PETITION FOR ZONING VARIANCE 88-233-A

SSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and pist attached hereto and made a part hereof, hereby pelition for a Variance from Section 238.2 and 409.2c(4) to permit rear yard setback

of 0 feet in lieu of the required 30 feet; also permit sid-KIME setbacks (distance between buildings) of 50' in lieu of

Prequired 69'.

of the Zoning Regulations of Bailmone County, to the Zoning Law of Bailmone County, for the following reasons: (indicate hardship or precised difficulty) The establishment of an additional product of the education of the education of the education between the county of the education belief to the county building relation and roar yeard settlements. The shallow depth of the lot (124') requires a variance to most most produce the county and such most precise belief to the proposed building in order to provide good sight distance(s) and the most part and the county and th

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

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	
Contract Purchaser:	Legal Owner(s):	MAP NW /24
Peter W. Blowelt Trope or grant Name) Peter B. Dancel Signature	(Type or Print Name)	E.D. 4/2+/21
boo Restation ld Soft	(70) (Type or Print Name)	200 <u>F.F.</u>
City and State	Signature	NASGEU WHI GHI
C. Michael Magruder  (Type or Print Name)	. 9515 Reisters how A	Phone No.

Garreson Ad 21055

William P. Monk Name Suite 204A, 22 W. Pennsylvania Avenue Transco, MD 21204 494-8931

of October 10.67 that the subject matter of this petition be advertised, as required by the Zoning Law of Battimore County, in two newspapers of general circulation throughout Baltimore County, that property prod. and that the public hearing be had before the Zoning Commissioner of Baltimore County in December 10.00 to 10.00 County, on the \_\_\_\_11th

J. Robert Springs -1/2HR. (+1HR.)

DATE 8-25-97(over)

one No : . 583-2300

THATED LENGTH OF HEARING TIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING

MON TIDES./HED. - NEXT TWO MONTHS

OTHER

VIEWED BY: CX DATE 8-23

A Robert Haines

IN RE: PETITION FOR ZONING VARIANCE S/S Reisterctown Rd., 250.17'
W of c/l of Tollgate Road

OF BALTIMORE COUNTY

. . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard settack of the required 30 feet, side yard setbacks (distance between particularly described in Petitioner's Exhibit 3.

The owner of the property was unavailable for the hearing but submitted a letter to the Zoning Commissioner in support of the requested variances. The letter was accepted as Petitioner's Exhibit 1. Appearing on behalf of the Peti-Peter Blauvelt, the Lessee of the property and the franchisee for the proposed Jiffy Lube business which will operate on the site. In addition to Mr. Blauvelt, who was represented by his attorney. C. Michael Magruder, there also appeared William P. Monk, a land planner, as expert witness. There were no Pro-

Testimony indicated that the subject property, zoned B.R., has been preas two was stations and now is occupied by a Precision Tune framses to construct a 2.060 co.ft. building for the lubri-

terstown Road would be closed off and replaced with a landscaped area affording the front of the property a 24-foot landscaped strip. Since the lot is irregu

lar, a portion of that strip is State Highway property. Testimony indicated that even if a deceleration land would be required at sometime in the future, there would still be approximately 14 feet of landscaped area to buffer the site on Reisterstown Road. There were no objections ruised to the proposed develop-

Since the Petitioner does not actually own the State Highway land, he ested a variance for 75 feet of the Reisterstown Road frontage closest ersection of Reisterstown and Tollgate Roads (see site plan). Inasnet effect of the plan would provide sufficient landscaped area on Road, 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 internal traffic circulation.

As to the requested variance to the rear yard setback, Mr. Monk testified that the need for internal circulation of automobiles, on-site stacking of automobiles waiting to be serviced, and the desire to maximize sight visibility corner of the property, dictated the location of the building and required the proposed variance. Photographs were submitted indicating that the nature of this particular parcel, which abuts a hill, would not require the standard 30-foot setback and that the present conditions are sufficient to comply with the spirit and intent of the Balt more County Zoning Regulations (B.C.Z.R.).

Mr. Monk also testified that the interior side yard variance was necesa result of comments made by the Baltimore County Department of Traffic the building some 10 feet toward the Precision Tune building which necessitated a variance of 50 feet in lieu of the required 60 feet. Although the Petitiones

testified that the proposed stacking should be more than sufficient for his anticipated operation, there shall be absolutely no stacking of automobiles onto Tollgate Road. If necessary, vehicular stacking shall occur within the 24-foot wide travel lane running parallel to Reisterstown Road. Mr. Monk testified that in his opinion, if the requested variances were denied, a practical difficulty and unreasonable hardship would be placed upon the Petitioner.

