

IN RE: PETITION FOR ZONING VARIANCE
S/S Serpentine Road, 225' W
of c/l of Bare Hills Road
3rd Election District
2nd Councilmanic District
Lamont Avenue Corporation
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-249-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance to permit a rear yard setback of 16 feet and a side yard setback of 10 feet, both in lieu of the required 30 feet, and to amend the site plan previously approved in Case No. 73-105-X for a proposed addition, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William H. Heavrin, President, appeared and testified on behalf of the Petition. There were no Protestants.

Testimony indicated that the subject property, zoned M-1, consists of approximately 40,000 sq.ft. and is improved with office, warehouse and storage buildings. Mr. Heavrin testified that he proposes constructing an addition to an existing storage building. Mr. Heavrin further testified that permits were issued prior to the construction of the existing storage building in 1975. The Petitioner indicated that the proposed addition is necessary to store crane trucks used in his business. He currently owns one truck that is 29 feet long and is in the process of purchasing another truck that is 36 feet long. The Petitioner contends the following: the storage of these trucks is necessary as they run on diesel fuel and have difficulty starting if not kept in from the cold; the size of the proposed addition is necessary to accommodate the length of the trucks; the proposed addition cannot be relocated and still allow sufficient area to maneuver the trucks in and out of the building. The addition will be located 16 feet from the rear property line.

PROPERTY DESCRIPTION

All the property beginning at a point on the south side of Serpentine Road, 225 feet West of the Centerline of Bare Hills Road, said point in the Centerline of Bare Hills Road being 450 feet more or less Southwest of Falls Road thence:

1. S 20°02'24" E 200.00 feet
2. S 69°57'36" W 200.00 feet
3. N 20°02'24" W 200.00 feet
4. N 69°57'36" E 200.00 feet

to the point of beginning. Lot contains 50,000 square feet more or less (0.918 acres), in the 3rd Election District

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Date of Posting: December 18, 1987
Posted for: Variance
Petitioner: Lamont Avenue Corp.
Location of property: S/S Serpentine Rd. 225' W of c/l of Bare Hills Rd.
Location of Sign: S/S Serpentine Rd. in front of subject property
Remarks: S.J. Grate
Posted by: S.J. Grate
Number of Signs: 1

Mr. Heavrin testified that the 10-foot side yard setback is being requested to legitimize the existing building. Mr. Heavrin further testified that permits were issued prior to the construction of the existing building in 1975. Mr. Heavrin testified that to require removal of the existing building would result in practical difficulty and unreasonable hardship upon the Petitioner. He indicated that the properties to the rear and to the side of his property are open and undeveloped. Mr. Heavrin further testified that he spoke to the rear property owner who indicated he had no objection to the proposed addition.

The Petitioner seeks relief from Section 255.1, pursuant to Section 307 of the Baltimore County Zoning Regulations (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).

Based upon the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements 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 stated above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of January, 1988 that a rear yard setback of 16 feet and a side yard setback of 10 feet, both in lieu of the required 30 feet, and to amend the site plan previously approved in Case No. 73-105-X for a proposed addition, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petitioner's

Mr. William H. Heavrin, President
Lamont Avenue Corporation
1511 Serpentine Road
Baltimore, Maryland 21209

RE: Petition for Zoning Variance
S/S Serpentine Road, 225' W of c/l of Bare Hills Road
3rd Election District; 2nd Councilmanic District
Lamont Avenue Corporation - Petitioner
Case No. 88-249-A

Dear Mr. Heavrin:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMH:bja
Enclosures

cc: People's Counsel
File

tion for Zoning Variance is hereby GRANTED, subject, however, 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 hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, the Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

NOTICE OF HEARING

The Zoning Commission of Baltimore County, in accordance with the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
S/S Serpentine Road, 225' W of c/l of Bare Hills Road
3rd Election District; 2nd Councilmanic District
Lamont Avenue Corporation - Petitioner
Case No. 88-249-A

Thursday, January 7, 1988 at 11:00 AM

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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 in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 17, 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 Dec. 17, 1987.

THE JEFFERSONIAN,

PUBLISHER

NOTICE OF HEARING

The Zoning Commission of Baltimore County, in accordance with the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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S/S Serpentine Road, 225' W of c/l of Bare Hills Road
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County

12:30 Dec. 17.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 (238.2) to permit a 16 ft. rear yard setback and a 10 ft. side yard setback, all in lieu of the required 30 ft. Also to amend the site plan in zoning case 73-105-X.

