

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

AND FOR A SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

SARANDOS A. MACRIS and
EVA MACRIS
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 Section 238.2 to permit a sideyard setback
of 0' from the N 66° 27' = 150' line instead of the required 30'.
To permit a rearward setback of 3' instead of the required 30'.

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

Section 409.2 b (3) To permit 7 off-street parking places instead
of the required 18 spaces; and for off-street
parking in a residential zone.

See attached description

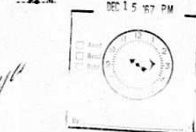
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, the undersigned, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted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

Administrative: Sarandos A. Macris, Petitioner
Contract purchaser: Eva Macris, Legal Owner
Address: 3445 Widdoway Ave, Baltimore, Md. 21234
BY: [Signature] Petitioner's Attorney
Address: [Signature] Protestants' Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day

of December, 1968, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out 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 15th day of February, 1969, at 1:00 o'clock

..P.M.
Zoning Commissioner of Baltimore County.



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

the above Variance should be had; and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this
day of 1968, that the herein Petition for a Variance should be and the
same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
and it appearing that by reason of failure to show practical difficulty and unreasonable

hardship the above VARIANCE should not be granted, and the permit for
off-street parking in a residential zone would adversely affect the health
safety and general welfare of the locality involved, therefore, should also
be DENIED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day

of April, 1968, that the above Variance be and the same is hereby DENIED,
and the permit for off-street parking in a residential zone is also DENIED.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 4/16/68 BY [Signature]

SARANDOS A. and EVA MACRIS #68-176-ASP
NE corner Joppa & Emge Roads 9th District
Special Hearing for Off-Street Parking in residential zone 775 square feet
Variance for Side & Rear Yards 0.17 Acres

Dec. 15, 1967 Petition filed
April 11, 1968 Variance and Permit for Off-Street Parking
DENIED by D. Z. C.
May 2 Appealed to C. B. of A.
Feb. 27, 1969 Order of the Board: "Since it has been resolved that
the entire subject property is zoned B.R., the petitioner's
request for a special hearing for off-street parking in a
residential zone is no longer necessary and the question
is moot. . . . ORDERED variances GRANTED"
Mar. 27 Order for Appeal filed in the Circuit Court by
Manuel M. Nicolaides, Esq., Attorney for Protestants,
Mr. and Mrs. Robert M. Donovan, Jr. (File #4191)
May 19 Answer to Order of Appeal filed in Circuit Court
July 1 Hearing had. Appeal dismissed in open court - Judge Turnbull

And dismissed - copied from Court Book
(No further action for plan back to Mr. Macris 7/15/69)

Appealed 3/27/69
cc: Zoning
RE: PETITION FOR SPECIAL HEARING
for Off-Street Parking
(Section 409.2b(3)) and
VARIANCE from Section 238.2
of the Baltimore County Zoning
Regulations
NE corner Joppa and Emge Roads
9th District
Sarandos A. and Eva Macris
Petitioners
Zoning File No. 68-176-ASP
Misc. Docket No. 8
Folio No. 423
File No. 4191
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

Mr. Clark

Please file &c.

Mural E. Buddemeier
County Board of Appeals of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 11, 1968

C. John Serio, Esquire
3 E. Lexington Street
Baltimore, Maryland 21201

RE: Petition for Variance and
Special Hearing - NE corner
Joppa Road and Emge Road,
9th District - Sarandos Macris,
Petitioner - NO. 68-176-A

Dear Mr. Serio:

I have this date passed my Order denying the above
captioned matter by reason of failure to show practical difficulty and
unreasonable hardship and the permit for off-street parking in a
residential zone would adversely affect the health, safety and general
welfare of the locality involved.

