86-235-XA PETITION FOR ZONING VAMANCE PETITION FOR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 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 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the Variance from Section 413.3C to permit a front yard setback of 0 feet in lieu of the rangired average of 50 feet. herein described property for one double-faced illuminated outdoor advertising sign (100 Sq. ft. per side) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Size and configuration of existing property. Property is to be posted and advertised as prescribed by Zoning Regulations. 2. Other practical hardships and unreasonable difficulities to be presented I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. at the time of the hearing. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): lio Brothers, a Maryland Partnership (Type or Print Name) MAP 28 Signature Unewin HERZberger SWIF Contract Purchaser: (Type or Print Name) (Type or Print Name) City and State Signature 10 Parks Avenue Attorney for Petitioner Cockeysville, MD 21030 Benjamin Bronstein 666-0060 Address Phone No. City and State 3 C Ste. 200, 102 W. Pennsylvania Avenue Attorney for Petitioner: Name, address and phone number of legal owner, con-Benjamin Bronstein Address tract purchaser or representative to be contacted (Type or Print Name) Towson, Maryland 21204 James S. Kline/ J. Strong Smith, G.W. Stephens City and State 303 Allegheny Avenue, Towson, MD 21204 City and State Attorney's Telephone No.: __828-4442____ Ste. 200, 102 W. Pennsylvania Ave. 825-8120 Phone No. Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this _____5th_____ day Towson, MD 21204 of ___November____, 19_85_, that the subject matter of this petition be advertised, as City and State required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Attorney's Telephone No.: 828-4442 out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ___9th____ day of _December____, 19_85, at 10:15 o'clock

beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319

ED

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the 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;
- 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. or Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use ds 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

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. White Brothers, a Maryland Partnership
(Type of Bright Marhe) ALVIN HERELERGER (Type or Print Name) 10 Parks Avenue Cockeysville, MD 21030 666-0060

James S. Kline/J. Strong Smith, G.W. Stephens 303 Allegheny Avenue, Towson, MD 21204 QRDERED By The Zoning Commissioner of Baltimore County, this _____5th____

on the _____9th ____ day of __December____, 19.85_, at 10:15 o'clock

86-235-XA 118

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 property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of December, 1985, that the Petition for Special Exception for a 200 square foot multi-faced outdoor advertising sign and, additionally, the Petition for Zoning Variance to permit a front yard setback of zero feet instead of the required average of 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

> 1. The Petitioner may apply for its sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

Benjamin Bronstein, Esquire People's Counsel

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

IN RE: PETITIONS SPECIAL EXCEPTION AND VARIANCE SW/S of Baltimore National Pike, 185' SW of Old Frederick Road (5639 Baltimore National Pike) - 1st Election District

Case No. 86-235-XA Julio Brothers.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a special exception for an outdoor advertising sign and, additionally, a variance to permit a front yard setback of zero feet instead of the required average of 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Diane Carminati, its Vice President and Property Manager, appeared and testified and was represented by Counsel. James Kline, a design engineer, also appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned B.R. and B.R.-C.S.A. and located off Route 40 and Old Frederick Road, is improved with a mini-warehouse (warehouse). It is situated in a gully and is separated from Route 40 by two other commercial lots. The warehouse cannot be seen from Route 40 and access to it is by a right of way shared by three other commer-

For the purpose of identification, the Petitioner was provided with a easignent borders on Route 40, and the Petitioner proposes to place an outdoor ad tising sign thereon. The sign would abut that front property line and

would be 100 square feet on each side. Without this sign, there would be no means by which the public could locate or identify the existence of the

Although Section 413.3, Baltimore County Zoning Regulations (BCZR), does not specifically provide for such signs in a B.R. Zone, on November 29, 1984, in Case Nos. 84-CG-434 and 84-CG-435, and again on July 1, 1981, in Case No. 103167-81, the Circuit Court for Baltimore County determined that the B.R. Zone had been inexplicably deleted from the most recent BCZR and that it should be included in this section. Therefore, this instant request shall be adjudged on the basis of compliance with Section 502.1, BCZR.

The Petitioner seeks relief from Section 413.3, pursuant to Section 502.1, and from Section 413.3.C, pursuant to Section 307, BCZR.

