

IN RE: PETITION FOR VARIANCE * BEFORE THE
 J/S of Security Boulevard, * DEPUTY ZONING COMMISSIONER
 3781 E of Whitehead Road * OF BALTIMORE COUNTY
 (6665 Security Boulevard) - *
 1st Election District *
 Greater Eastern Holding Co., * Case No. 86-443-A
 Petitioner *
 * * * * *

The Petitioner herein requests a variance to permit a minimum side yard setback of zero feet in lieu of the required 30 feet for an existing two-story office building.

Testimony indicated that in 1965 the Developer and current owner constructed the existing office building on the eastern portion of the recorded lot and, about four years later, constructed the restaurant on the western portion of the lot. From the day of development until the present, the property has been treated as two lots: physically separated by grade, curbs, poles and/or guard rails; separate tax bills and long term leases; and each use providing the county required number of parking spaces on its portion of the lot. The owner now has a contract to sell the office building, an action which necessitates the subdivision of the recorded lot into two lots. In order to meet the side yard setback for the office building, 24 parking spaces for the restaurant would have to be eliminated. The contract purchaser already owns and utilizes the property from the site to Woodlawn Drive. The company will use the existing office building for its general corporate use and will improve the landscaping with additional plantings. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the petitioner, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore,

the variance should be granted.
 Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 27th day of April, 1986, that the herein Petition for Variance to permit a minimum side yard setback of zero feet in lieu of the required 30 feet for an existing two-story office building, in accordance with the plan prepared by Spellman, Larson & Associates, Inc., revised April 24, 1986 and marked Petitioner's Exhibit 2, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. Within thirty (30) days, a revised plan must be submitted indicating the elimination of the two head-in parking spaces adjacent to the one-story truck portion of the building.

[Signature]
 Deputy Zoning Commissioner
 of Baltimore County

WHEREAS

RECEIVED FOR FILES
 APR 30 1986
[Signature]
 DEPUTY ZONING COMMISSIONER

PETITION FOR ZONING VARIANCE
 1st Election District

LOCATION: South Side of Security Boulevard, 378 feet East of Whitehead Road (6665 Security Boulevard)
 DATE AND TIME: Wednesday, April 30, 1986, at 10:00 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 Zoning Variance to permit a minimum side yard setback of 0 feet in lieu of the required 30' for an existing two-story office building.

Being the property of Greater Eastern Holding Company, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

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

ARNOLD JABLON
 ZONING COMMISSIONER

April 30, 1986

JEAN M. H. JUNG
 DEPUTY ZONING COMMISSIONER

Charles B. Heyman, Esquire
 Sun Life Building - 10th Floor
 20 South Charles Street
 Baltimore, MD 21201

RE: PETITION FOR VARIANCE
 S/S of Security Boulevard,
 3781 E of Whitehead Road
 (6665 Security Boulevard) -
 1st Election District -
 Greater Eastern Holding Co.,
 Petitioner
 Case No. 86-443-A

Dear Mr. Heyman:

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

Very truly yours,

[Signature]
 JEAN M. H. JUNG
 Deputy Zoning Commissioner

ENCLOSURE

Attachments

cc: People's Council

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 to permit a minimum side yard of 0 feet instead of required 30 feet for existing two story building

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

Single lot presently contains two story office building and a Roy Rogers Restaurant, lot being subdivided to enable conveyance of office building to adjacent property owner to the east. Roy Rogers' lease and parking provisions for Roy Rogers require division line to be along westernmost side of office building; other hardships and/or practical difficulties to be presented at time of hearing.

Property is to be used and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertisement, posting, etc. upon filing of this petition, and further agree to not be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

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

Contract Purchaser:
 FOX CHEVROLET, INC.
 (Type or Print Name)
 Signature: *[Signature]*
 6633 Security Boulevard
 Address
 Baltimore, Maryland 21207
 City and State

Legal Owner(s):
 GREATER EASTERN HOLDING COMPANY
 (Type or Print Name)
 By: *[Signature]*
 Signature: General Partner
 Emanuel Kalus
 (Type or Print Name)
 Signature

Attorney for Petitioner:
 Charles B. Heyman, Esquire
 (Type or Print Name)
 Signature: *[Signature]*
 Sun Life Building - 10th Floor
 20 South Charles Street
 Address
 Baltimore, Maryland 21201
 City and State

Attorney's Telephone No.: 301/539-6967
 Address Phone No.

