

IN RE: PETITION FOR ZONING VARIANCE  
SE/S Philadelphia Road, 775'  
NE of Mayflower Road  
(8919 Philadelphia Road)  
15th Election District  
6th Councilmanic District  
Rudolf W. Nechay, et al  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-299-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 27 feet in lieu of the required 30 feet, a front yard setback for an existing building of 15 feet in lieu of the required 75 feet, a side yard setback for an existing building of 32 feet in lieu of the required 50 feet, a rear yard setback of 27 feet in lieu of the required 50 feet for a proposed addition, and a distance of 30 feet between existing buildings in lieu of the required 125 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Rudolf W. Nechay, appeared, testified and were represented by Kenneth F. Spence, III, Esquire. Also appearing on behalf of the Petition was George E. Gavelis, Land Planner. There were no Protestants.

Testimony indicated that the subject property, known as 8919 Philadelphia Road, consists of 1.31 acres of which .80 acres is zoned M.L. and .51 zoned D.R. 3.5. Said property is improved with a two-story frame building used for office storage and manufacturing space for Industrial Refrigeration Service, Inc., a company owned by Petitioner, his wife and son. Mr. Nechay testified that they have operated their business from the subject property for the past 7 years and due to growing business needs, are desirous of constructing the proposed addition. Testimony indicated

ORDER RECEIVED FOR FILING  
Date 5/2/91  
By [Signature]

that in order to construct the proposed addition in conformance to the existing structure, the requested variances to rear and side yard setback requirements are necessary. The remaining variances are required for the existing building as depicted on Petitioner's Exhibit 1. Petitioner testified that the surrounding neighbors have no objections to his plans. In support of his testimony, Mr. Nechay introduced letters marked Petitioner's Exhibits 3A through 3E. Further, Petitioner introduced photographs of the surrounding properties marked Petitioner's Exhibit 2. Testimony indicated that the Petitioner owns the two residential properties to the east of the subject site and that to the rear of the subject property is the Yellow Brick Industrial Park. Petitioners further agreed to comply with the comments submitted by the Office of Planning, revised April 4, 1991. Mr. Nechay indicated that if the area marked "future expansion area" on Petitioner's Exhibit 1 is developed, the existing two-story frame office/storage building would be removed. Testimony indicated that the granting of the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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Date 5/2/91  
By [Signature]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of May, 1991 that the Petition for Zoning Variance to permit a rear yard setback of 27 feet in lieu of the required 30 feet, a front yard setback for an existing building of 15 feet in lieu of the required 75 feet, a side yard setback for an existing building of 32 feet in lieu of the required 50 feet, a rear yard setback of 27 feet in lieu of the required 50 feet for a proposed addition, and a distance of 30 feet between existing buildings in lieu of the required 125 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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Date 5/2/91  
By [Signature]

- 2) All storage trailers not approved by permits shall be removed from the subject property prior to the issuance of any building permits.
- 3) No outside storage of materials shall be permitted.
- 4) No manufacturing work shall be conducted outside of any structure on the subject property.
- 5) The storage of commercial vehicles at 8921 Philadelphia Road shall cease immediately and proof of same shall occur prior to the issuance of any permits.
- 6) Prior to the issuance of any permits, Petitioner shall submit a landscape plan to the Deputy Director of Planning for approval. A copy of the approved plan shall be submitted to this Office for inclusion in the case file.
- 7) Prior to the issuance of any permits for the development of the "future expansion area" shown on Petitioner's Exhibit 1, Petitioners must comply with all County regulations.
- 8) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:hjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 5/2/91  
By [Signature]

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-299-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section SEE CONTINUATION SHEET

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Site location and existing building create hardship and practical difficulty in complying with BCZR.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of the 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: Rudolf W. Nechay  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): Rudolf W. Nechay  
(Type or Print Name)  
Signature  
Eva M. Nechay Abd. Frank Th. Nechay  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner: Kenneth F. Spence, III  
(Type or Print Name)  
Signature  
600 Washington Avenue  
Address  
Towson, Maryland 21204  
City and State

P.O. Box 18510 (301) 686-8900  
Address  
Baltimore, MD 21237  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State

Attorney's Telephone No.: (301) 823-8258  
Address  
Phone No.

ORDER RECEIVED FOR FILING  
Date 5/2/91  
By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day of January, 1991, 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 the public hearing be had before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 8th day of April, 1991, at 9:30 A.M.

J. Robert Hines  
Zoning Commissioner of Baltimore County.

(over)

CONTINUATION SHEET

1. Rear yard variance -- from Sections 255.1 and 238.2, to permit a rear yard of 27' in lieu of the required 30'.
2. Front yard variance -- from Sections 255.2 and 243.1, to permit a front yard for an existing building of 15' in lieu of the required 75'.
3. Side yard variance -- from Sections 255.2 and 243.2, to permit a side yard for an existing building of 32' in lieu of the required 50'.
4. Rear yard -- from Sections 255.2 and 243.3, to permit a rear yards of 27' in lieu of the required 50'.
5. Distance between buildings -- from Sections 255.2, 243.1 and 243.3, to permit a distance of 30' between existing buildings in lieu of the required 125'.

(See accompanying Plan and Plat filed contemporaneously).

91-299-A

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 2, 1991

Kenneth F. Spence, III, Esquire  
600 Washington Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
SE/S Philadelphia Road, 775' NE of Mayflower Road  
(8919 Philadelphia Road)  
15th Election District - 6th Councilmanic District  
Rudolf W. Nechay, et al - Petitioners  
Case No. 91-299-A

Dear Mr. Spence:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:hjs

cc: Mr. Rudolf W. Nechay  
P.O. Box 18510, Baltimore, Md. 21237  
People's Counsel  
File

DAFT-MCCLINE-WALKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705  
Land Planning & Development Consultants

Description  
To Accompany Zoning Petition  
1.31 Acre Parcel

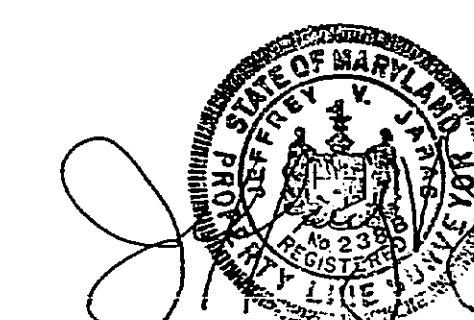
Southeast Side of Maryland Route 7/Philadelphia Road  
Northeast of Mayflower Road  
Fifteenth Election District, Baltimore County, Maryland



Land Planning  
Engineering  
Landscape Architecture  
Surveying  
Computer Design  
Graphics

Beginning for the same at the end of a line measured northeasterly 775 feet, more or less, along the centerline of Philadelphia Road, 60 feet wide, from the intersection of said centerline of Philadelphia Road with the centerline of Mayflower Road, thence leaving said point of beginning and running and continuing to bind on said centerline of Philadelphia Road, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) North 45 degrees 54 minutes 24 seconds East 246.25 feet, thence leaving said centerline of Philadelphia Road and running (2) South 44 degrees 05 minutes 36 seconds East 231.91 feet, thence (3) South 45 degrees 54 minutes 24 seconds West 246.25 feet and thence (4) North 44 degrees 05 minutes 36 seconds West 231.91 feet to the point of beginning; containing 1.31 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
December 17, 1990  
Project No. 90001 (L90001)



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

91-299-A

District: 12th Date of Posting: 3/2/91

Posted for: Rudolf W. Nechay, et al.

Petitioner: Mr. Phil R. ... 775' N.E. Kelly Mayflower Rd.

Location of property: 1919 N.E. Kelly Mayflower Rd.

