

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

140
 88-293-A
 G

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 minimum side yard of 12 feet and 17 feet in lieu of required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
 Narrowness of subject site (75 feet) prevents any feasible or reasonable commercial use of full side yards (total 60 feet) required. New structure will provide greater side yards than currently exist for residence. Strict compliance would be impossible and create extreme hardship.

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: Uni-Lube, Inc.
 (Type of Print Name)
 Signature: *Charles E. Brooks*
 Address: 467 E. Beaver Avenue, State College, Pa. 16801
 City and State

Legal Owner(s):
 William C. Hare
 (Type of Print Name)
 Signature: *William C. Hare*
 Doris K. Hare
 (Type of Print Name)
 Signature: *Doris K. Hare*
 Name, address and phone number of legal owner, contract purchaser or repr. sensitive to be contacted

Attorney for Petitioner:
 Charles E. Brooks
 (Type of Print Name)
 Signature: *Charles E. Brooks*
 Address: 610 Bosley Avenue, Towson, Maryland 21204
 City and State
 Attorney's Telephone No.: 296-2600

MAP NW21
 2C
 E.D. 208
 DATE 3-11-88
 200
 1000
 DP
 N-24,265
 W-32,070

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of January, 1988, 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 100, County Office Building in Towson, Baltimore County, on 19 day of January, 1988, at 9 o'clock A.M.

J. Robert Hines
 Zoning Commissioner of Baltimore County.

January 29, 1988

Charles E. Brooks, Esquire
 610 Bosley Avenue
 Towson, Maryland 21204

RE: Petition for Zoning Variance
 N/S Liberty Road, 200' E of Offutt Road (9108 Liberty Road)
 2nd Election District, 2nd Councilmanic District
 William C. Hare, et ux - Petitioners
 Case No. 88-293-A

Dear Mr. Brooks:
 Enclosed please find the decision rendered in 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,
 131
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 of Baltimore County.

Enclosures
 cc: Uni-Lube, Inc.
 467 E. Beaver Avenue, State College, PA 16801
 People's Counsel
 File

IN RE: PETITION FOR ZONING VARIANCE
 N/S Liberty Road, 200' E of Offutt Road
 (9108 Liberty Road)
 2nd Election District
 2nd Councilmanic District
 William C. Hare, et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 88-293-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance to permit minimum side yard setbacks of 12 feet and 17 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Charles E. Brooks, Esquire, appeared and testified. Also appearing on behalf of the Petition were Paul Lee, professional engineer, and Joseph Martin of Uni-Lube, Inc., the Contract Purchaser of the subject property. There were no Protestants.

Testimony indicated that the subject property is zoned B.R.-C.N.S. and is located at 9108 Liberty Road. The Petitioners own the subject property, which is currently under contract for sale to Uni-Lube, Inc. Testimony indicated that the Contract Purchasers propose removal of an existing building and the construction of a new building as set forth on Petitioner's Exhibit 1. In accordance with comments made by Creston J. Mills, Jr. of the State Highway Administration (SHA) in a letter dated November 3, 1987, which are a part of the Zoning Plans Advisory Committee comments in the file, the Petitioner submitted a revised plan marked Petitioner's Exhibit 1 showing the required SHA Type A barrier curb. Testimony indicated that the proposed building's side yard setbacks will be farther from the property line than the existing building. The Petitioner's attorney argued that requiring strict compliance with the Baltimore County Zoning Regulations (B.C.Z.R.) would result in practical difficulty and

unreasonable hardship upon the Petitioners and would not be in keeping with the commercial zoning of the lot.
 Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.
 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 Deputy Zoning Commissioner of Baltimore County this 13th day of January, 1988 that minimum side yard setbacks of 12 feet and 17 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:
 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, this 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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 41720

DATE 1/29/88 ACCOUNT 01-615 AMOUNT \$ 100.00

RECEIVED FROM: *Charles E. Brooks, Esq.*

FOR: *Filing Fee for Variance 1/29/88*

DATE of December, 1987, a copy to Charles E. Brooks, Esquire, 610 Bosley Ave., Towson, MD 21204, Attorney for Petitioners; and Uni-Lube, Inc., 467 E. Beaver Ave., State College, PA 16801, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD, Dec 31 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 31, 1987.

THE JEFFERSONIAN, No. 45900

DATE 1/19/88 ACCOUNT R-01-05-000 AMOUNT \$ 61.59

RECEIVED FROM: *William C. Hare*

FOR: *Posting Advertising*

8 026*****645818 112288-293-1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: *208* Date of Posting: *January 20, 1988*

Posted for: *Variance*

Petitioner: *William C. Hare*

Location of property: *N/S Liberty Rd. 200' E of Offutt Rd. 9108 Liberty Rd.*

Location of Sign: *Front of 9108 Liberty Rd.*

Remarks: *See*

Posted by: *A. J. Motta* Date of return: *January 8, 1988*

Number of Signs: *1*

Paul Lee P.E.
Paul Lee Engineering Inc.
 305 W. Pennsylvania Ave.
 Towson, Maryland 21286
 301-281-5341

DESCRIPTION

9108 LIBERTY ROAD
 2ND ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Liberty Road, said point being located 200 feet ± northeasterly from the center of Offutt Road; thence binding on the north side of Liberty Road by a curve to the left (1) Radius 499.16 feet L=75 feet ±, thence leaving said north side of Liberty Road (2) North 40°27'00" East 190.8 feet ±; (3) South 49°33'40" East 26.52 feet, (4) South 15°37'00" West 116.00 feet, and (5) South 40°27'00" West 85.4 feet ± to the north side of Liberty Road and point of beginning. Containing 0.30 ± acre of land, more or less.

