

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
To: Zoning Commissioner
Date: November 23, 1987

From: Norman E. Gerber, AICP
Director of Planning and Zoning

Subject: Zoning Petition No. 88-233-A

This office is not opposed to the granting of this request provided that significant landscaping be incorporated in the plan so as to enhance the appearance of the overall site.

Norman E. Gerber
Director

NRG:JCH:dmw
cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
NOV 30 1987
ZONING OFFICE

NOTICE OF HEARING

Petition for Zoning Variance

Case No. 88-233-A

4th Electic District; 3rd Councilmanic District

LOCATION: 2/2 Reisterstown Road, 250.17' W of c/l of Tollgate Road
10006 Reisterstown Road

DATE AND TIME: Friday, 12/11/87 at 11:00 AM

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 0 feet in lieu
of the required 30 feet, and to permit side yard setbacks if distance between
buildings of 50 feet in lieu of the required 60 feet.

Being the property of Howard L. Shofar,
as shown on plat
plan filed with the Zoning Office.

In the case of Howard L. Shofar

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 8-25-87 ACCOUNT: 41520
RECEIVED: 870-615

BY: HAINES
EXPLINER
MAY COUNTY

RECEIVED: 870-615

FOR: Howard L. Shofar

88-233-A

VALIDATION OR SIGNATURE OF CLERK

building permit may be issued
sing Commissioner will, however,
if sold present during this period
red in writing by the date of the

BY: HAINES
EXPLINER
MAY COUNTY

RECEIVED: 870-615

FOR: Howard L. Shofar

88-233-A

VALIDATION OR SIGNATURE OF CLERK

Baltimore County
Fire Department
Towson, Maryland 21204
494-4300

Paul H. Reiche

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Howard L. Shofar

Location: 10006 Reisterstown Road and Tollgate Road

Item No. 81

Zoning Agenda: Meeting of 5/8/87

Comments:

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 plan for the property.

1. Fire hydrants for the referenced property are required and shall be
located at intervals of _____ feet along an approved road in accordance
with Baltimore County Standards as published by the Department
of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall
comply with all applicable requirements of the National Fire Pro-
tection 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.

REVIEWED: 870-615
Planning Group
Special Inspection Division

7/31

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
88-233-A

District: 4th
Date of Posting: 11-26-87
Posted for: Howard L. Shofar
Petitioner: Howard L. Shofar
Location of property: 2/2 Reisterstown Road, 250.17' W of c/l of Tollgate Road, 10006 Reisterstown Road
Location of signs: South side of Reisterstown Road at point of subject property
Remarks: As per subject property
Posted by: John P. Haines
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov. 19, 1987

THIS IS TO CERTIFY, that the assessed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
Nov. 19, 1987

THE JEFFERSONIAN,

Susan Stender Oberster
Publisher

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 4, 1987

October 23, 1987

C. Michael Magruder, Esquire
Suite 204, 22 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Item No. 81 - Case No. 88-233-A
Petitioner: Howard L. Shofar
Petition for Zoning Variance

Dear Mr. Magruder:

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, my 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,

James E. Dyer, Jr.
Chairman
Zoning Plans Advisory Committee

JED:kab

Enclosures

cc: William P. Monk
22 W. Pennsylvania Avenue, Suite 204
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Director
Hal Kayseroff
Assistant

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County

ITEM #81
Property Owner: Howard L. Shofar
Location: 10006 Reisterstown Road
Maryland Route 140 and Tollgate Rd.
Existing Zoning: R-8
Proposed Zoning: Variance to permit
a rear yard set back of 0 feet in
lieu of the required 30 feet and side
setbacks of 50 feet in lieu of the
required 60 feet.
Area: .499 acres
District: 4th
Revised Comment

Dear Mr. Haines:

On September 15, 1987 the State Highway Administration
provided written comments on item #81 that are correct.

