

# PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

KILMARNOCK ASSOCIATES, 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an M-1 R. zone to an M-2 R. zone, for the following reasons:

- Because of changes in the area; and
- Because of error on the Comprehensive Zoning Map.

See Attached Description

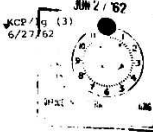
Property is to be posted and advertised as prescribed by Zoning Regulations

I or we, agree to pay expense of above re-classification and or Special Exception 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

THE TAIL OF THE FOX, INC. KILMARNOCK ASSOCIATES, a partnership

By: Michael L. Costanza, Attorney at Law, 111 Ivy Church Road, Towson, Maryland 21204  
By: Kenneth C. Proctor, Baltimore's Attorney, Campbell Building, Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County this 27th day of June 1962 that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106 County Office Building in Towson, Baltimore County, on the 27th day of September, 1962 at 3:00 P.M.



TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The Petition of Kilmarnock Associates, a partnership, legal owners, and The Tail of the Fox, Inc., contract purchaser, by Kenneth C. Proctor, their attorney, respectfully shows:

- That, simultaneously with the filing of this Petition, Petitioners have filed a request for Zoning Reclassification of a tract containing 2.407 acres, more or less, located at the southwest corner of York Road and Crowther Avenue, in the Eighth Election District of Baltimore County, such tract being more particularly described in the plat and description attached to such request, which are incorporated herein by reference.
- That The Tail of the Fox, Inc., the contract purchaser and one of the Petitioners, proposes, if the request for Zoning Reclassification is granted, to erect a restaurant on such tract, which restaurant will be built on two levels, one of which will be the main dining area, the other of which will contain space for banquets.
- That Section 409.2, b. (3), of the Baltimore County Zoning Regulations, requires that one off-street parking space be provided for each 50 square foot of total floor area in a restaurant.
- That the total floor area of the proposed restaurant (including both the upper and lower levels) will contain 15,000 square feet, more or less.
- That, under the section of the Zoning Regulations referred to above, unless a Variance is granted, provision will

RE: PETITION FOR RECLASSIFICATION FROM "M-1" ZONE TO "M-2" ZONE S. W. Cor. York Road and Crowther Ave., 8th District - KILMARNOCK ASSOCIATES, Petitioner

Upon hearing on the above petition for reclassification of the property described in the within petition from an "M-1" Zone to a "M-2" Zone, the area under consideration now consists of various light industrial type buildings which have conformed with an excellent plan so that the architectural appearance, the planting and the preservation of existing trees, etc., has resulted in an overall of superior quality.

The petitioners are well known business men from the Baltimore area and it is their intention to construct a very fine Restaurant. This restaurant will be operated and supervised by one of the finest chefs in the Baltimore area. Only one story will appear above ground and this will contain a restaurant for members only. The lower floor will contain restaurant facilities. This restaurant will sit upon a plot of land of approximately 2.4 acres. The grounds will be well landscaped and only one of the existing trees will be removed.

Dr. Walter W. Howell, a former professor at Johns Hopkins University, has studied the traffic over a period of time and has indicated that York Road can handle the maximum of 150 vehicles generated by the proposed restaurant in the restaurant's peak hour.

The petitioners have voluntarily withdrawn their request for business local zoning on property bounded by York Road on the east, Crowther Avenue on the north, Kilmar Road on the south and a line parallel with and 125 feet westerly from York Road. It is believed that the requested use will fit in and become a part of the existing "M-2" Zone uses.

At least seven changes have been made in existing zoning since November 14, 1955 in the immediate area. This would warrant a change in zoning insofar as it is consistent with "M-2" zoning.

have to be made on the tract in question for 300 off-street parking spaces.

6. That it would be an undue hardship to require your Petitioners to make provision for 300 off-street parking spaces, for the reason that it is respectfully suggested that that number of spaces would at no time be required by patrons and employees of the restaurant.

7. That under Section 409.5 of the Baltimore County Zoning Regulations the Zoning Commissioner is empowered to grant a Variance in cases where the requirements for off-street parking would create an undue hardship.

