

IN THE MATTER OF THE APPLICATION OF NGK & ASSOCIATES FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTH-WEST SIDE OF TAYLOR AVENUE, 30' NORTHWEST OF HARFORD ROAD, 9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-422-A

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 18, 1990 which denied the Petition for Variance in Case No. 90-422-A. This case was called for hearing at 10:32 a.m. on February 5, 1991. No representative of the Petitioner was present. Petitioner was contacted by telephone, and it was indicated that he did not wish to pursue his Petition and would therefore request a dismissal.

Having noted on the record Petitioner's request for dismissal and that no representative of the Petitioner was present in the hearing room, the Board will dismiss the Petitioner's appeal with prejudice.

IT IS THEREFORE this 8th day of February, 1991 by the County Board of Appeals of Baltimore County ORDERED that the appeal noted in this case be and the same is DISMISSED WITH PREJUDICE.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 William T. Hackett, Chairman
 Harry E. Buchheister, Jr.

IN RE: PETITION FOR ZONING VARIANCE SW/S of Taylor Avenue, 30' NW of Harford Road (7736 & 7738A Harford Road) 9th Election District 6th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-422-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit ten (10) parking spaces in lieu of the required twenty (20), a front/side yard setback of 1 foot in lieu of the required 10 feet, a setback of 31 feet from the street centerline in lieu of the required 40 feet, and an amenity open space of 0 sq.ft. in lieu of the required 800 sq.ft. for a proposed retail building in accordance with Petitioner's Exhibit 1.

The Petitioner, by George Killos, partner, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were Bernard Willemain, Planning and Zoning Consultant, and Finley Ransome, Registered Land Surveyor. Appearing as Protestants in the matter were Tom Costantini, William Turlington, III, John W. McCall, Ruth and Ernest Baisden, Stephen H. Kohlman, Gerard B. Dotterweist and James White. All Protestants are individuals who either conduct business in the area and/or are residents.

Testimony indicated that the subject property, known as 7738 and 7738A Harford Road, is a rectangularly shaped lot containing 17,640 sq.ft. zoned B.L.-C.C.C., and is improved with a one story masonry and frame building at the corner of Harford Road and Taylor Avenue. Mr. Killos testified that the subject property was purchased by his father in the late 1960s and is now held by a family partnership consisting of himself,

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 Date 2/13/91
 By [Signature]

his mother and two sisters. At the time of his father's purchase, a restaurant operated from the existing building. Currently, a portion of the building is leased to a Hair Cuttery franchise. The remainder of the building is vacant. Mr. Killos testified that his family is desirous of constructing another one story retail structure on the premises at the opposite end of the site, as depicted in Petitioner's Exhibit 1. Said portion abuts the property owned by Mr. McCall, who appeared as a Protest-

tant. Testimony indicated the Petitioner is of the opinion that the size of the proposed building needs to be as close to 2,000 feet as possible to be commercially marketable or financially feasible. Mr. Killos testified regarding the improvements made to the existing structure in approximately 1985. He further testified that the plan has been revised on numerous occasions to respond to Zoning Plans Advisory Committee comments submitted by the Departments of Traffic Engineering and the Office of Planning, including, but not limited to, providing a planting area and providing a 30-foot wide single entrance to the existing parking area rather than the originally proposed double entrance of only 24 feet in width.

Mr. Willemain testified as to his extensive familiarity with the Parkville business district and indicated that in his opinion, denial of the relief requested would result in practical difficulty and unreasonable hardship for the Petitioner. He testified the Petitioner's proposal is in keeping with the character of the neighborhood being a business district, and that a number of businesses are without on-site parking. He testified that in this instance, Petitioner will provide 10 of the required 20 parking spaces. Mr. Willemain and other witnesses for the Petitioner indicated

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quate parking. He testified that there is presently a parking problem at the site of the Hair Cuttery. In his opinion, as well as that of many of the other Protestants, the proposed building and rental of the remaining portion of the existing building will only further complicate a critical situation. He testified that he has been in the area since 1979 and contrary to the testimony presented by Petitioner, it is his experience that the Revenue Authority parking lot is generally filled throughout the day on weekdays on a regular basis.

Ruth Baisden testified that she resides on Oak Avenue. She testified that the granting of the variance will be detrimental to the health, safety and general welfare of the surrounding community due to the existing traffic congestion problem. Mrs. Baisden testified that in her opinion, the proposed building will further aggravate parking problems and traffic congestion in the area.

Mr. Kohlman, a residential tenant above a business located on Harford Road, testified in opposition for the same reasons set forth by the other Protestants.

Mr. White, a long-time resident of Parkville and the owner of two businesses in the area, testified in opposition to the granting of the relief requested by petitioner. He testified that he operates a business on the opposite corner and believes the granting of the variance will be detrimental to the surrounding area. He testified that the Hair Cuttery business presently results in 18 to 20 cars using the existing parking lot at any given time on a regular basis.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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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).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variances were denied. While the testimony and evidence presented would indicate that the plan proposed by Petitioners, as set forth in Petitioner's Exhibit 1, in at least two ways is an improvement from the current situation in that a planting area would be provided and access to the existing parking lot would be improved, the overall impact would be detrimental to the surrounding area. It is clear from the evidence presented that the existing use currently exceeds the proposed 10 parking spaces. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

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 By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-422-A

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 409.4 to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front setback of one (1) foot in lieu of the required ten (10) feet from the front property line and thirty-one (31) feet from the street center line in the new retail space, old and new, to twenty spaces. I request relief from the following reasons: (Indicate hardship or practical difficulty)

1. That the Petitioner is proposing to construct a new retail building on the Taylor Avenue frontage, which in addition to older retail space (which predates the Zoning Regulations) at the N.W. corner of Harford Road and Taylor Avenue will raise the total requirement, old and new, to twenty spaces.
2. That the Petitioner is actually providing the full required ten spaces (10) for the new retail space; the older retail space never truly having had off street parking.
3. That without the requested variance the Petitioner will sustain practical and difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations. (see attached)

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: NGK & Associates (Type or Print Name) Signature: George Khoury (Type or Print Name) Address: 1059 Hillen Street Baltimore, Maryland 21202 City and State: City and State

Legal Owner(s): NGK & Associates (Type or Print Name) Signature: (Type or Print Name) Address: 1059 Hillen Street Baltimore, Maryland 21202 City and State: City and State

Attorney for Petitioner: Newton A. Williams, Esquire 700 Court Towers 210 N. Pennsylvania Avenue Towson, Maryland 21284 City and State: City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: 685-6145 Phone No. 21202 City and State

Township: Harford City and State: City and State

Address: 2120A Name: Name Phone No. 822-7800 Phone No.

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 By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of March, 1990, 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 104, County Office Building in Towson, Baltimore County, on the 25th day of April, 1990, at 11 o'clock A.M.

J. Robert Hines, Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS. OTHER - DATE 2/14/91

that the Baltimore County Revenue Authority's parking lot, which has 46 parking spaces, is within walking distance of the subject site. Testimony indicated the proposed plan provides a planting area as requested by the Office of Planning which will be a tremendous improvement to the surrounding area. Further testimony indicated that the proposed site plan would improve the parking situation as presently, access to the existing parking lot is available all along Taylor Avenue which further complicates traffic conditions along this route.

Mr. Turlington, President of AAA Air Conditioning and Heating Company, the adjoining property owners on Taylor Avenue, testified in opposition to the relief requested. Mr. Turlington indicated that if the proposed building is approved, it will block AAA's building which is set back 12 feet from the road as depicted in Petitioner's Exhibit 1. He further testified that Petitioner had not discussed its proposal with AAA and that no consideration was given to the impact the proposed use may have on the adjoining property. Mr. Turlington testified that there is currently a tremendous parking problem and congestion in the area. He testified that due to present traffic conditions, access to and from the AAA site, which is farther from the intersection of Taylor Avenue and Harford Road, is difficult. Mr. Turlington also testified that he is opposed to the relief requested indicating he has experienced parking and traffic congestion in the area, including, but not limited to unauthorized cars parking on the AAA lot.

Mr. Costantini, Branch Manager for Cartier Savings, testified in opposition to the requested variance. He testified that in his opinion, the granting of the variance will result in detriment to the health, safety and general welfare of the surrounding community due to the lack of ade-

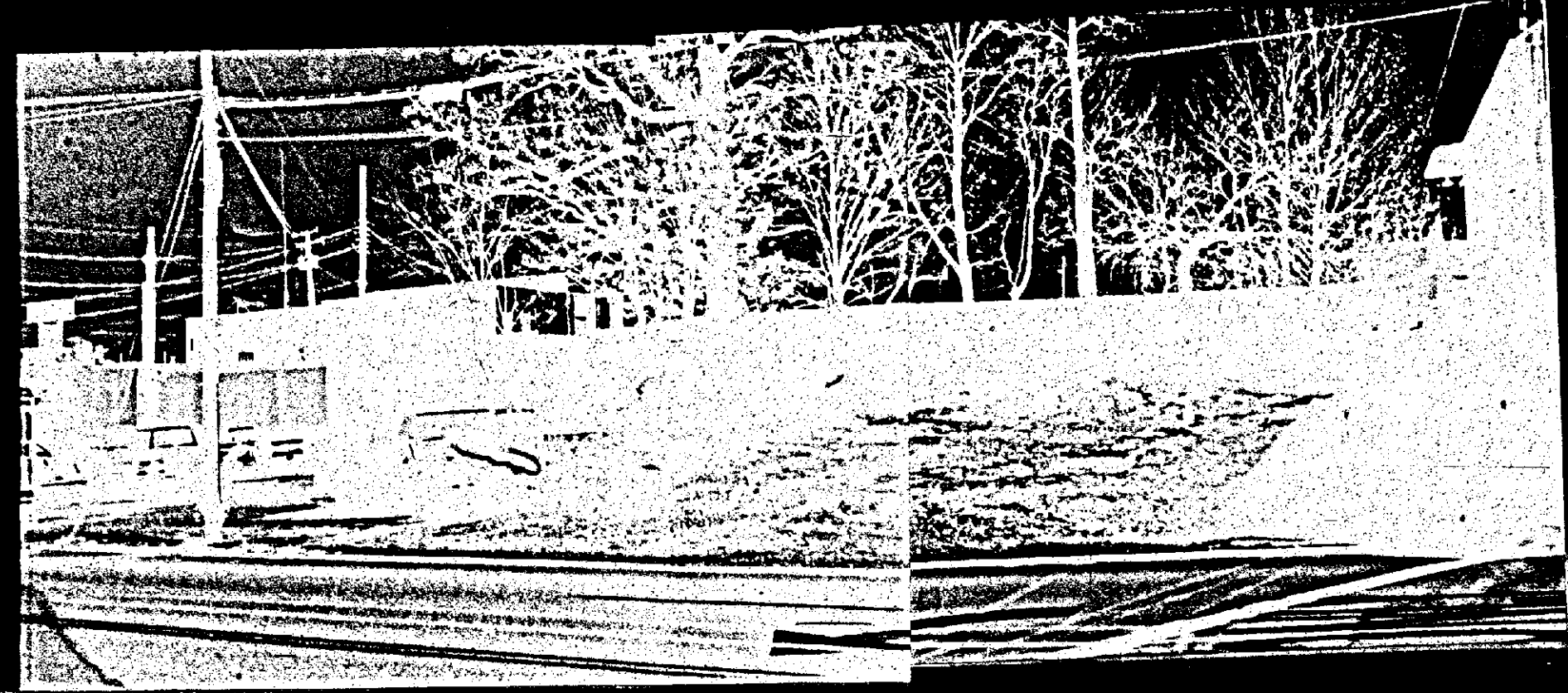
ORDER RECEIVED FOR FILING
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 By [Signature]

269

90-422-A

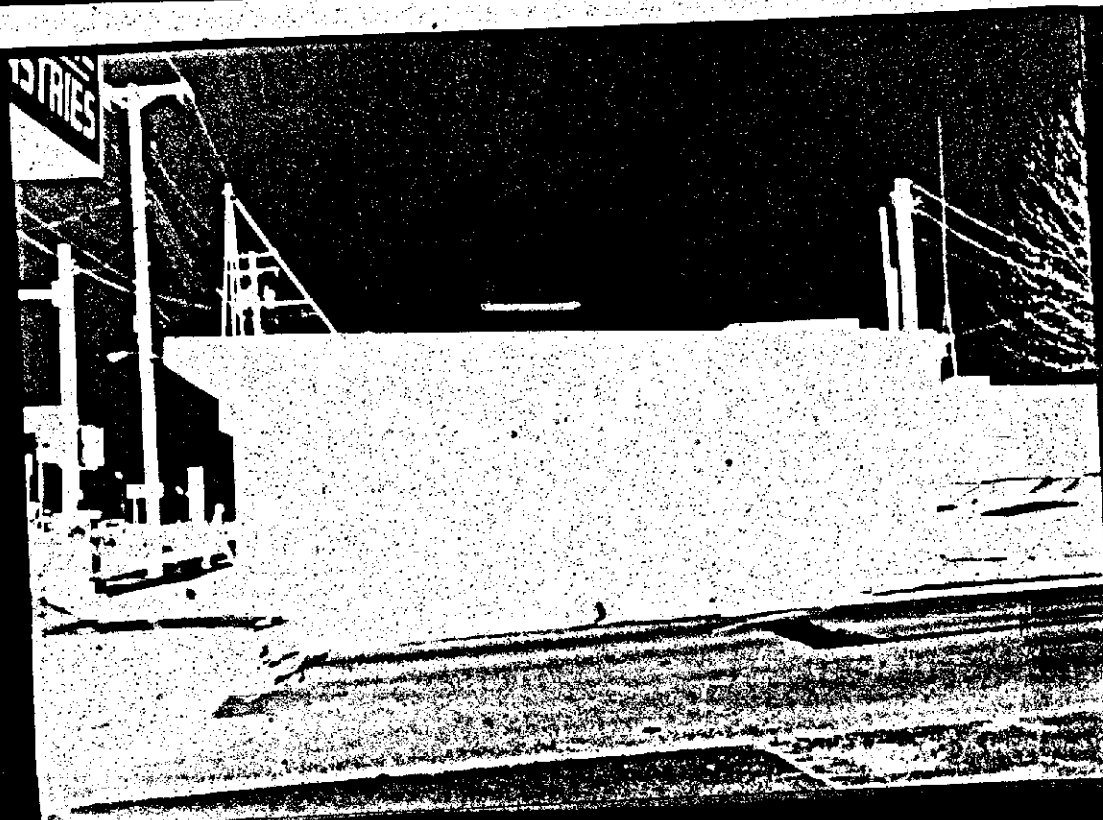
Important Note: The petitioner was not sure of the orientation of the proposed building; therefore, they asked for front/rear or most restrictive setbacks. Also, on the site plan, adjacent property zones are not shown but I thought this was minor.

