IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Snyder Lane, 365' NE of
the c/l of Sandra Park Road
(9211 Snyder Lane)
11th Election District
5th Councilmanic District

Edward M. Fioravante, et ux
Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-37-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 9211 Snyder Lane, located in the vicinity of Perry Hall in northeastern Baltimore County. The Petition was filed by the owners of the property, Edward M. and Susan L. Fioravante. The Petitioners seek relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport. The subject property and relief sought are more particularly described on the plat submitted with the Petition filed and marked Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING
Date 9/1/94
By

MICROFILMED

of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of September, 1994 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 relief granted herein shall be rescinded.

2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/1/94
By bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 1, 1994

Mr. & Mrs. Edward M. Fioravante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Snyder Lane, 365' NE of the c/l of Sandra Park Road
(9211 Snyder Lane)
11th Election District - 5th Councilmanic District
Edward M. Fioravante, et ux - Petitioners
Case No. 95-37-A

Dear Mr. & Mrs. Fioravante:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel
File

Printed with Soybean Ink
on Recycled Paper

Petition for Administrative Variance

95-37-A

to the Zoning Commissioner of Baltimore County

for the property located at 9211 Snyder Lane

which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

1B02.3.B (211.3 old R-6) 301.1 To allow a side yard setback of 3 feet (for an open carport) and a sum of side yard setbacks of 15 feet in lieu of the required 8 ft and 20 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Not receiving the variance would cause hardship in that a useful carport for a vehicle, like a van, could not be constructed. The wider structure would increase the operational safety of the structure.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s):

Edward M. Fioravante
(Type or Print Name)

Edward M. Fioravante
Signature

Susan L. Fioravante
(Type or Print Name)

Susan L. Fioravante
Signature

9211 Snyder Ln 529-9621(H) 612-8684(W)
Address Phone No

Perry Hall MD 21128
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No

ORDER RECEIVED FOR FILING
Date 9/14/94
By [illegible]

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [illegible] DATE: 8-5-94

ESTIMATED POSTING DATE: 8-14-94

MICROFILMED

ITEM #: 42

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9211 Snyder Lane
address
Perry Hall MD 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The proposed variance is requested so that a useful carport may be constructed adjacent to the house. The additional footage is needed so that a carport that can handle a large vehicle (like a van) can be constructed. The structure will be 3' from the property line and about 13' from the adjacent (neighbors) house. Not receiving the variance would cause hardship in not being able to construct a useful carport structure. (see below)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward M Fioravante
(signature)
Edward M Fioravante
(type or print name)

Susan L. Fioravante
(signature)
Susan L. Fioravante
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/4/94
date

Ann M. Patak
NOTARY PUBLIC

My Commission Expires: 1/29/96

The wider structure would also add to the operational safety in the use of the structure. A similar variance was granted for an other house in this development for a similar structure.

95-37-A

43

ZONING DESCRIPTION

ZONING DESCRIPTION for 9211 Snyder Lane

Election District 11 Councilmanic District 5

Beginning at a point on the S.E. side of 9211 Snyder Lane which is 30' R/W wide at a distance of 365 ft N.E. of the centerline of the nearest improved intersecting street Sandra Park Rd which is 50 ft wide. Being Lot # 3 Block B, Section# 1 in the subdivision of Perry Hall Village as recorded in the Baltimore County Plat Book# 33, Folio# 106, containing 8400 sq ft / .19 acres.

RECEIVED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

95-37-A

District 11th Date of Posting 8/14/94

Posted for: Variance

Petitioner: Edward & Susan Fiorarente

Location of property: 9211 Snyder Lane, SE/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. Hickey Date of return: 8/19/94

Signature

Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-37-A

Account: R-001-6150

Item Number 42

Taken In By:

Date 8-5-94

Edw. M. Fioravante
9211 Snyder La. (21128)

# 010	Residential Variance (ADMN.) filing fee	$ 50.00
# 080	Sign & posting	35.00
	Total	$ 85.00

CASHIER'S VALIDATION

01A01#0043MICHRC $85.00
BA CO1:03AM08-05-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 42
Planner: JJS
Date Filed: 8-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

_____ Need an attorney

✓ The following information is missing:

_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only ____ submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
✓ Notary Public's section is incomplete ~~and/or incorrect and/or commission has expired~~
_____ _____

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Edward and Susan Fiorarante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: Item No. 42, Case No. 95-37-A
Petitioner: Edward and Susan Fiorarante

Dear Mr. & Mrs. Fiorarante:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 5, 1994.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

MICROFILMED

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on Recycled Paper

95-37

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 22, 1994
Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 22, 1994
Item No. 42

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, prior to removal of any existing curb for the entrance, the owner shall obtain a permit from the Department of Public Works, Bureau of Highways and Traffic, Attn: Lynne Beck at 887-3932. The driveway shall be constructed in accordance with Baltimore County Standard Detail Plate 15A or 15B with depressed curb and 7-inch concrete apron within the right-of-way.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 42 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office of Zoning
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

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.

0. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Edward and Susan Fiorante
9211 Snyder Lane
Perry Hall, Maryland 21128

Re: CASE NUMBER: 95-37-A (Item 42)
9211 Snyder Lane
SE/S Snyder lane, 365'+/- NE of c/l Sandra Park Road
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

MICROFILMED

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on Recycled Paper

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9211 Snyder Lane

see pages 5 & 6 of the CHECKLIST for additional required information

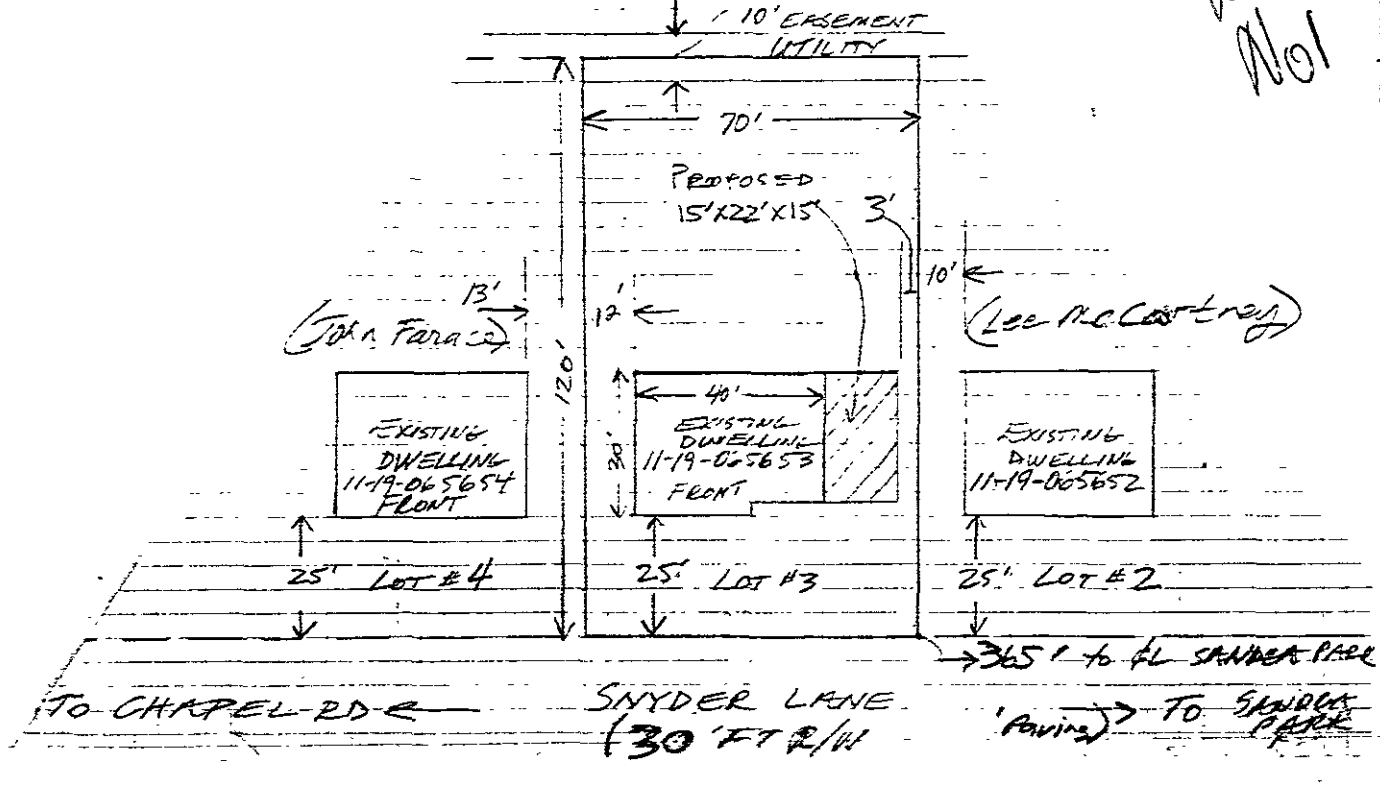
Subdivision name: Perry Hall Village

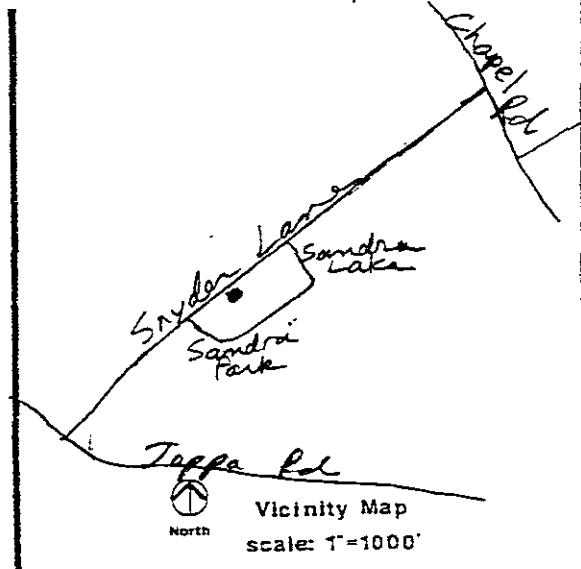
plat book# 33, folio# 106, lot# 3, section# 1

95-37-A

OWNER: Edward M. & Susan L. Fioravante

Plat No1





LOCATION INFORMATION

Election District: 5

Councilmanic District: 11

1"=200' scale map#: NE-10H

Zoning: D.R.5.5

Lot size: .19 acreage 8400.00 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JJW	42	

North

date: 08/01/94

prepared by: [signature]

Scale of Drawing: 1"= 40'

● Edward Fiorante ● 95-37-A

9211 Snyder Lane

Perry Hall, Md.

MICROFILMED

95-37-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'±

DATE
OF
PHOTOGRAPHY
FEBRUARY

LOCATION
PERRY HALL
VICINITY

SHEET
NE
10 H

MICROFILMED

85-37-A

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Snyder Lane, 365' NE of the c/l of Sandra Park Road (9211 Snyder Lane)
11th Election District
5th Councilmanic District

Edward M. Fioravante, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-37-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 9211 Snyder Lane, located in the vicinity of Perry Hall in northeastern Baltimore County. The Petition was filed by the owners of the property, Edward M. and Susan L. Fioravante. The Petitioners seek relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport. The subject property and relief sought are more particularly described on the plat submitted with the Petition filed and marked Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of September, 1994 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 relief granted herein shall be rescinded.

2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/1/94
By

- 2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 1, 1994

Mr. & Mrs. Edward M. Fioravante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Snyder Lane, 365' NE of the c/l of Sandra Park Road
(9211 Snyder Lane)
11th Election District - 5th Councilmanic District
Edward M. Fioravante, et ux - Petitioners
Case No. 95-37-A

Dear Mr. & Mrs. Fioravante:

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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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel
file

Printed with Soybean Ink on Recycled Paper

Petition for Administrative Variance

95-37-A

to the Zoning Commissioner of Baltimore County

for the property located at 9211 Snyder Lane

which is presently zoned DR-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s)

1B02.3.B (211.3 old R-6) 301.1 To allow a side yard setback of 3 feet (for an open carport) and a sum of side yard setbacks of 15 feet in lieu of the required 8 ft and 20 ft. respectively.

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

Not receiving the variance would cause landship in that a useful carport for a vehicle like a van, could not be constructed. The wider structure would increase the operational safety of the structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Edward M. Fioravante
(Type or Print Name)

Edward M. Fioravante
Signature

Susan L. Fioravante
(Type or Print Name)

Susan L. Fioravante
Signature

9211 Snyder La 529-9621(H)
Address 612-8684(W)
Phone No.

Perry Hall MD 21128
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ 19__ that the subject matter of this petition be set for a public hearing; advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/1/94
By

REVIEWED BY: DATE 8-5-94

ESTIMATED POSTING DATE 8-14-94

ITEM #: 42

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9211 Snyder Lane (address)
Perry Hall MD 21128 (City, State, Zip Code)

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The proposed variance is requested so that a useful carport may be constructed adjacent to the house. The additional footage is needed so that a carport that can handle a large vehicle (like a van) can be constructed. The structure will be 3' from the property line and about 13' from the adjacent house. Not receiving the variance would cause hardship in not being able to construct a useful carport structure. (see below)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(Signature) Edward M. Fioravante (Type or print name)

(Signature) Susan L. Fioravante (Type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date 9/14/94

NOTARY PUBLIC

My Commission Expires: 1/29/96

The wider structure would also add to the operational safety in the use of the structure. A similar variance was granted for an other house in this development for a similar structure.

95-37-A

47

ZONING DESCRIPTION

ZONING DESCRIPTION for 9211 Snyder Lane

Election District 11 Councilmanic District 5

Beginning at a point on the S.E. side of 9211 Snyder Lane which is 30' R/W wide at a distance of 365 ft N.E. of the centerline of the nearest improved intersecting street Sandra Park Rd which is 50 ft wide. Being Lot # 3 Block B, Section# 1 in the subdivision of Perry Hall Village as recorded in the Baltimore County Plat Book# 33, Folio# 106, containing 8400 sq ft / .19 acres.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-37-A

Towson, Maryland

District 11th Date of Posting 8/14/94

Posted for: Variance

Petitioner: Edward & Susan Fioravante

Location of property: 9211 Snyder Lane SE/S

Location of Signs: Facing Rd. & Lwy. on property being zoned

Remarks:

Posted by (Signature) Date of return: 8/19/94

Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-37-A

Account: R-001-6150

Date 8-5-94

Item Number 42

Taken In By:

Edw. M. Fioravante
9211 Snyder La. (21128)

#010 Residential Variance (ADMN) filing fee — $ 50.00
#080 Sign & posting — 35.00

Total $85.00

01A01#0043MICHRC $85.00
6A 0010:03AM08-05-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 42
Planner: JJS
Date Filed: 8-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

_____ Need an attorney

✓ The following information is missing:

_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only ___ submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
✓ Notary Public's section is incomplete ~~and/or incorrect~~ ~~and/or commission has expired~~
_____ _____

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Edward and Susan Fiorarante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: Item No. 42, Case No. 95-37-A
Petitioner: Edward and Susan Fiorarante

Dear Mr. & Mrs. Fiorarante:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 5, 1994.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

Printed with Soybean Ink on Recycled Paper

95-37

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1994
Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 22, 1994
Item No. 42

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, prior to removal of any existing curb for the entrance, the owner shall obtain a permit from the Department of Public Works, Bureau of Highways and Traffic, Attn: Lynne Beck at 887-3932. The driveway shall be constructed in accordance with Baltimore County Standard Detail Plate 15A or 15B with depressed curb and 7-inch concrete apron within the right-of-way.

RWB:sw

SHA

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 42 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45; 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Edward and Susan Fiorante
9211 Snyder Lane
Perry Hall, Maryland 21128

Re: CASE NUMBER: 95-37-A (Item 42)
9211 Snyder Lane
SE/S Snyder Lane, 365'+/- NE of c/l Sandra Park Road
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a $50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

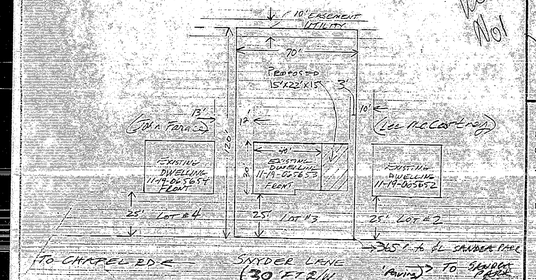
Printed with Soybean Ink on Recycled Paper

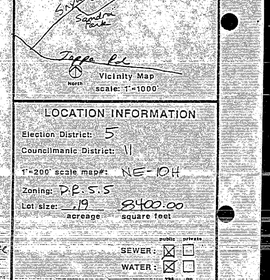
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 9211 Snyder Lane
Subdivision name: Perry Hall Village
Plat book# 33 folio# 106 lot# 3 section# 1
95-37-A
OWNER: Edward M. & Susan L. Fiorarante

Not





LOCATION INFORMATION

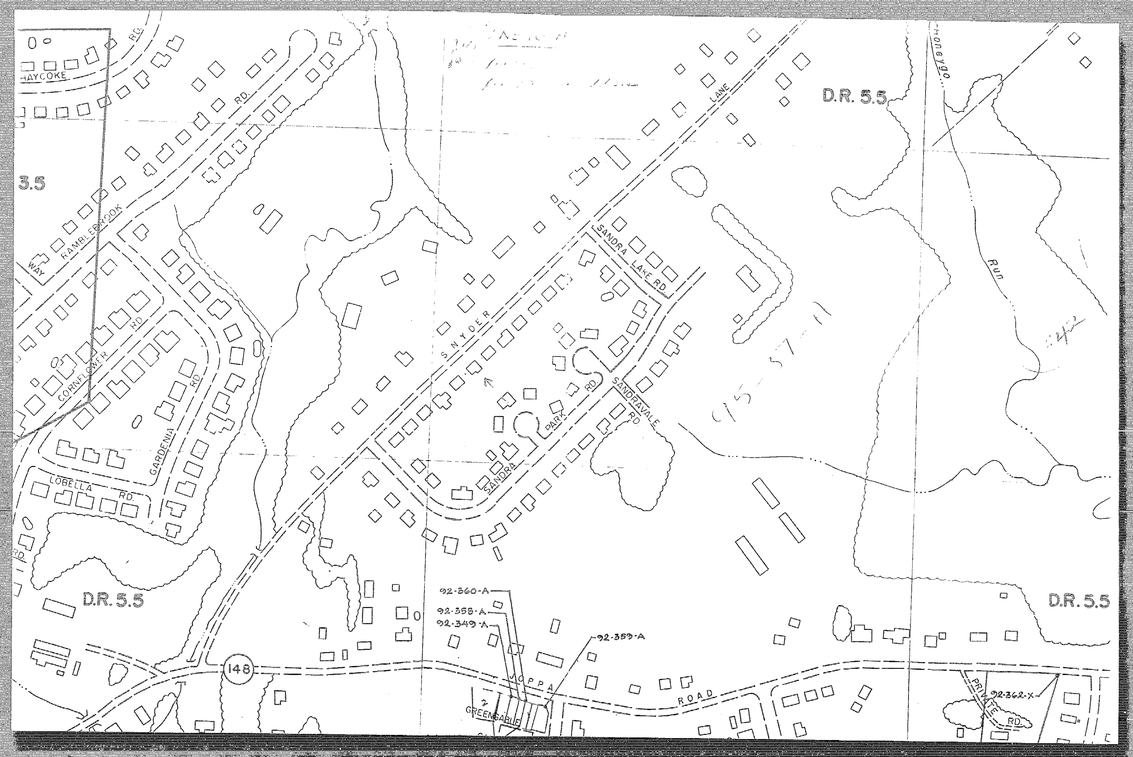
Election District: 5
Councilmanic District: 11
1"=200 scale map#: NE-10H
Zoning: D.R.5.5
Lot size: .19 acreage 8400.00 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: ITEM #: 42 CASE#:

North
date: 08/10/94
prepared by: [signature] Scale of Drawing: 1"= 40'


HAYCOKE
RD.
RAMBLEBROOK
CORNELIUS
RD.
GARDENIA
RD.
LOBELIA
RD.
D.R. 5.5
3.5
SNYDER
SENIOR
LANE RD.
LANE
D.R. 5.5
ONEIDA
RIVER
92-360-A
92-358-A
92-349-A
92-359-A
148
GREENBRIAR
ROAD
92-362-X
PRIVATE RD.
D.R. 5.5

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	PERRY HALL VICINITY	N.E. 10-H
DATE OF PHOTOGRAPHY January		

95-37-A

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Snyder Lane, 365' NE of the c/l of Sandra Park Road (9211 Snyder Lane)
11th Election District
5th Councilmanic District

Edward M. Fioravante, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-37-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 9211 Snyder Lane, located in the vicinity of Perry Hall in northeastern Baltimore County. The Petition was filed by the owners of the property, Edward M. and Susan L. Fioravante. The Petitioners seek relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport. The subject property and relief sought are more particularly described on the plat submitted with the Petition filed and marked Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of September, 1994 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B (Section 211.3 of the old R-6 regulations) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 8 feet, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 relief granted herein shall be rescinded.

2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/1/94
By [illegible]

- 2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 1, 1994

Mr. & Mrs. Edward M. Fioravante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Snyder Lane, 365' NE of the c/l of Sandra Park Road
(9211 Snyder Lane)
11th Election District - 5th Councilmanic District
Edward M. Fioravante, et ux - Petitioners
Case No. 95-37-A

Dear Mr. & Mrs. Fioravante:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel
file

Printed with Soybean Ink on Recycled Paper

Petition for Administrative Variance

95-37-A

to the Zoning Commissioner of Baltimore County

for the property located at 9211 Snyder Lane

which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s)

1B02.3.B (211.3 old R-6) 301.1 To allow a side yard setback of 3 feet (for an open carport) and a sum of side yard setbacks of 15 feet in lieu of the required 8 ft and 20 ft. respectively.

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

Not receiving the variance would cause hardship in that a useful carport for a vehicle, like a van, could not be constructed. The wider structure would increase the operational safety of the structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Edward M. Fioravante
(Type or Print Name)

Edward M. Fioravante
Signature

Susan L. Fioravante
(Type or Print Name)

Susan L. Fioravante
Signature

9211 Snyder La 529-9621(H)
Address Phone No.

Perry Hall MD 21128
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ 19__ that the subject matter of this petition be set for a public hearing; advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 9/1/94
By [illegible]

REVIEWED BY: DATE 8-5-94

ESTIMATED POSTING DATE 8-14-94

ITEM #: 42

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9211 Snyder Lane
address
Perry Hall MD 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The proposed variance is requested so that a useful carport may be constructed adjacent to the house. ~~The~~ The additional footage is needed so that a carport that can handle a large vehicle (like a van) can be constructed. The structure will be 3' from the property line (SIDE LOT) and about 13' from the adjacent house. Not receiving the variance would cause hardship in not being able to construct a useful carport structure. (see below)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward M. Fioravante
Signature
Edward M. Fioravante
(Type or print name)

Susan L. Fioravante
Signature
Susan L. Fioravante
(Type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/4/94
Date

Dawn M. Patch
NOTARY PUBLIC

My Commission Expires: 1/29/96

The wider structure would also add to the operational safety in the use of the structure. A similar variance was granted for an other house in this development for a similar structure.