Location of Sign: Facing Phila. Rd. approx. 20' from driveway

Remarks: As per copy of Baltimore

Posted by: [Signature] Date of return: 3/22/91

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

3-8-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-1991

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Orlean  
Publisher

\$79.60

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

DATE: 3-12-91

Rudolf W. Nechay, et al  
P. O. Box 18510  
Baltimore, Maryland 21237

RE:  
Case Number: 91-299-A  
C/O Philadelphia Road, 775' N.E. Kelly Mayflower Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Rudolf W., Eva M., and Frank W. Nechay  
HEARING: MONDAY, APRIL 8, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ \_\_\_\_\_ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Kenneth F. Spence, III, Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

February 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-299-A  
C/O Philadelphia Road, 775' N.E. Kelly Mayflower Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Rudolf W., Eva M., and Frank W. Nechay  
HEARING: MONDAY, APRIL 8, 1991 at 9:30 a.m.

Variance to permit a rear yard setback of 27 feet in lieu of the required 30 feet; to permit a front yard setback for an existing building of 15 feet in lieu of the required 75 feet; to permit a side yard setback for an existing building of 32 feet in lieu of the required 50 feet; to permit a rear yard setback of 27 feet in lieu of the required 50 feet; and to permit a distance of 30 feet between existing buildings in lieu of the required 125 feet.

J. Robert Haines  
Zoning Commissioner of Baltimore County

cc: Rudolf W. Nechay, et al  
Kenneth F. Spence, III, Esq.

**CERTIFICATE OF PUBLICATION**

3-8-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-1991

THE JEFFERSONIAN,

S. Zeke Orlean  
Publisher

\$70

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150  
Number: \_\_\_\_\_

Date: \_\_\_\_\_

Cashier Validation

Please Make Checks Payable To: Baltimore County 301-221-2311

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

March 26, 1991

Kenneth F. Spence, Esquire  
600 Washington Avenue  
Towson, MD 21204

RE: Item No. 265, Case No. 91-299-A  
Petitioner: Rudolf W. Nechay, et al  
Petition for Zoning Variance

Dear Mr. Spence:

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

cc: Mr. & Mrs. Rudolf W. Nechay  
P.O. Box 18510  
Baltimore, MD 21237

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

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

J. Robert Haines  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Rudolf W. Nechay, et al  
Petitioner's Attorney: Kenneth F. Spence

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 21, 1991  
Zoning Commissioner

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

SUBJECT: Rudolf W. Nechay, Item No. 265

In reference to the petitioner's requested variance, staff offers the following comments:

- On February 16, 1990, the Planning Board waived a CRG meeting; however, a plan was required.
- The applicant's site is located within the Philadelphia Road Corridor Study area. The draft land use plan designates the entire parcel "Low Density Urban Residential."
- Vehicular access also raises some concern. Access to the property is situated near a hazardous segment of Philadelphia Road known as "Devil's Elbow."

The petitioner's property is located within 100 ft. of a residential zone boundary, setbacks are the same as required in the M.R. zone. The M.R. zone was created to "assure effective control over the location, type, and arrangement of industrial uses, so as to protect the uses in neighboring residential zones." Clearly, the intent of Sec. 255.2, Baltimore County Zoning Regulations, is to offer the same degree of control over the utilization of properties located in M.L. zones as the M.R. area regulations provide. Therefore, due to the degree and number of variances requested, the impact on the adjacent residential uses can not, in the opinion of the staff, be mitigated. Consequently, this office recommends that the applicant's request be denied.

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  
ITEM265/ZAC1

received  
2/21/91

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405  
Towson, MD 21204 887-3554  
Fax 887-5784

February 14, 1991

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 245, 246, 260, 262, 265, 267, 269, 271 and 273.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvd

received  
3/1/90

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21204-5500 (301) 887-4500

JANUARY 14, 1991

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

RE: Property Owner: RUDOLF, EVA, FRANK NECHAY  
Location: CENTER LINE PHILADELPHIA ROAD  
Item No.: 265 Zoning Agenda: JANUARY 14, 1991

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: *[Signature]* Noted and Approved *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JR/KEK

received  
1/14/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 273.

For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

For Item 269, the site is subject to the minor subdivision process for review and comments.

*[Signature]*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

APRIL 8 91-299

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 4, 1991

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

SUBJECT: Rudolf W. Nechay, Item No. 265  
REVISED COMMENT

RECEIVED  
APR 16 1991  
ZONING OFFICE

Upon a site inspection and meeting with the petitioner's attorney and land planner, staff finds the applicant's proposal acceptable provided that the following conditions are met:

- All storage trailers not approved by permit shall be removed from the property prior to the issuance of any building permits.
- The outside storage of materials shall not be permitted on site.
- No manufacturing work shall be conducted outside of any structure.
- The storage of commercial vehicles at 8921 Philadelphia Road should cease immediately since this use is an extension of commercialization into the residentially zoned area.

The applicant shall submit a landscape plan to the Baltimore County landscape planner for review, and the deputy director of the Office of Planning and Zoning shall approve the plan prior to the issuance of any permits. Subsequent to Planning's approval, a plan should be provided to the zoning office by the applicant so that record of the action can be maintained in the official case file.

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

ITEM265.REV/2AC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 4, 1991

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

SUBJECT: Rudolf W. Nechay, Item No. 265  
REVISED COMMENT

Upon a site inspection and meeting with the petitioner's attorney and land planner, staff finds the applicant's proposal acceptable provided that the following conditions are met:

- All storage trailers not approved by permit shall be removed from the property prior to the issuance of any building permits.
- The outside storage of materials shall not be permitted on site.
- No manufacturing work shall be conducted outside of any structure.
- The storage of commercial vehicles at 8921 Philadelphia Road should cease immediately since this use is an extension of commercialization into the residentially zoned area.

The applicant shall submit a landscape plan to the Baltimore County landscape planner for review, and the deputy director of the Office of Planning and Zoning shall approve the plan prior to the issuance of any permits. Subsequent to Planning's approval, a plan should be provided to the zoning office by the applicant so that record of the action can be maintained in the official case file.

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

ITEM265.REV/2AC1

received  
4/6/91

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

February 7, 1991

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

Re: Baltimore County  
Industrial Refrigeration  
Zoning meeting 1/14/91  
SIS Philadelphia Road  
MD 7  
775' east of Mayflower Road  
Item # 265

Dear Mr. Haines:

We have reviewed the submittal for a variance to permit a rear yard setback of 27' in lieu of the required 30' and offer the following:

Currently, we have a special project planned for Philadelphia Road in this area. We have forwarded this plan to our District Office for their review concerning any impact to this property.

Also, we will require highway widening along the frontage of this property as shown on the enclosed revised plan. This work must be performed in such a manner as to not impede on our project.

We will forward comments received from our District office when they become available.

All work within the State Highway Administration right-of-way be performed under an access permit issued by this office prior to issuance of any building permits.

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

Very truly yours,

*[Signature]*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB/ies

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

enclosure

Mr. J. Robert Haines  
Page 2  
February 7, 1991

cc: Daft McCune, Walker Inc. wlen.  
Mr. J. Ogle

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

April 2, 1991

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

RE: Baltimore County  
Zoning meeting 1/14/91  
SIS Philadelphia Road  
MD 7  
775' east of Mayflower Road  
Item #265

Dear Mr. Haines:

This letter is a follow-up to our February 7th letter concerning highway widening along Philadelphia Road in connection with the proposed development.

The pavement section for the proposed widening must consist of the following:

- 1 1/2" bituminous concrete surface, (SC).
- 2 1/2" bituminous concrete base, (BF).
- 3" bituminous concrete base, (BF).
- 6" base course using graded aggregate.
- 6" borrow excavation type II or equivalent.

Elevations for the proposed Type "A" concrete curb and gutter along Philadelphia Road, must be compatible with those proposed by the State Highway Administration.

