



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

DECEMBER 16, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:
Comments on Item # 224 Zoning Advisory Committee Meeting are as follows:

Property Owner: GERARD B. DOTTERWEICH
Location: 1/2 E SIDE TAYLOR AVENUE, 107.5 FEET NW HARFORD ROAD
District: 9TH

APPLICABLE ITEMS ARE CIRCLED:

A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #127-1 - 1980) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction.

C. 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.

D. 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.

M. All Use Groups except B-4, 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-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1102. B. openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. 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 101 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration 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 Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Fitted Use _____. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 316.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

(M) Comments: A TWO HOUR NON-COMBUSTIBLE WALL IS REQUIRED BETWEEN THE 2ND STORY FRAME APARTMENT AND THE RESTAURANT. SEE SECTION 1702.0 FOR SPRINKLERS REQUIRED IN STORAGE, WORKSHOP AREAS ETC. A CHANGE OF OCCUPANCY FROM RETAIL USE "M TO ASSEMBLY USE A-3 IS REQUIRED".

K. 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 311 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Burman, Chief
Building Plans Review

*A HORIZONTAL FIRE SEPARATION BETWEEN 4-3 USE AND APT. R-2 USE IS REQUIRED. SEE TABLE 1102. SEE SECTION 313.0

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IN RE: PETITIONS SPECIAL HEARING *
AND VARIANCES *
NE/S of Taylor Avenue, 107.5' *
NW of Harford Road (7804-7814 *
Harford Road and 2908 Taylor *
Avenue) - 14th Election *
District *
Gerard B. Dotterweich, *
Petitioner *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 87-291-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests confirmation of the existence of a nonconforming use as a parking lot in a residential zone and, additionally, variances to permit 62 parking spaces in lieu of the required 154 spaces and for parking spaces to be located 4.41 feet from the street property line in lieu of the required 8 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Cicero Brown, a registered architect, testified on his behalf. There were no Protestants.

Testimony indicated that the subject property, located on Harford Road near Taylor Avenue and zoned B.L., is improved with a building constructed prior to 1945 which has contained retail uses continuously and without interruption since that time. The Petitioner purchased an adjoining building containing a carry-out restaurant which has also been used for retail uses since 1945. He proposes to construct an addition to the restaurant existing on the site. Those existing uses do not require compliance with the current parking regulations. In fact, by current standards, all of the uses, including the proposed addition, would require 154 parking spaces. Thirty-five spaces are presently provided, most of which are located on a parking lot to

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instant variances were not granted. It has been established that the requirement from which the Petitioner seeks 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 approval prayed for and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of January, 1987, that a nonconforming use for a parking lot in a residential zone be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variances to permit 62 parking spaces in lieu of the required 154 spaces and for parking spaces to be located 4.41 feet from the street property line in lieu of the required 8 feet be and is hereby GRANTED from and after the date of this Order.

C. S. H.
Zoning Commissioner of
Baltimore County

AJ/srl

cc: George W. H. Pierson, Esquire
People's Counsel

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Date 1/21/87
By [Signature]

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the rear of and adjacent to the retail uses, which is partially located in a D.R.5.5 Zone. Testimony and evidence further established that this parking lot has existed since 1945 and has been used continuously and without interruption since that time.

The Petitioner wants to provide as much parking as he can and will raze a commercial garage which is located in a B.L. Zone to the rear of the retail uses in order to create four additional spaces. He will also provide additional spaces on B.L.-zoned property which stretches from his northeast property line to Taylor Avenue, adjacent to his retail uses, and continues behind property at the corner of Taylor Avenue and Harford Road, which he does not own. The total number of spaces he can provide, including those in the parking lot, would be 62 spaces. His purpose is to make a good situation better.

Presently, there is no parking problem. There is metered parking on Harford Road and a County parking lot across from the retail uses. Mr. Dotterweich testified that the provision of these public spaces, together with the 35 on-site spaces, has been more than adequate to serve the customers of the existing uses.

The Petitioner seeks relief pursuant to Sections 104.1 and 500.7 and relief from Sections 409.2.b and 409.2.c.(4), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicates that the property has been used continuously and without interruption as a parking lot since 1945. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists.

