

IN RE: PETITION FOR VARIANCE
W/S York Road, 1,000' S of the
c/l of Timonium Road
(2046 York Road)
8th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-342-A

Jacqueline Stephenson, as Pers. Rep.
for the Estate of Katherine Crowther - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 2046 York Road, located in Timonium, between the intersections of York and Northwood Roads. The Petition was filed by the owners of the property, The Estate of Katherine Crowther, by Jacqueline Stephenson Personal Representative, and Philip Collianni, Contract Purchaser, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek relief from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 3 feet in lieu of the required average of 8 feet, 3 inches, and from Section 409.4 of the B.C.Z.R. to permit a driveway width of 18 feet in lieu of the required 20 feet for a proposed beauty shop. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Philip Collianni, Contract Purchaser, Paul Lee, Professional Engineer, and Anthony J. DiPaula, Esquire, who appeared on behalf of Mr. Boozer to represent the Petitioners. Appearing as interested parties were Frederick W. Hearn, Sr. and William Whitty, Jr. with Mackenzie, O'Connor, Piper & Flynn. There were no Protestants present.

RECEIVED

ORDER RECEIVED FOR FILING
Date 6/12/95
By [Signature]

Testimony and evidence offered revealed that the subject property consists of .203 acres, more or less, zoned B.L.-C.N.S. and is improved with a two-story dwelling which is presently vacant, and a garage with a macadam-paved parking area to the rear of the property. The property is located in Timonium and abuts York Road, a highly travelled commercial/business corridor in this locale. Mr. Collianni wishes to utilize the property as a beauty salon, which is permitted in the B.L.-C.N.S. zone. To that end, Mr. Collianni intends to remove the existing garage and enlarge and refurbish the existing macadam parking area to provide 15 parking spaces. In order to enlarge the usable space within the existing building, the front porch will be enclosed to provide an additional 227 sq.ft. of space. Moreover, the rear porch will also be enclosed to provide an additional 52 sq.ft. of space. The enclosure of the front porch necessitates the requested variance as noted above and a front yard setback of 3 feet will be maintained. The required average of 11.5 feet is determined by measuring the average setbacks of adjacent properties, which are clearly shown on the site plan. Moreover, relief is sought to allow a driveway width of 18 feet in lieu of the required 20 feet. In this regard, it is to be noted that a Zoning Plans Advisory Committee (ZAC) comment was received subsequent to the hearing from the Maryland State Highway Administration (SHA), in which that agency indicates it normally requires a minimum 25-foot wide entrance; however, the proposed 18-foot width would be acceptable in this instance. The proposed use is not expected to generate a significant volume of traffic due to its location within this highly travelled commercial/business corridor.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. As to

the relief requested to front yard setback requirements, same is consistent with neighboring properties and uses on York Road. Moreover, no new construction is contemplated, per se, and the building envelope will not increase in size. Rather, only the existing front and rear porches will be enclosed as described above.

As to the driveway width, narrowness of the lot justifies this variance. Again, it is to be noted that the driveway has existed in its present condition for many years and strict adherence to the regulations is not possible, in view of the dimensions of the lot and existing improvements thereon. Moreover, it is clear that the granting of the relief sought will not be detrimental to the health, safety or general welfare of the surrounding locale, or cause an adverse impact.

I will, however, condition the relief granted. First, I will require the Petitioners comply with the requirements of the SHA as set forth in their letter dated May 5, 1995. York Road is a State highway and access to same must be in accordance with their standards.

Moreover, the Office of Planning and Zoning has requested certain conditions be attached to the plan. These largely reflect landscaping issues, including the retention of existing vegetation and enhanced buffering to surrounding properties. In this regard, I will require the Petitioners submit a landscape plan for review and approval by the Landscape Architect for Baltimore County, Mr. Avery Harden, prior to the issuance of any permits.

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.

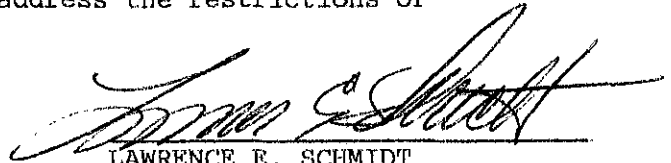
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request 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 the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 1995 that the Petition for Variance seeking

relief from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 3 feet in lieu of the required average of 8 feet, 3 inches, and from Section 409.4 of the B.C.Z.R. to permit a driveway width of 18 feet in lieu of the required 20 feet for a proposed beauty shop, 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 permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. A copy of the approved plan shall be submitted to the Permits and Development Management office prior to the issuance of any occupancy permits.
- 3) Compliance with the ZAC comments submitted by the Maryland State Highway Administration, dated May 5, 1995.
- 4) 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/12/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 12, 1995

(410) 887-4386

F. Vernon Boozer, Esquire
Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S York Road, 1,000' S of the c/l of Timonium Road
(2046 York Road)
8th Election District - 4th Councilmanic District
Jacqueline Stephenson, as Pers. Rep. for the Estate of
Katherine Crowther - Petitioners
Case No. 95-342-A

Dear Messrs. Boozer & DiPaula:

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Jacqueline Stephenson, 1510 Eastview Dr., #6, Upperco, Md. 21155

Mr. Philip Colliannni, 1822 Thornton Ridge Rd., Towson, Md. 21204

Mr. Frederick W. Hearn, Sr. and Mr. William Whitty, Jr.
Mackenzie, O'Connor, Piper & Flynn, 2328 W. Joppa Road, Suite 200,
Lutherville, Md. 21093

Mr. Paul Lee, 304 W. Pennsylvania Ave., Towson, Md. 21204

People's Counsel; File





Petition for Variance

330
95-342-A

to the Zoning Commissioner of Baltimore County

for the property located at

2046 YORK ROAD

which is presently zoned BL-CNS

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)

232.1 & 303.2 SO AS TO ALLOW A THREE FOOT FRONT YARD SET BACK IN LIEU OF THE REQUIRED AVERAGE SET BACK OF 8.3' AND FROM SECTION 409.4.6 TO PERMIT AN 18' DRIVEWAY IN LIEU OF THE REQUIRED 20' *PL*

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

THE PETITIONERS WOULD SUFFER A PRACTICAL DIFFICULTY AND UNDUE HARDSHIP WERE HE REQUIRED TO MEET THE REQUIREMENTS OF BCZR IN THAT THE DWELLING LOCATED ON THE PROPERTY WOULD HAVE TO BE PARTIALLY DESTROYED AND/OR REMOVED TO MEET THE REQUIREMENTS.

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

PHILIP COLLIANNI

(Type or Print Name)

Philip Collianni
Signature

1822 THORNTON RIDGE ROAD

Address

TOWSON, MARYLAND 21204

City

State

Zipcode

Attorney for Petitioner

F. VERNON BOOZER, ESQUIRE

(Type or Print Name)

F. Vernon Boozer
Signature

COVAHEY & BOOZER, P.A.