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

Very truly yours,

*[Signature]*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB/ies

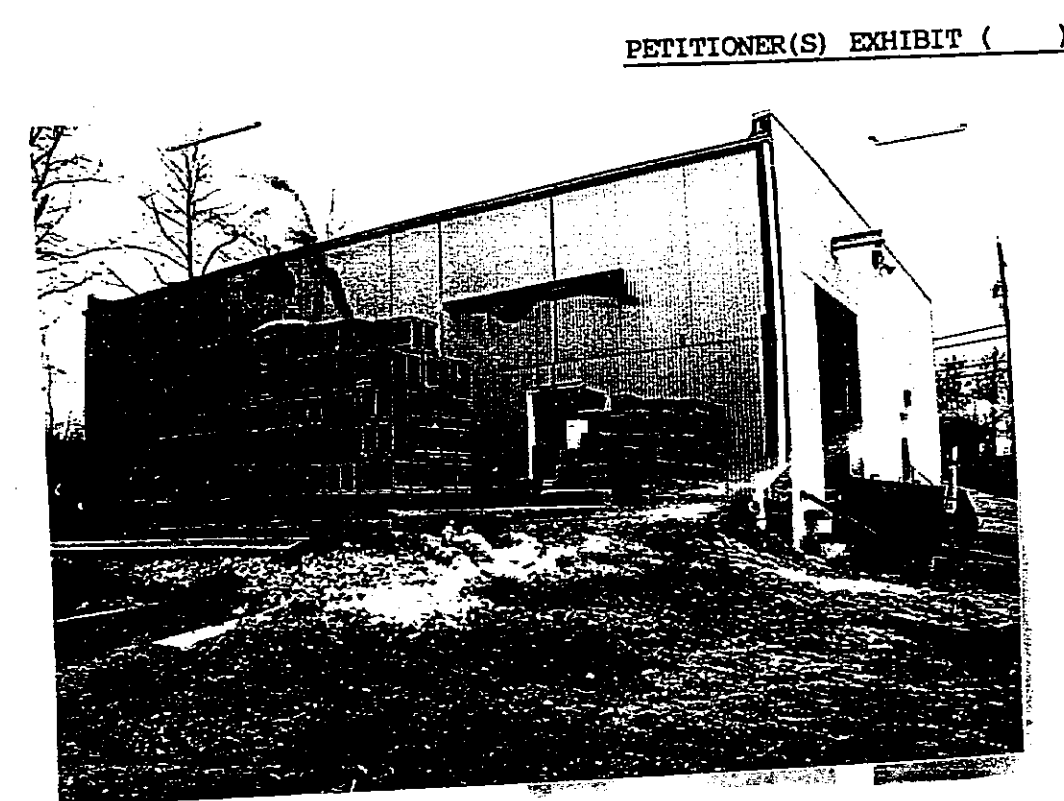
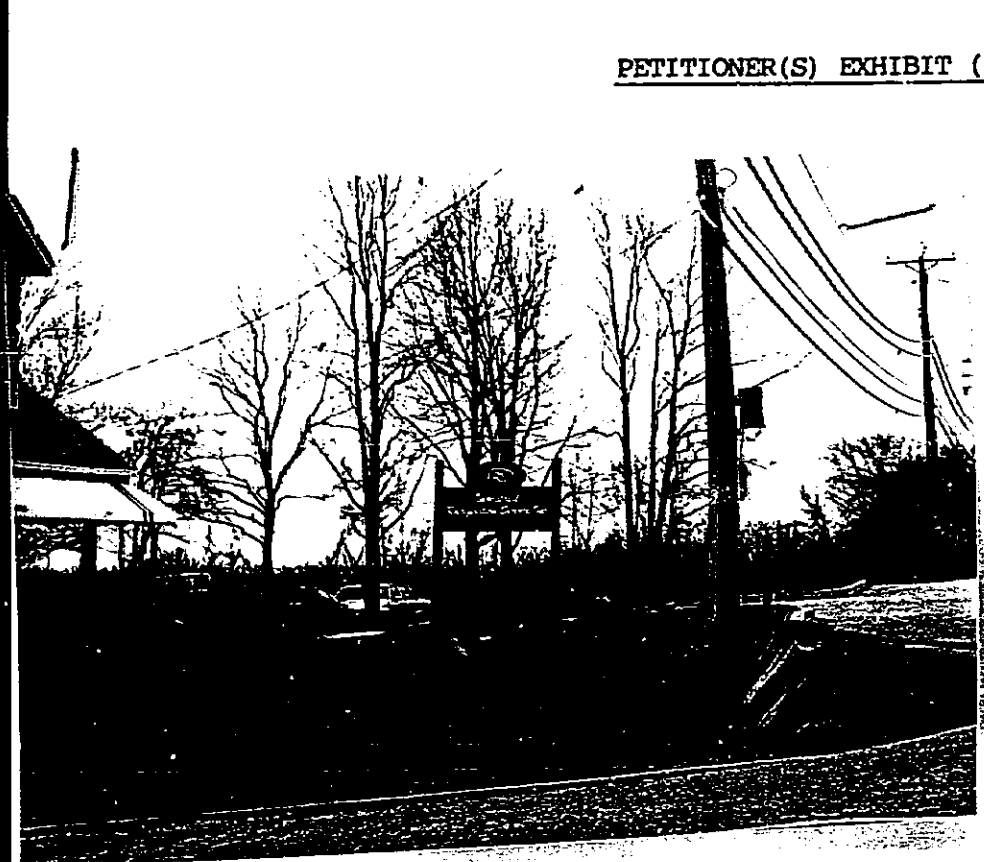
My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. Robert Haines  
Page 2  
April 2, 1991

cc: Daft McCune-Walker Inc.  
Mr. Bill Hudson  
Mr. Phil Humberton  
Mr. J. Ogle





Wayne P. and Debra A. Sullivan  
8927 Philadelphia Road  
Baltimore, Maryland 21237

April 4, 1991

To Whom It May Concern :

As a neighbor of Industrial Refrigeration, since their existence at the 8919 Philadelphia Road location, we have found the owner, Rudy Nechay to be a considerate neighbor.

Mr. Nechay always seems to keep a good repore with the neighbors, and seems genuinely concerned that there be no inconvenience bestowed upon the neighborhood; in the way of noise or otherwise.

The property and building is always well kept and maintained.

Industrial Refrigeration has never posed a problem to the surrounding neighborhood. Therefore, we have no objections to Mr. Nechay making an addition to the existing facility at 8919 Philadelphia Road.

Sincerely,  
Wayne & Debra  
Sullivan  
*Wayne P. Sullivan*  
*Debra A. Sullivan*

**PETITIONER'S EXHIBIT 3.4**

*April 2, 1991*  
*Dear Sir*  
*I am a neighbor of the Industrial Refrigeration Company across the street. Rudy Nechay has been my neighbor for 7 years. I own two homes at 8962 and 8918 Philadelphia Rd. We have no complaints. They have been a good neighbor keeping the building, house and lawn clean and neat. I have no objections to him adding and addition to his present building.*

*Mrs. Mrs. Wayne P. Sullivan*  
*8922 Philadelphia Rd.*  
*Balto. Md. 21237*

**PETITIONER'S EXHIBIT 3.5**

April 2, 1991

TO WHOM IT MAY CONCERN:

The Zoning Commission has posted a notice of Petition Of Variance requested by Industrial Refrigeration, Inc., 8919 Philadelphia Road, Baltimore, Maryland, 21237. I have been apprized that the owners intend to add 20' to the width and a 50' extension to the existing building at that location. The proposed additions could enhance the appearance of the general area by eliminating the storage trailers which are currently being utilized.

My residence is located directly opposite this business complex and I have no objections to this request.

Sincerely,  
*Frank Gayzschowicz*  
Frank Gayzschowicz  
8916A Philadelphia Road  
Baltimore, Maryland 21237

**PETITIONER'S EXHIBIT 3C**

April 1, 1991

8925 Philadelphia Rd.  
Balto., MD 21237

To Whom It May Concern:

Industrial Refrigeration has been a neighbor of ours for sometime.

I feel that Rudy and Eva Nechay have been very respectful of their neighbors and have maintained their property well.

I have no objections of them adding an addition to their existing building.

Sincerely,  
Robert Hepburn

**PETITIONER'S EXHIBIT 3D**

Frank Cavanaugh  
8923 Philadelphia Road  
Baltimore, MD 21237

To Whom It May Concern:

As a neighbor of Industrial Refrigeration for approximately 8 years I have found Rudy Nechay to be a very cooperative neighbor.