The retail uses and accessory parking are also nonconforming for the same reasons. The requested variances simply clarify and attempt to bring the

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existing parking situation up to current standards, and more importantly, to enable the Petitioner to add more spaces than presently exist. If the Petitioner did not want to add the 27 spaces proposed, no variances would be required inasmuch as the parking lot within the residential zone, as well as the existing deficient number of available parking spaces, are nonconforming. The retail uses and parking lot began prior to the adoption of any zoning regulations, and therefore, no parking regulations requiring a minimum number of spaces for a commercial use were in effect. Although there is no expansion of the parking lot, the creation of 27 additional spaces requires that the Petitioner seek the variances requested herein.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

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

Anderson v. B3, of Appeals, *Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

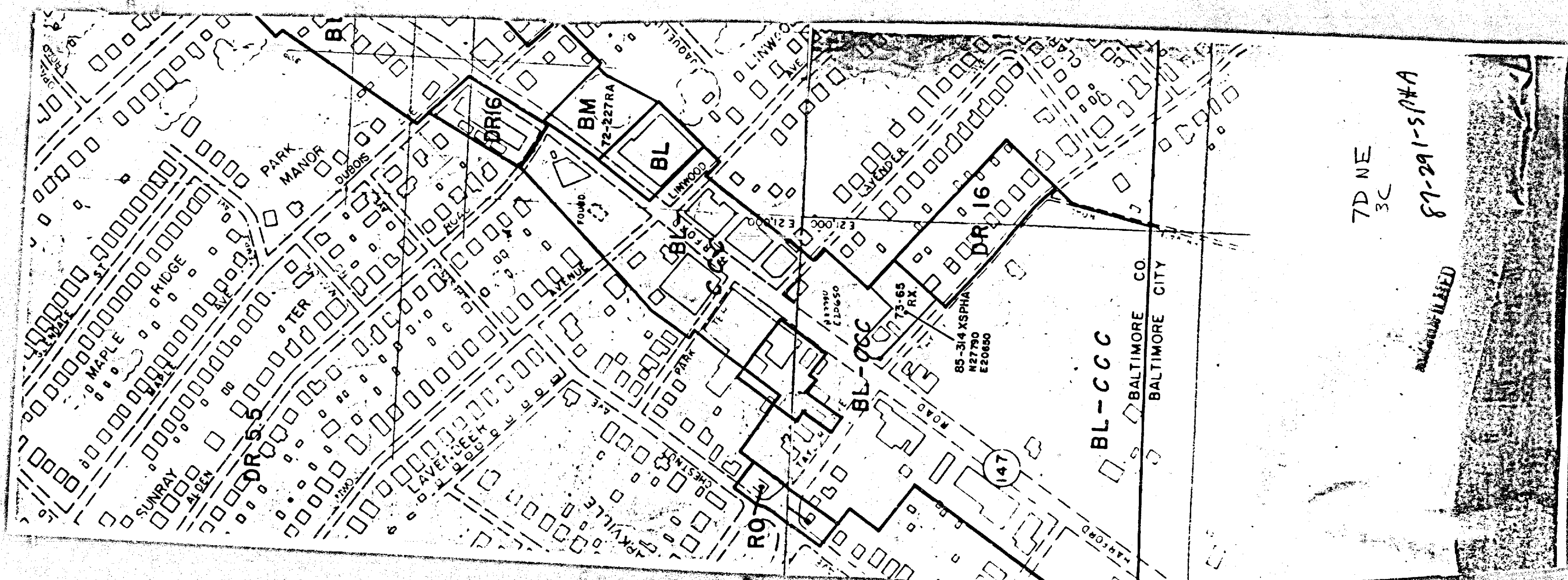
It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the

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By [Signature]



7D NE
3C
87-291-SPHA

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CERTIFICATE OF PUBLICATION

TOWSON, MD., December 24, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 24, 1986.

