

286 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 238.2 to permit a rear yard setback of 7 ft. and a side yard setback of 2 ft. both in lieu of the required 30 ft. for an addition in accordance with the non-conforming use granted in Case #3814.

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

TO BE DETERMINED AT THE HEARING

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:
Cox Auto Parts, Inc.
(Type or Print Name)
Signature
2719 North Point Blvd.
Address
Baltimore, Md. 21222
City and State

Legal Owner(s):
SSAK Partnership
(Type or Print Name)
Signature
(Type or Print Name)
Signature
2719 North Point Blvd
Address
Baltimore, Md. 21222
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of April, 1987, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of April, 1987, at 10:30 o'clock A.M.

PETITION FOR ZONING VARIANCE

15th Election District - 7th Councilmanic District

Case No. 87-416-A

LOCATION: Southwest Side of North Point Boulevard, 345 feet Southeast of the Centerline of Norris Lane (2719 North Point Boulevard)

DATE AND TIME: Monday, April 20, 1987, at 10:30 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 rear yard setback of 7 feet and a side yard setback of 2 feet both in lieu of the required 30 feet for an addition in accordance with the nonconforming use granted in Case No. 3814V

Being the property of SSAK Partnership, 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 JARLOW
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCES
SW/4 of North Point Boulevard,
345' SE of the centerline of
Norris Lane (2719 North Point
Boulevard) - 15th Election
District
SSAK Partnership,
petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-416-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a rear yard setback of 7 feet in lieu of the required 30 feet and a side yard setback of 2 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Stanley Dansicker, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, located on North Point Boulevard and zoned B.R. with a small portion in the rear zoned B.L, consists of two acres and is improved with a junk yard. In 1959, Case Nos. 3814-V and 4434-RX, it was determined that the site enjoys a nonconforming use as a junk yard. There has been no expansion since that time. The Petitioner now proposes to attach a 50' x 50' addition to one of the three existing buildings for use in conjunction with the junk yard. The addition and building will be located at an angle to the southwest property line, and therefore, necessitate the requested variances.

The Petitioner seeks relief from Section 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:

- 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. 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 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.

In Baltimore County v. Diffendall, Case No. 5858 (Circuit Court of Baltimore County, 1977), the Court confronted the issue as to what constituted a nonconforming junk yard and concluded that the entire property used for the operation constituted the valid nonconforming junk yard. If the entire property is to be considered a nonconforming junk yard, pursuant to the Order of the Board of Appeals of Baltimore County in the above-cited cases, and there has been no expansion thereof, only a proposed addition within the

- 2 -

ORDER RECEIVED FOR FILING
Date April 22, 1987
By [Signature]

property's confines, there would be an intensification but not an expansion within the meaning of Section 104.1, BCZR. Therefore, the requested variances are necessary only to bring the proposed addition up to current standards. A nonconforming use still exists, and there is no expansion beyond that permitted by Section 104.1.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of April, 1987, that the Petition for Zoning Variances to permit a rear yard setback of 7 feet in lieu of the required 30 feet and a side yard setback of 2 feet in lieu of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioner may apply for its building 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.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Stanley Dansicker
People's Counsel

- 3 -

IN THE MATTER OF
THE APPLICATION OF
SSAK PARTNERSHIP
FOR A ZONING VARIANCE
FROM SECTION 238.2, B.C.Z.R.
FOR PROPERTY LOCATED ON THE
SW/4 OF NORTH POINT BOULEVARD,
345' SE OF THE CENTERLINE OF
NORRIS LANE (2719 NORTH POINT
BOULEVARD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 87-416-A

OPINION

This case comes before this Board on appeal from an Order of the Zoning Commissioner granting the requested variances.

No direct testimony regarding the merits of this case was presented to the Board this day; but instead all the evidence was proffered and agreed to by all parties and further attested to by Stanley Dansicker, property owner, who took the stand and verified the proffers.

This property zoned B.R. and B.R.-C.S. 1 since 1959 has operated as a legitimate nonconforming use as a junkyard. Petitioner proposes to build a 50-foot by 50-foot, one-story, metal extension to an existing building. In so doing, one corner of this building requires the variances. Petitioner proffers that no expansion of the junkyard use can be construed with the erection of this building since the exact operations which now take place outside will merely be moved under roof. The variance requested is from a neighboring property line also zoned B.R. and B.R.-C.S. 1 which is operated as Tom's Auto Parts who did not enter any protest to the requested variance.