269



A. Subject site on SW 1/5 of Taylor Ave., NW of Harford Rd.

PETITIONER'S EXHIBIT 2

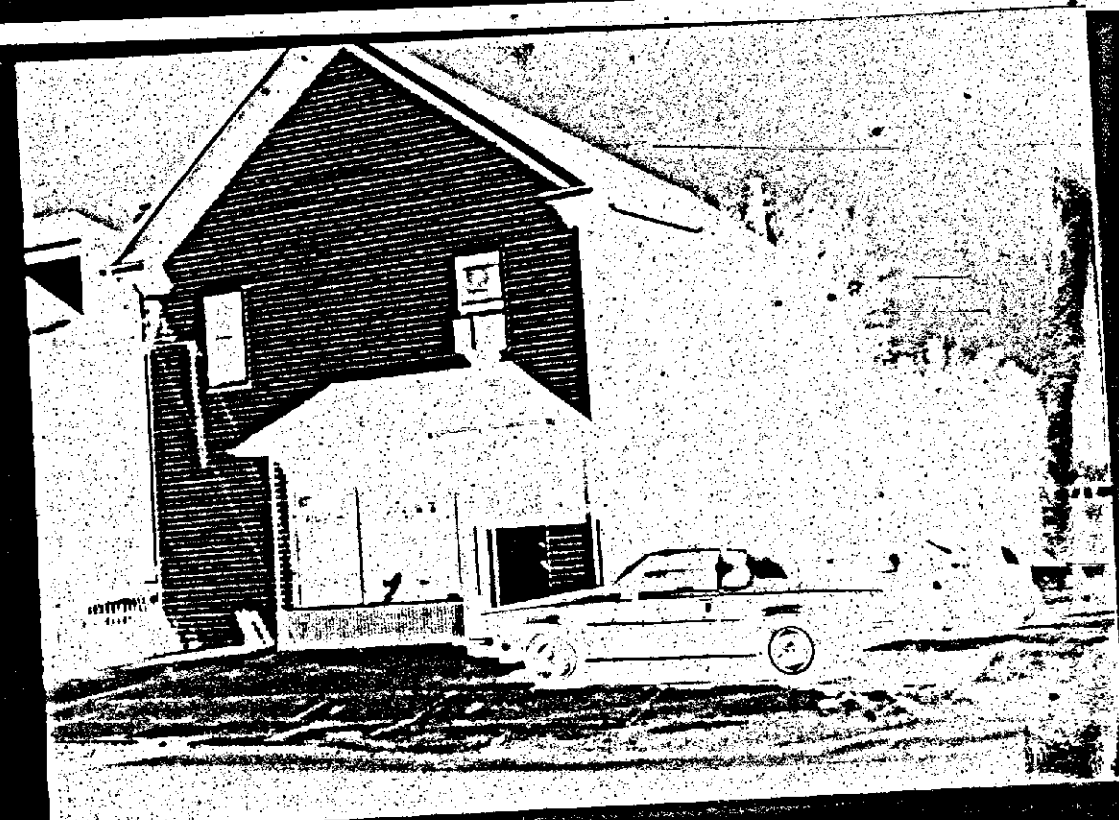


B. Existing Bldg. on site at SW 1/4 of Harford Rd. and Taylor Ave.

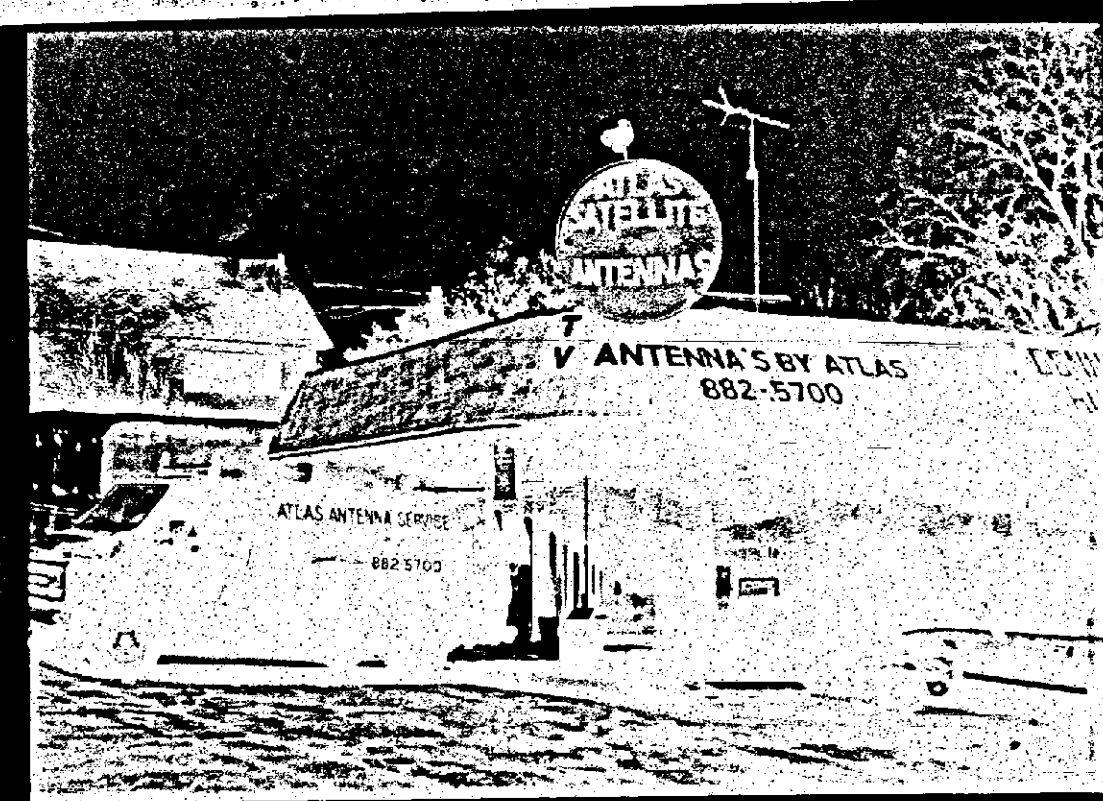


C. Commercial Building to NW on SW 1/5 of Taylor Ave.

PETITIONER'S EXHIBIT 2



D. Commercial Building opposite NW end of site

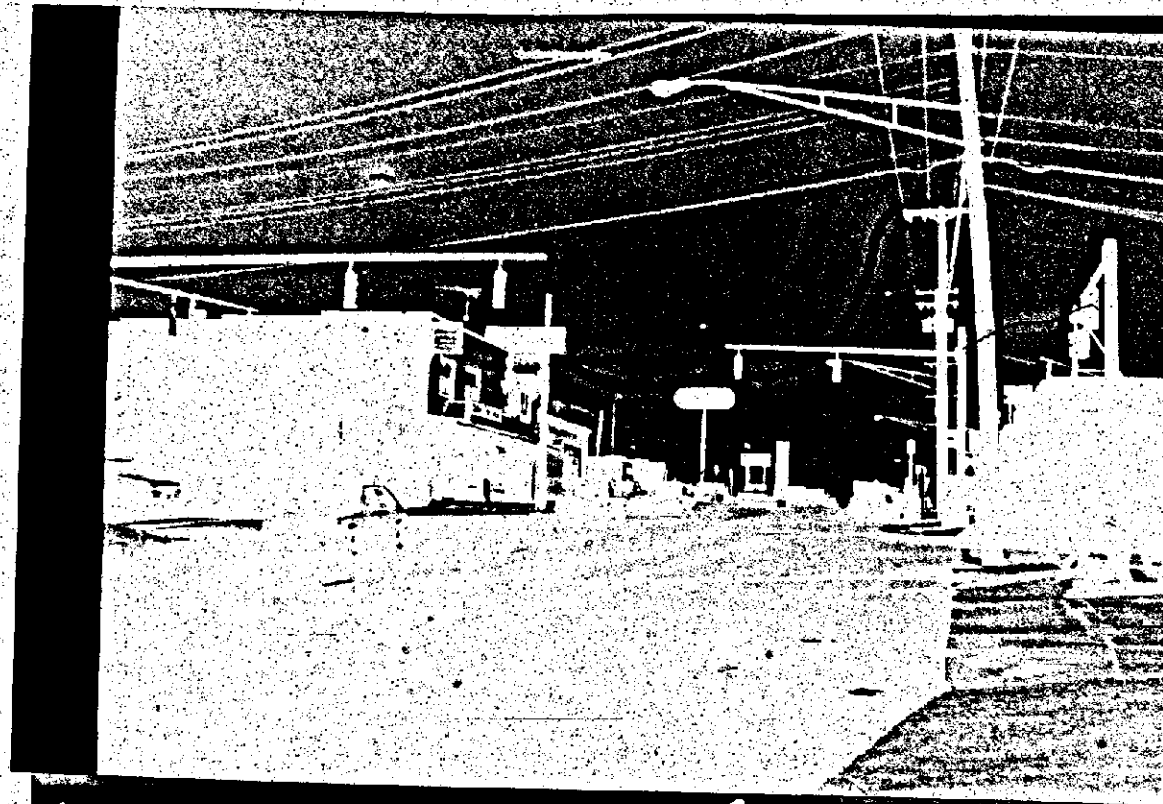


E. Commercial site opp. site NW 1/4 of Harford & Taylor

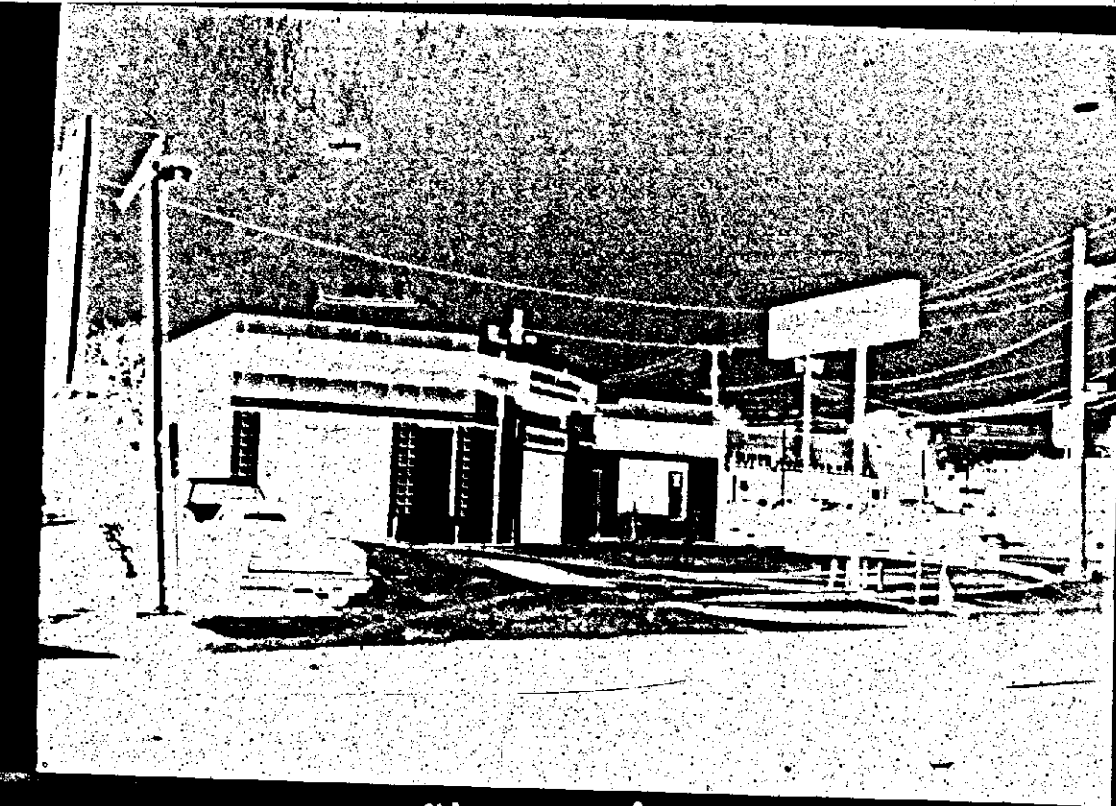


F. Looking toward Harford Rd. from in front of site on Taylor Ave.

PETITIONER'S EXHIBIT 2



H. Looking SW on Harford Rd. from NE of Taylor Ave.



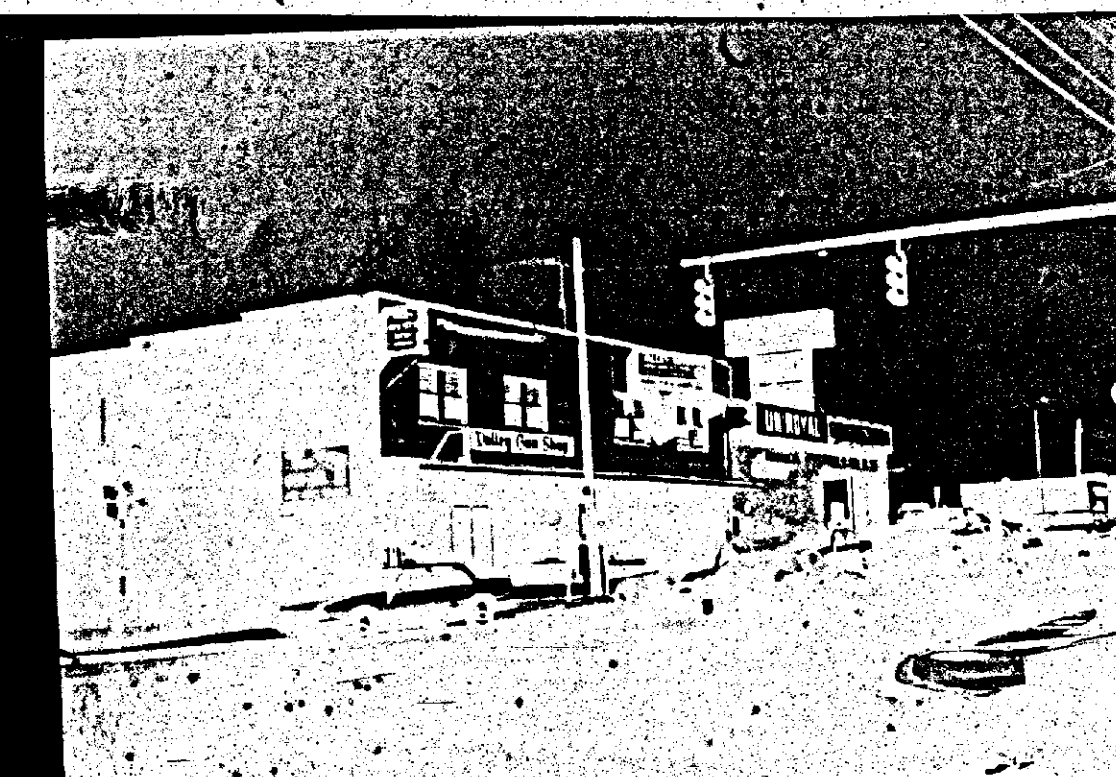
I. Auto Glass on NE 1/4 of Harford and Taylor.



J. Looking NE from site across Taylor Ave. to Harford Rd.



K. Baltimore County Reveal lot 133 from site on SE 1/5 of Harford Rd.



L. Gun Shop and Tire store on SE 1/4 of Harford Rd. and Taylor Ave.

9TH ELECTDN DISTRICT, BALTIMORE COUNTY, MD.

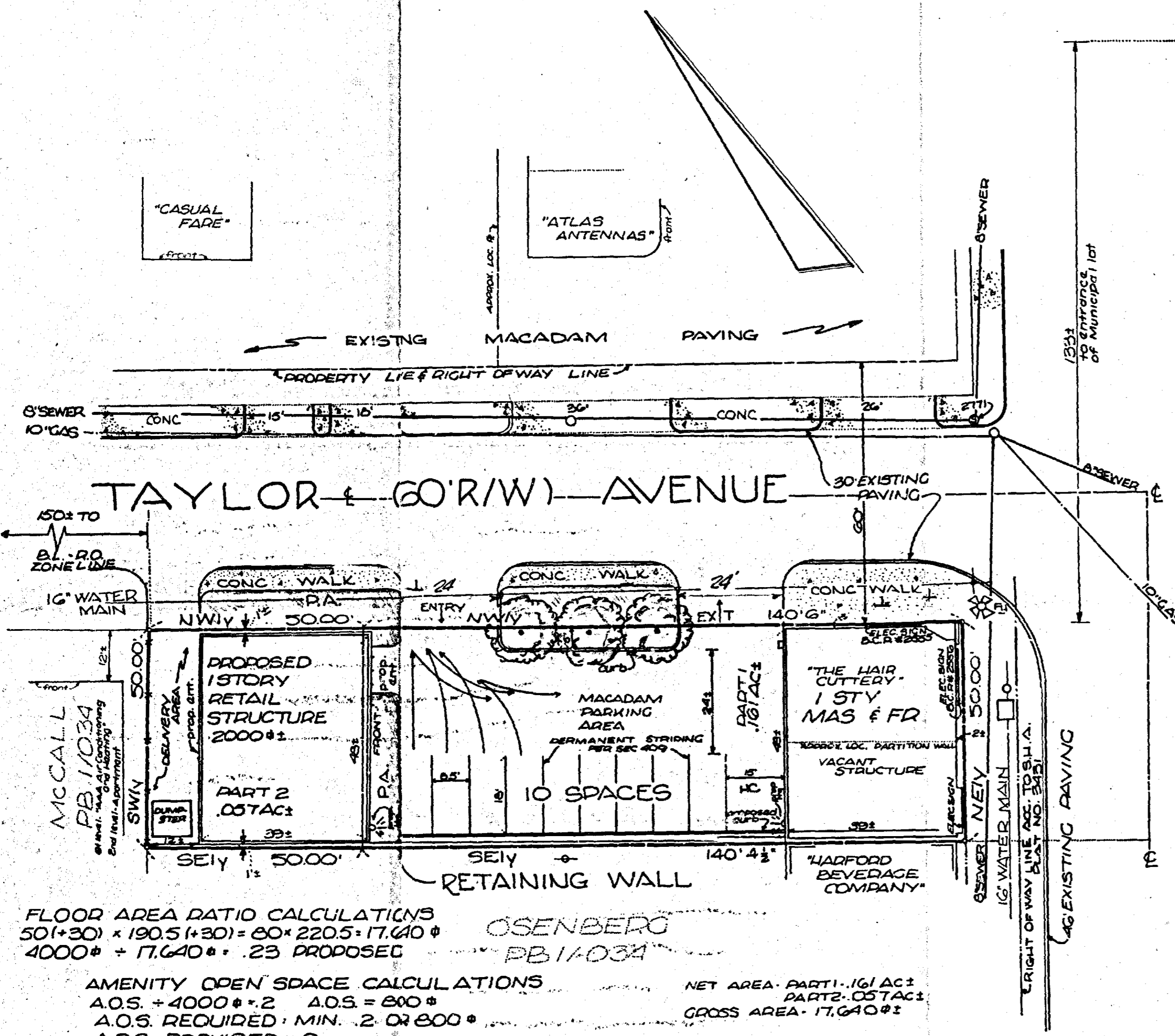
BALTO. CO. REVENUE AUTHORITY MUNICIPAL PARKING LOT (46 SPACES INCL. 2 H.C.)



VICINITY MAP SCALE: 1" = 2000'

90.422-A

PLAN TO ACCOMPANY REQUEST FOR VARIANCES PROPERTY OF NGK & ASSOCIATES 7738 & 7738A HARFORD ROAD



FLOOD AREA DATIO CALCULATIONS
50(+30) x 190.5(+30) = 60 x 220.5 = 17,640 #
4000 # + 17,640 # = 23 PROPOSED

OSENBERG
PB 14034

AMENITY OPEN SPACE CALCULATIONS
A.O.S. + 4000 # x 2 A.O.S. = 800 #
A.O.S. REQUIRED: MIN. 2.02 800 #
A.O.S. PROVIDED: 0

NET AREA: PART 1 - .161 AC ±
PART 2 - .057 AC ±
GROSS AREA - 17,640 # ±

GENERAL NOTES

- All adjoining properties lie within the B.L.-C.C.C. zone.
- Parking: No. of spaces required - 20
4000 sq. ft. + 200 = 20
No. of spaces provided - 10
- There are no existing light poles on the property.
- There are no streams on or within 50 feet of the property.
- Drainage is provided through the existing utility system.

OWNER:
NGK & ASSOCIATES
334 SAINT PAUL PLACE
BALTIMORE, MD. 21202

DEED REF: 6657100G
TAX ACC. NOS. 0911471183 &
0911471184
ZONED BL.CCC

PLAT REF: LOT 8, "MAP OF DARKVILLE", J.W.S. 1/34
DATED 1874

REF: WATER MAIN DR. NO. 47-606
REF: SEWERS DR. NO. 33-082

NOTE: 'AA&A' & 'CASUAL FARE' ENTRANCES FACE TAYLOR AVE.
'ATLAS ANTENNAS' & 'VALLEY GUN SUOD' ENTRANCES FACE HARFORD RD.

VALLEY GUN SUOD, 1st level Apartment, 2nd level

REVISED: FEB 13, 1990
REVISED: FEB 8, 1990
REVISED: JAN. 23, 1990
REVISED: JAN 17, 1989
REVISED: DEC 6, 1989
REVISED: NOV 8, 1989

SCALE: 1" = 20' DATE: 11 AUG 1989

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 6809-560 F# 98-L049

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. DENNER
WILLIAM K. FROELICHART, JR.
STEPHEN J. HANLEY, JR.
ROBERT E. CAHILL, SR.
STEPHEN M. SCHOENING
ROBERT S. GLUSKIN
DOUGLAS J. HARRIS
ROBERT E. CAHILL, JR.
LOUIS G. CLINE III
E. BRUCE JONES
ALBA R. KISTON
GREGORY J. JONES

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-9000
TELEFAX (301) 296-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(1916-1980)
OF COUNSEL
RALPH E. DEITZ
6026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITERS DIRECT DIAL
623

ALSO ADMITTED IN D.C.
ALSO ADMITTED IN NEW JERSEY

June 8, 1990

RECEIVED
JUN 11 1990
ZONING OFFICE

Honorable J. Robert Haines
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 and 7738-A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Commissioner Haines:

Please accept this letter and note an appeal to the County Board of Appeals from each and every part of Deputy Zoning Commissioner Nastarowicz' Opinion and Order of May 18, 1990 in the above-entitled variances case.

This office's check in the amount of \$150.00 representing the \$125.00 appeal fee and a \$25.00 sign fee, since there was only one sign involved, is enclosed herewith.

According to our calculations, this appeal is due by Monday, June 18th, and it will be appreciated if you will forward all appropriate materials to the Board.

Honorable J. Robert Haines
Zoning Commissioner
June 8, 1990
Page TWO

Thanking you and your staff for your attention to this matter, I am,

Respectfully,
Newton A. Williams
Newton A. Williams

NAW:med

c.c.s. Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
Baltimore County Board of Appeals
Phyllis Friedman, Esquire
Baltimore County People's Counsel
All Protestants
Mr. George Klicos
Klicos Painting
1059 Hillen Street
Baltimore, Maryland 21202

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 23, 1990



Dennis F. Easman
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 & 7738A Harford Road)
9th Election District, 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 11, 1990 by Newton A. Williams, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: George Klicos, 1059 Hillen Street, Baltimore, MD 21202
Newton A. Williams, 700 Court Towers, Towson, MD 21204
Tom Costantini, 9326 Shady Creek Way, Baltimore, MD 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

COUNTY BOARD OF APPEALS
90 JUN 24 PM 3:20

APPEAL
Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 & 7738A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Petition for Zoning Variance

Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Plan to accompany Variance
2. 10 Photographs of location
Deputy Zoning Commissioner's Order dated May 18, 1990 (Denied)
Notice of Appeal received June 11, 1990 from Newton A. Williams, Attorney on behalf of the Petitioner

cc: George Klicos, 1059 Hillen Street, Baltimore, MD 21202
Newton A. Williams, 700 Court Towers, Towson, MD 21204
Tom Costantini, 9326 Shady Creek Way, Baltimore, MD 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

NGK ASSOCIATES
CBA HEARING

People's Counsel
Ech #1
2/5/91

PROTESTANTS IN ATTENDANCE

NAME	ADDRESS
Tom Costantini	7699 Harford Rd Baltimore, MD 21234
Wm Turlington	2107 Taylor Ave Baltimore, Md 21234
G.B. DOTJARWICZ	JERRY D'S SALOON 7807 HARFORD RD 21234
JANE BISSELL	7905A HARFORD ROAD 21234
GIL OSENBURG	7732 HARFORD Rd 21234

PLEASE SEND NOTIFICATIONS OF ANY HEARINGS TO OUR SECRETARY SO THE PARKVILLE BUSINESS ASSOCIATION P.O. 10925 PARKVILLE, MD. 21234 COPY OF ORDER
* ATTN JANE BISSELL
* Ed Ernest Baisder 700 Oak Ave Baltimore, Md 21234 - Property owner

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 24, 1990

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

SUBJECT: NGK & Associates, Item No. 269

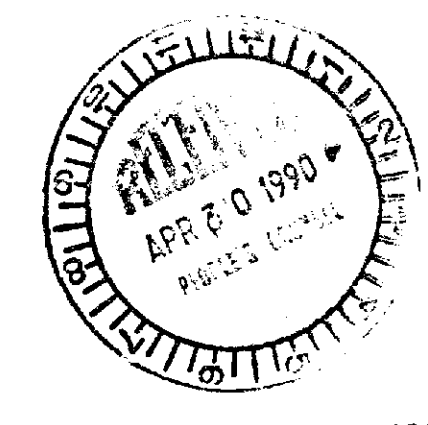
INFORMATION:
Item No.: 269 - # 90-422-A
Petitioner: NGK & Associates
Property Size: 17,640 sq. ft.
Zoning: B.L. - C.C.C.
Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a parking space, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:
The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).

Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:
The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford



NGK & Associates, Item No. 269
Page 2
April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

EK/JL/cmm



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 8, 1991

Mr. George Klicos
1059 Hillen Street
Baltimore, MD 21202

RE: Case No. 90-422-A
NGK & Associates

Dear Mr. Klicos:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: People's Counsel for Baltimore County
Newton A. Williams, Esquire
Mr. Tom Costantini
Ms. Pauline A. Schaffer
Parkville Business Association
(Attn: Jane Bissell)
Mr. & Mrs. Ernest Baisder
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
 CHARTERED
 SUITE 700, COURT TOWERS
 210 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204-5340
 (301) 823-7800
 TELEFAX (301) 296-2765

JAMES D. NOLAN (RETIRED 1990)
 J. EARLE PLUMHOFF (RETIRED 1990)
 RALPH E. DEITZ (1984-1990)

WRITER'S DIRECT DIAL 887-7856

February 1, 1991

Honorable William Hackett, Chairman
 County Board of Appeals
 County Office Building
 Towson, Maryland 21204

Dear Chairman Hackett:

RE: NGK & Associates
 Case No.: 90-422-A
 Tuesday, February 5, 1991
 at 10:00 a.m.

Confirming several calls to the Board, please strike my appearance and that of our firm from the above case.

We have tried to contact Mr. Klicos repeatedly and have received no instructions. We do not know whether Mr. Klicos will appear in person or with other counsel on February 5th at 10:00 a.m. at the hearing.

We are again warning Mr. Klicos if he does not appear the Zoning Commissioner's denial will stand, and his case may be dismissed with prejudice by the Board. However, the Board may continue the case, and give the Petitioner an opportunity to continue the case on another date, but that is up to the Chairman. The Board has asked me to appear in person and strike our appearance, which I intend to do.

Thanking the Board and staff for striking our appearance,
 I am

Respectfully,
Newton A. Williams
 Newton A. Williams

NAM/psk

cc: Mr. George Klicos, NGK & Associates
 CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COUNTY BOARD OF APPEALS
 9 FEB - 1 PM '91

County Board of Appeals of Baltimore County
 COUNTY OFFICE BUILDING
 111 WEST CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 (301) 887-3180

HEARING ROOM - Room 301
 County Office Building
 August 23, 1990
 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-422-A
 NGK & ASSOCIATES
 SW/S Taylor Ave., 30' NW of Harford Rd. (7738 & 7738A Harford Rd.)
 9th Election District
 6th Councilmanic District
 VAR-Parking spaces, setbacks, amenity open space.
 5/18/90 - D.Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 5, 1991 at 10:00 a.m.

cc: Newton A. Williams, Esquire - Counsel for Petitioner/Appellant

Mr. George Klicos
 NGK & Associates
 Mr. Tom Costantini Protestant
 Ms. Pauline A. Schaffer

People's Counsel for Baltimore County
 P. David Fields
 Pat Keller
 J. Robert Haines
 Ann M. Nastarowicz
 James E. Dyer
 W. Carl Richards, Jr.
 Docket Clerk - Zoning
 Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
 Legal Secretary

fee noted
 8/14/90
 K.

3020 Lavender Avenue
 Baltimore, Md. 21234-5819
 August 9, 1990

Board of Appeals of
 Baltimore County, Room 315
 County Office Building
 Towson, Maryland 21204

COUNTY BOARD OF APPEALS
 90 AUG 17 PM 1:07

Dear Sirs:
 I am concerned about the Public Hearing, Case # 90-422-A. Will you please keep me informed as to the progress of the case, and when the Public Hearing will take place.

I am a citizen of Baltimore County, and live less than 2 blocks from the sight of the proposed retail building. I have lived in my present home for forty-nine years, and I am concerned about Parkville property and Parkville business people.

I oppose the building of the retail store.
 Yours truly,
 Pauline A. Schaffer

8/23/90 - Following parties notified of hearing set for February 5, 1991 at 10:00 a.m.:

Newton A. Williams, Esquire
 Mr. George Klicos
 NGK & Associates
 Mr. Tom Costantini
 Ms. Pauline A. Schaffer
 People's Counsel for Baltimore County
 P. David Fields
 Pat Keller
 J. Robert Haines
 Ann M. Nastarowicz
 James E. Dyer
 W. Carl Richards, Jr.
 Docket Clerk - Zoning
 Arnold Jablon, County Attorney

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
 CHARTERED
 SUITE 700, COURT TOWERS
 210 WEST PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204-5340
 (301) 823-7800
 TELEFAX (301) 296-2765

J. EARLE PLUMHOFF (RETIRED 1990)
 JAMES D. NOLAN (RETIRED 1990)
 RALPH E. DEITZ (1984-1990)

WRITER'S DIRECT DIAL 823

June 8, 1990

RECEIVED
 JUN 11 1990
 ZONING OFFICE

Honorable J. Robert Haines
 Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Re: Petition for Zoning Variance
 SW/S of Taylor Avenue, 30' NW of Harford Road
 (7738 and 7738-A Harford Road)
 9th Election District - 6th Councilmanic District
 NGK & Associates - Petitioner
 Case No. 90-422-A

Dear Commissioner Haines:

Please accept this letter and note an appeal to the County Board of Appeals from each and every part of Deputy Zoning Commissioner Nastarowicz' Opinion and Order of May 18, 1990 in the above-entitled variances case.

This office's check in the amount of \$150.00 representing the \$125.00 appeal fee and a \$25.00 sign fee, since there was only one sign involved, is enclosed herewith.

According to our calculations, this appeal is due by Monday, June 18th, and it will be appreciated if you will forward all appropriate materials to the Board.

Honorable J. Robert Haines
 Zoning Commissioner
 June 8, 1990
 Page Two

Thanking you and your staff for your attention to this matter, I am,

Respectfully,
Newton A. Williams
 Newton A. Williams

NAM:med

C.C.S. Honorable Ann M. Nastarowicz
 Deputy Zoning Commissioner for Baltimore County
 Baltimore County Board of Appeals
 Phyllis Friedman, Esquire
 Baltimore County People's Counsel
 All Protestants
 Mr. George Klicos
 Klicos Painting
 1059 Hillen Street
 Baltimore, Maryland 21202

APR 25 1990 90-422-A

APR 28 1990

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner
 DATE: April 24, 1990

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

SUBJECT: NGK & Associates, Item No. 269

INFORMATION:
 Item No.: 269
 Petitioner: NGK & Associates
 Property Size: 17,640 sq. ft.
 Zoning: B.L. - C.C.C.
 Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:
 The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).
 Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:
 The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford

NGK & Associates, Item No. 269
 Page 2
 April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because any future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SW/4 S of Taylor Ave., 30' NW : OF BALTIMORE COUNTY
of Harford Rd. (7738 & 7738-A : Case No. 90-422-A
Harford Rd.), 9th Election Dist. : 6th Councilmanic Dist.
NGK & ASSOCIATES, Petitioner :

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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 13th day of June, 1990, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, Chtd., 700 Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner/Appellant.

Phyllis Cole Friedman
Phyllis Cole Friedman

COUNTY BOARD OF APPEALS
90 JUN 13 AM 9:45

APRIL 25th 90-422-A

NR 26 900

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 24, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: NGK & Associates, Item No. 269

INFORMATION:

Item No.: 269
Petitioner: NGK & Associates
Property Size: 17,640 sq. ft.
Zoning: B.L. - C.C.C.
Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:

The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).

Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:

The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford

NGK & Associates, Item No. 269
Page 2
April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

April 16, 1990

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers, 210 W. Pennsylvania Avenue
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Item No. 269, Case No. 90-422-A
Petitioner: NGK & Associates
Petition for Zoning Variance

Dear Mr. Williams:

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,

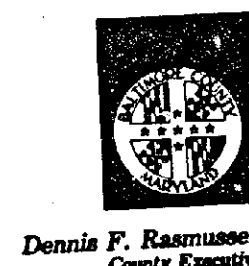
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 15th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: NGK & Associates
Petitioner's Attorney: Newton A. Williams

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 9, 1990



Dennis F. Rasmussen
County Executive

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

Item 269
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Z.A.C. March 6, 1990
NGK & Associates
SW/S Taylor Ave, NW
of Harford Road
B.L. - C.C.C.
Variance to permit 10 parking spaces in lieu of the required 20 parking spaces; to permit a front/side yard set back of 1 ft. in lieu of the required 10 ft from the front property line and 31 ft from the st. centerline in lieu of the required 40 ft and an Amenity Open Space of zero sq. ft. in lieu of the required 800 sq. ft.
.218 acre
9th Election District
6th Councilmanic District

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

1. The site plan shows 3 curbs, and provide 3 pts. of congestion.
2. The delivery area will require trucks to back in or out of the area; backing in or out would use the entire width of Taylor Avenue. Backing in or out on Taylor Avenue, will cause a unsafe condition, and add to the congestion on Taylor Avenue.

3. The Bureau of Traffic Engineering recommends the following changes on the site plans.

This site should be limited to one entrance, and that entrance should be located as far as possible from Harford. Taylor Avenue should be widened by 8 ft along the entire frontage of the site.

Attached is a copy of the owners plan, Traffic Engineering's suggested change to the site plan, and proposed street marking plan.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/lab

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

NR 21 900

March 15, 1990



Dennis F. Rasmussen
County Executive

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

Item No. 269
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Z.A.C. March 6, 1990
NGK & Associates
SW/S Taylor Ave, NW of Harford Road
B.L. - C.C.C.
Variance to permit 10 parking spaces in lieu of the required 20 parking spaces; to permit a front/side yard set back of 1 ft. in lieu of the required 10 ft. from the front property line and 31 ft. from the st. centerline in lieu of the required 40 ft. and an Amenity Open Space of zero sq. ft. in lieu of the required 800 sq. ft.
.218 acre
9th Election District
6th Councilmanic District

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

1. The site plan shows 3 curb cuts which would generate three (3) additional pts. of congestion on an already congested roadway.
2. The delivery area will require trucks to back in or out of the area; backing in or out would require use of the entire width of Taylor Avenue. Backing in or out on Taylor Avenue will cause an unsafe condition and add to the congestion on Taylor Avenue.
3. The requested variance to parking can be expected to add to the existing parking problems in the area.
4. The Bureau of Traffic Engineering strongly recommends the following changes on the site plans.

J. Robert Haines
Page 2
March 15, 1990

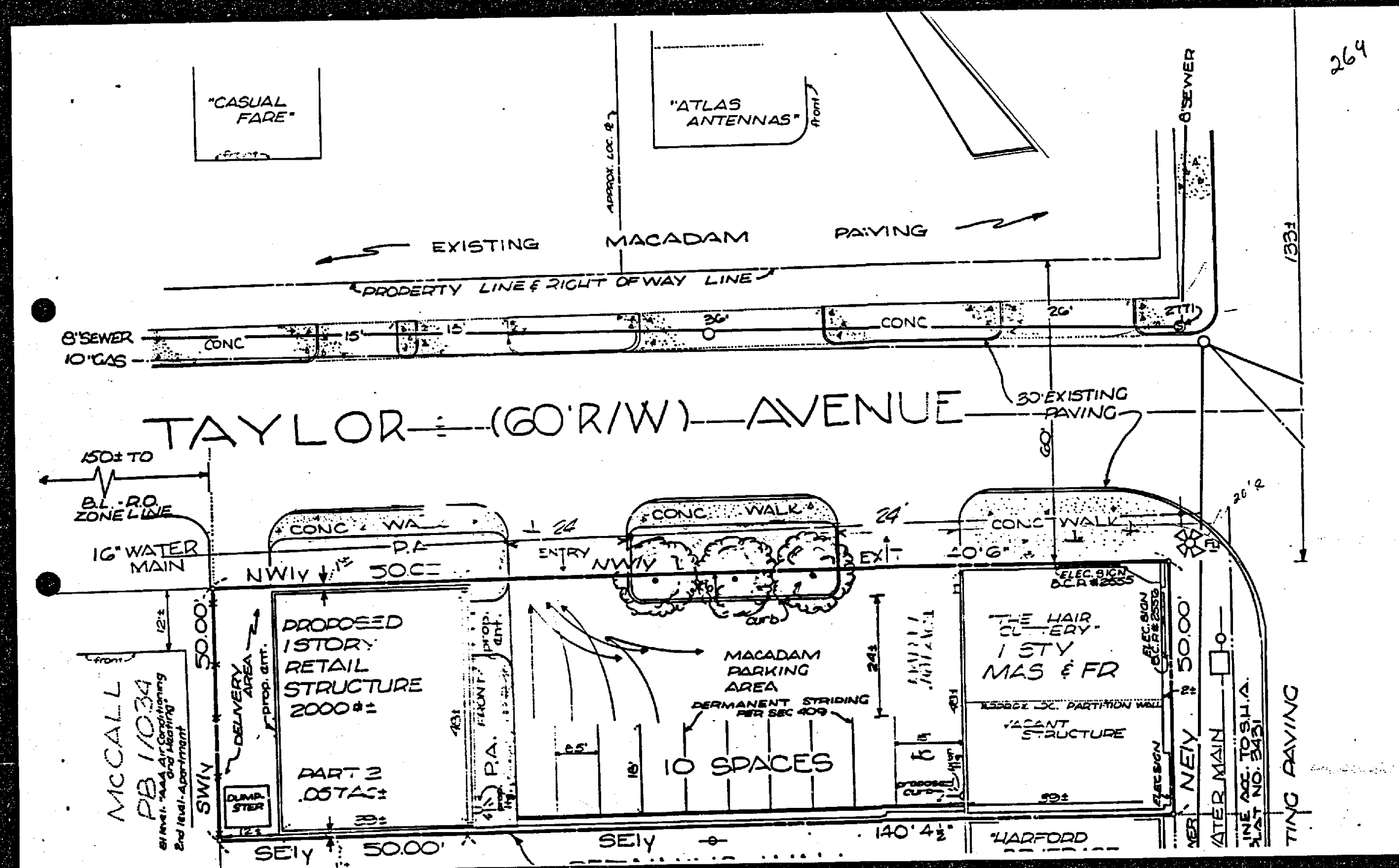
This site should be limited to one entrance, and that entrance should be located as far as possible from Harford Road. Taylor Avenue should be widened by 8 ft. along the entire frontage of the site. This will provide for an adequate level of safety in this area, minimize additional congestion on this section of Taylor Avenue, and provide for increased capacity at Taylor Avenue and Harford Road which does experience peak-hour capacity constraints.

Attached is a copy of the owner's plan, Traffic Engineering's suggested changes to the site plan, and proposed street marking plan.

Very truly yours,

C. Richard Moore
C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

CRM/MSF/lvw
Attachment



Baltimore County
Fire Department
Towson, Maryland 21284-2386
494-4300
Paul H. Reincke
Chief

MARCH 14, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284



RE: Property Owner: NGK AND ASSOCIATES
Location: SW/S OF TAYLOR AVENUE
Item No.: 269 Zoning Agenda: MARCH 6, 1990

Gentlemen:

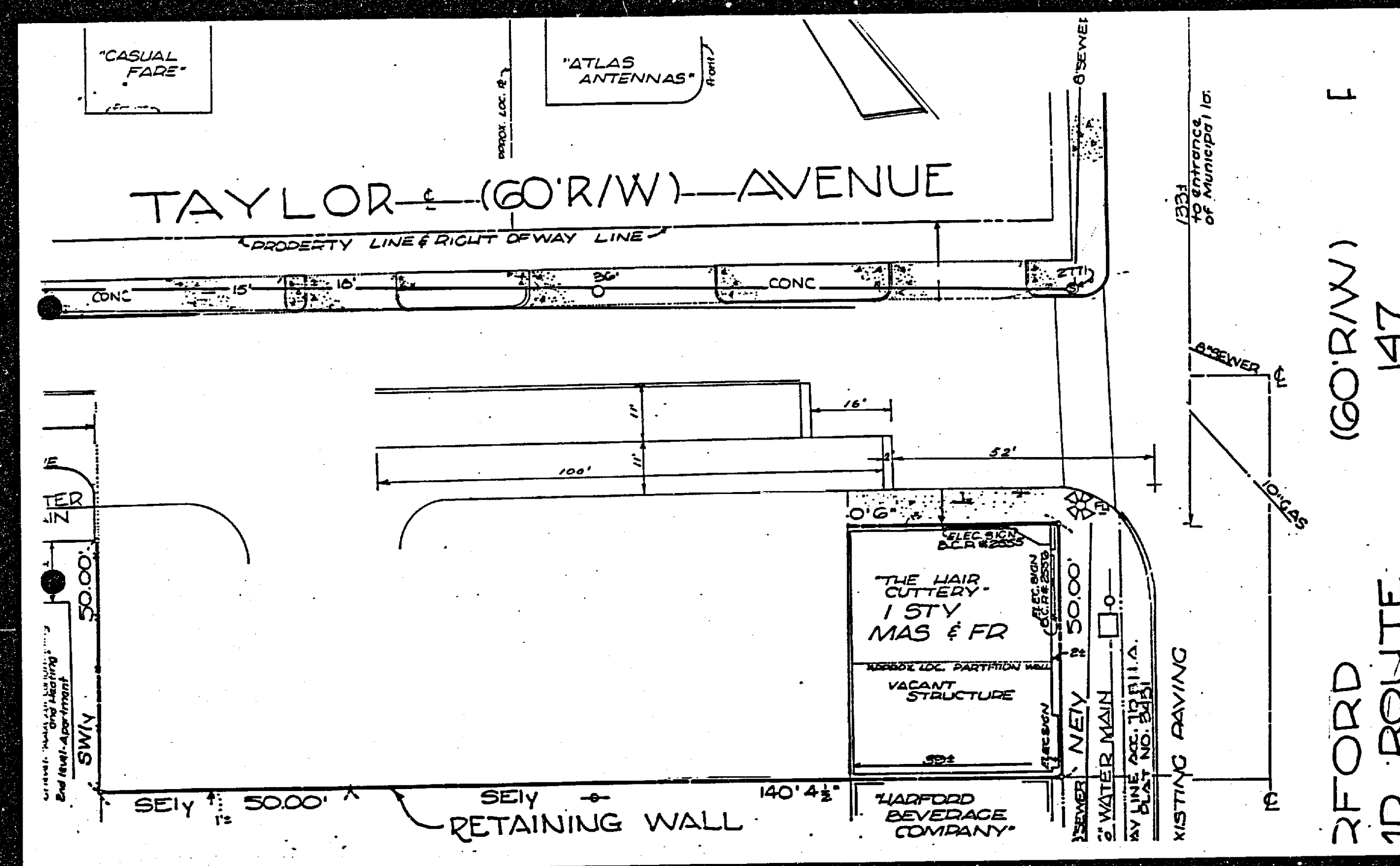
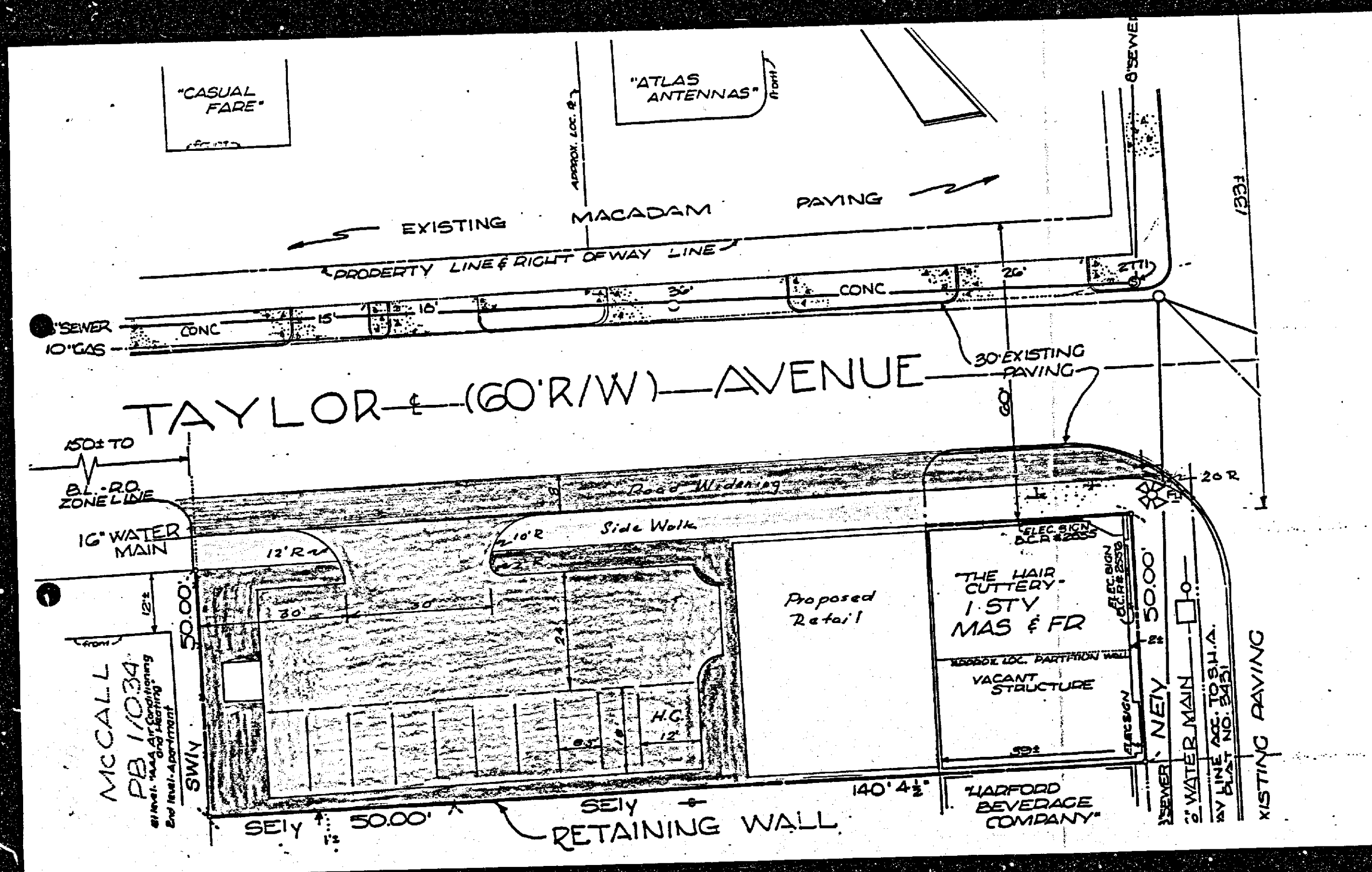
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *John J. ...* 3-14-90 Noted and Approved: *Captain W. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

MS 15 1990



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 262, 263, 264, and, 268.

For Item 259 the previous County Review Group comments remain in effect.

For Item 261 the minimum width for a single panhandle frontage is 20 feet (12 feet is shown). The septic area on the opposite side of the road would require crossing of the public road R/W with private sewer line (which would require a franchise agreement).

For Items 265, 269, and 270, a County Review Group Plan may be required for each property.

For Items 267 and 268 the previous County Review Group comments remain in effect.

For Item #203 revised - Caves Valley Gold Club - the previous County Review Group comments still apply.

Amendment for 90-154A - No. 819 Ridgeleigh Road, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MS 0 6 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 18, 1990



Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 and 7738-A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied 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 887-3391.

Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

cc: All Protestants
- People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 30, 1990



Newton A. Williams, Esq.
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 90-422-A
SW/S Taylor Avenue, 30' NW c/l of Harford Road or
NW/S Harford Road, 30' SW of Taylor Avenue
7738 & 7738A Harford Road
Petitioner(s): TUESDAY, APRIL 25, 1990 at 11:00 a.m.

Dear Mr. Williams:

Revisions received and having been approved per Mr. Jeffrey Long, the above matter will go forward as scheduled on April 25, 1990.

Thank you for your cooperation in this matter.

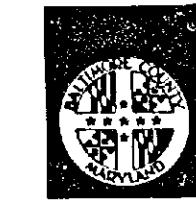
Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
(301) 887-3391

GGS

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 19, 1990



Newton A. Williams, Esq.
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: Case Number: 90-422-A
SW/S of Taylor Avenue, 30' NW c/l of Harford Road or
NW/S of Harford Road, 30' SW of Taylor Avenue
7738 & 7738A Harford Road
Petitioner(s): NGK & Associates
HEARING DATE: TUESDAY, APRIL 25, 1990 at 11:00 a.m.

Dear Mr. Williams:

The Zoning Commissioner has received the the enclosed correspondence from the Zoning Advisory Committee. The Zoning Commissioner has considered this correspondence a Request for Postponement and is currently entertaining a postponement of this matter until mid-June, 1990.

This postponement will be effected if no written objection is received on or before March 30, 1990.

Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
(301) 887-3391

GGS
cc: Pat Keller
Carl Richards

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: J. Robert Haines
Zoning Commissioner

DATE: March 16, 1990

FROM: Pat Keller
Deputy Director of Planning

SUBJECT: Zoning Petition Item 269
NGK & Associates, Petitioner

The Zoning Advisory Committee reviewed the subject request in its meeting of March 14, 1990. Several agencies found deficiencies in the proposed layout, which include the number of proposed entrance and their proximity to the intersection of Harford Road and Taylor Avenue. Sufficient on site maneuvering has not been provided for the loading/dumpster area on the northwest side of the site. The proposed planting area is not the minimum 8 foot width required by the Landscape Manual.

For these reasons, the Zoning Advisory Committee requests that the petition not be scheduled for public hearing until it has been reviewed and approved by the CRG.

cc: Newton A. Williams, 700 Court Towers, 210 W. Pennsylvania Avenue,
Towson, MD 21204
W. Carl Richards, Jr.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton A. Williams (Att.)	700 Court Towers
George Kreis	1059 Hillen St. 2102
Felix Ransore	P.O. Box 10160, Towson, 21285-0160
Bernard Willemann	Dulany Valley Rd., Phenix, Md. 21131

MEMO

3/29/90

Newton Williams called this morning regarding case #90-422(NGK). He is working with planning as to the changes they request to the plan. He asked that I not pull the April 25, 1990 hearing date. He promised to call me back no later than Monday morning, 4/2/90.

If he can meet this deadline, I must:

- 1) Call any changes into the Jeff and Northeast.
- 2) If necessary have the ad run on 4/11/90 and 4/12/90.

If he cannot meet the deadline, I must:

- 1) Call the Jeff and Northeast - cancel 4/4/90 and 4/5/90 ads.
- 2) Call Walt - no posting.
- 3) Get out postponement notices.
- 4) Ascertain when the case can be rescheduled.

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
* Tom Costantini	9326 SINDYCREST WAY Baltimore, MD 21234
1130 Tuxington	AAA Air Cond. 2907 TAYLOR AVE
John W. McCall	AAA AIR COND 2907 Taylor Ave
* RUTH E. LITWIST BAISDEN	7706 OAL AVE 21234 7728 HARFORD RD. 21234
* STEPHEN H. KOSCHMAN	7708 HARFORD RD 34
James L. Nichols	7800 HARFORD RD 21234

MARC
SCHOOL OF BEAUTY CULTURE

7726 HARFORD ROAD
BALTIMORE, MARYLAND 21234
PHONE: 665-6404
(Area Code 301)

April 9, 1990

RECEIVED
APR 10 1990
ZONING OFFICE

Mr. J. Robert Haines, Commissioner of Zoning
Room 106, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

I am the owner of businesses and property at 7726-30 Harford Road (near corner of Taylor and Harford), and a member of the Parkville Business and Professional Association. As such, I would like to go on record as opposing the variance petition #269,90-422-A, which will be heard on April 25, 1990.

Parking has been a problem in this area for years. Currently, clients and patrons can find only limited parking. If this petition for variance is granted, valuable parking space will be lost and the business climate will become more inhospitable. Please do not add to our dilemma.

Perhaps with further study, a solution could be found.

Respectfully,

Carine Cantalupo
Carine Cantalupo

CC:jcc

cc: Parkville Business and Professional Association

cc: J. J. Siskin, Esq., R.L.S., P.O. Box 10160, Towson, Md. 21285-0160
cc: Mr. Felix Ransore, NGK & Associates, 334 St. Paul Blvd., 21202
cc: Zoning Commissioner's Office
NOLAN, PLUMBHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
PHONE 883-7600
TELEFAX 883-2785
March 30, 1990

Re: Proposed Revised Site Plan for 7738 and 7738A Harford Rd.

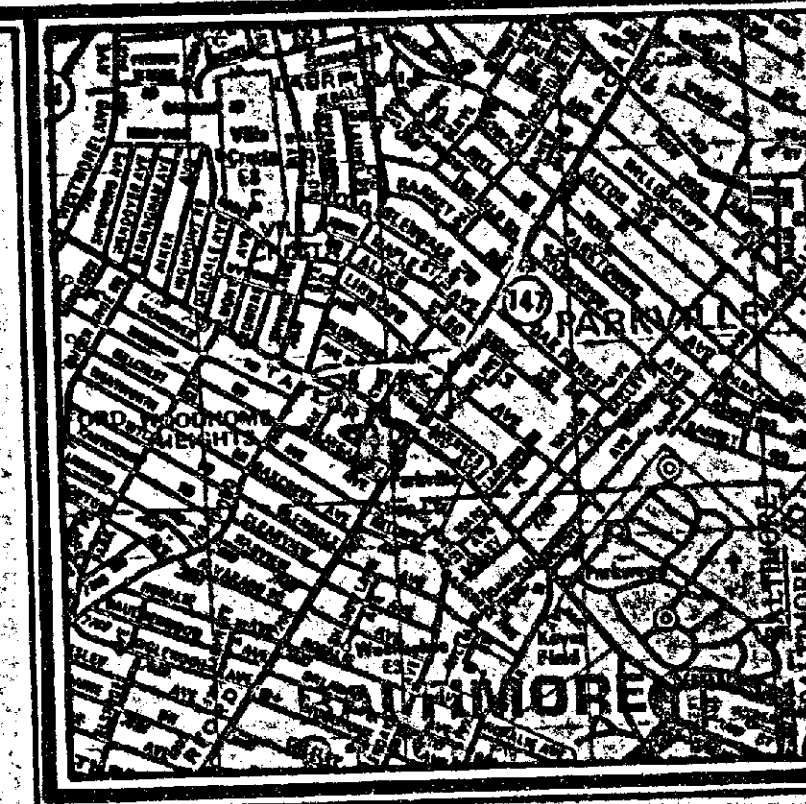
Dear Jeff:

Per your phone call of this morning, enclosed is the latest plot revision of March 27, 1990, responding to the recent comments by Mr. Keller.
You will note that the revised plan shows the existing 2nd entrance closed to Harford Rd., and increases the depth of front parking.
This proposal will be a big improvement over the existing rough parking lot. Please review and advise.
ALSO PLEASE CONFIRM BY A CALL TO GWEN AT 887-3391 REGARDING HOLDING THE 4/25 HEARING DATE.
Thanks for your kind attention. Best regards, Newton

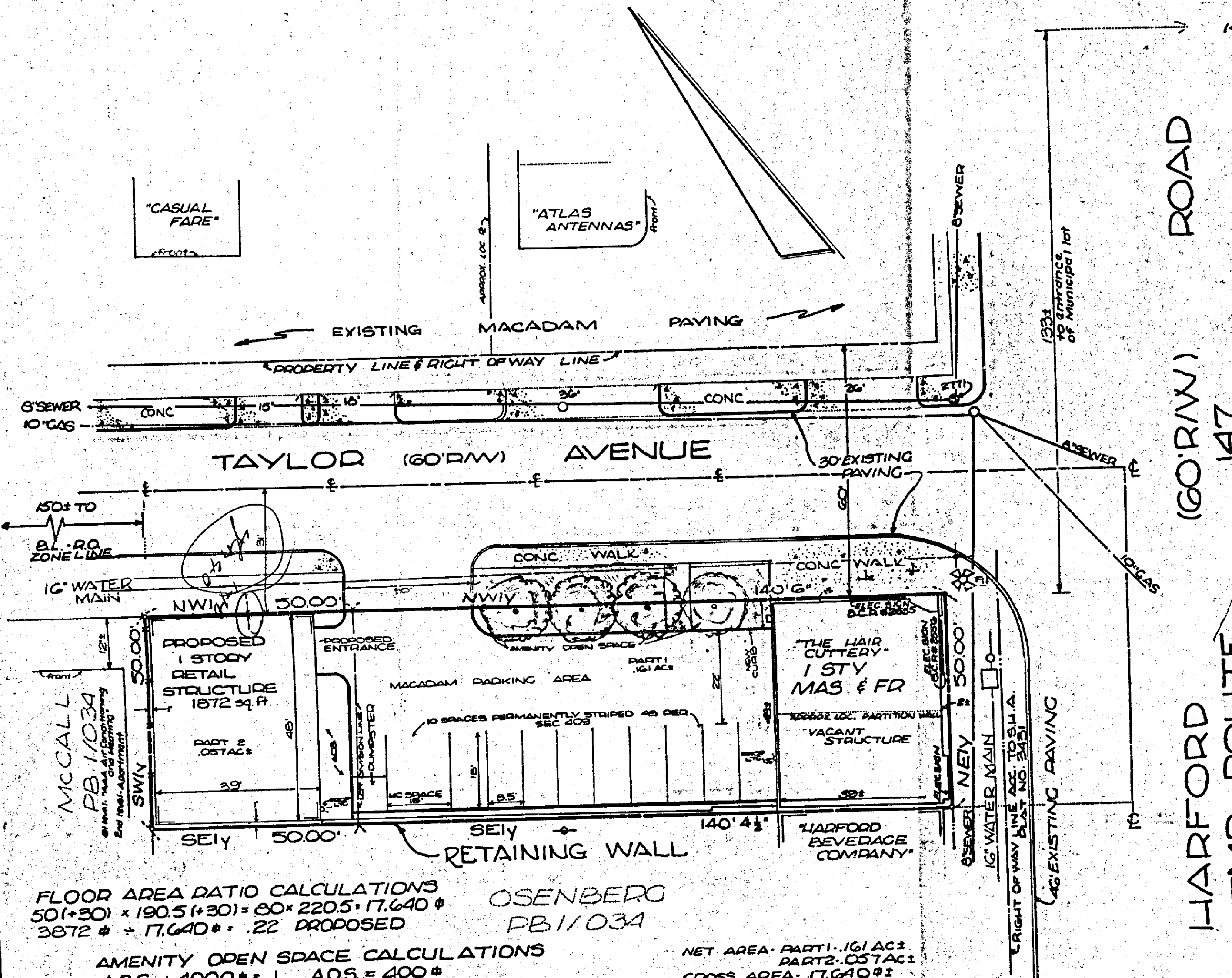
90-422

9TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

BALTO. CO REVENUE
AUTHORITY MUNICIPAL
PARKING LOT
(46 SPACES INCL. 2 H.C.)



VICINITY MAP
SCALE 1" = 2000'



PLAN TO ACCOMPANY
REQUEST FOR VARIANCES
PROPERTY OF
NGK & ASSOCIATES
7738 & 7738A
HARFORD ROAD

**PETITIONER'S
SUBMIT 1**

REVISED: FEB 13, 1990
REVISED: FEB 8, 1990
REVISED: JAN. 23, 1990
REVISED: JAN. 17, 1990
REVISED: DEC 6, 1989
REVISED: NOV 8, 1989
REVISED APR 24, 1990
REVISED APR 12, 1990
REVISED MAR 27, 1990

SCALE: 1" = 20' DATE: 11 AUG 1989

**J. FINLEY RANSOME
& ASSOCIATES**
REGISTERED
LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 0009-560 F# 98-L049

FLOOR AREA RATIO CALCULATIONS
501(+30) x 190.5(+30) = 80 x 220.5 = 17,640 #
3872 # + 17,640 # = 22 PROPOSED

AMENITY OPEN SPACE CALCULATIONS
A.O.S. + 4000 # = .1 A.O.S. = 400 #
A.O.S. REQUIRED: MIN. .1 OR 400 #
A.O.S. PROVIDED: 749.0 SQ. FT. OR .19%

NET AREA: PART 1 - 161 AC ±
PART 2 - 0.57 AC ±
GROSS AREA: 17,640 # ±

OWNER:
NGK & ASSOCIATES
334 SAINT PAUL PLACE
BALTIMORE, MD. 21202

DEED REF: G657100G
TAX ACC. NOS. 0911471183 & 0911471184

ZONED BL-CCC

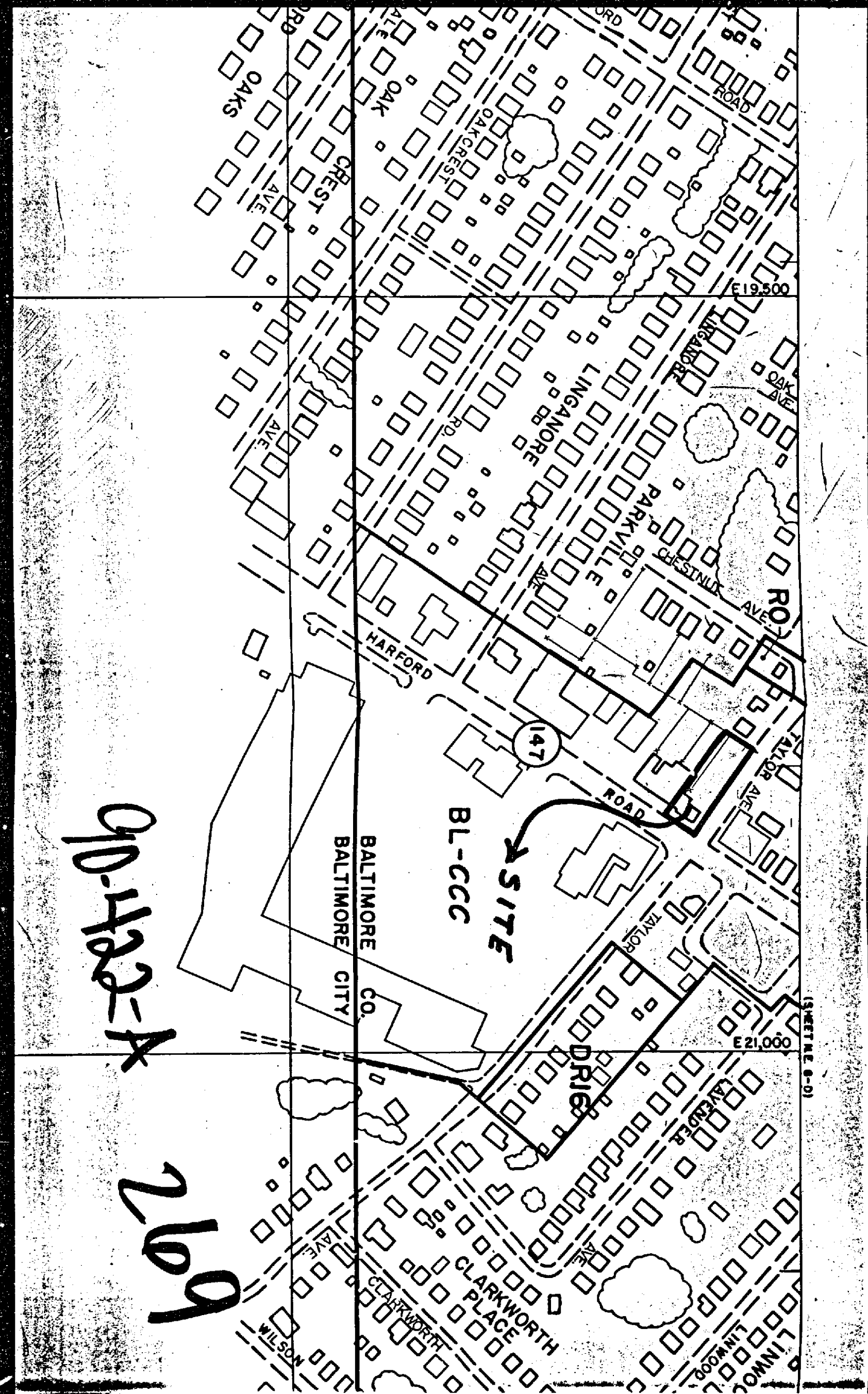
PLAT REF: LOT 6, 'MAD OF PARKVILLE', J.W.S. 1134 DATED 1874

REF: WATER MAIN DR. NO. 47-606
REF: SEWERS DR. NO. 33-082

NOTE: 'AA#A' & 'CASUAL FADE' ENTRANCES FACE TAYLOR AVE. 'ATLAS ANTENNAS' & 'VALLEY GUN SLID' ENTRANCES FACE HARFORD RD.