It is clear that the BCZR permits the use requested by the Petitioner in a B.R. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which show that the proposed use met the prescribed standards and requireset forth in Section 502.1. In fact, the Petitioner has shown that borisod and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location ibed by Petitioner's Exhibit 1 would have any adverse impact above and

- 2 -

PETITION FOR VARIANCE AND SPECIAL EXCEPTION

lst Election District

Southwest Side of Baltimore National Pike, 186' Southwest of Old Frederick Road (5639 Baltimore National Pike)

DATE AND TIME: Monday, December 9, 1985 at 10:15 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

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

Being the property of _______, as shown on plat plan filed with the Zoning Office. ______, as shown on plat

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.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. the Zoning Commissioner will, however, entertain

BY ORDER OF ARNOLD JABLON

ZONING COMMISSIONER OF BALTIMERE COUNTY

Petition for Variance from Section 413.3C to permit a front yard setback of

O feet in lieu of the required average of 50 feet and a Petition for Special Exception for one double-faced illuminated outdoor advertising sign (100 sq.

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR, & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany A Special Exception & Variance For An Outdoor Advertising Sign.

September 13, 1985 RE: Westview Mini

Point of beginning being located S 72° 18° 13" W 186.8° + from the intersection of the west side of Old Frederick Road with south side of U.S. Route #40 (Baltimore National Pike) thence:

1. S 04° 29' 20" W 10.0' +

- 2. S 72° 18' 13" W 10.0' +
- 3. N 64° 29' 20" E 10.0' + and
- 4. N 72° 18' 13" E 10.0' + to the place of beginning.

(Containing .002 Ac. + or 100 S.F. +)



THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY

96-235-XA ffice of BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 **PATUXEN** November 8, 1985 : BEFORE THE ZONING COMMISSIONER RE: PETITION FOR SPECIAL EXCEPTION Benjamin Bronstein, Esquire PETITION FOR VARIANCE 10750 Little Patuxent Pkwy OF BALTIMORE COUNTY Columbia, MD 21044 Suite 200. SW/S Balto. Nat. Pike, 186' SW ARNOLD JAPLON 102 W. Fennsylvania Avenue of Old Frederick Rd. (5639 PETITION FOR VARIANCE
APID SPEDIAL EXCEPTION
1at Blacken State(o)
LOCATION: Southwest Side of
Bettimore National Piles, 186*
Southwest of Old Frederich Flood
(5639 Baltimore National Piles)
DATE AND TIME: Monday, De-cember 9, 1985 at 10:15 s.m. JEAN M. H. JUNG ZONING COMMISSIONER Towson, Maryland 21204 DEPUTY ZONING COMMISSIONER Balto. Nat. Pike), 1st District : November 21 19 85 December 4, 1985 NOTICE OF HEARING : Case No. 86-235-XA JULIO BROTHERS, Petitioner Re: Fetition for Special Exception and Variance SW/S Balto. Nat'l Pike, 186' SW of Old Benjamin Bronstein, Esquire :::::: Suite 200, PUBLIC HEARING: Room 106, County Office Building, 111 West Cheeschale Avenue, Towson, Mar-Frederick Rd. (5639 Balto. Nat'l Pike) 102 W. Pennsylvania Avenue ENTRY OF APPEARANCE Julio Brothers - Petitioners Towson, Maryland 21204 THIS IS TO CERTIFY, that the annexed advertisement of Case No. 86-235-XA The Zoning Continuescener of Beltimere County, by authorsy of the Zoning Act and Regulations of Beltimore County, will hold a public beaters. Please enter the appearance of the People's Counsel in the above-PETITION FOR VARIANCE 71449 RE: Petition for Special Exception and Variance captioned matter. Notices should be sent of any hearing dates or other Petition for Variance from Sec-tion 413.3C to permit a front yard setback of 0 feet in lieu of the SW/S Balto. Nat'l Pike, 186' SW of Old DATE: Monday, December 9, 1985 Petition for Special Exception for one double-faced flummated out-door advertising sign (100 eq. 8; per mote). proceedings in this matter and of the passage of any preliminary or final Frederick Rd. (5639 Balto. Nat'1 Pike) Julio Brothers - Petitioners was inserted in the following: PLACE: Room 106, County Office Building, 111 West Chesapeake Case No. 86-235-XA XCatonsville Times Being the property of Julio Brothers, as shown on the plet filed with the Zoning Office. ☐Arbutus Times Avenue, Towson, Maryland In the event that this Pettion is weekly newspapers published in Baltimore County, Maryland llis Cole tredman in the event that the Pestion is granted, a building permit may be leaued within the thirty (30) day appeal period. The Zoning Commencer will, however, ensertain any request for a stay of the insurance 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. once a week for _____ successive weeks before Dear Mr. Bronstein: the 23 day of November 1985, that is to say, Phyllis Cole Friedman People's Counsel for Baltimore County This is to advise you that \$53.56 is due for advertising and posting of the above property. This fee must be paid before an the same was inserted in the issues of November 21, 1985 Order is issued. (une ARNOLD JABLON ZOMING COMMISSIONER OF BALTIMORE COUNTY 101-CNOV. 21. THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Peter Max Zimmerman Deputy People's Counsel Do not remove sign from property from the time it is placed by Rm. 223, Court House this office until the day of the hearing itself, Towson, MD 21204 494-2188 PATUXENT PUBLISHING CORP. BALTIMORE COUNTY, MARYLAND No. 012414 e County, Maryland, and remit BALTIMORE COUNTY, MARYLAND ding, Towson, Maryland OFFICE OF FINANCE - REVENUE DIVISION OFFICE OF FINANCE - REVENUE DIVISION I HEREBY CERTIFY that on this 19th day of November, 1985, a copy MISCELLANEOUS CASH RECEIPT MISCELLANEOUS CASH RECEIFT of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, R.01-615 000 Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney £ 21.45 for Petitioner. RECEIVED Ban Branstein RECEIVED BEN BALL TOUR 1809. Peter Max Zumerman FOR allustioning & Peting 86-335 XA 18.81 8 93 / 1000 23 / 2018 82 SEF Dp. Cx & Var B SIBAAAAABBELU MCHAL VALIDATION OR SIGNATURE OF CASHIER YALIDATION OR SIGNATURE OF CASHIER BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500 Maryland Department of Transportation BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204 William K. Helimann November 15, 1985 Hal Kassoff PAUL H. REINCKE CHIEF Benjamin Bronstein, Esquire COUNTY OFFICE BLDG. 211 W. Chesapeake Ave. Towson, Maryland 21204 October 2, 1985 Suite 200, 102 W. Pennsylvania Avenue October 3, 1985 Mr. Arnold Jablon Towson, Maryland 21204 Zoning Commissioner Mr. A. Jablon Re: Baltimore County Office of Planning and Zoning Zoning Commissioner Item No. 118 Baltimore County Office Building NOVEMBER 15, 1985 RE: Item No. 118 - Case No. 86-235-XA Mr. Arnold Jablon County Office Building Zoning Commissioner County Office Building Towson, Maryland 21204 Property Owner: Julio Towson, Maryland 21204 Petitioner - Julio Brothers. Towson, Maryland 21204 Brothers a Maryland Partnership Attention: Nick Commodari, Chairman Location:SW/S Baltimore Special Exception and Variance Petition National Pike Zoning Plans Advisory Committee MEMBERS Re: Zoning Advisory Heeting of OCTOBER 1, 1985
Item # //B
Property Owner: JULIO BROTHERS (Maryland Route 40-W) Dear Mr. Bronstein: Bureau of 186.8' SW of Old RE: Property Owner: Julio Brothers Engineering Location: SW/S BOLTIMORE NOTIONAL PIKE Frederick Road The Zoning Plans Advisory Committee has reviewed the plans sub-Department of Att: James Dyer 186.8' SW OF OLD FREDERKIC RD. Location: SW/S Baltimore National Pike, 186.8' SW of Old Frederick Road Dear mr. Jablon: Existing Zoning: B.R. Traffic Engineering mitted with the above-referenced petition. The following comments Proposed Zoning: Spec. The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are are not intended to indicate the appropriateness of the zoning action State Roads Commission Exception for one double-Item No.: 118 Zoning Agenda: Meeting of October 1, 1985 requested, but to assure that all parties are made aware of plans or Bureau of faced illuminated outdoor problems with regard to the development plans that may have a bearing Fire Prevention advertising sign and (X)There are no site planning factors requiring comment. on this case. The Director of Planning may file a written report with A County Review Group Meeting is required.