People's Counsel argues that the legal standards established in Section 307 of the Baltimore County Zoning Regulations have not been met and that therefore the requested variances should be denied. In defense of his position, he notes two cases -- Shannahan v. Ringgold, 212 Md. 481 and Boulevard Scrap Company v. City of Baltimore, 213 Md. 6. This basically concluded the information upon which this Board must decide.

Case No. 87-416-A
SSAK Partnership

Section 307, Baltimore County Zoning Regulations, states that the Baltimore County Board of Appeals shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Board finds that to require the Petitioner to relocate this building when only one corner of it approaches the property line would create, in this case, a practical difficulty and an unreasonable hardship. Section 307 further states that relief may be granted only if it creates no substantial injury to public health, safety and general welfare. To remove from public view any part of a junkyard and the associated operations attached thereto would appear to be a betterment rather than an injury or detriment to the general area. The Board further finds that the proposed building would not represent an expansion or an intensification of the present use of the property. For all of these reasons, the Board is of the opinion that the requested variances should be granted and will so order.

ORDER

It is therefore this 13th day of October, 1987 by the County Board of Appeals of Baltimore County ORDERED that the rear yard setback of 7 feet from the required 30 feet and a side yard setback of 2 feet in lieu of the required 30 feet be and are hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheiser, Jr.
Harry E. Buchheiser, Jr.

Arnold G. Foreman
Arnold G. Foreman

Paul Lee P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-221-5301

DESCRIPTION

#2719 NORTH POINT BOULEVARD
15TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the south side of North Point Boulevard said point also located 345 feet ± east of the center of Norris Lane; thence leaving said south side of North Point Boulevard

- South 24°42'12" East 9.20 feet
- South 45°07'41" West 127.84 feet
- South 24°42'12" East 36.06 feet
- South 65°17'48" West 280.15 feet
- South 24°42'12" East 164.25 feet, and
- North 65°17'48" East 515.87 feet

to the south side of North Point Boulevard; thence binding on the south side of North Point Boulevard

- North 49°14'00" West 278.75 feet

to the point of beginning.

Containing 2.00 acres of land, more or less.



Engineers - Surveyors - Site Planners 12/30/86

OFFICE COPY

J.O. 86033



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 13, 1987

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, MD 21204

RE: Case No. 87-416-A
SSAK Partnership

Dear Ms. Friedman:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

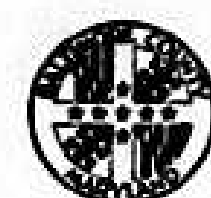
Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Walter I. Seif, Jr., Esquire
SSAK Partnership
Cox Auto Parts, Inc.
Peter Max Zimmerman, Esquire
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Margaret E. du Bois

#87-416-A 15th District
SW/s North Pt. Blvd. 345' SE of c/l of Norris Lane
SSAK PARTNERSHIP
1 SIGN



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 1, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c). COUNTY COUNCIL BILL #59-79.

CASE NO. 87-416-A

SSAK PARTNERSHIP

SW/s of North Point Boulevard, 345' SE of
c/l of Norris Lane (2719 North Point Blvd.)

15th Election District
7th Councilmanic District

VAR -rear yard and side yard setbacks

4/22/87 - Z.C.'s Order GRANTING setbacks
with restrictions

ASSIGNED FOR:

TUESDAY, September 8, 1987 at 10:00 a.m.

cc: Phyllis Cole Friedman, Esquire

Appellant/People's Council

SSAK Partnership

Petitioner

Cox Auto Parts, Inc.