The Petitioner seeks relief from Sections 238.2 and 408.2c(4), pursuant to Saction 307 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from 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 variance requested will not be detrimental to the public health, safety, and

Pursuant to the advertisement, posting of the property, and public hearon this Petition held, and for the reasons stated above, the Petition for

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County his 3/00 day of December, 1987, that a rear yard setback of 0 feet in lieu of ne required 30 feet, side yard setbacks (distance between buildings) of 50 feet n lieu of the required 60 feet, and parking spaces to be located less than 8

I POREPT HATNES ZONING COMMISSIONED

Fetition for Zoning Variance S/S Reinterstown Road, 205.17 W of c/1 of Tollgate Road (1850/ Reinterstown Road); 4th Election District; 3rd Councilmanic District Case No. 80-233-A

This is to advise you that \$84.11 is due for advertising. and posting of the above pro Order is issued.

No. 45869 IGN AND POST RETURNED ON OT BE ISSUED. RALTIMORE COUNTY, MARYLAND pare 19/ 11 187 xxxxxxxx R-01-6/5-000 the time it is placed by MOUNT \$ 84.71 sore County, Maryland, and remit

Howard 8 8041 + 6 = = = = 17 11 20 30 11 1 2 2 - A

> cc: Peter W. Blauvelt own Hoad, Suite 401, Baltimore, Maryland 21208 William P. Monk 22 W. Pennsylvania Avenue, Suite 204A, Towson, Md. 21204

ZONING DESCRIPTION

BEGINNING on the South side of Reisterstown Road, 66 feet wide, at a distance 250 17 feet West of the center line of Reisterstown Road at its intersection with Tollgate Road. thence running with and binding along the South side of Reisterstown Road and running the following courses and

South 41 degrees 29 minutes 15 seconds East 90.00 feet; south 46 degrees 06 minutes 30 seconds Mest 17.00 feet; south 46 degrees 06 minutes 30 seconds Mest 17.00 feet; Feet, Feet, A-97.10 feet, CiD-Bouth 01 degrees 18 minutes 27 seconds Mest 81.00 feet, Gent 18.00 feet, Gent 18

feet from a street property line, all in accordance with Petitioner's Exhibit 3. be appropried and as such, the Petition for Zoning Variance is bereby GRANTED. subject bowever, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is bretry mode aware that proceeding at this line is at his 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, and property to its origin.

Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee, which are adopted in their entirety and made a part of this Order.

The Petitioner shall provide the Zoning Commissioner with a landscaping plan which complies with the Baltimore County Landscaping Manual.

5) Upon completion of this project, the Petitioner shall no-tify the Zoning Commissioner in writing that the project has been completed and is consistent with the representations made on the revised site plan dated becember 14, 1967 which has been accepted into the record and made a part of this Order.

J. Robert Anines

CERTIFICATE OF POSTING Towns, Maryland 88-233-A District 411 Date of Posting 11-16-87 Variance Petitioner Hound & Shofer front of subject parperty Posted by Signature
Sumber of Signature Date of return: 11-20-87

> CERTIFICATE OF PUBLICATION TOWSON, MD. Nov 19 19.87 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

Nov 19 10 87

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE December 4, 1987

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

The Toning Plans Advisory Committee has reviewed the plans submitted with the above-referenced position. The following comments are not intended to indicate the appropriateness of the roning report of the committee of the roning plans or problems with regard to the development plans pass and plans was bearing on this case. The Director of Plansing may file a written report with the Zoning Commissions with recommendations as to the suitability of the requested nozing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If sailar comments from the remaining members are received, I will forward them to you. Ctherwise, any comment that is not informative will be placed in the hearing file. This petition has accepted for filing on the date of the enclosed filing certificate and a benuing debendled accordingly.

Very truly yours, James & Deger, Lac

Chairman Zoning Plans Advisory Committee

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

Dear Mr. Magruder:

JED: kkb

cc: William P. Monk

22 W. Pennsylvania Avenue, Suite 204A Towson, Maryland 21204

COUNTY OFFICE BLDG. 111 W. Chemapeake Ave. Towson, Maryland 2120

Sureau of Engineering

Department of Traffic Engine

State Poads Com Bureau of Fire Prevention

Health Department

Sparet of Education

Soning Administratio

Building Depar

Industrial Development

THE JEFFERSONIAN.