TOWSON TIMES,

LSusan Stender Obrecht
Publisher

42.50

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REVISIONS FOR SPECIAL HEARING AND VARIANCES
100 Election Cases - Case No. 87-291-SPHA
LOCATION: Northeast Side of Taylor Avenue, 107.5 feet Northwest of Harford Road (7804-7814 Harford Road) (2908 Taylor Avenue)
DATE AND TIME: Monday, January 13, 1987, at 11:00 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 on the nonconforming use of a building at 107.5 feet Northwest of Harford Road (7804-7814 Harford Road) (2908 Taylor Avenue) as shown on plat plan filed with the Zoning Office.
In the event that the Petitioner 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 JARLON, Zoning Commissioner of BALTIMORE COUNTY
#4202-L18180 Date 24

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

PAUL H. REINCKE
CHIEF

December 18, 1986

Mr. Arnold Jarlon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson Maryland 21204

RE: Property Owner: Gerard B. Dotterweich

Location: N/E side Taylor Avenue, 107.5' NW Harford Road

Item No.: 224

Zoning Agenda: Meeting of 12/16/86

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.

() 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.

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

REVIEWER: *Capt. John Kelly 12-18-86*
Planning Group
Special Inspection Division

Noted and Approved: *John F. O'Neill*
Fire Prevention Bureau

/mb

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CERTIFICATE OF PUBLICATION

TOWSON, MD., December 25, 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 December 25, 1986.

THE JEFFERSONIAN,

LSusan Stender Obrecht
Publisher

Cost of Advertising
27.50

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REVISIONS FOR SPECIAL HEARING AND VARIANCES
100 Election Cases - Case No. 87-291-SPHA
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BY ORDER OF: ARNOLD JARLON, Zoning Commissioner of BALTIMORE COUNTY
12/24/86 Dec. 25

4 signs

87-291 SPHA

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 12-22-86

Posted for: Variance & Special Hearing

Petitioner: Gerard B. Dotterweich

Location of property: Harford Rd. & Taylor Ave.