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

Easier access to building

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 73-105-X which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Lamont Ave. Corp.

Signature
Wm. H. Heavrin

Address
1511 Serpentine Rd.

City and State
Baltimore, Md. 21209

Attorney for Petitioner:
(Type or Print Name)
Wm. H. Heavrin

Signature
Wm. H. Heavrin

Address
1511 Serpentine Rd.

City and State
Baltimore, Md. 21209

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Wm. H. Heavrin

Address
1511 Serpentine Rd.

City and State
Baltimore, Md. 21209

Attorney's Telephone No.: 216-7070

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____ 19____, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building at Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock

_____ M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING: 1/2 HR. + 15 MIN. (over)

ALL NON-ADVERTISING - HEAR TWO MONTHS

OTHER

REVIEWED BY: [Signature] DATE: 9/9/87

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

J. ROBERT HAINES
ZONING COMMISSIONER

November

Mr. William H. Heavrin
Lamont Avenue Corporation
1511 Serpentine Road
Baltimore, Maryland 21209

RE: Petition for Zoning Variance
S/S Serpentine Road, 225' W of c/l Bare Hills Road
3rd Election District; 2nd Councilmanic District
Case No. 88-249-A

Dear Mr. Heavrin:

This is to advise you that \$70.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 108, County Office Building, Towson, Maryland

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

No. 45899

DATE: 1/17/88 ACCOUNT: RCI-415-000

AMOUNT: \$ 70.48

RECEIVED FROM: Lamont Ave Corp.

FOR: [Signature]

88-249-A

NOTICE OF HEARING

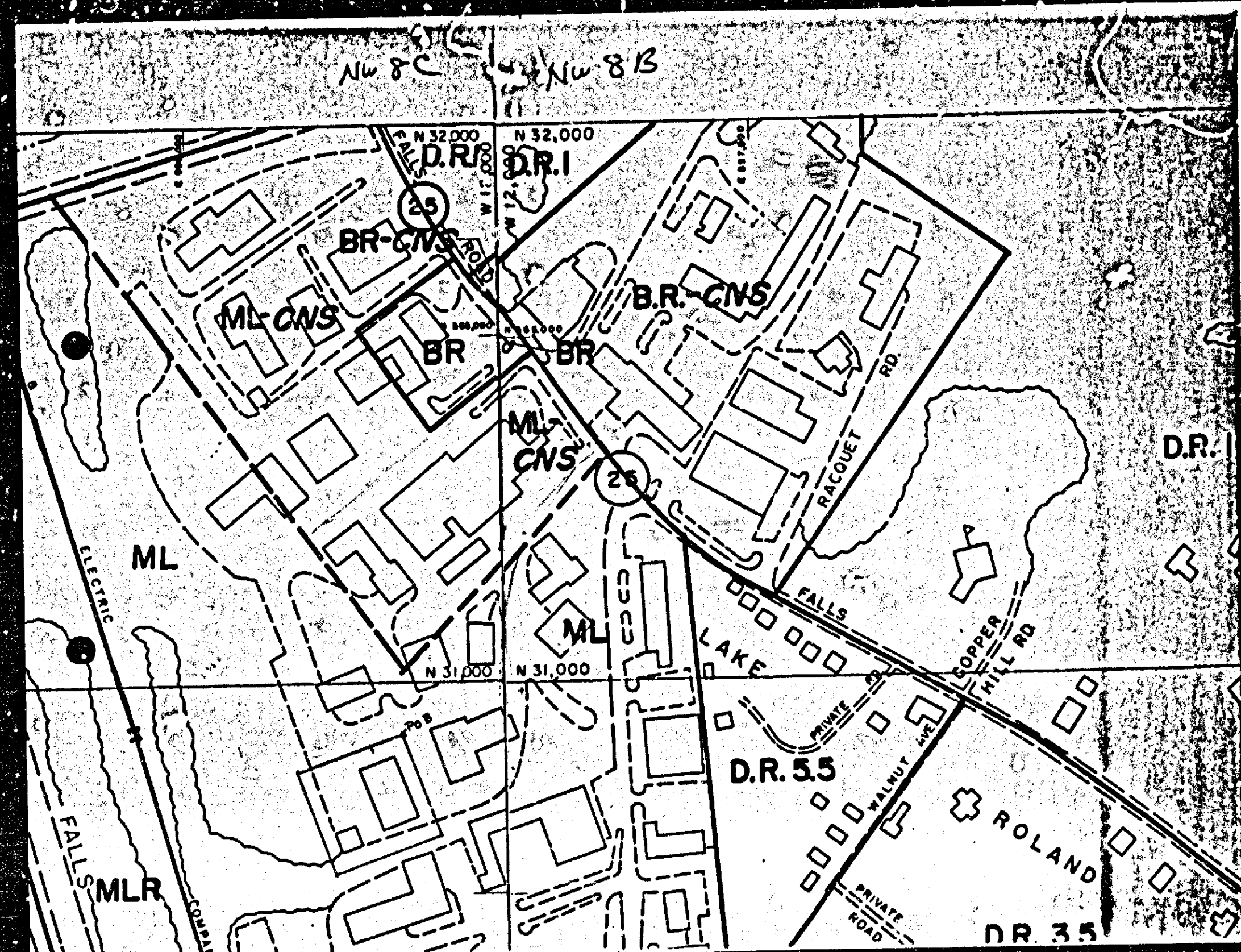
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
S/S Serpentine Road, 225' W of c/l Bare Hills Road
3rd Election District; 2nd Councilmanic District
Lamont Avenue Corporation - Petitioner
Case No. 88-249-A
Thursday, January 7, 1988 at 11:00 AM