WHEREFORE YOUR PETITIONERS PRAY that the Zoning Commissioner may grant them a Variance so far as the provisions of Section 409.2, b. (3), are concerned, and may approve a modified plan for off-street parking for the proposed restaurant.

Kenneth C. Proctor  
Attorney for Petitioners

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 23, 1962  
FROM: Mr. George M. Garfield, Deputy Director  
SUBJECT: #5624-RV, M-1 to M-2, and Variance to Section 409.2, b (3) of the Baltimore County Zoning Regulations. Southwest corner of York Road and Crowther Avenue. Being property of Kilmarnock Associates.

8th District  
REMARKS: Wednesday, September 5, 1962 (3:00 P.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for reclassification from M-1 to M-2 zoning. It has the following advisory comment to make with respect to pertinent planning factors:

The 8th District Zoning Map created a band of M-2 zoning along this portion of the frontage of York Road with the intent of providing a transition area between the light industrial zone to the west of York Road and the single family residential area zoning to the east of York Road. Business roadside zoning was created for the local shopping area immediately to the north along York Road. Since the adoption of the map a new zone has been created to provide by map, transition between industrial and residential areas. This zone - the M-2C, zone allows, with special exception, restaurants. The Planning staff believes that the use proposed by the petitioner here - a restaurant and an office building are in fact transitory uses between the industrial and commercial areas to the north and west and the residential area to the east. It is in accord with a zoning change here inasmuch as these uses fall within the context of transitory uses which the zoning map sought to provide along this portion of York Road. The Planning staff, however, is of the opinion that, even though these uses should be allowed and encouraged, the zoning should be not changed in a manner which would best "other" changes be allowed development of the York Road frontage between Kilmar Road and Crowther Avenue for outright commercial uses. It suggests that such a use can be accomplished in the first 125 feet of this sub-tract respectively westerly from York Road be retained in M-1 zoning and only the rear portion be reclassified to M-2C zoning.

The variance to Section 409.2-b-3, of the Zoning Regulations of Baltimore County, should also be granted which permits 151 off-street parking spaces instead of the required 300 spaces, which would give relief to the petitioners without substantial injury to the public health, safety and the general welfare of the locality involved.

It is this 6th day of September, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified, from an "M-1" Zone to a "M-2" Zone, excepting that portion of the property bounded by the York Road on the east, Crowther Avenue on the north, Kilmar Road on the south, and a line parallel with and 125 feet westerly from York Road.

The variance requested to permit 151 off-street parking spaces instead of the required 300 spaces is granted.

The granting of the reclassification and variance are subject to approval of the site plan by the State Roads Commission, Division of Land Development and the Office of Planning and Zoning.

George M. Garfield  
Zoning Commissioner of Baltimore County

WILLIAM S. SPANER & ASSOCIATES  
PLANNING ENGINEERS & LAND SURVEYORS  
405 YORK ROAD - TOWSON 4, MD.

August 28 1962 Parcel 8 Page 1 of 10

Beginning for the same at the intersection formed by the north side of Crowther Avenue and the west side of York Road (88 feet wide), and running thence binding on the west side of York Road, South 19°45'41" East 250.00 feet, thence South 25°14'19" West 21.21 feet to the north side of Kilmar Road (70.00 feet wide), thence binding on the north side thereof, South 70°14'19" West 200.19 feet and by a line curving to the right with radius of 710.00 feet the distance of 94.61 feet and sharp bearing South 74°08'58" West 96.75 feet, thence for a line of division now made, North 15°09'09" West 542.97 feet to the south side of Crowther Avenue, thence binding thence on North 74°27'42" East 292.08 feet to the place of beginning.