However, the attached sketch of September 15, 1987 showed
a ultimate 100' right-of-way (40' half section); please delete
the original sketch and insert the new submittal showing a
ultimate 80' right-of-way (40' half section) for Reisterstown
Road, Route 140.

If you have any questions, please contact George Wittman
at 333-1350.

Very truly yours,

Robert J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

GM:mv

Attachment

cc: Mr. B. Monk

My telephone number is (301) 333-1350

343-7555 Baltimore Metro - 561-0411 DC Metro - 1-800-482-3082 Statewide Toll Free
707 North Carroll St. Baltimore, Maryland 21203-9171

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

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

Zoning Item # 81

Property Owner: Howard L. Shofar

Location: 10006 Reisterstown Road

Water Supply: public

Waste Disposal: public

Comments are as follows:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment
for any existing process, facility, complex, plant and specifications must be
submitted to the Plans Review Section, Bureau of Regional Community Services, for final review
and approval.
2. Prior to any installation of fuel burning equipment, the owner shall contact the Bureau of Air
Quality Management, 490-7775, to obtain requirements for such installation, before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as
any new process, underground gasoline storage tanks, 15,000 gallons or more, and any other
equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any vehicular
operation which has a total parking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit application for renovation, or 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.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool,
bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other improvements
pertaining to health and safety; two (2) copies of plans and specifications must be submitted
to the Baltimore County Department of Environmental Protection and Resource Management for review
and approval. For more complete information, contact the Recreational Facilities Section, Bureau
of Regional Community Services, 494-3911.
7. 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.
8. If lubrication work and oil changes are performed at this location, the method provided for the
collection of waste oil must be in accordance with the State Department of the Environment.
9. Prior to tearing of existing structures, petitioners must contact the Division of Waste Management
at 494-1044, regarding removal and disposal of potentially hazardous materials and solid waste.
Petitioners must contact the Bureau of Air Quality Management regarding removal of asbestos.
Petitioners must have an abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have
the comments received by a licensed hauler and tank removed from the property or properly installed.
Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3308.
10. Soil pollution tests, have been _____, and be _____ conducted.
The results are valid until _____.

MSF: sb

September 23, 1987

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items
number 81, 82, 83, 84, 85, 86, 87, and 88.

Very truly yours,

Michael S. Flisberg
Traffic Engineer Associate II

RECEIVED
SEP 30 1987
ZONING OFFICE

The testimony indicated that the subject property, zoned BR, has been previously used as two gas stations, and now is occupied by a Precision Tune franchise. The Lessee proposes to construct a 2,040 square foot building for the

The land owner's testimony indicated that an existing driveway onto the site from Reisterstown Road would be closed off and replaced with a landscaped area affording the front of the property a 24-foot landscaped strip. Since that lot is irregular, a portion of that strip is State Highway property. However, the testimony indicated that even if a deceleration lane would, at sometime in the future, be required, there would still be approximately 14 feet of landscaped area to buffer the site on Reisterstown Road. There were no objections raised to the proposed development by the State Highway Administration. Since the Petitioner does not actually own the State Highway land, he has requested a variance (8 feet in lieu of the required 8 feet) for 75 feet of the Reisterstown Road frontage closest to the intersection of Reisterstown and Tollgate Roads (see site plan). Inasmuch as the net effect of the plan would provide sufficient landscaped area on Reisterstown Road, and requiring the Petitioner to provide 8 feet of additional area along his lot line would cause practical difficulty with the proposed alignment of the parking spaces and

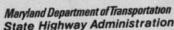
Mr. Monk also testified that the interior side yard variance was necessary as a result of the comments of Baltimore County Department of Traffic Engineering which requested additional room for the stacking of vehicles on the Tollgate Road side of the parcel. This required the Petitioner to move the building some 10 feet toward the Precision Tune building, which requires a variance of 50

Mr. Monk testified that, in his opinion, it would cause practical difficulty to the Petitioner if variances were denied and that, if granted, they would be within the spirit and intent of the Baltimore County Zoning Regulations. The Petitioner seeks relief from Sections 219.2 and 408.2C(4), pursuant to Section 307, BCIR. An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the Petitioner and his property. See McLean v. Soley, 270 Md. 208 (1973). It was left to the Petitioner to prove the practical difficulty inherent in this site. The clear and un rebutted testimony offered in this case makes it clear that strict compliance with BCIR would lead to practical difficulty. It is also clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCIR and would not result in substantial detriment to the public good.