Susan Sender Obrect

Petition for Zoning Variance Case No. 88-233-A 4th Election District; 3rd Councilmanic District LOCATION: S/S Reisterstown Road, 250.17' W of c/1 of Tollgate Road (10604 Reisterstown Road) DATE AND TIME: Friday, 12/11/87 at 11:00 AM PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, he Zoning Commissioner of Baltimore County, by authority of the Zoning Act and egulations 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 (fistance between buildings) of 50 feet in lieu of the required 60 feet. Being the property of Howard plan filed with the Zoning Office. as shown on plat building permit may be issued sing Commissioner will, however of said permit during this peri red in writing by the date of t BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

# 91 Me. 41520 DATE 9-25.87 ACCOUNT 000-615 RT HAINES MOUNT \$ /00,00 received fater Il awelt no Commercial Zoney Naverce B 8025\*\*\*\*\*100001s 8285/

J. Robert Haines Re: Property Owner: Howard L. Shofer Location: NM/c Reisterstown Road and Tollgate Road Zoning Agenda: Meeting of 9/8/87 suant to your request, the referenced property has been surveyed by this cau and the comments below marked with an "x" are applicable and required be corrected or incorporated into the final plans for the property. ( ) 1. Fire hydrants for the referenced property are replired and shall be located at intervals or \_\_\_feet along an approved roof in accordance with hattimore Coanty Standards as published by the Department of Public Norks. ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at \_\_\_ EXCESS 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 ocising or proposed on the site shall comply with all applicable resultements 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. Playing group they 9/11/57 Noted and Flaging group Fraging group Fig. Fig. Free Field Fig. Fig. Field Bureau BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO. Zoning Commissioner

Date\_\_\_November 23, 1987

PROM ... Director of Planning and Zoning

SURJECT Zonios Petition No. 88-233-A

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



NEC 1 JCH 1 dns

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



State Highway Administration

Richard H. Trainor Hal Kassoff

/51

October 23, 1987

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

Res Baltimore County
ITEM: #81.mer: Noward L. Shofer
Property NVC Relaterstown Road
Maryland Route 160 and Tollgate Rd.
Existing Zonings Bs. Inc.
Property Comings Bs. Inc.
Property Tollgate Rd.
Living Comings Bs. Inc.
Property Tollgate Community
Property

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 (50' half section), please delete the original sketch and insert the new substital showing a ultimate 80' right-of-way (40' half section) for Relaterstown Road, Route 140.

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

Very truly yours, Carren & Mitts In Creston J. Mills, Jr. Acting Chief Bureau of Engineering Access Permits

GW: mow cc: Mr. B. Monk

333-1350 My telephone number is (301)....

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

9/17/87 Zoming Commissioner Office of Planning and Zoning County Office Suilding Towson, Maryland 21204 Zoning Item 9 8/, Zoning Movinory
Property Owner: McCONDA ! MS-CALL
Property Owner: MACONDA ! MS-CALL
Location: May C. Centa Stews, Are Sulfque Rd .

District 4/
Sevage Disposal Miller
Sevage Disposal Miller Zoning Item # 8/ . Zoning Advisory Committee Meeting of 9-8-87

BALTIMORE COUNTY DEPARTMENT OF ENVIRONM

COMMUNES AND AS DELLOWS:

Price to agree and a building break for construction, rescention and/or installation of equipment are senting or promose first service featility, complete plans and specification and the solution of the Texas because because, however of feating communes features, and the construction of the Texas because the control communes features and the control of the control of

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbrolls operation which has a total cooking surface area of five (5) aguars feet or more.

operation which has a relational partner area or the continuous contraction of removations to extending or construction of new health care facilities, complete plans and apportingation of the building, food service are not type of explorest to be used for the food service appraisin most be substituted to the fines Kerley and Approval Section, Division of Engineering and Maintenance, Nate Reportment of Small Annual Section (Coreiro and Approval Section, Division of Engineering and Maintenance, Nate Reportment of Small Annual Section (Coreiro and Approval manth and Mental Systems for review and approval.