Containing 2.407 acres of land more or less.

| BALTIMORE COUNTY, MARYLAND<br>OFFICE OF FINANCE<br>Division of Collection & Receipts<br>COURT HOUSE<br>TOWSON 4, MARYLAND                                                                        |          | No. 14123<br>DATE 9/5/62                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------|
| TO: Messrs. Proctor, Royston & Mueller, Campbell Building, Towson 4, Md.                                                                                                                         |          | RE: Office of Planning & Zoning, 115 County Office Bldg, Towson 4, Md. |
| DEPOSIT TO ACCOUNT NO. 01-662                                                                                                                                                                    | QUANTITY | TOTAL AMOUNT                                                           |
| Advertising and posting property No. 5624-RV                                                                                                                                                     |          | \$10.00                                                                |
|                                                                                                                                                                                                  |          | \$0.00                                                                 |
| NOTES: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND<br>DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND<br>PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE. |          |                                                                        |

| CERTIFICATE OF POSTING<br>ZONING DEPARTMENT OF BALTIMORE COUNTY<br>Towson, Maryland |                          |
|-------------------------------------------------------------------------------------|--------------------------|
| District: 8th                                                                       | Date of Posting: 8-15-62 |
| Posted for: Kenneth C. Proctor, Attorney for Petitioners                            |                          |
| Petitioner: Kilmarnock Associates, Inc. & The Tail of the Fox, Inc.                 |                          |
| Location of property: S.W. Corner of York Road and Crowther Ave.                    |                          |
| Location of Sign: Both signs southward corner of York Road and Crowther Ave.        |                          |
| Remarks: George M. Garfield                                                         | Date of return: 8-16-62  |
| Posted by: George M. Garfield                                                       |                          |

# 5624 OFFICE OF THE BALTIMORE COUNTIAN THE COMMUNITY NEWS Riverview, Md. THE COMMUNITY PRESS Dundalk, Md. THE HERALD-ARGUS Catonsville, Md. No. 1 Newburg Avenue CATONSVILLE, MD. August 20, 1962. THIS IS TO CERTIFY that the annexed advertisement of JOHN W. ROSE, Zoning Commissioner of Baltimore County was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Mary- land, once a week for One week ~~xxxxxxxxxxxx~~ before the 20th day of August, 1962, that is to say the same was inserted in the issues of August 17, 1962. THE BALTIMORE COUNTIAN By *John W. Rose* Editor and Manager

5624

INVOICE  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COURT HOUSE  
TOWSON 4, MARYLAND

TELEPHONE  
VALLEY 3-3000

No. 12862  
DATE 4/21/62

TO: Messrs. Proctor, Ryeaton & Mueller  
Campbell Building  
Towson 4, Md.

BILLED BY: Zoning Commissioner  
Department of Baltimore  
County

DEPOSIT TO ACCOUNT NO. 01422

QUANTITY DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Petition for Reclassification for Kilmarnock Associates

COST \$0.00

0.00

IMPORTANT! MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND  
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND  
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PETITION FOR ZONING  
RECLASSIFICATION  
AND A VARIANCE  
5th District

ZONING: From M.R. Zone to  
R.L. Zone. Petition for a Vari-  
ance to Section 409.2, b (8) of  
the Baltimore County Zoning  
Regulations.

LOCATION: Southwest corner  
of York Road and Crowther Av-  
enue.

DATE & TIME: WEDNES-  
DAY, SEPTEMBER 5, 1962 at  
3:00 P.M.

PUBLIC HEARING: Room  
106, County Office Building, 111  
W. Chesapeake Avenue, Towson,  
Maryland.

The Zoning Regulation to be  
excepted as follows:  
Section 409.2, b (8) - 1 for  
each 50 square feet of total floor  
area in a restaurant.

The Zoning Commissioner of  
Baltimore County, by authority  
of the Zoning Act and Regula-  
tions of Baltimore County, will  
hold a public hearing:

Concerning all that parcel of  
land in the Eighth District of  
Baltimore County.