3. That Petitioner shall ensure that at no time will vehicles be allowed to stack onto Tollgate Road and further that the Petitioner shall maintain the fence along the rear of the property

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County





RICHARD H. TRAINOR
Secretary

HAL KASSOFF
Administrator

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

September 15, 1987

RE: Baltimore County
Tract # 81
Property Owner:
Howard L. Shofer
Location: NW/C
Reisterstown Road
Maryland Route 140
and Tollgate Road
Existing Zoning: B.R.
Proposed Zoning:
Variance to permit a rear
yard set back of 0 feet
in lieu of the required
30 feet and side setbacks
of 10 feet in lieu of
the required 60 feet
Area: .499 acres
District: 4th

Dear Mr. Haines:

On review of the submittal of (#10604 Reisterstown Road), the State Highway Administration-Bureau of Engineering Access Permits finds the concept of one (1) entrance to Reisterstown Road generally acceptable.

However, the State Highway Administration will require a ultimate right-of-way of 80' (40' half section) be shown on Reisterstown Road, Maryland Route 140, with relocation and driveway reconstruction to be accomplished under State Highway Administration permit with the posting of a bond or letter of credit to guarantee construction.

Very truly yours,

Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

by: George Wittman

CJM-GW/es

cc: J. Ogle

attachment My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

FEDDER AND GARTEN
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

AREA CODE 303
539-2800
OFFICE OF MORRIS FETTER, (2026-01)

December 4, 1982

TWENTY-THIRD FLOOR
 CHARLES CENTER SOUTH
 CABLE "TRICAR"

Commissioner Robert Haines
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Room 113
County Office Building
Towson, Maryland 21204

Dear Mr. Haines

Re: Petition for Zoning Variance
9515 Reisterstown Road
Hearing Date: 12/11/87

This is to advise you that I am the attorney for Howard L. Shofer, the property owner of the above referenced site and that I have a Power of Attorney to act on behalf of Mr. Shofer with reference to the Petition for Zoning Variance. Mr. Shofer has to be out of the State on the date of the hearing but wishes to advise you that he is in favor of the requested variances and will cooperate in any manner necessary with your office and any decisions made with respect to the Petition.