Contract Purchaser

Norman E. Gerber

James G. Hoswell

Arnold Jablon

Jean M. H. Jung

James E. Dyer

Margaret E. du Bois

Walter I. Seif, Jr., Esquire

Kathl Weidenhammer
Administrative Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 20, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/s of North Point Boulevard, 345' SE of the
c/l of Norris Lane (2719 North Point Boulevard)
SSAK Partnership - Petitioner
Case No. 87-416-A

Dear Board:

Please be advised that on May 19, 1987 an appeal of the decision rendered in the above-referenced case was filed by the People's Counsel for Baltimore County.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: SSAK Partnership
2719 North Point Boulevard, Baltimore, Md. 21222

Cox Auto Parts, Inc.
2719 North Point Boulevard, Baltimore, Md. 21222

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: April 13, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-416-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 9/22/87
Posted for: Appeal
Petitioner: SSAK Partnership
Location of property: SW/s of North Point Blvd., 345' SE of Norris Lane
2719 N. Pt. Blvd.
Location of Sign: Along N. Pt. Blvd., across 20' from road, on property of Petitioner
Remarks:
Posted by: *Michael S. Flanigan* Date of return: 9/28/87
Number of Signs: 1



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 18, 1987

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c). COUNTY COUNCIL BILL #59-79

CASE NO. 87-416-A

SSAK PARTNERSHIP

SW/s of North Point Boulevard, 345' SE of
c/l of Norris Lane (2719 North Point Blvd.)

15th Election District
7th Councilmanic District

VAR -rear yard and side yard setbacks

4/22/87 - Z.C.'s Order GRANTING setbacks
with restrictions

which had been set for hearing on Tuesday, September 8, 1987 at 10 a.m. has been POSTPONED at the request of Counsel for Appellee/Petitioner due to conflicting court schedule and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 23, 1987 at 10:00 a.m.

cc: Phyllis C. Friedman, Esquire Appellant/People's Counsel
SSAK Partnership Petitioner
Walter I. Seif, Jr., Esquire Counsel for Petitioner
Cox Auto Parts, Inc. Contract Purchaser

Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

Kathl Weidenhammer
Administrative Secretary

6/01/87 - Following notified of hearing set for Tuesday, September 8, 1987 at 10 a.m.:

Phyllis C. Friedman, Esq.
SSAK Partnership
Cox Auto Parts, Inc.
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

6/04/87 - Notice of Assignment sent to following - entered appearance on behalf of Petitioner (SSAK Partnership):
Walter I. Seif, Jr.

6/18/87 - Above notified of POSTPONEMENT at request of Counsel for Petitioner due to court conflict and reassignment to Wednesday, September 23, 1987 at 10:00 a.m.

87-416-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 day of March, 1987.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner SSAK Partnership
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SW/s of North Point Blvd., : OF BALTIMORE COUNTY
345' SE of C/L of Norris
Lane (2719 North Point
Blvd.) - 15th District :
SSAK PARTNERSHIP, Petitioner : Case No. 87-416-A

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of April 22, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

RECEIVED
MAY 19 1987
ZONING OFFICE

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
494-2188

I HEREBY CERTIFY that on this 19th day of May, 1987, a copy of the foregoing Notice of Appeal was mailed to Mr. Samuel Dansicker, SSAK Partnership, and Cox Auto Parts, Inc., 2719 North Point Blvd., Baltimore, MD 21222, Petitioner and Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 30, 1987

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

Item No. 286 -ZAC- Meeting of January 20, 1987
Property Owner: Samuel Dansicker (SSAK Partnership)
(POSSIBLE CRITICAL AREA)
Location: SW/s North Point Blvd., 345 feet SE of centerline of Norris Lane
Existing Zoning: B.R., C.S.I., B.R., and B.L.
Proposed Zoning: Variance to permit a rear yard setback of 7 feet and a side yard setback of 2 feet both in lieu of the required 30 feet for an addition in accordance with the non-conforming use granted in Case #3814
Area: 2.0 acres
District: 15th Election District

Dear Mr. Jablon:

Access to this site should meet all of the State Highway Administration's regulations.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

APPEAL
Petition for Zoning Variance
SW/S of North Point Boulevard, 345' SE of the
Centerline of Norris Lane (2719 North Point Boulevard)
15th Election District - 7th Councilmanic District
SSAK Partnership - Petitioner
Case No. 87-416-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificates of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1 - Plat of Property dated 12/29/86
Zoning Commissioner's Order dated April 22, 1987
Notice of Appeal received May 19, 1987 from People's Counsel

SSAK Partnership, Petitioner
2719 North Point Boulevard, Baltimore, Maryland 21222
Cox Auto Parts, Inc., Contract Purchaser
2719 North Point Boulevard, Baltimore, Maryland 21222
Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204
Counsel for Petitioner:
Walter I. Seif, Jr., Esq.
SEIF & TAPPER
50 Painters Mill Rd, Suite J
Owings Mills, MD 21117