Ann M. Nastarowicz
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 of Baltimore County

James - James - De Haven 9/29/87

LEGAL NOTICE

THE BOARD OF BALTIMORE COUNTY APPEALS is hereby notified that the following petition for a zoning variance was filed with the Zoning Department of Baltimore County on January 19, 1988, at 9:00 a.m. and is being held for a public hearing on January 29, 1988, at 9:00 a.m. at the County Office Building, 100 County Office Building, Towson, Maryland. The petition is for a zoning variance to permit minimum side yard setbacks of 12 feet and 17 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1. The petition is for a zoning variance to permit minimum side yard setbacks of 12 feet and 17 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1. The petition is for a zoning variance to permit minimum side yard setbacks of 12 feet and 17 feet in lieu of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

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THE NORTHWEST STAR
 Jan Berle
 Manager
 Cost of Advertisement \$19.00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

November 30, 1987

Mr. & Mrs. William C. Hare
9108 Liberty Road
Baltimore, Maryland 21133

Re: Case number: 88-293-A
NS Liberty Road, 200' E of Offutt Road
(9108 Liberty Road)
2nd Election District - 2nd Councilmanic District
Petitioners: William C. Hare, et ux

Dear Mr. & Mrs. Hare:

is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:

cc: Charles E. Brooks, Esq.

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

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:

Case number: 88-293-A
NS Liberty Road, 200' E of Offutt Road
(9108 Liberty Road)
2nd Election District - 2nd Councilmanic District
Petitioners: William C. Hare, et ux
Contract Purchaser: Uni-Lube, Inc.
DATE/TIME: TUESDAY, JANUARY 19, 1988 at 9:00 a.m.

Variance to permit minimum side yard setbacks of 12 feet and 17 feet in lieu of required 30 feet.

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, 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 this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Paul Lee P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-221-5811

November 25, 1987

Mr. Creston J. Mills, Jr.
State Highway Administration
6th Floor
707 N. Calvert Street
P. O. Box 717
Baltimore, Maryland 21203

Re: Item #150
W/S Liberty Road 200' E of Offutt Road
9108 Liberty Road
Our J. O. #87047

Dear Mr. Mills:

Please find enclosed herewith one copy of the revised Site Plan for the Zoning Petition relative to the above mentioned site showing the proposed State Highway Administration Type A barrier curb, in accordance with your comments of November 3, 1987.

We would appreciate your notifying the Zoning Commissioner that we have met your criteria.

If there are any questions, please do not hesitate to call.

Yours sincerely,

Paul Lee

PL:tl
Enclosure
cc: Mr. Max Spicer w/enc.

Engineers - Surveyors - Site Planners

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 12, 1988

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

Charles E. Brooks, Esquire
610 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 140 - Case No. 88-293-A
Petitioners: William C. Hare, et ux
Petition for Zoning Variance

Dear Mr. Brooks:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

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

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
No. 39441
DATE 7/21/88
To: Mr. William C. Hare
9108 Liberty Road
Baltimore, Md.
Subject: Landmark Sign of Bldg. No. 200
50.00
50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 2-27
Date of Posting: June 23, 1988
Posted for: Variance
Petitioner: Mr. William C. Hare
Location of property: N.E. Liberty Rd. 105' W of Offutt Rd.
Location of Sign: N.E. Liberty Rd. 175' W of Offutt Rd.
Remarks: J. H. Hare
Date of return: June 24, 1988
Posted by: J. H. Hare
Petitioner's Agent

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
Mr. J. Robert Haines
TO: Zoning Commissioner
Date: December 16, 1987
FROM: Norman E. Cerber, AICP
Norman E. Cerber, AICP
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-285-A, 88-286-A,
SUBJECT: 88-290-A, 88-292-A, 88-293-A, 88-294-SPHA
There are no comprehensive planning factors requiring comment on this petition.
Norman E. Cerber per J. H. Hare
Director
NEC:JCH:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

Baltimore County
Fire Department
Towson, Maryland 21204
494-4500
Paul H. Reincke
Chief
October 27, 1987
Re: Property Owner: William C. Hare, et ux
Location: N/S Liberty Road, 200' E. Offutt Road
Item No.: 140
Zoning Agenda: Meeting of 10/27/87
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.
() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
() 2. A second means of vehicle access is required for the site.
() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
(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: *John Kelly* 10-27-87 Noted and Approved: *John E. O'Neill*
Special Inspection Division Fire Prevention Bureau

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: William C. Hare, et ux
Petitioner's Attorney: Charles E. Brooks, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