95-37-A

43

ZONING DESCRIPTION

ZONING DESCRIPTION for 9211 Snyder Lane

Election District 11 Councilmanic District 5

Beginning at a point on the S.E. side of 9211 Snyder Lane which is 30' R/W wide at a distance of 365 ft N.E. of the centerline of the nearest improved intersecting street Sandra Park Rd which is 50 ft wide. Being Lot # 3 Block B, Section# 1 in the subdivision of Perry Hall Village as recorded in the Baltimore County Plat Book# 33, Folio# 106, containing 8400 sqft / .19 acres.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-37-A

Towson, Maryland

District 11th Date of Posting 8/14/94

Posted for: Variances

Petitioner: Edward & Susan Fioravante

Location of property: 9211 Snyder Lane, SE/S

Location of Signs: Facing rdwy & way of property being posted

Remarks:

Posted by M. Hardy Date of return: 8/19/94
Signature

Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-37-A

Account: R-001-6150

Date 8-5-94

Item Number 42

Taken In By: JRA

Edw. M. Fioravante

9211 Snyder La. (21128)

#010 Residential Variance (ADMN) filing fee — $ 50.00

#080 Sign & posting — 35.00

Total $85.00

01A01#0043MICHRC $85.00
08-5#19:03AM08-05-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 42
Planner: JJS
Date Filed: 8-5-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

____ Need an attorney

✓ The following information is missing:

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____ BCZR section information and/or wording
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____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
✓ Notary Public's section is incomplete ~~and/or incorrect and/or commission has expired~~
____ _____

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Edward and Susan Fiorarante
9211 Snyder Lane
Perry Hall, Maryland 21128

RE: Item No. 42, Case No. 95-37-A
Petitioner: Edward and Susan Fiorarante

Dear Mr. & Mrs. Fiorarante:

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Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

Printed with Soybean Ink on Recycled Paper

95-37

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 22, 1994
Item No. 42

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, prior to removal of any existing curb for the entrance, the owner shall obtain a permit from the Department of Public Works, Bureau of Highways and Traffic, Attn: Lynne Beck at 887-3932. The driveway shall be constructed in accordance with Baltimore County Standard Detail Plate 15A or 15B with depressed curb and 7-inch concrete apron within the right-of-way.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 42 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Edward and Susan Fiorante
9211 Snyder Lane
Perry Hall, Maryland 21128

Re: CASE NUMBER: 95-37-A (Item 42)
9211 Snyder Lane
SE/S Snyder Lane, 365'+/- NE of c/l Sandra Park Road
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set-in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a $50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Printed with Soybean Ink on Recycled Paper

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

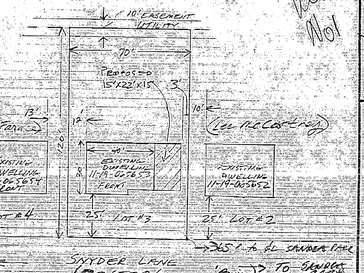
PROPERTY ADDRESS: 92[illegible] Snyder Lane — see pages 5 & 6 of the CHECKLIST for additional required information

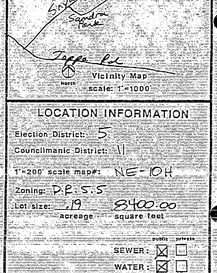
Subdivision name: Perry Hall Village 95-37-A

Plat book# 32 folio# 102 lot# 3 section# 1

OWNER: Edward M. & Susan L. Fiorarante

Not Plat



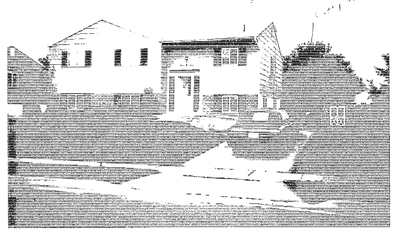


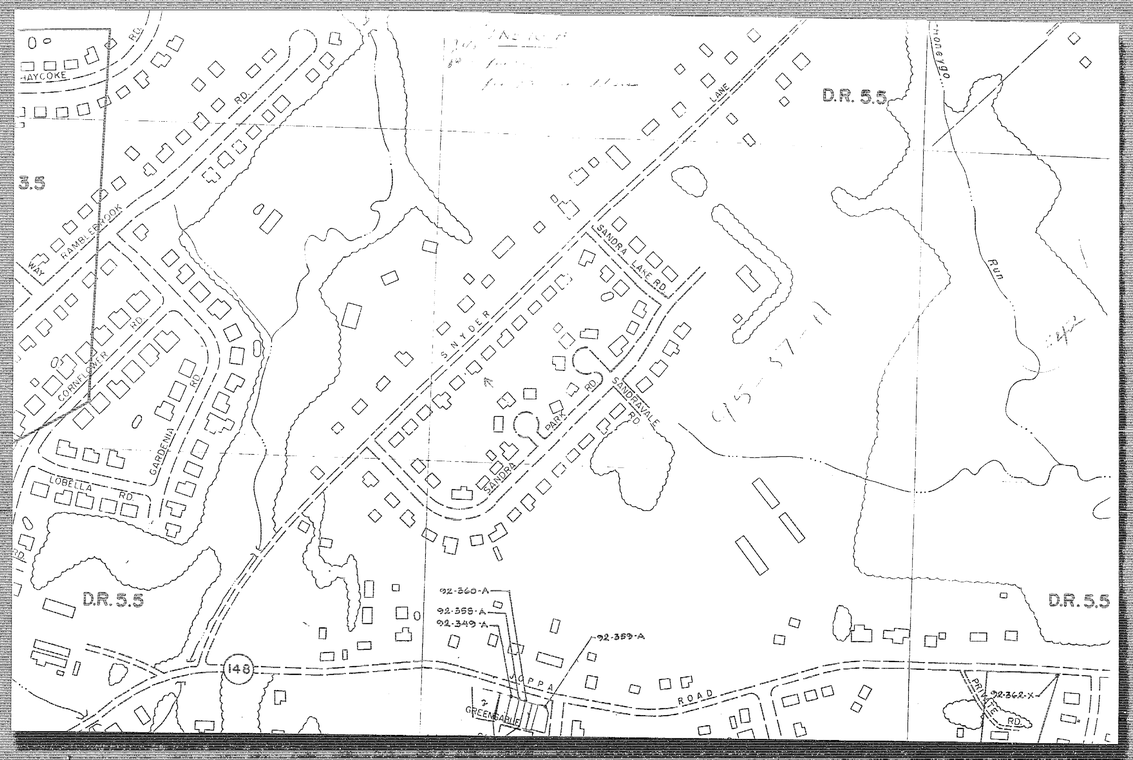
LOCATION INFORMATION

Election District: 5
Councilmanic District: 1
1"=200 scale map#: NE-OH
Zoning: D.R.5.5
Lot size: .19 Acreage 8400.00 square feet
SEWER: public ☒ private ☐
WATER: public ☒ private ☐
Chesapeake Bay Critical Area: yes ☐ no ☒
Prior Zoning Hearings: None

North
date: 08/10/94
prepared by: [signature] Scale of Drawing: 1"= 40'

Zoning Office USE ONLY!
reviewed by: [signature] ITEM #: 42 CASE#:




D.R. 5.5
D.R. 5.5
D.R. 5.5
3.5
HAYCOKE
RAMBLEBROOK
CORNELIUS
GARDENIA
LOBELIA
SNYDER
SNYDER LANE RD.
PRAY
SANDERSVILLE
92-360-A
92-358-A
92-349-A
92-359-A
148
GREENBRIAR
ROAD
92-362-X
PRIVATE RD.
RUN

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	PERRY HALL VICINITY	N.E. 10-H
DATE OF PHOTOGRAPHY		

95-37-A

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - E/S York Road, 733.44' NW of Roundridge Road (2301 York Road)
8th Election District
3rd Councilmanic District

Parkway Machine Corporation
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-377-SPHA

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 2301 York Road, located in the vicinity of Timonium, just south of Padonia Road and west of the Jones Falls Expressway (I-83). The Petitions were filed by the owners of the property, the Parkway Machine Corporation, by Edward B. Kovens, President, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special hearing to approve an amendment to the previously approved site plans in prior Case Nos. 3903 and 92-712-SPH, and variance relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward B. Kovens, President of Parkway Machine Corporation, property owner, Mel Tapper, with Tapper Construction Company, Inc., and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested parties present.

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

Testimony and evidence offered revealed that the subject property consists of 6.170 acres, more or less, zoned M.R. and is improved with a concrete block building which houses the business known as Parkway Machine Company. This property was the subject of prior Case No. 92-312-SPH in which an amendment to the previously approved site plan in Case No. 3903 was approved on April 9, 1992. In that case, the Petitioners proposed to construct a one-story addition to the rear of the existing building in order to expand the business, which manufactures gumball machines for distribution all over the world. The Petitioners now come before me seeking an amendment to the plan approved in Case No. 92-312-SPH and variance relief for a second addition to the existing building. Testimony indicated the proposed addition is needed to provide more warehouse space for this growing company. Due to the unique shape of the lot and the location of existing improvements thereon, the requested variance is necessary.

It was noted that the Developers Engineering Section of the Office of Permits and Development Management submitted comments dated May 8, 1995 in which they stated that the Petitioners have not completed the required landscaping imposed upon them in the Order issued April 9, 1992 in prior Case No. 92-312-SPH. Testimony at the hearing revealed that the required landscaping was in the area where the proposed addition is to be placed. Therefore, the Petitioners decided not to install this landscaping since it would have to be removed for construction of the proposed addition. In any event, the Petitioners will be required to submit a new landscape plan for review and approval by the Landscape Architect for Baltimore County prior to the issuance of any occupancy permits. Furthermore, all required landscaping shall be completed within one year of the date of this Order.

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

- 2-

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

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested in the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

- 3-

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of June, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case Nos. 3903 and 92-712-SPH, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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 relief granted herein shall be rescinded.

2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Furthermore, all required landscaping shall be completed within one year of the date of this Order.

3) 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.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

- 4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 19, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S York Road, 733.44' NW of Roundridge Road
(2301 York Road)
8th Election District - 3rd Councilmanic District
Parkway Machine Corporation - Petitioners
Case No. 95-377-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ed Kovens
2301 York Road, Timonium, Md. 21093

Mr. Mel Tapper
8 Irving Place, Baltimore, Md. 21208

People's Counsel

File

APP. ADVISED OF 240.3 "PROP. DEV. PLAN REQUIRED" AT FILING.

368

95-377-SPHA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2301 YORK ROAD
which is presently zoned MR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
AMENDMENT TO PREVIOUSLY APPROVED PLANS IN CASES NOS. 3903, 92-312 SPH.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing 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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
PARKWAY MACHINE CORP
(Type or Print Name)
Signature
EDWARD B. KOVENS, PRES
(Type or Print Name)
Signature
2301 YORK ROAD 252-1020
Address Phone No.
TIMONIUM, MD 21093
City State Zipcode
Name, Address and phone number of representative to be contacted

Attorney for Petitioner:
JOHN B. GONTRUM
(Type or Print Name)
Signature
814 EASTERN BLVD 686-8274
Address Phone No.
BALT., MD 21221
City State Zipcode

Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR
unavailable for Hearing
the following dates Next Two Months
ALL
REVIEWED BY JRA DATE 4/20/95

Printed with Soybean Ink on Recycled Paper

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

368

95-377-SPHA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2301 YORK ROAD
which is presently zoned MR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s) 243.5 TO ALLOW A FLOOR AREA RATIO OF 31% IN LIEU OF 25% FOR SINGLE STORY BUILDING

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
TOPOGRAPHY OF LOT AND PROXIMITY OF RESIDENTIAL NEIGHBORS MAKE ADDITIONAL STORY IMPRACTICAL AND UNDESIRABLE UNDUE PRACTICAL DIFFICULTY WITH STRICT COMPLIANCE WITH REGULATIONS

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
PARKWAY MACHINE CORP
(Type or Print Name)
Signature
EDWARD B. KOVENS, PRES
(Type or Print Name)
Signature
2301 YORK ROAD 252-1020
Address Phone No.
TIMONIUM, MD 21093
City State Zipcode
Name, Address and phone number of representative to be contacted

Attorney for Petitioner:
JOHN B. GONTRUM
(Type or Print Name)
Signature
814 EASTERN BLVD 686-8274
Address Phone No.
BALT., MD 21221
City State Zipcode

Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1HR
unavailable for Hearing
the following dates Next Two Months
ALL
REVIEWED BY JRA DATE 4/20/95

ORDER RECEIVED FOR FILING
Date 6/19/95
By bjs

368

PROPERTY DESCRIPTION

2301 YORK ROAD

95-377-SPHA

All that parcel or parcels of land located in the County of Baltimore, State of Maryland, and being known and designated as Lot Nos. 4 & 5, as shown on a Plat entitled "Stratford Industrial Site", which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, folio 36, and more particularly described as follows:

Beginning at a point 79 feet East of the centerline of York Road, 66 feet wide, at a distance of 733.44 feet Northwesterly from the centerline of Roundridge Road and running thence N 18 30' 21" 80.21 feet to a point; thence running Northwesterly along a curve having a radius of 465 feet for a distance of 250.78 feet; thence running Northwesterly along a curve having a radius of 82.00 feet for a distance of 41.84 feet; thence running N 72 57' 30" E 630.79 feet to a point; thence running S 02 02' 46" W 550 feet to a point; thence running due West 547.61 feet to the place of beginning; containing 6.170 acres. The improvements thereon being known as 2301 York Road, in the 8th Election District.

Together with the right to the use in common with others entitled thereto of the service road leading to and from York Road and designated as "Widening for Service Road" on a Plat entitled "Stratford Industrial Site" which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, Folio 36, all as set forth in a Deed dated December 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3935, Folio 583, between The Star Construction Company, et al, and Fawn Plastics Company, Inc.

STATE OF MARYLAND
BALTIMORE COUNTY
SURVEYOR, ENGINEER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-377-SPHA

Towson, Maryland

District 8th Date of Posting 5/6/95

Posted for: Special Hearing & Variance

Petitioner: Parkway Machine Co.

Location of property: 2301 York Rd.

Location of Signs: Facing York Rd. approx. 50' from Ivy Ridge Road

Remarks:

Posted by [signature] Date of return: 5/11/95

Signature

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 19 95

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 5/4, 19 95.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-377-SPHA (Item 368)
2301 York Road
79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road
Parkway Machine
8th Election District
3rd Councilmanic
Legal Owner: Parkway Machine Corporation
Hearing: Thursday, June 1, 1995 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH. **Variance** to permit floor area ratio of 31% in lieu of 25% for single story building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
5/057 Mav #

Baltimore County Government
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-377-SPHA

Account: R-001-6150

Number 368

Date 4/20/95

1 NON RES VAR	020	250.00
1 NON RES SPH	040	250.00
2 SIGNS		70.00
		$570.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 368

Petitioner: PARKWAY MACHINE CORP.

Location: 2301 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ronnie/Kay Gontrum & McLaughlin

ADDRESS: 814 Eastern Blvd.

BALT., MD. 21221

PHONE NUMBER: 686-8274

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-377-SPHA (Item 368)
2301 York Road
79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road
Parkway Machine
8th Election District - 3rd Councilmanic
Legal Owner: Parkway Machine Corporation
HEARING: THURSDAY, JUNE 1, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH.
Variance to permit floor area ratio of 31% in lieu of 25% for single story building.

[signature]
Arnold Jablon
Director

cc: Parkway Machine Corporation
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 24, 1995

John B. Gontrum, Esquire
814 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No.: 368
Case No.: 95-377-SPHA
Petitioner: Parkway Machine Corp.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 9, 1995

SUBJECT: 2301 York Road

INFORMATION:

Item Number: 368

Petitioner: Parkway Machine Corporation

Property Size:

Zoning: MR

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to amend previously approved plans in Case Nos. 3903 and 92-312SPH.

Staff does not oppose the applicant's request provided that all previously imposed conditions are attached to any Order granting the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Gary Kerns

PK/JL

ITEM368/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 5, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 368

The Developers Engineering Section has reviewed the subject zoning item. The approved final landscape plan for the 1992 addition has not been complied with. The variance should be withheld until this is addressed.

RWB:sw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362
363
368
370
371
372
373
374
375

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-3-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 368 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon
Director
Zoning Administration And
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: PARKWAY MACHINE CORPORATION

LOCATION: 79' FROM CENTERLINE YORK RD. ON E/S YORK RD. 733.43' NW OF ROUNDRIDGE (2301 YORK RD. PARKWAY MACHINE.)

Item No.: 368 Zoning Agenda: SPECIAL HEARING

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.

A. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

B. 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", 1991 edition prior to occupancy.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
2301 York Road, 79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road (Parkway Machine), 8th Election District, 3rd Councilmanic
Parkway Machine Corporation
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-377-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW FIRM
Romadka, Gontrum & McLaughlin, P.A.
814 EASTERN BOULEVARD
ESSEX, MARYLAND 21221
TELEPHONE: (410) 686-8274
FAX # 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

ELIZABETH A. VANNI
*Also admitted in District of Columbia

5/11/95 Ltr
To Ltr
please return

April 25, 1995

Arnold Jablon, Director
Zoning Administration and
Development Management Office
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

RECEIVED
MAY 1 1995
ZADM

Re: Parkway Machine Corp.
York Road (2301)
RGM File No.: 94-3004
District: 8c3

Dear Mr. Jablon:

Approximately four years ago, Parkway Machine was before the Zoning Commissioner of Baltimore County on a petition to modify and improve development plan in an M.R. zone. At that time we were trying to determine whether pursuant to §240.3 of the Baltimore County Zoning Regulations referral to the Planning Board was necessary. A preliminary determination had been made by the planning office that referral to the Planning Board was important. Upon review of §240.3, however, it became apparent that what we were actually seeking was an amendment to an existing development plan, which had been filed and approved in a previous zoning case number 3903. Consequently, referral to the Planning Board was not deemed necessary. The case went on for special hearing at which time it was approved.

The business of Parkway Machine Corporation has fortunately been very successful over the last few years and has expanded rapidly to the point where they have now filed a new special hearing petition for an amendment to the approved site plan, which would add an additional 20,789 square feet to the existing building area of 61,256 square feet. A variance is being sought also from the lot coverage provisions of the M.R. zone. This variance is being sought because of the neighborhoods concern that the building not go up in height and because of the demography of the property. As a result because it is a single story the F.A.R. on the site is .25. and our proposed F.A.R. is .31.

As this is an amendment to a previous existing development plan as opposed to a new development plan for a use in an M.R. zone and since the use of the M.R. zone is not changing from that which has been previously approved, we did not believe that a referral to the Planning Board was necessary with respect to this matter.

Please let me know whether or not you believe this matter should be referred to the Planning Board based on the previous review and on the request at this time.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Ed Kevens
Mel Tapper, Tapper Construction

5-12-95 Per Arnold Jablon, this request (addtn) necessary have to go to Plan. Board

Speed Letter
In the interest of speed and economy, we are making this your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.

May 2, 1995

Dear John,

I would agree, provided that the Director of the Office of Planning and Zoning would concur.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:scj

c: #92-312-SPH
#91-189-SPH

PLEASE PRINT CLEARLY

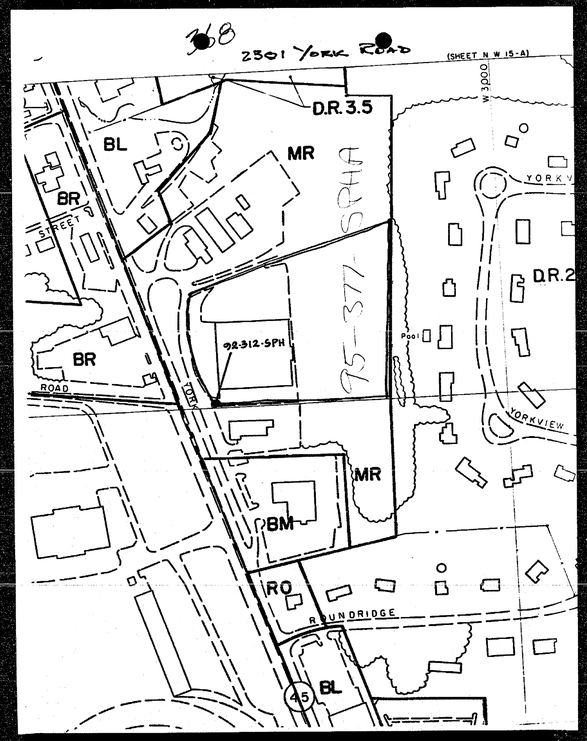
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Mel Tapper	8 Irving Place
Ed Kevens	2301 York Rd - Timonium, Md.
John Gontrum	

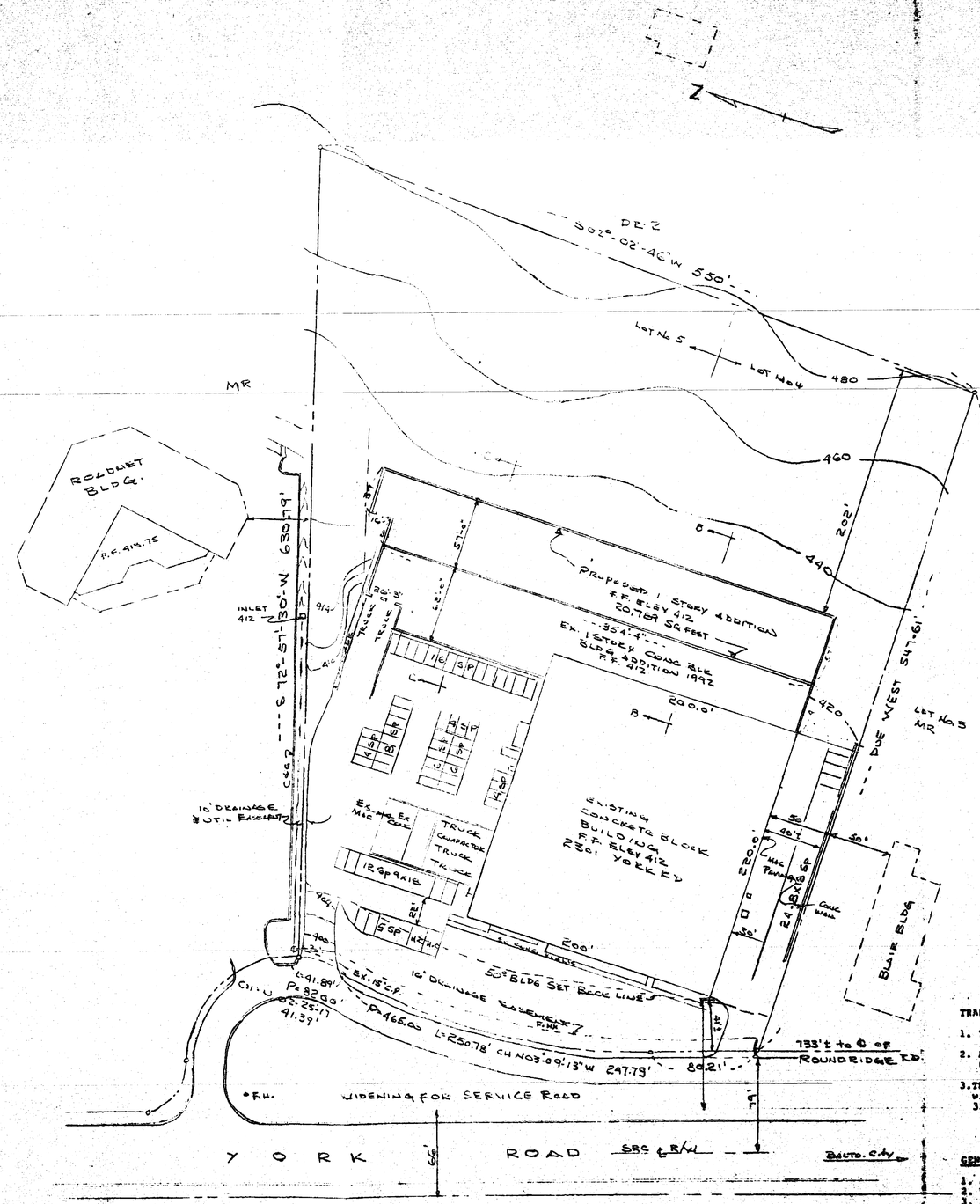
Printed with Soybean Ink on Recycled Paper

368

2301 YORK ROAD

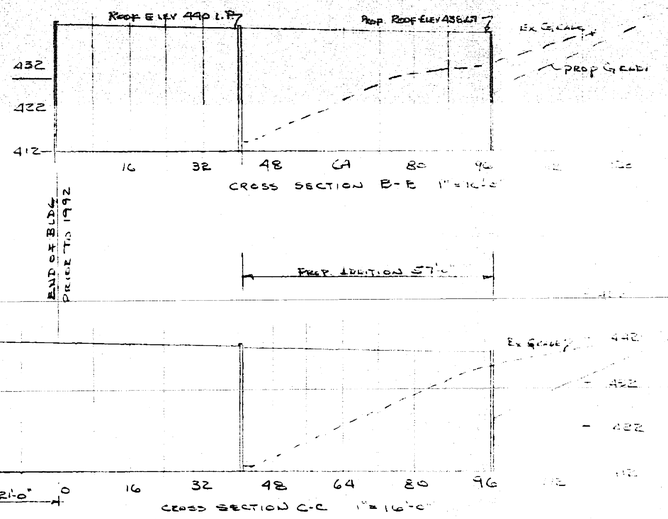


95-377-SPHA



SITE PLAN 1"=50'-0"

NOTES INFORMATION SHOWN IS TAKEN FROM LOCATION SURVEY BY SPOTTS, STEVENS & McCOY INC. AND ROADNET BLDG SITE PLAN BY KIDDE CONSULTANTS INC. TOPO IS PARTLY FROM BALTO. CTY 200 SCALE MAPS.