SPELLMAN, LARSON & ASSOCIATES, INC.
 SUITE 107 - JEFFERSON BUILDING
 105 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 823-3535

DESCRIPTION FOR VARIANCE TO ZONING 6665 SECURITY BOULEVARD, BALTIMORE COUNTY, MARYLAND

Beginning for the same on the southernmost side of Security Boulevard (120 feet wide) at a point distant 378 feet, more or less, measured easterly along the southernmost side of said Boulevard from the center line of Whitehead Court running thence and binding on the southernmost side of said Security Boulevard, easterly by a line curving to the left with a radius of 3260.00 feet for a distance of 197.00 feet (the chord of said arc being north 87 Degrees 37 Minutes 21 Seconds East 196.96 feet) thence leaving the southernmost side of said Boulevard and running South 1 Degree 51 Minutes 56 Seconds West 357.33 feet to the northernmost side of Whitehead Court (70.00 feet wide) thence and binding on the northernmost side of said Court westerly by a line curving to the right with a radius of 1776.11 feet for a distance of 193.51 feet (the chord of said arc being North 03 Degrees 02 Minutes 09 Seconds West 193.40 feet) thence leaving the northernmost side of said Whitehead Court and running North 1 Degree 51 Minutes 56 Seconds East 314.81 feet to the place of beginning.

Containing 1.519 acres of land, more or less.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
 LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
 LEASING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 1st Date of Posting: April 27, 1986
 Posted for: Greater Eastern Holding Co.
 Petitioner: Greater Eastern Holding Co.
 Location of property: S/S of Security Boulevard, 378 feet East of Whitehead Road, Baltimore County, Md.
 Location of Signs: 105 W. Chesapeake Avenue, Towson, Md.
 Remarks: For information of the public that a petition for a zoning variance has been filed with the Zoning Department of Baltimore County.
 Posted by: [Signature] Date of return: April 27, 1986
 Number of Signs: 2

CERTIFICATE OF PUBLICATION
 TOWSON, MD., April 10, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 10, 1986.

THE JEFFERSONIAN,
[Signature]
 Publisher
 Cost of Advertising
24.75

PETITION FOR ZONING VARIANCE
 1st Election District
 LOCATION: South Side of Security Boulevard, 378 feet East of Whitehead Road (6665 Security Boulevard)
 DATE AND TIME: Wednesday, April 30, 1986, at 10:00 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 Zoning Variance to permit a minimum side yard setback of 0 feet in lieu of the required 30' for an existing two-story office building.

Office of
PATUXENT
 Newspaper Publishing Corp.
 10760 Linn Parkway
 Columbia, MD 21044

April 10, 1986

ARTICULATE THAT the annexed advertisement of

Petition for Zoning Variance

is in the following:

Arbutus Times
 Arbutus Times
 weekly newspapers published in Baltimore County, Maryland
 once a week for one successive weeks before
 the 10 day of April 1986, that is to say,
 the same was inserted in the issues of

April 10, 1986

PATUXENT PUBLISHING CORP.
 By: *[Signature]*

IN THE CIRCUIT COURT
 FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS

Defendant

CERTIFICATE OF PUBLICATION OF

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 S/3 Security Blvd., 378' E of :
 Whitehead Rd. : OF BALTIMORE COUNTY
 1st District :

GREATER EASTERN HOLDING CO. : Case No. 86-443-A
 Petitioner(s)

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 223, Court House
 Towson, Maryland 21204
 (301) 494 - 2188

I HEREBY CERTIFY that on this 10th day of April, 1986, a copy of the foregoing Entry of Appearance was mailed to Charles B. Heyman, Esquire, Sun Life Bldg., 10th Floor, 20 S. Charles St., Baltimore, MD 21201, Attorney for Petitioner; and Benno Hurwitz, President, Fox Chevrolet, Inc., 6633 Security Blvd., Baltimore, MD 21207, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman

SPELLMAN LARSON & ASSOCIATES, INC.
 Suite 107 Jefferson Building
 105 West Chesapeake Avenue
 TOWSON, MARYLAND 21204

LETTER OF TRANSMITTAL

DATE: May 9, 1986 JOB NO: 86021
 ATTENTION: Mrs. Jean H. Jung
 TO: Security Blvd.
 Deputy Zoning Commissioner
 County Office Building

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

COPIES	DATE	NO	DESCRIPTION
1	Rev. 5/9/86		Plat For Variance To Zoning

- THESE ARE TRANSMITTED as checked below:
- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment

FOR BIDS DUE _____ 19____ PRINTS RETURNED AFTER LOAN TO US
 REMARKS: Please submit into file for the above referred to case as per your order.