614 BOSLEY AVENUE (410) 828-9441

Address

Phone No

TOWSON, MD. 21204

City

State

Zipcode

Legal Owner(s)

JACQUELINE STEPHENSON, PERSONAL REPRESENTATIVE
OF THE ESTATE OF KATHERINE CROWTHER

(Type or Print Name)

Jacqueline Stephenson P.R.
Signature

1510 #6 EASTVIEW DRIVE

UPPERCO, MARYLAND 21155

(Type or Print Name)

Signature

C/O FREDERICK W. HEARN, SR. VICE PRESIDENT
MACKENZIE, O'CONOR, PIPER & FLYNN

Address

2328 W. JOPPA ROAD, SUITE 200

LUTHERVILLE, MD 21093 (410) 828-8585

City

State

Zipcode

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

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: *msk* DATE 3/28/95



ORDER RECEIVED FOR FILING

Date 6/12/95

By *[Signature]*

Paul Lee, P.E.

Paul Lee Engineering Inc.

95-342-A

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

DESCRIPTION

2046 YORK ROAD
ELECTION DISTRICT 8C4
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of York Road, said point also being located southerly 1000'± from the center of Timonium Road, thence leaving said west side of York Road (1) S 70°23'12" W 142.97 feet, to the center of an existing 10' R/W (2) S 18°23'39" E 60.71 feet, thence leaving said center of existing 10' R/W (3) N 71°04'25" E 143.63 feet to the west side of York Road, thence binding on the west side of York Road (4) N 19°01'44" W 62.42 feet to the point of beginning.

Containing 0.203 acre of land, more or less.



330

Engineers — Surveyors — Site Planners

J. O. 95000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-342-A

District 8th

Date of Posting 4/14/95

Posted for: Variance

Petitioner: Estate of M. Crowther - & Philip Collins

Location of property: 2046 York Rd, N/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. H. H. H. H.
Signature

Date of return: 4/21/95

Number of Signs: 1

MICROFILMED

CERTIFICATE OF PUBLICATION

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: #85-342-A
(Item 330)

2046 York Road
W/S York Road, 1000' S of
c/ Timonium Road
8th Election District
4th Councilmanic
Legal Owner(s):

Estate of Katherine

Crowther

Contract Purchaser:

Philip Colianni

Hearing: Monday,

May 1, 1995 at 10:00

a.m. in Rm. 118, Old
Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 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.
4/129 April 13.

TOWSON, MD.,

April 14, 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 April 13, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Towson



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

receipt

95-342-A

Account: R-001-6150

Number

Date 3/18/95

Taxpayer: By: [Signature]
L.H. [Signature]

4-1/2 lots of Kuthmann Circle -- 2040 York Rd.

020 Corner Lot -- \$250.00

070 -- 1 sign posting -- \$35.00

\$285.00

PAID

Discontinued

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

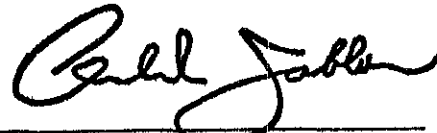
Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and 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.: 330

Petitioner: Estate of Katherine Crowther

Location: 2046 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: F. Vernon Boozer, Esquire

ADDRESS: 614 Bosley Avenue

Touson MD 21204

PHONE NUMBER: 828-9441

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
April 13, 1995 Issue - Jeffersonian

Please forward billing to:

F. Vernon Boozer, Esq.
614 Bosley Avenue
Towson, MD 21204
828-9441

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: 95-342-A (Item 330)
2046 York Road
W/S York Road, 1000' S of c/l Timonium Road
8th Election District - 4th Councilmanic
Legal Owner: Estate of Katherine Crowther
Contract Purchaser: Philip Collianni
HEARING: MONDAY, MAY 1, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 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.

APR 13 1995

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 7, 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: 95-342-A (Item 330)
2046 York Road
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8th Election District - 4th Councilmanic
Legal Owner: Estate of Katherine Crowther
Contract Purchaser: Philip Collianni
HEARING: MONDAY, MAY 1, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 feet.

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Jacqueline Stephenson
Philip Collianni
F. Vernon Boozer, 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.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 25, 1995

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 330
Case No.: 95-342-A
Petitioner: Jacqueline Stephenson,
P.R. for K. Crowther
Estate

Dear Mr. Boozer:

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 March 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,

A handwritten signature in dark ink that reads "W. Carl Richards, Jr.".

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: April 18, 1995

SUBJECT: 2046 York Road

INFORMATION:

Item Number: 330
Petitioner: Jacqueline Stephenson, P.R. for the K. Crowther Estate
Property Size: _____
Zoning: BL-AS
Requested Action: Variance
Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to allow a three foot front yard setback in lieu of the required average setback of 8.3', and to permit an 18' driveway in lieu of the required 20'.

Based upon the information provided and analysis conducted, staff offers the following comment:

The extensiveness of the Variances requested will, if granted, cover the site with improvements that would leave little opportunity for landscaping and open space. If the improvements are not designed adequately, the site could become a visual liability. To insure that adequate visual quality is provided, it is recommended that the following be required as conditions to approval of the subject request:

- 1) Preserve existing trees on site that are not in the travelway, and enhance with underplantings of shrubs and smaller trees (may result in 2-3 space parking reduction).
- 2) Maintain the existing privet hedge at a 3-4' height on the north and west sides of the site, and replace hedge on the south edge with evergreen shrubs to screen parking.

- 3) Improve landscaping at front facade.
- 4) Provide a screened trash receptacle area.
- 5) Meet or exceed landscape manual requirements and depict these conditions on an approved plan.
- 6) The applicant should submit plans for approval prior to the issuance of any building permits.

Prepared by: Jeffrey W. Long

Division Chief: Caryl L. Kern

PK/JL

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: April 17, 1995
 Zoning Administration and Development Management

FROM: *(Signature)* Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for April 17, 1995
 Item No. 330

The Developers Engineering Section has reviewed the subject zoning item. York Road is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting the State road right-of-way are subject to the standards, specifications and standards of the State Highway Administration, in addition to those of Baltimore County.

Per Baltimore County Department of Public Works Standard Plate R-32, Single Commercial Entrance, the required minimum width for the entrance is 24 feet.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson

DATE: 4/19/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/10/95

ZAC Comments

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

Item #'s: Rev # 316

330

331

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LS:sp

LETTY2/DEPRM/TXTSBP

6/6/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 9, 1995

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 95-342-A
Petitioner: J. Stephenson
P.R. for K. Crowther
Estate

Dear Mr. Boozer:

Enclosed are copies of comments received from SHA on May 8, 1995
for the above-referenced case.

If there are any questions, please do not hesitate to call me at
887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Watson".