92-312-SPH

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for Special Hearing to approve an amendment to the previously approved petition and site plan filed in Case No. 3903, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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.

2) There shall be no doors or windows on the east side (rear) of the proposed addition. Further, there shall be no access to the building from the rear of the proposed addition.

3) The heating and air conditioning units shall be installed on the roof of the proposed addition in such a manner so that the exhaust fan is directed towards York Road and away from the adjoining residential properties to the east of this site. In the event it is not possible to situate these units in this fashion, then the Petitioner shall provide some type of screening on the roof of the proposed addition to help mitigate any noise which may be caused by these units.

4) Any and all exterior lights used to illuminate this site shall be directed away from and not reflect onto any adjoining residential properties.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ZONING CASE NO. 3903

ORDER OF THE ZONING COMMISSIONER OF BALTIMORE COUNTY

It is this 16th day of September, 1936, by the Zoning Commissioner of Baltimore County, ORDERED that the Development Plan filed herein and noted "Approved Development Plan for Fawn Plastics Co., Inc.," be and the same is hereby approved subject to the following conditions:

1. That Fawn Plastics Co., Inc., will build and maintain that portion of the proposed service road fronting on its property and as shown on said Development Plan when directed to do so by the Department of Public Works of Baltimore County.
2. That screening and planting will be carried out in accordance with said Development Plan.
3. That buildings and grounds shall be continually maintained so that they will not adversely effect visinal properties.

Zoning Commissioner of Baltimore County

LAST IMPROVEMENTS: 8/3/92
Permit # B135633
Control #C-1059-92

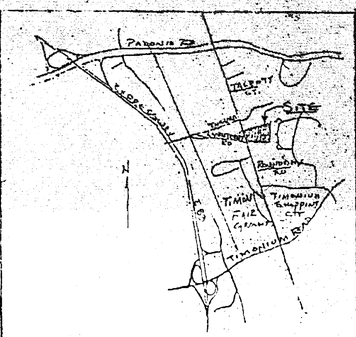
2/14/91
Permit # B188519
Control # C

TRAFFIC INFORMATION

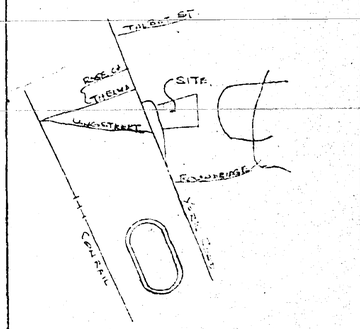
1. YORK ROAD & PADONIA RD. - Level of Service = D
2. AVERAGE DAILY TRIPS GENERATED BY MANUFACTURING ZONING: 6.442 Acres x 100 = 644.2 A.D.T.
3. The trip distribution North and South on York Road will be approximately equal, i.e., 50% or 322 Average Daily Trips each way.

GENERAL NOTES:

1. ALL PAVING IS EXISTING.
2. THE SITE IS LOCATED WITHIN THE DAM RUN DRAINAGE AREA.
3. HOURS OF OPERATION: 7:00 A.M. to 6:00 P.M.- 5 DAYS/WEEK.
4. PROPOSED USE OF ADDITION - WAREHOUSE.
5. EXISTING USE OF EXISTING BUILDING - WAREHOUSE, ASSEMBLY & OFFICE.
6. NUMBER OF EMPLOYEES - 41 (anticipated).
7. ALL UTILITIES ARE EXISTING - NO NEW SANITARY FACILIES ARE NEEDED.
8. EXISTING BUILDING IS SPRINKLERED; PROP. ADD. IS TO BE SPRINKLERED.
9. THERE ARE NO KNOWN ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS OR CRITICAL AREAS ON THIS SITE.
10. LIGHTING OF EXISTING PARKING LOT TO BE BY WALL PACKS MOUNTED ON THE WALLS OF THE NEW ADDITION AND EXISTING BUILDING..
11. PARKING SPACES WILL BE STRIPPED.
12. SIGNS ARE TO COMPLY WITH SECTION 413 and ALL ZONING POLICIES.



VICINITY MAP 1"=2000'



VICINITY MAP 1"= 1000'

OFF STREET PARKING DATA

OFFICE: 7900 Sq. Ft.x 3.3 sp./1000 = 26 Spaces
Warehouse,shipping, rec.-15 Employ. = 15
TOTAL SPACES REQUIRED 41 Spaces

SPACES PROVIDED:
Standard (8½' or 9'x18') 74
Small car (7½'x16') 16
Handicapped 2
TOTAL SPACES PROVIDED 93 spaces
Proposed addition will not increase number of employees.

FLOOR AREA RATIO CALCULATIONS

Existing Building Area = 61,256 Sq.Ft.
Proposed Addition = 20,789
Total proposed area = 82,045 Sq.Ft.

LOT AREA = 6.17 Acres x 43,560= 268,765.2 SqFt
25% Coverage = .25x268,765.2 = 67,191.3 SqFt
FAR Allowed = .4 x 268,765.2 = 107,506.8 SqFt

PROPOSED LOT COVERAGE:
82,045 ÷ 268,765.2 = 31%

LOT NOS. 4 & 5
Plat Book GLB No. 24, Folio 36
"STRATFORD INDUSTRIAL SITE"
LOT SIZE - 6.170 ACRES ±
ZONING - MR
DISTRICT 8, PREC: 5
TAX ACCOUNT NO. 0806000350
2301 YORK ROAD
COUNCILMANIC DISTRICT - 3

NO.	DATE	REVISION	BY
3	4-1-96	SPECIAL HEARING REV. 57'ADD	
2	11-14-94	PROPOSED 57'ADDITION	
1	3-7-92	PETITION REVIEW COMMENTS	

SHEET TITLE: PRIOR CASE # 3903 amended 4-9-92
SITE PLAN FOR SPECIAL HEARING WITH VARIANCE TO ALLOW LOT COVERAGE OF 31% LIEU of 25% permitted

PROJECT: PROPOSED ADDITION FOR PARKWAY MACHINE CORPORATION 2301 YORK ROAD - Balto.County, Md.

Date: 1-17-92
Scale: 1"=30'
Drawn by: MKT
Checked by:

TAPPER
SINCE 1924 CONSTRUCTION COMPANY, INC.
COMMERCIAL • DESIGN-BUILD • INDUSTRIAL
8 HEBRON PLACE, BALTIMORE, MARYLAND 21220 • (410) 426-2000 • FAX (410) 426-2019

Sheet No. P

PETITIONER'S EXHIBIT 1

IN RE: PETITION FOR ZONING VARIANCE
NE/S Liberty Road, opposite Ellen Road
8126-28 Liberty Road
2nd Election District
2nd Councilmanic District
Legal Owner: MI Partnership
Contract Purchaser: Papa John's International, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-378-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 8126-28 Liberty Road in the northwestern section of Baltimore County. The Petition is filed by Vernon Merkle, General Partner of MI Partnership, property owner and Papa John's International Restaurants, Lessee. Variance relief is requested from Section 413(2)(f) of the Baltimore County Zoning Regulations (BCZR) to permit 346 sq. ft. of free-standing business signage in lieu of the permitted 100 sq. ft. At the public hearing held for this case the Petition was amended to reduce the amount of signage requested to 261.26 sq. ft.

Appearing at the requisite public hearing was Richard E. Matz from Colbert, Matz, Rosenfelt, Inc., engineers. The Petitioner was represented by John B. Gontrum, Esquire. Appearing as interested persons were Emily Wolfson on behalf of the Liberty Communities Development Corporation and Dr. Bruce Brown, Veterinarian, who operates the Liberty Animal Clinic immediately next door to the subject site.

Testimony and evidence offered was that the subject property is approximately 20,050 sq. ft. in area and is zoned B.R.-C.C.C. The property is located adjacent to the intersection of Liberty Road and Ellen Road, along the highly commercial/business corridor that is Liberty Road. This property has had a long history of use as a commercial property. The site is improved by an existing one story building which presently houses three

ORDERED By The Zoning Commissioner this 23rd day of May, 1995

By

- 2-

commercial tenants. The major tenant is the Papa John's Pizza Restaurant. Other tenants occupying the site include a laundromat and clothing store. The balance of the property is improved with a macadam parking area.

The site also presently features an old sign which advertises several former tenants of the property. The Petitioner proposes removing this sign and constructing a modern sign in its place. The sign originally proposed by the Petitioner is shown on the site plan (Petitioner's Exhibit No. 1). However, the request was amended, prior to the hearing, as shown on Petitioner's Exhibit No. 3. At the hearing, a second amendment was offered which further modifies that sign depicted on Petitioner's Exhibit No 3.

As proposed, the sign will be 15 ft. high. It will be substantially similar to the sign depicted on Exhibit No. 3 except that the 4 ft. base will be reduced to 3 ft. and the signage portion will be 10 ft. in height in lieu of 12 ft. The top of the sign will contain the logo for Papa John's Restaurant and a message board. Two other tenant panels will be available. The Petitioner also indicated that this would be the only free standing sign on the site.

Based on the amendments made to the proposal and the reduced area of signage, as described above, Mrs. Wolfson and Dr. Brown support the request. It is also of note that the Office of Planning and Zoning prefers the proposed sign in lieu of the old unattractive sign which presently is located on the property.

In support of the requested variances, it should be observed that the site contains three commercial tenants. Would the property be considered a shopping center, a sign 150 sq. ft. in area would be permissible, pursuant to Section 413.2(e) of the BCZR. However, the Petitioner has not chosen to identify itself as a shopping center; thus, a greater variance is needed.

ORDERED By The Zoning Commissioner this 23rd day of May, 1995

By

- 2-

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested, as amended. Clearly, this will be an improvement for the subject site and not be detrimental to the surrounding locale. Moreover, the uniqueness of the subject lot and its use is found in the fact that more than one business operates on the property. For these reasons, the Petition for Variance should be granted.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of June, 1995 that a variance from Section 413(2)(f) of the Baltimore County Zoning Regulations (BCZR) to permit 261.26 sq. ft. of free-standing business signage, in lieu of the permitted 100 sq. ft., as shown on Petitioner's Exhibit No. 3 (as modified to provide a 3 ft. base in lieu of 4 ft. and 110 ft. signage area in lieu of 12 ft.), be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDERED By The Zoning Commissioner this 23rd day of May, 1995

By

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

- 3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1995

John Gontrum, Esquire
814 Eastern Avenue
Baltimore, Maryland 21221

RE: Petition for Variance
Case No. 95-378-A
Property:8126-28 Liberty Road
Legal Owner: MI Partnership
Contract Purchaser: Papa John's International

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Mrs. Emily Wolfson, Liberty Communities Development Corp.
Dr. Bruce Brown, Liberty Animal Clinic

Printed with Soybean Ink on Recycled Paper

370

Petition for Variance

95-378-A

to the Zoning Commissioner of Baltimore County

for the property located at 8126-28 Liberty Road

which is presently zoned BR-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 413(2)(f) of the Baltimore County Zoning Regulations to permit a total area of 346 square feet of freestanding business signage in lieu of the permitted 100 square feet.

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

The proposed use is a highly competitive business which requires an onsite sign with a recognizable company logo visible to the traveling public.

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

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
Ed Gruber, General Contractor
Papa John's International
(Type or Print Name)
Signature
c/o EMG Associates
915 Tyson Drive
Address
West Chester, PA 19382
City State Zipcode

Attorney for Petitioner:
John Gontrum, Esq.
(Type or Print Name)
Signature
814 Eastern Avenue 686-8274
Address Phone No.
Baltimore MD 21221
City State Zipcode

DROP-OFF
No Review
4/20/95 WCR

Legal Owner(s):
Vernon Merkle, General Partner
(Type or Print Name)
Signature
(Type or Print Name)
Signature
MI Partnership
8112 Liberty Road 410-922-4200
Address Phone No.
Baltimore, MD 21244
City State Zipcode
Name, Address and phone number of representative to be contacted.
Richard E. Matz, PE
Colbert Matz Rosenfelt, Inc.
Name
3723 Old Court Road #206
Baltimore, MD 21208 653-3838
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE

Printed with Soybean Ink on Recycled Paper

370

Colbert Matz Rosenfelt, Inc.
Civil Engineers • Surveyors • Planners

95-378-A

DESCRIPTION

0.45 ACRE PARCEL OF LAND SITUATED IN THE SECOND DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING KNOWN AS 8126-8128 LIBERTY ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE NORTHEAST SIDE OF LIBERTY ROAD, 80 FEET WIDE, AS SHOWN ON MARYLAND STATE ROAD COMMISSION PLAT NOS. 25138 AND 25139, SAID POINT OF BEGINNING BEING DISTANT SOUTHEASTERLY 120 FEET MORE OR LESS FROM THE CENTERLINE OF EITEMILLER ROAD, RUNNING THENCE BINDING ON THE LAND CONVEYED TO MI PARTNERSHIP THE FOLLOWING FOUR (4) COURSES: (1) NORTH 28 DEGREES 03 MINUTES 00 SECONDS EAST 140 FEET MORE OR LESS, (2) SOUTH 61 DEGREES 57 MINUTES 00 SECONDS EAST 140.00 FEET, (3) SOUTH 28 DEGREES 03 MINUTES 00 SECONDS WEST 125.00 FEET, AND (4) SOUTH 79 DEGREES 23 MINUTES 25 SECONDS WEST 24 FEET MORE OR LESS TO SAID NORTHEAST SIDE OF LIBERTY ROAD, THENCE BINDING ON SAID ROAD (5) NORTH 61 DEGREES 57 MINUTES 00 SECONDS WEST 121 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

CONTAINING 0.45 OF AN ACRE, MORE OR LESS.

j:\COLBERT\DESCRIPTION\95009.DES

STATE OF MARYLAND
DONALD DRISCOLL
No. 10991
REGISTERED
PROFESSIONAL LAND SURVEYOR

3723 Old Court Road, Suite 206, Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-378-A

District 2nd
Date of Posting 5/5/95
Posted for: Variance
Petitioner: MI Partnership / Papa John's
Location of property: 8126-28 Liberty Rd.
Location of Signs: Facing roadway on property being posted.
Remarks:
Posted by (Signature)
Date of return: 5/12/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-378-A
(Item 370)
8126 - 28 Liberty Road
NE/S Liberty Road, opposite Ellen Road
2nd Election District
2nd Councilmanic
Legal Owner:
MI Partnership
Contract Purchaser:
Papa John's International
Hearing: Friday, June 2, 1995 at 9:00 a.m. in Rm. 106, County Office Building.

WITNESS my hand this 23rd day of May, 1995.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
5/403 May 4.

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-378-A

Account: R-001-6150

Date 4/20/95

Number #6
#370 (WCR)
DROP-OFF — NO REVIEW

#020 - VARIANCE $250.00
#030 - SIGN POSTING 35.00
TOTAL $285.00

Legal Owner - Vernon Merkle, General Partner
Contract Purchaser - Papa John's International
8126-28 Liberty Road
.45 +/- acre
District - 2c2
Zoned - B.R.-C.C.C.
Previous Hearing: 5386-X (approved 4/5/62)
Attorney: John Gontrum

Checks from EMG Associates, Inc.
01401M0097HCHRC
84 CO1:50AM04-21-95 $285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-378-A (Item 370)
8126 - 28 Liberty Road
NE/S Liberty Road, opposite Ellen Road
2nd Election District - 2nd Councilmanic
Legal Owner: MI Partnership
Contract Purchaser: Papa John's International
HEARING: FRIDAY, JUNE 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a total area of 346 square feet of free-standing business signage in lieu of the permitted 100 square feet.

Arnold Jablon
Director

cc: MI Partnership
Papa John's International
John B. Gontrum, Esq.
Richard E. Matz, PE

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 24, 1995

John B. Gontrum, Esquire
814 Eastern Avenue
Baltimore, Maryland 21221

RE: Item No.: 370
Case No.: 95-378-A
Petitioner: Vernon Merkle

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 18, 1995

SUBJECT: 8126-28 Liberty Road

INFORMATION:

Item Number: 370

Petitioner: Vernon Merkle

Property Size:

Zoning: BR-CCC

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a total area of 346 square feet of freestanding business signage in lieu of the permitted 100 square feet.

Staff has met with applicant's representatives to discuss the subject variance request. As a result of our meeting and based upon an analysis of the proposed sign treatment, staff supports the requested variance because 1) a modern monument type sign will be replacing an unattractive larger sign; and 2) the petitioner has agreed that the sign will be intergrated with landscaping which should improve the overall visual quality of the site.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

ITEM370/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 370

The Developers Engineering Section has reviewed the subject zoning item. The submitted parking layout fails to conform with Sec. IX.c.2.b.2 of the Landscape Manual, requiring a 10-foot setback from the right-of-way for landscaping.

RWB:sw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362
363
368
370
371
372
373
374
375

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-9-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 370 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/08/95

ATTN: Arnold Jablon
Zoning Administration & Development Management
County Office Building
Towson, MD 21204

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF May 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

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 Fire Marshal's Office has no comments at this time, in reference to the following item numbers: 358, 359, 361, 362, 363, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 12, 1995

95-378-A

John Gontrum, Esquire
814 Eastern Avenue
Baltimore, MD 21221

RE: Preliminary Petition Review (Item #370)
Contract Purchaser: Papa John's Inter.
8126-28 Liberty Road
2nd Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. Legal owner's name on petition form does not agree with legal owner's name on the plat. The must both reflect the same name(s).
2. Setback of (south side) parking spaces to street right-of-way has been 10 feet since 5/26/88. Prior to that it was 8 feet. Give age of existing building and parking lot.
3. Submit copy of deed giving use of the traffic and pedestrian easement (east side). Get approval of Rahee Famili, Developers Engineering Section, Room 213, for same plus access to the other spaces.
4. Explain and date parking space layout changes. Current plan differs with microfilm copy of #5386-X hearing plan.

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John Gontrum, Esquire
May 12, 1995
Page 2

5. Give hearing case number (and details), granting the 15-foot rear setback. Zoning map "2nd & 3rd A", effective 4/5/60 shows B.R. zoning. (#5386-X plan shows 30-foot plus rear setback.)

6. Dimension each use within the building footprint.

7. Indicate the special exception case number for the off-site sign.

8. Add amenity open space calculations and label and shade the areas.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner

RE: Preliminary Petition Review (Item #)
Legal Owner:

Election District

Dear :

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

:scj

Enclosure (receipt)

cc: Zoning Commissioner

RE: PETITION FOR VARIANCE
8126-28 Liberty Road, NE/S Liberty Road, opposite Ellen Road, 2nd Election Dist., 2nd Councilmanic

MI Partnership / Papa John's International
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-378-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. DeMilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

COLBERT MATZ ROSENFELT, INC.
3723 Old Court Road Suite 206
BALTIMORE, MARYLAND 21208

(410) 653-3838
FAX (410) 653-7953

LETTER OF TRANSMITTAL

370

DATE 4-19-95 JOB NO. 95009

ATTN: CARL RICHARDS

RE: PAPA JOHN'S PIZZA
VARIANCE PETITION (SIGN)
8126 LIBERTY ROAD

TO BALTIMORE COUNTY OFFICE OF ZONING

HAND DELIVER.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			CHECK #250 PAYABLE TO BALTO. CO.
1			CHECK # 35 PAYABLE TO BALTO. CO
3			ORIGINAL SIGNED PETITIONS
3			SEALED ZONING DESCRIPTIONS
12			PLANS (SEALED) TO ACCOMPANY PETITION
1			1"=200' SCALE ZONING MAP WITH PROPERTY DEPICTED

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment X FOR VARIANCE PETITION - SUBMISSION BY GONTRUM
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

JOHN GONTRUM
COPY TO DON GODSEY

SIGNED: DICK MATZ

If enclosures are not as noted, kindly notify us at once.

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Emily Wilson Liberty Community Development Corp.	9960 Lib. Rd 21133
Dr. Bruce Brown Liberty Animal Clinic	8130 Liberty Rd.