Request Notification: Norman E. Gerber, Director of Planning
James Housell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidal waters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 286, Zoning Advisory Committee Meeting of 1/20/87

Property Owner: Samuel Dansicker (SSAK Partnership)

Location: SW/S North Point Blvd., 345' SE of centerline of Norris Lane

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (x) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- (x) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any chertroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

1/20/87
Date

Zoning Item # 286 Zoning Advisory Committee Meeting of 1/20/87
Page 2

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

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

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

PAUL H. REINCKE
CHIEF

January 27, 1987

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

RE: Property Owner: Samuel Dansicker (SSAK Partnership) (Possible Critical Area)

Location: SW/S North Point Blvd., 345' SE of centerline of Norris Lane.

Item No.: 286

Zoning Agenda: Meeting of 1/20/87

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.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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: *[Signature]* 1-22-87
Planning Group
Special Inspection Division

Noted and Approved: *[Signature]*
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 286 Zoning Advisory Committee Meeting are as follows:

Property Owner: Samuel Dansicker (SSAK Partnership) (Possible Critical Area)
Location: Norris Lane
Districts: B.R. - CSI, B.R., and B.L.

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.A. #117-1 - 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/are 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.
- (B) All The Owner agent and Single Family Detached Dwelling requires 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: Other 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 401, Section 1007, Section 1008 and Table 1002. No 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 401 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 Fixed 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 516.0 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 finish floor levels including basement.
- (A) Comments: The professional architect or engineer shall confirm that the structure can comply to the height and area limitations for an S-1 use group. See table 501, table 401 and section 502.0.1. Also see the fire separation requirements of section 313.2 between various use groups.
1. 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 117 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Baltimore County Department of Permits & Licenses

L/22/86

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 13, 1987

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

SSAK Partnership
2719 North Point Blvd.
Baltimore, Maryland 21222

RE: Item No. 286 - Case No. 87-416-A
Petitioner: SSAK Partnership
Petition for Zoning Variance

Gentlemen:

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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:Kkb

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204



Maryland Department of Transportation
State Highway Administration

William K. Holman
Secretary

Mal Kassoff
Administrator

January 27, 1987

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

Att: James Dyer

Dear Mr. Jablon:

Property frontage must be improved with curb and gutter to match existing curb to the south. As indicated on attached plan, the construction must be done under a permit issued by this office, at such time as the building is constructed.

The plan must be revised prior to a hearing date being set.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Gosman