A County Review Group Meeting is required.

A 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 Health Department variance to permit a front the Zoning Commissioner with recommendations as to the suitability of Pursuant to your request, the referenced property has been surveyed by this yard setback of 0' Project Planning the requested zoning. in lieu of the required Bureau and the comments below marked with an "X" are applicable and required Building Department to be corrected or incorporated into the final plans for the property. average of 50° Enclosed are all comments submitted from the members of the Board of Education Acres: .002 Committee at this time that offer or request information on your to issuance of a building pennit. District: 1st. () 1. Fire hydrants for the referenced property are required and shall be Zoning Administration petition. If similar comments from the remaining members are received,)The access is not satisfactory. located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the The circulation on this site is not satisfactory.

The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan. I will forward them to you. Otherwise, any comment that is not inform-Industrial Dear Mr. Dyer: Development ative will be placed in the hearing file. This petition was accepted Department of Public Works. for filing on the date of the enclosed filing certificate and a hearing)This property contains soils which are defined as wetlands, and On review of the submittal for Special Exception for scheduled accordingly. development on these soils is prohibited.
)Construction in or alteration of the floodplain is prohibited Outdoor Advertising, the site plan has been forwarded to () 2. A second means of vehicle access is required for the site. the State Highway Administration Beautification Section, under the provisions of Section 22-98 of the Development Very truly yours, C/O Morris Stein (659-1642) for all comments relative Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan. () 3. The vehicle dead end condition shown at to Zoning.)The amended Development Plan was approved by the Planning Board Very truly yours, MAMES E. DYER EXCEEDS the maximum allowed by the Fire Department. Chairman Charle Lea () 4. The site shall be made to comply with all applicable parts of the Zoning Plans Advisory Committee Capacity Use Certificate has been issued. The deficient service Fire Prevention Code prior to occupancy or beginning of operation. () The property is located in a trarric area controlled by a "D" level intersection as defined by Bill 173-79, and as conditions change Charles Lee, Chief JED:nr Bureau of Engr. Access permits () 5. The buildings and structures existing or proposed on the site shall traffic capacity may become more limited. The Basic Services Areas are re-evaluated innually by the County Council. comply with all applicable requirements of the National Fire Protection Enclosures by: George Wittman Association Standard No. 101 "Life Safety Code", 1976 edition prior cc: Geo. Wm. Stephens, Jr. to occupancy. CL-GW:es & Associates, Inc. P. O. Box 6828

cc: J. Ogle

Eugene A. Bober

Chief, Current Planning and Development

the man state of the transfer and the

cc: James Hoswell

M. Stein w/att.

My telephone number is 301-859-1350

383-7555 Baltimore Me)rg -- 565-0451 D.C. Metro -- 1-800-492-5062 Statewide Toll Free P.G. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Towson, Maryland 21204