COPY TO: Mr. Charles B. Heyman, Esq. SIGNED: *Robert E. Spellman*
 ROBERT E. SPELLMAN

4-20786
 FILE TO JD
 \$

LAW OFFICES
 KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELONAD, P.A.
 TENTH FLOOR SUN LIFE BUILDING
 20 SOUTH CHARLES STREET
 BALTIMORE, MARYLAND 21201
 301-539-6667

CHARLES B. HEYMAN
 WALTER S. GREENBERG
 WILLIAM W. ENGELMAN
 HERBERT W. BELONAD
 EDWARD S. BELONAD
 MARIO SOREN
 STANLEY W. WING
 KENNETH A. WING
 JOSEPH L. MILLER
 JOSEPH W. HEYMAN
 HARRIET E. COOPERMAN
 DANIEL S. WATZ
 MICHAEL D. BERNAN
 WILLIAM O. SWANSHNESS
 BARRY W. SOKER
 STEVEN W. FREEMAN
 ELIZABETH W. HANSEN
 DONNA J. DAVIS

April 11, 1986
 HAND DELIVERED
 Arnold Jablon, Commissioner
 Zoning Commission
 County Court House
 Towson, MD 21204

RE: Item #339 Greater Eastern Holding Company
 Petition for zoning variance

Dear Commissioner Jablon:

The above matter involves the subdivision of a single lot into two (2) separate lots in order to convey the portion of the lot containing an office building to an adjacent property owner. The other portion of the lot being subdivided contains a Roy Rogers Restaurant. In order to allow sufficient parking for each building that presently exists (on the lot as subdivided) it is necessary to obtain side yard zoning variance for the office building. Under the contract for the sale of the office building, closing is required to take place by May 1, 1986. Under these circumstances, taking into account that the lots are already fully improved and the sole purpose of the proceeding is to allow a new subdivision, it is requested that this matter be set at the earliest hearing date possible.

Your kind cooperation is appreciated.
 Sincerely,
Charles B. Heyman
 Charles B. Heyman

CBH/dlw

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS
 PLANNING AND ZONING DIVISION
 100 SOUTH CHARLES STREET
 BALTIMORE, MARYLAND 21201
 301-539-6667

