

RE: PETITION FOR A VARIANCE
From Sections 238, 2, 409, 2b(3)
and 409, 2c(4), Michael Paul Smith
and I. H. Hammerman, II.,
Petitioners

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 5821-B

The plat and site plan filed in the instant proceedings show that the Petitioners, Michael Paul Smith and I. H. Hammerman, II., are the owners of a lot of land located at the northeast corner of Loch Raven Boulevard and Joppa Road. This land falls away from each of the major intersecting roads so that the surface of the lot lies considerably lower than the traveled plane of the adjoining thoroughfares. The Petitioners recited in their Petition six (6) reasons which suggest the desirability of granting the variance as requested. It does appear that to permit the proposed use with the parking as suggested and a new diner type restaurant located at the northeasternmost corner of the lot as proposed would in no way be detrimental to the interests of the neighborhood.

It would appear that the use is desirable, and that the necessary grading of the lot with retaining walls where needed and with paving of the traveled surface of the lot to follow will substantially improve the aesthetic appearance thereof. Also, it seems obvious that prospective patrons of the restaurant will either park on site or patronize the facilities during rush periods. There appears little, if any, inherent traffic danger or potential adverse effect on the public welfare if the variance is granted.

It should be noted that no opposition of any kind was received by this office, either in written form or by personal appearance at the public hearing, and the points raised by the Planning staff seem to be adequately taken care of by the use as proposed with the on-site improvements which will be constructed before the site is open to public patronage.

After applying the guides and standards established by Section 307 of the Zoning Regulations to the testimony and evidence in this case, the following facts are affirmatively found:

1. Strict compliance with the applicable sections of the Zoning Regulations would result in practical difficulty, unreasonable hardship, and in an unnecessary and, in many ways, undesirable burden on the reasonable use of the Petitioners' property;
 2. The granting of this variance is in complete harmony with the spirit and intent of the Zoning Regulations, and the relief sought does not injure the public health, safety and general welfare in any manner and is deemed to be desirable and beneficial to the community in many aspects.
- It is, therefore, this 16th day of April, 1963, by the Zoning Commissioner of Baltimore County, ORDERED that the Petition for a Variance from Sections 238, 2, 409, 2b(3) and 409, 2c(4) is GRANTED.

JOHN G. ROSE,
Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
MICHAEL PAUL SMITH and I. H. HAMMERMAN, II., 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 238, 2, 409, 2b(3) and 409, 2c(4) as follows:

- Requested: 0' rear yds. instead of the required 30'.
- Requesting 0' side yds. instead of 30' and 25 spaces instead of req. 50; and 0' setback buffer instead of req. 25.
- Requesting 0' side yds. instead of 30' and 25 spaces instead of req. 50; and 0' setback buffer instead of req. 25.
1. The practical difficulty involved in adapting the land to the legal use intended for same.
 2. It will be an unreasonable hardship to deny the granting of the Petition for Variance because, without same, the land cannot be adapted to the legal use intended for same.
 3. The land is situated well below the horizontal plane of Loch Raven Boulevard and Joppa Road, and will require extensive grading and filling, with a retaining wall and various other engineering, site planning and architectural improvements in order to make same adaptable for any practical and reasonable use similar in nature to that intended by the Petitioner.
 4. The granting of this Petition will in no way violate the spirit and intent of the zoning regulations.

(continued on attached rider) See Attached Description
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
Michael Paul Smith
I. H. Hammerman, II., Legal Owners
Address: Jefferson Building
Towson 4, Maryland

Protestant's Attorney
J. Elmer Weichert, Jr.
Address: 101 Jefferson Building
Towson 4, Maryland

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of February, 1963, that the subject matter of this petition be advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the public hearing be held before the Zoning Commissioner of Baltimore County at Room 105, County Office Building in Towson, Baltimore County, on the 15th day of April, 1963, at 10:00 o'clock A.M.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Mr. John G. Rose, Zoning Commissioner Date: April 5, 1963
From: Mr. George E. Cavallia, Deputy Director

SUBJECT: #5821-B. Variance to permit 0 rear yard instead of required 30 feet; to permit 0 feet side yard instead of required 30 feet and to permit 25 spaces instead of the required 50 spaces for Off-street Parking; and to permit 0 feet setback buffer instead of required 6 feet. Northeast corner of Joppa Road and Loch Raven Boulevard, being property of Michael P. Smith, et al.