GENERAL NOTES

- All adjoining properties lie within the B.L.-C.C.C. zone.
- Parking: No. of spaces required - 20
4000 sq. ft. + 200 = 20
No. of spaces provided - 10
- There are no existing light poles on the property.
- There are no streams on or within 50 feet of the property.
- Drainage is provided through the existing utility system.



IN THE MATTER OF THE APPLICATION OF NGK & ASSOCIATES FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTH-WEST SIDE OF TAYLOR AVENUE, 30' NORTHWEST OF HARFORD ROAD, 9TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-422-A

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated May 18, 1990 which denied the Petition for Variance in Case No. 90-422-A. This case was called for hearing at 10:32 a.m. on February 5, 1991. No representative of the Petitioner was present. Petitioner was contacted by telephone, and it was indicated that he did not wish to pursue his Petition and would therefore request a dismissal.

Having noted on the record Petitioner's request for dismissal and that no representative of the Petitioner was present in the hearing room, the Board will dismiss the Petitioner's appeal with prejudice.

IT IS THEREFORE this 8th day of February, 1991 by the County Board of Appeals of Baltimore County ORDERED that the appeal noted in this case be and the same is DISMISSED WITH PREJUDICE.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
 William T. Hackett, Chairman
 Harry E. Buchheister, Jr.

IN RE: PETITION FOR ZONING VARIANCE SW/S of Taylor Avenue, 30' NW of Harford Road (7736 & 7738A Harford Road) 9th Election District 6th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-422-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit ten (10) parking spaces in lieu of the required twenty (20), a front/side yard setback of 1 foot in lieu of the required 10 feet, a setback of 31 feet from the street centerline in lieu of the required 40 feet, and an amenity open space of 0 sq.ft. in lieu of the required 800 sq.ft. for a proposed retail building in accordance with Petitioner's Exhibit 1.

The Petitioner, by George Killos, partner, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were Bernard Willemain, Planning and Zoning Consultant, and Finley Ransome, Registered Land Surveyor. Appearing as Protestants in the matter were Tom Costantini, William Turlington, III, John W. McCall, Ruth and Ernest Baisden, Stephen H. Kohlman, Gerard B. Dotterweist and James White. All Protestants are individuals who either conduct business in the area and/or are residents.

Testimony indicated that the subject property, known as 7738 and 7738A Harford Road, is a rectangularly shaped lot containing 17,640 sq.ft. zoned B.L.-C.C.C., and is improved with a one story masonry and frame building at the corner of Harford Road and Taylor Avenue. Mr. Killos testified that the subject property was purchased by his father in the late 1960s and is now held by a family partnership consisting of himself,

ORDER RECEIVED FOR FILING
 Date 2/13/91
 By [Signature]

his mother and two sisters. At the time of his father's purchase, a restaurant operated from the existing building. Currently, a portion of the building is leased to a Hair Cuttery franchise. The remainder of the building is vacant. Mr. Killos testified that his family is desirous of constructing another one story retail structure on the premises at the opposite end of the site, as depicted in Petitioner's Exhibit 1. Said portion abuts the property owned by Mr. McCall, who appeared as a Protest-

tant. Testimony indicated the Petitioner is of the opinion that the size of the proposed building needs to be as close to 2,000 feet as possible to be commercially marketable or financially feasible. Mr. Killos testified regarding the improvements made to the existing structure in approximately 1985. He further testified that the plan has been revised on numerous occasions to respond to Zoning Plans Advisory Committee comments submitted by the Departments of Traffic Engineering and the Office of Planning, including, but not limited to, providing a planting area and providing a 30-foot wide single entrance to the existing parking area rather than the originally proposed double entrance of only 24 feet in width.

Mr. Willemain testified as to his extensive familiarity with the Parkville business district and indicated that in his opinion, denial of the relief requested would result in practical difficulty and unreasonable hardship for the Petitioner. He testified the Petitioner's proposal is in keeping with the character of the neighborhood being a business district, and that a number of businesses are without on-site parking. He testified that in this instance, Petitioner will provide 10 of the required 20 parking spaces. Mr. Willemain and other witnesses for the Petitioner indicated

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 Date 2/13/91
 By [Signature]

quate parking. He testified that there is presently a parking problem at the site of the Hair Cuttery. In his opinion, as well as that of many of the other Protestants, the proposed building and rental of the remaining portion of the existing building will only further complicate a critical situation. He testified that he has been in the area since 1979 and contrary to the testimony presented by Petitioner, it is his experience that the Revenue Authority parking lot is generally filled throughout the day on weekdays on a regular basis.

Ruth Baisden testified that she resides on Oak Avenue. She testified that the granting of the variance will be detrimental to the health, safety and general welfare of the surrounding community due to the existing traffic congestion problem. Mrs. Baisden testified that in her opinion, the proposed building will further aggravate parking problems and traffic congestion in the area.

Mr. Kohlman, a residential tenant above a business located on Harford Road, testified in opposition for the same reasons set forth by the other Protestants.

Mr. White, a long-time resident of Parkville and the owner of two businesses in the area, testified in opposition to the granting of the relief requested by petitioner. He testified that he operates a business on the opposite corner and believes the granting of the variance will be detrimental to the surrounding area. He testified that the Hair Cuttery business presently results in 18 to 20 cars using the existing parking lot at any given time on a regular basis.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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 Date 2/13/91
 By [Signature]

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).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variances were denied. While the testimony and evidence presented would indicate that the plan proposed by Petitioners, as set forth in Petitioner's Exhibit 1, in at least two ways is an improvement from the current situation in that a planting area would be provided and access to the existing parking lot would be improved, the overall impact would be detrimental to the surrounding area. It is clear from the evidence presented that the existing use currently exceeds the proposed 10 parking spaces. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

ORDER RECEIVED FOR FILING
 Date 2/13/91
 By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-422-A

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 409.4 to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front setback of one (1) foot in lieu of the required ten (10) feet from the front property line and thirty-one (31) feet from the street center line in the new retail space, old and new, to twenty spaces. I request the following reasons: (Indicate hardship or practical difficulty)

1. That the Petitioner is proposing to construct a new retail building on the Taylor Avenue frontage, which in addition to older retail space (which predates the Zoning Regulations) at the N.W. corner of Harford Road and Taylor Avenue will raise the total requirement, old and new, to twenty spaces.
2. That the Petitioner is actually providing the full required ten spaces (10) for the new retail space; the older retail space never truly having had off street parking.
3. That without the requested variance the Petitioner will sustain practical and difficulty and unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations. (see attached)

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: NGK & Associates (Type or Print Name) Signature: George Khoury (Type or Print Name) Address: 1059 Hillen Street Baltimore, Maryland 21202 City and State: City and State

Legal Owner(s): NGK & Associates (Type or Print Name) Signature: (Type or Print Name) Address: 1059 Hillen Street Baltimore, Maryland 21202 City and State: City and State

Attorney for Petitioner: Newton A. Williams, Esquire 700 Court Towers 210 N. Pennsylvania Avenue Towson, Maryland 21284 City and State: City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: 685-6145 Phone No. 21202 City and State: City and State

Township: Harford City and State: City and State

Address: 2120A Name: Name Phone No. 822-7800 Phone No.

ORDER RECEIVED FOR FILING
 Date 2/13/91
 By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of March, 1990, 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 104, County Office Building in Towson, Baltimore County, on the 25th day of April, 1990, at 11 o'clock A.M.

J. Robert Hines, Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2HR. AVAILABLE FOR HEARING 10A-12P. OTHER - NEXT TWO MONTHS. REVIEWED BY: TNAK DATE: 2/14/91

that the Baltimore County Revenue Authority's parking lot, which has 46 parking spaces, is within walking distance of the subject site. Testimony indicated the proposed plan provides a planting area as requested by the Office of Planning which will be a tremendous improvement to the surrounding area. Further testimony indicated that the proposed site plan would improve the parking situation as presently, access to the existing parking lot is available all along Taylor Avenue which further complicates traffic conditions along this route.

Mr. Turlington, President of AAA Air Conditioning and Heating Company, the adjoining property owners on Taylor Avenue, testified in opposition to the relief requested. Mr. Turlington indicated that if the proposed building is approved, it will block AAA's building which is set back 12 feet from the road as depicted in Petitioner's Exhibit 1. He further testified that Petitioner had not discussed its proposal with AAA and that no consideration was given to the impact the proposed use may have on the adjoining property. Mr. Turlington testified that there is currently a tremendous parking problem and congestion in the area. He testified that due to present traffic conditions, access to and from the AAA site, which is farther from the intersection of Taylor Avenue and Harford Road, is difficult. Mr. Turlington also testified that he is opposed to the relief requested indicating he has experienced parking and traffic congestion in the area, including, but not limited to unauthorized cars parking on the AAA lot.

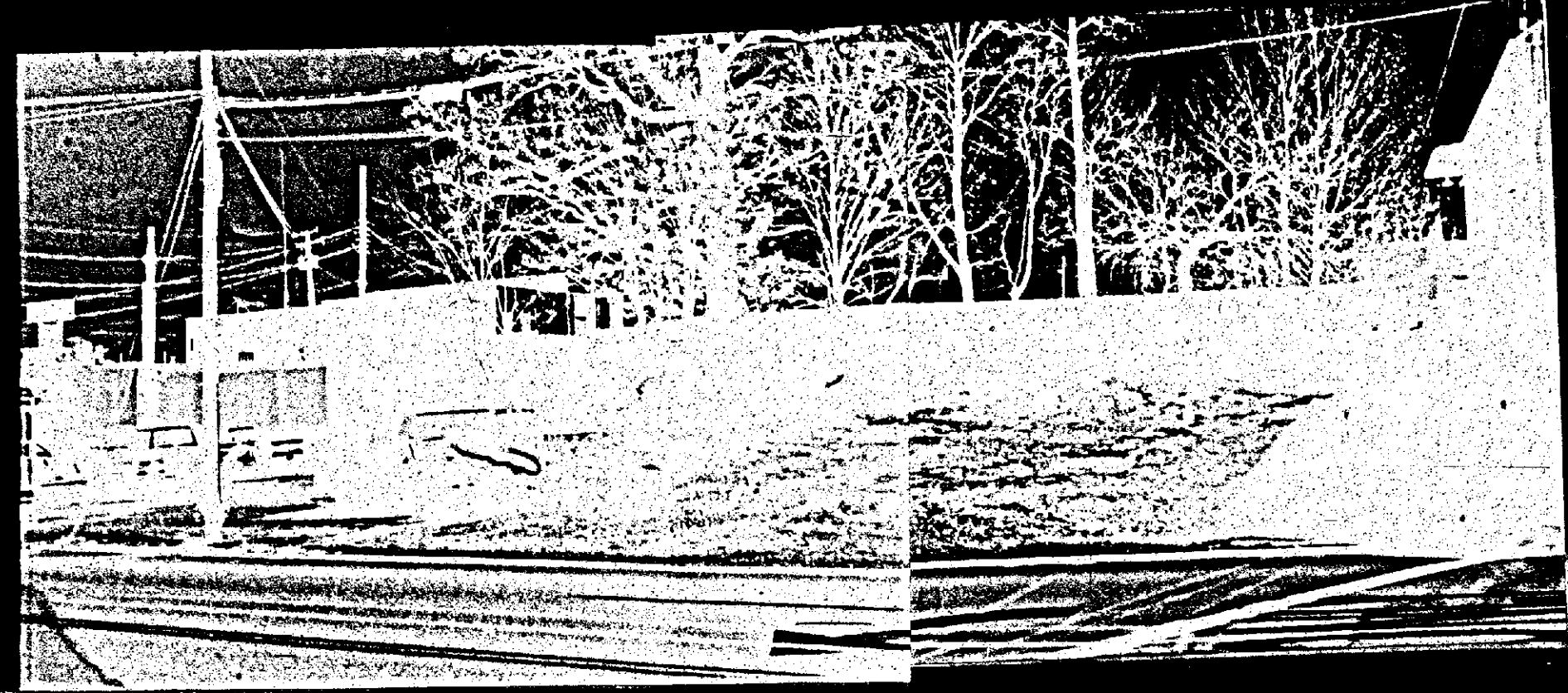
Mr. Costantini, Branch Manager for Cartier Savings, testified in opposition to the requested variance. He testified that in his opinion, the granting of the variance will result in detriment to the health, safety and general welfare of the surrounding community due to the lack of ade-

ORDER RECEIVED FOR FILING
 Date 2/13/91
 By [Signature]

Important Note: The petitioner was not sure of the orientation of the proposed building; therefore, they asked for front/rear or most restrictive setbacks. Also, on the site plan, adjacent property zones are not shown but I thought this was minor.