APR 11 1986
 COMMUNICATIONS SECTION

RE: ITEM #339 GREATER EASTERN HOLDING COMPANY
 PETITION FOR ZONING VARIANCE

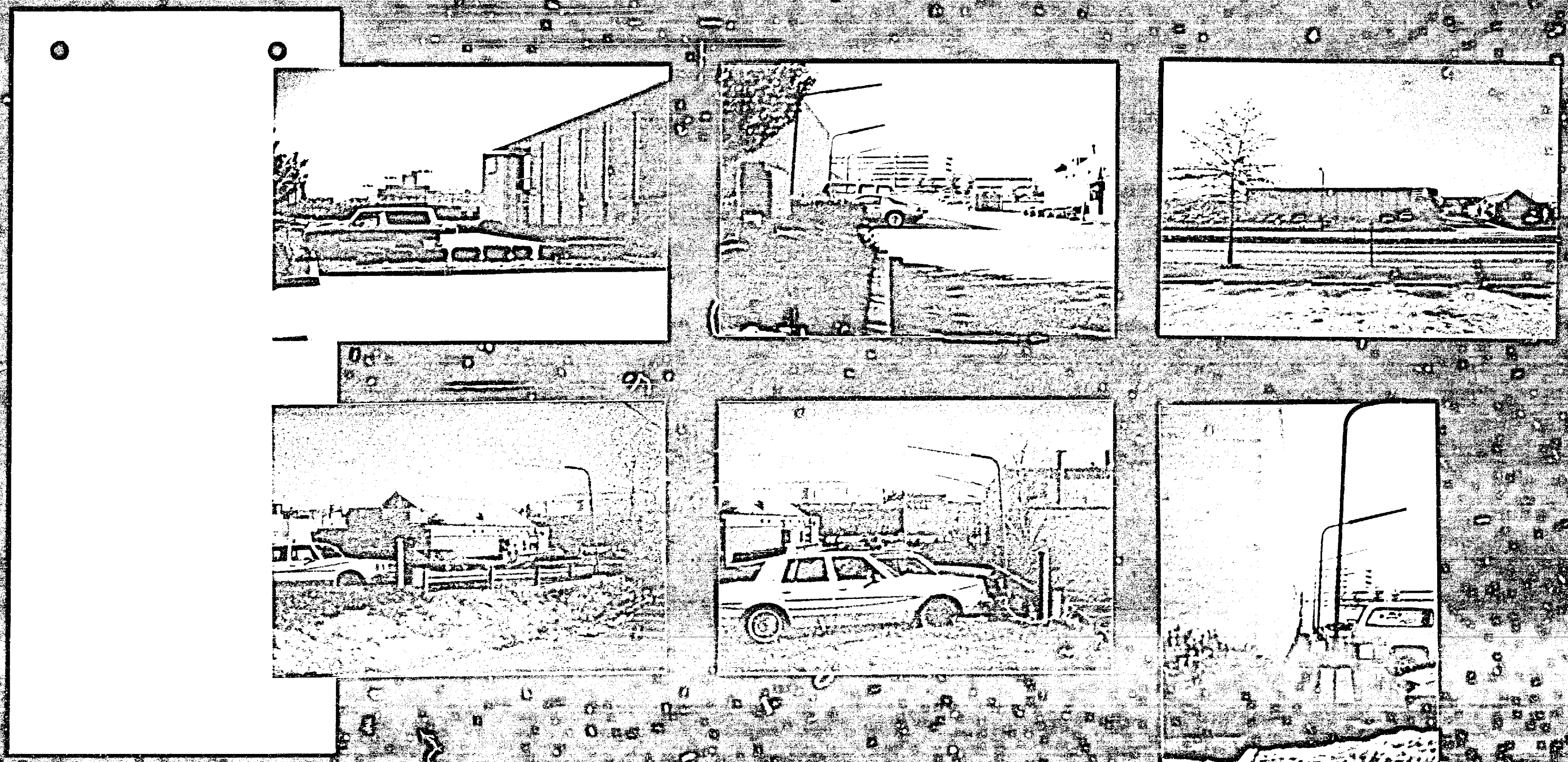
APR 11 1986
 COMMUNICATIONS SECTION

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF PUBLIC WORKS
 PLANNING AND ZONING DIVISION
 100 SOUTH CHARLES STREET
 BALTIMORE, MARYLAND 21201
 301-539-6667

