

NOTE: PETITION FOR ZONING VARIANCE
 NE Corner Harford Road
 and Texas Avenue
 (8401 Harford Road)
 9th Election District
 6th Councilmanic District
 Warren Group Ltd. Part.
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 89-413-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 12 feet in lieu of the required 15 feet for existing gas pumps and a front yard setback of 1 foot in lieu of the required 10 feet for a proposed canopy, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Stanton Virts, Tenant and Operator for Texas, Inc., appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Paul Lee of Paul Lee Engineering, Bob Barry with J. E. Meintzer & Son, Inc., Gas and Oil Supplier, and Kevin Nevel, Contractor.

Testimony indicated the subject property, known as 8401 Harford Road, consists of 0.52 acres zoned B.U., and is improved with a gasoline service station for which a special exception was granted on April 9, 1957 by Wilnie H. Adams, then Zoning Commissioner. Testimony indicated the service station and gasoline pumps are in the same location as set forth on the site plan submitted in May 1971 in compliance with Bill No. 40. Mr. Virts testified as to the need for the canopy as depicted in Petitioner's Exhibit 1. Testimony indicated that as a result of an increase in self-service gasoline use, customers are frequenting only those stations which have canopies to protect them during inclement weather. Petitioners contend that to deny the requested variance would result in practical

difficulty upon them without any benefit to the community. Petitioners further contend that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

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). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) 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
- 3) 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 variance is 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 health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of April, 1989 that the Petition for Zoning Variance to permit a front yard setback of 12 feet in lieu of the required 15 feet for existing gas pumps and a front yard setback of 1 foot

in lieu of the required 10 feet for a proposed canopy, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

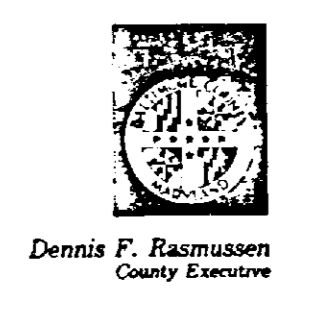
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a landscaping plan to the Baltimore County Landscaping Planner for approval. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3333

April 27, 1989



S. Eric DiNenna, Esquire
 409 Washington Avenue, Suite 600
 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
 NE Corner Harford Road and Texas Avenue
 (8401 Harford Road)
 9th Election District - 6th Councilmanic District
 Warren Group Limited Partnership - Petitioners
 Case No. 89-413-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

cc: People's Counsel

File

COURT FILING
 Docket # 89-413-A
 By: Robert Haines

COURT FILING
 Docket # 89-413-A
 By: Robert Haines

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-413-A

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 45.4A2a to permit a front yard setback of 12' and 1' in lieu of the required 15' and 10' for the existing gas pumps and proposed canopy (A variance of 3' and 9')

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

1. Existing pumps setback was in accordance with the setback shown on Special Exception Petition #4093X.
2. Proposed canopy is to be constructed over existing pumps requiring the variance.

MEBD
 30
 39
 11950
 111
 100
 97
 67

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: _____
 (Type or Print Name)

Signature: _____
 (Type or Print Name)

Address: _____
 City and State: _____

Legal Owner(s):
 WARREN GROUP LIMITED PARTNERSHIP
 (Type or Print Name)

Signature: _____ Partner
 (Type or Print Name)

Address: _____
 City and State: _____

Attorney for Petitioner:
 S. Eric DiNenna, Esquire
 (Type or Print Name)
 Address: 409 WASH. AVE., STA. 600
 TOWSON, MARYLAND 21204
 City and State: _____
 Attorney's Telephone No.: 296-6820

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
 S. Eric DiNenna, Esquire
 409 Washington Avenue, Ste. 600
 Towson, MD, 21204
 Address Phone No. 296-6820

ORDERED By the Zoning Commissioner of Baltimore County, this 15th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out 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 27th day of April, 1989, at 9:30 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County
 (over)

Paul Lee P.E.
 Paul Lee Engineering Inc.
 308 W Pennsylvania Ave.
 Towson, Maryland 21204
 301.821.5361