Beginning for the same at the  
intersection formed by the north  
side of Crowther Avenue and  
the west side of York Road (66  
feet 4 inches wide), and running thence  
by siding on the west side of York  
Road, South 19 degrees 45' 45"  
East 230.00 feet, thence South  
85 degrees 14' 17" West 21.21  
feet to the north side of Kilmar-  
nock Road (70.00 feet wide), thence  
binding on the north side there-  
of, South 70 degrees 14' 17"  
West 206.19 feet and by a line  
curving to the right with radius  
of 110.00 feet the distance of  
96.81 feet and chord bearing  
South 74 degrees 06' 39" West  
50.78 feet, thence for a line of  
division now made, North 15 de-  
grees 09' 30" West 345.97 feet to  
the south side of Crowther Av-  
enue, thence binding thereon  
North 73 degrees 27' 45" East  
292.38 feet to the place of begin-  
ning.

Being the property of Kilmar-  
nock Associates, a partnership,  
by Nathan Pomer, a partner, as  
shown on plat plan filed with the  
Zoning Department.

Containing 2.627 acres of land  
more or less.

By order of  
JOHN G. ROSE  
Zoning Commissioner  
OF BALTIMORE COUNTY.  
Aug. 17.

## PETITION FOR ZONING RECLASSIFI- CATION AND A VARIANCE. 8TH DISTRICT

ZONING: From R.L. Zone to R.L. Zone.  
Petition for a Variance to Section 409.2,  
b (8) of the Baltimore County Zoning  
Regulations.

LOCATION: Southwest corner of York  
Road and Crowther Avenue.

DATE AND TIME: Wednesday, September  
5, 1962 at 3:00 P.M.

PUBLIC HEARING: Room 106, County  
Office Building, 111 W. Chesapeake Av-  
enue, Towson, Maryland.

The Zoning Regulation to be excepted  
as follows:  
Section 409.2, b (8) - 1 for each 50  
square feet of total floor area in a restau-  
rant.

The Zoning Commissioner of Baltimore  
County, by authority of the Zoning Act  
and Regulations of Baltimore County,  
will hold a public hearing concerning all  
that parcel of land in the Eighth District  
of Baltimore County:

Beginning for the same at the intersec-  
tion formed by the north side of Crowther  
Avenue and the west side of York Road  
(66 feet wide), and running thence bind-  
ing on the west side of York Road, South  
19° 45' 45" East 230.00 feet, thence south  
85° 14' 17" West 21.21 feet to the north  
side of Kilmar Road (70.00 feet wide),  
thence binding on the north side thereof,  
South 70° 14' 17" West 206.19 feet and by  
a line curving to the right with radius  
of 110.00 feet the distance of 96.81 feet  
and chord bearing South 74° 06' 39" West  
50.78 feet, thence for a line of division  
now made, North 15° 09' 30" West 345.97  
feet to the south side of Crowther Avenue,  
thence binding thereon North 73° 27' 45"  
East 292.38 feet to the place of begin-  
ning being the property of Kilmarnock Asso-  
ciates, a partnership, by Nathan Pomer, a  
partner, as shown on plat plan filed with  
the Zoning Department.

Containing 2.627 acres of land more or  
less.

By Order of  
JOHN G. ROSE,  
Zoning Commissioner of  
Baltimore County.  
Aug. 17.

## CERTIFICATE OF PUBLICATION

TOWSON, MD. AUGUST 17, 1962

THIS IS TO CERTIFY that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County Md. ~~xxxxxx~~

on the 17th day of August, 1962, before the

day of September, 1962, the next publication

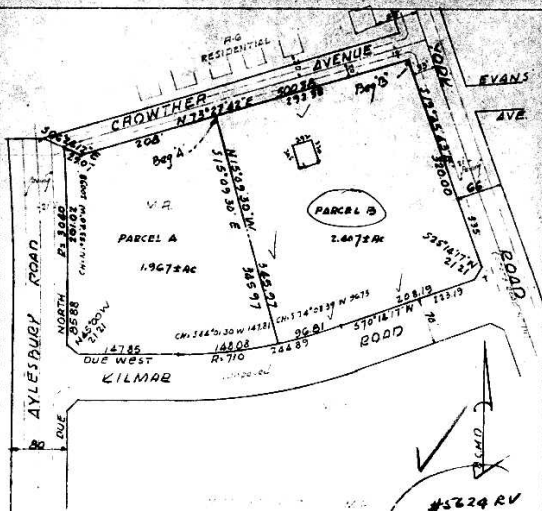
appearing on the 24th day of

1962.