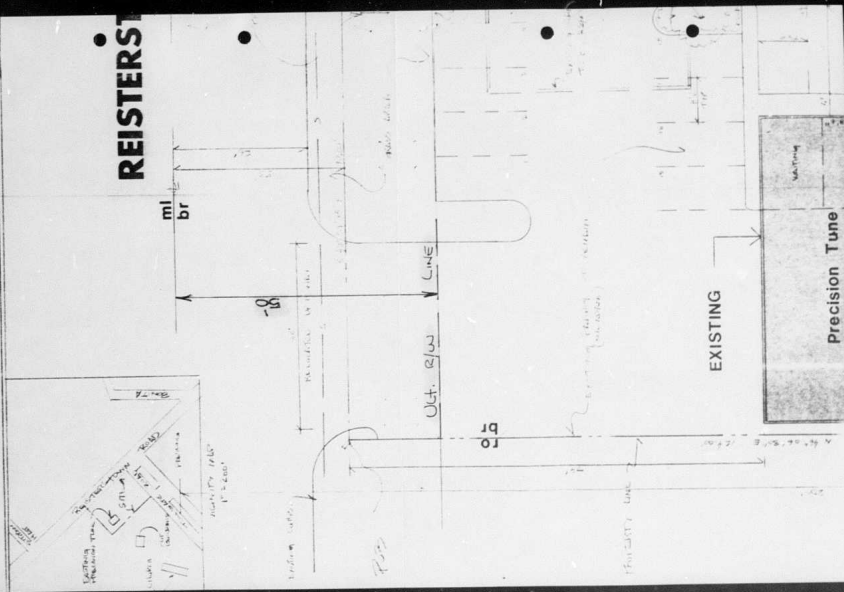
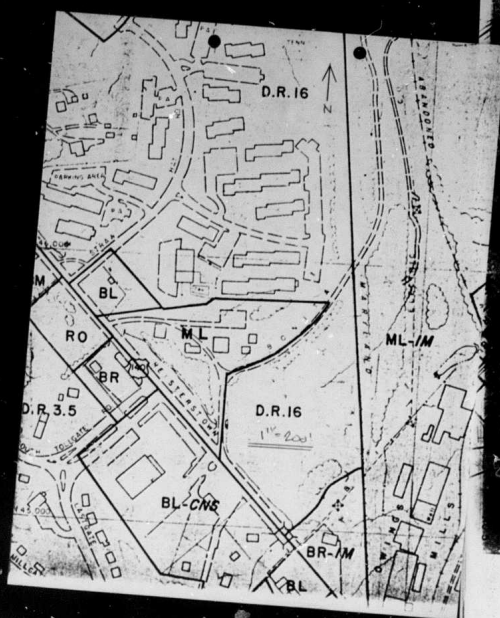
Yours very truly,

Laurence M. Fiske

Lawrence M. Gerten

LMGier

RECEIVED
DEC 7 1967
ZONING OFFICE



88-233-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
3rd day of November, 1937.

3rd day of November, 1937

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Howard L. Shofer Received by: James E. Dyer
Petitioner's C. Michael Magruder, Esquire Chairman, Toning Plans
Attorney Advisory Committee

PETITIONER(S) EXHIBIT (1)



C



D

PETITIONER(S) EXHIBIT (1)



E



F



G

PETITIONER(S) EXHIBIT (1)



H



I

PETITIONER(S) EXHIBIT (1)



J



K



L

PETITIONER(S) EXHIBIT (1)



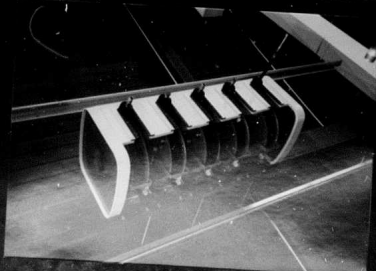
M



N



O



PROPOSED

SITE PLAN

FOR VARIANCE HEARING

10604 Reisterstown Rd
Owings Mills, MD

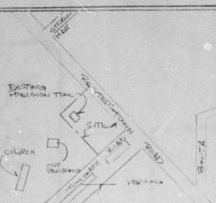
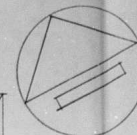
REISTERSTOWN