DESCRIPTION
 8401 HARFORD ROAD
 NINTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located at the intersection of the east side of Harford Road and the north side of Texas Avenue, said point also being located Easterly 15 feet ± from the center of Texas Avenue; thence binding on the east side of Harford Road, (1) N 33°56'18" E 127.34 feet thence leaving said east side of Harford Road the two following courses and distances: (2) S 45°03'42" E 195.37 feet and (3) S 44°56'18" W 125.00 feet to the north side of Texas Avenue; thence binding on the north side of Texas Avenue (4) N 45°03'42" W 171.08 feet to the point of beginning.

Containing 22,855 S.F. (0.52 acre) of land, more or less.



Engineers - Surveyors - Site Planners 12/5/88

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Bob Barry	616 Debaugh Ave #2104
Stanton Virts	2103 RIVER RD BALTO MD 21234
Kevin Nevel	304 Wilkema Ave #1104
Paul Lee	

BOB BARRY
 J. E. Meintzer & Sons, Inc.
 Office: 301-426-7542 P.O. Box 759
 Mobile: 301-449-9169 Glen Burnie, MD 21061

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 7th Date of Posting: 4/11/89

Posted for: Variance

Petitioner: Warren Group Limited Partnership

Location of property: McLean Harford Rd & Texas Ave

Location of Sign: Harford Rd, corner of Farwood Ave on property of Petitioner

Remarks: [Signature]

Posted by: [Signature] Date of return: 4/11/89

Number of Signs: 1

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 described in the petition of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
 Petition for Zoning Variance Case Number: 89-413-A
 NE Corner Harford Road and Texas Avenue
 8401 Harford Road
 9th Election District
 6th Councilmanic District
 Warren Group Limited Partnership
 Hearing Date: Tuesday, April 25, 1989 at 9:30 a.m.
 Petitioner to permit a front yard setback of 12' and 1' in lieu of the required 15' and 10' for proposed canopy (A variance of 3' and 9').
 In the event that this Petition is granted, a building permit may be issued within the 30-day period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the period for appeal. Such request must be in writing and received in the office of the Zoning Commissioner prior to the date of the hearing and approve or disapprove at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 1132349 Mar 23

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 23, 1989.

NORTHEAST TIMES
 THE JEFFERSONIAN,

Publisher

PO 10849
 reg # 37094
 ea 89-413-A
 price 78.60

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

J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Warren Group Limited Partnership
525 Edgewater Avenue
Catonsville, Maryland 21228

ATTN: EDWARD J. WARREN

Re: Petition for Zoning Variance
CASE NUMBER: 89-413-A
NEC Harford Road and Texas Avenue
8401 Harford Road
9th Electic District - 6th Councilmanic
Petitioner(s): Warren Group Limited Partnership
HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$93.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) 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(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204, fifteen (15) minutes before

MISCELLANEOUS CASH RECEIPT
DATE: 4/25/89 ACCOUNT: 601-65000
AMOUNT: \$ 93.60
RECEIVED FROM: Warren Group
FOR: 89-413-A

VALIDATION OR SIGNATURE OF CASHIER

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

J. Robert Haines
Zoning Commissioner

March 9, 1989

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
CASE NUMBER: 89-413-A
NEC Harford Road and Texas Avenue
8401 Harford Road
9th Electic District - 6th Councilmanic
Petitioner(s): Warren Group Limited Partnership
HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 9:30 a.m.

Variance to permit a front yard setback of 12 ft. and 1 ft. in lieu of the required 15 ft. and 10 ft. for the existing gas pumps and proposed canopy (A variance of 3 ft. and 9 ft.).

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

cc: Warren Group Limited Partnership
S. Eric DiNenna, Esq.
File

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary

RECEIVED
FEB 27 1989

February 22, 1989 ZONING OFFICE

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

Re: Baltimore County
Warren Group Limited
Partnership
Zoning Meeting of 2-14-89
E/S Harford Rd. (MD 147)
at N/E Corner of
Texas Avenue
(Item #326)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a front yard setback of 12 feet and 1 foot in lieu of the required 15 feet and 10 feet for the existing gas pumps and proposed canopy, we have the following comment.