He seems genuinely concerned about this area and trys to communicate this to his neighbors. Industrial Refrigeration does not create any inconvenience, noise or otherwise to this area. He has always maintained his property in a neat manner and as such have never been a detriment to this neighborhood. Therefore as a neighbor I would not have any objections to Rudy (Industrial Refrigeration) building an addition to their present facility.

*Frank Cavanaugh*  
Frank Cavanaugh

**PETITIONER'S EXHIBIT 3E**

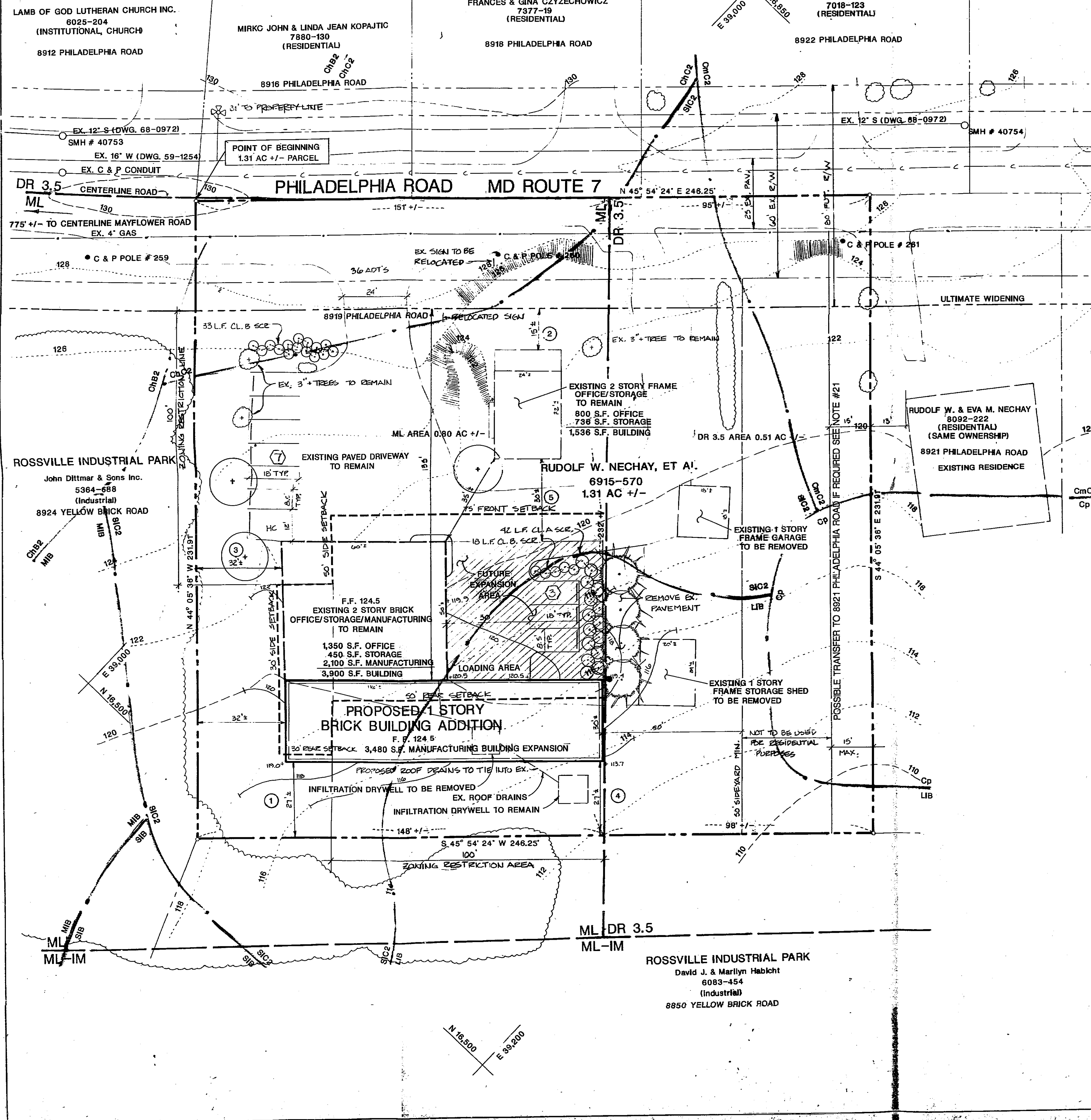
THE OFFICE OF PLANNING AND ZONING HAS CREATED TWO 1992 CZM ISSUES AFFECTING ADJOINING PROPERTIES. ISSUE 6-021 WOULD RECLASSIFY 8921 AND 8923 PHILADELPHIA ROAD TO ZONE RO OR ZONE R1A. ISSUE 6-022 WOULD RECLASSIFY A PORTION OF 8919 PHILADELPHIA ROAD FROM ZONE DR-3.5 TO ZONE ML-PRC, ZONE MLR OR ZONE SE.

RUDOLPH W. NECHAY AND EVA M. NECHAY, AS OWNERS OF 8919 AND 8921 PHILADELPHIA ROAD, AGREE THAT AS SUCH OWNERS:

- THEY SHALL NOT EXPAND THEIR COMMERCIAL USE OF 8919 PHILADELPHIA ROAD INTO THE DR-3.5 PORTION OF SUCH PROPERTY BEYOND THE EXPANSION CONTEMPLATED IN THEIR CURRENT PERMIT APPLICATION;
- THEY SHALL NOT CREATE A SEPARATE RESIDENTIAL USE WITHIN THAT PORTION OF 8919 PHILADELPHIA ROAD NOW ZONED DR-3.5; AND,
- THEY SHALL NOT USE 8921 PHILADELPHIA ROAD FOR OTHER THAN RESIDENTIAL USES.

UNTIL SUCH TIME AS

- A BOUNDARY LINE ADJUSTMENT IS MADE BETWEEN 8919 AND 8921 PHILADELPHIA ROAD TO CORRECT ANY SIDE YARD SETBACK DEFICIENCY AT 8921 PHILADELPHIA ROAD UNDER THE REGULATIONS APPLICABLE TO THE DR-3.5 ZONE; OR
- A VARIANCE IS OBTAINED RESPECTING ANY SIDE YARD SETBACK DEFICIENCY AT 8921 PHILADELPHIA ROAD, UNDER THE REGULATIONS APPLICABLE TO THE DR-3.5 ZONE; OR
- APPLICABLE ZONING REGULATIONS NO LONGER IMPOSE A SIDEYARD SETBACK REQUIREMENTS FOR THE IMPROVEMENTS AT 8921 PHILADELPHIA ROAD.