Very truly yours,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH:dr

cc: Mr. Charles Lilly
1744 E. Joppa Road
Baltimore, Maryland 21214

Mr. Robert M. Donovan
2707 Emge Road
Baltimore, Maryland 21214

May 22, 1968

Mr. Manuel M. Nicolaides,
546 Equitable Building,
Baltimore, Maryland 21202

Mr. C. John Serio,
3 E. Lexington Street,
Baltimore, Maryland 21202

County Board of Appeals of Baltimore County,
County Office Building,
Towson, Maryland 21204

RE: Donovan, et al v. Balto. Co. Board of Appeals,
etc, Macris et al.
Misc. Case #4191

Gentlemen:

The above matter has been assigned for hearing on July 1, 1969,
at 10:00 A. M. This matter will not be postponed after June 17.

In addition, I request that not later than June 20, you advise
me of the portion of the transcript you wish me to read. As you know,
in these matters there is much repetition which is of no help to the
court in reaching a decision.

Further, if you have any authorities which you wish me to
consider, I request that they be submitted to me not later than June 20.

Very truly yours,

John Crason Turnbull

JGT/etp

RE: Petition for Variance and Special Hearing -
NE corner Joppa Road and Emge Road -
9th District - Sarandos Macris, Petitioner -
NO. 68-176-A

NOTICE OF APPEAL

Please enter an Appeal from the Order of Edward D.
Hardesty, Deputy Zoning Commissioner, dated April 11, 1968, in
the aforementioned case, and forward all papers to the Board of
Appeals of Baltimore County.

Sarandos Macris
Eva Macris



Dear Mr. Serio:
Enclosed herewith you will find Notice of Appeal
in the above entitled matter, together with check payable
to Baltimore County for \$50.00, in the amount of \$50.00.
Very truly yours,
C. John Serio

C. JOHN SERIO
ATTORNEY AT LAW
1744 E. Joppa Road
Baltimore, Maryland 21214

April 30, 1968

RE: PETITION FOR SPECIAL HEARING :
for off-street parking (Sec. 409.2b(3)) :
and VARIANCE from Section 238.2 :
of the Zoning Regulations of :
Baltimore County :
Northeast Corner of Joppa and Emge Rd. :
9th District :
Sarasota A. Macris and Eva Macris :
Petitioners :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 68-176-ASPH

OPINION

This case comes before the Board upon an appeal by the petitioner from a denial of the Deputy Zoning Commissioner. Since the original hearing before the Deputy Zoning Commissioner it has been determined and acknowledged by the protestants and petitioner that the entire subject property is presently zoned B.R. At the time of the first hearing a discrepancy existed in the written descriptions involving the subject property. This discrepancy has been corrected by an Order of the Zoning Commissioner dated June 27, 1968. Since it has been resolved that the entire subject property is zoned B.R., the petitioner's request for a special hearing for off-street parking in a residential zone is no longer necessary and the question is moot. Therefore, this case upon appeal differs significantly from the case as originally heard by the Deputy Zoning Commissioner. The only remaining questions are one requesting a variance from Section 238.2 to permit 0' side yard on the east of the subject property, and a 20' side yard on the west instead of the required 30'; and secondly, a request for a variance from Section 409.2b(3) to permit seven parking spaces instead of the required sixteen spaces.

The subject property is located on the northeast corner of Joppa Road and Emge Road, in the 9th Election District of Baltimore County, and is presently improved by a dilapidated two-story frame building. This dwelling would be demolished if the petition is granted. The petitioner testified that he would erect and operate a small family run restaurant. It is proposed that same would be a one story structure approximately 20' x 40', with possible seating arrangements for thirty to thirty-five patrons. The restaurant would be operated by the petitioner, his wife and perhaps two to four other employees, and

S. A. Macris - No. 68-176-ASPH

would be similar to an operation he has run in Baltimore City. The petitioner cited the commercialization along Joppa Road, including relatively new businesses such as Pep Boys' Stores, R.C.A. Service Center and Hoover Electronics, as evidence of reasonable need for his small restaurant. The petitioner testified that from his experience in this business he felt that the majority of his customers would come from his immediate commercial neighbors and that most would be walking patrons for lunch and dinner. The Board found this to be a reasonable conclusion.

