

65-387-H 65-387-A **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Carolyn L. Porpora, individually
I, or we, as Committee for Samuel Porpora, owner 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 2-2 (3) - To permit 38 parking spaces instead of the required 62 spaces; Section 238.1 - Front Yard-To permit Zero feet instead of the required 50 feet.

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

Present zoning does not permit use of land for business purposes as zoned

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
Address
Legal Owner
Address

201 W. Chesapeake Avenue
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of June, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that 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 22nd day of June, 1965, at 10:00 o'clock A.M.

John G. Rose, Zoning Commissioner
Department of Planning & Zoning of Baltimore County
County Office Building
Towson, Maryland - 21204

A. OWEN HENNEGAN
408 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

July 23, 1965

John G. Rose, Zoning Commissioner
Department of Planning & Zoning of Baltimore County
County Office Building
Towson, Maryland - 21204

Re: Case No. 387-A
Porpora property
Request for Variance at
Johnnycake Road & U.S. Route 40, West

Mr. Commissioner:

Please enter an Appeal from the decision of the Commissioner in the above captioned matter, granting the request for Variance on June 29, 1965.

Enclosed please find my check for \$70.00 to cover costs of filing this Appeal.

Very truly yours,

A. Owen Hennegan
Attorney for Forty-West Corporation, Appellant

AOH:mf

cc: J. Elmer Weisheit, Jr., Esq.
Jefferson Building
Towson, Maryland - 21204

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Zoning Regulations of Baltimore County would result in practical difficulty and the variances requested would grant unreasonable hardship upon the petitioner and the variances requested would grant relief without substantial injury to the public health, safety and general welfare, the variances requested are granted.

Variances
the above Variances should be had; and it is hereby ordered that the same be granted.

to permit a front yard of zero feet instead of the required 50 feet;
a Variance to permit 38 parking spaces instead of the required 62 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of June, 1965, that the herein Petition for Variance should be and the same is granted from and after the date of this order which permits a front yard of zero feet instead of the required 50 feet; and to permit 38 parking spaces instead of the required 62 parking spaces, subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning & Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of...

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 1965, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

Lawrence M. P.E.
John G. Childs, L.S.
Associates
George W. Childs, L.S.
Robert W. Childs, P.E.
Leonard J. Childs, P.E.
Norman F. Childs, L.S.
Paul Lee, P.E.
Paul S. Smith

KATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners

1020 Crosswell Bridge Rd. - Baltimore, Maryland 21204
823 - 0900

DESCRIPTION

OF PARCEL FOR FRONT YARD VARIANCE, WEST
CORNER OF BALTIMORE NATIONAL PIKE AND JOHNNY-
CAKE ROAD, FIRST ELECTION DISTRICT, BALTIMORE
COUNTY, MARYLAND.

Beginning from the same at a point on the north side of Baltimore National Pike (Edmondson Avenue Extended), 150 feet wide, at the southwest end of the gusset line connecting said north side of Baltimore National Pike with the southwest side of Johnnycake Road, sixty feet wide, as shown on Baltimore County Plan to Accompany Right-of-Way Agreement HRW58-056-1, and running thence binding on said gusset line, (1) N 16° 05' 10" E - 148.60 feet to the southwest side of said Johnnycake Road, thence binding thereon, (2) N 56° 56' 40" W - 25.75 feet, and (3) northwesterly, by a curve to the left with the radius of 1648.72 feet the distance of 66.61 feet, thence leaving said Johnnycake Road, (4) S 01° 41' 10" W - 99.83 feet, thence (5) S 72° 18' 10" W - 110.18 feet, thence (6) S 17° 41' 50" E - 100.00 feet to a point on the north side of Baltimore National Pike herein referred to, and thence, binding thereon, (7) N 72° 18' 10" E - 120.15 feet to the place of beginning.

HGW/jc

J.O. 65061

4/26/65



RE: PETITION FOR VARIANCE
from Sections 409.2 b (3) and
238.1 of the Zoning Regulations,
N/S Baltimore National Pike &
SW/S Johnnycake Road,
1st District,
Carolyn L. Porpora,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-387-A

ORDER OF DISMISSAL

Petition of Carolyn L. Porpora for variance from Sections 409.2 b (3) and 238.1 of the Zoning Regulations on property located on the north side of Baltimore National Pike and the southwest side of Johnnycake Road in the First District of Baltimore County.