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD E. MATZ	3723 OLD COURT ROAD, SUITE 206 21208
John Gontrum	

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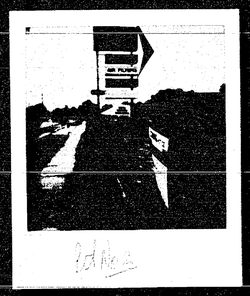
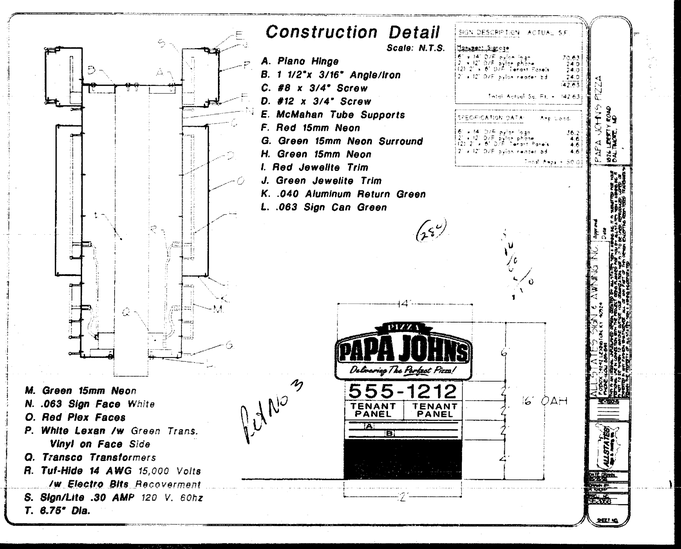
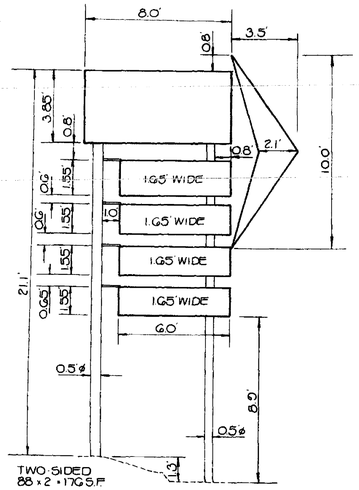


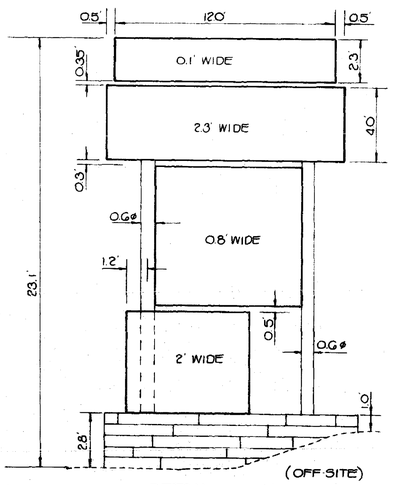
95009



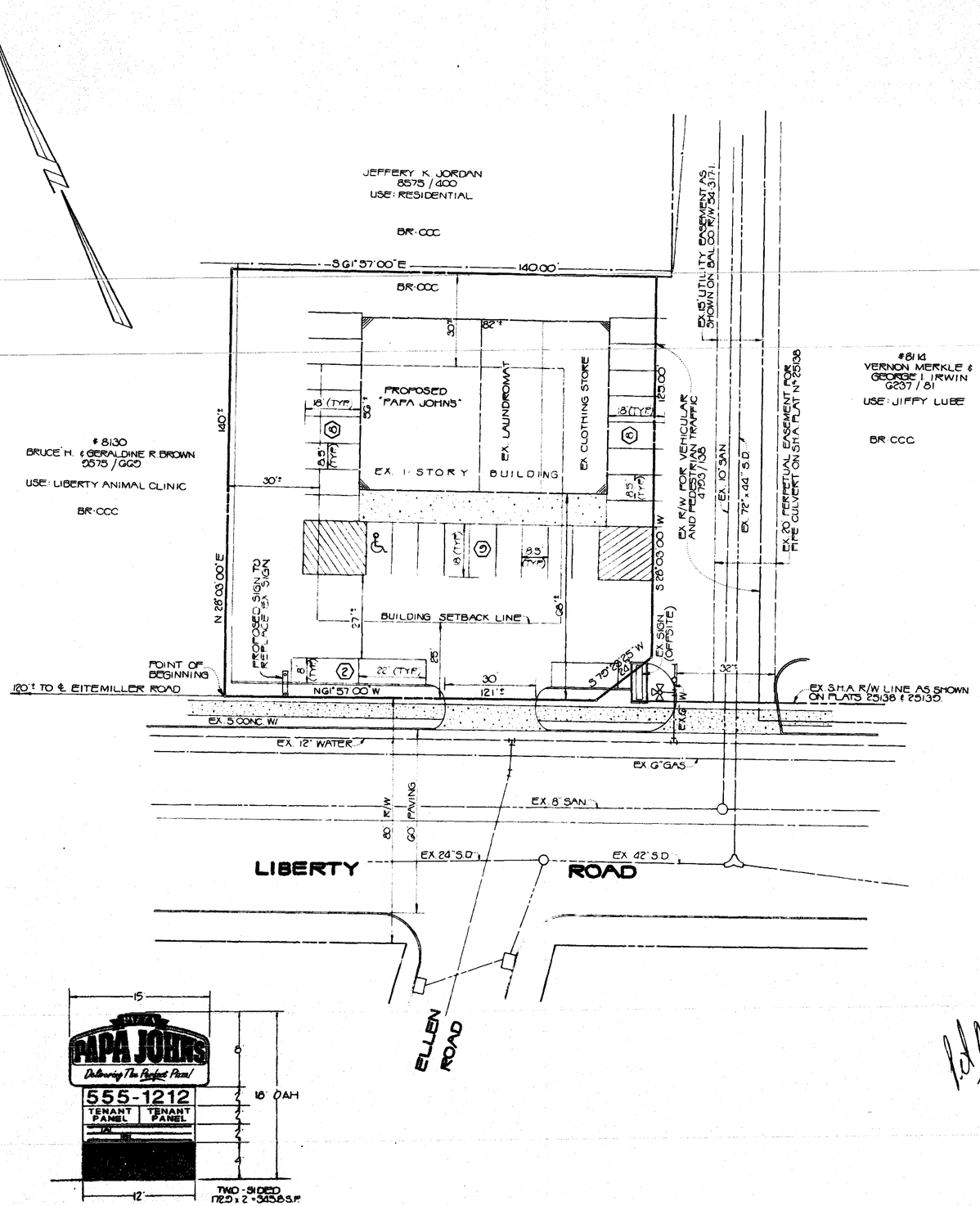
大正8年



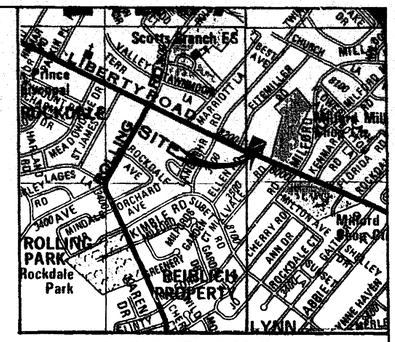
DETAIL
EX. MULTI-TENANT SIGN
SCALE: 1" = 4'
(TO BE REPLACED)



DETAIL
EX. CAR WASH SIGN
SCALE: 1" = 4'



DETAIL
PROPOSED SIGN
NOT TO SCALE



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

1. Applicant:
   Papa John's International
   c/o EMG, Inc.
   Ed Gruber, President
   915 Tyson Drive
   West Chester, Pa. 19382

   Owner:
   Vernon Merkle, GENERAL PARTNER
   Marilyn Irwin, GENERAL PARTNER
   MI Partnership
   8112 Liberty Road
   Baltimore, Md. 21244

2. Proposed Use: Fast-Food Carryout

3. Floor Area Ratio:
   Gross Floor Area - 4480 sq.ft.
   Gross Site Area - 20,050 sq.ft.
   F.A.R. - 0.23
   Maximum Permitted F.A.R. - 4.0

4. Off-Street Parking:
   Retail (inc. fast-food carryout): 3360 sq.ft.
   @ 5 spaces/1000 sq.ft. = 17 spaces
   Services: 1120 sq.ft. @ 3.3 spaces/1000 sq.ft. = 4 spaces

   Total Spaces Required: 21 inc. 1 handicap
   Total Spaces Provided: 28 inc. 1 handicap

5. Height of Building - 1 Story

6. SPECIAL EXCEPTION FOR A DRYCLEANING PLANT WAS APPROVED ON 4/5/62, CASE No. 5386-X.

95-378-A

PLAN TO ACCOMPANY
VARIANCE HEARING
"PAPA JOHN'S PIZZA"
8126-8128 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT No. 2
COUNCILMANIC DISTRICT No. 2
CENSUS TRACT 4023.01

370

P.C. 1061

PRINTED
APR 19 1995
COLBERT MATZ ROSENFELT, INC.

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

4/19/95

NO.	DATE	REVISIONS:	BY

SCALE: 1" = 20'
DATE: APRIL 5, 1995
JOB NO.: 95009
DESIGNED:
DRAWN: M.E.K.
CHECKED:
FILE:
DRAWING NUMBER:
SHEET 1 OF 1

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

NW-6G

370

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Bill Nos. 141-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Dec. 7, 1992

SCALE

DATE OF PHOTOGRAPHY

LOCATION

SHEET

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21218

D.R. 5.5
D.R. 16
D.R. 10.5
RO
BL
BR
BR-CSA
BL-CCC
BL-CS-2
BL-CNS
OM
SITE
PLEASANT HEIGHTS
MILFORD MILL SHOPPING CENTER
ROCKDALE TERRACE
WILFORD HILL HIGH SCHOOL
SCOTT BRANCH ELEM. SCHOOL
TENNIS COURTS
PLAYGROUND
ATHLETIC FIELDS
CHURCH
VOSGES
SCOTTS
LANE
ROAD
AVE
CT
PL
TER
DR
CIR
WAY
N 25,000
N 23,000
N 21,000
N 29,000
E 22,000
E 23,000
E 24,000
92-344-SPHA
91-927-XA
92-277-XA
26
2/6
10

IN RE: PETITION FOR ZONING VARIANCE
NW/S Eastern Blvd., 300 ft.
SW of Wiltshire Road
120 Eastern Boulevard
15th Election District
5th Councilmanic District
Legal Owner: Euclay Realty Corp.
Contract Purchaser: Papa John's International, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-379-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 120 Eastern Boulevard in the Essex section of Baltimore County. The Petition is filed by Alvin G. Caplan, Chairman of the Euclay Realty Corporation, property owner and Ed Gruber, General Contractor on behalf of Papa John's International Restaurants, Tenant. Variance relief is requested from Section 413(2)(f) of the Baltimore County Zoning Regulations (BCZR) to permit a total area of 466 sq. ft. of free-standing business signage in lieu of the permitted 100 sq. ft. The subject property is more particularly shown on Petitioner's Exhibit No. 1, the plan to accompany the Petition for Variance.

Appearing at the requisite public hearing was Richard E. Matz from Colbert, Matz, Rosenfelt, Inc., engineers. The Petitioner was represented by John B. Gontrum, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered was that the subject property is approximately 107,000 sq. ft. in area and is zoned B.R.-C.S.1. This is a commercial property which fronts Eastern Boulevard in Essex. The property is presently improved with an existing commercial building which houses several tenants. That portion of the lot which is not occupied by the building contains a parking area. The building's tenants include the Papa John's Restaurant which is located at the western end of the existing building, a

ZONING OFFICE ONLY FILING

machine shop/auto shop and an animal hospital and several other small retail uses. Several free-standing signs also exist on the site. These include a sign for the machine shop and the animal hospital sign. The Petitioner proposes constructing a third free-standing sign advertising the Papa John's Restaurant. This will be a two tiered sign which sits atop a single pole. The bottom portion of the sign contains a message board and telephone number. The top portion of the sign, as shown on the site plan, measures 8 ft. x 15 ft. and features Papa John's logo. When the signs are combined, a total of 466.8 sq. ft. of free-standing signage would exist. This is significantly more than the 100 sq. ft. allowed. It is also to be noted that an existing outdoor advertising sign is located on site and that several of the businesses feature signs attached to their buildings.

Testimony and evidence offered from the Petitioner was that the Papa John's Restaurant sign is necessary to draw attention to the use. It was stated that a free-standing sign perpendicular to Eastern Boulevard was necessary so that patrons traveling in both the eastbound and westbound direction would have notice of the restaurant.

Although no Protestants appeared, several comments were received from the Zoning Plans Advisory Committee (ZAC) in opposition to the request.

The office of Planning and Zoning recommends denial of the variance because of the significant amount of signage along the Eastern Boulevard corridor. The Developers Engineering Section recommends denial of the request because the signage may be located within proximity of the existing 10 ft. right of way for utilities.

This is another difficult case where strict compliance with the sign regulations would cause harsh impact on the property owner. The sign regulations limit the property to 100 sq. ft. of free-standing signage irrespective of the lot size and number of separate businesses. Obviously, this is

a large lot with many tenants. An appropriate amount of signage for each would well exceed the regulations.

I noted these concerns at the hearing and also the proliferation of signage along Eastern Boulevard. At the hearing, the Petitioner agreed to modify its request and reduce the top tier of the Papa John's sign from 15 ft. x 8 ft. to 14 ft. x 6 ft. Thus, the Petition for Variance was amended and the relief granted shall, likewise, be altered to reflect this change. Moreover, the Petitioner agreed that, in the event the sign needed to be moved for service of utilities, that the property owner would bear the burden for those costs. Thus, this restriction will also be added.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested, as amended. Moreover, I will direct that the site not contain any free standing temporary signage. A photograph of the property shows a "Help Wanted" sign attached from the side of the building to a telephone pole. Such free standing temporary signage shall be prohibited. That is, the only free standing business sign permitted, either on a temporary or permanent basis, shall be as shown on the site plan, which includes only including the modified Papa John's sign, the existing machine shop/auto shop sign and the animal hospital sign. I believe this to be an appropriate condition to protect the neighborhood and address the concerns expressed by the ZAC Committee.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of August, 1995 that a variance from Section 413(2)(f) of the Baltimore County Zoning Regulations (BCZR) to permit a total area of 466 sq. ft. of free-standing business signage in lieu of the permitted 100

sq. ft., as shown on Petitioner's Exhibit No. 1 (as modified, to reduce the top tier of the sign from 15 ft. x 8 ft. to 14 ft. x 6 ft.), be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The property owner shall bear the burden for costs in the event the sign needed to be moved for service of utilities.

3. The site shall contain no free-standing signage, either temporary or permanent, other than the three signs (Papa John's Restaurant, Machine Shop and Animal Hospital) as described hereinabove.

Lawrence E. Schmidt

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ZONING OFFICE ONLY FILING

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 14, 1995

John Gontrum, Esquire
814 Eastern Avenue
Baltimore, Maryland 21221

RE: Case No. 95-379-A
Petition for Zoning Variance
120 Eastern Blvd.
Papa John's International/ Euclay Realty Corp., Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Ed Gruber, General Contractor, Papa John's International
cc: Mr. Alvin G. Caplan, Euclay Realty Corp.

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371

Petition for Variance

to the Zoning Commissioner of Baltimore County

95-379-A

for the property located at 120 Eastern Avenue

which is presently zoned BR-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s) 413(2)(f) of the Baltimore County Zoning Regulations to permit a total area of 466.8 square feet of freestanding business signage in lieu of the permitted 100 square feet.

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

The proposed use is a highly competitive business which requires an onsite sign with a recognizable company logo visible to the travelling public.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
Ed Gruber, General Contractor
Papa John's International
(Type or Print Name)

Signature
c/o EMG Associates
915 Tyson Drive
Address
West Chester, PA 19382
City State Zipcode

Attorney for Petitioner:
John Gontrum, Esq.
(Type or Print Name)

Signature
814 Eastern Ave. 686-8274
Address Phone No.
Baltimore, MD 21221
City State Zipcode

DROP-OFF
No REVIEW
4/20/95 UCR

Legal Owner(s):
Alvin G. Caplan, Chairman
Euclay Realty Corp.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

5810 Park Heights Ave.
Address Phone No.
Baltimore, MD 21215-3932
City State Zipcode
Name, Address and phone number of representative to be contacted.
Richard E. Matz, PE
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road #206
Baltimore, MD 21208 ~~4853-3838~~

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY _____ DATE _____

371

Colbert Matz Rosenfelt, Inc.
Civil Engineers • Surveyors • Planners

95-379-A

DESCRIPTION FOR VARIANCE

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATED IN THE NINTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING THE LAND CONVEYED TO EUCLAY REALTY CORPORATION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE NORTHWEST SIDE OF EASTERN AVENUE, 69.33 FEET WIDE, AS SHOWN ON MARYLAND STATE ROAD COMMISSION PLAT #4768, SAID POINT OF BEGINNING BEING DISTANT 300 FEET, MORE OR LESS, FROM THE CENTERLINE OF WILTSHIRE ROAD AS MEASURED ALONG SAID NORTHWEST SIDE OF EASTERN AVENUE, RUNNING THENCE BINDING OF SAID NORTHWEST SIDE (1) SOUTH 54 DEGREES 06 MINUTES 51 SECONDS WEST 455.00 FEET, THENCE LEAVING SAID EASTERN AVENUE THE FOLLOWING FIVE (5) COURSES: (2) NORTH 35 DEGREES 53 MINUTES 09 SECONDS WEST 198.50 FEET, (3) NORTH 54 DEGREES 06 MINUTES 51 SECONDS EAST 495.00 FEET, (4) SOUTH 35 DEGREES 53 MINUTES 09 SECONDS EAST 73.34 FEET, (5) SOUTH 54 DEGREES 13 MINUTES 12 SECONDS WEST 40.00 FEET, AND (6) SOUTH 35 DEGREES 53 MINUTES 09 SECONDS EAST 125 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

CONTAINING 2.14 ACRES OF LAND, MORE OR LESS.

ALSO BEING KNOWN AS 120 EASTERN AVENUE.

J:\COLBERT\DESCRIPT\94161.DES

STATE OF MARYLAND
RICHARD E. MATZ
No. 10951
REGISTERED
PROFESSIONAL LAND SURVEYOR
4/7/95

3723 Old Court Road, Suite 206, Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

CERTIFICATE OF POSTING 95-379
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 5/19/95
Posted for: Variance
Petitioner: Euclay Realty Corp. & Papa John's
Location of property: 120 Eastern Blvd. NW/S
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by _____ Date of return: 5/19/95
Signature
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,

G. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: #95-379-A (Item 371)
120 Eastern Boulevard
NW/S Eastern Boulevard, 300' SW of Wiltshire Road
15th Election District
5th Councilmanic
Legal Owner: Euclay Realty Corporation
Contract Purchaser: Papa John's International
Hearing: Monday, August 7, 1995 at 10:00 a.m. in Room 106 County Office Building.
Variance to permit a total area of 466.8 square feet of free-standing business signage in lieu of the permitted 100 square feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.
5/4/95 May 4.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-379-A

Account: R-001-6150

Date 4/20/95

Number 371 (WCR)
NO REVIEW — DROP-OFF

8020 - VARIANCE	$250.00
8045 - SIGN POSTING	35.00
TOTAL	$285.00

Legal Owner = Euclay Realty Corp.
Contract Purchaser - Papa John's International
120 Eastern Avenue
2.14 +/- acres
District - 9C6
Zoned B.R.-A.S.-1
Previous Hearings - 88-95-X & 94-109-X
Attorney - John Gontrum

Checks from PMG Assoc., Inc.

01A01A0099A4:CHRG $285.00
89.0111:9h08 21 Apr 95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-379-A (Item 371)
120 Eastern Boulevard
NW/S Eastern Boulevard, 300' SW of Wiltshire Road
15th Election District - 5th Councilmanic
Legal Owner: Euclay Realty Corporation
Contract Purchaser: Papa John International
HEARING: FRIDAY, JUNE 2, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a total area of 466.8 square feet of free-standing business signage in lieu of the permitted 100 square feet.

Arnold Jablon
Director

cc: Euclay Realty Corporation
Papa John's International/Ed Gruber
John B. Gontrum, Esq.
Richard E. Matz, PE

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

West Chesapeake Avenue
son, MD 21204

(410) 887-3353

May 24, 1995

John B. Gontrum, Esquire
814 Eastern Blvd.
Baltimore, Maryland 21221

RE: Item No.: 371
Case No.: 95-379-A
Petitioner: Euclay Realty Corp.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 18, 1995

SUBJECT: 120 Eastern Avenue

INFORMATION:

Item Number: 371

Petitioner: Papa John's International

Property Size:

Zoning: BR-AS

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a total area of 466.8 square feet of freestanding business signage in lieu of the permitted 100 square feet.

Staff recommends that the appplicant's request be denied because the subject request is not in keeping with the County's goal of upgrading and improving the image of the Eastern Avenue corridor.

In addition, it appears that a violation exists in that two outdoor advertising signs (one of which is not indicated on the plan but is in fact located on the western property line of the Terrace Inn) are located within 100 feet of each other. A review of Section 413.3F clearly indicates that (outdoor advertising signs) "shall be spaced not less than 100 feet apart" on contiguous improved commercial properties.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

ITEM371/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 371

The Developers Engineering Section has reviewed the subject zoning item. Baltimore County Policy prohibits the construction of a permanent structure within a designated utility right-of-way. The proposed sign is located within an existing 10-foot right-of-way for utilities.

We recommend that a 10-foot right-of-way setback for landscaping be required.

RWB:sw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 5/10/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362
363
368
370
371
372
373
374
375

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
County Office Building
Towson, MD 21204

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 8, 1995.

Item No.: SEE BELOW Zoning Agenda:

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 Fire Marshal's Office has no comments at this time IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362,363,368,370,372,373,374, 375.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-2-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 371 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 12, 1995

John Gontrum, Esquire
814 Eastern Avenue
Baltimore, MD 21221

RE: Preliminary Petition Review (Item #371)
Legal Owner: Euclay Realty Corp.
Contract Purchaser: Papa John's Inter.
120 Eastern Avenue
9th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. Zoning case number 84-109-X on plan is incorrect (Reisterstown Road).
2. Add zoning hearing case or "grandfather" plan file number and date allowing commercial parking in a residential zone.
3. Label "general" office.
4. Parking calculation for bingo use is maximum number of people as determined by the Fire Department divided by 4.

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5. Add the type of paving.
6. If applicable, add note that "Illumination for off-street parking does not reflect into residential lots and public streets".
7. Show any loading area.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner

RE: PETITION FOR VARIANCE
120 Eastern Boulevard, NW/S Eastern Blvd., 350' SW of Wiltshire Road, 15th Election District, 5th Councilmanic
Euclay Realty Corp. / Papa John's International
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-379-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

PETER MAX ZIMMERMAN

COLBERT MATZ ROSENFELT, INC.
3723 Old Court Road Suite 206
BALTIMORE, MARYLAND 21208

(410) 653-3838
FAX (410) 653-7953

LETTER OF TRANSMITTAL 371

DATE 4-19-95 JOB NO. 9416

ATTENTION CARL RICHARDS

RE: VARIANCE PETITION (SIGN)
PAPA JOHN'S PIZZA
120 EASTERN AVENUE.

TO BALTIMORE COUNTY OFFICE OF ZONING

HAND DELIVER

WE ARE SENDING YOU X Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order X VARIANCE PACKAGE

COPIES	DATE	NO.	DESCRIPTION
1			CHECK $250 PAYABLE TO BALTO. CO.
1			CHECK # 35 PAYABLE TO BALTO CO.
3			ORIGINAL SIGNED PETITIONS
3			SEALED ZONING DESCRIPTIONS
12			PLANS (SEALED) TO ACCOMPANY PETITION
1			1"=200' SCALE ZONING MAP WITH PROPERTY DEPICTED

THESE ARE TRANSMITTED as checked below:

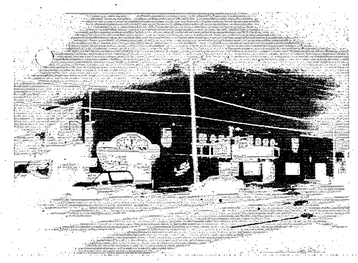
☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment X FOR VARIANCE PETITION-SUBMISSION BY GONTRUM
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

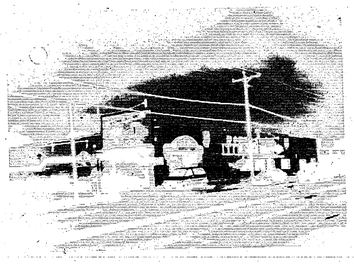
REMARKS

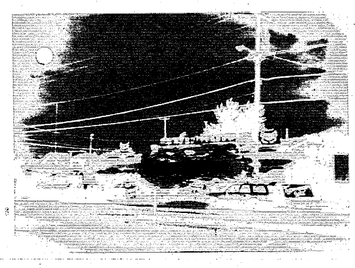
JOHN GONTRUM
COPY TO DON GOSSEY

SIGNED: DICK MATZ

If enclosures are not as noted, kindly notify us at once.