The plan must be revised to show a future 80' right of way (40' from the centerline) on Harford Road and no structures may be placed within these limits.

It is requested this revision be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Ericston J. Hills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Paul Lee Engineering, Inc.
Mr. J. Ogle

PETITIONER
EXHIBIT 2

My telephone number is (301) 333-1350

333-7555 Baltimore Metro - 485-0481 D.C. Metro - 7-900-492-1088 Nationwide Toll Free

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary

Hal Kassoff
Administrator

March 15, 1989

Mr. Paul Lee
Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Townson, Maryland 21204

Re: Baltimore County
8401 Harford Road
Warren Group Limited
Partnership
Zoning Meeting of 2-14-89
E/S Harford Road (MD 147)
at N/E Corner of
Texas Avenue
(Item #326)

Dear Mr. Lee:

We have received your letter concerning the future 30' right of way line on Harford Road and agree to remove this requirement since the pump island is existing and we would virtually remove the stacking area of this pump by imposing this right of way requirement at this time.

If we can be of further assistance, please contact Larry Brocato at 333-1350.

Very truly yours,

Ericston J. Hills, Jr., Chief
Bureau of Engineering
Access Permits

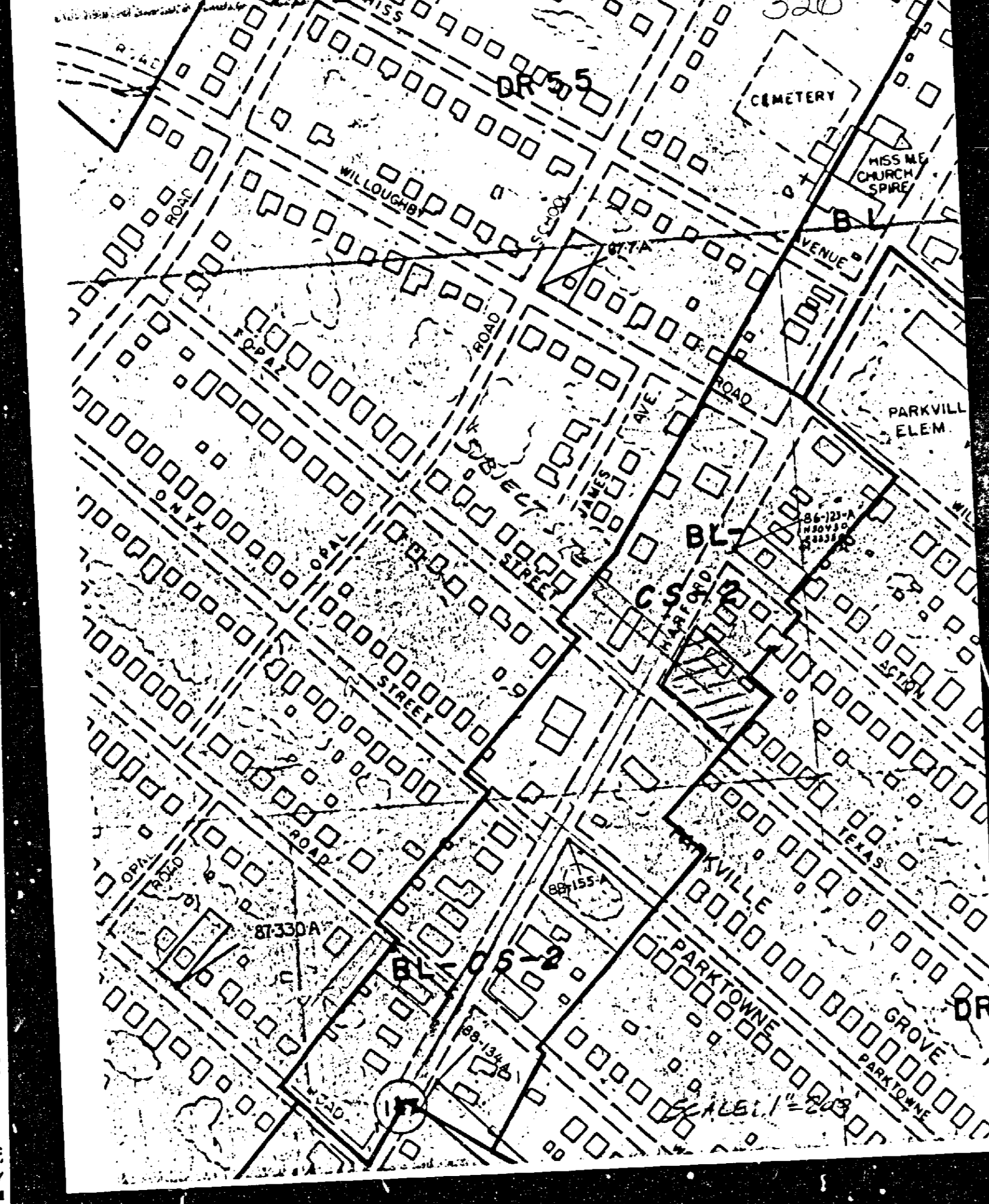
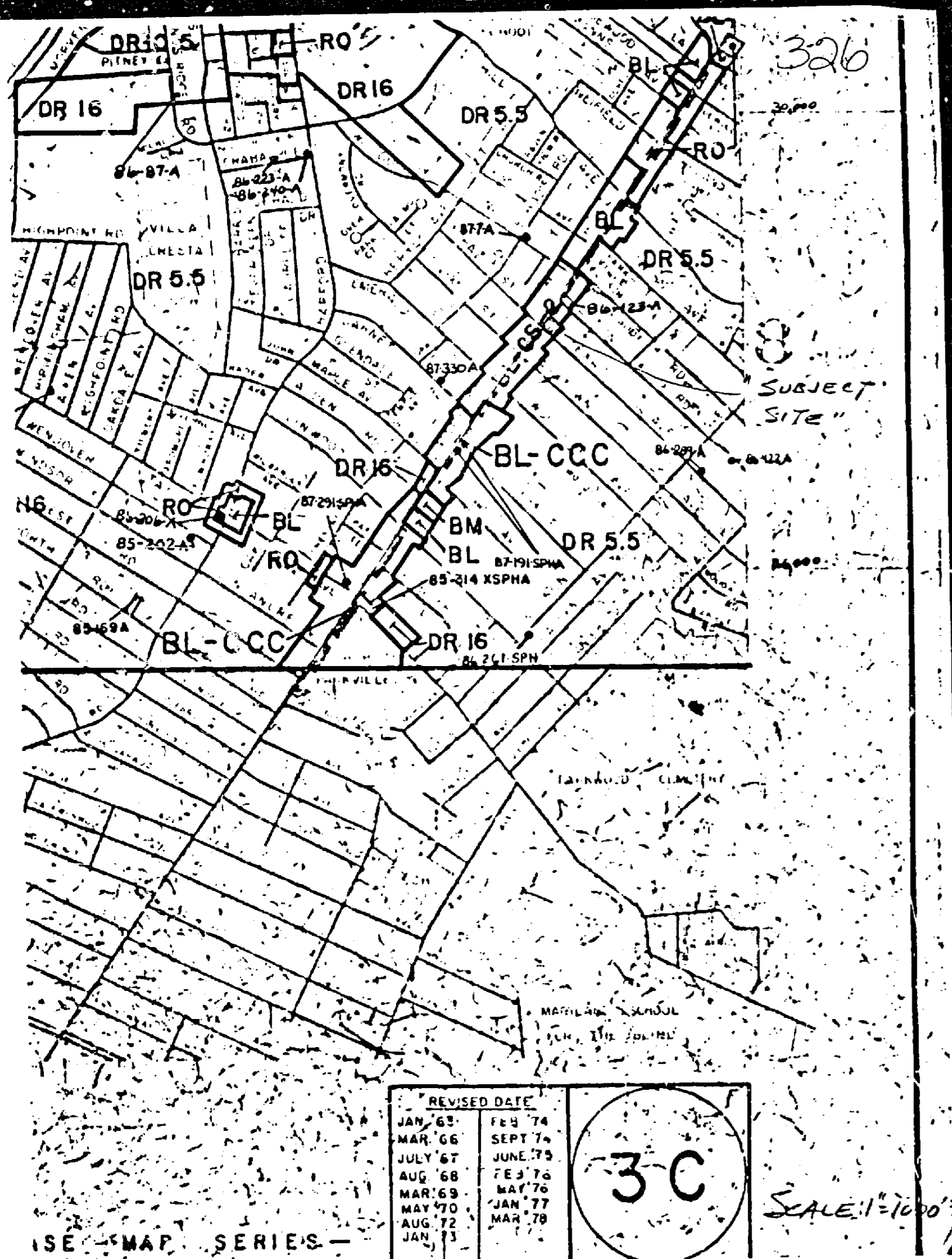
LB:maw