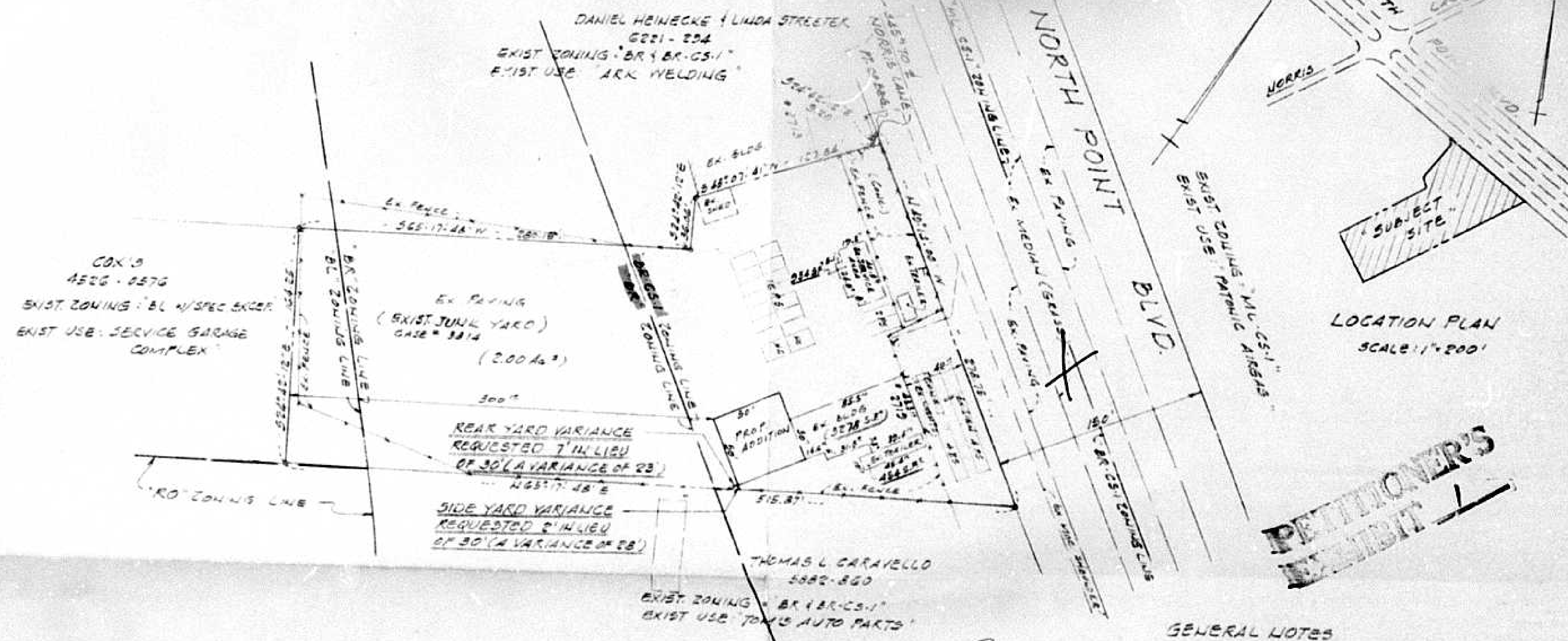
CL-GG:es

cc: J. Ogle

ATTACHMENT

My telephone number is 333-1350

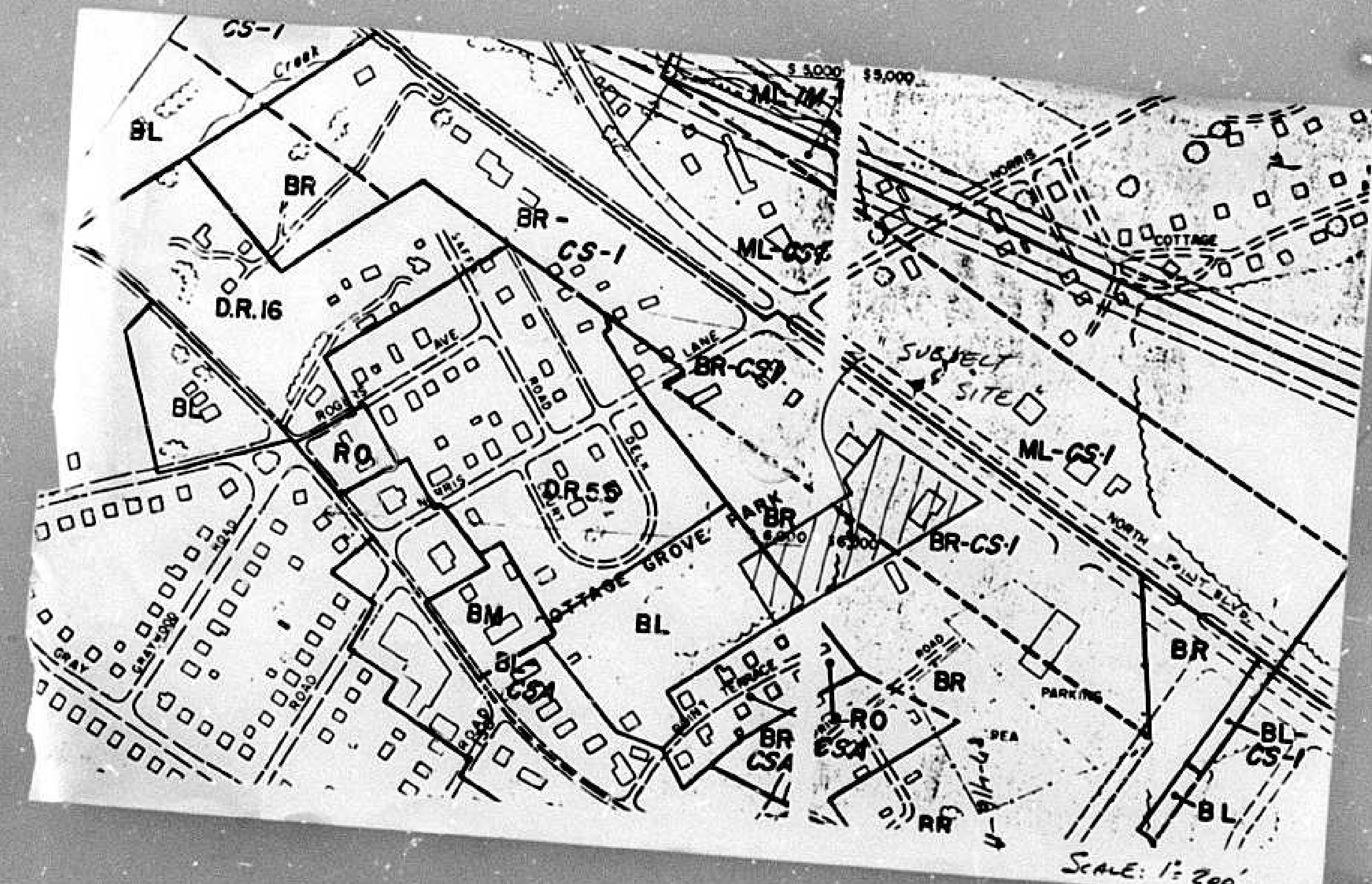
