North 57 degrees 15 minutes East 279.52 feet to the southwest side of Falls Road (50 feet wide) thence continuing the same course North 57 degrees 15 minutes East 13.00 feet to the southwest edge of the concrete shoulder of the paved portion of said Falls Road and to intersect the fourth line of the lastly described deed, thence running with and binding on the southwest edge of said concrete shoulder and on a part of said fourth



LOCATION PLAT



SITE PLAN

2002.05.15 30:00

VACANT LOT

NEW ADDITION TO
KLEENITE RUG
CLEANERS

6300 FALLS RD NW
MR PAUL M. SPANGLER

CLARK RD.

6 - spaces previous 9' 0" x 18' 0"



4-15-85