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, on certain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND No. 41544
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10/7/87 ACCOUNT 01-61-7
AMOUNT \$ 100.00
RECEIVED FROM
FOR Variance # 94
B2D4*****100011*6289F
VALIDATION OR SIGNATURE OF CASHIER

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



Baltimore County
Fire Department
Towson, Maryland 21204-2388
494-4500

September 11, 1987

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

Dennis F. Rasmussen
County Executive

Re: Property Owner: Mr. H. Heavrin (Lamont Avenue Corp.)

Location: S/S Serpentine Rd., 225' W. of c/l Bare Hills Road

Item No.: 94

Zoning Agenda: 9/15/87

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," 1974 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Special Inspection Division Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
481-3554

October 5, 1987



Zoning Commissioner
County Office Building
Towson, Maryland 21204

Meeting of September 15, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 72, 89, 90, 91, 92, 93, 94, 95, and 88A.

Very truly yours,

Michael S. Flanigan

Michael S. Flanigan
Traffic Engineer Associate II

MSP:ab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 23, 1987

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

000

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. William H. Heavrin
Lamont Avenue Corp.
1511 Serpentine Road
Baltimore, Maryland 21209

RE: Item No. 94 - Case No. 88-249-A
Petitioner: Lamont Ave. Corp.
Petition for Zoning Variance

Dear Mr. Heavrin:

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,

James E. Dyer, Inc.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commission
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
Zoning Petitions No. 88-256-A, 88-249-A
SUBJECT: 88-248-A, 88-247-A, 88-246-A, 88-243-STA