cc: Mr. J. Haines
Mr. J. Dyer
Mr. J. Ogle

PETITIONER
EXHIBIT 3

My telephone number is (301) 333-1350

333-7555 Baltimore Metro - 485-0481 D.C. Metro - 7-900-492-1088 Nationwide Toll Free



89-413-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Townson, Maryland 21204
Your petition has been received and accepted for filing this 15th day of February, 1989.
J. Robert Haines
ZONING COMMISSIONER
Petitioner: Edward J. Warren, et al Received by: JAMES E. DYER
Petitioner's Attorney: S. Eric DiNenna Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
April 5, 1989
S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Townson, MD 21204
RE: Item No. 326, Case No. 89-413-A
Petitioner: Edward J. Warren, et al
Petition for Zoning Variance
Dear Mr. DiNenna:
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. 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.
IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.
Very truly yours,
James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee
JED:jw
Enclosures
cc: Warren Group Limited Partnership

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 1, 1989



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 255, 318, 322, 324, 325, 326, 327, 328, & 329.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED

MAR 3 1989

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

*See zoning
FD 2 8 1989*



Dennis F. Rasmussen
County Executive

Re: Property Owner: Warren Group Limited Partnership

Location: NEC Harford Road & Texas Ave. (#8401 Harford Rd.)

Item No.: 326 Zoning Agenda: 02/14/89

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.
- * (x) 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 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.

*Dispensing units shall be at least 20' from any activity involving fixed sources of ignition, according to NFPA 30-1981, Sec. 7-4

REVIEWER: *Patricia Kelly 2-21-89*
Planning Group
Special Inspection Division

NOTED &
APPROVED: *Patricia Kelly*
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 21, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