APR 11 1986
 COMMUNICATIONS SECTION

RE: ITEM #339 GREATER EASTERN HOLDING COMPANY
 PETITION FOR ZONING VARIANCE

APR 11 1986
 COMMUNICATIONS SECTION



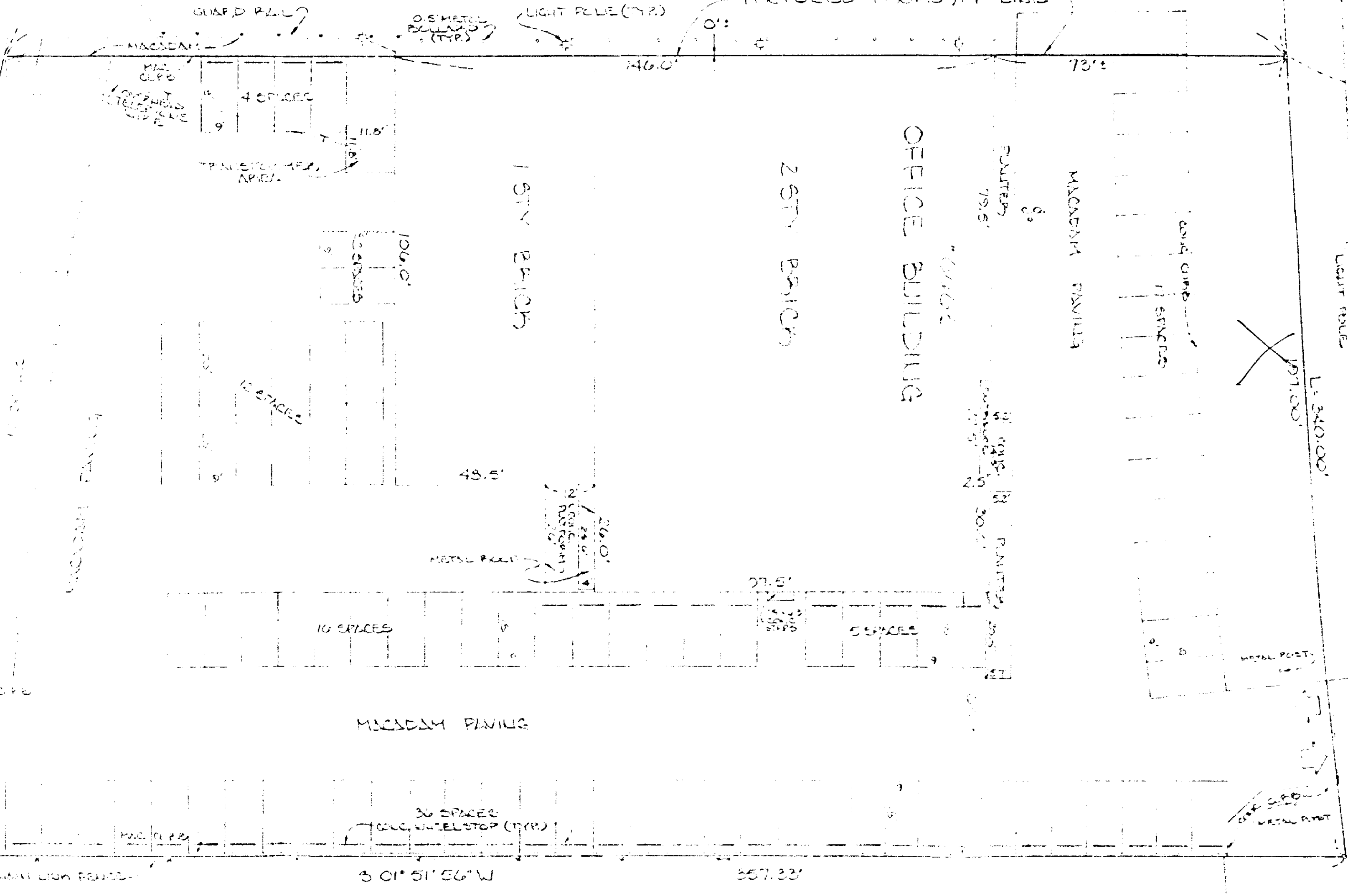
WHITEHEAD COURT
75' P/W
120' P/W

N 01° 51' 56" E 277.05'

1 STY BRICK RESTAURANT
"POX PROPERTY"

MACADAM PAVING - PARKING LOT
N 01° 51' 56" E 314.51'