7th District
HEARING: Monday, April 15, 1963 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for variances to the setback and off-street parking requirements of the Regulations. It has the following advisory comments to make with respect to pertinent planning factors:

1. The subject property is situated at the intersection of Joppa Road and Loch Raven Boulevard. Three traffic movements occur westbound on Joppa Road adjacent to the subject property - left turns onto Loch Raven Boulevard, straight movements continuing on Joppa Road and right turns northbound onto Loch Raven Boulevard. Only two lanes are provided here for these movements. Immediately to the east of the subject property Joppa Road narrows down to essentially a two lane highway. These facts are noted simply to identify that conditions of traffic congestion and hazard exist along the Joppa Road frontage and that overflow parking onto the adjacent public streets is neither practical nor safe.
2. The petitioner is requesting a variance to permit 25 rather than the required 50 off-street parking spaces. The Planning staff notes that only 24 spaces are indicated on the site plan and that the spaces are dimensionally inadequate in some instances. Data has not been submitted with respect to the area within the proposed building which will be devoted to customer service. Do the number of spaces requested in the variance adequately serve the patron and employee parking needs of the proposed restaurant or will off-street parking overflow into adjacent properties or onto abutting streets? Unless the petitioner clearly can show that the parking that he can provide on the site will adequately take care of his needs, the Planning staff is of the opinion that the petition is overbuilding the site relative to his ability to provide off-street parking.



STATE OF MARYLAND STATE ROADS COMMISSION 300 WEST PRESTON STREET BALTIMORE 1, MD.

February 20, 1963

James S. Spenser and Associates
400 York Road
Towson 4, Maryland
Dear Mr. Spenser:

This office reviewed subject plot plan and the following comments are with respect thereto:

Revised in red is entrance channelization that would be acceptable to the State Roads Commission. It has been widened to 35' with 35' depressions to better facilitate the flow of traffic.

Further review and approval by the various agencies of Baltimore County is necessary prior to the issuance of an entrance permit.

No storm drainage from the subject property shall be permitted to enter Loch Raven Boulevard except in a closed system.

Upon approval by the County, it will be necessary to submit the following:

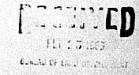
- a. A \$3,000.00 performance bond.
- b. For (4) plot plans to scale showing the revised as noted above.
- c. A \$100.00 engineering fee in the form of a check payable to the State Roads Commission.
- d. Letter of request for the permit.

Thank you for your cooperation.

Very truly yours,
Charles Lee, Chief
Development Engineering Section

St. John L. Dwyer
Asst. Development Engineer

SEC FILE
COPY 14 THIS
FILED



RIDER

5. The granting of this Petition will not cause any injury to the public health, safety and general welfare.
6. The granting of this Petition will result in an improved aesthetic appearance at this location.

PETITION FOR A ZONING VARIANCE

7th District

ZONING: Petition for a Zoning Variance. The Zoning Regulations of Baltimore County to permit 0 rear yard instead of the required 30 feet; and to permit 0 feet side yard instead of the required 30 feet and to permit 25 spaces instead of the required 50 spaces for Off-street Parking; and to permit 0 feet setback buffer instead of the required 6 feet.

LOCATION: Northeast corner of Joppa Road and Loch Raven Boulevard

DATE & TIME: MONDAY, APRIL 15, 1963 at 10:00 A.M.

PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Regulations to be excepted as follows:

Section 238.2 - Side and Rear Yards - 30 feet
Section 409.2-b(3) - Spacing spaces for each 50 square feet of total floor area.
Section 409.2-c(4) - No parking space shall be closer than eight feet to a street property line

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 7th District of Baltimore County

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

No. 16577
DATE 4/15/63

BILLED BY: **Zoning Department of
Baltimore City**

01622

DEBIT TO ACCOUNT NO.	DEBIT UPPER SECTION AND RETURN WITH YOUR REMITTANCE	CREDIT
QUANTITY		COOT
	Advertising and posting of property for N. P. Smith, et al #5821-7	39.00
	4-1663 7345 * * * TNL-	39.00

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

5821 V

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 3/30/63
 Posted for HEARING MONDAY APRIL 12th 63
 Petitioner MICHAEL P. Smith
 Location of property N/E COR. OF J. PPA RD & LOCK RAVEN BLVD.
 Location of Sign ① 12th FROM LOCK RAVEN BLVD. 13th FROM J. PPA RD.
8 FT. FROM FOR SALE SIGN.
 Remarks:
 Posted by Robert LaBull Date of return 4/4/63

TELEPHONE
VALLEY 3-3000

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 16450

DATE 2/19/63

BILLED BY: Zoning Department of
Baltimore Co.