Joyce Watson

/jw

Enclosure





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 5, 1995

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

Re: Baltimore County
MD 45
2046 York Road
Estate of Katherine
Crowther
Variance Request
Item #330 (MJK)
Mile Post 4.92

Dear Ms. Watson:

This letter is in response to your request for our review of the referenced item.

A review of the State Highway Administration's (SHA) current and long range planning documents reveals MD 45 is not identified for future roadway improvements in this area.

A field inspection of the property reveals there is an existing 11' wide entrance onto MD 45 at the location indicated on the plan. Although the SHA normally requires a minimum 25' wide entrance for full movement access onto a State roadway for commercial developments, there is insufficient right-of-way at the existing entrance location to construct a minimum 25' wide entrance.

Since the proposed development will not be a large traffic generator, it has been determined that we would allow re-construction of the existing entrance to an 18' wide entrance, in lieu of the SHA's standard 25' wide entrance

Therefore, we have no objection to approval of the variance request, subject to our aforementioned comments.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

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

Ms. Joyce Watson
Page two
May 5, 1995

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Thank you for the opportunity to review this plan.

Very truly yours,

David N Ramsey

^ Ronald Burns, Chief
Engineering Access Permits
Division

BS/maw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 28, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #330
2046 York Road

I advised the petitioner's engineer that a "power of attorney" should be placed within the file.

MJK:scj

20060606 10:00 AM

PETITION PROBLEMS

AGENDA OF APRIL 10, 1995

#329 --- MJK

1. No telephone number for legal owner.

#330 --- MJK

1. No telephone number for legal owner.
2. Need power of attorney for personal representative (see Mitch's memo in file).
3. Petition was changed and initialed by "P.L." - Who is this person?

#334 --- CAM

1. No councilmanic district on folder.
2. No item number on petition forms.
3. No estimated posting date on petition form.

#335 --- CAM

1. No estimated posting date on petition form.
2. Notary section is incomplete.

#336 --- JJS

1. "Charles Way" is one word - "Charlesway".

#337 --- JCM

1. No telephone number for legal owner.
2. Need typed or printed name and title of person signing for contract purchaser.
3. Need authorization for person signing for contract purchaser.
4. Petitioner was not given copy of receipt; receipt left in folder.

#338 --- JCM

1. Petitioner was not given copy of receipt; receipt left in folder.

#339 --- JLL

1. Notary section is incomplete; only one signature was notarized.

RE: PETITION FOR VARIANCE
2046 York Road, W/S York Rd, 1000' S of
c/l Timonium Road, 8th Election Dist.,
4th Councilmanic

Estate of Katherine Crowther
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-342-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 26th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esquire, Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

2046 York Rd
Item # 330

OK for application
Signature for owner

Noted Kellman

J. Lee



45342-A

State of Maryland

LETTERS OF ADMINISTRATIONEstate No. 78020

I certify that Administration of the Estate of

Katherine V. Crowtherwas granted on the 8th day of June, 19 93,to Saunders M. Almond Jr. asPersonal Representative and the appointment is in effect this 30thday of March, 19 95.

Kate J. Benbow
 Register of Wills for
 Baltimore County

VALID ONLY WITH IMPRINTED SEAL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

PHILLIP COLIANNI

1822 THORNTON Ridge rd.

BALTO MD 21204

Anthony J. DiPaola, Esq.

614 BOULEY AVE, Towson MD 21204

Paul Lee Edge, Inc.

304 W. Pennsylvania Ave 21204

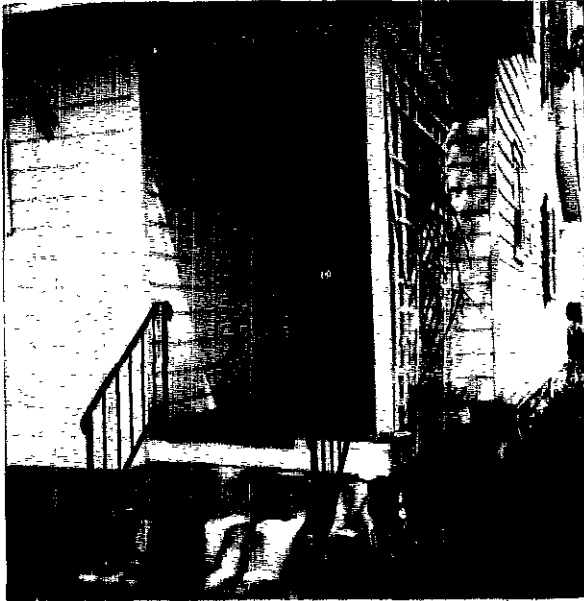
Bill Gosherty Jr.

2328 W. Joppold, Luthr. Md 21043

Tom W. Heuer

" " " "