**General Notes**

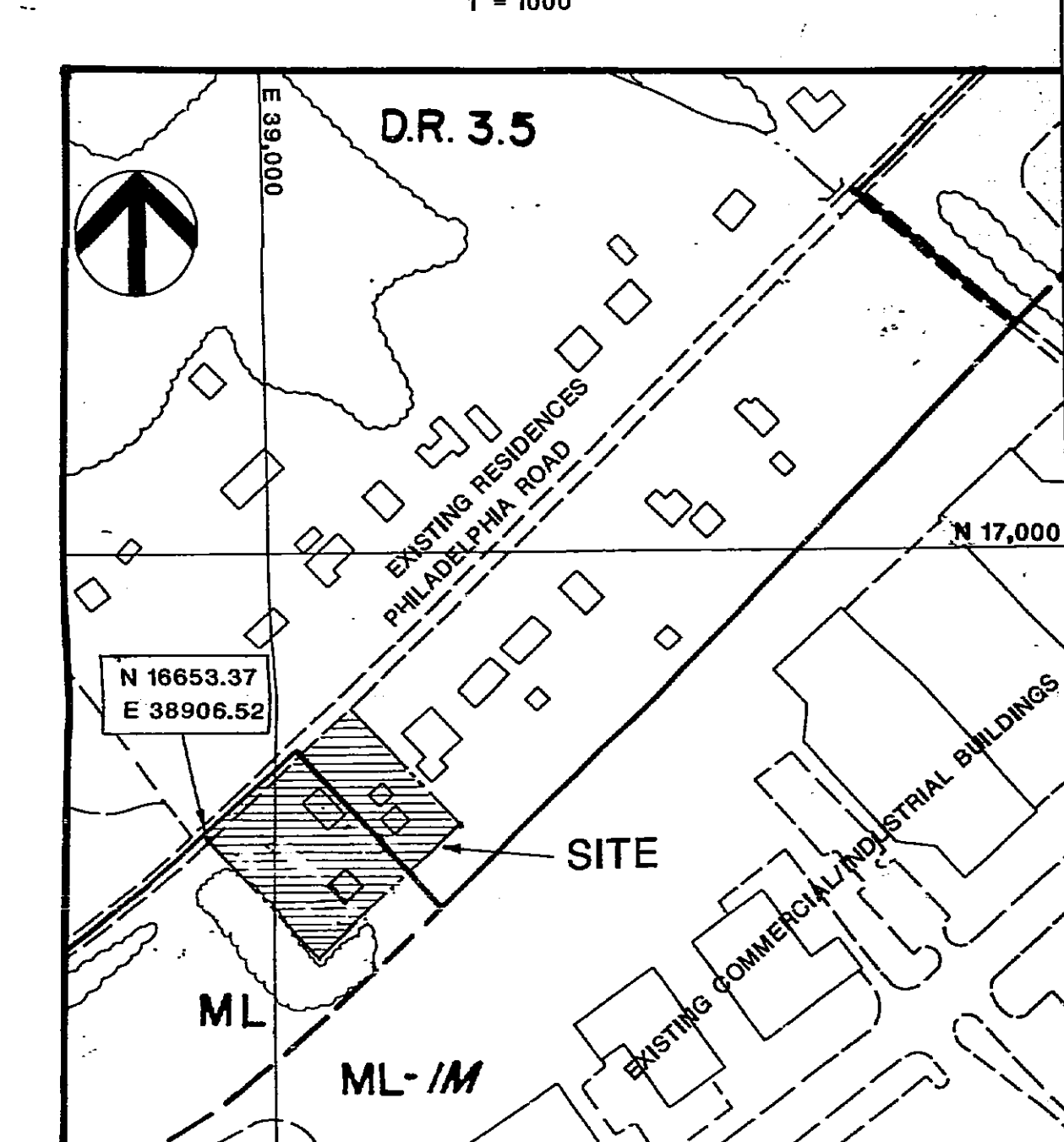
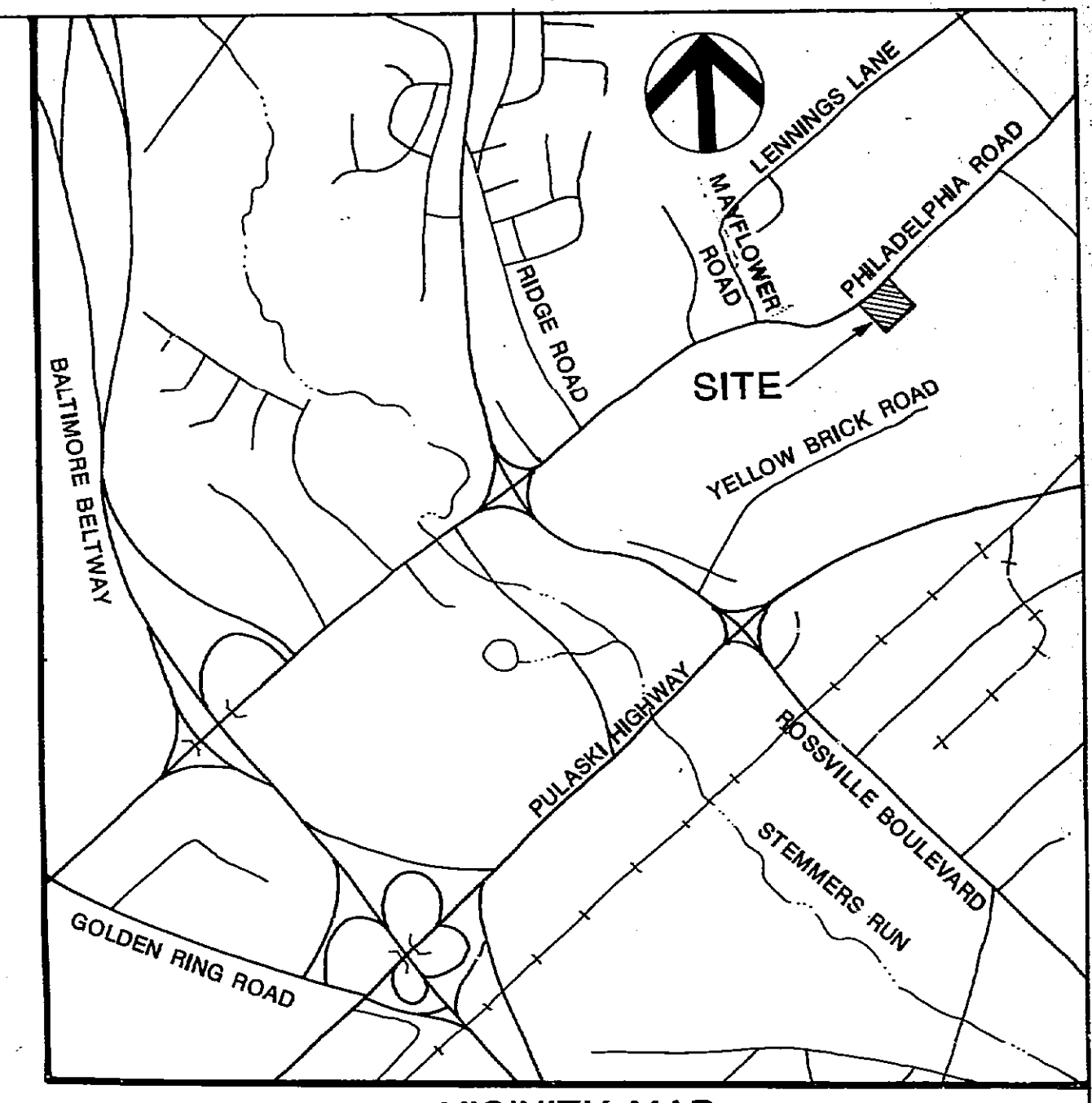
- Owner/Applicant: Industrial Reintegration Service, Inc. P.O. Box 7919 Baltimore, Maryland 21237 (301) 686-8900
- Election District 15; Councilmanic District 6; Census Tract 4512.0
- Neighborhood 22; Subsector 2
- Site Data:
  - Net and Gross = 0.80 Acres ± ML
  - 0.51 Acres ± DR 3.5
  - 1.31 Acres ± Total
- The 1988 Comprehensive Zoning Maps affixed ML and DR 3.5 zoning as shown.
- Floor Area: (96.14% FSR 2.0)
  - Allowed = 2,150 S.F. Dr. Gen. Use.
  - Proposed = 1,186 S.F. Dr. Gen. Use.
  - 2,100 S.F. Dr. Gen. Use.
  - 3,480 S.F. Mfg.
  - 8,916 S.F. (0.28 FSR)
- No development is proposed in the DR 3.5 zone.
- Amenity Open Space: Not required in ML Zones
- Parking:
  - Required = 2,150 S.F. @ 100 S.F./3,371,000 = 7
  - 2,900 S.F. @ 100 = 29
  - Total = 36
  - Proposed = Existing Additional Total = 3 3 36
- All spaces shall be 8' 1/2" x 18". Parking areas, loading area and driveways are paved with a moderate surface. All spaces shall be striped.
- Landscaping Plan:
  - Required = 115 L.F. DTR 20 at 1/20 = 6 P.U. (3 M)
  - 150 L.F. ADY 30 at 1/40 = 4 P.U. (2 M)
  - 45 L.F. C.A. SCR at 1/15 = 3 P.U.
  - 51 L.F. C.B. SCR at 1/15 = 4 P.U.
  - 10 P.U. at 1/12 = 12 P.U. (1 M)
  - 10 P.U. at 1/12 = 10 P.U. (1 M)
  - Less Credit 3 3\* = Trees 12 P.U. (3 M)
- Provided = 3 30 at 1/1 = 3 P.U.
- 4 400 at 1/100 = 4 P.U.
- 15 C.A. SCR at 1/15 = 3 P.U.
- 20 C.B. SCR at 1/15 = 4 P.U.
- 12 P.U. (3 M)

All planting will be in accordance with the Baltimore County Landscaping Manual, 1996.