Whereas the Board of Appeals is in receipt of Letters of Dismissal from the attorneys representing the protestants-appellants in the above entitled matter, filed on March 22, 1966.

Whereas the said attorneys for the said protestants-appellants request that the appeals filed on behalf of said protestants, be dismissed and withdrawn as of March 22, 1966.

It is hereby ORDERED this 24th day of March, 1966 that said appeals be dismissed with prejudice as of the aforementioned date.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Park

R. Bruce Alderman

HOWARD L. MUHL, JR.
ATTORNEY AT LAW
304 EMERSON HOTEL
BALTIMORE & CALVERT STREETS
BALTIMORE, MARYLAND 21202
March 21, 1966

ASSOCIATE
PHILIP R. DIXON

TELEPHONE
HARATOGA 7-1108

County Board of Appeals
County Office Building
Towson, Maryland

Reference: Zoning File # 65-387-A
Porpora Property

WITHDRAW OF APPEAL

Mr. Clerk:

Please dismiss the Appeal of the undersigned on behalf of Mr. & Mrs. Richard J. O'Neill, 5604 Baltimore National Pike, Catonsville, Maryland 21228.

Howard L. Muhl, Jr.
304 Emerson Hotel
Baltimore, Maryland 21202

LAU OFFICES
A. OWEN HENNEGAN
408 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
March 22, 1966

William S. Baldwin, Chairman
Baltimore County Board of Appeals
301 County Office Building
Towson, Maryland - 21204

Re: Petition for Variances;
N/S Baltimore National Pike and
SW/S Johnnycake Road; 1st District
Baltimore County - Carolyn L. Porpora,
Petitioner
File: 65-387-A

Dear Mr. Baldwin:

Please withdraw the Appeal heretofore filed on behalf of the Forty-West Corporation, in the above matter.

Very truly yours,

A. Owen Hennegan
Attorney for Appellants

AOH:mf

cc: Howard L. Muhl, Jr., Esq.
302 Emerson Hotel
Baltimore, Maryland - 21202

MUHL & MENTZEL
ATTORNEYS AT LAW
304 WEST CHESAPEAKE AVENUE
BALTIMORE, MARYLAND 21202

HOWARD L. MUHL, JR.
HERNARD J. MENTZEL

John G. Rose
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Reference: Petition for Variances to Sections 238.1 and 409.2 b (3) of Zoning Regulations - N/S Baltimore National Pike and SW/S Johnnycake Road, 1st District, Carolyn L. Porpora, Individually and as Committee for Samuel Porpora, Petitioner - No. 65-387-A

Dear Mr. Rose:

Please enter an appeal to the Baltimore County Board of Zoning Appeals from your decision dated June 30, 1965, granting the Petition of the subject reference for variances as enumerated above.

I am also enclosing herewith my check in the amount of Seventy (\$70.00) dollars payable to Baltimore County, Maryland to cover the costs of taking the appeal

Very truly yours,

Howard L. Muhl, Jr.

HLM:dml
Enclosure



Rec'd 3-22-66
2:15 PM

Rec'd 3-22-66
2:15 PM

INTER-OFFICE CORRESPONDENCE
BUREAU OF TRAFFIC ENGINEERING
Baltimore County, Maryland
Towson, Maryland, 21204

Date: June 15, 1965

TO: Mr. James B. Dyer
FROM: Eugene J. Clifford
SUBJECT: Zoning Petition 45-387-A Baltimore National Pike
at Johnnycake Road

Review of the subject plat dated April 30, 1965 results in the following comments:

A parking variance to this site will also require a parking variance to the adjacent restaurant which presently uses the proposed site for parking. Shortage of parking in this area is undesirable.

The entrance on Baltimore National Pike is undesirable because of its close proximity to the right turn lane from Johnnycake Road.

In the event the subject zoning is granted, it is requested that entrances be made subject to the approval of this Bureau.

Eugene J. Clifford
County Traffic Engineer

BJC:GMR:me

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

June 8, 1965

RE: Route 40-Baltimore County
Samuel D. Porpora Property
Northwest corner Johnnycake Road

Gentlemen:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF TRAFFIC ENGINEERING: The Bureau of Traffic Engineering will review and comment at a later date.

OFFICE OF PLANNING AND ZONING: The Office of Planning and Zoning will review and comment at a later date.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning ten (10) days before the Zoning Commission's hearing.