Ref 2A



Ref 2B

95-342-A

73-204 R

MR-
IM

BR
73-204 R

BR-IM

BR

45

BL

BL

RO

BL

SUBJECT
SITE

BL-CNS

ML-IM

ROA

SW

YORKSHIRE

BR

TIMONIUM

POOL

BELLEAST

NW/34

SCA

E. 1"=200'

EVANS

AVE

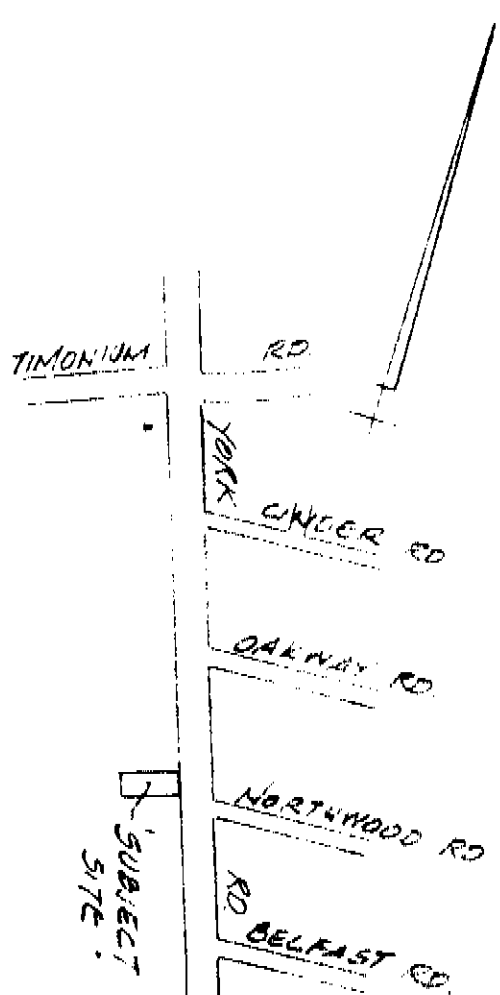
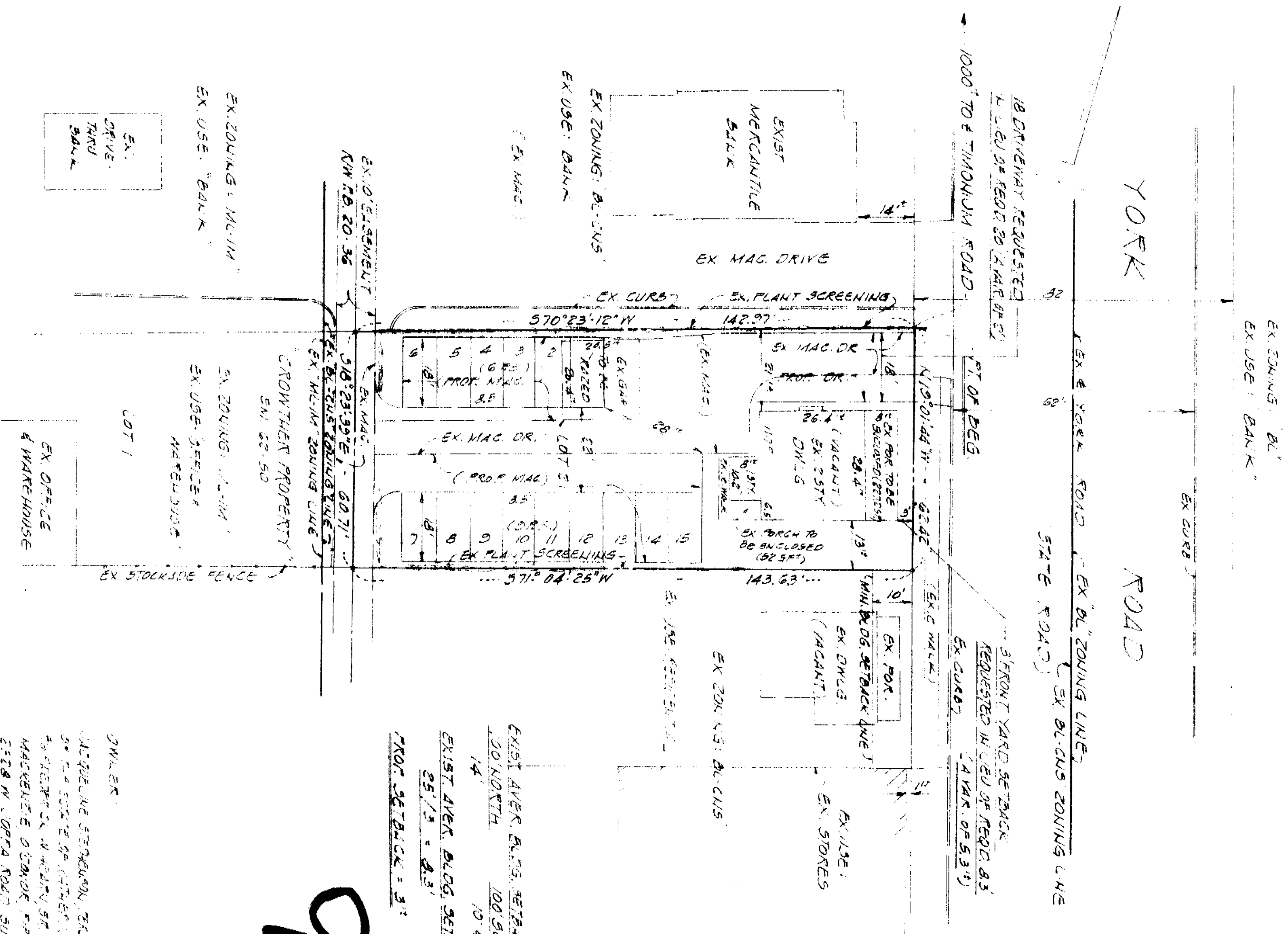
SMITH AVE

AKLEGORY RD

ROAD

PENNSYLVANIA

GREEN



GENERAL NOTES

1. AREA OF PROPERTY = 0.203 AC. (GROSS: 0.246 AC.)
2. EXIST. ZONING OF PROPERTY = B-1 CUS
3. EXIST. USE OF PROPERTY = RESIDENTIAL (VACANT)
4. PROP. ZONING OF PROPERTY = B-1 CUS
5. PROP. USE OF PROPERTY = "HAIR STYL. ST."
6. REQUIRED OFF. STREET PARKING:

1. EXIST. 1 ST FL. = 28.4' x 26.4' + 10.2' x 8' = 831.36 SF ±	5,1000	= 4.6 RS
2. EXIST. 2ND FL. = 28.4' x 26.4' = 743.76 SF ±	5,1000	= 3.75 RS
3. EXCLUDED TO BE DISCLOSED: 2721-SF ±	2721-SF ±	5,1000 = 1.20 RS
4. REQ'D. PARKING SPACES = 231		= 10 RS
5. NUMBER OF PARKING SPACES SHOWN		= 15 RS.
7. PETITIONER REQUESTING A VARIANCE TO SECTIONS 232.1 & 203.2 AND SECTION 409.4.5 OF THE ACER. TO PERMIT AN EXISTING BUILDING SETBACK OF 3' IN LIEU OF THE REQUIRED AVERAGE SETBACK OF 8.3' AND AN 18' WIDE ENTRANCE DRIVE IN LIEU OF THE REQUIRED 20' (A VARIANCE OF 5.3' & 2')
8. PETITIONER IS PROPOSING TO ENCLOSE EXISTING FRONT & REAR PORCHES FOR OFFICE AREA.
9. PROPERTY SERVED BY PUBLIC UTILITIES.
10. PARKING LOT ADDITION TO HAVE DURABLE AND DUSTLESS SURFACE. PARKING SPACES TO BE STRIPPED AS SHOWN.
11. NO ZONING HISTORY FOR SUBJECT PROPERTY.

95-342-A

0400

PLAT TO ACCOMPANY PETITION
FOR

FRANCIS

2046 YORK ROAD

ELECT DIST 804 BALTO. CO., MD.
SCALE 1"=20' JAN. 31, 1995

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOMSON, MARYLAND 21204



EX ZONING: BL
EX USE: BULK

EX CURB

YORK

ROAD

EX BL ZONING LINE
EX BLDGS ZONING LINE
STATE ROAD

18' ELEVATION REQUESTED
L. 50 OF 9500 TO 4' HIGHER
1000 TO 2' HIGHER ROAD
112' 01' 44" W. - 62.42'
112' 01' 44" W. - 62.42'
3' FRONT YARD SETBACK
REQUESTED IN (S) OF 7500.85'
EX CURB
14' HIGHER 53.5'