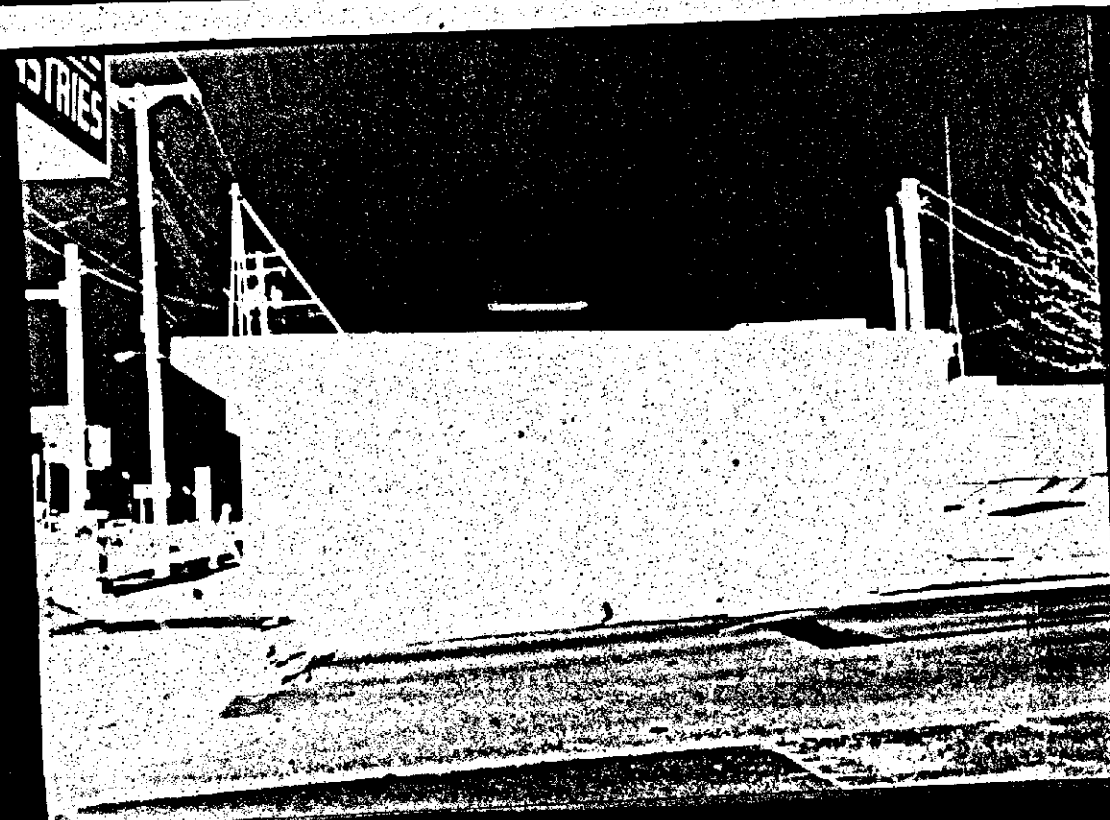
269

269



A. Subject site on SW 1/5 of Taylor Ave., NW of Harford Rd.

PETITIONER'S EXHIBIT 2

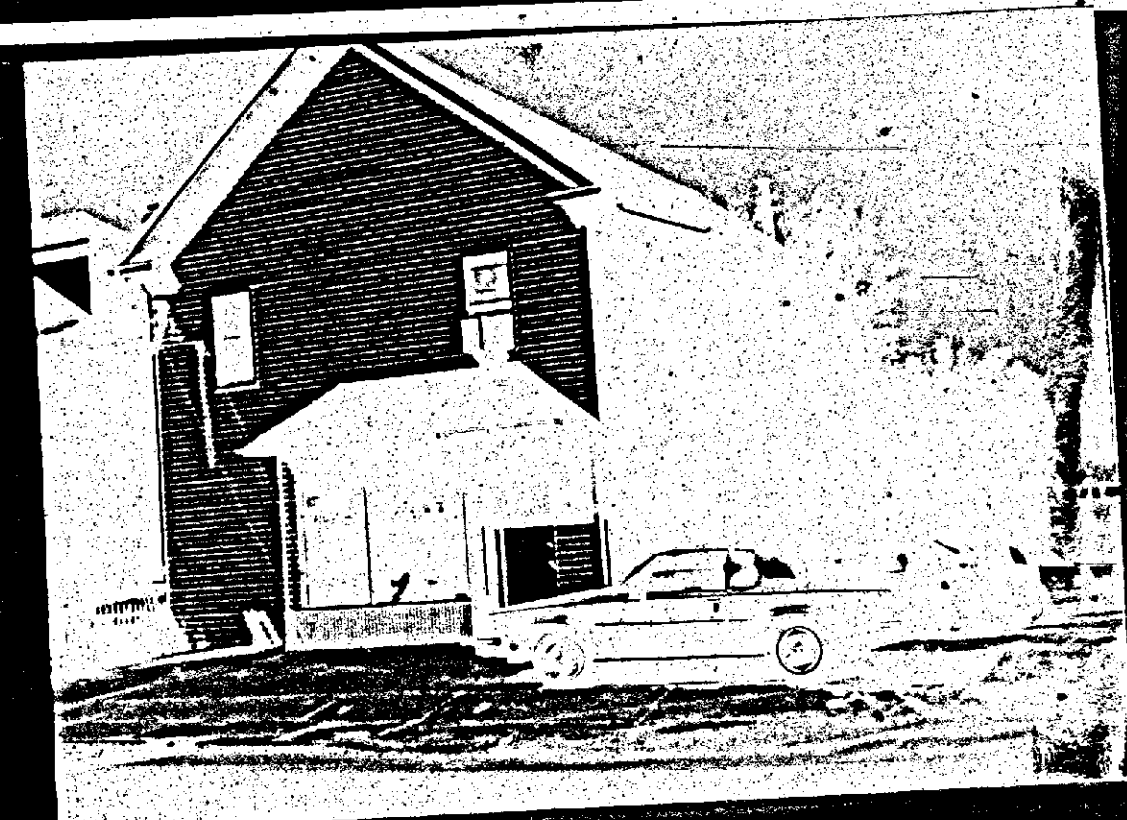


B. Existing Bldg. on site at SW 1/4 of Harford Rd. and Taylor Ave.

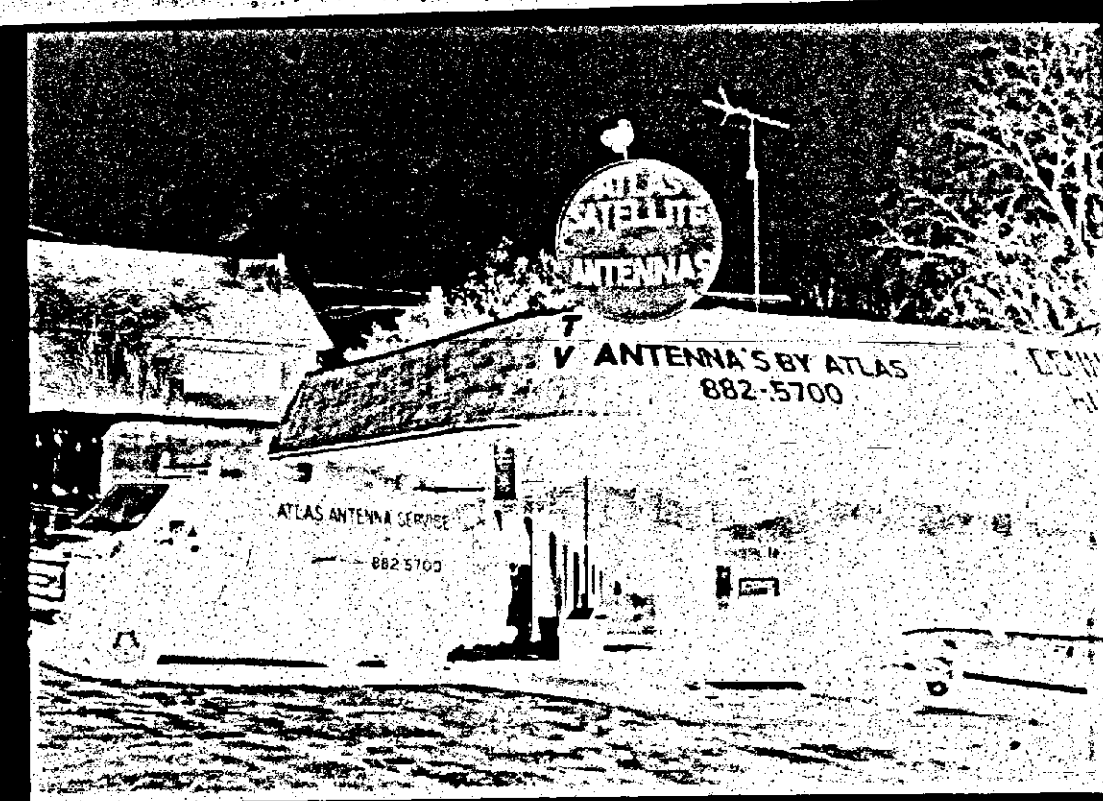


C. Commercial Building to NW on SW 1/5 of Taylor Ave.

PETITIONER'S EXHIBIT 2



D. Commercial Building opposite NW end of site

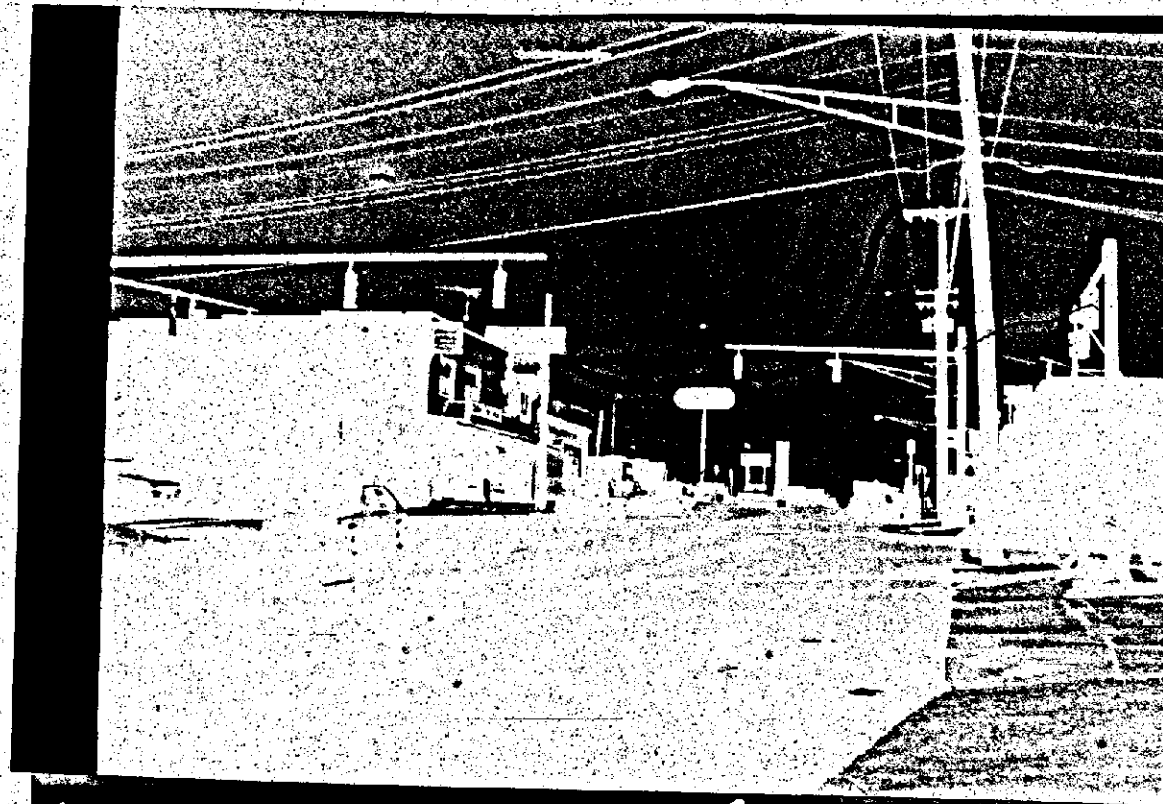


E. Commercial site opp. site NW 1/4 of Harford & Taylor



F. Looking toward Harford Rd. from in front of site on Taylor Ave.

PETITIONER'S EXHIBIT 2



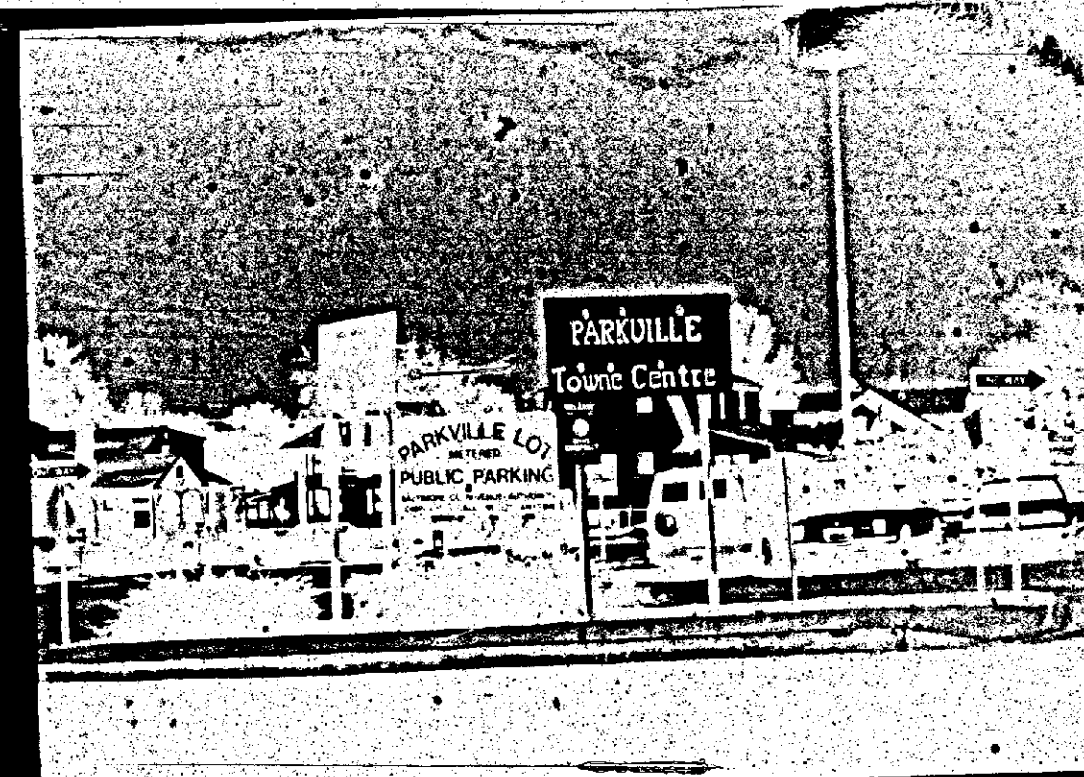
H. Looking SW on Harford Rd. from NE of Taylor Ave.



I. Auto Glass on NE 1/4 of Harford and Taylor.



J. Looking NE from site across Taylor Ave. to Harford Rd.



K. Baltimore County Reveal lot 133 from site on SE 1/5 of Harford Rd.



L. Gun Shop and Tire store on SE 1/4 of Harford Rd. and Taylor Ave.

9TH ELECTDN DISTRICT, BALTIMORE COUNTY, MD.

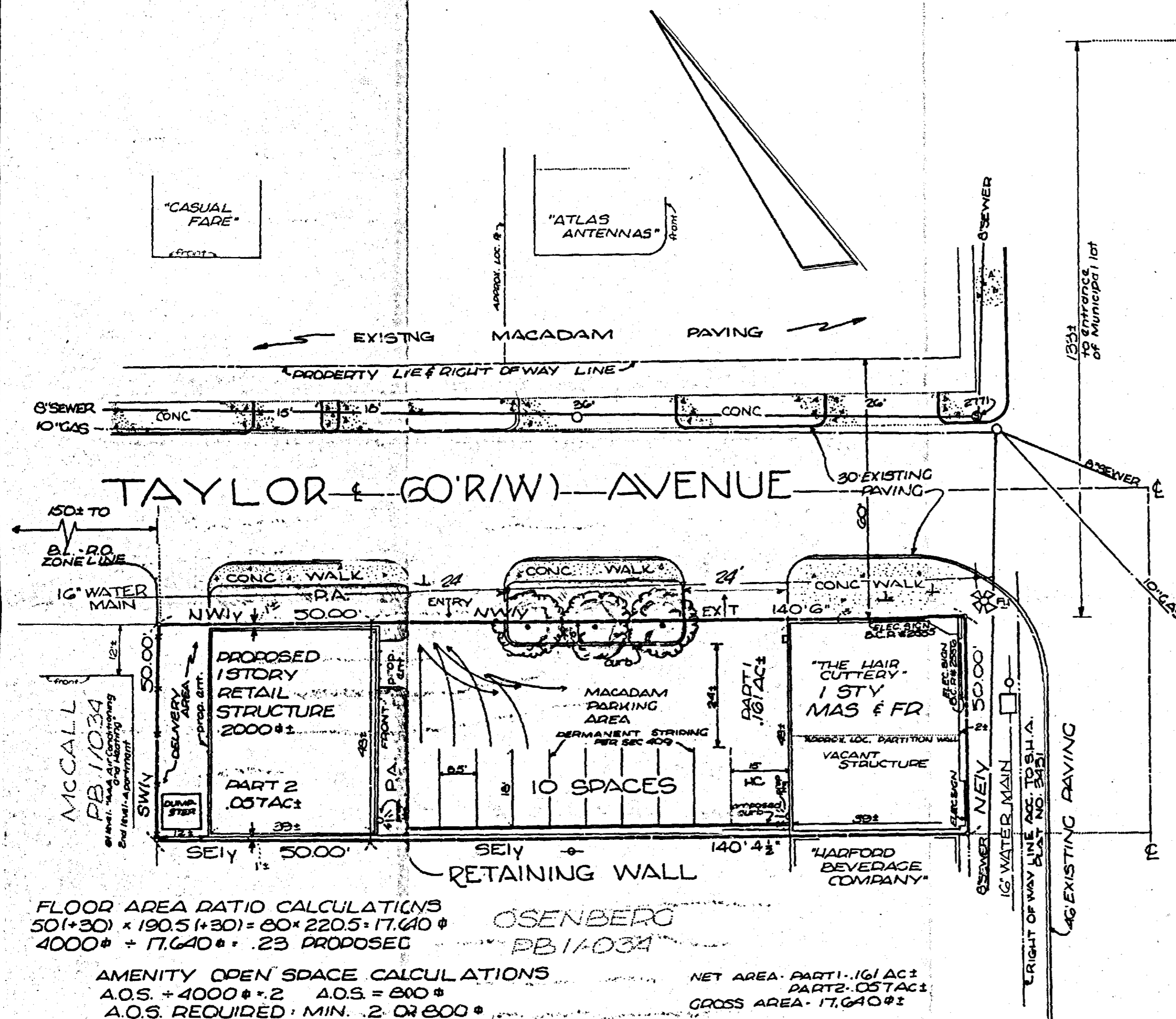
BALTO. CO. REVENUE AUTHORITY MUNICIPAL PARKING LOT (46 SPACES INCL. 2 H.C.)



VICINITY MAP SCALE: 1" = 2000'

90.422-A

PLAN TO ACCOMPANY REQUEST FOR VARIANCES PROPERTY OF NGK & ASSOCIATES 7738 & 7738A HARFORD ROAD



FLOOD AREA DATIO CALCULATIONS
50(+30) x 190.5(+30) = 60 x 220.5 = 17,640 #
4000 # + 17,640 # = 23 PROPOSED

AMENITY OPEN SPACE CALCULATIONS
A.O.S. + 4000 # x 2 A.O.S. = 800 #
A.O.S. REQUIRED: MIN. 2.02 800 #
A.O.S. PROVIDED: 0

NET AREA: PART 1 - .161 AC ±
PART 2 - .057 AC ±
GROSS AREA - 17,640 # ±

OWNER:
NGK & ASSOCIATES
334 SAINT PAUL PLACE
BALTIMORE, MD. 21202

DEED REF: 6657/100G
TAX ACC. NOS. 0911471183 &
0911471184
ZONED BL-CCC

PLAT REF: LOT 8, "MAP OF DARKVILLE", J.W.S. 1/34
DATED 1874

REF: WATER MAIN DR. NO. 47-606
REF: SEWERS DR. NO. 33-082

NOTE: 'AA&A' & 'CASUAL FARE' ENTRANCES FACE TAYLOR AVE.
'ATLAS ANTENNAS' & 'VALLEY GUN SUOD' ENTRANCES FACE HARFORD RD.

REVISD: FEB 13, 1990
REVISD: FEB 8, 1990
REVISD: JAN. 23, 1990
REVISD: JAN 17, 1989
REVISD: DEC 6, 1989
REVISD: NOV 8, 1989

SCALE: 1" = 20' DATE: 11 AUG 1989



J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 8809-560 F# 98-L049

Handwritten signature of J. Finley Ransone

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. DENNER
WILLIAM K. FROELICHART, JR.
STEPHEN J. HANLEY, JR.
ROBERT E. CAHILL, SR.
STEPHEN M. SCHOENING
ROBERT S. GLUSKIN
DOUGLAS J. HARRIS
ROBERT E. CAHILL, JR.
LOUIS G. CLINE III
E. BRUCE JONES
ALBA R. KISTON
GREGORY J. JONES

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700 COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-9800
TELEFAX (301) 296-2765

J. EARLE PLUMHOFF
(301) 823-9800
JAMES D. NOLAN
(301) 823-9800
OF COUNSEL
RALPH E. DEITZ
6026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 922-2121
WRITERS DIRECT DIAL
623

ALSO ADMITTED IN D.C.
ALSO ADMITTED IN NEW JERSEY

June 8, 1990

RECEIVED
JUN 11 1990
ZONING OFFICE

Honorable J. Robert Haines
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 and 7738-A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Commissioner Haines:

Please accept this letter and note an appeal to the County Board of Appeals from each and every part of Deputy Zoning Commissioner Nastarowicz' Opinion and Order of May 18, 1990 in the above-entitled variances case.

This office's check in the amount of \$150.00 representing the \$125.00 appeal fee and a \$25.00 sign fee, since there was only one sign involved, is enclosed herewith.

According to our calculations, this appeal is due by Monday, June 18th, and it will be appreciated if you will forward all appropriate materials to the Board.

Honorable J. Robert Haines
Zoning Commissioner
June 8, 1990
Page TWO

Thanking you and your staff for your attention to this matter, I am,

Respectfully,
Newton A. Williams
Newton A. Williams

NAW:med

c.c.s. Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
Baltimore County Board of Appeals
Phyllis Friedman, Esquire
Baltimore County People's Counsel
All Protestants
Mr. George Klicos
Klicos Painting
1059 Hillen Street
Baltimore, Maryland 21202

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353

J. Robert Haines
Zoning Commissioner

July 23, 1990



Dennis F. Easman
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 & 7738A Harford Road)
9th Election District, 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 11, 1990 by Newton A. Williams, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: George Klicos, 1059 Hillen Street, Baltimore, MD 21202
Newton A. Williams, 700 Court Towers, Towson, MD 21204
Tom Costantini, 9326 Shady Creek Way, Baltimore, MD 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

COUNTY BOARD OF APPEALS
90 JUN 24 PM 3:20

APPEAL
Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 & 7738A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plan to accompany Variance

2. 10 Photographs of location

Deputy Zoning Commissioner's Order dated May 18, 1990 (Denied)

Notice of Appeal received June 11, 1990 from Newton A. Williams, Attorney on behalf of the Petitioner

cc: George Klicos, 1059 Hillen Street, Baltimore, MD 21202

Newton A. Williams, 700 Court Towers, Towson, MD 21204

Tom Costantini, 9326 Shady Creek Way, Baltimore, MD 21234

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

NGK ASSOCIATES
CBA HEARING

People's Counsel
Exh #1
2/5/91

PROTESTANTS IN ATTENDANCE

NAME	ADDRESS
Tom Costantini	7699 Harford Rd Baltimore, MD 21234
Wm Turlington	2107 Taylor Ave Baltimore, Md 21234
G.B. DOTJARWICHI	JERRY D'S SALOON 7807 HARFORD RD 21234
JANE BISSELL	7905A HARFORD ROAD 21234
GIL OSENBURG	7732 HARFORD Rd 21234

PLEASE SEND NOTIFICATIONS OF ANY HEARINGS TO OUR SECRETARY SO THE PARKVILLE BUSINESS ASSOCIATION P.O. 10925

* PARKVILLE, MD. 21234 COPY OF ORDER
* ATTN JANE BISSELL
* Ed Ernest Baisder 700 Oak Ave
Baltimore, Md 21234 - Property owner

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 24, 1990

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

SUBJECT: NGK & Associates, Item No. 269

INFORMATION:

Item No.: 269 - # 90-422-A
Petitioner: NGK & Associates
Property Size: 17,640 sq. ft.
Zoning: B.L. - C.C.C.
Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a parking space, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:

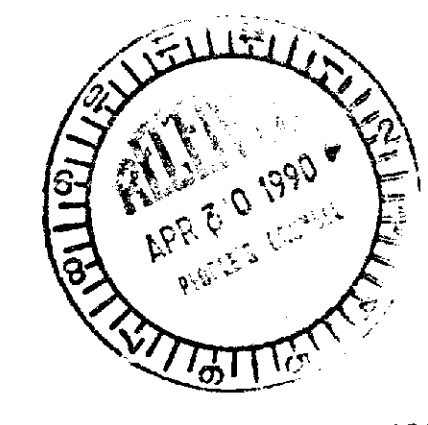
The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).

Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:

The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford



NGK & Associates, Item No. 269
Page 2
April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

EK/JL/cmm



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 8, 1991

Mr. George Klicos
1059 Hillen Street
Baltimore, MD 21202

RE: Case No. 90-422-A
NGK & Associates

Dear Mr. Klicos:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: People's Counsel for Baltimore County
Newton A. Williams, Esquire
Mr. Tom Costantini
Ms. Pauline A. Schaffer
Parkville Business Association
(Attn: Jane Bissell)
Mr. & Mrs. Ernest Baisder
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT B. GULBERGACOW
STEPHEN M. SCHENNING
DOUGLAS L. BURNES
ROBERT E. CASHILL, JR.
ROBERT L. BURKES
E. BRUCE JONES
KEIRA L. KORTIN
GREGORY J. JONES
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

JAMES D. NOLAN
(RETIRED 1991)
J. EARLE PLUMHOFF
(RETIRED 1991)
RALPH E. DEITZ
(RETIRED 1991)
WRITER'S DIRECT DIAL
889-7856

February 1, 1991

Honorable William Hackett, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Dear Chairman Hackett:

RE: NGK & Associates
Case No.: 90-422-A
Tuesday, February 5, 1991
at 10:00 a.m.

Confirming several calls to the Board, please strike my appearance and that of our firm from the above case.

We have tried to contact Mr. Klicos repeatedly and have received no instructions. We do not know whether Mr. Klicos will appear in person or with other counsel on February 5th at 10:00 a.m. at the hearing.

We are again warning Mr. Klicos if he does not appear the Zoning Commissioner's denial will stand, and his case may be dismissed with prejudice by the Board. However, the Board may continue the case, and give the Petitioner an opportunity to continue the case on another date, but that is up to the Chairman. The Board has asked me to appear in person and strike our appearance, which I intend to do.

Thanking the Board and staff for striking our appearance,
I am

Respectfully,
Newton A. Williams
Newton A. Williams

NAM/psk

cc: Mr. George Klicos, NGK & Associates
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COUNTY BOARD OF APPEALS
9 FEB - 1 PM '91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 883-8887 887-3180

HEARING ROOM - Room 301
County Office Building
August 23, 1990
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-422-A
NGK & ASSOCIATES
SW/S Taylor Ave., 30' NW of
Harford Rd. (7738 & 7738A Harford Rd.)
9th Election District
6th Councilmanic District
VAR-Parking spaces, setbacks, amenity
open space.
5/18/90 - D.Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 5, 1991 at 10:00 a.m.

cc: Newton A. Williams, Esquire - Counsel for Petitioner/Appellant

Mr. George Klicos
NGK & Associates
Mr. Tom Costantini Protestant
Ms. Pauline A. Schaffer

People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

fee noted
8/14/90
K.

3020 Lavender Avenue
Baltimore, Md. 21234-5819
August 9, 1990

Board of Appeals of
Baltimore County, Room 315
County Office Building
Towson, Maryland 21204

COUNTY BOARD OF APPEALS
90 AUG 17 PM 1:07

Dear Sirs:
I am concerned about the Public Hearing, Case # 90-422-A. Will you please keep me informed as to the progress of the case, and when the Public Hearing will take place.

I am a citizen of Baltimore County, and live less than 2 blocks from the sight of the proposed retail building. I have lived in my present home for forty-nine years, and I am concerned about Parkville property and Parkville business people.

I oppose the building of the retail store.
Yours truly,
Pauline A. Schaffer

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.
THOMAS J. REINER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT B. GULBERGACOW
STEPHEN M. SCHENNING
DOUGLAS L. BURNES
ROBERT E. CASHILL, JR.
ROBERT L. BURKES
E. BRUCE JONES
KEIRA L. KORTIN
GREGORY J. JONES
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX (301) 296-2765

J. EARLE PLUMHOFF
(RETIRED 1991)
JAMES D. NOLAN
(RETIRED 1991)
OF COUNSEL
RALPH E. DEITZ
(RETIRED 1991)
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 823-8181
WRITER'S DIRECT DIAL
823

June 8, 1990

RECEIVED
JUN 11 1990
ZONING OFFICE

Honorable J. Robert Haines
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 and 7738-A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Commissioner Haines:

Please accept this letter and note an appeal to the County Board of Appeals from each and every part of Deputy Zoning Commissioner Nastarowicz' Opinion and Order of May 18, 1990 in the above-entitled variances case.

This office's check in the amount of \$150.00 representing the \$125.00 appeal fee and a \$25.00 sign fee, since there was only one sign involved, is enclosed herewith.

According to our calculations, this appeal is due by Monday, June 18th, and it will be appreciated if you will forward all appropriate materials to the Board.

Honorable J. Robert Haines
Zoning Commissioner
June 8, 1990
Page Two

Thanking you and your staff for your attention to this matter, I am,

Respectfully,
Newton A. Williams
Newton A. Williams

NAM:med

C.C.S. Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner for
Baltimore County
Baltimore County Board of Appeals
Phyllis Friedman, Esquire
Baltimore County People's Counsel
All Protestants
Mr. George Klicos
Klicos Painting
1059 Hillen Street
Baltimore, Maryland 21202

APR 25 1990 90-422-A

APR 28 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 24, 1990

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

SUBJECT: NGK & Associates, Item No. 269

INFORMATION:
Item No.: 269
Petitioner: NGK & Associates
Property Size: 17,640 sq. ft.
Zoning: B.L. - C.C.C.
Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:
The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).
Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:
The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford

8/23/90 - Following parties notified of hearing set for February 5, 1991 at 10:00 a.m.:

Newton A. Williams, Esquire
Mr. George Klicos
NGK & Associates
Mr. Tom Costantini
Ms. Pauline A. Schaffer
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

NGK & Associates, Item No. 269
Page 2
April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because any future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SW/4 S of Taylor Ave., 30' NW : OF BALTIMORE COUNTY
of Harford Rd. (7738 & 7738-A : Case No. 90-422-A
Harford Rd.), 9th Election Dist. : 6th Councilmanic Dist.
NGK & ASSOCIATES, Petitioner :

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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 13th day of June, 1990, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumbhoff & Williams, Chtd., 700 Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner/Appellant.

Phyllis Cole Friedman
Phyllis Cole Friedman

COUNTY BOARD OF APPEALS
90 JUN 13 AM 9:45

APRIL 25th 90-422-A

NR 26 900

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 24, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: NGK & Associates, Item No. 269

INFORMATION:

Item No.: 269
Petitioner: NGK & Associates
Property Size: 17,640 sq. ft.
Zoning: B.L. - C.C.C.
Request: The Petitioner requests a Variance to permit ten (10) parking spaces in lieu of the required twenty (20) parking spaces, and from Section 232.1 to permit a front and side yard setback of one (1) ft. in lieu of the required ten (10) ft. from the front property line and thirty-one (31) ft. from the street center line.

SUMMARY AND RECOMMENDATION:

The Petitioner is requesting this parking variance to allow for the construction of a one-story retail structure. The existing ten (10) parking spaces on site currently serve an existing hair salon (The Hair Cuttery).

Based upon the analysis conducted, staff recommends that the Petitioner's request be denied since additional parking can not be provided within a reasonable walking distance.

ANALYSIS:

The subject site is located in Parkville and is within a commercial core. Properties surrounding the site are zoned B.L.-C.C.C. Businesses in the immediate vicinity of the Petitioner's site provide shopping opportunities for convenience goods, restaurant, banking, and retail uses.

On April 20, 1990, staff conducted a field survey of the subject property and other properties in the 7700 and 7800 blocks of Harford

NGK & Associates, Item No. 269
Page 2
April 24, 1990

Road. Staff found that parking was insufficient for existing businesses in the immediate area of the Petitioner's property. In fact, some businesses provided no parking at all for their employees or customers.

The Baltimore County Revenue Authority maintains a parking lot of forty-six (46) spaces located 133 ft. north of the subject site. However, the lot is located across Harford Road, a major arterial, and is situated too far from the site to be readily utilized.

The Petitioner's property is improved with a one-story building currently occupied by "The Hair Cuttery." The existing parking satisfies current demand; however, any additional development of the property would result in over utilization. The proposal by the Petitioner to construct a one-story retail structure is impractical because future parking needs can not be addressed on site. Furthermore, any additional development in the area of the Petitioner's property will exacerbate existing parking deficiencies in the Parkville Commercial Core.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

April 16, 1990

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers, 210 W. Pennsylvania Avenue
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Item No. 269, Case No. 90-422-A
Petitioner: NGK & Associates
Petition for Zoning Variance

Dear Mr. Williams:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 15th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: NGK & Associates
Petitioner's Attorney: Newton A. Williams

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

March 9, 1990

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

Dennis F. Rasmussen
County Executive

Item 269
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Z.A.C. March 6, 1990
NGK & Associates
SW/S Taylor Ave, NW
of Harford Road
B.L. - C.C.C.
Variance to permit 10 parking spaces in lieu of the required 20 parking spaces; to permit a front/side yard set back of 1 ft. in lieu of the required 10 ft from the front property line and 31 ft from the st. centerline in lieu of the required 40 ft and an Amenity Open Space of zero sq. ft. in lieu of the required 800 sq. ft.
.218 acre
9th Election District
6th Councilmanic District

Area:
District:

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

1. The site plan shows 3 curbs, and provide 3 pts. of congestion.
2. The delivery area will require trucks to back in or out of the area; backing in or out would use the entire width of Taylor Avenue. Backing in or out on Taylor Avenue, will cause a unsafe condition, and add to the congestion on Taylor Avenue.

3. The Bureau of Traffic Engineering recommends the following changes on the site plans.

This site should be limited to one entrance, and that entrance should be located as far as possible from Harford. Taylor Avenue should be widened by 8 ft along the entire frontage of the site.

Attached is a copy of the owners plan, Traffic Engineering's suggested change to the site plan, and proposed street marking plan.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/lab

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

NR 21 900

March 15, 1990

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

Dennis F. Rasmussen
County Executive

Item No. 269
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Z.A.C. March 6, 1990
NGK & Associates
SW/S Taylor Ave, NW of Harford Road
B.L. - C.C.C.
Variance to permit 10 parking spaces in lieu of the required 20 parking spaces; to permit a front/side yard set back of 1 ft. in lieu of the required 10 ft. from the front property line and 31 ft. from the st. centerline in lieu of the required 40 ft. and an Amenity Open Space of zero sq. ft. in lieu of the required 800 sq. ft.
.218 acre
9th Election District
6th Councilmanic District

Dear Mr. Haines:

We have reviewed the site plan for this site and have the following comments:

1. The site plan shows 3 curb cuts which would generate three (3) additional pts. of congestion on an already congested roadway.
2. The delivery area will require trucks to back in or out of the area; backing in or out would require use of the entire width of Taylor Avenue. Backing in or out on Taylor Avenue will cause an unsafe condition and add to the congestion on Taylor Avenue.
3. The requested variance to parking can be expected to add to the existing parking problems in the area.
4. The Bureau of Traffic Engineering strongly recommends the following changes on the site plans.

J. Robert Haines
Page 2
March 15, 1990

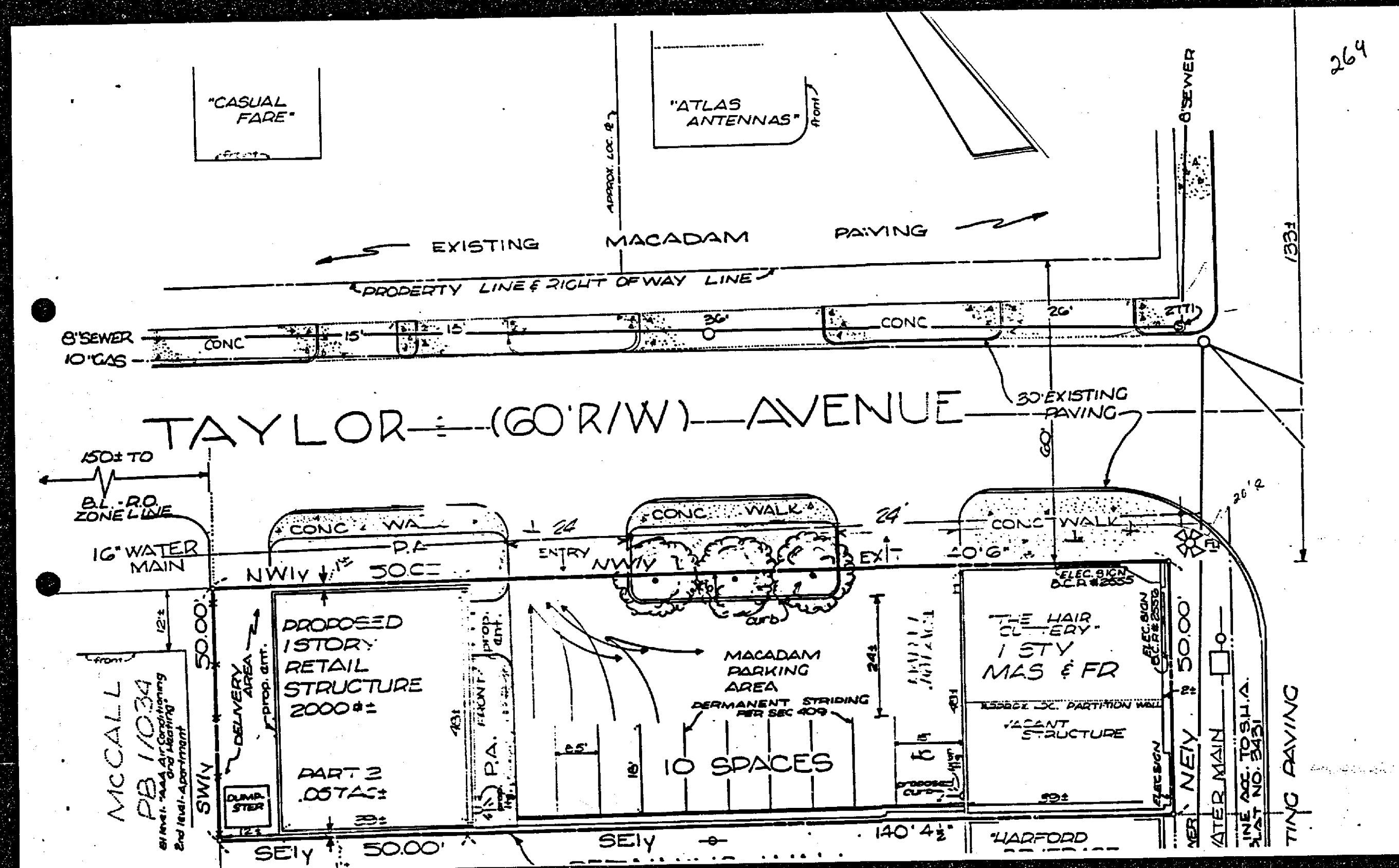
This site should be limited to one entrance, and that entrance should be located as far as possible from Harford Road. Taylor Avenue should be widened by 8 ft. along the entire frontage of the site. This will provide for an adequate level of safety in this area, minimize additional congestion on this section of Taylor Avenue, and provide for increased capacity at Taylor Avenue and Harford Road which does experience peak-hour capacity constraints.

Attached is a copy of the owner's plan, Traffic Engineering's suggested changes to the site plan, and proposed street marking plan.

Very truly yours,

C. Richard Moore
C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

CRM/MSF/lvw
Attachment



Baltimore County
Fire Department
Towson, Maryland 21284-2386
494-4300
Paul H. Reincke
Chief

MARCH 14, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284



RE: Property Owner: NGK AND ASSOCIATES
Location: SW/S OF TAYLOR AVENUE
Item No.: 269 Zoning Agenda: MARCH 6, 1990