PLAT Nº 2 - EASTERN TERRACE
CWB JR 12 / 119

RIVERSIDE AVENUE

BLOCK "G"

32 31 30 29 28 27 26 25 24 23 22

EX UTILITY POLE Nº IG4192

N 54°06'51" E 455.00

EX UTILITY POLE Nº IG4193

EX UTILITY POLE Nº IG4194

EX 20' RIGHT-OF-WAY

EX. WOOD FENCE

ZONED DR-5.5
ZONED BR-CS-1

ALBERT KOON YEE HOM
JAMES NELSON HOM
E.H.K. JR. G440/18

S 35°53'05" E 73.34

WALTER P. & MARGARET KEMP
S.M. 5000/357

EX. BUILDING
USE: COMMERCIAL

EX. PAPA JOHN'S

EX. CHAIN LINK FENCE

EX. OUTDOOR ADVERTISING SIGN

EX. "CRAB HOUSE"
USE: RESTAURANT

N 35°53'05" W 108.50

S 54°13'12" W 40.00

EX 20' RIGHT OF WAY G440/18

"TERRACE INN"
WILLIAM & EVELYN ELIADES
EH K JR 5305/601
USE: RESTAURANT

S 35°53'05" E 125.75

EX. G.W

EX. 8"S

EX. 10' RIGHT-OF-WAY FOR UTILITIES
R.J.S. 1474 / 502

PROPOSED SIGN

EX. METAL SIGN POST "MACHINE SHOP SERVICE"

S 54°06'51" W 455.00

EX. METAL SIGN POST "DOG & CAT HOSPITAL"

POINT OF BEGINNING

300' TO WILTSHIRE ROAD

EX. 12"W

EX. 10" GAS

EX. 14" F.M.

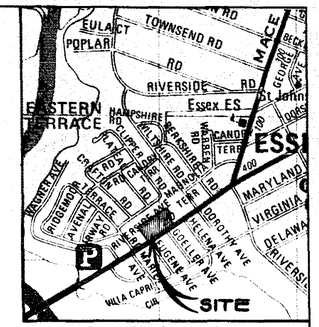
EASTERN AVENUE

ZONED BR-CS-1
ZONED BL-CS-1

EX. 6" SAN. M/H

EX. 8"S

EX. 4" GAS



VICINITY MAP
SCALE: 1" = 1,000'

NOTES

1. Applicant:
Papa John's International
c/o Ed Gruber
EMG Associates
915 Tyson Drive
West Chester, Pa. 19382

Owner:
Alvin G. Caplan, CHAIRMAN
Euclay Realty Corp.
5810 Park Heights Avenue
Baltimore, Md. 21215-3932

2. Proposed Use: Fast Food Carryout

3. Previous Zoning Hearings:
Case No. 84-93-X and 84-109-X , Special Exception granted for construction of two outdoor advertising signs on the property.

4. Floor Area Ratio:
Total Gross Floor Area - 25,800 sq. ft.
Gross Site Area - 106,887 sq. ft.
F.A.R. - 0.24
Maximum Permitted F.A.R. - 2.0

5. Off-Street Parking:
Retail Uses: 13,800 sq. ft. (including proposed use)
@ 5 spaces/1,000 sq. ft. = 69 spaces
Service and Offices: 8,000 sq. ft.
@ 3.3 spaces/1,000 sq. ft. = 27 spaces
Bingo Parlor: 4,000 sq.ft.@ 4 sp/1,000 sq. ft. = 16 spaces

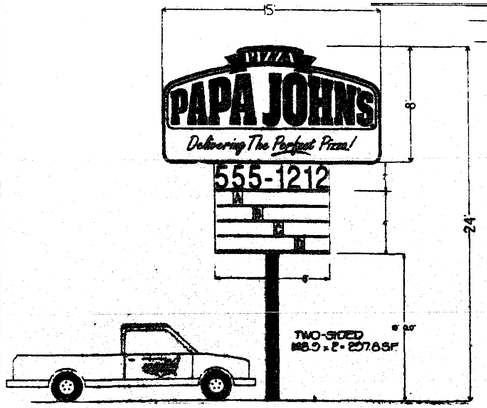
Total Spaces Required: 112 inc. 5 handicap
Total Spaces Provided: 120 inc. 7 handicap

6. Height of Building - 1 Story

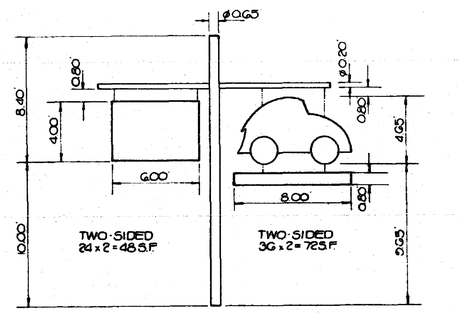
Ret. No 1

PLAN TO ACCOMPANY
VARIANCE HEARING
"PAPA JOHN'S PIZZA"
120 EASTERN AVENUE
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT Nº 9
COUNCILMANIC DISTRICT Nº 4
CENSUS TRACT 4502

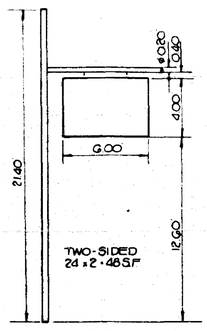
371



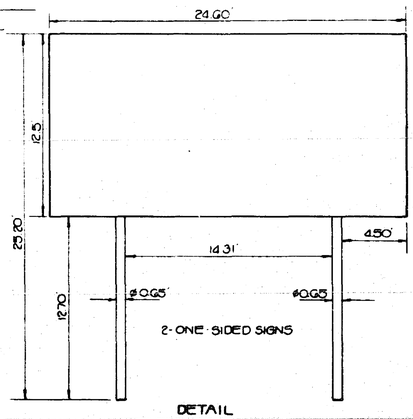
DETAIL
PROPOSED PAPA JOHN'S PIZZA SIGN
SCALE: 1" = 5'



DETAIL
EX. MACHINE SHOP SERVICE/PAINT SIGN
SCALE: 1" = 5'



DETAIL
EX. DOG & CAT
HOSPITAL SIGN
SCALE: 1" = 5'



DETAIL
EX. OUTDOOR ADVERTISING SIGN

PRINTED
APR 19 1995
COLBERT MATZ ROSENFELT, INC.

STATE OF MARYLAND
No. 12708
REGISTERED
PROFESSIONAL ENGINEER
4/19/95

Colbert Matz
Rosenfelt & Woolfolk, Inc.
Civil Engineers Landscape Architects
Land Surveyors Land Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1" = 30'
DATE: MARCH 29, 1995
JOB NO.: 94161
DESIGNED: R.E.M.
DRAWN: M.E.K.
CHECKED: R.E.M.
FILE:
DRAWING NUMBER:
SHEET 1 OF 1

BACK

95-379-A

RIVER

371

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88, 151-88, 152-88, 153-88, 154-88, 155-88, 156-88

Chairman, County Council

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 123-92, 124-92, 125-92, 126-92, 127-92, 128-92, 129-92, 130-92

Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	ESSEX	NE I-G
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

I-SW
E-NW

NE I-G

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Halethorpe Ave., 250' SE
of the c/l of Washington Blvd.
(1907 Halethorpe Avenue)
13th Election District
1st Councilmanic District

Nicholas Mannone, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-38-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 1907 Halethorpe Avenue, located in the Halethorpe area of southwestern Baltimore County. The Petition was filed by the owners of the property, Nicholas and Terri Mannone. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) height of 24 feet in lieu of the maximum permitted 15 feet, for a proposed second story addition. The subject property and relief sought are more particularly described on the plat submitted with the Petition filed and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of September, 1994 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) height of 24 feet in lieu of the maximum permitted 15 feet, for a proposed second story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 relief granted herein shall be rescinded.

2) The Petitioners shall not allow or cause the accessory structure or its addition to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities and shall be used for storage purposes only.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING
Date 9/1/94
By

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 1, 1994

(410) 887-4386

Mr. & Mrs. Nicholas Mannone
1907 Halethorpe Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Halethorpe Ave., 250' SE of the c/l of Washington Blvd.
(1907 Halethorpe Avenue)
13th Election District - 1st Councilmanic District

Nicholas Mannone, et ux- Petitioners
Case No. 95-38-A

Dear Mr. & Mrs. Mannone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel
File

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Petition for Administrative Variance

95-38-A

to the Zoning Commissioner of Baltimore County

for the property located at 1907 HALETHORPE AVENUE

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s)

400.3 To allow an existing accessory (detached garage) to extend the height to 24 ft. in lieu of the maximum permitted 15 ft.

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

BECAUCE OF HEIGHT RESTICTION FOR A SECOND STORY ON EXISTING GARAGE

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
NICHOLAS MANNONE
(Type or Print Name)
Nicholas Mannone
Signature
TERRI MANNONE
(Type or Print Name)
Terri Mannone
Signature
#43
1907 HALETHORPE AVENUE 426-6842
Address Phone No.
BALTIMORE MARYLAND 21227
City State Zipcode
Name, Address and phone number of representative to be contacted
Name
Address Phone No.

ORDER RECEIVED FOR FILING
Date 9/1/94
By

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

8-5-94
Post by 8-14-94

Zoning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

95-38-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1907 HALETHORPE AVENUE
Address
BALTIMORE MARYLAND 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

BECAUSE OF HEIGHT RESTICTION FOR A SECOND STORY ON EXISTING GARAGE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Nicholas Mannone
(Signature)
NICHOLAS MANNONE
(type or print name)

Terri L. Mannone
(Signature)
TERRI MANNONE
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of August, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Nicholas Mannone & Terri Mannone

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1 Aug. 94
date

Mary Ann Mone
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 15, 1994

CSELD

95-38-A

#3

ZONING DESCRIPTION

Zoning description for 1903 Halethorpe Avenue
Election District 13 Councilmanic District 1

Beginning at e point on the east side of Halethorpe Avenue which is 25' side at a distance of 250' southeast of the centerline of the nearest improved intersecting street Washington Boulevard which is 50' wide, containing 33,380 square feet.

95-38-A

METES AND BOUNDS

N.52 3/4' E. 407.3 FT., S.29 1/2' E. 104.6 FT., S. 45 3/4' W. 418 FT., N.37 15 W. 137.68 FT. TO THE PLACE OF THE BEGINNING

CSELD

CERTIFICATE OF POSTING

95-38-A

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th
Date of Posting 8/12/94
Posted for: Variance
Petitioner: Nicholas & Terri Mannone
Location of property: 1907 Halethorpe Ave. E/s
Location of Signs: Facing roadway on property being posted
Remarks:
Posted by Signature
Date of return: 8/19/94
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-38-A

Account: R-001-6150

Date 8-5-94
Item Number 43
Taken In By: DH

Nicholas Mannone
1907 Halethorpe Ave (21227)

010 — Residential Variance (ADMIN) Filing Fee — 50.00
080 — Sign & Posting — 35.00
Total — 85.00

01A01W0118MICHRC $85.00
R# 010:54AM08-05-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Nicholas and Terri Mannone
1907 Halethorpe Avenue
Baltimore, Maryland 21227

RE: Item No. 43, Case No. 95-38-A
Petitioner: Nicholas and Terri Mannone

Dear Mr. & Mrs. Mannone:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 5, 1994.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

E-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 43 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

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.

A. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

95-38-A
8/29

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: August 23, 1994

SUBJECT: 1907 Halethorpe Avenue

INFORMATION:

Item Number: 43

Petitioner: Mannone Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request provided that use of the garage is restricted to storage only.

Prepared by: J. Hoy M. Long

Division Chief: Dennis West for Pat Keller

PK/JL:lw

ZAC.43/PZONE/ZAC1

Pg. 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Nicholas and Terri Mannone
1907 Halethorpe Avenue
Baltimore, Maryland 21227

Re: CASE NUMBER: 95-38-A (Item 43)
1907 Halethorpe Avenue
E/S Halethorpe Avenue, 250' SE of c/l Washington Boulevard
13th Election District - 1st Election District

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

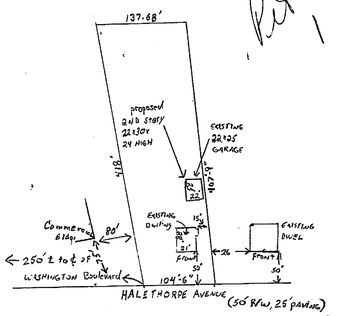
PROPERTY ADDRESS: 1907 HALETHORPE AVENUE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: (HALETHORPE) N/A
plat book# 9&5, folio# 386, lot# ___, section# ___

OWNER: MANNONE, NICHOLAS & TERES

Rd No 1



95-38-A

North
date: 8-4-94
prepared by: BA

Scale of Drawing: 1"=100'

LOCATION INFORMATION

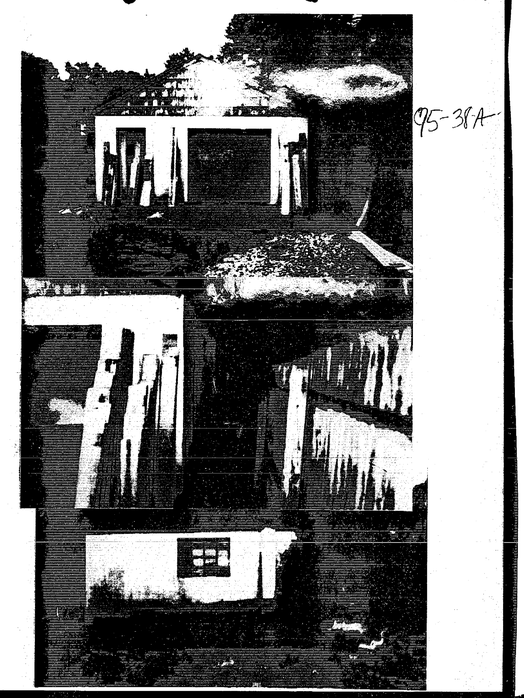
Election District: 13
Councilmanic District: 1
1"=200' scale map#: SW, 6-D
Zoning: D.R.5.5
Lot size: .25 acreage / 33,360 square feet

	points	address
SEWER:	☒	☐
WATER:	☒	☐
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: NONE

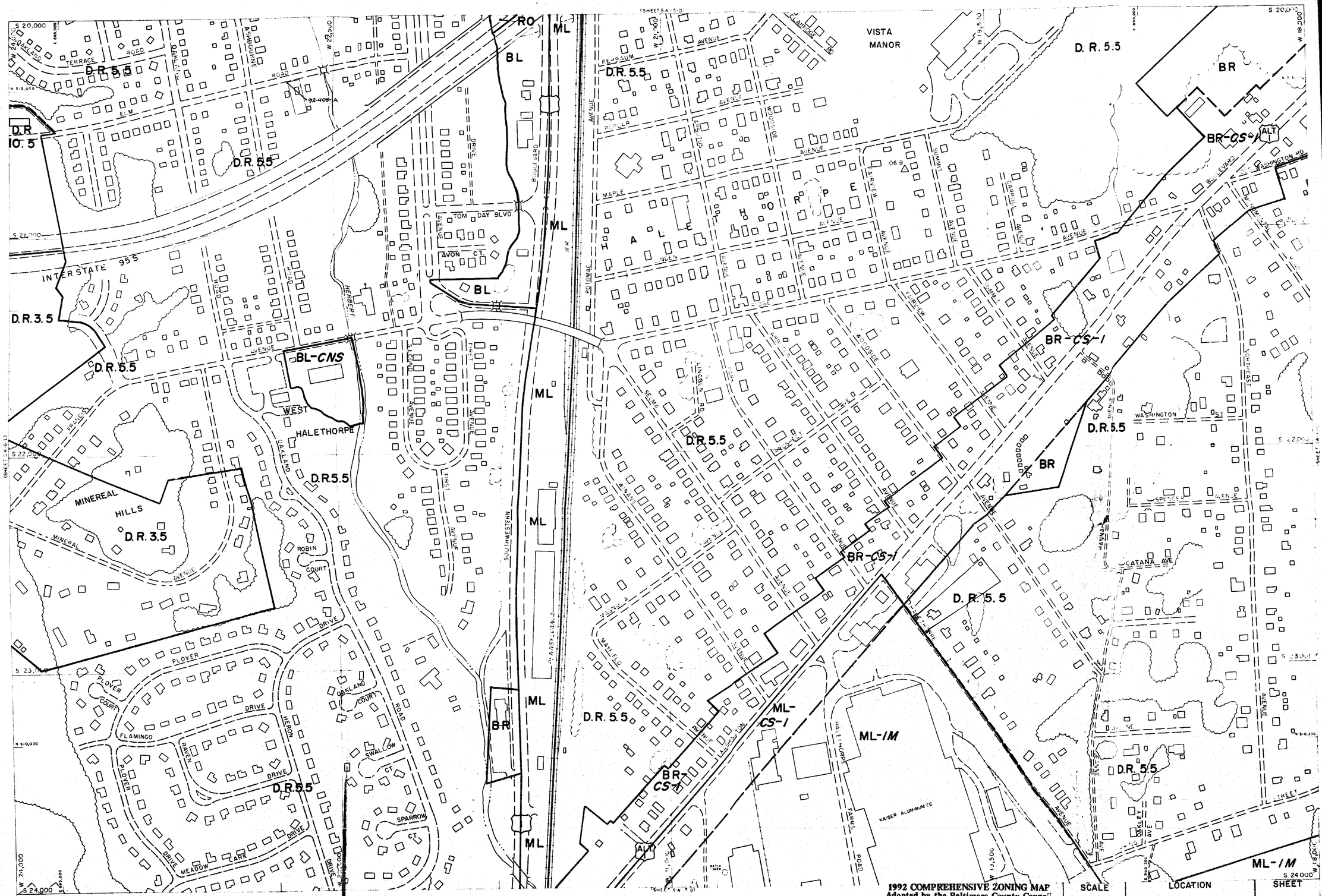
Zoning Office USE ONLY!

reviewed by: JJS | ITEM #: 43 | CASE#:



95-38-A

95-38-A



G-SW
C-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

OFFICIAL ZONING MAP

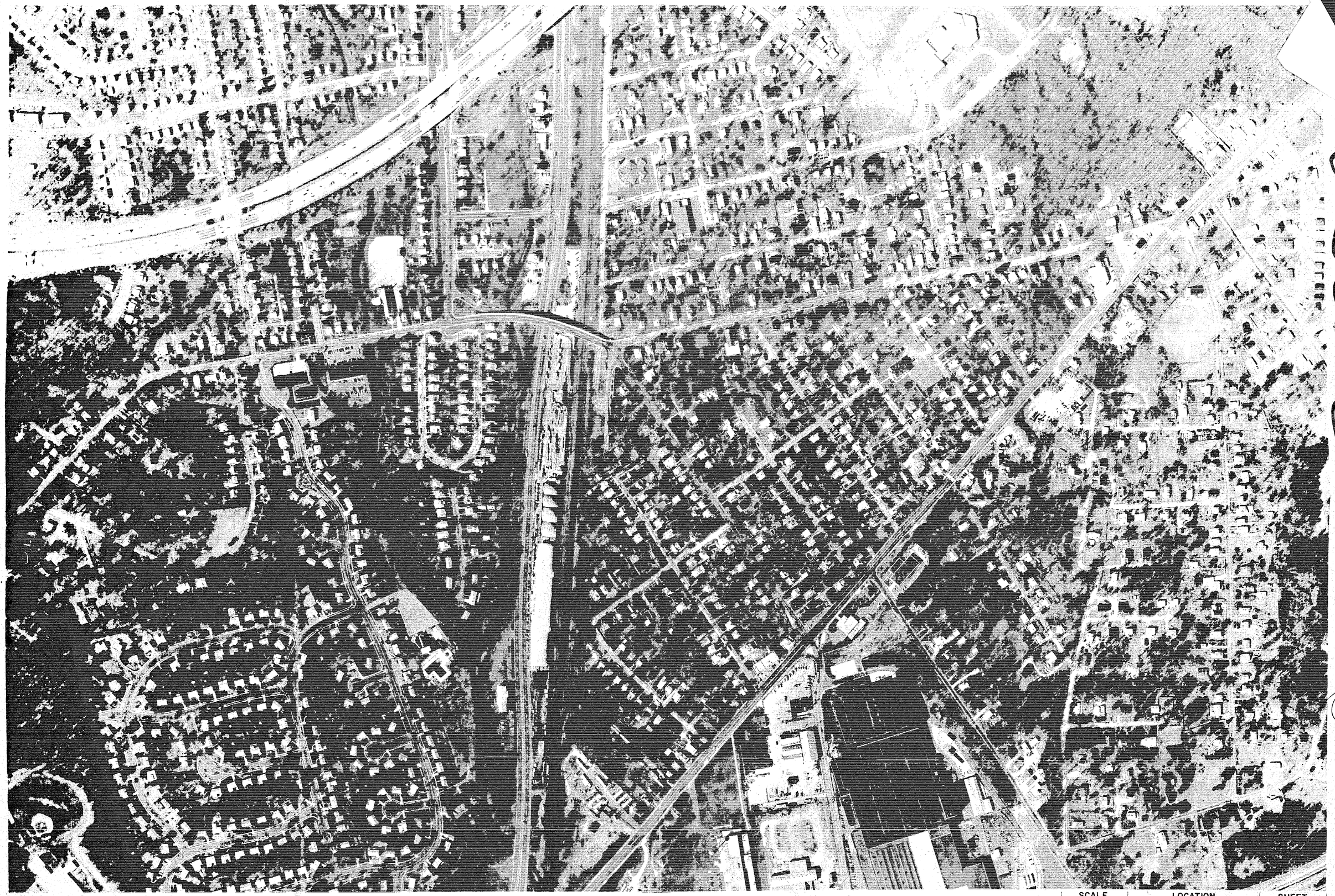
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 193-92, 194-92, 195-92, 196-92, 197-92, 198-92, 199-92

William A. Howard II
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	HALETHORPE	S.W. 6-D
DATE OF PHOTOGRAPHY JANUARY 1986		

#43

95-38-A



93-384-A

#43

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	HALETHORPE	S.W. 6-D
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

IN RE: PETITION FOR ZONING VARIANCE
NW/S Harford Road, 120.67 ft.
NE of c/l Taylor Avenue
7802 Harford Road
14th Election District
6th Councilmanic District
Parkville Federal Savings Bank
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
Case No. 95-380-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 7802 Harford Road in Parkville. The Petition is filed by the Parkville Federal Savings Bank, property owner. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 0 parking spaces for an existing bank building and proposed second story addition, in lieu of the required 14 spaces. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan.

Appearing at the requisite public hearing was David O. Martin, President of the Parkville Federal Savings Bank. Also present was Alexander P. Ratych, the Registered Surveyor who prepared the site plan. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence presented established that the subject property is zoned B.L.-C.C.C. and is 4024.36 sq. ft. in area. This small office property is located on Harford Road in the heart of old Parkville. This is a long established commercial/business town center which has recently been refurbished as part of the County's community conservation initiative.