01622

DEPOSIT TO ACCOUNT NO. 01622		TOTAL AMOUNT \$25.00
QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for a Variance for Michael P. Smith, et al	25.00
	4-1963 5834 * * * TEL---	75.00
3		
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE		

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTIONS, P.O. BOX 37, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION WITH YOUR REMITTANCE.

5821

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 29, 1963.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once a week~~ at 1 time ~~successive weeks~~ before the 15th day of April, 1963, the ~~last~~ publication appearing on the 22th day of March 1963.

THE JEFFERSONIAN,
W. H. Hudson
Manager

Cost of Advertisement, \$_____

[illegible]

**PETITION FOR A
VARIANCE**

5821

CERTIFICATE OF PUBLICATION

TOWSON, MD., 28th March 1968.

THIS IS TO CERTIFY, That the annexed advertisement was published in THE COUNTY NEWS WEEK, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 20th successive weeks before the 15th day of April 1968, the first publication appearing on the 28th day of March 1968.

THE COUNTY NEWS WEEK
W. J. Heyser

Manager

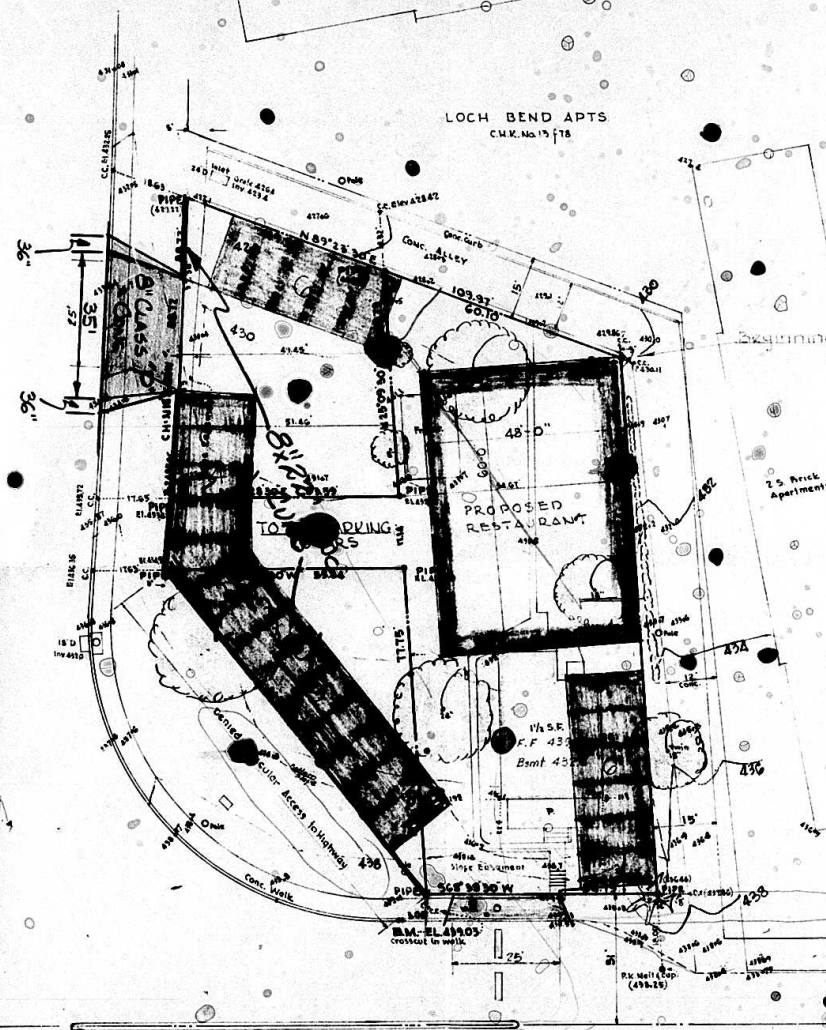
[illegible]

LOCH RAVEN BOULEVARD

RAVEN

DRIVE

LOCH BEND APTS
C.H.K. No. 19 F78



JOPPA

ROAD

PLAT FOR ZONING PURPOSES
AND
PROPERTY SURVEY

NE. COR. LOCH RAVEN BLVD. & JOPPA ROAD
9TH EL. DISTRICT BALTIMORE Co., MD.
SCALE: 1"=20'

Rev. Feb. 15, 1963 (Restaurant & Parking Added)

Topo Added Nov. 9, 1962
JAMES S. SPAMER & ASSOCIATES
CIVIL ENGINEERS & SURVEYORS
400 YORK ROAD TOWSON, MD.

File Copy