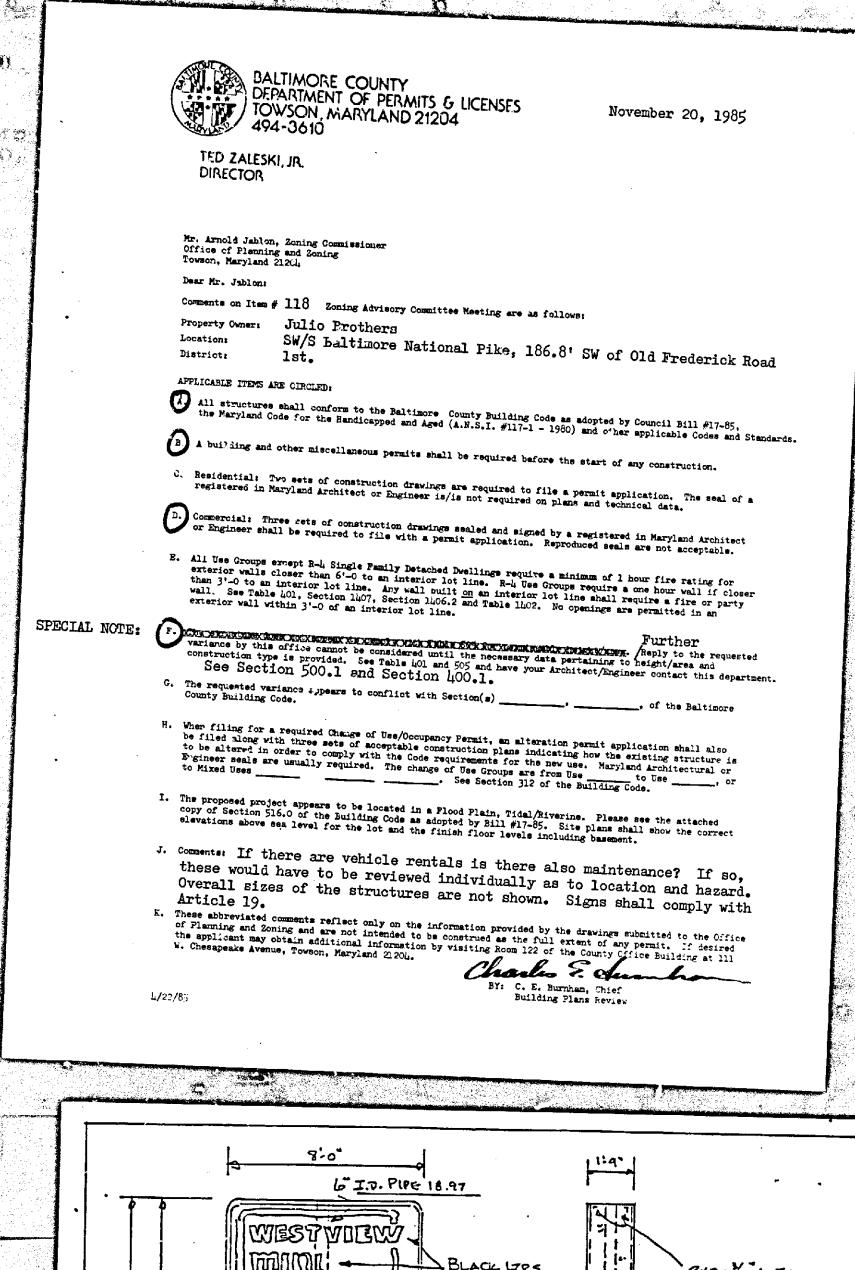
~ : LJ€28 1298!

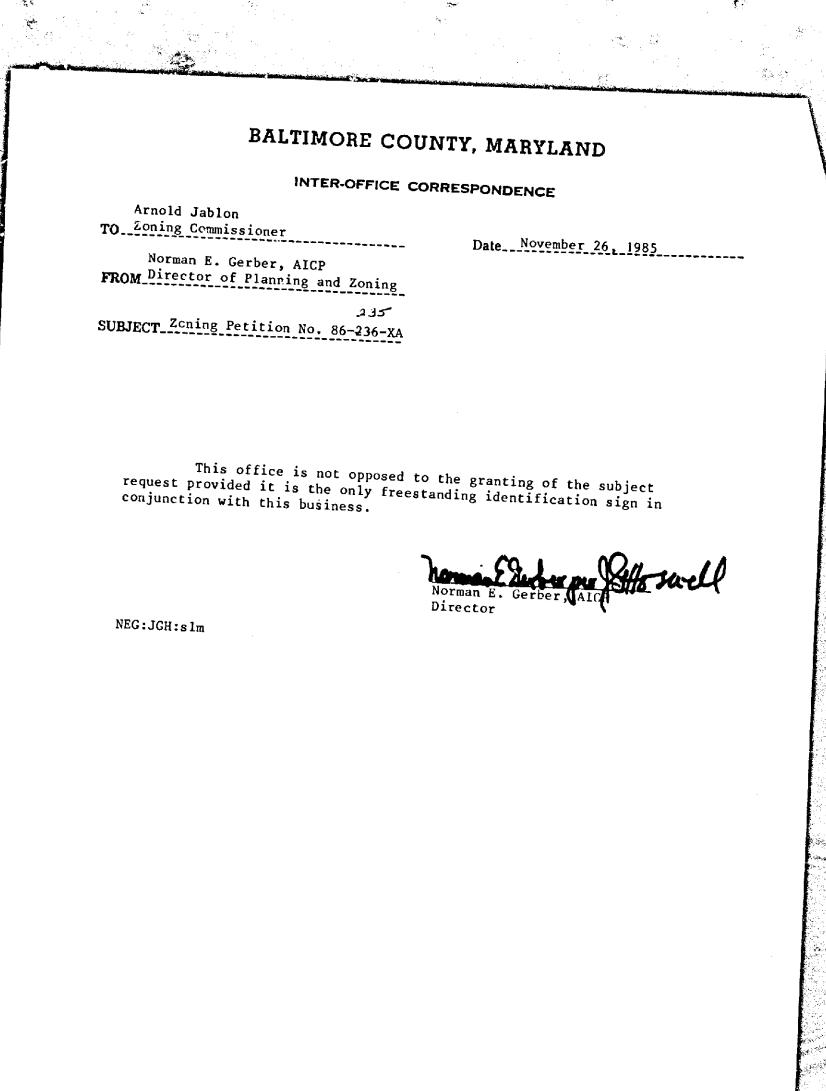
() 6. Site plans are approved, as drawn.