EX MAC DRIVE

EX CURB EX PLANT SCREENING

EX ZONING: BL
EX USE: BULK
EX MAC

EX D. ELEVATION
112' 01' 44" W. - 62.42'
EX B. ZONING LINE
EX MAC

EX ZONING: BL
EX USE: BULK
EX MAC

EX ZONING: BL
EX USE: BULK
EX MAC

LOT 1

EX OFFICE
& WAREHOUSE

EX STOCKADE FENCE

EX ZONING: BL
EX USE: BULK

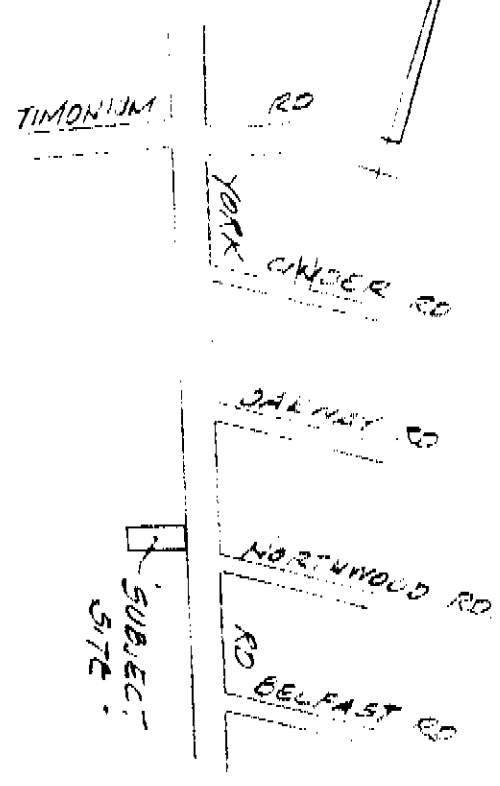
EX USE:
EX STORES

EX BLDG.
EX BLDG.

EXIST. AVEN. BLDG. SETBACK
100' 00" WITH
10' 4" 1'

EXIST. AVEN. BLDG. SETBACK
100' 00" WITH
10' 4" 1'

EXHIBIT NO. 1



LOCATION PLAN
SCALE: 1" = 500'

GENERAL NOTES

1. AREA OF PROPERTY = 0.20346[±] (57005-024646[±])
2. EXIST. ZONING OF PROPERTY = BLDGS
3. EXIST. USE OF PROPERTY = RESIDENTIAL (VACANT)
4. PROPOSED ZONING OF PROPERTY = BLDGS
5. PROPOSED USE OF PROPERTY = "HARVEST"
6. REQUIRED OFF-STREET PARKING:
1. EXIST. 187 FL. = 284,004 - 0218' = 331,365 ± 5,1000 = 4.6 RS
2. EXIST. 240 FL. = 284,004 - 0218' = 331,365 ± 5,1000 = 3.5 RS
3. EXISTING TO BE ENCLOSED, 0070.50' = 279.5 FL. = 5,1000 = 1.40 RS
4. REQUIRED PARKING SPACES (RS) = 10 RS
5. NUMBER OF PARKING SPACES SHOWN = 15 RS
7. PETITIONER REQUESTING A VARIANCE TO SECTIONS 232.1 & 303.2 AND SECTION 403.4.C OF THE DCR TO PERMIT AN EXISTING BUILDING SETBACK OF 9' IN LIEU OF THE REQUIRED AVERAGE SETBACK OF 8.3' AND AN AVERAGE DRIVE IN LIEU OF THE REQUIRED 20' VARIANCE OF 5.3' & 2'
8. PETITIONER IS PROPOSING TO ENCLOSE EXISTING FRONT & REAR PORCHES FOR OFFICE AREA.
9. PROPERTY SERVED BY PUBLIC UTILITIES.
10. PARKING LOT ADDITION TO HAVE DRAINAGE AND DUSTLESS SURFACE.
11. MARKING SPACES TO BE STRIPPED AS SHOWN.
12. NO ZONING HISTORY FOR SUBJECT PROPERTY.

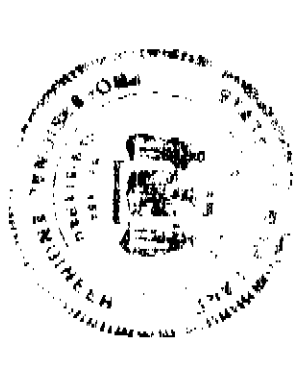
PLAT TO ACCOMPANY PETITION FOR VARIANCES

* 2046 YORK ROAD

ELECT 015-564 BALTO. CO., MD.

SCALE: 1" = 20' JAN. 31, 1995

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204



IN RE: PETITION FOR VARIANCE
W/S York Road, 1,000' S of the
c/l of Timonium Road
(2046 York Road)
8th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-342-A

Jacqueline Stephenson, 8th Pers. Rep.
for the Estate of Katherine Crowther - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 2046 York Road, located in Timonium, between the intersections of York and Northwood Roads. The Petition was filed by the owners of the property, The Estate of Katherine Crowther, by Jacqueline Stephenson Personal Representative, and Philip Collianni, Contract Purchaser, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek relief from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 3 feet in lieu of the required average of 8 feet, 3 inches, and from Section 409.4 of the B.C.Z.R. to permit a driveway width of 18 feet in lieu of the required 20 feet for a proposed beauty shop. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Philip Collianni, Contract Purchaser, Paul Lee, Professional Engineer, and Anthony J. DiPaula, Esquire, who appeared on behalf of Mr. Boozer to represent the Petitioners. Appearing as interested parties were Frederick W. Hearn, Sr. and William Whitty, Jr. with Mackenzie, O'Connor, Piper & Flynn. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .203 acres, more or less, zoned B.L.-C.N.S. and is improved with a two-story dwelling which is presently vacant, and a garage with a macadam-paved parking area to the rear of the property. The property is located in Timonium and abuts York Road, a highly travelled commercial/business corridor in this locale. Mr. Collianni wishes to utilize the property as a beauty salon, which is permitted in the B.L.-C.N.S. zone. To that end, Mr. Collianni intends to remove the existing garage and enlarge and refurbish the existing macadam parking area to provide 15 parking spaces. In order to enlarge the usable space within the existing building, the front porch will be enclosed to provide an additional 227 sq.ft. of space. Moreover, the rear porch will also be enclosed to provide an additional 52 sq.ft. of space. The enclosure of the front porch necessitates the requested variance as noted above and a front yard setback of 3 feet will be maintained. The required average of 11.5 feet is determined by measuring the average setbacks of adjacent properties, which are clearly shown on the site plan. Moreover, relief is sought to allow a driveway width of 18 feet in lieu of the required 20 feet. In this regard, it is to be noted that a Zoning Plans Advisory Committee (ZAC) comment was received subsequent to the hearing from the Maryland State Highway Administration (SHA), in which that agency indicates it normally requires a minimum 25-foot wide entrance; however, the proposed 18-foot width would be acceptable in this instance. The proposed use is not expected to generate a significant volume of traffic due to its location within this highly travelled commercial/business corridor.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. As to

- 2 -

the relief requested to front yard setback requirements, same is consistent with neighboring properties and uses on York Road. Moreover, no new construction is contemplated, per se, and the building envelope will not increase in size. Rather, only the existing front and rear porches will be enclosed as described above.