The subject property is a small lot and is entirely improved with an existing one story brick building which is the site of the Parkville Federal Savings Bank. This is an old lot and structure, having been at this location for many years. There seems to be no doubt that the site and improvements thereon predate the adoption of the first zoning regulations in Baltimore County in 1945. There is no doubt that the existing structure could be legitimized from a zoning perspective as a nonconforming use.

As noted above, the bank building occupies the entire site. The well known Jerry D's Restaurant operates immediately next door. Other commercial enterprises surround the site and are across on Harford Road. Parkville Federal Savings Bank is a neighborhood bank which has three offices. The subject site serves as the headquarters.

Proffered testimony offered was that the Petitioner desires to expand the building. As shown in the photographs submitted (Petitioner's Exhibits 2A thru 2F) the building is small and the quarters are cramped. A second story addition is contemplated to provide additional office and storage room.

The existing bank building would require 7 parking spaces. The proposed addition would require 7 more under the BCZR. No on-site parking is obviously provided in that the building occupies the entire site. Nonetheless, testimony offered was that parking is not a problem. Metered parking is available along Harford Road and a large public parking lot is immediately across the street. Moreover, the hours of operation for the business (9:00 A.M. to 3:00 P.M., Monday thru Friday, and 9:00 to 12:00 noon on Saturday), do not conflict with peak hours of traffic on Harford Road.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded that the requested relief should be granted. This is surely a case where where a deviation from the BCZR is justified. The regulations are not intended to harm long existing businesses such as the Parkville Federal Savings Bank. This bank provides a real

asset and stabilizing influence to the surrounding community. The proposed second floor addition is entirely warranted.

Moreover, it is clear that the property is of a unique character so as to legally justify the variance. Quite simply, the layout of this lot, which was no doubt undertaken many years ago, does not allow for the construction of any parking spaces. Moreover, none are clearly needed in view of the fact that public parking is available in the immediate vicinity. I find that the Petitioner has satisfied the burden set forth in Section 307 of the BCZR and that the Petition should be granted. There is clearly no adverse impact on the surrounding locale.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of June, 1995 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to allow 0 parking spaces for an existing bank building and proposed second story addition, in lieu of the required 14 spaces, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 5, 1995

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
700 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 95-380-A
Petition for Zoning Variance
Property: 7802 Harford Road
Parkville Federal Savings Bank, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. David Martin, President, Parkville Federal Savings Bank

Printed with Soybean Ink on Recycled Paper

#375

Petition for Variance

95-380-A

to the Zoning Commissioner of Baltimore County

for the property located at 7802 Harford Road

(Newton A. Williams) which is presently zoned B.L.-C.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 409.6A.2. of zero (0) spaces for the required ~~thirteen (13)~~ parking spaces for an existing bank building proposing to add a second story office addition.

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

See attached sheet.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:
NEWTON A. WILLIAMS, NOLAN, PLUMHOFF & WILLIAMS
(Type or Print Name)
Newton A. Williams
Signature
700 COURT TOWERS
210 W. PENN. AVE.
Address Phone No.
TOWSON, MARYLAND 21204
City State Zipcode

Legal Owner(s):
Parkville Federal Savings Bank
(Type or Print Name)
David Martin, President & CEO
Signature
David Martin, Pres. & CEO
(Type or Print Name)
Signature

7802 Harford Road 882-4040
Address Phone No.
Parkville, Maryland 21234-5884
City State Zipcode
Name, Address and phone number of representative to be contacted
Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Name
700 Court Towers, 210 W. Pennsylvania Ave.
Towson, Maryland 21204 823-7800
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: mmn DATE 4/21/95

Printed with Soybean Ink on Recycled Paper

95-380-A

Proposed Second Story Addition for
Parkville Federal Savings Bank, 7802 Harford Road

1. The Parkville Federal property and building at 7802 Harford Road is unique and affected by special conditions in that the existing building of one story is non-conforming for parking having been built on Harford Road prior to on-site parking requirements.

2. The existing building occupies virtually the entire property, leaving no room for off-site parking.

3. There is no nearby private, commercially zoned land available for parking use.

4. The bank functions well with metered parking available on Harford Road and directly opposite the site on a Revenue Authority lot.

5. That the proposed addition is for a second story office and storage area and will not be open to the public. It will make the bank more efficient, but will not materially affect or increase the parking needs.

6. That the subject site is the home office for a neighborhood, locally owned and operated bank and without the second floor addition, it will cause the bank practical difficulty and unreasonable hardship.

7. That the requested variance will not adversely affect the health, safety and welfare of the area involved, but will actually enhance it by strengthening this neighborhood bank now over 100 years old.

8054C(94)

95-380-A

APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

Alexander P. Ratych, Prof. L.S.
Paul A. Ratych, Prof. L.S.
John S. Smith, P.E.

ZONING DESCRIPTION FOR 7802 HARFORD ROAD
ELECTION DISTRICT 14TH, 6TH COUNCILMANIC DISTRICT

BEGINNING at a point on the Northwesterly side of Harford Road which is 70 feet more or less wide at the distance of 120.67 feet Northeast of the centerline of the nearest improved intersecting street, Taylor Avenue, which is 60 feet wide; thence leaving Harford Road and running North 41 degrees 17 minutes 14 seconds West 80.99 feet; thence North 48 degrees 48 minutes 46 seconds East 25.00 feet and thence South 41 degrees 17 minutes 14 seconds East 79.92 feet to intersect the Northwesterly side of Harford Road; thence binding thereon South 46 degrees 07 minutes 23 seconds West 25.02 feet to the point of beginning; containing 2,012 square feet or 0.0462 acres more or less, as recorded in Liber 8429, Folio 847.

03/30/95

STATE OF MARYLAND
ALEXANDER P. RATYCH
No. 5995
LAND SURVEYOR

#375

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax (410) 444-1647

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-380-A

District 14th
Date of Posting 5/6/95
Posted for: Variance
Petitioner: Parkville Savings Bank
Location of property: 7802 Harford Rd, N/S
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by [signature] Signature
Date of return: 5/10/95
Number of Signs: 1

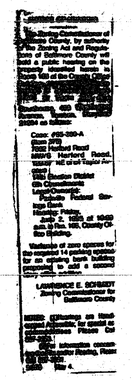
CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,
G. Henry Harris
LEGAL AD. - TOWSON

Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-380-A

Account: R-001-6150

Number

Date 4/21/95

Item: 375
Taken In By: JRH

Parkville Federal Savings Bank —
7802 Harford Rd
Old Eng. Avenue — #336.00
Posting — Item# 375
Sign — #26.50

Total: $326.50

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 375

Petitioner: Parkville Federal Savings Bank

Location: 7802 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Newton A. Williams, Esquire

ADDRESS: 701 Court Towers
210 West Pennsylvania Ave

PHONE NUMBER: 823-7800

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-380-A (Item 375)
7802 Harford Road
NW/S Harford Road, 120.67' NE of c/l Taylor Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Parkville Federal Savings Bank
HEARING: FRIDAY, JUNE 2, 1995 at 10:00 a.m. in Room 106, County Office Building.

Variance of zero spaces for the required 14 parking spaces for an existing bank building proposing to add a second story office addition.

Arnold Jablon
Director

cc: Parkville Federal Savings Bank
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 24, 1995

Newton A. Williams
Nolan, Plumhoff and Williams
210 W. Pennsylvania Ave.
Towson, Maryland 21204

RE: Item No.: 375
Case No.: 95-380-A
Petitioner: Parkville Fed. Sav.

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: 5/16/95

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362
363
368
370
371
372
373
374
375

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

5-2-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 375 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/02/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

9. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362,363,364,366,367,369,372,373,374,375 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Items 362, 363, 364, 366, 367, 369, 372, 373, 374 and 375 and Case No. 95-308-X

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

RE: PETITION FOR VARIANCE
7802 Harford Road, NW/S Harford Road,
120.67' NE of c/l Taylor Avenue, 14th
Election District, 6th Councilmanic

Parkville Federal Savings Bank
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-380-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

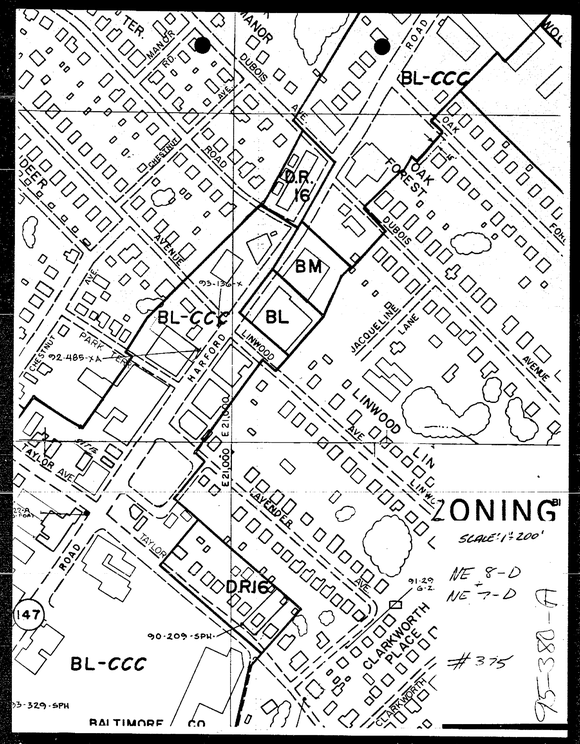
Peter Max Zimmerman
PETER MAX ZIMMERMAN

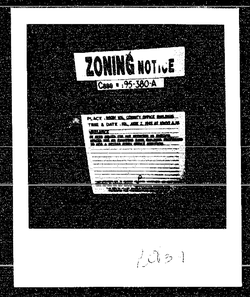
PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

Case 95-380A

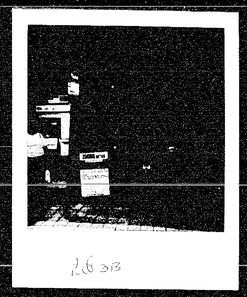
NAME	ADDRESS
Newton A. Williams	200 Court Towers, Towson 21204
Dan O'Neill	780 E. Hartford Rd 21234
Arcadia T. Artzich	7427 Harford Road 21234

Printed with Soybean Ink on Recycled Paper





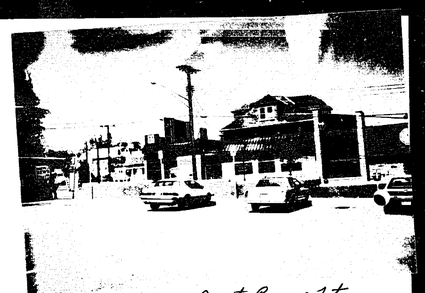
1031



2633

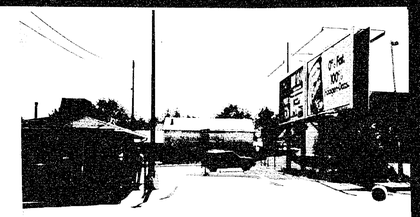
A. Subject Property at 7802 Harford Road, Proposed second story addition

Pet. No. 1



B. Looking NW from County Revenue Lot to Subject Site

E. Looking SE from site across Harford Road to spacious, available Revenue Lot



F. Looking SE across Harford Road opposite bank to entrance to Revenue Lot

4585-01/95
95-380-A
Parkville Federal Savings Bank
7802 Harford Road
NW/S of Harford Road, NE of Taylor Avenue

C. Looking SW on Harford Road, toward City, at intersection of Harford Road and Taylor Ave. from opposite site

Pet. No. 2

D. Looking NE through Parkville on Harford Rd. from opposite the site

Pet. No. 2

PARKVILLE
1890
Federal Savings Bank
Neighborly Banking Since 1890

PARKVILLE
Neighborly Banking Since 1890

DAVID D. MARTIN
PRESIDENT
CHIEF EXECUTIVE OFFICER

7802 Harford Road
Baltimore, Maryland 21234-5884

Phone (410) 882-4040
Fax (410) 882-4051

Our Products & Services

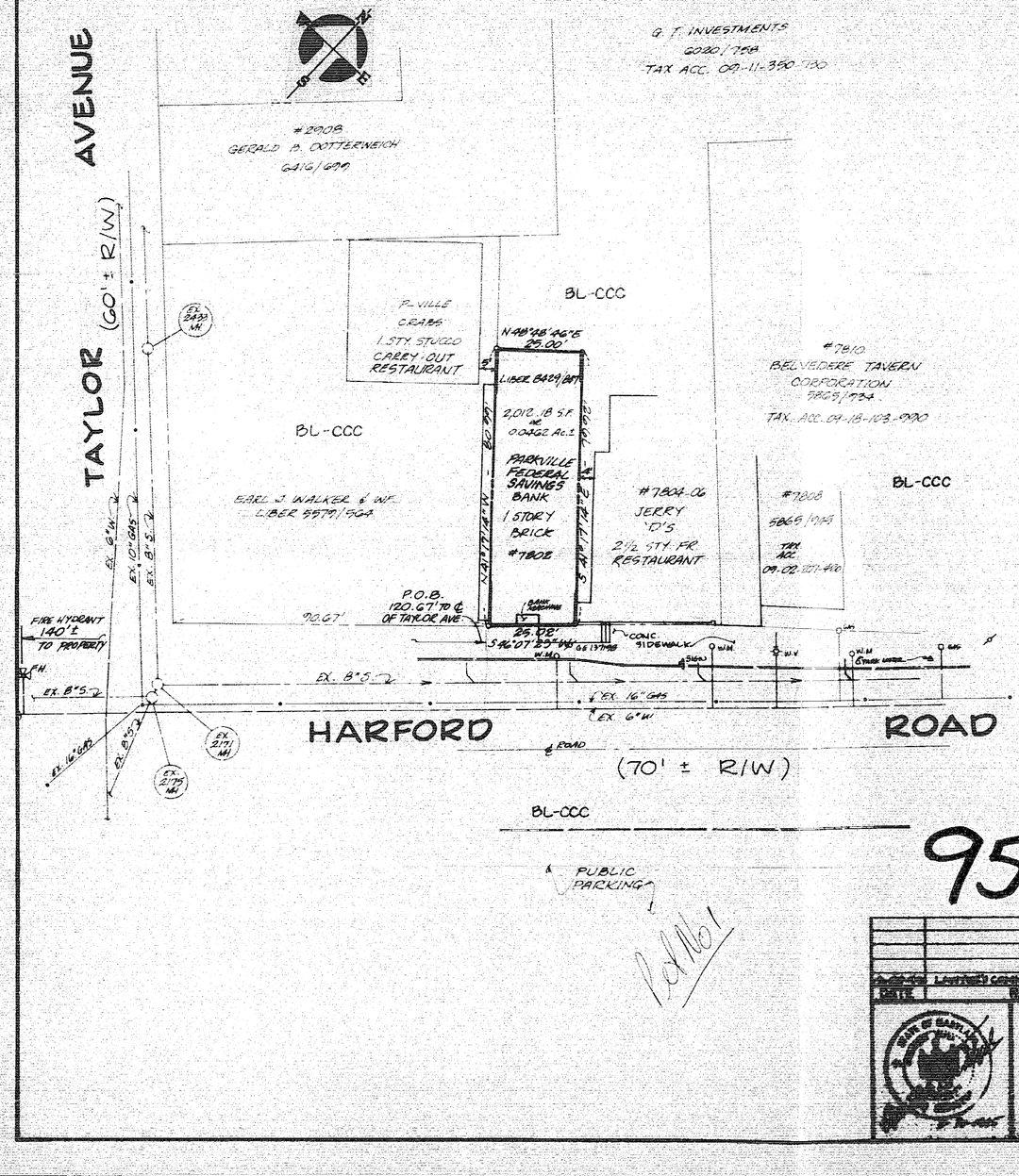
Neighborly Banking Since 1890

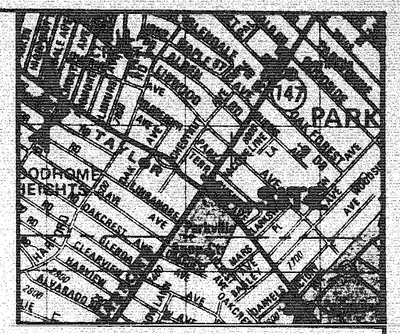
PARKVILLE

1994 Annual Statement

Neighborly Banking Since 1890

PARKVILLE





VICINITY MAP

SCALE : 1" = 1,000'

GENERAL NOTES:

1) BEARINGS SHOWN REFER TO THE TRUE MERIDIAN AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
2) DEED REFERENCE - LIBER 8429-847.
3) OWNER: PARKVILLE FEDERAL SAVINGS BANK
4) PRESENT ZONING: BL-CCC
5) TAX ACCOUNT# : 09-091 1350 731-C
6) EXISTING BUILDING USE - BANK
7) PROPOSED USE - ADDITION OF SECOND FLOOR FOR GENERAL OFFICE USE
8) THE MAP - 81 GRID - 2 PARCEL - 685
9) EXISTING PUBLIC WATER AND SEWER LINES.
10) PUBLIC PARKING AVAILABLE ACROSS THE STREET FROM THE SITE.
11) PARKING DATA :
- PROPOSED AND EXISTING BUILDING - 4,024.36 S.F.
EXISTING BUILDING - 2,012.18 S.F.
ADDITION - 2,012.18 S.F.
33 SPACES PER 1,000 S.F.
3.3 x 4 = 13.2
REQUIRED SPACES - 14
PROVIDED - NONE
12) COUNCILMANIC DISTRICT : 6TH
13) BUILDING OCCUPIES THE ENTIRE SITE.
14) ADDITION WILL NOT EXCEED EXISTING SETBACKS.

95-380-A

#375

DRAWN BY: [illegible]	CHECKED BY:	SCALE
DATE	REVISION	BY

PLAT TO ACCOMPANY PETITION FOR VARIANCE
1808 HARFORD ROAD
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 40' DATE: APRIL 26, 1995

IN RE: PETITIONS FOR VARIANCE
S/S Millers Island Blvd., 115' and 165' E of the c/l of 8th Street (9041 & 9043 Millers Island Blvd.)
15th Election District
7th Councilmanic District
Gerald W. and Shelley A. Ruth
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 95-381-A and 95-382-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for the properties known as 9041 and 9043 Millers Island Boulevard, also known as Lots 323 and 324 of Swan Point, located in the vicinity of Hart/Miller Island and the Chesapeake Bay. The Petitions were filed by the owners of the property, Gerald W. Ruth and his wife, Shelley A. Ruth. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet for both lots Lots 323 and 324 for a proposed dwelling. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Petitioner's Exhibits 1, respectively.

Appearing at the public hearing on behalf of the Petitions were Gerald and Shelley Ruth, property owners. There were no Protestants or other interested parties present.

Testimony and evidence offered by the Petitioners was that they own three adjacent lots on Millers Island Boulevard, including the two lots which are the subject of this combined hearing. The Petitioners acquired the three lots, known as Lots 323, 324 and 325 of Swan Point in December, 1994. The lots are located within the Chesapeake Bay Critical Areas across from Hart Island and are presently unimproved. The Petitioners are desirous of developing both Lots 323 and 324 with a two-story, single family dwelling of approximately 700 sq.ft. each, leaving Lot 325 unimproved. Testimony indicated that Swan Point is an old subdivision, apparently having been plotted and recorded in the Land Records of Baltimore County in 1927. The Petitioners testified that most all of the lots are laid out with 50-foot widths. The subject lots are 120 feet deep so that each lot is 6000 sq.ft. in area.

A reading of Section 304 of the B.C.Z.R. shows that same provides relief for property owners with undersized lots or lots of unsufficient width. Specifically, that Section provides that a property owner can develop such a lot with a single family dwelling, if three criteria are satisfied. First, the property owner must show that such lot has been duly recorded, either by deed or in a validly approved subdivision, prior to March 30, 1955. Clearly, the subject lots meet this test. Secondly, all other requirements of the height and area regulations within the B.C.Z.R. must be met. Again, in this instance, the Petitioners have met this test in that no variances are requested. Third, Section 304 provides that the owner of the lot not own sufficient adjoining land to conform to the width and/or area requirements. In this case, the Petitioners do not satisfy this test. As noted above, they own the adjacent unimproved Lot 325. If the three lots were combined, they would contain the required lot widths and could be developed with two homesites. For this reason, relief under Section 304 of the B.C.Z.R. is not available to the Petitioners.

In that the sites cannot be developed as of right, the Petitioners request relief pursuant to the provisions of Section 307 of the B.C.Z.R. That Section empowers the Zoning Commissioner to grant variances from the strict application of height and area regulations. However, that Section provides that in order for variance relief to be granted, the Petitioner must demonstrate that a practical difficulty would exist which justifies the requested relief. Moreover, the variance can only be granted if same is within strict harmony of the spirit and intent of the regulations so as not to cause detrimental impact to the surrounding locale. The Court of Special Appeals has recently discussed this regulation in Cromwell v. Ward, 102 Md. App. 691 (1995). Within its discussion, the Court reviewed the prior decisions of the Appellate Courts of this State, including McLean v. Solley, 270 Md. 208 (1973), a leading case.

In support of their request for variance, the Petiticners directly responded to a question asked of them by this Zoning Commissioner that financial considerations merited the request. Specifically, the Petitioners indicated that they felt a better financial return could be made if three homesites were developed on the lots as opposed to two. Although this is no doubt the case, financial considerations are not a sufficient reason to justify the variance. Economic return is not a basis on which to satisfy the practical difficulty test. The practical difficulty must provide a compelling reason for deviation from the zoning regulations. Mere matters of convenience or economics are not a proper basis.

Moreover, the fact that the properties were originally laid out in 1927 does not justify the relief requested. Although the lots were plotted many years ago, building must be in accordance with present regulations. Furthermore, the B.C.Z.R. within Section 304 thereof provide a property owner relief for old established undersized lots. For reasons set forth above, that relief is not available to this Petitioner. Thus, the the relief requested within the Petitions filed must be denied and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon and for the reasons set forth above, the Petitions for Variance filed in the above-captioned matters must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of June, 1995 that the Petitions for Variance filed in Case Nos. 95-381-A and 95-382-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet for both Lots 323 and 324 of Swan Point, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/9/95
By BJS

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 9, 1995

Mr. & Mrs. Gerald W. Ruth
8812 Hinton Avenue
Baltimore, Maryland 21219

RE: PETITIONS FOR VARIANCE
S/S Millers Island Blvd., 115' and 165' E of the c/l of 8th Street
(9041 & 9043 Millers Island Boulevard (Lots 323 & 324 of Swan Point))
15th Election District - 7th Councilmanic District
Case Nos. 95-381-A and 95-382-A
Gerald W. and Shelley A. Ruth - Petitioners

Dear Mr. & Mrs. Ruth:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

Printed with Soybean Ink on Recycled Paper

Petition for Variance

95-381-H

to the Zoning Commissioner of Baltimore County

for the property located at 9041 MILLERS ISLAND BLVD. LOT #323
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and ~~which is described~~ described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

To permit a front lot width of 50 feet in lieu of the required 55 feet.