ROAD

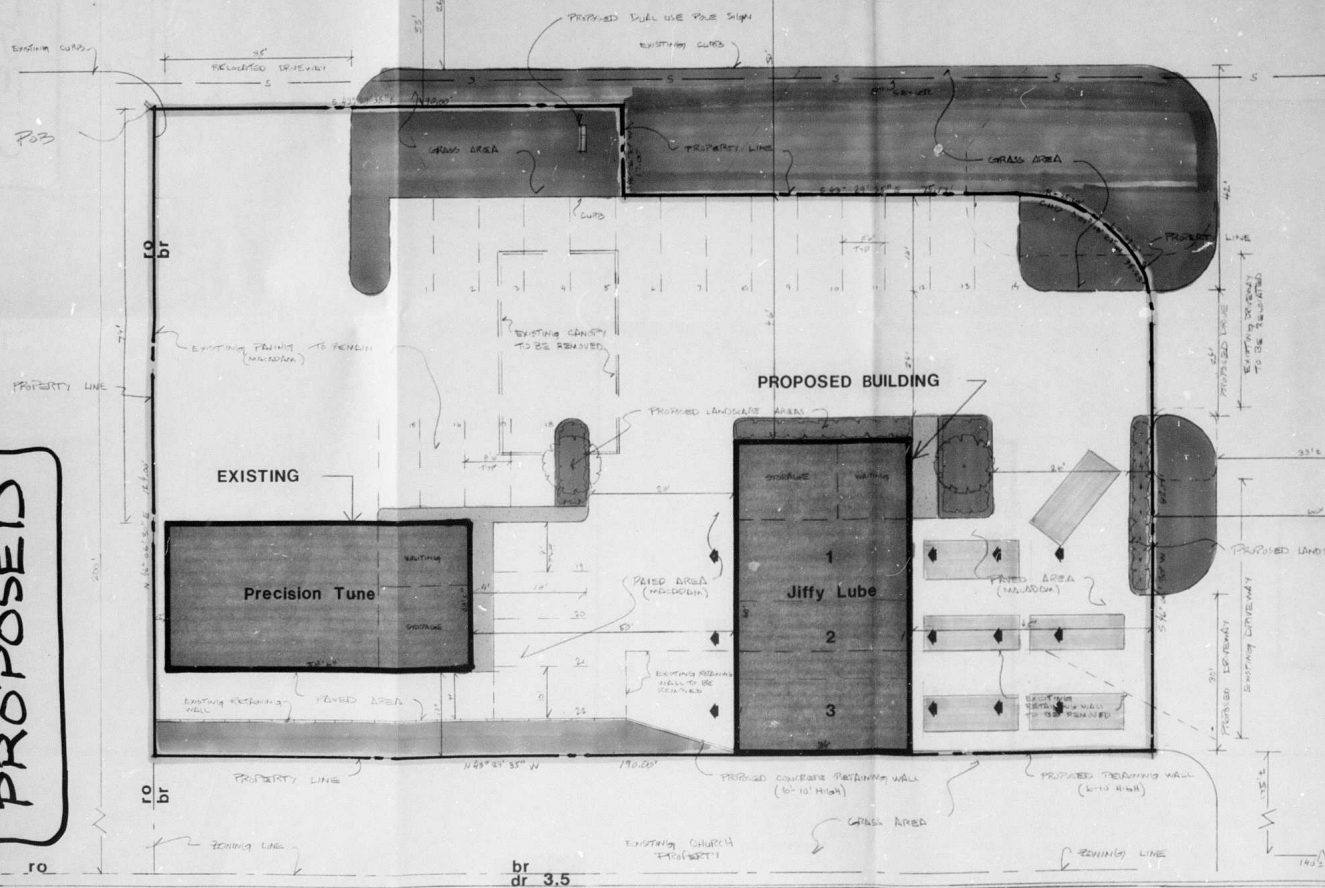
SCALE
1" = 10'

66' - 80' (R/W)

ml
br



NEIGHBORHOOD
1" = 200'



NOTES

1. ZONING: BR (BUSINESS RESIDENTIAL)
2. LOT AREA: 51,100 SQ FT (1.17 AC)
3. EXISTING USE: PRECISION TUNE SERVICE CENTER
4. PROPOSED USE: PRECISION TUNE SERVICE CENTER AND JIFFY LUBE
5. BUILDING AREA:
 - PRECISION TUNE = 1,600 sq ft
 - JIFFY LUBE = 4,500 sq ft
6. BUILDING SETBACKS:
 - VARIANCE REQUIRED TO THE FOLLOWING:
 - A) EXISTING PRECISION TUNE:
 - SIDE YARD: 30' REQUIRED, 21' PROVIDED
 - REAR YARD: 30' REQUIRED, 17' PROVIDED
 - B) PROPOSED JIFFY LUBE:
 - REAR YARD: 30' REQUIRED, 0' PROVIDED
 - C) 60' REQUIRED BETWEEN BUILDINGS PROVIDED
 - D) VARIANCE TO THE 5' WIDE ADJACENT AREA ALONG REISTERSTOWN ROAD