As to the driveway width, narrowness of the lot justifies this variance. Again, it is to be noted that the driveway has existed in its present condition for many years and strict adherence to the regulations is not possible, in view of the dimensions of the lot and existing improvements thereon. Moreover, it is clear that the granting of the relief sought will not be detrimental to the health, safety or general welfare of the surrounding locale, or cause an adverse impact.

I will, however, condition the relief granted. First, I will require the Petitioners comply with the requirements of the SHA as set forth in their letter dated May 5, 1995. York Road is a State highway and access to same must be in accordance with their standards.

Moreover, the Office of Planning and Zoning has requested certain conditions be attached to the plan. These largely reflect landscaping issues, including the retention of existing vegetation and enhanced buffering to surrounding properties. In this regard, I will require the Petitioners submit a landscape plan for review and approval by the Landscape Architect for Baltimore County, Mr. Avery Harden, prior to the issuance of any permits.

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:

- 3 -

- 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 variance is 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 this variance request 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.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 1995 that the Petition for Variance seeking

- 4 -

relief from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 3 feet in lieu of the required average of 8 feet, 3 inches, and from Section 409.4 of the B.C.Z.R. to permit a driveway width of 18 feet in lieu of the required 20 feet for a proposed beauty shop, 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 permits, the Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. A copy of the approved plan shall be submitted to the Permits and Development Management office prior to the issuance of any occupancy permits.
- 3) Compliance with the ZAC comments submitted by the Maryland State Highway Administration, dated May 5, 1995.
- 4) 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.

Lawrence E. Schmidt
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

June 12, 1995

(410) 887-4386

F. Vernon Boozer, Esquire
Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S York Road, 1,000' S of the c/l of Timonium Road
(2046 York Road)
8th Election District - 4th Councilmanic District
Jacqueline Stephenson, as Pers. Rep. for the Estate of
Katherine Crowther - Petitioners
Case No. 95-342-A

Dear Messrs. Boozer & DiPaula:

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

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Jacqueline Stephenson, 1510 Eastview Dr., #6, Upperco, Md. 21155

Mr. Philip Collianni, 1822 Thornton Ridge Rd., Towson, Md. 21204

Mr. Frederick W. Hearn, Sr. and Mr. William Whitty, Jr.
Mackenzie, O'Connor, Piper & Flynn, 2328 W. Joppa Road, Suite 200,
Lutherville, Md. 21093

Mr. Paul Lee, 304 W. Pennsylvania Ave., Towson, Md. 21204

People's Counsel; File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2046 YORK ROAD
which is presently zoned BL-CRS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owners, 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 Sections

232.1 & 303.2 SO AS TO ALLOW A THREE FOOT FRONT YARD SET BACK IN LIEU OF THE REQUIRED AVERAGE SET BACK OF 8.3' AND FROM SECTION 409.4, TO PERMIT AN 18' DRIVEWAY IN LIEU OF THE REQUIRED 20'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
THE PETITIONERS WOULD SUFFER A PRACTICAL DIFFICULTY AND UNDUE HARDSHIP WERE WE REQUIRED TO MEET THE REQUIREMENTS OF BCZR IN THAT THE DWELLING LOCATED ON THE PROPERTY WOULD HAVE TO BE PARTIALLY DESTROYED AND/OR REMOVED TO MEET THE REQUIREMENTS.

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.

Contact Person Name

PHILIP COLLIANNI

Type of Petitioner

Signature

Address

City

State

Zip

Phone

F. VERNON BOOZER, ESQUIRE

Type of Petitioner

Signature

Address

City

State

Zip

Phone

COVAREY & BOOZER, P.A.

Type of Petitioner

Signature

Address

City

State

Zip

Phone

To be signed by the owner of the property and the person who has the right to control the property and who is the subject of the petition.

To be signed by the owner of the property and the person who has the right to control the property and who is the subject of the petition.

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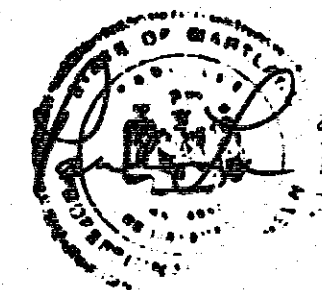
Paul Lee P.E.

Paul Lee Engineering Inc. 95-342-A
300 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5281

DESCRIPTION

2046 YORK ROAD
ELECTION DISTRICT 804
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of York Road, said point also being located southerly 1000'± from the center of Timonium Road, thence leaving said west side of York Road (1) S 70°23'12" W 142.97 feet, to the center of an existing 10' R/W (2) S 18°23'39" E 60.71 feet, thence leaving said center of existing 10' R/W (3) N 71°04'25" E 143.63 feet to the west side of York Road, thence binding on the west side of York Road (4) N 19°01'44" W 62.42 feet to the point of beginning. Containing 0.203 acre of land, more or less.



Engineers - Surveyors - Site Planners
J. O. 98000

330

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 4/14/95
Posted for: Varience
Petitioner: Edith J. Crowther - 2046 York Rd. 8th
Location of property: 2046 York Rd. 8th
Location of Sign: 2046 York Rd. 8th
Remarks:
Posted by: Arnold Jablon Date of return: 4/14/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 14, 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 April 13, 1995

THE JEFFERSONIAN,

A. Henickson
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 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 95-342-A (Item 330)
2046 York Road
W/S York Road, 1000' S of c/l Timonium Road
8th Election District - 4th Councilmanic
Legal Owner: Estate of Katherine Crowther
Contract Purchaser: Philip Collman
Hearing Monday, May 1, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 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 887-3353.
(3) For information concerning the file and/or hearing, please call 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 7, 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:

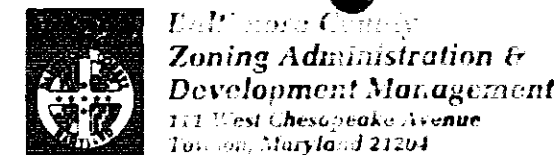
CASE NUMBER: 95-342-A (Item 330)
2046 York Road
W/S York Road, 1000' S of c/l Timonium Road
8th Election District - 4th Councilmanic
Legal Owner: Estate of Katherine Crowther
Contract Purchaser: Philip Collman
HEARING: MONDAY, MAY 1, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 feet.

Arnold Jablon
Director

cc: Jacqueline Stephenson
Philip Collman
F. Vernon Booser, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO THE 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 887-3353.



Account: R0115150
Number

receipt
95-342-A

Date: 4/14/95

Value of Baltimore County - 2046 York Rd.
2046 York Rd. - \$ 250,000
2046 York Rd. - \$ 250,000
B. 2046 York Rd.