The following members had no comment to offer:

Board of Education
Bureau of Engineering
Health Department
Buildings Department
State Roads Commission
Industrial Development Commission
Fire Department

Yours very truly,

James B. Dyer, Chief
Petition and Permit Processing

cc: Mr. R. Moore, Traffic Eng.
Mr. A. Quisby, Planning & Zoning

STATE OF MARYLAND
STATE ROADS COMMISSION
300 WEST PRESTON STREET
BALTIMORE, MD. 21201
April 27, 1965

Mr. Samuel D. Porpora
Variety Drive-In Restaurant
5604 Baltimore National Pike
Baltimore, Maryland 21228

Dear Mr. Porpora:

Reference is made to your letter of April 16, concerning entrance permit requirements. They are as follows:

1. Letter of request for permit.
2. Engineering fee - \$10.00 for one entrance
3. Performance bond or certified check in the amount of \$1500.00.
4. Four (4) plot plans showing the proposed building, parking pattern, entrances.

Since our letter of January 30, 1965, many changes have taken place in this area. Prior to actual application for permit, it would be wise to submit preliminary plans (showing building location, existing roadways, parking pattern, drainage details, entrances, etc.) to this office for review. The plan that you attached is basically correct, but is not in sufficient detail for us to issue a permit.

Your plan is herewith returned.

Very truly yours,
Charles Lee, Chief
Development Engineering Section
BY: John L. Duerst
Asst. Development Engineer

Encl.
JLD/nls

Baltimore County
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON 4, Maryland
July 31, 1965

Mr. Samuel D. Porpora, President
Variety Drive-In Restaurant
5604 Baltimore National Pike
Catonsville, Balto. 28, Maryland

Re: Contract 6231 BX
Job Order 2031 D

Dear Sir:

The driveway entrance you requested in your letter addressed to Mr. George Lewis dated July 23, 1965, will be built accordingly. The curb and gutter will be depressed in the area shown on your plat to allow for a 30' entrance.

Very truly yours,

J. Stewart Perdue, Chief
Division of Highway Inspection

MKB:JSP:k

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. 21204.

For the purpose of the advertisement, the date of publication was the 11th day of June, 1965.

Cost of Advertisement, \$.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 17, 1965

FROM: George E. Gavrellis, Director

SUBJECT: Petition No. 65-387-A. "Variance to permit a front yard of zero feet instead of the required 50 feet; to permit 38 parking spaces instead of the required 62 spaces. North side of Baltimore National Pike and the southwest side of Johnnycake Road. Being the property of Carolyn L. Porpora, Individually and as Committee for Samuel Porpora."

1st District

HEARING: Tuesday, June 29, 1965 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. In view of the fact that the shape of the subject lot poses difficult development problems, it could be that the variance requested would be reasonable - provided that stringent controls are applied to the site as a condition of the granting.
2. It appears that a portion of this property is - or was - intended to serve as parking area for the adjacent restaurant. We understand that the lot is to be re-opened. If this is true, some overall solution to providing adequate parking - and proper access - should be found, and no variance should be granted until then.
3. We suggest that controls over the plan include a limitation of the dining area to this size town on the petitioner's plat; requirements for fairly extensive landscaping and screening in order to lessen the effect of the restaurant's being located adjacent the public right of way; and better location of access points (one entrance shown appears to be hazardous). It would be appropriate for the petitioner to contact the Project Planning Division of this office to that all aspects of the plan can be fully delineated. The plan should then be made subject to approval by this office.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: July 21, 1965

Posted for: Carolyn L. Porpora

Petitioner: Carolyn L. Porpora

Location of property: N/S Baltimore Nat'l Pike & S/W of Johnnycake Rd.

Location of Signs: N/S Baltimore Nat'l Pike 120' W of Johnnycake Rd.

Remarks: J. Rose

Posted by: J. Rose

Date of return: Aug 5, 1965

1 sign

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 31921

DATE 6/30/65

TO: Messrs. Kirk and Bolton
201 W. Chesapeake Ave.
Towson, Md. 21204

BILLED BY: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$61.00
		Advertising and posting of property for Carolyn L. Porpora, et al	
		65-387-A	61.00
		6-3065 8893 31921 TTP-	61.00
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.			

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

No. 30659

DATE 6/4/65

TO: Messrs. Kirk & Bolton
201 W. Chesapeake Ave.
Baltimore, Md. 21204

BILLED BY: Zoning Dept. of Balto. Co.