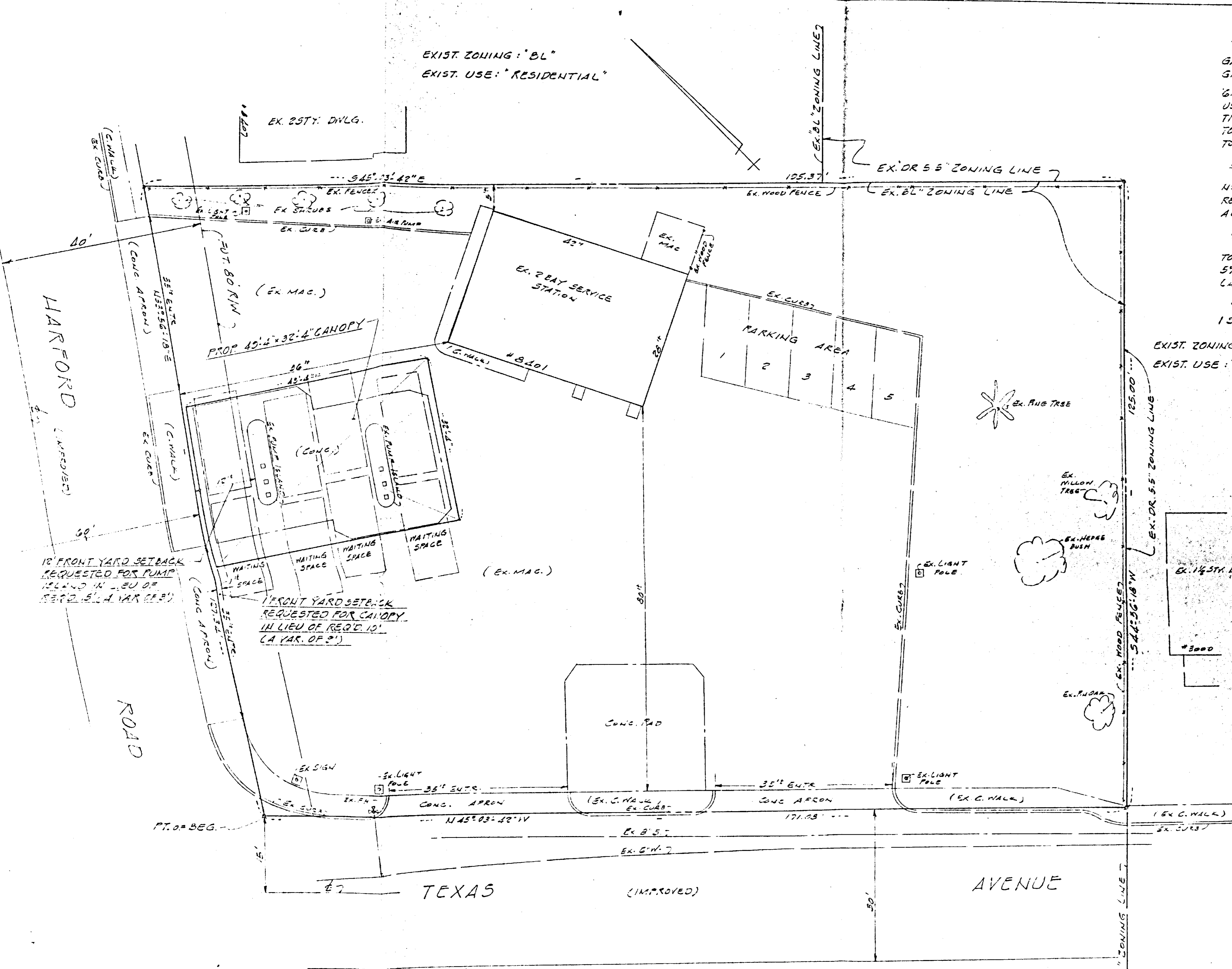
Case No. 89-413-A
Item No. 326

Re: Warren Group Limited Partnership

The Petitioner requests a variance to allow a front yard setback of 12 feet and 1 foot for existing as pumps and proposed canopy in lieu of the required 15 feet and 10 feet. In reference to this request, staff offers the following comments:

A landscape plan must be approved prior to the issuance of a building permit.