There was little or no significant opposition to the variance for the rear and side yard setbacks, same coming only from the immediate property owners; one operating a commercial establishment with a paved parking area, and the other, a resident who had apparently at one time sought to sell her property to the petitioner for use in this proposed venture. As to the variance from the off-street parking regulation, the Board was impressed by the possible use of this site in such a manner as to possibly attract patrons who could walk to the establishment, thereby diminishing the need for on-site parking. Considering the above and the balance of the testimony presented, it is the judgment of the Board that it would be a practical difficulty for the petitioner to use this lot without the requested variances, and furthermore, it is the considered opinion, and the Board finds as a fact, that to grant these variances would not cause substantial injury to the public health, safety and/or general welfare of the surrounding area. Considering the practical difficulty involved, the granting of these variances would be in keeping with the spirit and intent of the Regulations. Therefore, it is the judgment of this Board that the variances from Section 238.2 and Section 409.2b(3) of the Zoning Regulations shall be granted as requested.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of February, 1969 by the County Board of Appeals ORDERED, that the variances petitioned for be and the same are hereby Granted.

S. A. Macris - No. 68-176-ASPH

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

Walter A. Reiter, Jr.

John A. Miller

Mr. and Mrs. Robert M. Donovan, Jr. * IN THE
vs * CIRCUIT COURT
* FOR
The County Board of Appeals * BALTIMORE COUNTY
of Baltimore County * AT LAW
and * Misc. Docket No. 8
Sarasota A. and Eva Macris * Folio No. 433
* File No. 4191

PETITION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Mr. and Mrs. Robert M. Donovan, Jr. respectfully represents unto your Honor:

1. That your Petitioners are the owners of the property known as 8707 Emge Road. Near the property involved in the instant Appeal, our tax payers of Baltimore County, and are directly aggrieved by the decision of the County Board of Appeals of Baltimore County for all of which reasons Petitioners are duly qualified to maintain this Appeal from the decision of said Board.

2. That your Petitioners, the Appellants herein, were aggrieved by the action of the Board in granting a variance for off street parking under Section 409.2b(3) of the Baltimore County Zoning Ordinance and a variance in the yard requirements under Section 238.2 of the zoning regulations of Baltimore County on the northeast corner of Joppa and Emge Roads and alleges that said granting of the variances is entirely unreasonable, arbitrary, illegal and in direct violation of the zoning regulations of Baltimore County for the following reasons:

a) That the authorization is in conflict with sound zoning principles and practices.

b) That the granting of the variances are detrimental to the health, safety and general welfare of the surrounding residents in that these variances will create undue traffic congestions and problems and also diminish the value of the surrounding residential properties.

c) And for such other and further reasons as may be shown at the hearing hereof.

WHEREFORE, your Petitioners pray:

1. That this Honorable Court shall reverse, vacate and set aside the decision of the County Board of Appeals of Baltimore County.

2. That the decision of the Board be stayed pending the hearing of this Appeal.

3. And for such other and further relief as the nature of this case may require.

Manuel M. Nicolaidis
Attorney for Petitioners
546 Equitable Building
Baltimore, Maryland 21202
539-3703

I HEREBY CERTIFY that on this day of April, 1969, a copy of the foregoing Petition was mailed to C. John Serio, Esquire, Suite 25, Central Savings Bank Building, Baltimore, Maryland 21202, Attorney for Sarasota A. and Eva Macris and County Board of Appeals of Baltimore County, County Office Building, Towson, Maryland 21204.

Manuel M. Nicolaidis
Attorney for Petitioners

MR. & MRS. ROBERT M. DONOVAN, JR. * IN THE
8707 Emge Road * CIRCUIT COURT
Baltimore, Maryland 21234 * FOR
PLAINTIFFS * BALTIMORE COUNTY
vs *
BALTIMORE COUNTY BOARD OF *
ZONING APPEALS and the *
COUNTY OF BALTIMORE *
COUNTY OFFICE BUILDING *
TOWSON, MARYLAND 21204 *
DEFENDANTS * Folio No.