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$25.00
		Petition for Variance for Carolyn L. Porpora, et al	
		65-387-A	25.00
		6-745 8778 30659 TTP-	25.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND			

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

No. 32019

DATE 8/2/65

TO: Es. Owen Hargreaves, Esquire,
Jefferson Building
Baltimore, Maryland 21204

BILLED BY: Office of Planning & Zoning
115 County Office Building
Towson, Maryland 21204

DEPOSIT TO ACCOUNT NO.	QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
01-622			\$40.00
		Cost of appeal - Carolyn L. Porpora - 65-387-A	
		Posting	35.00
		6-845 44 32019 TTP-	40.00
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 A VARIANCE
1st DISTRICT

ZONING: Petition for Variance for front yard and parking.

LOCATION: North side of Baltimore National Pike and the southwest side of Johnnycake Road.

DATE & TIME: TUESDAY, JUNE 29, 1965 at 10:00 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204.

BEING: Carolyn L. Porpora, Individually and as Committee for Samuel Porpora, as shown on plan filed with the Zoning Department.

HEARING DATE: Tuesday, June 29, 1965 at 10:00 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204.

BY: JOHN G. ROSE, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. June 9, 1965

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 27th day of June, 1965.

Cost of Advertisement, \$27.00

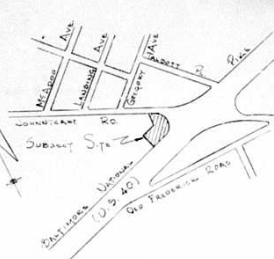
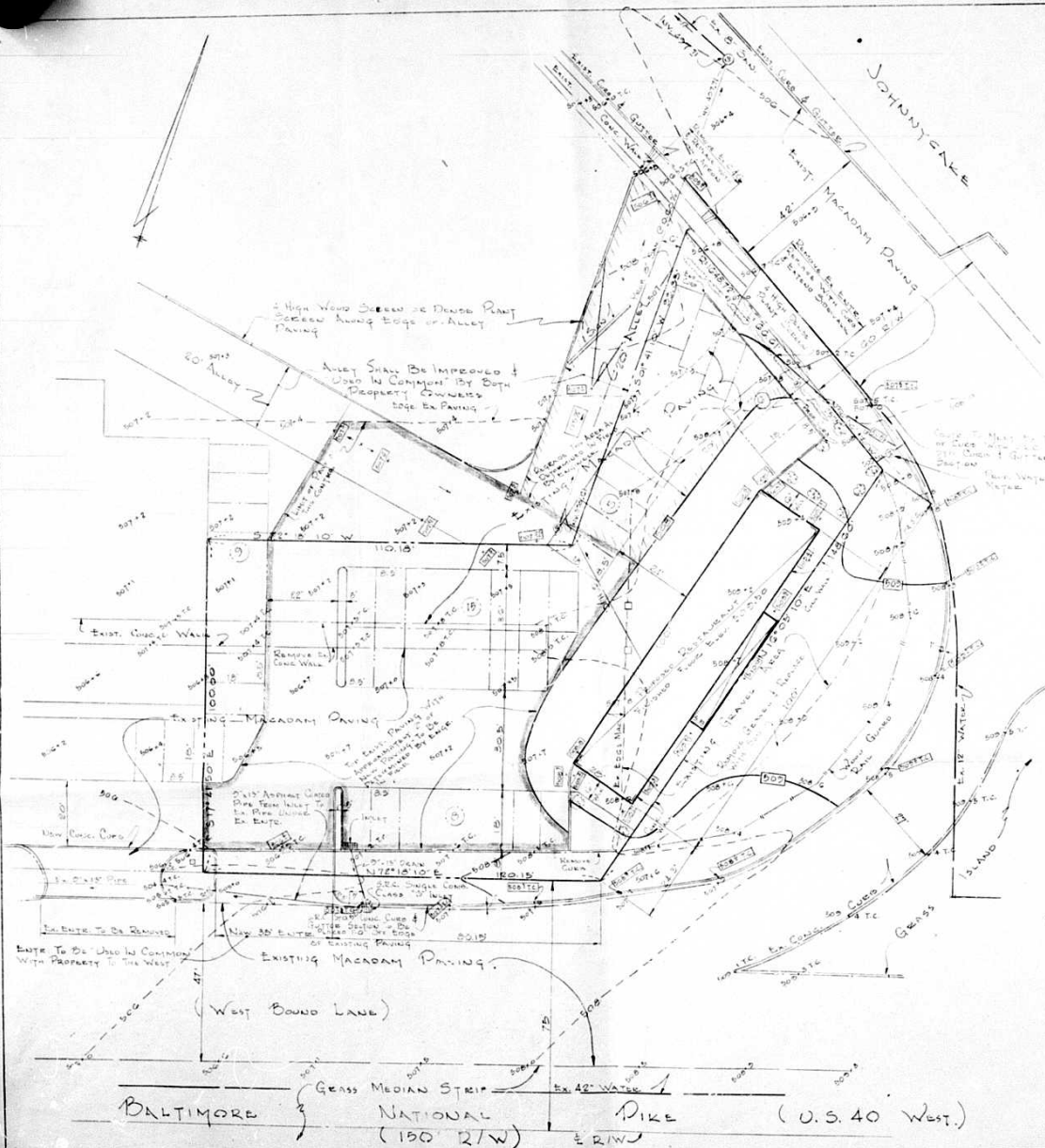
Purchase Order #0697