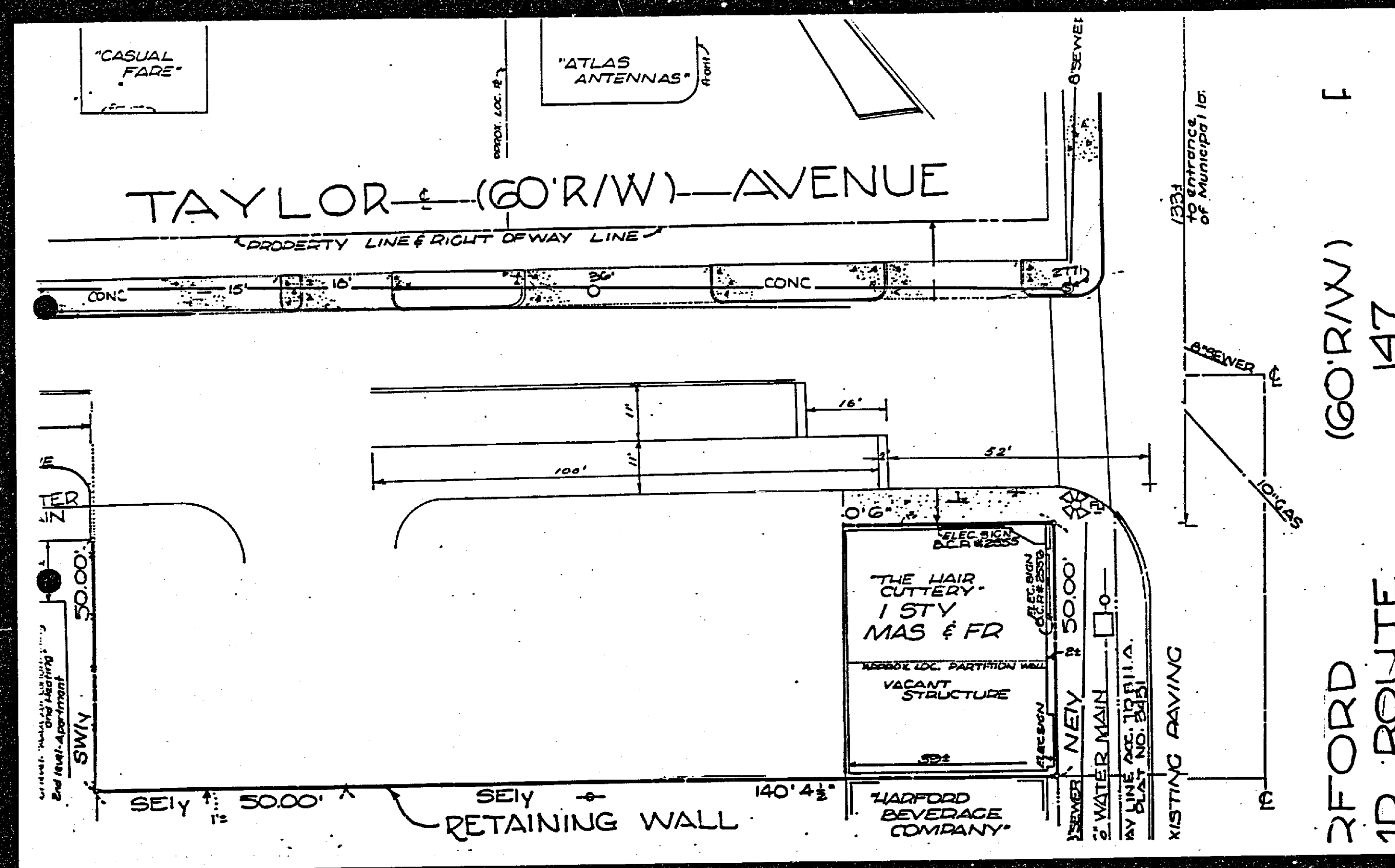
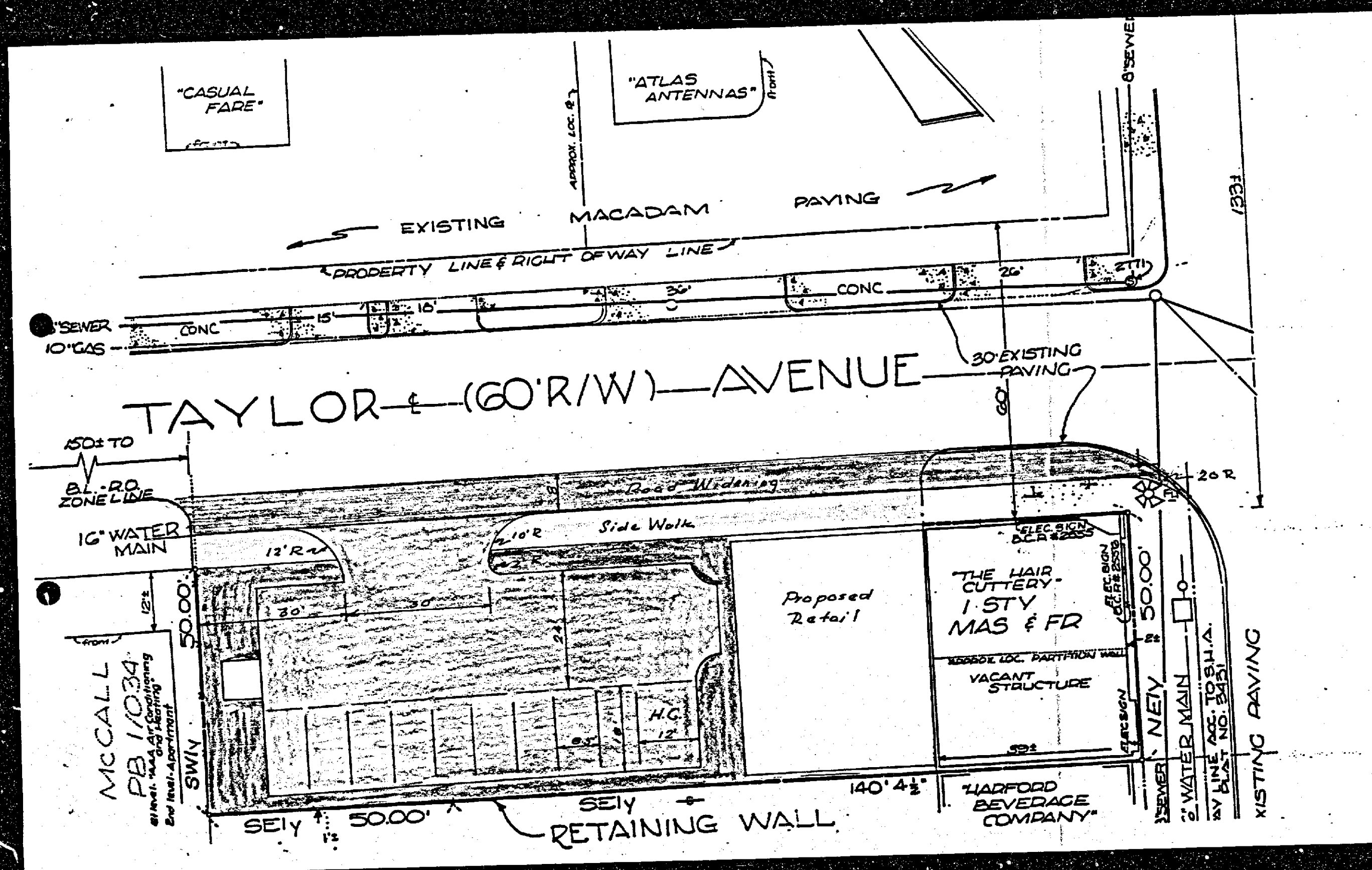
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *John W. ...* 3-14-90 Noted and Approved: *Captain W. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

MS 15 1990



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 262, 263, 264, and, 268.

For Item 259 the previous County Review Group comments remain in effect.

For Item 261 the minimum width for a single panhandle frontage is 20 feet (12 feet is shown). The septic area on the opposite side of the road would require crossing of the public road R/W with private sewer line (which would require a franchise agreement).

For Items 265, 269, and 270, a County Review Group Plan may be required for each property.

For Items 267 and 268 the previous County Review Group comments remain in effect.

For Item #203 revised - Caves Valley Gold Club - the previous County Review Group comments still apply.

Amendment for 90-154A - No. 819 Ridgeleigh Road, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MS 0 6 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 18, 1990

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S of Taylor Avenue, 30' NW of Harford Road
(7738 and 7738A Harford Road)
9th Election District - 6th Councilmanic District
NGK & Associates - Petitioner
Case No. 90-422-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied 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 887-3391.

Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

cc: All Protestants
- People's Counsel
File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 30, 1990

Newton A. Williams, Esq.
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: CASE NUMBER: 90-422-A
SW/S Taylor Avenue, 30' NW c/l of Harford Road or
NW/S Harford Road, 30' SW of Taylor Avenue
7738 & 7738A Harford Road
Petitioner(s): TUESDAY, APRIL 25, 1990 at 11:00 a.m.

Dear Mr. Williams:

Revisions received and having been approved per Mr. Jeffrey Long, the above matter will go forward as scheduled on April 25, 1990.

Thank you for your cooperation in this matter.

Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
(301) 887-3391

GGS



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 19, 1990

Newton A. Williams, Esq.
Nolan, Plumbhoff & Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case Number: 90-422-A
SW/S of Taylor Avenue, 30' NW c/l of Harford Road or
NW/S of Harford Road, 30' SW of Taylor Avenue
7738 & 7738A Harford Road
Petitioner(s): NGK & Associates
HEARING DATE: TUESDAY, APRIL 25, 1990 at 11:00 a.m.

Dear Mr. Williams:

The Zoning Commissioner has received the the enclosed correspondence from the Zoning Advisory Committee. The Zoning Commissioner has considered this correspondence a Request for Postponement and is currently entertaining a postponement of this matter until mid-June, 1990.

This postponement will be effected if no written objection is received on or before March 30, 1990.

Very truly yours,
Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
(301) 887-3391

GGS

cc: Pat Keller
Carl Richards



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: J. Robert Haines
Zoning Commissioner

DATE: March 16, 1990

FROM: Pat Keller
Deputy Director of Planning

SUBJECT: Zoning Petition Item 269
NGK & Associates, Petitioner

The Zoning Advisory Committee reviewed the subject request in its meeting of March 14, 1990. Several agencies found deficiencies in the proposed layout, which include the number of proposed entrance and their proximity to the intersection of Harford Road and Taylor Avenue. Sufficient on site maneuvering has not been provided for the loading/dumpster area on the northwest side of the site. The proposed planting area is not the minimum 8 foot width required by the Landscape Manual.

For these reasons, the Zoning Advisory Committee requests that the petition not be scheduled for public hearing until it has been reviewed and approved by the CRG.

cc: Newton A. Williams, 700 Court Towers, 210 W. Pennsylvania Avenue,
Towson, MD 21204
W. Carl Richards, Jr.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Newton A. Williams (Att.)	700 Court Towers
George Kreis	1059 Hillen St. 2102
Felix Ransore	P.O. Box 10160, Towson, 21285-0160
Bernard Willemann	Dulany Valley Rd., Phenix, Md. 21131

MEMO

3/29/90

Newton Williams called this morning regarding case #90-422(NGK). He is working with planning as to the changes they request to the plan. He asked that I not pull the April 25, 1990 hearing date. He promised to call me back no later than Monday morning, 4/2/90.

If he can meet this deadline, I must:

- 1) Call any changes into the Jeff and Northeast.
- 2) If necessary have the ad run on 4/11/90 and 4/12/90.

If he cannot meet the deadline, I must:

- 1) Call the Jeff and Northeast - cancel 4/4/90 and 4/5/90 ads.
- 2) Call Walt - no posting.
- 3) Get out postponement notices.
- 4) Ascertain when the case can be rescheduled.

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
* Tom Costantini	9326 SINDYCREST WAY BALTO. MD 21234
1130 Tuxington	AAA AIR COND. 2907 TAYLOR AVE
John W. McCall	AAA AIR COND. 2907 Taylor Ave
* RUTH E. LITWIST BAISDEN	7706 OAL AVE 21234 7728 HARFORD RD. 21234
* STEPHEN H. KOSCHMAN	7708 HARFORD RD 34
James L. Nichols	7800 HARFORD RD 21234

MARC
SCHOOL OF BEAUTY CULTURE

7726 HARFORD ROAD
BALTIMORE, MARYLAND 21234

PHONE: 665-6404
(Area Code 301)

April 9, 1990

RECEIVED
APR 10 1990
ZONING OFFICE

Mr. J. Robert Haines, Commissioner of Zoning
Room 106, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

I am the owner of businesses and property at 7726-30 Harford Road (near corner of Taylor and Harford), and a member of the Parkville Business and Professional Association. As such, I would like to go on record as opposing the variance petition #269,90-422-A, which will be heard on April 25, 1990.

Parking has been a problem in this area for years. Currently, clients and patrons can find only limited parking. If this petition for variance is granted, valuable parking space will be lost and the business climate will become more inhospitable. Please do not add to our dilemma.

Perhaps with further study, a solution could be found.

Respectfully,

Carine Cantalupo
Carine Cantalupo

CC:jcc

cc: Parkville Business and Professional Association

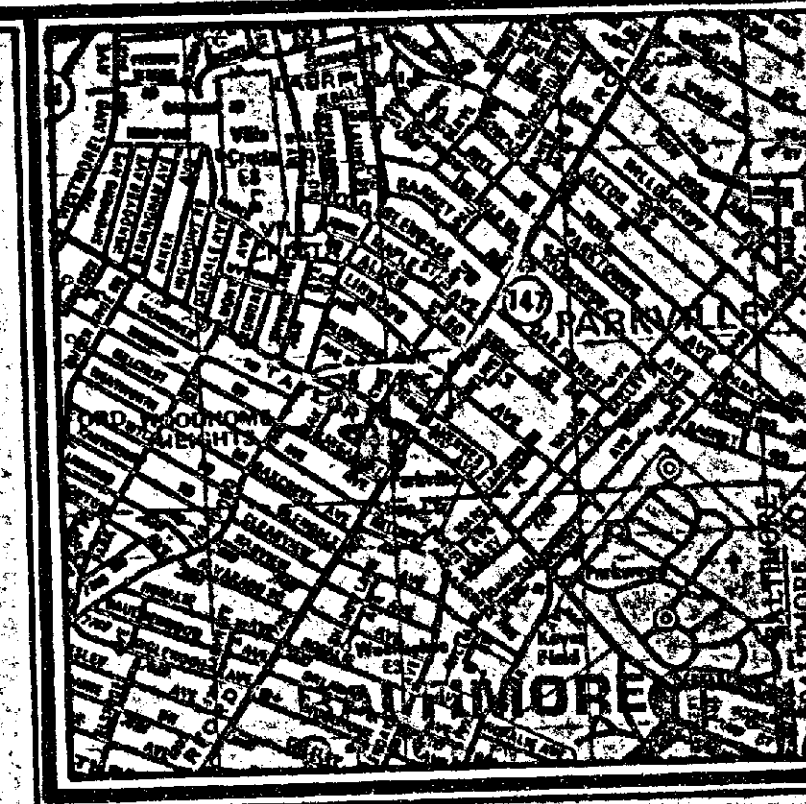
cc: J. J. Siskin, Esq., R.L.S., P.O. Box 10160, Towson, Md. 21285-0160
cc: Mr. Felix Ransore, NGK & Associates, 334 St. Paul Blvd., 21202
cc: Zoning Commissioner's Office
NOLAN, PLUMBHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
PHONE 883-7600
TELEFAX 883-2788
March 30, 1990

Re: Proposed Revised Site Plan for 7738 and 7738A Harford Rd.
Dear Jeff:
Per your phone call of this morning, enclosed is the latest plot revision of March 27, 1990, responding to the recent comments by Mr. Keller.
You will note that the revised plan shows the existing 2nd entrance closed to Harford Rd., and increases the depth of front parking.
This proposal will be a big improvement over the existing rough parking lot. Please review and advise.
ALSO PLEASE CONFIRM BY A CALL TO GWEN AT 887-3391 REGARDING HOLDING THE 4/25 HEARING DATE.
Thanks for your kind attention. Best regards, Newton

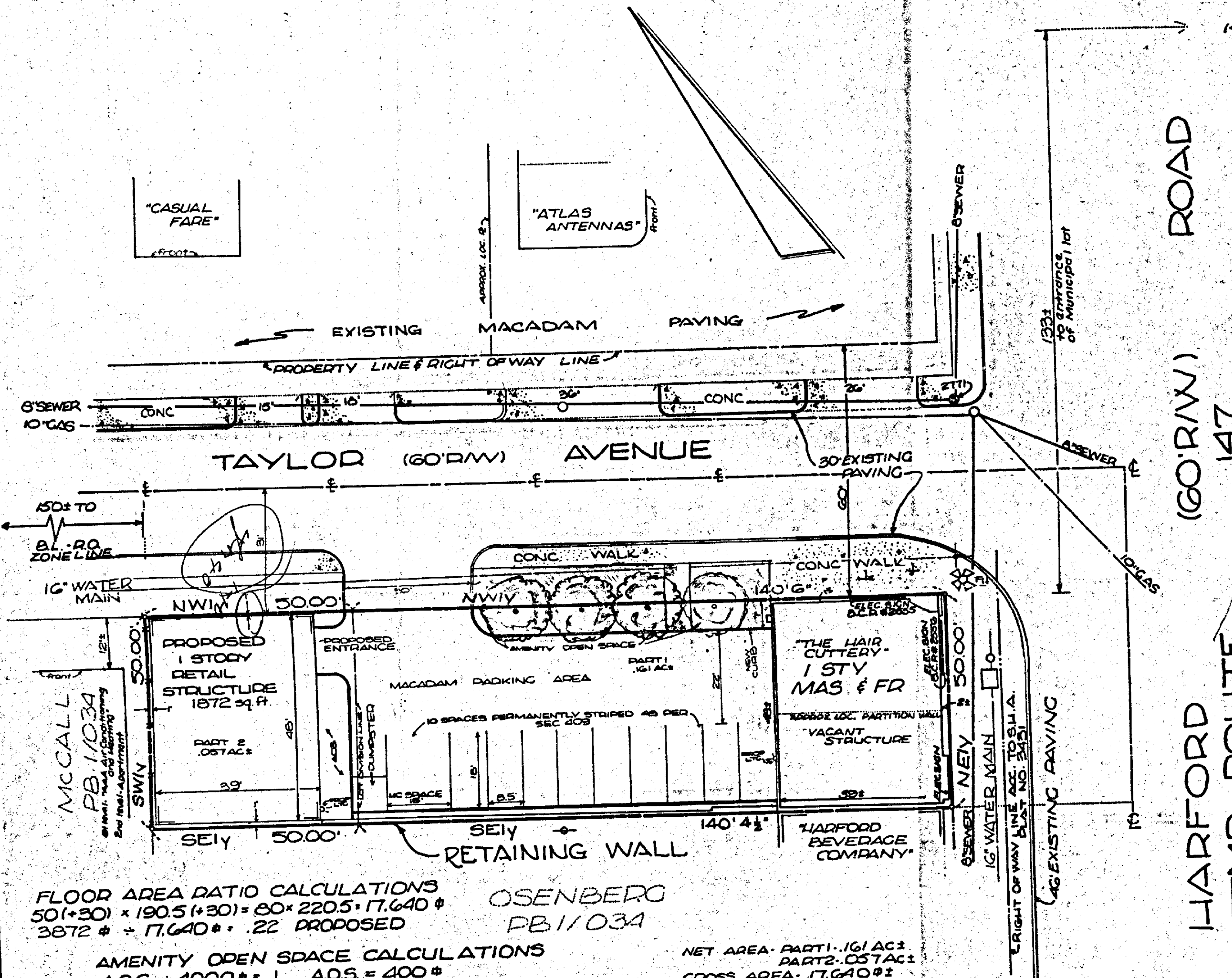
90-422

9TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

BALTO. CO REVENUE
AUTHORITY MUNICIPAL
PARKING LOT
(46 SPACES INCL. 2 H.C.)



VICINITY MAP
SCALE 1" = 2000'



PLAN TO ACCOMPANY
REQUEST FOR VARIANCES
PROPERTY OF
NGK & ASSOCIATES
7738 & 7738A
HARFORD ROAD

**PETITIONER'S
SUBMIT 1**

REVISED: FEB 13, 1990
REVISED: FEB 8, 1990
REVISED: JAN. 23, 1990
REVISED: JAN. 17, 1990
REVISED: DEC 6, 1989
REVISED: NOV 8, 1989

REVISED APR 24, 1990
REVISED APR 12, 1990
REVISED MAR 27, 1990

SCALE: 1" = 20'
DATE: 11 AUG 1989

**J. FINLEY RANSOME
& ASSOCIATES**
REGISTERED
LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 0009-560 F# 98-L049

FLOOR AREA RATIO CALCULATIONS
50' (+30) x 190.5' (+30) = 90' x 220.5' = 17,640 #
3872 # + 17,640 # = 22 PROPOSED

AMENITY OPEN SPACE CALCULATIONS
A.O.S. + 4000 # = .1 A.O.S. = 400 #
A.O.S. REQUIRED: MIN. .1 OR 400 #
A.O.S. PROVIDED: 749.0 SQ. FT. OR .19%

NET AREA: PART 1 - 161 AC ±
PART 2 - 0.57 AC ±
GROSS AREA: 17,640 # ±

OWNER:
NGK & ASSOCIATES
334 SAINT PAUL PLACE
BALTIMORE, MD. 21202

DEED REF: 6657/1006
TAX ACC. NOS. 0911471183 &
0911471184

ZONED BL-CCC

PLAT REF: LOT 6, 'MAD OF PARK-
VILLE', J.W.S. 1/134
DATED 1874

REF: WATER MAIN DR.
NO. 47-606
REF: SEWERS DR. NO. 33-082

NOTE: 'AA#A' & 'CASUAL
FADE' ENTRANCES
FACE TAYLOR AVE.
'ATLAS ANTENNAS'
'VALLEY GUN SLID'
ENTRANCES FACE
HARFORD RD.

GENERAL NOTES

- All adjoining properties lie within the B.L.-C.C.C. zone.
- Parking: No. of spaces required- 20
4000 sq. ft. + 200 = 20
No. of spaces provided- 10
- There are no existing light poles on the property.
- There are no streams on or within 50 feet of the property.
- Drainage is provided through the existing utility system.