Location of Signs: same as above

Remarks: _____

Posted by: Gary C. Edmund Date of return: 12-22-86

Number of Signs: 4

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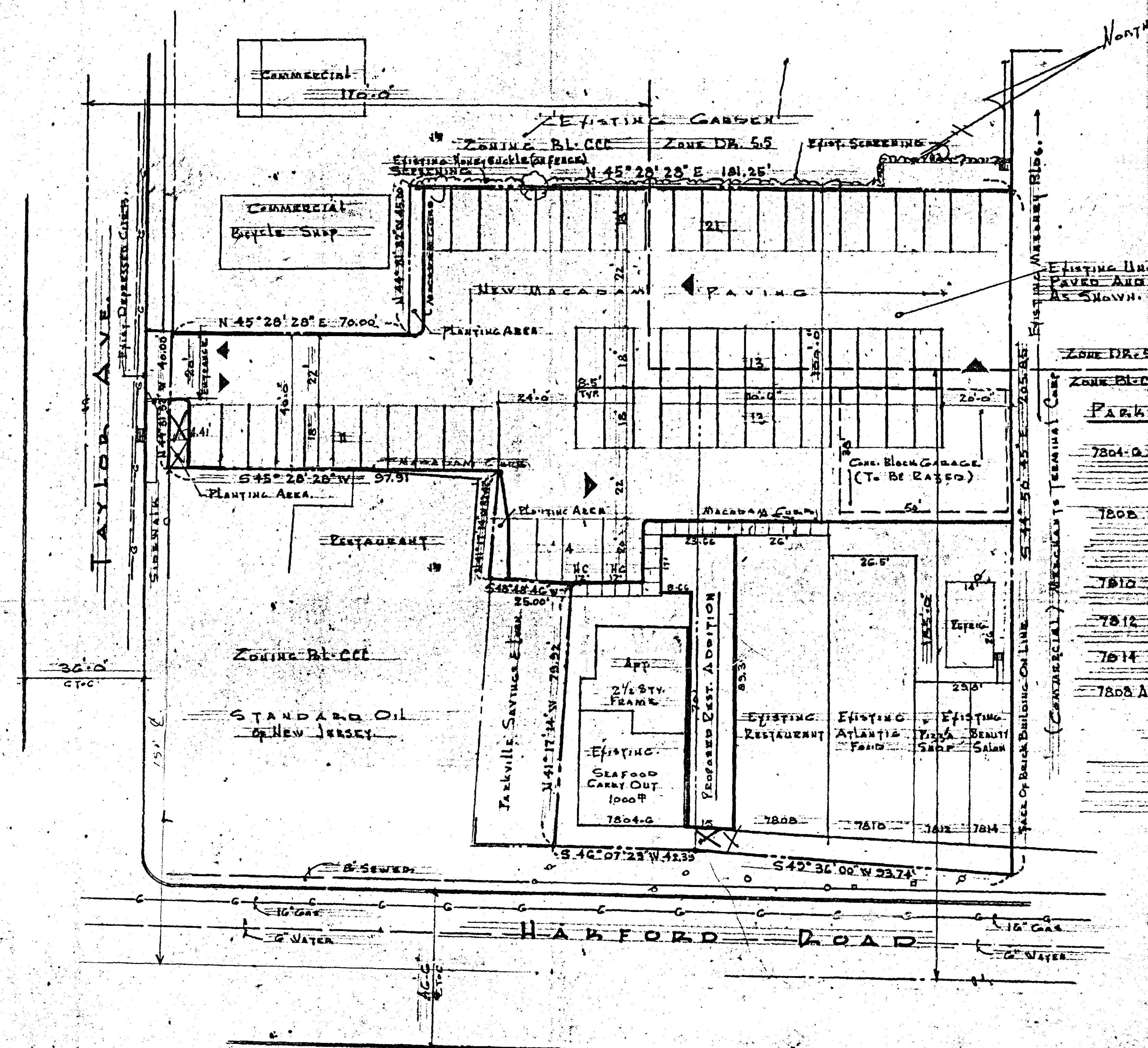
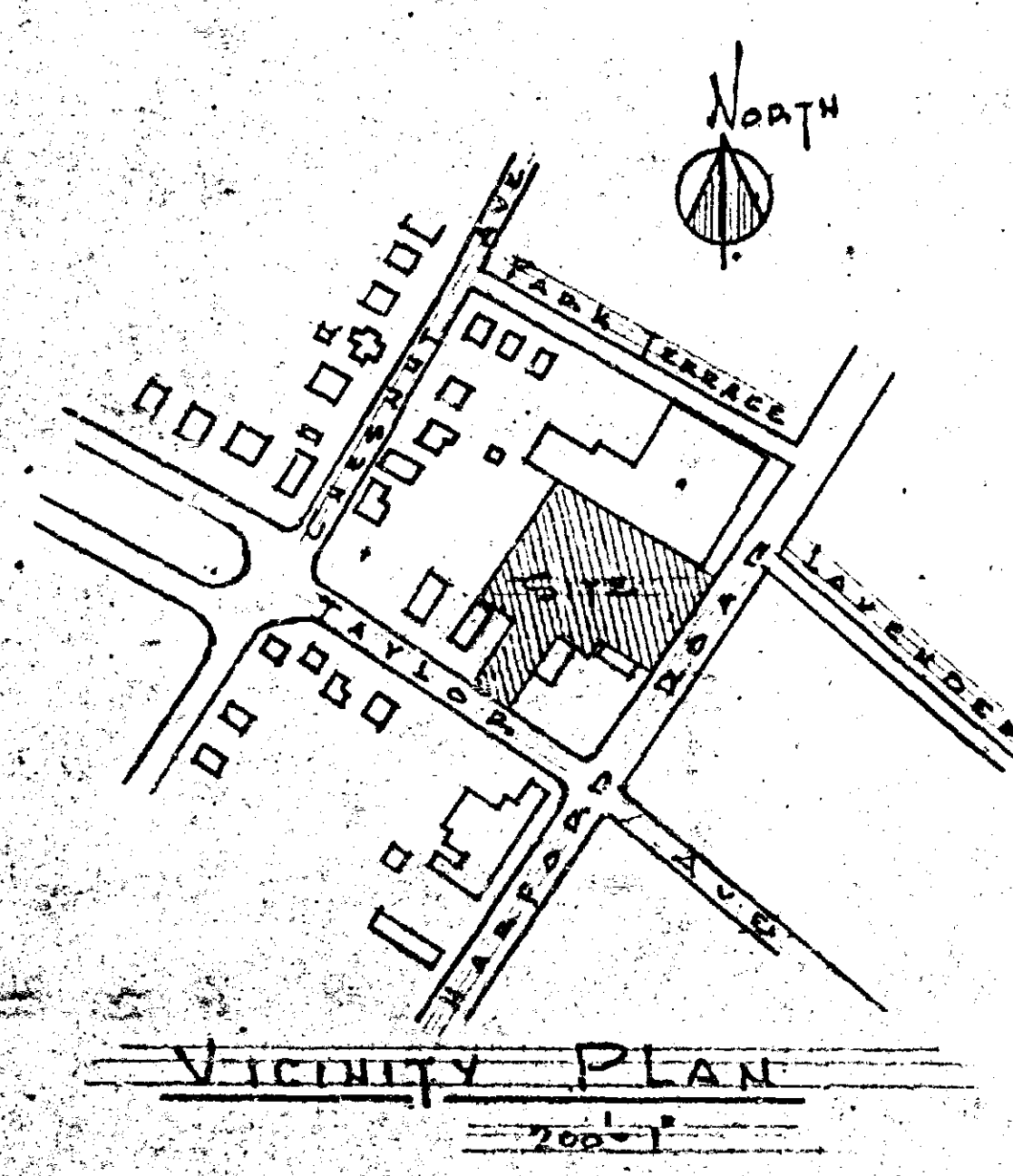