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

(1) MOST EXISTING LOTS IN SUBDIVISION RECORDED AS 50' WIDE BUILDABLE LOTS
(2) PURCHASED WITH INTENTIONS OF HAVING TWO BUILDING LOTS W/SAME CHARACTERISTICS OF ADJACENT HOME SITES.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
GERALD W. RUTH
(Type or Print Name)
Signature
SHELLEY A. RUTH
(Type or Print Name)
Signature
8812 HINTON AVE. 477-1564
Address Phone No.
BALTO. MD 21219
City State Zipcode
Name, Address and phone number of representative to be contacted.
GERALD RUTH
Name
8812 HINTON AVE. 477-1564
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: RJT DATE 4/20/95

ITEM# 376

ORDER RECEIVED FOR FILING
Date 6/9/95
By BJS

Printed with Soybean Ink on Recycled Paper

95-381-H

ZONING DESCRIPTION FOR LOT ~~323~~/ 9041 MILLERS ISLAND BLVD.

Beginning at a point on the south side of Millers Island Blvd. which is fifty feet wide at the distance of one hundred and fifteen feet east of the centerline of the intersection of Eight Street which is thirty feet wide. Being lot number 323, in the subdivision of Swan Point as recorded in Baltimore County Plat Book W.H.M. No. 9, folio 4 and 5; containing 6000 square feet. Also known as 9041 Millers Island Blvd. and located in the 15th Election District, 7th Councilmanic District.

ITEM# 376

CERTIFICATE OF POSTING

95-381-A

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 5/12/95
Posted for: Variance
Petitioner: Gerald & Shelly Ruth
Location of property: 9041 Millers Isl. Blvd.
Location of Signs: Facing Millers Isl. Blvd. on property being Posted
Remarks:
Posted by Signature Date of return: 5/19/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-381-A
(Item 376)
9041 Millers Island Boulevard (Lot #323)
S/S Millers Island Avenue, 115' +- E of c/l of 8th Street
15th Election District
7th Councilmanic
Legal Owner(s):
Gerald W. Ruth and Shelley A. Ruth
Hearing Friday, June 2, 1995 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353. (2) For information concerning the File and/or Hearing, Please Call 887-3391. 5/4

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-381-A

CRITICAL AREA

Account: R-001-6150

Number 376

Date 4/20/95 R.T

GERALD RUTH
9041 MILLERS ISLAND BLVD

010 — VARIANCE — $ 50.00
050 — SIGN — $ 35.00
TOTAL — $ 85.00

030030003MICHRC — $85.00
BA COSHIER PM04-21-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 376

Petitioner: GERALD & SHELLEY RUTH

Location: 9041 MILLERS ISLAND BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GERALD RUTH

ADDRESS: 8812 HINTON AVE.
BALTO. MD 21219

PHONE NUMBER: 477-1564

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

13

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-381-A (Item 376)
9041 Millers Island Boulevard (Lot #323)
S/S Millers Island Avenue, 115'+/- E of c/l 8th Street
15th Election District - 7th Councilmanic
Legal Owner(s): Gerald W. Ruth and Shelley A. Ruth
HEARING: FRIDAY, JUNE 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet.

Arnold Jablon
Director

cc: Gerald and Shelly Ruth

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 24, 1995

Mr. and Mrs. Gerald W. Ruth
8812 Hinton Avenue
Baltimore, Maryland 21219

RE: Item No.: 376
Case No.: 95-381-A
Petitioner: G. W. Ruth, et ux

Dear Mr. and Mrs. Ruth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 4, 1995

SUBJECT: 9041 & 9043 Millers Island Blvd.

INFORMATION:

Item Number: 376 & 377

Petitioner: Ruth Property

Property Size:

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

These requests do not comply with Section 304.1C of the Baltimore County Zoning Regulations and; therefore, should be denied.

Prepared by: Jeffrey W. Long

Division Chief: Larry E. Gross

PK/JL

ITEM376/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 376

The Developers Engineering Section has reviewed the subject zoning item. This site is located in a 100-year tidal flood plain. The lowest floor of any building must be elevated 1 foot above the 100-year frequency tidal elevation as defined by the Federal Emergency Management Agency. Flood Insurance Administration's Flood Insurance Study.

RWB:sw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
May 22, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #376 - Ruth Property
9041 Millers Island Blvd.
Zoning Advisory Committee Meeting of May 1, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

A non-tidal wetland exists on or near the property line on the western border. A minimum 25 foot buffer is required from the outer edge of this non-tidal wetland, thus making this lot undevelopable without approval of a Critical Area Administrative Variance.

JLP:KK:sp

c: Gerald W. Ruth

RUTH/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-2-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 376 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 05/05/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

( ) The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:362,363,364,365,366,367, 369,370,371,372,373,373,375,376 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

95-381-A & 95-382-A

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Lawrence Schmidt DATE: June 1, 1995
Zoning Commissioner

FROM: J. Lawrence Pilson DEPRM

SUBJECT: Zoning Items #376 and #377
Ruth Property
9041 and 9043 Millers Island Boulevard

Attached is a revised comment from Mr. Keith Kelley in which he wishes to eliminate the original comment stating that there were non-tidal wetlands on or near the site.

RECEIVED
JUN - 2 1995
ZONING COMMISSIONER

JLP:sp

Attachment

SCHMIDT/DEPRM/TXTSBP

95-381-A & 95-382-A

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Lawrence Pilson DATE: June 1, 1995
Development Coordination

FROM: Mr. Keith D. Kelley
Environmental Impact Review

SUBJECT: Zoning Items #376 and #377
Ruth Property
9041 and 9043 Millers Island Boulevard

Upon receiving additional information on the above referenced property, I would like to rescind my comment of May 22, 1995 about the existence of non-tidal wetlands on or near the property line. A reinspection on June 1, 1995 revealed that the two (2) lots are "high and dry". The only comment that I have is that impervious surfaces are limited to 25% of each lot (or 1,500 square feet).

KDK/tmm

RECEIVED
JUN - 2 1995
ZONING COMMISSIONER

RUTH/DEPRM/WQCBCA

PETITION PROBLEMS
AGENDA OF MAY 1, 1995

#363 --- RT

1. No signature for contract purchaser.

#366 --- MJK

1. Need authorization for person signing for legal owner.
2. Need authorization for person signing for contract purchaser.
3. Why isn't "Franklin Avenue" (property location) mentioned in the description?

#367 --- JCM

1. Folder not marked critical.

#372 --- RT

1. Only one legal owner signature on back of petition form.

#376 --- RT

1. Folder not marked critical.

#377 --- RT

1. Folder not marked critical.

RE: PETITION FOR VARIANCE
9041 Millers Island Boulevard (Lot #323), S/S Millers Island Avenue, 115'+/- E of c/l 8th Street, 15th Election District, 7th Councilmanic
Gerald W. and Shelley A. Ruth
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-381-A

* * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Gerald W. and Shelley A. Ruth, 8812 Hinton Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

Property address: 9041 Millers Island Blvd.
Subdivision name: Swan Point
plat book: W.H.M. No. 9 folio: 76

Owner: Mr. and Mrs. Gerald Ruth
Date: April 21, 1995
Scale: 1"=20'

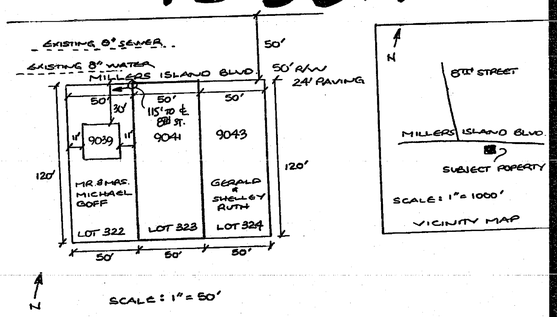
Location Information

Zoning Office Use ONLY!		
reviewed by	item #	case #

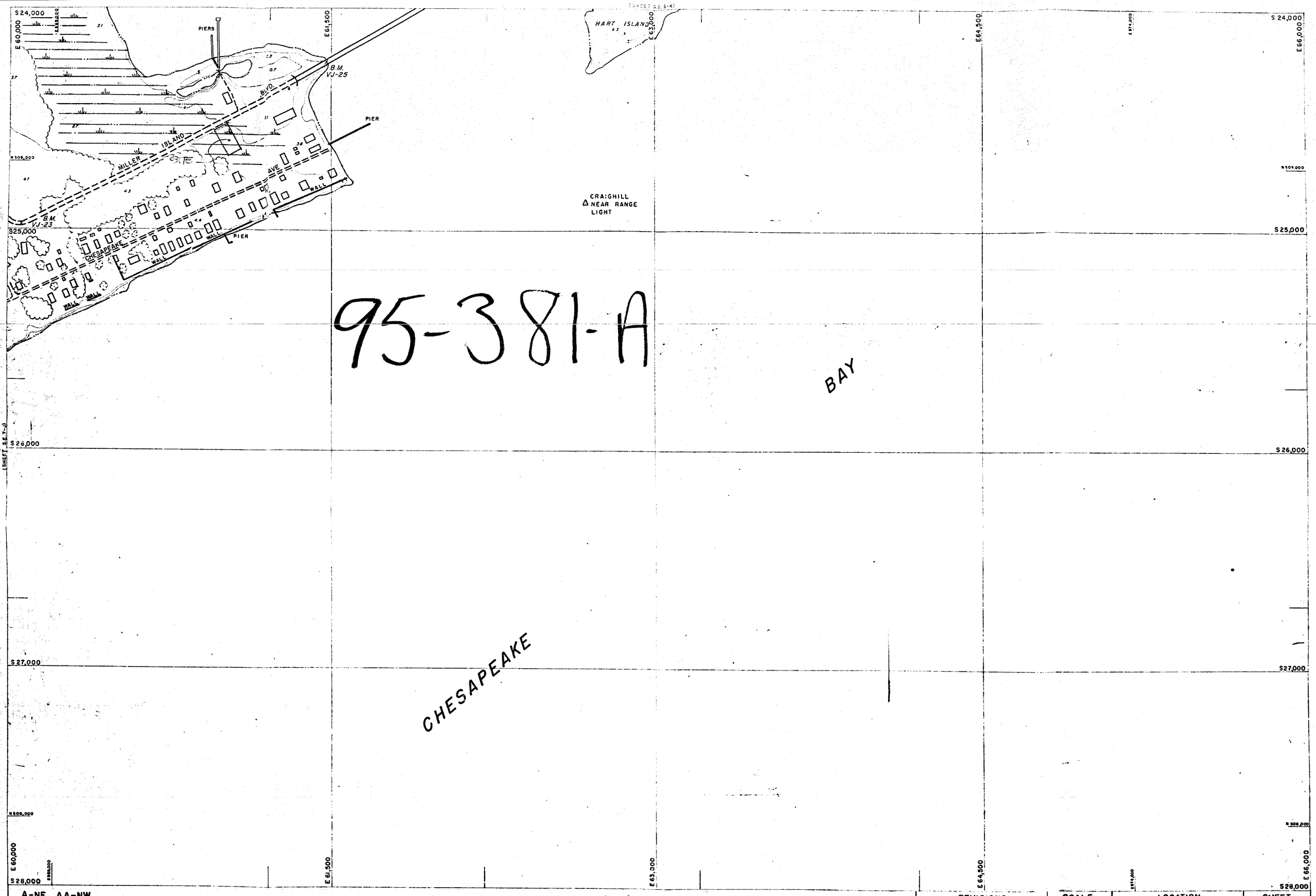
Councilmatic District: 7
Election District: 15
1"=200' scale map: SE-7K
Zoning: DR. 5.5

Lot size: 6000 sq. ft./ .138 acres
Public sewer and water exists
Lot lies in Chesapeake Bay Critical Area
No prior zoning hearings

95-381-A



ITEM #376



95-381-A

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

A-NE AA-NW

REVISIONS		
	BY	DATE

SCALE: 1" = 200'

DATE OF PHOTOGRAPHY: DEC. 1954

LOCATION: HART ISLAND

ITEM # 376

SHEET: S.E. -K

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

MICROFILMED

(SHEET S.E. 6-K)

E 60,000 E 61,500 E 63,000 E 64,500 E 66,000

S 24,000

N 30,000

S 25,000

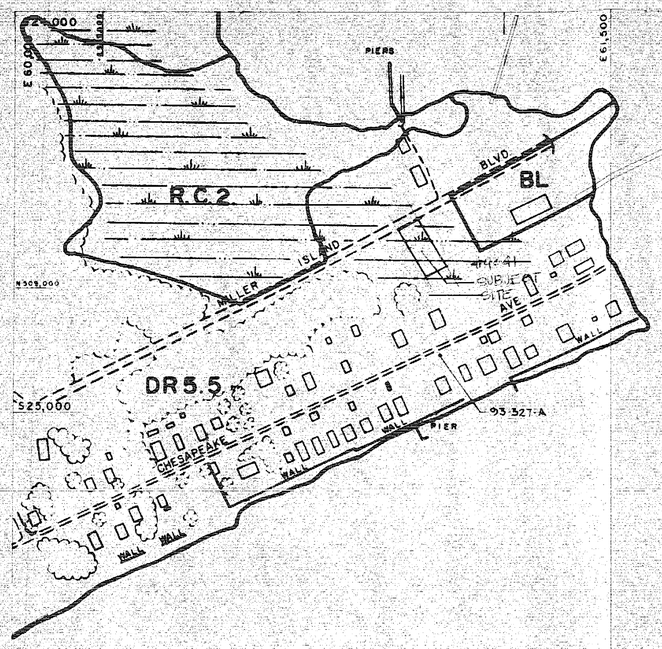
S 26,000

(SHEET S.E. 7-J)

S 27,000

N 100,000

S 28,000



CRAIGHILL
△ NEAR RANGE
LIGHT

BAY

CHESAPEAKE

93-381-A

A-NE AA-NW

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Bill Nos. 144-92, 145-92, 148-92, 150-92

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY GOUCHART-HOSS, INC. ELLICOTT CITY, MD. 21043

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 133-92, 134-92, 135-92, 136-92, 137-92, 138-92, 139-92

William A. Howard III
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	ITEM # 376 HART ISLAND	S.E. 7-K
DATE OF PHOTOGRAPHY JANUARY 1988		

IN RE: PETITIONS FOR VARIANCE
S/S Millers Island Blvd., 115' and 165' E of the c/l of 8th Street (9041 & 9043 Millers Island Blvd.)
15th Election District
7th Councilmanic District
Gerald W. and Shelley A. Ruth
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 95-381-A and 95-382-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for the properties known as 9041 and 9043 Millers Island Boulevard, also known as Lots 323 and 324 of Swan Point, located in the vicinity of Hart/Miller Island and the Chesapeake Bay. The Petitions were filed by the owners of the property, Gerald W. Ruth and his wife, Shelley A. Ruth. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front lot width of 50 feet in lieu of the required 55 feet for both lots Lots 323 and 324 for a proposed dwelling. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Petitioner's Exhibits 1, respectively.

Appearing at the public hearing on behalf of the Petitions were Gerald and Shelley Ruth, property owners. There were no Protestants or other interested parties present.

Testimony and evidence offered by the Petitioners was that they own three adjacent lots on Millers Island Boulevard, including the two lots which are the subject of this combined hearing. The Petitioners acquired the three lots, known as Lots 323, 324 and 325 of Swan Point in December, 1994. The lots are located within the Chesapeake Bay Critical Areas across from Hart Island and are presently unimproved. The Petitioners are desirous of developing both Lots 323 and 324 with a two-story, single family dwelling of approximately 700 sq.ft. each, leaving Lot 325 unimproved. Testimony indicated that Swan Point is an old subdivision, apparently having been plotted and recorded in the Land Records of Baltimore County in 1927. The Petitioners testified that most all of the lots are laid out with 50-foot widths. The subject lots are 120 feet deep so that each lot is 6000 sq.ft. in area.

A reading of Section 304 of the B.C.Z.R. shows that same provides relief for property owners with undersized lots or lots of unsufficient width. Specifically, that Section provides that a property owner can develop such a lot with a single family dwelling, if three criteria are satisfied. First, the property owner must show that such lot has been duly recorded, either by deed or in a validly approved subdivision, prior to March 30, 1955. Clearly, the subject lots meet this test. Secondly, all other requirements of the height and area regulations within the B.C.Z.R. must be met. Again, in this instance, the Petitioners have met this test in that no variances are requested. Third, Section 304 provides that the owner of the lot not own sufficient adjoining land to conform to the width and/or area requirements. In this case, the Petitioners do not satisfy this test. As noted above, they own the adjacent unimproved Lot 325. If the three lots were combined, they would contain the required lot widths and could be developed with two homesites. For this reason, relief under Section 304 of the B.C.Z.R. is not available to the Petitioners.

In that the sites cannot be developed as of right, the Petitioners request relief pursuant to the provisions of Section 307 of the B.C.Z.R. That Section empowers the Zoning Commissioner to grant variances from the strict application of height and area regulations. However, that Section provides that in order for variance relief to be granted, the Petitioner must demonstrate that a practical difficulty would exist which justifies the requested relief. Moreover, the variance can only be granted if same is within strict harmony of the spirit and intent of the regulations so as not to cause detrimental impact to the surrounding locale. The Court of Special Appeals has recently discussed this regulation in Cromwell v. Ward, 102 Md. App. 691 (1995). Within its discussion, the Court reviewed the prior decisions of the Appellate Courts of this State, including McLean v. Solley, 270 Md. 208 (1973), a leading case.

In support of their request for variance, the Petitioners directly responded to a question asked of them by this Zoning Commissioner that financial considerations merited the request. Specifically, the Petitioners indicated that they felt a better financial return could be made if three homesites were developed on the lots as opposed to two. Although this is no doubt the case, financial considerations are not a sufficient reason to justify the variance. Economic return is not a basis on which to satisfy the practical difficulty test. The practical difficulty must provide a compelling reason for deviation from the zoning regulations. Mere matters of convenience or economics are not a proper basis.

Moreover, the fact that the properties were originally laid out in 1927 does not justify the relief requested. Although the lots were plotted many years ago, building must be in accordance with present regulations. Furthermore, the B.C.Z.R. within Section 304 thereof provide a property owner relief for old established undersized lots. For reasons set forth above, that relief is not available to this Petitioner. Thus, the the relief requested within the Petitions filed must be denied and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon and for the reasons set forth above, the Petitions for Variance filed in the above-captioned matters must be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June, 1995 that the Petitions for Variance filed in Case Nos. 95-381-A and 95-382-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a front lot width of 50 feet in lieu of the required 55 feet for both Lots 323 and 324 of Swan Point, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386

June 9, 1995

Mr. & Mrs. Gerald W. Ruth
8812 Hinton Avenue
Baltimore, Maryland 21219

RE: PETITIONS FOR VARIANCE
S/S Millers Island Blvd., 115' and 165' E of the c/l of 8th Street
(9041 & 9043 Millers Island Boulevard (Lots 323 & 324 of Swan Point))
15th Election District - 7th Councilmanic District
Case Nos. 95-381-A and 95-382-A
Gerald W. and Shelley A. Ruth - Petitioners

Dear Mr. & Mrs. Ruth:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

Printed with Soybean Ink on Recycled Paper

Petition for Variance

95-382-A

to the Zoning Commissioner of Baltimore County

for the property located at 9043 MILLERS ISLAND BLVD. LOT # 324
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s) 1B02.3.C.1

To permit a front lot width of 50 feet in lieu of the required 55 feet.

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

(1) MOST EXISTING LOTS IN SUBDIVISION RECORDED AS 50'WIDE BUILDABLE LOTS.
(2) PURCHASED WITH INTENTIONS OF HAVING TWO BUILDING LOTS W/SAME CHARACTERISTICS OF ADJACENT HOME SITES.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
GERALD W. RUTH
(Type or Print Name)
Signature
SHELLEY A. RUTH
(Type or Print Name)
Shelley A. Ruth
Signature
8812 HINTON AVE. 477-1504
Address Phone No.
BALTO. MD 21219
City State Zipcode
Name, Address and phone number of representative to be contacted
GERALD RUTH
Name
8812 HINTON AVE. 477-1504
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: R.T. DATE 4/20/95

ITEM # 377

ORDER RECEIVED FOR FILING
Date
By

Printed with Soybean Ink on Recycled Paper

95-382-A

ZONING DESCRIPTION FOR LOT 324/ MILLERS ISLAND BLVD.

Beginning at a point on the south side of Millers Island Blvd. which is fifty feet wide at the distance of one hundred and sixty five feet east of the centerline of the intersection of Eight Street which is thirty feet wide. Being lot number 324, in the subdivision of Swan Point as recorded in Baltimore County Plat Book W.H.M. No. 9, folio 4 and 5; containing 6000 square feet. Also known as 9043 Millers Island Blvd. and located in the 15th Election District, 7th Councilmanic District.

ITEM # 377

CERTIFICATE OF POSTING 95-382-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 5/12/95
Posted for: Variance
Petitioner: Gerald & Shelly Ruth
Location of property: 9043 Millers Is. Blvd
Location of Signs: Facing Millers Island Way, on property being posted
Remarks:
Posted by Signature Date of return: 5/19/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON
Publisher

Notice of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 95-382-A
9043 Millers Island Boulevard (Lot #324)
S/S Millers Island Avenue, 165' +/- E of c/l of 8th Street
15th Election District
7th Councilmanic
Legal Owner(s):
Gerald W. Ruth and Shelley A. Ruth
Hearing: Friday, June 2, 1995 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.
5/4

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-382-A

CRITICAL AREA

Account: R-001-6150

Number 377 R.T.

Date 4/21/95

GERALD RUTH

9043 MILLERS ISLAND BLVD.

C/A — VARIANCE — #50.00

CSD — SIGN — #35.00

TOTAL — #85.00

B70034@382AMOUNT $85.00
BA C003:1PM04-21-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 377 #376

Petitioner: GERALD & STELLEY RUTH

Location: 9043 MILLERS ISLAND BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GERALD RUTH

ADDRESS: 8812 HINTON AVE.
BALTO. MD 21219

PHONE NUMBER: 477-1591

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-382-A (Item 377)
9043 Millers Island Boulevard (Lot #324)
S/S Millers Island Avenue, 165'+/- E of c/l 8th Street
15th Election District - 7th Councilmanic
Legal Owner(s): Gerald W. Ruth and Shelley A. Ruth
HEARING: FRIDAY, JUNE 2, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a front lot width of 50 feet in lieu of the required 55 feet.

Arnold Jablon
Director

cc: Gerald and Shelley Ruth

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 24, 1995

Mr. and Mrs. Gerald W. Ruth
8812 Hinton Avenue
Baltimore, Maryland 21219

RE: Item No.: 377
Case No.: 95-382-A
Petitioner: G. W. Ruth, et ux

Dear Mr. and Mrs. Ruth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 4, 1995

SUBJECT: 9041 & 9043 Millers Island Blvd.

INFORMATION:

Item Number: 376 & 377

Petitioner: Ruth Property

Property Size:

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

These requests do not comply with Section 304.1C of the Baltimore County Zoning Regulations and; therefore, should be denied.

Prepared by: Jeffrey W. Long

Division Chief: Larry E. Elmore

PK/JL

ITEM376/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

May 22, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #377 - Ruth Property
9043 Millers Island Blvd.
Zoning Advisory Committee Meeting of May 1, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

1. A non-tidal wetland exists on or near the property line on the western border of lot #323 (#9041 Millers Island Blvd.) A minimum 25 foot buffer is required from the outer edge of this wetland.