ORDER FOR APPEAL FROM DECISION
OF
COUNTY BOARD OF ZONING APPEALS

MR. CLERK:

Pursuant to Sub-title b of Chapter 1100 of the Maryland Rules of Procedure, please enter an appeal to the Circuit Court for Baltimore County on behalf of Mr. & Mrs. Robert M. Donovan, Jr., Appellants from the Order, action and decision of the Baltimore County Board of Zoning Appeals taken in Appeal No. 68-176 ASPH on February 27, 1969.

Manuel M. Nicolaidis
Attorney for Appellants
546 Equitable Building
Baltimore, Maryland 21202
Telephone: LE 9-3703

I HEREBY CERTIFY that on this 26th day of March, 1969, a copy of the foregoing Order for Appeal was mailed to the Baltimore County Board of Zoning Appeals, County Office Building, Towson, Maryland 21204.

Manuel M. Nicolaidis
Attorney for Appellants

MANUEL M. NICOLAIDIS
ATTORNEY AT LAW
546 EQUITABLE BUILDING
CALVERT & PATTERSON WGS
BALTIMORE, MARYLAND 21202

March 26, 1969

Clerk
Circuit Court for Baltimore County
Court House
Towson, Maryland 21204

Re: Order for Appeal from Decision
of
County Board of Zoning Appeals

Mr. Clerk:

Enclosed please find Order for Appeal to be filed in the above entitled case. I am also enclosing a blank endorsed check to cover filing fees on which you have my permission to enter the proper filing fees. This is being done because this is the last date on which an Appeal can be filed in this matter. I would very much appreciate a telephone call from you in the morning to give me the cost of filing.

Your cooperation in this matter is very much appreciated.

Very truly yours,

Manuel M. Nicolaidis

MNN:jji

cc: Baltimore County Board of Zoning Appeals
County Office Building
Towson, Maryland 21204

MANUEL M. NICOLAIDIS
ATTORNEY AT LAW
546 EQUITABLE BUILDING
CALVERT & PATTERSON WGS
BALTIMORE, MARYLAND 21202

REGISTERED
10.27/1969
RETURN RECEIPT REQUESTED

Baltimore County Board of Zoning Appeals
County Office Building
Towson, Maryland 21204

REGISTERED MAIL
Return Receipt Requested

RE: PETITION FOR SPECIAL HEARING
for Off-Street Parking (Section 409.2b(3)), and
VARIANCE from Section 238.2
of the Baltimore County
Zoning Regulations
NE corner Joppa and Engle Roads
9th District
Saramides A. and Eve Macris
Petitioners

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Zoning File No. 68-176-ASPH
Misc. Docket No. 8
Folio No. 423
File No. 4191

Mr. and Mrs. Robert M. Donovan, Jr.
Protestants-Appellants

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, Walter A. Reiter, Jr. and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

**ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY**

No. 68-176-ASPH

Dec. 15, 1967 Petition of Saramides A. Macris and Eve Macris for special hearing for off-street parking (Section 409.2b(3)), and variance from Section 238.2 of Baltimore County Zoning Regulations, on property located on the northeast corner of Joppa and Engle Roads, 9th District - filed

Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 3, 1968 at 1:00 p.m.

Jan. 19, 1968 Certificate of Posting of property - filed

Feb. 22 Certificate of Publication in newspaper - filed

Feb. 25 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia

Apr. 11 Order of Deputy Zoning Commissioner denying variance and off-street parking

May 2 Order of appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

Nov. 6 Hearing on appeal before County Board of Appeals - case held sub curia

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Feb. 27, 1969 Order of County Board of Appeals granting variances

Mar. 26 Order for Appeal filed in Circuit Court for Baltimore County

" 27 Certificate of Notice sent to all interested parties

Apr. 23 Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

" 24 Motion to Extend Time for Transmitting Record to May 28, 1969

May 5 Transcript of testimony filed - 1 volume

Petitioners' Exhibit No. 1 - Photo of subject plot - 7/10/68, re-vised by J. D. Thompson