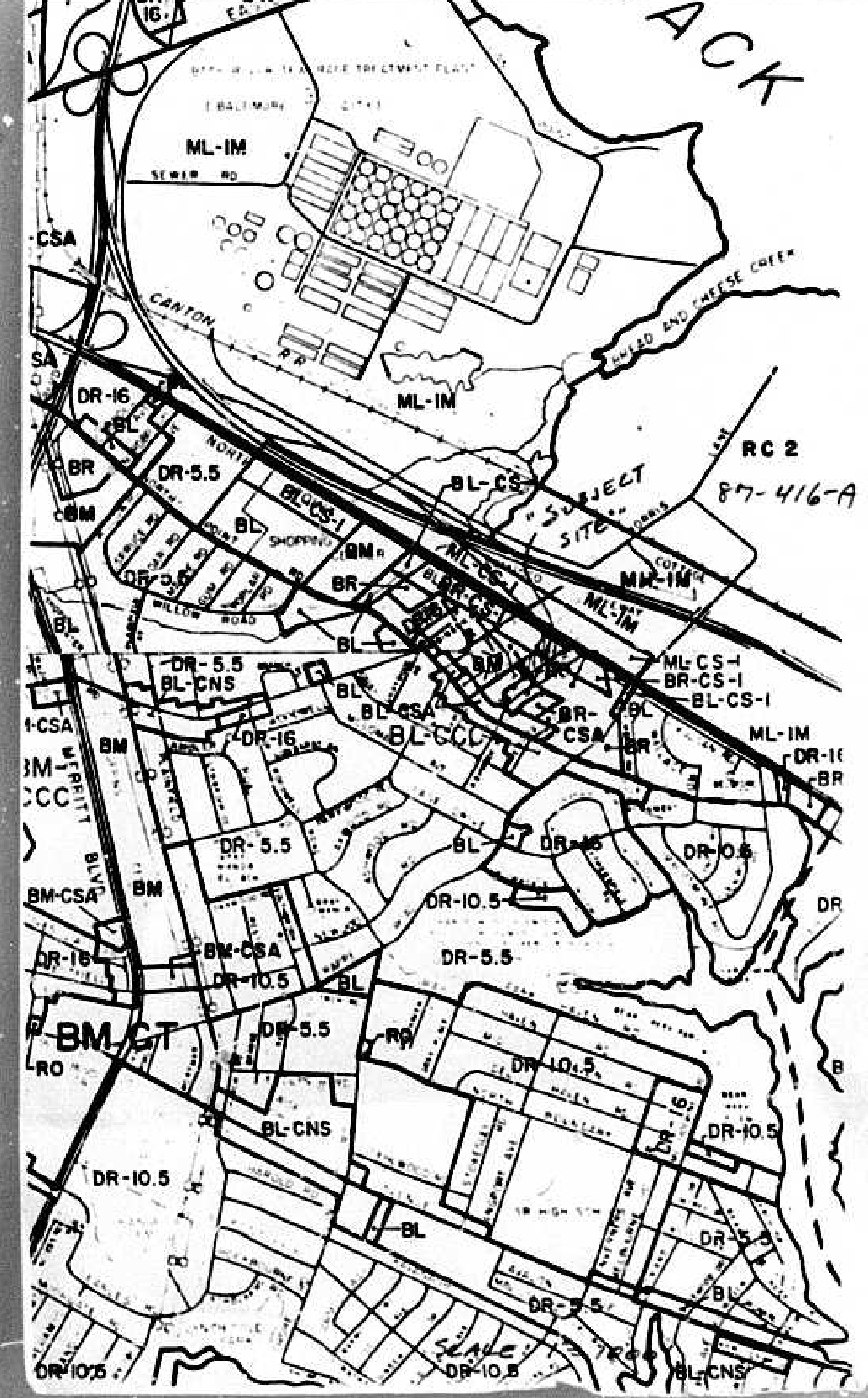
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 365-0451 D.C. Metro - 1-800-452-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