2. Impervious surfaces are limited to 25% of the lot (or 1500 square feet).

JLP:KK:sp

c: Gerald W. Ruth

RUTH2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: May 8, 1995

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 377

The Developers Engineering Section has reviewed the subject zoning item. This site is located in a 100-year tidal flood plain. The lowest floor of any building must be elevated 1 foot above the 100-year frequency tidal elevation as defined by the Federal Emergency Management Agency, Flood Insurance Administration's Flood Insurance Study.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-1-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 377 (R.T.)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:362,363,364,365,366,367, 369,370,371,372,373,374,375,376 and 377.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

PETITION PROBLEMS
AGENDA OF MAY 1, 1995

#363 --- RT

1. No signature for contract purchaser.

#366 --- MJK

1. Need authorization for person signing for legal owner.
2. Need authorization for person signing for contract purchaser.
3. Why isn't "Franklin Avenue" (property location) mentioned in the description?

#367 --- JCM

1. Folder not marked critical.

#372 --- RT

1. Only one legal owner signature on back of petition form.

#376 --- RT

1. Folder not marked critical.

#377 --- RT

1. Folder not marked critical.

RE: PETITION FOR VARIANCE * BEFORE THE
9043 Millers Island Boulevard (Lot #324),
S/S Millers Island Avenue, 165'+/- E of * ZONING COMMISSIONER
c/l 8th Street, 15th Election District,
7th Councilmanic * OF BALTIMORE COUNTY

Gerald W. and Shelley A. Ruth *
Petitioners * CASE NO. 95-382-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Gerald W. and Shelley A. Ruth, 8812 Hinton Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

Property address: 9043 Millers Island Blvd.
Subdivision name: Swan Point
plat book: W.H.M. No. 9 folio: 76

Owner: Mr. and Mrs. Gerald Ruth
Date: April 21, 1995
Scale: 1"=20'

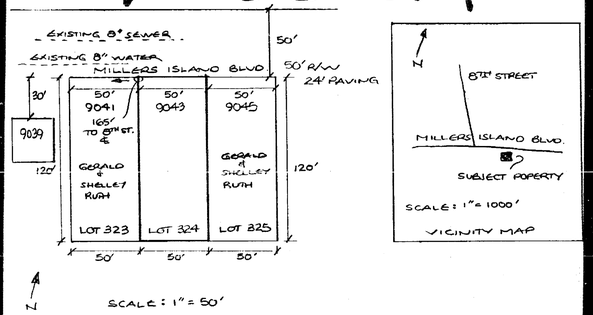
Location Information

Zoning Office Use ONLY!		
reviewed by	item #	case #

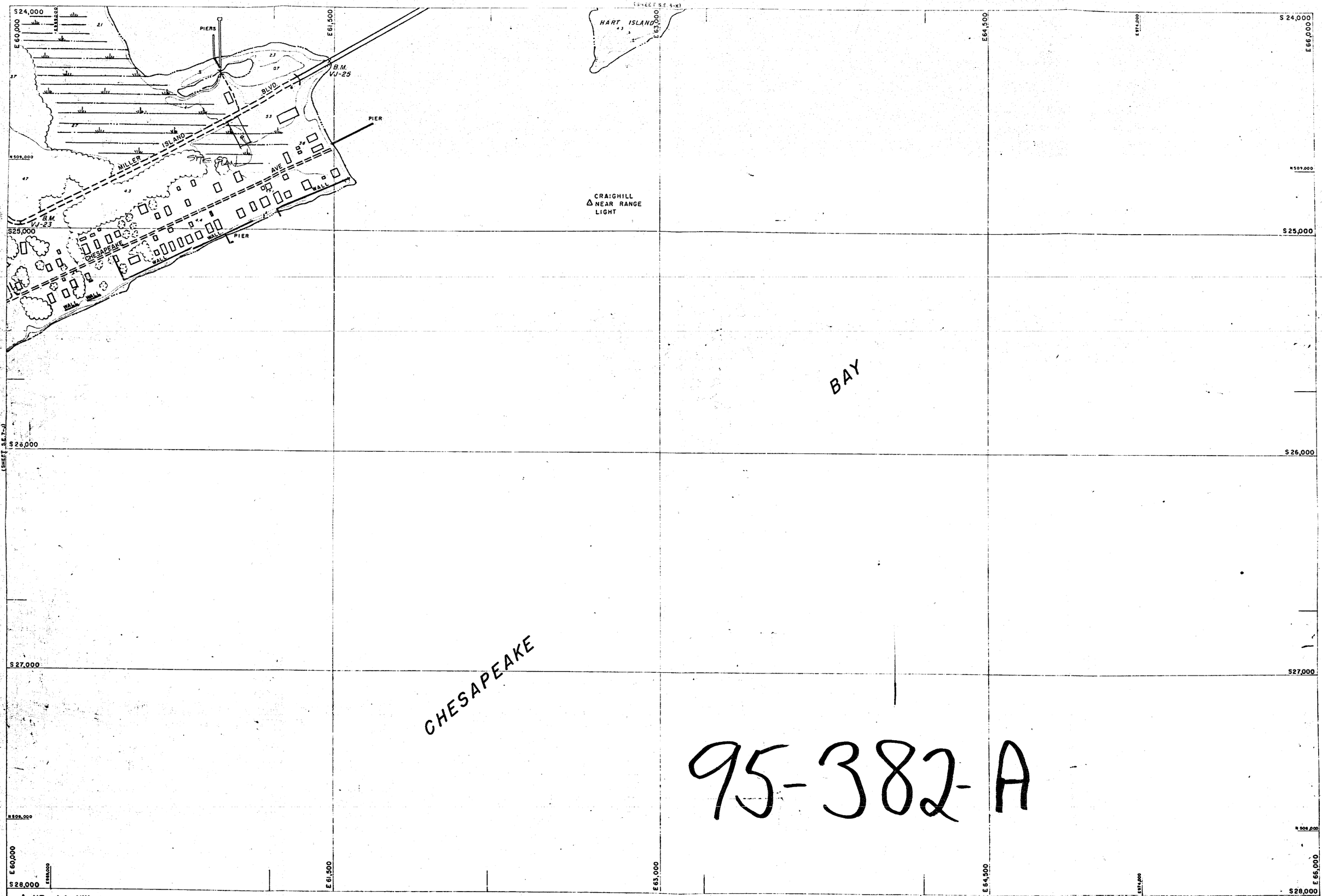
Councilmatic District: 7
Election District: 15
1"=200' scale map: SE 7-K
Zoning: DR. 5.5

Lot size: 6000 sq. ft./ .138 acres
Public sewer and water exists
Lot lies in Chesapeake Bay Critical Area
No prior zoning hearings

95-382-A



ITEM #377



95-382-A

A-NE AA-NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	HART ISLAND	S.E. 7-K
			DATE OF PHOTOGRAPHY DEC. 1954	ITEM # 377	

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH.

MICROFILMED

(SHEET S.E. 6-K)

E 60,000 E 61,500 E 63,000 E 64,500 E 66,000

N 509,000

S 25,000

S 26,000

S 27,000

PIERS

BLVD.

BL

R.C.2

ISLAND

WALLER

9613 SUBJECT TRACT

AVE

WALL

DR 5.5

93-327-A

PIER

CHESAPEAKE AVE.

HOR.

CRAIGHILL
△ NEAR RANGE
LIGHT

BAY

CHESAPEAKE

93-382-A

(SHEET S.E. 7-K)

A-NE AA-NW

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE 1" = 200'±

DATE OF PHOTOGRAPHY

LOCATION HART ISLAND

ITEM # 377

SHEET S.E. 7-K

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Class Court, 358' N of the c/l of Waltham Woods Road
(9 Class Court)
9th Election District
6th Councilmanic District

Samuel Blow
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-383-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 9 Class Court, located in the vicinity of Parkville in the Satyr Woods subdivision. The Petition was filed by the owner of the property, Samuel Blow. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 inches in lieu of the minimum required 10 feet for an attached garage, and to amend the Third Amended Final Development Plan of Satyr Woods, accordingly. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 inches in lieu of the minimum required 10 feet for an attached garage, and to amend the Third Amended Final Development Plan of Satyr Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/23/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 23, 1995

Mr. Samuel Blow
9 Class Court
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Class Court, 358' N of the c/l of Waltham Woods Road
(9 Class Court)
9th Election District - 6th Councilmanic District
Samuel Blow - Petitioner
Case No. 95-383-A

Dear Mr. Blow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Administrative Variance

95-383-A

to the Zoning Commissioner of Baltimore County

for the property located at 9 Class Court

which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 1B02.3.C.1

To allow a side yard setback of 12 inches in lieu of the required 10 feet for an attached garage & to amend the 3rd Amended FDP of Satyr Woods.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1) To insure the safety of my family, when arriving at night hours. 2) To preserve the finish value of my cars. 3) To prevent dents & scratches from children's play

* A door will be installed from the garage to the house.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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 / Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s)

Samuel Blow
(Type or Print Name)
Samuel Blow
Signature

(Type or Print Name)

Signature

301-236-6335 - W
9 Class Court 882-0888 - H
Address Phone No.
Baltimore Md 21234
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19__, that the subject matter of this petition be set for a public hearing, advertised as prescribed by the Zoning Regulations of Baltimore County, in the three newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 5/23/95
By

REVIEWED BY: RT DATE 4-25-95

ESTIMATED POSTING DATE 5-7-95

Printed with Soybean Ink on Recycled Paper

ITEM #: 378

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9 Class Court
(address)
Baltimore Md 21234
(City) (State) (Zip Code)

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

This two car garage will allow my family to enter into the house without going outside. This would make it safe & secure for them. Also from a safety perspective during inclement weather, walking will not be hazardous. Preserving the value of my cars is also a concern.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Samuel Blow
(signature)
Samuel Blow
(type or print name)

(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of April, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Samuel Blow

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 24, 1995
Date

Gary A. Roff
NOTARY PUBLIC

My Commission Expires: 01/06/99

95-383-A

EXAMPLE 3 – Zoning Description – 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 9 CLASS COURT, BALTO. MD 21234
(address)

Beginning at a point on the SOUTH (north, south, east or west) side of CLASS COURT (name of street on which property fronts) which is 50' (number of feet of right-of-way width) wide at the distance of 358'± (number of feet) NORTH (north, south, east or west) of the centerline of the nearest improved intersecting street WALTHAM WOOD RD. (name of street) which is 70' (number of feet of right-of-way width) wide, *Being Lot # 39, Block ____, Section # 2, in the subdivision of SATYR WOODS (name of subdivision) as recorded in Baltimore County Plat Book #46, Folio #98, containing 11,940 SQ.FT. (square feet or acres) Also known as # 9 CLASS COURT (property address) and located in the 9 Election District, 6 Councilmanic District.

IRE: # 378

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 11" E. 321.1 ft., S.10° 27' 03" E.87.2 ft., S.62° 19' 00" W. 310 ft., and N.68° 15' 22" W. 80 ft. to the place of beginning.

CK/BESID (TXTSOPH)
REVISED 5/16/94

10

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-383-A

Towson, Maryland

District 9th Date of Posting 5/4/95

Posted for: Variance

Petitioner: Samuel Blow

Location of property: 9 Class Ct., S/S

Location of Signs: Facing roadway on property being posted

Remarks:

Posted by (Signature) Date of return: 5/12/95

Number of Signs: 1

Zoning Administration & Development Management

receipt

95-383-A

Account: R-001-6150

Number: 378

Date 4-25-95

Samuel Blow
#9 Class Court Balto. Md. 21234

CAV — VARIANCE — $ 50.00
CBA — SIGN — $ 35.00
TOTAL — $ 85.00

03A03#0084#TG IRC $85.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 378

Petitioner: Samuel Blow

Location: 9 Class Court

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Samuel Blow

ADDRESS: 9 Class Court
Baltimore Md 21234

PHONE NUMBER: 882-0888
301-236-6335 - WORK

AJ:ggs

(Revised 04/09/93)

13

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 4, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-383-A (Item 378)
9 Class Court
S/S Class Court, 358'+/- N of c/l Waltham Wood Road
9th Election District - 6th Councilmanic
Legal Owner(s): Samuel Blow

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 7, 1995. The closing date (May 22, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director

cc: Samuel Blow

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 15, 1995

Mr. Samuel Blow
9 Class Court
Baltimore, Maryland 21234

RE: Item No.: 378
Case No.: 95-383-A
Petitioner: Samuel Blow

Dear Mr. Blow:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 9 Class Court

INFORMATION:

Item Number: 378

Petitioner: Blow Property

Property Size:

Zoning: DR 5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to allow a side yard setback of one foot in lieu of the minimum required 10 feet and to amend the development plan for Satyr Woods.

Based upon a review of the information provided, staff offers the following comment:

Pursuant to Section 1b01.3A7.b(1) of the Baltimore County Zoning Regulations, an analysis of the subject request reveals that this minor amendment is in accordance with the specific standards and requirements of (BCZR) Article (1B), as required by sub-section 7.b(2).

Notwithstanding the finding that the amendment is in accordance with the appropriate sections of the BCZR and CMDP, staff believes that the applicant will need to prove hardship or practical difficulty to justify the location of the proposed addition.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Richardson

PK/JL

ITEM378/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/02/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RECEIVED
MAY 8 1995
ZADM

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-9-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 378 (JT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/8/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: (378) 379 380 381 382 385 386 389 391

LS:sp

LETTY2/DEPRM/TXTSBP

April 21, 1995

To: The Baltimore County Zoning Board

Re: Proposed two car garage at 9 Class Court

To whom it may concern,

I am the owner of the residence at 11 Class Court. I do not have any objection to the construction of a two car garage at 9 Class Court. I have been informed of the proposed construction and am fully aware of the specifications. I do know that the back corner of the garage will be right against the property line and still have no objection. If necessary I can be contacted for any questions.

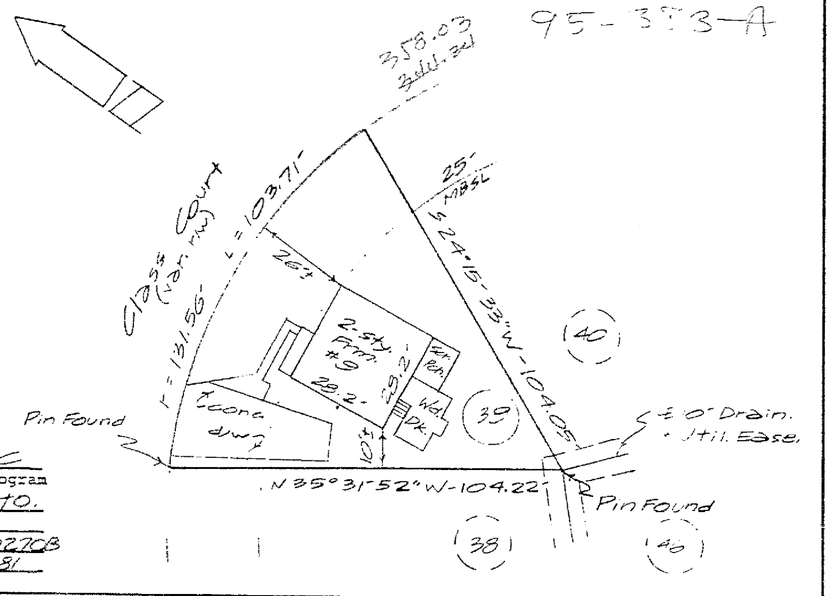
Richard A. Szatkowski

11 Class Court
Balto. Md. 21234

ITEM # 378

ITEM # 378

95-353-A



Subject property is shown in Zone C
on the National Flood Insurance Program
Flood Insurance Rate Map of Balto. County Maryland, Panel# 270
Community Panel# 240010 0027 B
Effective Date: March 2, 1981

This is to certify that I have surveyed the property known as Lot 39, as shown on the plat of the Amended plat of Sec. 2, Satyr Woods recorded, Plat Book 46, Fol. 98 among the Land Records of Baltimore County, Maryland for the purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES.

STATE OF MARYLAND
JAMES C. HUDGINS
No. 96
REGISTERED
PROPERTY LINE SURVEYOR

J. Carl Hudgins PLS#96

LOCATION SURVEY
9 Class Court
Satyr Woods
Baltimore County, Md.

NTT ASSOCIATES, INC.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Phone 442-2031

Scale: 1"=30'
Date: 4-31-92
Field By: M.H.
Drawn By: M.H.
Drawing #12873-T

You may use this SAMPLE form

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

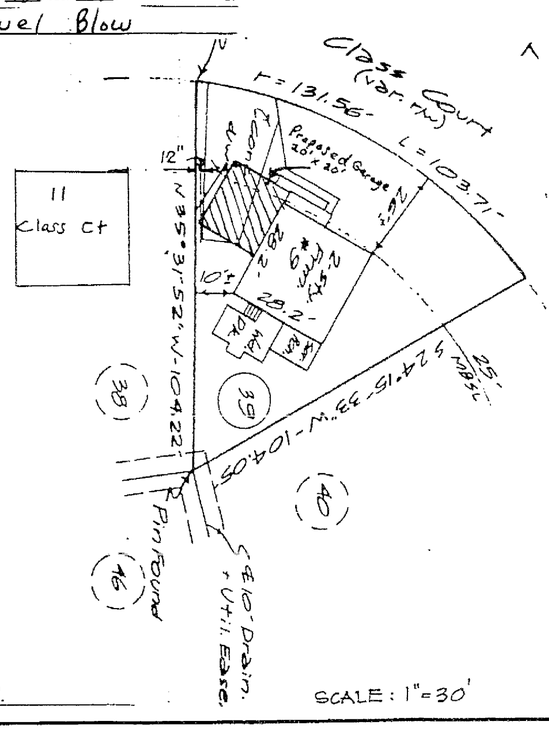
PROPERTY ADDRESS: 9 Class Court

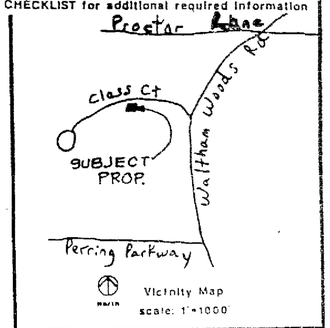
Subdivision name: Satyr Woods

plat book# 46, folio# 98, lot# 39, section# 2

95-353-A

OWNER: Samuel Blow





LOCATION INFORMATION

Election District: 09

Councilmanic District: 6

1"=200' scale map#: NE 11-D

Zoning: DR 5.5

Lot size: 11,940 acreage / square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by:	ITEM #	CASE#:
R.T.	378	

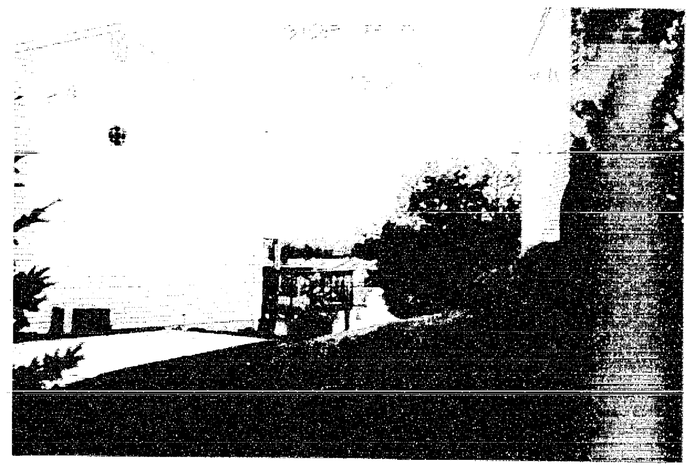
date: 4-24-95

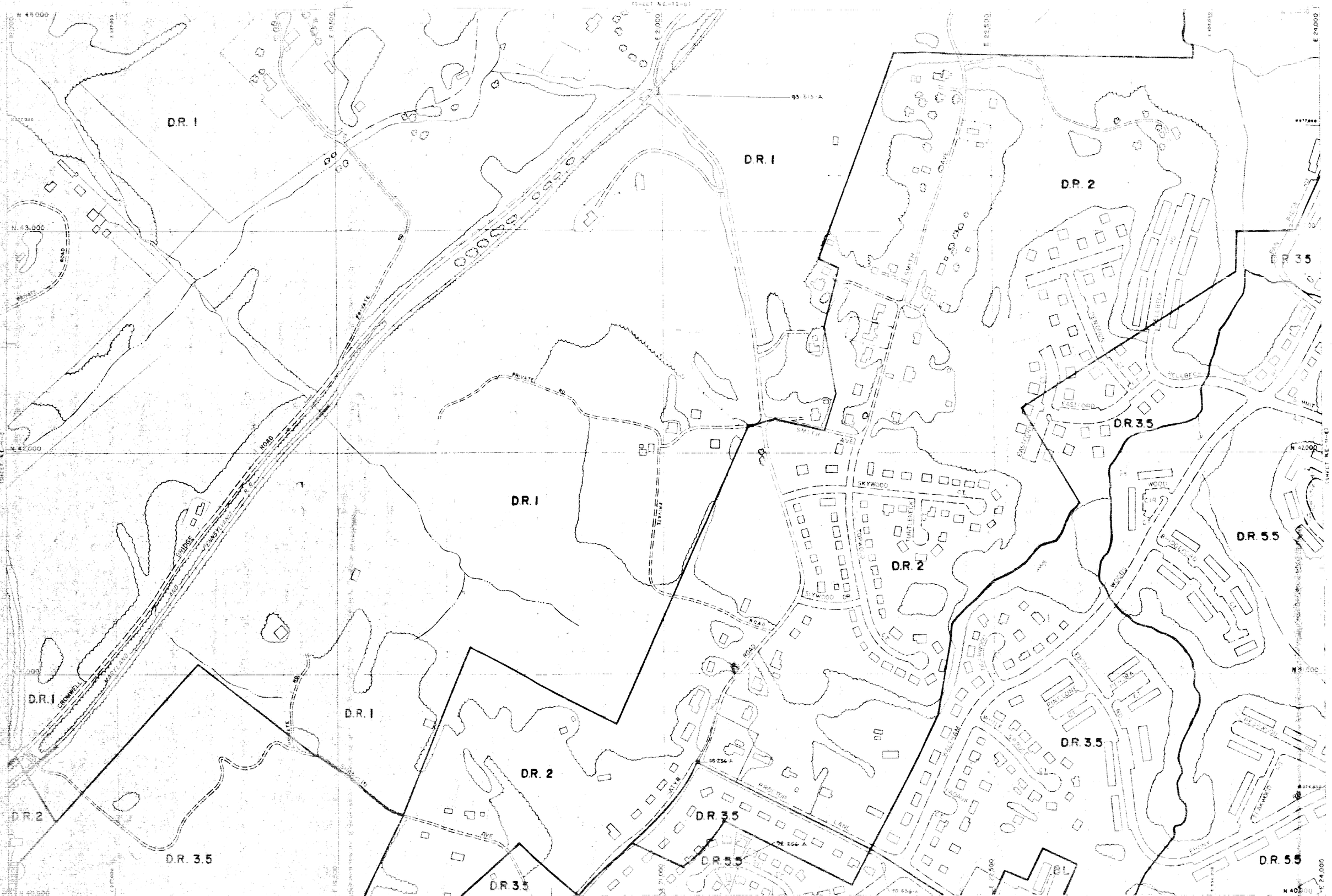
prepared by: S.A.

12

3:3-A

353-A





R-SE
R-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21239

1955 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Bill Nos. 144-55, 150-55

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 180-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard III
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	LOCH RAVEN RESERVOIR AREA	N.E.
DATE OF PHOTOGRAPHY JANUARY 1990		

95-383-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	LOCKE RAVEN RESERVOIR AREA	NE 3RD

DATE OF PHOTOGRAPHY
JANUARY
1986

95-383-A