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:jch:dme

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

CPS-008

88-249-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

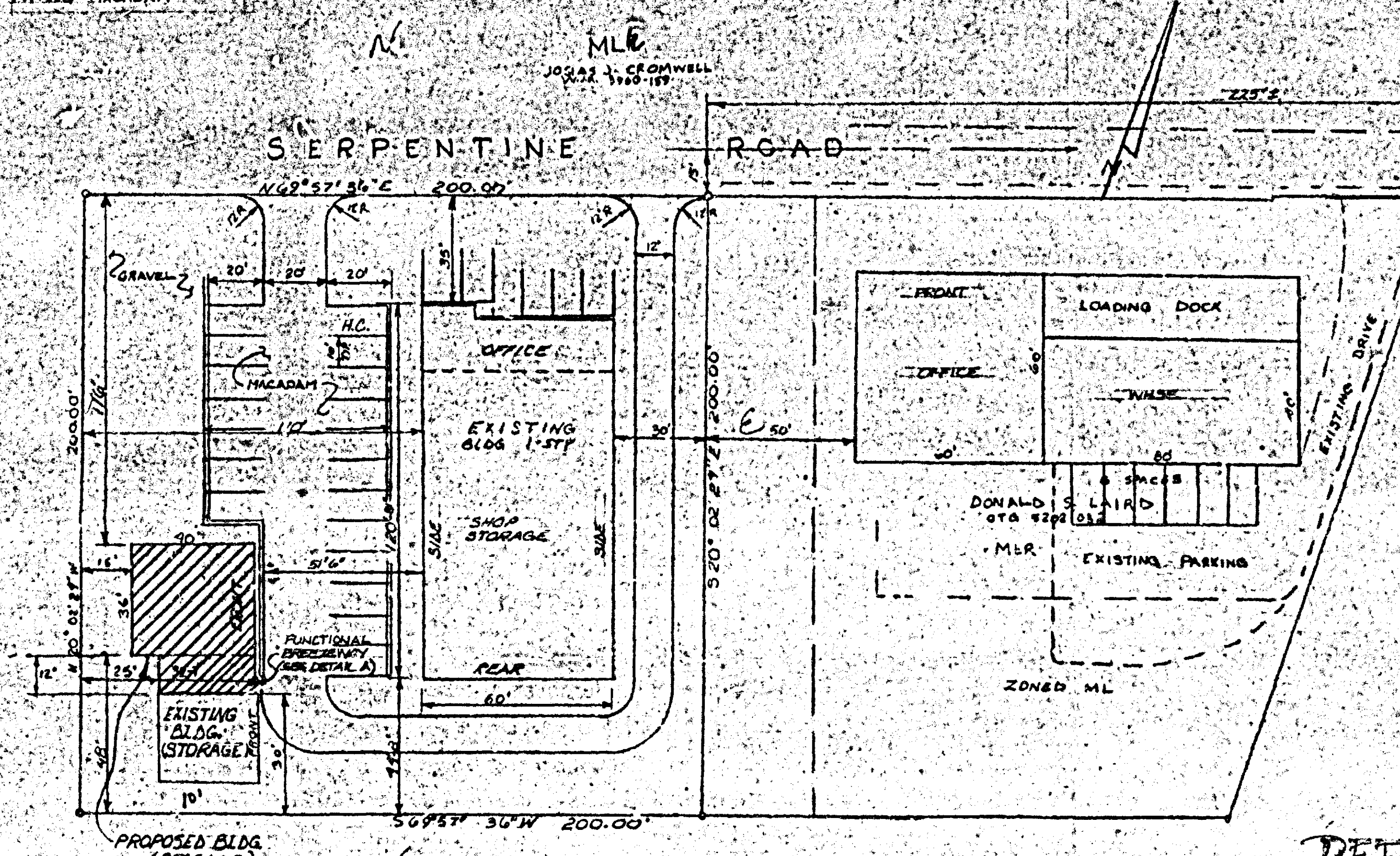
Your petition has been received and accepted for filing this
3rd day of November, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Lamont Ave. Corp.
Petitioner's Attorney: *James E. Dyer*
Received by: *James E. Dyer*
Chairman, Zoning Plans Advisory Committee

PARKING DATA

OFFICE 1000 SF
 1 SPACE PER 300 SF
 4 SPACES REQUIRED
 5000 SF EMPLOYEES
 1 SPACE PER 3 EMPLOYEES
 1 SPACES REQUIRED
 2 SPACES TOTAL REQUIRED
 25 SPACES SHOWN
 PAVING 2" MACADAM



PETITIONER'S
 EXHIBIT #1

94

PLAT ONE NORTHERN CENTRAL
 DISTRIBUTION CENTER AAG 29-128
 MLR

PLOT PLAN
 SCALE: 1" = 30'-0"

PROPERTY ZONE MLR
 14-11
 3RD ELECTION DISTRICT
 PROPERTY 40,000 SF. ±

PLAT TO ACCOMPANY ZONING VARIANCE
 See 73-105X

NEW STORAGE BUILDING FOR HEAVRIN CORPORATION BARE HILLS BALTIMORE COUNTY MARYLAND		
Zoning ML		
SCALE: AS NOTED	DRAWN: MLL	DRAWING NO.
DATED: 6-3-87	CHECKED: JVL	SI-1

PRINTED
 AUG 2 1987
 PCI ENGINEER, INC.

DETAIL A