  - There are no existing or proposed well or septic areas on the site.
  - Soils: Limitations
 

Soil Series and Hydro Group	With Basement	Without Basement	Streets and Parking
Chillum (C82)	C Slight	Slight	Moderate Slope
Chillum (C82)	C Slight	Slight	Severe Slope
Sansfauc (S82)	B Slight	Slight	Severe Slope
Lemoir (L8)	D Severe: High water table; somewhat poor natural drainage	Severe: High water table; somewhat poor natural drainage	Severe: High water table; somewhat poor natural drainage
Christiana (C82)	C Severe: Subsoil shrinkage and instability	Severe: Subsoil shrinkage and instability	Severe: Subsoil shrinkage and instability
Clay Pits (Cp)	D Too variable for interpretation	Too variable for interpretation	Too variable for interpretation
  - As per Section 22-99, where development occurs on soils with possible seepage or erodible materials, the applicant will be liable to determine whether such conditions exist and the situation in which they occur. Bedrock may be revealed by grading or excavation of underground drains. The appropriate section of the Code shall be observed during construction by a licensed professional soil engineer.
  - Slopes of 25 percent or steeper are shown. There is no proposed development on steep slope areas.
  - The site currently is 40 percent paved with four buildings. The remainder of the site is primarily grass with a few scattered trees and shrubs. Existing trees and shrubs will remain where possible.
  - There are no known streams, bodies of water, springs, floodplains or flood areas on the site.
  - The existing buildings are historically insignificant and will remain on the ML portion. Garages and shed in DR 3.5 will be removed by cover during expansion construction.
  - Current Owner: Rudolf W. Nechay, et al. 8919 Philadelphia Road Baltimore, Maryland 21237 (301) 686-8900
  - Dead Reference: Liber 9915, Folio 570
  - Tax Account Numbers: 15-08-053430, 15-08-053431, 15-08-053432
  - Estimated Average Daily Trips: 8,916 S.F. at 471,000 S.F. = 36 ADT's
  - A value of stormwater management will be requested in accordance with Section 2-150.3(c)(1) of Stormwater Management Policy Manual.
  - There are no known wetlands, critical areas, archeological sites, endangered species habitats, hazardous materials or underground storage tanks on the site.
  - Signs will comply with Section 413.6 of Baltimore County Zoning Regulations and all zoning sign policies.
  - This site is not known to be within any Baltimore County Microclimate Paths or deficient basic service areas.
  - The buildings within the ML zone do not exceed 40 feet in height.
  - Site lighting will be arranged to not shine or reflect upon adjoining residential premises or crossing vehicles.
  - The following variances have been requested:
    - Sections 255.1 and 243.2 - To permit a rear yard of 27 feet in lieu of the required 30 feet.
    - Sections 255.2 and 243.1 - To permit a front yard for an existing building of 15 feet in lieu of the required 75 feet.
    - Sections 255.2 and 243.3 - To permit a side yard for an existing building of 32 feet in lieu of the required 50 feet.
    - Sections 255.2 and 243.4 - To permit a rear yard of 27 feet in lieu of the required 50 feet.
    - Sections 255.2, 243.1 and 243.3 - To permit a distance of 30 feet between buildings in lieu of the required 125 feet.
  - Existing and proposed manufacturing will be of metal product as restricted under Section 253.3 Baltimore County Zoning Regulations.
  - Special Zoning Note:
 

The existing dwelling at 8921 Philadelphia Road is in the same ownership as the property shown in immediately to the west. Absent securing a variance to the required minimum setback of 15 feet, if necessary sufficient width to meet the setback requirement per Section 304 shall be provided from the 8919 Philadelphia Road lot.
  - Water Meter W-90-42 of C&P meeting was approved February 16, 1990.



**ZONING MAP**  
 BLDG PERMIT # B092220 CONTROL # C-890-91  
 PUBLIC SERVICES # 90520 PLANNING #

**DAFT-MCCLINE-WALKER, INC.**  
 LAND PLANNING CONSULTANTS  
 LANDSCAPE ARCHITECTS  
 ENGINEERS & SURVEYORS  
 1230 E. PENNSYLVANIA AVE  
 TOWSON, MD 21284  
 TELEPHONE (301) 256-3233

**PLAN AND PLAT TO ACCOMPANY ZONING PETITION OF A PART OF THE PROPERTY OF RUDOLF W. NECHAY, ET AL 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND**

DATE	REVISIONS
2-4-91	RELOCATE SIGN POSSIBLE TRANSFER
1-6-91	PER REVIEW COMMENTS

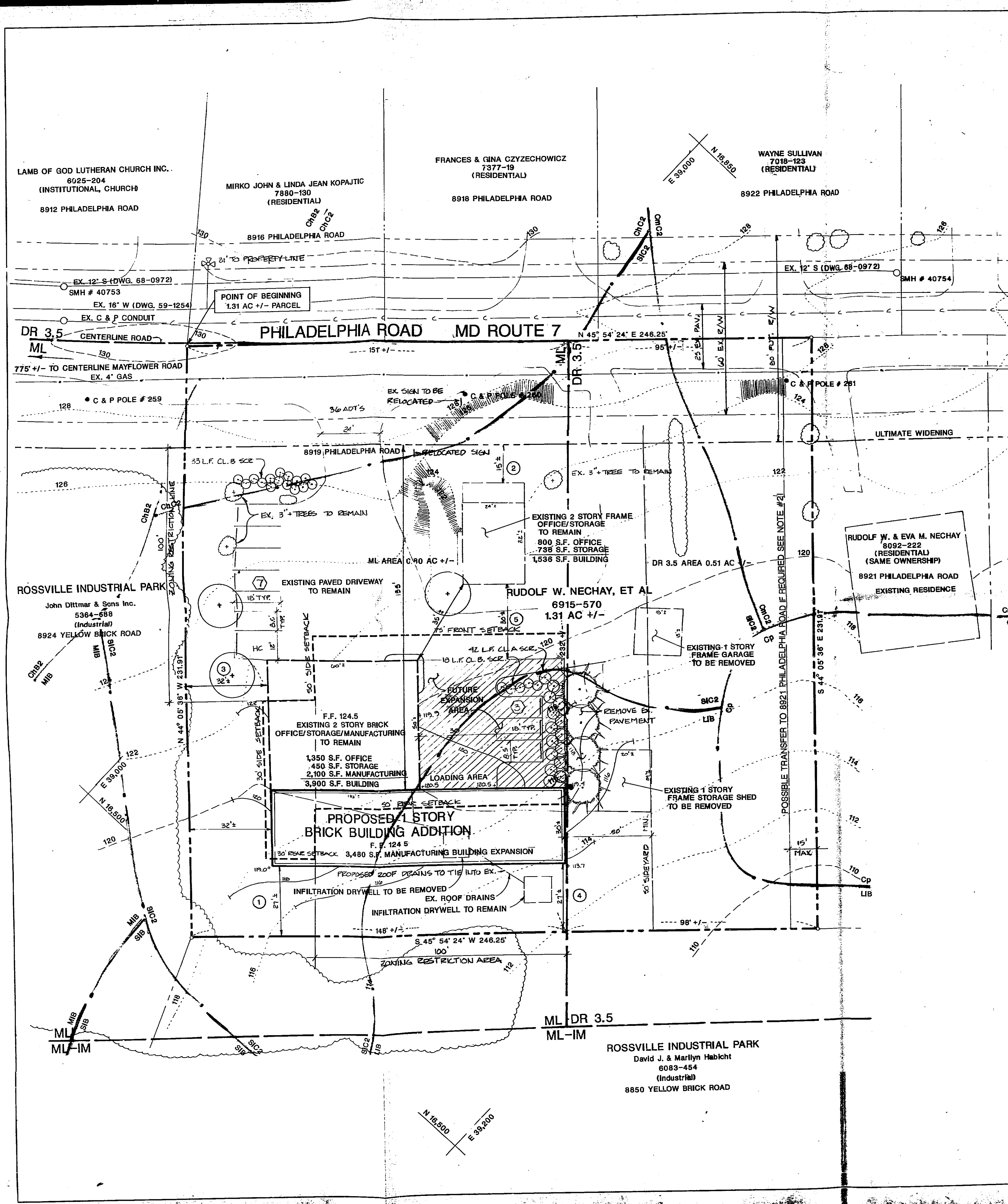
SCALE: 1" = 20'