A:42589.txt pg.1



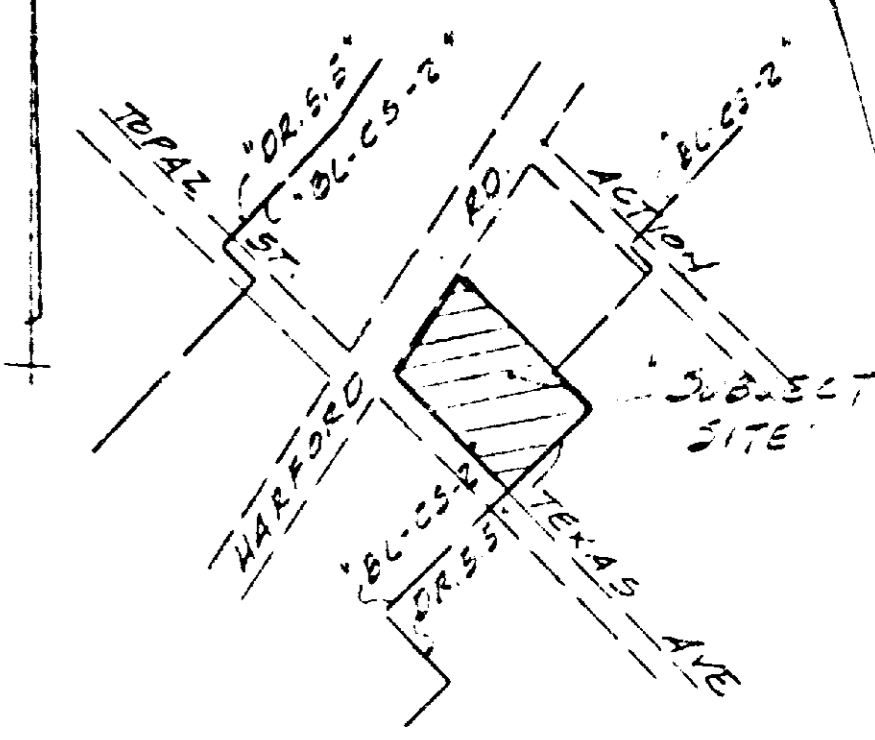
EXIST. ZONING: "BL"
 EXIST. USE: "RESIDENTIAL"

AREA REQUIREMENTS
 GAS SERVICE SPACE = 4
 GARAGE BAY = 2
 6x1500 = 9,000 S.F.
 USE MIN. REQUIREMENT = 15,000 S.F.
 TRUCK RENTAL AREA = 6
 TOTAL AREA REQ'D = 15,000 S.F.
 TOTAL AREA PROVIDED = 22,855 S.F.

ACCESS POINT
 NO DRIVEWAYS IN FRONT STREET = 2
 REQUIRED WIDTH 65x2 = 130'
 ACTUAL SITE WIDTH = 171.08'

LANDSCAPING
 TOTAL = 721 S.F. 31% OF TRACT
 5% OF TRACT = 1,142.75 S.F.
 LANDSCAPING CONSISTS OF TREES, SHRUBS & GRASS

SIGNS
 1 SIGN



LOCATION PLAN
 SCALE: 1"=200'

EXIST. ZONING: "DR.55"
 EXIST. USE: "RESIDENTIAL"

GENERAL NOTES

1. AREA OF SITE = 22,855 S.F. (0.52 AC.)
2. EXISTING ZONING OF SITE = "DL" W/ SPECIAL EXCEPTION ("WOODS")
3. EXISTING USE OF SITE = "TEXACO SERVICE STATION"
4. PROPOSED ZONING OF SITE = "BL" W/ SPECIAL EXCEPTION
5. PROPOSED USE OF SITE = "TEXACO SERVICE STATION"
6. OFF STREET PARKING REQUIRED
7. NO. OF PARKING SPACES SHOWN (INCL. BAYS) = 7, 5.
8. PETITIONER REQUESTING A VARIANCE TO SECTION 408, J.A.C.O. OF THE ZONING REGULATIONS TO PERMIT A 10' FRONT YARD SETBACK FOR EXISTING PUMPS IN LIEU OF THE REQ'D 15' (A VAR. OF 5') AND A 1' FRONT YARD SETBACK FOR A PROPOSED CANOPY IN LIEU OF THE REQ'D 10' (A VAR. OF 9').
9. PUBLIC UTILITIES AVAILABLE TO SITE.

PLAT TO ACCOMPANY PETITION
 FOR
VARIANCES

3401 HARFORD ROAD

3RD ELECT. DIST. BALTIMORE CO., MD
 SCALE: 1"=10' DEC. 2, 1988
 FEB. 28, 1989 SHA

EXIST. ZONING: "BL"
 EXIST. USE: "PIZZA SHOP"

PETITIONER'S EXHIBIT 1

PAUL LEE ENGINEERING, INC.
 301 W. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21284