- GENERAL NOTES**
1. AREA OF SITE - 2.00 AC.
 2. EXIST. ZONING OF SITE - BR, BR-CS-1
 3. EXIST. USE OF SITE - USED AUTO PARTS SALES, JUNK YARD, USED CAR RECONDITIONING
 4. PROPOSED ZONING OF SITE - BR-CS-1, BR-1 BL (CASE #3814)
 5. PROPOSED USE OF SITE - USED AUTO PARTS SALES, JUNK YARD, USED CAR RECONDITIONING
 6. REQUIRED OFF-STREET PARKING:
 - A. USED AUTO PARTS SALE - 5400/200 = 27 P.S.
 - B. USED CAR RECONDITIONING - 4100/300 = 13.6 P.S.
 - C. PROPOSED ADDITION (50'x50') - 2500/300 = 8.3 P.S.
 - TOTAL = 48.9 P.S.
 7. PARKING SPACES SHOWN - 26 P.S.
 8. PETITIONER REQUESTING A VARIANCE TO SECTION 238.2 OF THE ZONING REGULATIONS TO PERMIT A REAR YARD SETBACK OF 7' IN LIEU OF THE REQ'D 30' (A VAR. OF 23') AND A SIDEYARD SETBACK OF 2' IN LIEU OF THE REQ'D 30' (A VAR. OF 28').
 9. PETITIONER PROPOSES TO USE PROPOSED ADDITION FOR EXTENDING PROTECTED AREA FOR USED CAR RECONDITIONING PRESENTLY BEING DONE IN EXIST. BUILDING AND SERVICE AREA. PETITIONER TO CONTINUE USING SITE IN ACCORDANCE WITH PERMITTED USES GRANTED AS A NON-CONFORMING USE. (SEE CASE #3814)
 10. EXIST. SEWER & WATER AVAILABLE TO SITE.

PLAT TO ACCOMPANY PETITION FOR
YARD VARIANCE
 # 2713 NORTH POINT BOULEVARD
 15' ELECT. DIST. BALTIMORE COUNTY, MD.
 SCALE 1" = 50' DEC. 29, 1982

PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 1276 Date of Posting: 12/7/82

Posted for: Variance

Petitioner: S. M. Perkins

Location of property: 2713 North Point Blvd, Towson, Md.

Location of signs: 2713 North Point Blvd, Towson, Md.

Remarks: See property of Petitioner

Posted by: M. H. H. Date of return: 12/10/82

Number of Signs: 1

CERTIFICATE OF PUBLICATION
 TOWSON, MD. April 2, 1987

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 2, 1987.

THE JEFFERSONIAN,
 Publisher
 32.17

CERTIFICATE OF PUBLICATION
 OFFICE OF
Dundalk Eagle
 4 N. Center Place
 P.O. Box 8936
 Dundalk, Md. 21222 April 3, 1987

THIS IS TO CERTIFY that the annexed advertisement of Arnold Carlson in the matter of Zoning Hearing Case # 887-416-A - P.O. #86806 - Reg. #MD0028 - 87 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 3rd day of April 1987; that is to say, the same was inserted in the issues of April 2, 1987

Kimbel Publication, Inc.
 per Publisher.
 By L. C. Duke