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 25, 1995

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No.: 330
Case No.: 95-342-A
Petitioner: Jacqueline Stephenson,
P.R. for K. Crowther
Estate

Dear Mr. Booser:

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 March 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

MCR/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: April 18, 1995

SUBJECT: 2046 York Road

INFORMATION:

Item Number: 330
Petitioner: Jacqueline Stephenson, P.R. for the K. Crowther Estate
Property Size: _____
Zoning: BI-AS
Requested Action: Variance
Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to allow a three foot front yard setback in lieu of the required average setback of 8.3', and to permit an 18' driveway in lieu of the required 20'.

Based upon the information provided and analysis conducted, staff offers the following comment:

The extensiveness of the Variances requested will, if granted, cover the site with improvements that would leave little opportunity for landscaping and open space. If the improvements are not designed adequately, the site could become a visual liability. To insure that adequate visual quality is provided, it is recommended that the following be required as conditions to approval of the subject request:

- 1) Preserve existing trees on site that are not in the travelway, and enhance with underplantings of shrubs and smaller trees (may result in 2-3 space parking reduction).
- 2) Maintain the existing privet hedge at a 3-4' height on the north and west sides of the site, and replace hedge on the south edge with evergreen shrubs to screen parking.

ITEM 330/PZONE/ZAC1

TO: FUTURE PUBLISHING COMPANY
April 13, 1995 Issue - Jeffersonian

Please forward billing to:

F. Vernon Booser, Esq.
614 Bosley Avenue
Towson, MD 21204
828-9441

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: 95-342-A (Item 330)
2046 York Road
W/S York Road, 1000' S of c/l Timonium Road
8th Election District - 4th Councilmanic
Legal Owner: Estate of Katherine Crowther
Contract Purchaser: Philip Collman
HEARING: MONDAY, MAY 1, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 3-foot yard setback in lieu of the required average setback of 8.3 feet and to permit an 18-foot driveway in lieu of the required 20 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 887-3353.

- 3) Improve landscaping at front facade.
- 4) Provide a screened trash receptacle area.
- 5) Meet or exceed landscape manual requirements and depict these conditions on an approved plan.
- 6) The applicant should submit plans for approval prior to the issuance of any building permits.

Prepared by: Jeffrey W. Long
Division Chief: Carol Kline
PK/JL

ITEM 330/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 17, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for April 14, 1995
Item No. 330

The Developers Engineering Section has reviewed the subject zoning item. York Road is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting the State road right-of-way are subject to the standards, specifications and standards of the State Highway Administration, in addition to those of Baltimore County.

Per Baltimore County Department of Public Works Standard Plate R-32, Single Commercial Entrance, the required minimum width for the entrance is 24 feet.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson DATE: 4/19/95
FROM: DEPRM Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 4/19/95
ZAC Comments

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

Item #'s: Rev # 316
330
331
333
334
335
336
337
338
339

LS:sp

LETTYZ/DEPRM/TXTSBP

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 9, 1995

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 95-342-A
Petitioner: J. Stephenson
P.R. for K. Crowther
Estate

Dear Mr. Booser:

Enclosed are copies of comments received from SHA on May 8, 1995 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Joyce Watson
Joyce Watson

/jw

Enclosure



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 5, 1995

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

Re: Baltimore County
MD 45
2046 York Road
Estate of Katherine
Crowther
Variance Request
Item #330 (MJK)
Mile Post 4.92

Dear Ms. Watson:

This letter is in response to your request for our review of the referenced item.

A review of the State Highway Administration's (SHA) current and long range planning documents reveals MD 45 is not identified for future roadway improvements in this area.

A field inspection of the property reveals there is an existing 11' wide entrance onto MD 45 at the location indicated on the plan. Although the SHA normally requires a minimum 25' wide entrance for full movement access onto a State roadway for commercial developments, there is insufficient right-of-way at the existing entrance location to construct a minimum 25' wide entrance.

Since the proposed development will not be a large traffic generator, it has been determined that we would allow reconstruction of the existing entrance to an 18' wide entrance, in lieu of the SHA's standard 25' wide entrance.

Therefore, we have no objection to approval of the variance request, subject to our aforementioned comments.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following required:

- Eight (8) copies of the site plan showing the SHA requirements.
- Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

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

Ms. Joyce Watson
Page two
May 5, 1995

- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection)
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Thank you for the opportunity to review this plan.

Very truly yours,

David M. Ramsey
Ronald Burns, Chief
Engineering Access Permits
Division

BS/maw

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 28, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #330
2046 York Road

I advised the petitioner's engineer that a "power of attorney" should be placed within the file.

MJK:scj

PETITION PROBLEMS
AGENDA OF APRIL 10, 1995

#329 — MJK

- No telephone number for legal owner.

#330 — MJK

- No telephone number for legal owner.
- Need power of attorney for personal representative (see Mitch's memo in file).
- Petition was changed and initialed by "P.L." - Who is this person?

#334 — CAM

- No councilmanic district on folder.
- No item number on petition forms.
- No estimated posting date on petition form.

#335 — CAM

- No estimated posting date on petition form.
- Notary section is incomplete.

#336 — JJS

- "Charles Way" is one word - "Charlesway".

#337 — JCM

- No telephone number for legal owner.
- Need typed or printed name and title of person signing for contract purchaser.
- Need authorization for person signing for contract purchaser.
- Petitioner was not given copy of receipt; receipt left in folder.

#338 — JCM

- Petitioner was not given copy of receipt; receipt left in folder.

#339 — JLL

- Notary section is incomplete; only one signature was notarized.

RE: PETITION FOR VARIANCE
2046 York Road, W/S York Rd, 1000' S of
c/l Timonium Road, 8th Election Dist.,
4th Councilmanic
Estate of Katherine Crowther
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-342-A