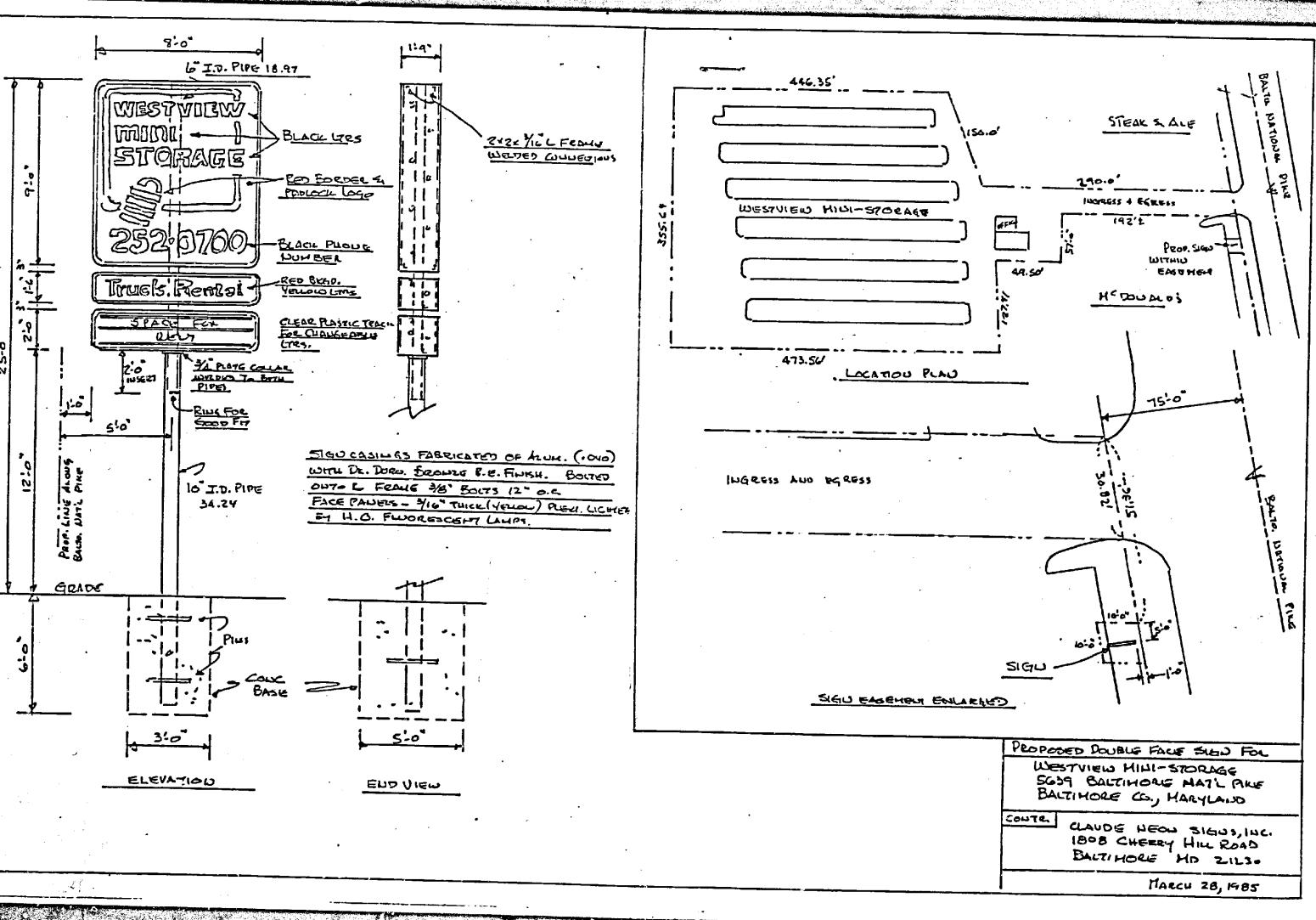
REVIEWER: Cast Court 102-85 Approved:

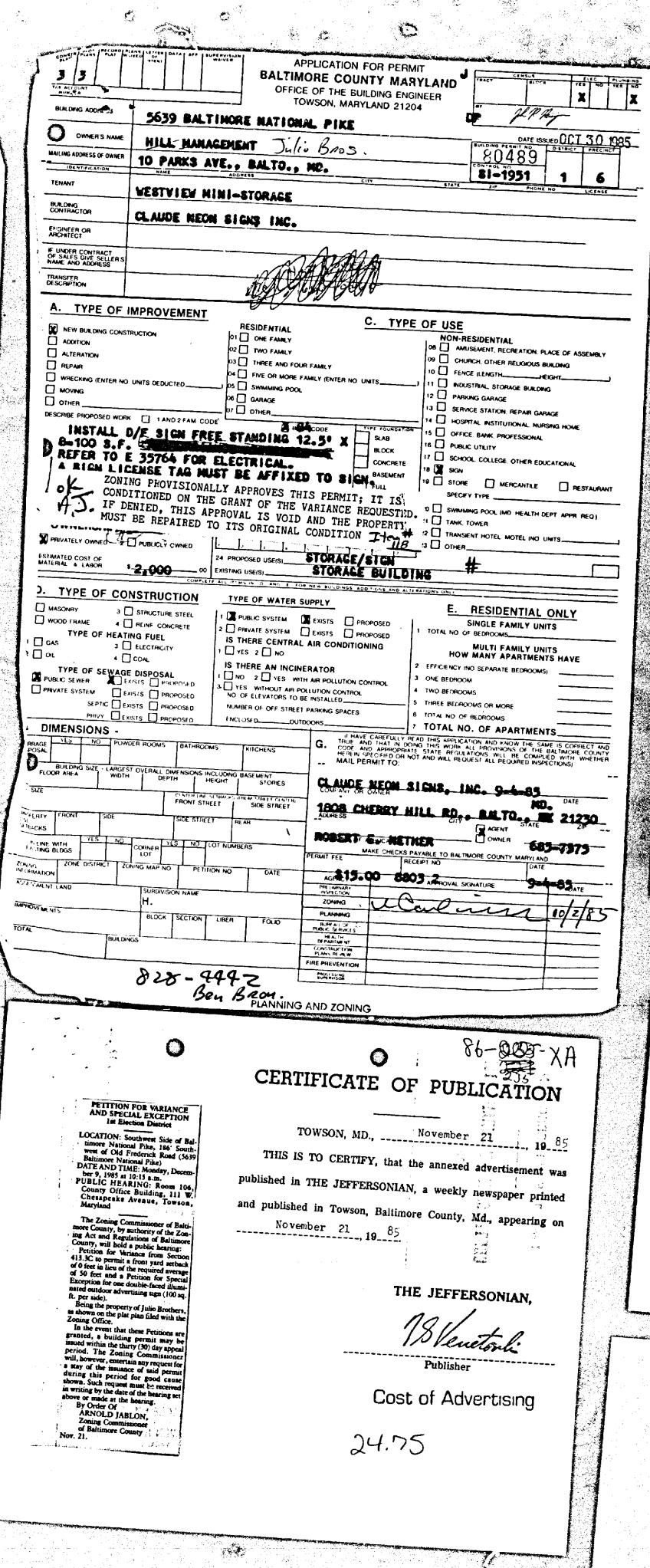
Special Inspection Division

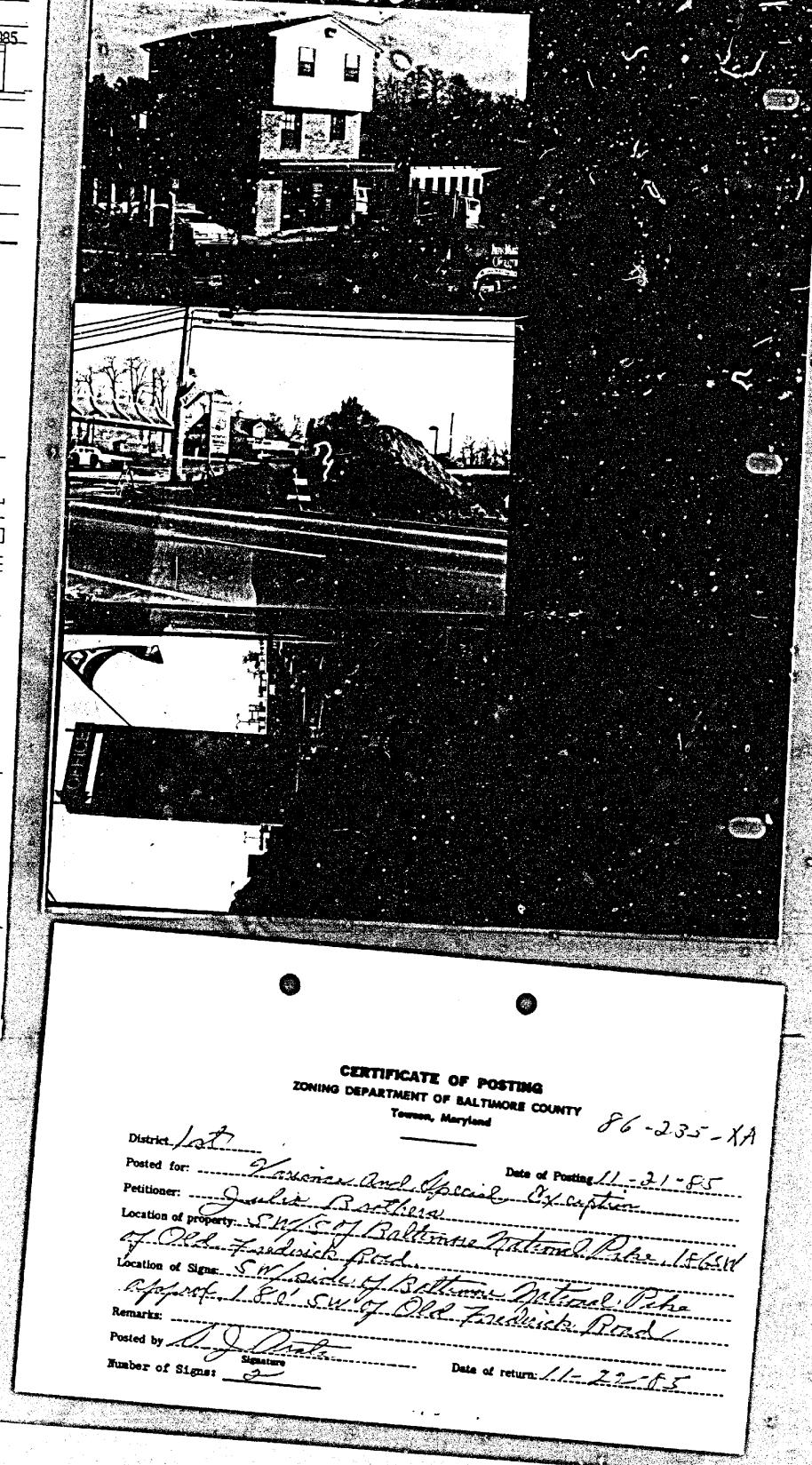
(X) 7. The Fire Prevention Bureau has no comments, at this time.











Case No. 86-235-X4

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

ARNOLD JABLON

Zoning Commissioner

Petitioner Heryland Partnership Received by:

Attorney Denjamin Bronstein, Enquire

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