() Frier to any one construction or substantial alteration of public arisating pool, walling pool, hathbours, assume, whichpoins, but take, water and sewerage facilities or where appropriation to bank the manthematic pool of the propriation of the public public propriation of the public public

Prior to approval for a nursery echool, owner or applicant must comply with all haltimore Count regulations. For more complete information, contact the Division of Maternal and Child Health.

If inhrication work and oil changes are performed at this location, the method providing for the elimination of wasts oil must be in accordance with the State Department of the Environment. Prior to rains of "kining structure"s, petitioner must contact the Division of Waste Management 4.64-3760, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Durson of AT Coulty Management regarding removal of advance, 454-3750. Any abundoned underground atorage tasks containing gaseline, waste oil, solvents, etc., must have the contents resound by a licensed houler and task removed from the property or properly hardfulled. Frier to removal or abundomment, owner must contact the Division of Waster Namagement at 48-3780.

( ) Soil percolation tests, have been \_\_\_\_, sust be \_\_\_\_, conducted.

Bultimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Townson, Maryland 21204 spr. oer.

September 23, 1987

Dear Zoning Commissioner:

Zoning Commissioner County Office Building Towsom, Maryland 21204

number 81, 82, 83, 84, 85, 86, 87, and 88. comments for items

Very truly yours,

Indap Stanje

Micheal S. Flanigan Traffic Engineer Associate II

MSF: sh

ZONING OFFICE

PINDINGS OF PACT AND CONCLUSIONS OF LAW

The Petitioner herein requests wariances to permit a rear yard setback of 0 feet in lieu of the required 10 feet; to permit a side yard setback (distance between buildings) of 50 feet in lieu of the required 60 feet; and to allow parking spaces to be located less than 8 feet from a street property line.

The owner of the property was unavailable for the hearing, but submitted a letter to the Ioning Commissioner supporting the requested variances. The letter was accepted as Petitioner's Exhibit No. 1. Appearing on behalf of the Petitioner was Peter Blauvelt, the Lessee of the property and the franchisee for the proposed Jiffy Lube business, which will operate on the site. In addition to Mr. Blauvelt, who was represented by his attorney, C. Michael Magruder, there also appeared William P. Monk, a land planner, as expert witness. There were no protestants.

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

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

Therefore, IT IS OMDERED by the Ioning Commissioner of Baltimore County, this \_\_\_\_\_ day of December, 1987, that the Petition for Ioning Variances to permit a rear yard setback of 0 feet in lieu of the required 30 feet; and to permit asked yard setbacks (distance between buildions) of 50 feet in lieu of the required 60 feet; and to allow 0 feet in lieu of the required 8-foot landscape requirement adjacent to the street property line, be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to

1. 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 whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its

Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee, which are adopted in their entirety and made a part of this Order.

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

lubrication and maintenance services performed by Jiffy
Lube. The lot is irregularly shaped and is on the northwest
corner of Reisterstown Road and Tollqate Road.

The land planner'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 the 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 (0 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

internal traffic circulation, the variance to the 8-foot parking setback will be granted.

As to the requested variance to the rear yard setucak, Nr. Monk testified that the need for internal circulation of automobiles, on-site stacking of automobiles witing to be serviced, and the desire to maximize eight visibility at the corner of the property dictated the location of the building and required the proposed variance. Mehotographs were submitted indicating that the nature of this particular parcel, which abuts a hill, would not require the standard 30-foot sethext and that the present conditions are sufficient to comply with the spirit and intent of the BCER. However, this Order will require that the Petitioner smithatin the creating 8-foot high stockade fence along the rear of the site as noted on the revised site plan. If construction of the building dictates that the fence be relocated, it shall be done at the applicant's expense.

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 Toligate Boad 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

feet in lieu of the required 60 feet. Although the Petitioner testified that the proposed stacking should be more than sufficient for his anticipated operation, it will be made a part of this Order that there be absolutely no stacking of automobiles onto Toligate Road. If necessary, whicular stacking shall occur within the 24-foot wide travel lane running parallel to Relateration Road.

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 238.2 and 408.2c(4), pursuant to Section 307, BCZR. 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 unrebutted testimony offered in this case makes it clear that strict compliance with BCZR 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 BCZR and would not result in substantial detriment to the public good.

and relocate any portion as may be required by construction of the proposed Jiffy Lube building.

J. ROBERT HAINES Zoning Commissioner of Baltimore County