" " 2A - Description - R-6-1 Correction

" " 2B - Description - R-6-1 Correction

" " 2C - Description - Correction of discrepancy opposite page 89 in Zoning Regulations

" 19 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeyer
County Board of Appeals
of Baltimore County

Appeal filed 3/27/69

RE: PETITION FOR SPECIAL HEARING
for Off-Street Parking (Section
409.2b(3)), and VARIANCE from
Section 238.2 of the
Zoning Regulations
NE corner Joppa and Engle Roads,
9th District
Saramides A. and Eve Macris,
Petitioners
Zoning File No. 68-176-ASPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Mr. and Mrs. Robert M. Donovan, Jr.
Protestants-Appellants

Misc. Docket No. 8
Folio No. 423
File No. 4191

CERTIFICATE OF NOTICE

Mr. Clerk:

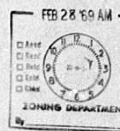
Pursuant to the provisions of Rule 1101-8 (4) of the Maryland Rules of Procedure, John A. Slowik, Walter A. Reiter, Jr., and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to the representative of every party to the proceeding before it, namely, C. John Serio, Esq., Suite 25, Central Savings Bank Building, Baltimore, Maryland 21202, Attorney for the Petitioners, and Manuel M. Nicolaidis, Esq., 546 Equitable Building, Baltimore, Maryland 21202, Attorney for the Protestants, and Mr. Charles Lilly, 1744 E. Joppa Road, Baltimore, Maryland 21234, Protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been mailed to C. John Serio, Esq., Suite 25, Central Savings Bank Building, Baltimore, Maryland 21202, Attorney for the Petitioners, and Manuel M. Nicolaidis, Esq., 546 Equitable Building, Baltimore, Maryland 21202, Attorney for the Protestants, and Mr. Charles Lilly, 1744 E. Joppa Road, Baltimore, Maryland 21234, Protestants, on this 27th day of March, 1969.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County

cc: Zoning
Mr. Robert L. Hinton, Land Acquisition



February 27, 1969

C. John Serio, Esq.
Central Savings Bank Bldg.
Baltimore, Maryland 21202

Re: File No. 68-176-ASPH
Saramides A. Macris

Dear Mr. Serio:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Muriel E. Buddemeyer

Encl.

cc: Mr. Charles Lilly
Mr. Robert Donovan
Mr. Robert L. Hinton
Mr. John G. Bass
Mr. Edward D. Harnisty
Mr. George E. Gervais

RE: PETITION FOR SPECIAL HEARING
for off-street parking (Sec. 409.2b(3))
and VARIANCE from Section 238.2
of the Zoning Regulations of
Baltimore County
Northeast Corner of Joppa and Engle Roads
9th District
Saramides A. Macris and Eve Macris
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-176-ASPH

OPINION

This case comes before the Board upon an appeal by the petitioner from a denial of the Deputy Zoning Commissioner. Since the original hearing before the Deputy Zoning Commissioner it has been determined and acknowledged by the petitioners and petitioner that the entire subject property is presently zoned B.R. At the time of the first hearing a discrepancy existed in the written descriptions involving the subject property. This discrepancy has been corrected by an Order of the Zoning Commissioner dated June 27, 1968. Since it has been resolved that the entire subject property is zoned B.R., the petitioner's request for a special hearing for off-street parking in a residential zone is no longer necessary and the question is moot. Therefore, this case upon appeal differs significantly from the case as originally heard by the Deputy Zoning Commissioner. The only remaining questions are one requesting a variance from Section 238.2 to permit 6' side yard on the east of the subject property, and a 20' side yard on the west instead of the required 30'; and secondly, a request for a variance from Section 409.2b(3) to permit seven parking spaces instead of the required sixteen spaces.