TOLLGATE

7. PARKING:
 - A) 11 SPACES
 - B) 11 SPACES
 - C) 11 SPACES
 - D) 11 SPACES

8. CENSUS TRACT - 4041
9. WATER SHED - 4041
10. PRE-ELECTION DISTRICT - 4041
11. SUB DIVISIONS - 67
12. VARIANCE TO DESIGN MINIMUM 15' BEHIND PROPOSED BUILDING 2' BEHIND EXISTING BUILDING 7' FROM SIDE PROPERTY LINES
13. ANNUAL OPEN SPACE PROVIDED: 286,000
14. 33% DRAINAGE DISTRICT (710%)

APPLICANT: JIFFY LUBE
10604 REISTERSTOWN RD
SUITE 401
OWINGS MILLS, MARYLAND 21117

DESIGNED BY: BILL MANK
LAWRENCE PETERSON & ASSOCIATES
CONSULTANTS
10604 REISTERSTOWN RD
SUITE 401
OWINGS MILLS, MARYLAND 21117

PROPOSED

br
dr 3.5

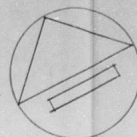
SITE PLAN

FOR VARIANCE HEARING

10604 Reisterstown Rd
Owings Mills, MD

REISTERSTOWN

ROAD



SCALE
1"=10'

ml
br

06'-00" R/W



NOTES

1. ZONING: BR (BUSINESS RESIDE)
2. LOT AREA: 21,500 S.F. (4,994)
3. EXISTING USE: PRECISION TUNE SERVICE
4. PROPOSED USE: PRECISION TUNE SERVICE
CARWASH AND JIFFY LUBE
5. BUILDING AREA
- PRECISION TUNE = 1,667 S.F.
- JIFFY LUBE = 2,040 S.F.
6. BUILDING SETBACKS
VARIANCES REQUIRED TO THE FOLLOWING:
A) EXISTING PRECISION TUNE
- SIDE YARD
30' REQUIRED
2' PROVIDED
- REAR YARD
30' REQUIRED
17' PROVIDED
B) PROPOSED JIFFY LUBE
- REAR YARD
30' REQUIRED
0' PROVIDED
C) 50' PROVIDED BETWEEN BUILDINGS
D) VARIANCE TO THE 25' SIDE YARDLINE AREA ADJACENT TO REISTERSTOWN ROAD
E) REQUIREMENTS (1/3000)
PRECISION TUNE = 25' SIDE YARD
JIFFY LUBE = 7' SIDE YARD
PROVIDED - 22' ON SITE
6' IN GRASS
7. PARKING
A) 13
B) 22 ON SITE
C) 6 IN GRASS
8. CENSUS TRACT - 4041
9. WATERSHED - 27
10. WATERSHED DISTRICT - 67
11. SUB WATERSHED - 67
12. VARIANCE TO DISTRICT 15 BECAUSE PROPOSED TO BUILD 2 BUILDINGS CONTAINING LESS THAN 75' FROM SIDE PROPERTY LINES
13. INSURANCE OVERLAP PROVIDED 280'±
14. 392 COMMERCIAL DISTRICT (70%)

TOLLGATE

br
bl
cns

APPLICANT:
J. PETER LUBE
1/3 MR. PETER BLUMFELT
SUITE 401
630 REISTERSTOWN ROAD
BOWINGSPR, MARYLAND 21068

PREPARED BY:
JILL MARK
LANDSCAPE PLANNING & DESIGN
CONSULTANT
1000 FEDERAL BUILDING
SUITE 200A
TOWSON, MD 21204

EXISTING
CONDITIONS