PROPOSED PROPERTY LINE

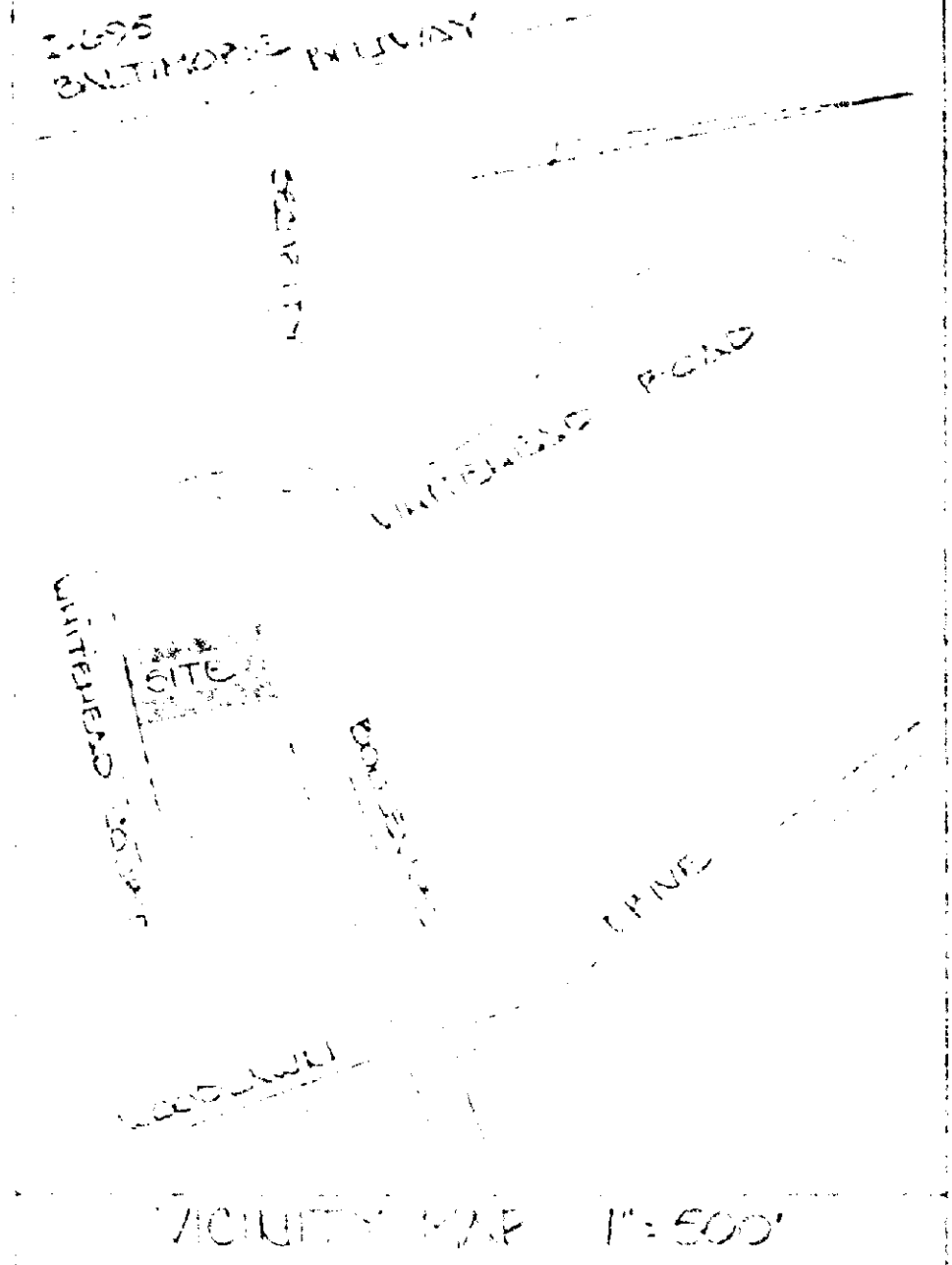


MACADAM PAVING
CAR STOP AND LOT - POX CHEVROLET

EAST PLUCE

ENTRANCE

SECURITY BOULEVARD
120' P/W



GENERAL NOTES
1. LEVEL OF TRACT IS AS SHOWN
2. EXISTING UTILITIES ARE
PROTECTED AND NOT TO BE REMOVED OR
ALTERED UNLESS APPROVED BY THE
APPLICABLE AGENCIES.
3. ALL UTILITIES TO BE DELETED OR
RELOCATED TO BE SHOWN AS SUCH.
4. ALL UTILITIES TO BE DELETED OR
RELOCATED TO BE SHOWN AS SUCH.
5. ALL UTILITIES TO BE DELETED OR
RELOCATED TO BE SHOWN AS SUCH.