Requisition No. F5603

THE TIMES,

Manager.

John M. Martin



LOCATION PLAN
Scale: 1"=500'

GENERAL NOTES

1. Increase of TRACT DEEDS 04645 NOTES
2. Existing Zoning of Tract 2.2 with Front Yard Setback & Parking Variance.
3. Proposed Use of Site Restaurant
4. Proposed Off-street Parking Equal to 20% of Lot Area
5. Easements & Deeds Shall Be Used in Common with Property to the Immediate West
6. 1/2" x 8" Indicated Existing Gravel; 1/2" x 8" Indicated Proposed Finished Gravel

PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY John G. Hoswell

DATE 4/4/66

BY John Z. Nimbley

DATE 4/4/66

PLANS APPROVED

OFFICE OF PLANNING & ZONING

BY John G. Hoswell

DATE 4/4/66

SITE PLAN

FOR
INTERNATIONAL HOUSE OF PANCAKES
JOHNNYCAKE RD. & BALTO. NAT'L PIKE
ELECTION DISTRICT 1 BALTIMORE CO., MD.
SCALE: 1"=20'
MARCH 24, 1966

DEVELOPER
INTERNATIONAL HOUSE OF PANCAKES
90 PORTER BLVD., INC.
140 DASH RIVER VIEW RD.
BALTIMORE, MARYLAND

MATZ, CHILDS & ASSOCIATES
1000 N. WASHINGTON ST., BALTIMORE, MD. 21201
PL. 1000 N. WASHINGTON ST., BALTIMORE, MD. 21201
PL. 1000 N. WASHINGTON ST., BALTIMORE, MD. 21201
PL. 1000 N. WASHINGTON ST., BALTIMORE, MD. 21201

TELEPHONE DIRECTORY 7-1012

EUGENE M. CAROZZA
ATTORNEY AND COUNSELLOR AT LAW
222 FREDERICK ROAD
CATONSVILLE 20, MARYLAND

April 1, 1966

Attention: Mr. J. G. Hoswell
County Office Building, Baltimore County
Office of Planning & Zoning
Baltimore, Maryland, 21204

Dear Sir:

Re: Suburbia Realty Investors, Inc.,
Building permit application No.
H.B. 79614 & 79615 (194-66) Comm.
#.

Please be advised that at such time, in the future, as the adjacent residentially zoned property is developed, the parking area will be screened from adjacent property by a four foot (4 ft.) high, compact planting.

Furthermore, the adjacent lot fronting on Johnnycake Road that has an existing dwelling, is already adequately screened from the subject site, in compliance with Section 407, of the Baltimore County Zoning Regulations.

Yours very truly,

Eugene M. Carozza
per m.c.

EM/mc



TOTAL PARKING SPACES :
FURNISHED 105 INCL. 1 - WIDE
REQUIRED - 105 SPACES

O'NEILL - PORPOSA PROP.
CATONSVILLE, MARYLAND
LAYOUT AND PLANNING NOV. 19, 1965
SCHEMATIC PLANNING ASSOCIATES -
LUTHERVILLE, MD. 21078
SCALE - 1" = 20'
P/NB - 252-3686
DRAWING BY C. LEE - 4441878

REVISED 12/9/65 GLL.
REVISED 12/29/65 GLL.
REVISED 1/3/66 - GLL.
REVISED 2/7/66 - GLL.
REV. 3/5/66 - GLL.