THE JEFFERSONIAN.

*Frank Bucklin*  
Manager

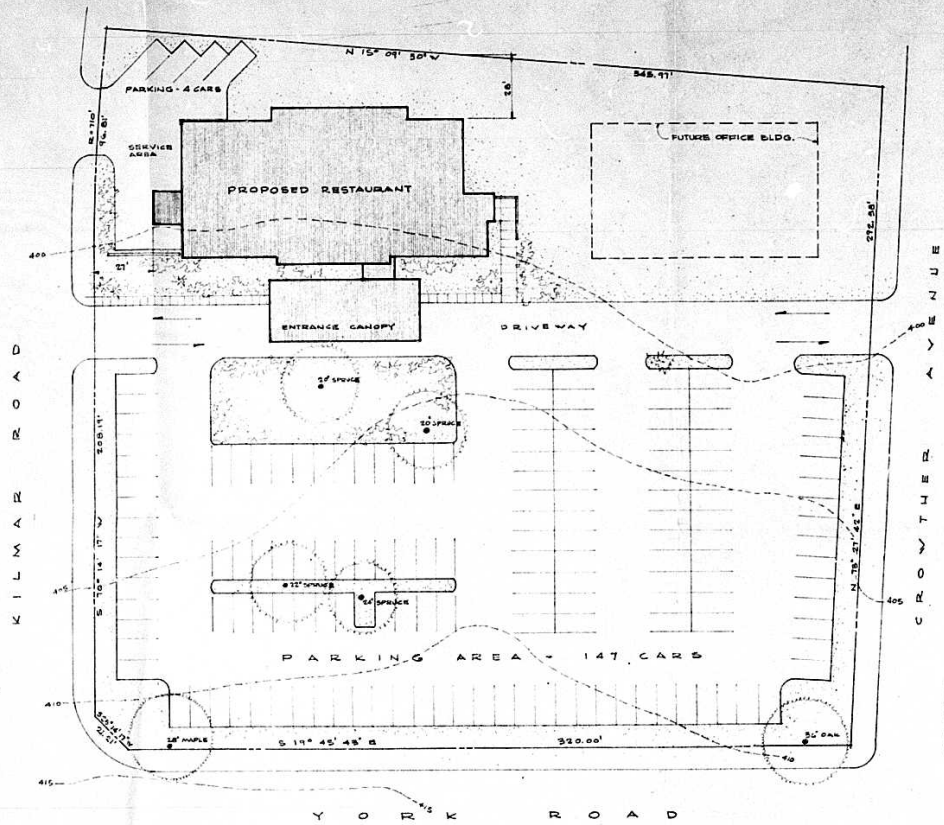
Cost of Advertisement, \$



PLAT TO ACCOMPANY DESCRIPTIONS  
 KILMARNOCK INDUSTRIAL PARK  
 8TH BL DIST BALTO CO, MD  
 MAY 29, 1962  
 SCALE 1"=100'

#5624 RV  
 MAP  
 #9  
 SEC. 3-C

James S. Spamer & Associates  
 Civil Engineers & Surveyors  
 400 York Road Towson 4, Md



**PLOT PLAN (REVISED)**  
 SCALE: 1"=30'  
 TOTAL ON-SITE PARKING - 151 CARS

RESTAURANT  
 TAIL OF THE FOX INN  
 YORK ROAD, BALTIMORE COUNTY  
 MARYLAND  
 FOR  
 TAIL OF THE FOX INN, INC.  
 PRELIMINARY DRAWING SK-1  
 DATE: JULY 19, 1962  
 COMM. NO. 6238  
 JOSEPH COSTANZA, JR.  
 ARCHITECT  
 PENNSAUKEN, N.J.

#5624 RV  
 MAP  
 #9  
 SEC. 3-C  
 BL-V