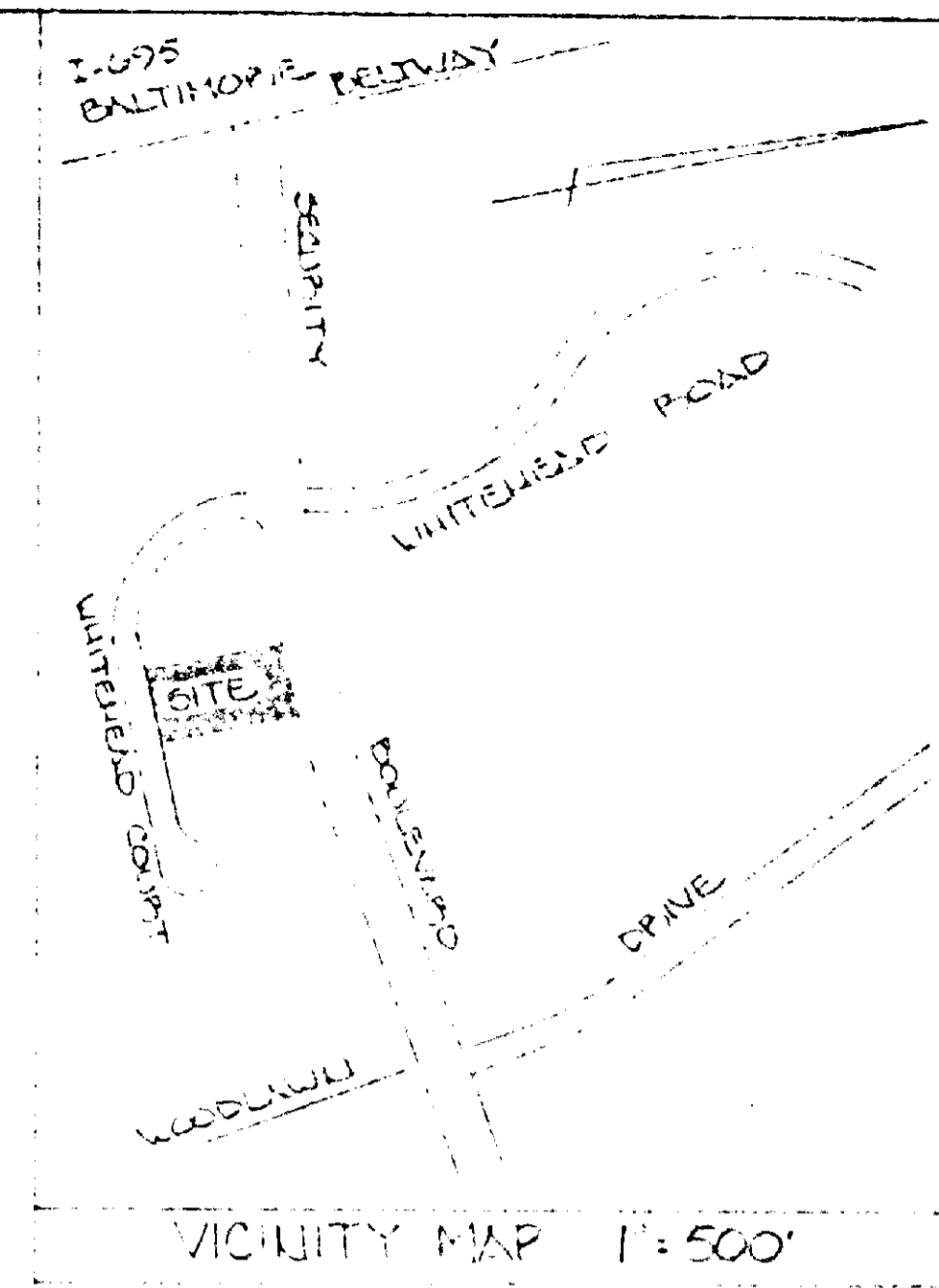
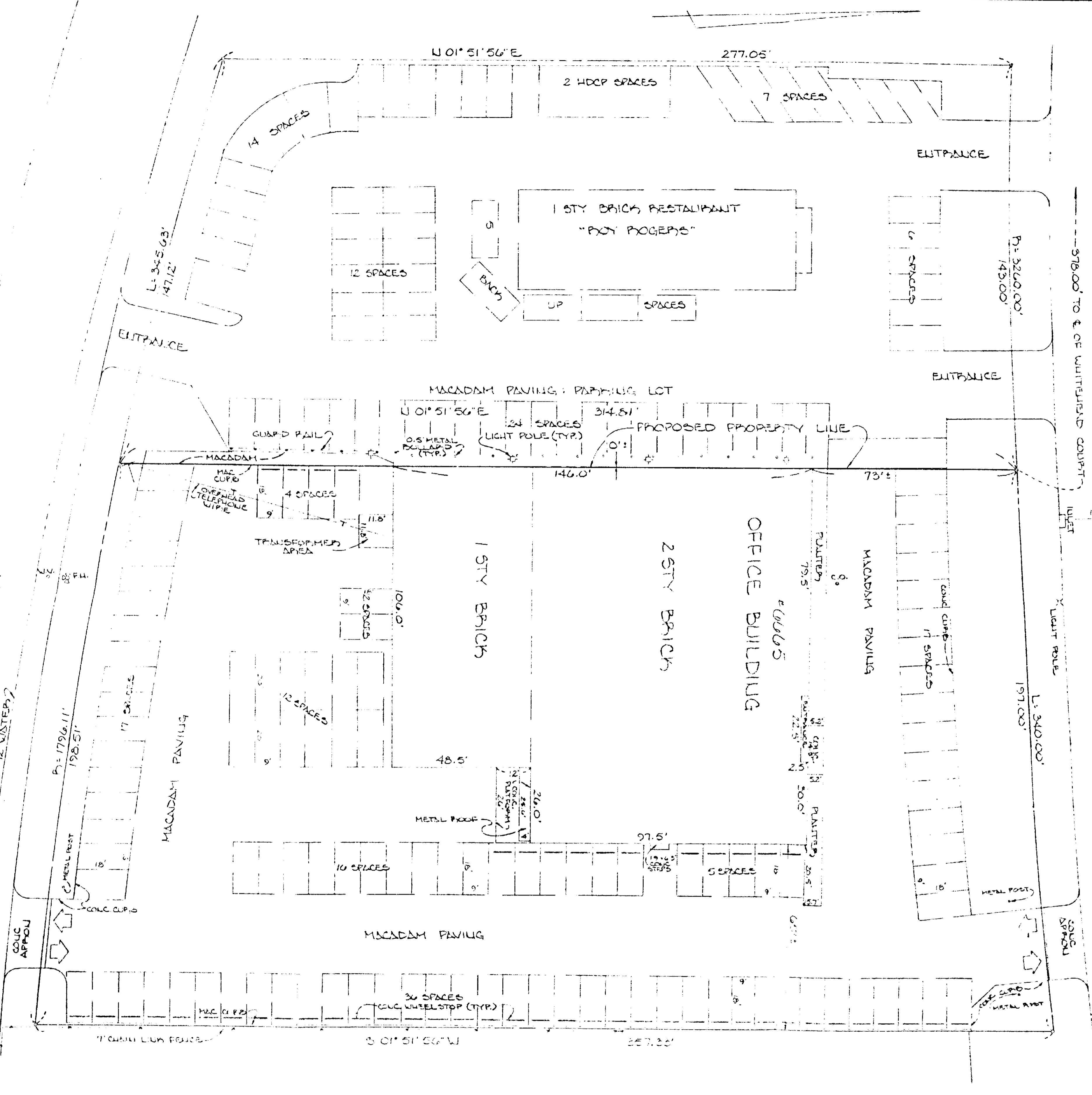
PLAN FOR
VARIANCE TO ZONING
TO ALLOW A 100 FOOT E SIDEWALK
INSTEAD OF THE REQUIRED
50 FOOT SIDEWALK
ON SECURITY BOULEVARD
IN ELECT DIST. BALTIMORE CO., MD.
SCALE: 1" = 20' MARCH 19, 1986