CICERO BROWN
ARCHITECT
100 HART CO.
TOWSON, MARYLAND

PLAT FOR ZONING VARIANCE & SPECIAL HEARING FOR NON-CONFORMING
PARKING AREA. ADDITION TO JERRY D. RESTAURANT
GEORGE B. DOTTERWEICH - OWNER
1808 HARBOR ROAD, BALTIMORE, MD.
SECTION D.M.

PROPERTY PLAT
PARKING
LAYOUT
Proj. No. 8601
DATE: 15 APR 86
SCALE: 1"=20'-0"
LAST REV. 8-11-86
DRAWING NO.
A-1

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PARKING REQUIREMENTS:

7804-0	1000 Sq. Ft. Retail (200V)	5 SPACES
7804-0	1000 Sq. Ft. Apartment	2
7804-0	Partial Bmnt. Storage	0
7808	1st Fl. 2521 " REST./BAM. (50)	46.4
7808	Bmnt. 1800 " 466.50m.	15.8
7808	2nd Fl. 2521 " 466.50m.	17.1
7808	2nd Fl. 2521 " 466.50m.	17.1
7810	1st Fl. 2252 " RETAIL (200)	11.3
7810	Bmnt. 350 " STOR. (UNUSABLE)	0
7812	1st Fl. 1180 " RETAIL (200)	5.9
7812	Bmnt. 210 " STOR. (UNUSABLE)	0
7814	1st Fl. 270 " RETAIL (200)	2.9
7814	Bmnt. 150 " STOR. (UNUSABLE)	0
7808 Addition To Jerry D. Restaurant	1st Fl. 1162 " Dining Rm. (50)	23.2
7808 Addition To Jerry D. Restaurant	Bmnt. 1162 " Dining Rm. (50)	23.2
7808 Addition To Jerry D. Restaurant	2nd Fl. 1162 " Dining Office (50)	23.2
7808 Addition To Jerry D. Restaurant	2nd Fl. 1162 " Office (50)	23.2
TOTAL SPACES REQUIRED		154
No. Of Spaces Provided		62
Variance Requested		92

PROPERTY PLAT
Scale 1"=20'-0"

PLAT FOR VARIANCE/SPECIAL
HEARING FOR NON-CONFORMING
PARKING AREA

PETITIONER'S
EXHIBIT