JOB ORDER NO. 90001

ISSUE DATE 12-27-90

SHEET 1 OF 1

**ZONING CASE**  
 91-299A  
 PBINTED  
 JAN 24 1992  
 DAFT-MCCLINE-WALKER, INC.

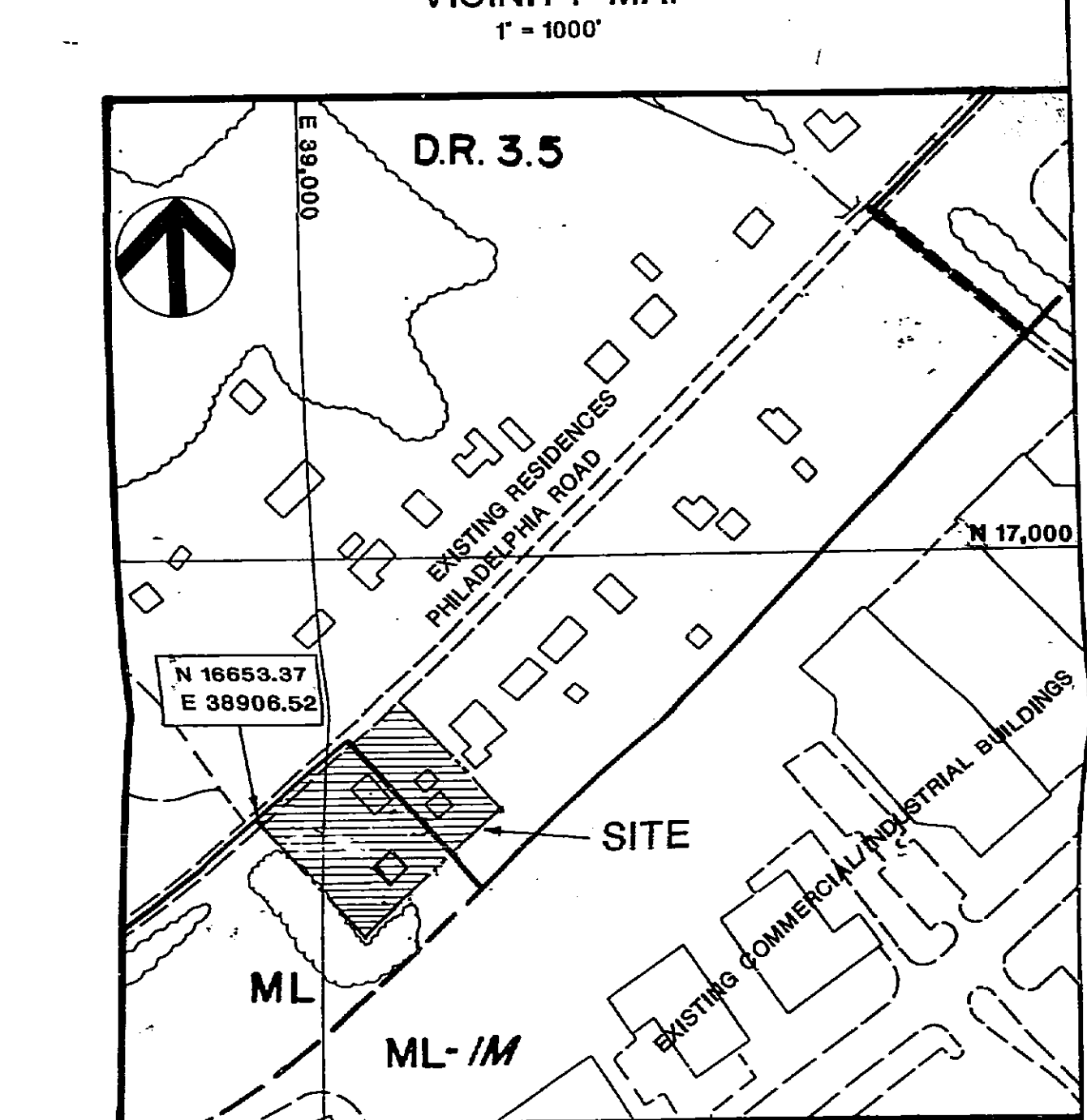
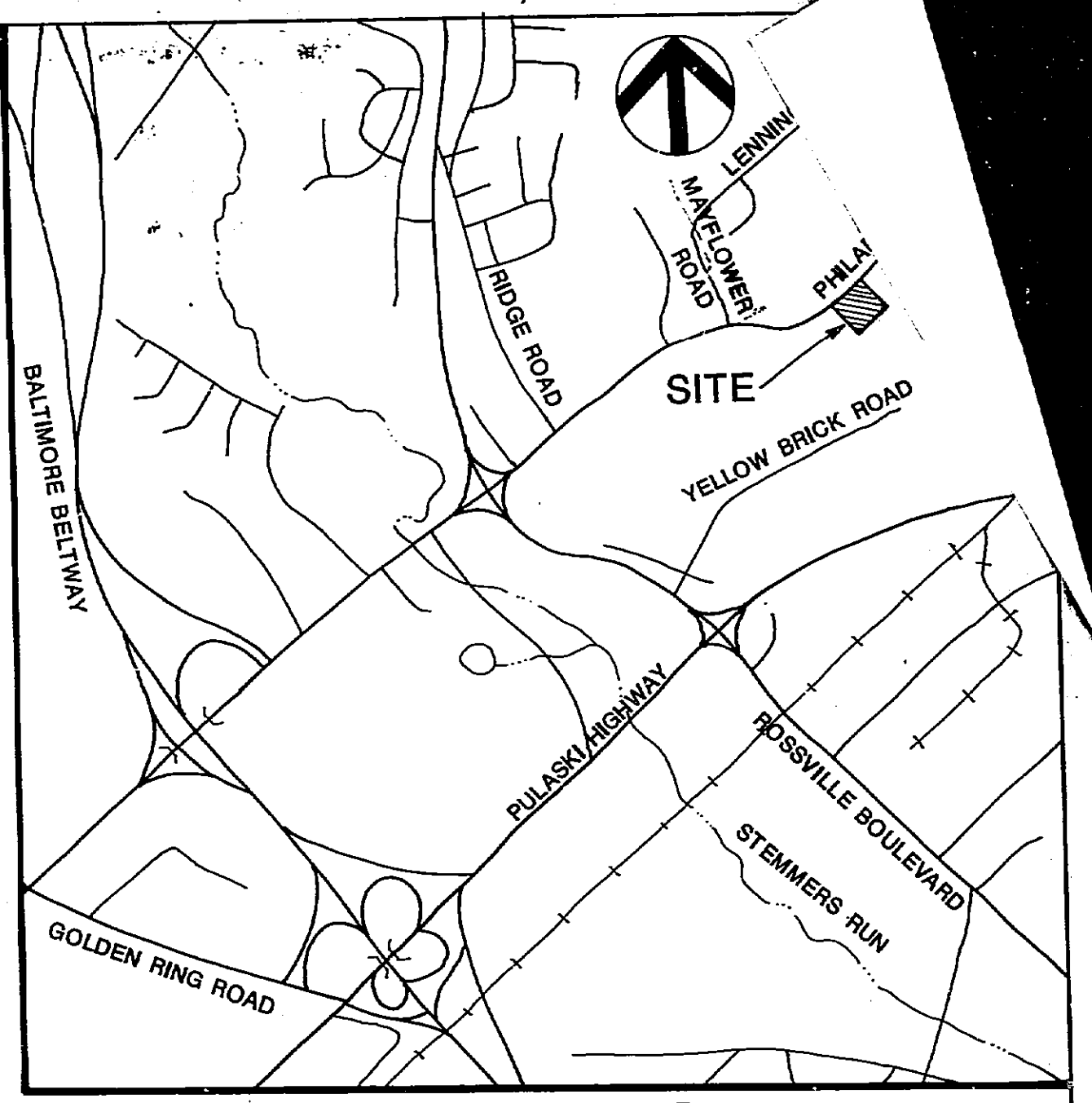