ENTRY OF APPEARANCE

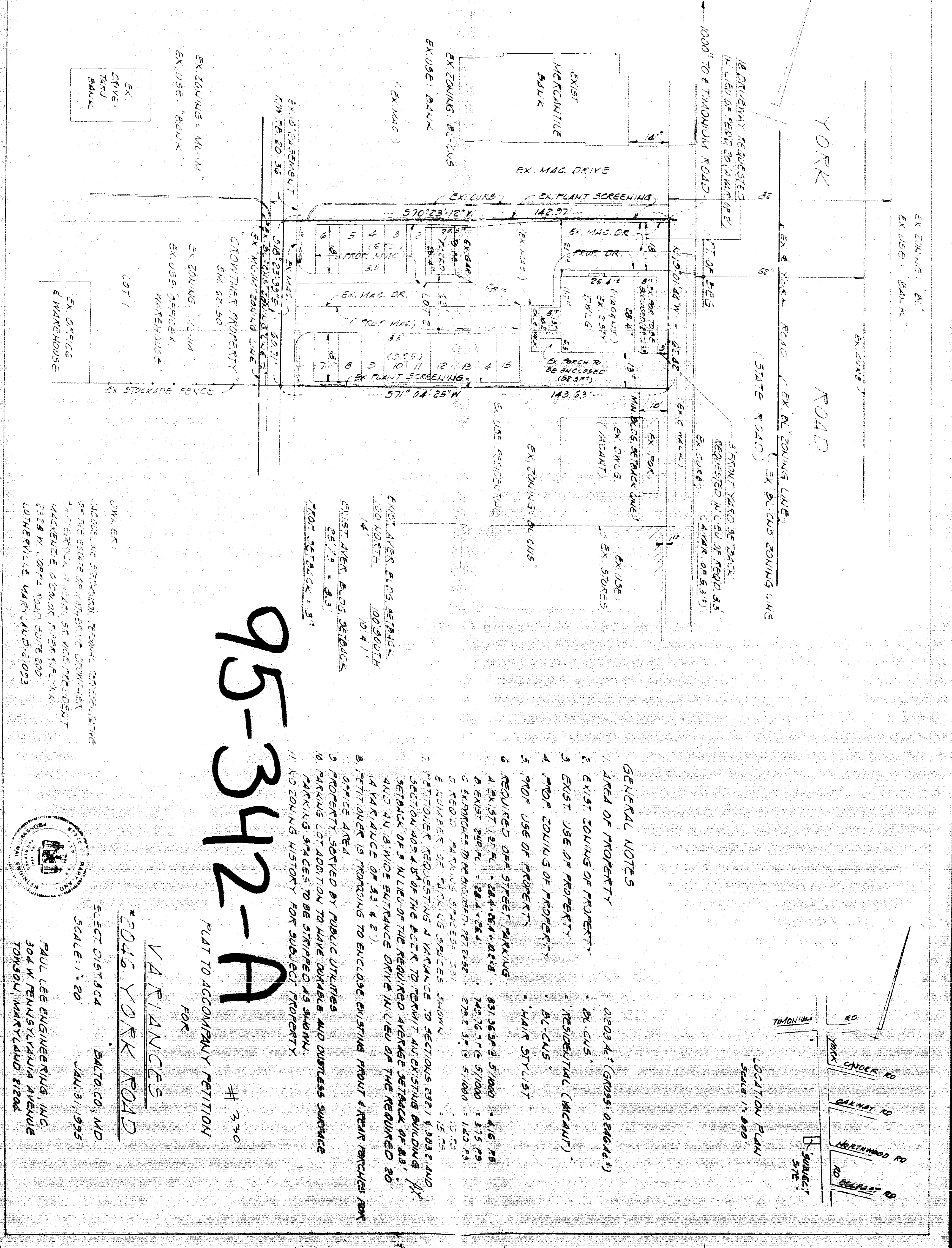
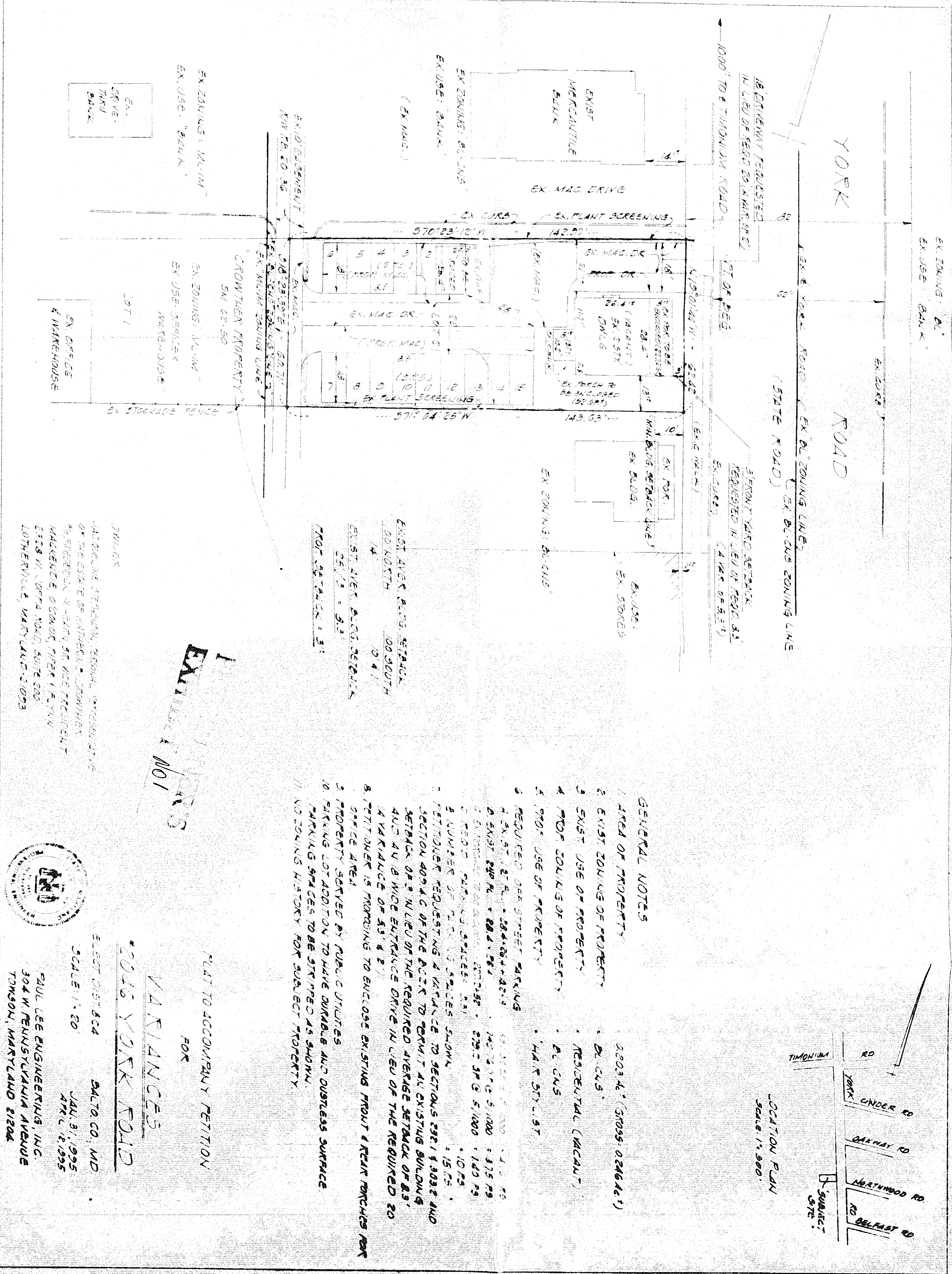
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DENILLO
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 26th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Booser, Esquire, Covahey & Booser, P.A., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



95-342-A

VARIANCES

2046 YORK ROAD

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204