PREPARED BY
DEPARTMENT 1



SPELLMAN, LARSON & ASSOCIATES, INC.
Civil Engineers & Land Surveyors
Towson, Maryland - 21204
823 - 3535

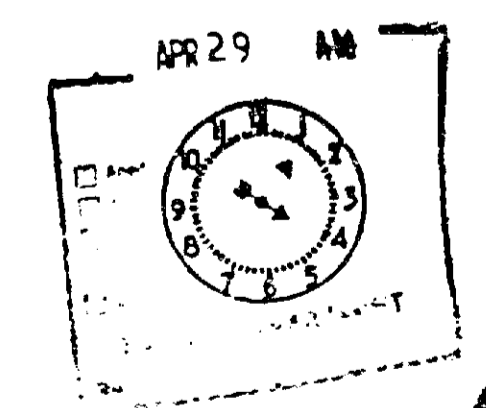
WHITEHEAD COURT
70' P/W
12' W/STEPS?



SECURITY BOULEVARD
48' S.D.?
120' P/W
10' W/STEPS?
10' E/W

- GENERAL NOTES**
- AREA OF TRACT: 1.510 AC.
 - ZONING: EXISTING: M1
PROPOSED: M1 WITH VARIANCE TO ALLOW A SIDEYARD OF 0.0 FEET INSTEAD OF THE REQUIRED 30 FEET
 - AREA OF PAVING: 1ST FLOOR: 12011 S.F.
2ND FLOOR: 12510 S.F.
 - PARKING PROVIDED:
1ST FLOOR: 12011 ÷ 500 = 24 SPACES
2ND FLOOR: 12510 ÷ 500 = 25 SPACES
TOTAL REQUIRED: 49 SPACES
 - AREA OF RESTAURANT: 3413 S.F.
 - PARKING PROVIDED: 3413 ÷ 50 = 69 SPACES
 - PARKING PROVIDED:
OFFICE BUILDING: 109 SPACES
RESTAURANT: 70 SPACES
TOTAL: 179 SPACES

PLAT FOR
VARIANCE TO ZONING
TO ALLOW A 0.0 FOOT SIDEYARD
INSTEAD OF THE REQUIRED
30 FOOT SIDEYARD
6605 SECURITY BOULEVARD
1ST ELECT. DIST. BALTIMORE CO., MD.
SCALE: 1"=20' MARCH 19, 1986



Revised
Plans



86-993

SPELLMAN, LARSON & ASSOCIATES, ETC.
Civil Engineers & Land Surveyors
Towson, Maryland 21204
823 - 3535

REV. 4/24/86 ADDED PARKING AND NOTES