**General Notes**

- Owner/Applicant: Industrial Refrigeration Service, Inc. P.O. Box 70015, Baltimore, Maryland 21237 (301) 686-8000
- Election District 15; Council District 6; Census Tract 4512.0
- Metropolitan 22; Subdivided 2
- Site Data:
  - Net and Gross = 0.80 Acres ±
  - 0.51 Acres ± in 3.5
  - 1.31 Acres ± Total
- The 1988 Comprehensive Zoning Map affords ML and DR 3.5 zoning to this site.
- Floor Area: (60 Only: FAR 2.0)
  - Allowed = 2.0 x 0.80 Ac. ± = 69,696 S.F.
  - Proposed = 2,150 S.F. Ex. Gen. Off.
  - 1,186 S.F. Ex. Storage
  - 2,100 S.F. Ex. Mfg.
  - 2,882 S.F. Mfg.
  - 8,195 S.F. (DR 3.5) (300)
- No development is proposed in the DR 3.5 zone.
- Neighborhood Goals:
  - Not required in ML zone.
- Parking:
  - Required = 2,150 S.F. GM CRP at 3.3/1,000 = 7
  - 5,560 S.F. MFG at 1/100 = 55
  - Total = 62
  - Proposed = 62
  - Additional = 0
- Landscaping:
  - Required = 115 L.F. DR 3.5 at 1/20 = 5.75 (3 M)
  - 120 L.F. DR 3.5 at 1/40 = 3.0 (2 M)
  - 42 L.F. CL. & S.C.E. at 1/15 = 2.8 (3 P.U.)
  - 51 L.F. CL. & S.C.E. at 1/15 = 3.4 (4 P.U.)
  - 10 P.S. at 1/12 = 0.83 (1 M)
  - Less Credit 3' x 3' Trees = 0.83 (3 M)
  - 12.71 (3 M)
  - Provided = 3 M at 1/1 = 3 P.U.
  - 4,802 at 1/2 = 2 P.U.
  - 40 CL. & S.C.E. at 1/5 = 8 P.U.
  - 20 CL. & S.C.E. at 1/5 = 4 P.U.
  - 12 P.U. (3 M)
- All planting will be in accordance with the Baltimore County Landscaping Manual, 1990.
- There are no existing or proposed well or septic areas on the site.
- Soils: Limitations
 

Soil Series and Symbol	Hydro Class	With Runoff	Without Runoff	Streets
Chillum (C80)	C	Slight	Slight	Waterway Slope
Chillum (C82)	C	Slight	Slight	Severe Slope
Somerset (S82)	S	Slight	Slight	Severe Slope
Lentox (L8)	D	Severe: High water table; moderate poor natural drainage	Severe: High water table; moderate poor natural drainage	Severe: High water table; moderate poor natural drainage
Christiana (C82)	C	Severe: Subsoil shrinkage and instability	Severe: Subsoil shrinkage and instability	Severe: Subsoil shrinkage and instability
Clay pits (Cp)	D	Too variable for interpretation	Too variable for interpretation	Too variable for interpretation
- As per Section 22-99, where development occurs on soils with possible severe or moderate limitations, the owner shall be liable to determine whether such conditions exist and the elevation at which they occur. Subsoil may be modified by grading or blasting; high water table or poor drainage may be corrected by grading or installation of underground drains. The appropriate action to be taken will be determined during construction by a licensed professional soils engineer.
- Areas of 25 percent slopes are shown. There is no proposed development on steep slope areas.
- The site currently is 40 percent paved with four buildings. The remainder of the site is primarily grass with a few scattered trees and shrubs. Existing trees and shrubs will remain where possible.
- There are no known streams, bodies of water, springs, floodplains or flood areas on the site.
- The existing buildings are historically insignificant and will remain on the ML portion. Groups and steel in DR 3.5 will be removed by owner during expansion construction.
- Current Owner: Rudolf W. Nechay, et al. 8921 Philadelphia Road, Baltimore, Maryland 21237 (301) 686-8000
- Dead references: Liber 6915, Folio 570
- The Account Numbers: 15-09-05349, 15-09-05343, 15-09-05342
- Estimated Average Daily Trips: 8,916 S.F. at 471,000 S.F. = 26,307
- A notice of stormwater management will be requested in accordance with Section 2 - 150.3(i)(1) of Stormwater Management Policy Manual.
- There are no known wetlands, critical areas, archaeological sites, endangered species habitats, hazardous materials or underground storage tanks on the site.
- Slope will comply with Section 413.6 of Baltimore County Zoning Regulations and all zoning sign policies.
- This site is not known to be within any Baltimore County Microzone Paths or deficient basic service areas.
- The buildings within the ML zone do not exceed 40 feet in height.
- Site Lighting will be arranged to not shine or reflect upon adjoining residential properties or adjoining streets.
- The following variances have been requested:
  - Sections 255.1 and 243.2 - To permit a rear yard of 27 feet in lieu of the required 30 feet.
  - Sections 255.2 and 243.1 - To permit a front yard for an existing building of 15 feet in lieu of the required 30 feet.
  - Sections 255.2 and 243.3 - To permit a side yard for an existing building of 32 feet in lieu of the required 50 feet.
  - Sections 255.2 and 243.4 - To permit a rear yard of 27 feet in lieu of the required 30 feet.
  - Sections 255.2, 243.1 and 243.3 - To permit a distance of 30 feet between buildings in lieu of the required 125 feet.
- Existing and proposed manufacturing will be of actual product as restricted under Section 203.3 Baltimore County Zoning Regulations.
- Special zoning Note:
 

The existing dwelling at 8921 Philadelphia Road is in the same ownership as the separately described lot immediately to the west. Absent securing a variance to the required minimum setback of 15 feet, if necessary sufficient, wish to meet the setback requirement per Section 304 shall be provided from the 8921 Philadelphia Road lot.
- Notice Number M-90-42 of CRP meeting was approved February 16, 1990.



**PLANNING #**

**DAFT McCUNE WALKER INC.**  
 LAND PLANNING CONSULTANTS  
 LANDSCAPE ARCHITECTS  
 ENGINEERS & SURVEYORS  
 200 E PENNSYLVANIA AVE  
 TOWSON, MD 21286  
 TELEPHONE (301) 296-3373

**PLAN AND PLAT TO ACCOMPANY ZONING PETITION OF A PART OF THE PROPERTY OF RUDOLF W. NECHAY, ET AL 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND.**

**DATE** \_\_\_\_\_ **REVISIONS**

**SCALE:** 1" = 20'

**JOB ORDER NO.** 90001

**ISSUE DATE** 12-27-90

**SHEET** 1 OF 1

**PRINTED**

**DAFT-McCUNE-WALKER, INC.**

**EXHIBIT**

**REASON FOR VARIANCE:**  
 Strict compliance with the standard hardwares.