The subject property is located on the northeast corner of Joppa Road and Engle Road, in the 9th Election District of Baltimore County, and is presently improved by a dilapidated two-story frame building. This dwelling would be demolished if the petition is granted. The petitioner testified that he would erect and operate a small family run restaurant. It is proposed that same would be a one story structure approximately 20' x 40', with possible seating arrangements for thirty to thirty-five patrons. The restaurant would be operated by the petitioner, his wife and perhaps two to four other employees, and

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S. A. Macris - No. 68-176-ASPH

would be similar to an operation he has run in Baltimore City. The petitioner cited the commercialization along Joppa Road, including relatively new businesses such as Pep Boys' Stores, R.C.A. Service Center and Hoover Electronics, as evidence of reasonable need for his small restaurant. The petitioner testified that from his experience in this business he felt that the majority of his customers would come from his immediate commercial neighbors and that most would be walking patrons for lunch and dinner. The Board found this to be a reasonable conclusion.

There was little or no significant opposition to the variance for the rear and side yard setbacks, same coming only from the immediate property owners; one operating a commercial establishment with a paved parking area, and the other, a resident who had apparently at one time sought to sell her property to the petitioner for use in this proposed venture. As to the variance from the off-street parking regulation, the Board was impressed by the possible use of this site in such a manner as to possibly attract patrons who could walk to the establishment, thereby diminishing the need for on-site parking. Considering the above and the balance of the testimony presented, it is the judgment of the Board that it would be a practical difficulty for the petitioner to use this lot without the requested variances, and furthermore, it is the considered opinion, and the Board finds as a fact, that to grant these variances would not cause substantial injury to the public health, safety and/or general welfare of the surrounding area. Considering the practical difficulty involved, the granting of these variances would be in keeping with the spirit and intent of the regulations. Therefore, it is the judgment of this Board that the variances from Section 238.2 and Section 409.2b(3) of the Zoning Regulations shall be granted as requested.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of February, 1969 by the County Board of Appeals ORDERED, that the variances petitioned for and the same are hereby granted.

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S. A. Macris - No. 68-176-ASPH

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

John A. Slowik, Acting Chairman

Walter A. Reiter, Jr.

John A. Miller

May 18, 1969

Mr. Manuel M. Nicolaidis,
546 Equitable Building,
Baltimore, Maryland 21202

Baltimore County Board of Zoning Appeals,
County Office Building,
Towson, Maryland 21204

RE: Donovan et al v. Baltimore County Board
of Zoning Appeals
Misc. Case #4191

Gentlemen:

Cards were mailed to you stating that the above appeal had been assigned for a hearing on June 3. This is to notify you that the hearing has been postponed and it will be rescheduled at a later date.

Yours very truly,

John Cresson Turnbull
John Cresson Turnbull

JGT/atp

RE: PETITION FOR SPECIAL HEARING
for off-street parking (Sec. 409.2b(3))
and VARIANCE from Section 208.2
of the Zoning Regulations of
Baltimore County
Northeast Corner of Joppa and Engle Rd.
9th District
Serafina A. Macris and Eva Macris
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 68-176-ASPH

OPINION

This case comes before the Board upon an appeal by the petitioner from a denial of the Deputy Zoning Commissioner. Since the original hearing before the Deputy Zoning Commissioner it has been determined and acknowledged by the petitioner and petitioner that the entire subject property is presently zoned B.R. At the time of the first hearing a discrepancy existed in the written description involving the subject property. This discrepancy has been corrected by an Order of the Zoning Commissioner dated June 27, 1968. Since it has been resolved that the entire subject property is zoned B.R., the petitioner's request for a special hearing for off-street parking in a residential zone is no longer necessary and the question is moot. Therefore, this case upon appeal differs significantly from the case as originally heard by the Deputy Zoning Commissioner. The only remaining questions are one requesting a variance from Section 208.2 to permit 0' side yard on the east of the subject property, and a 30' side yard on the west instead of the required 30'; and secondly, a request for a variance from Section 409.2b(3) to permit seven parking spaces instead of the required sixteen spaces.

The subject property is located on the northeast corner of Joppa Road and Engle Road, in the 9th Election District of Baltimore County, and is presently improved by a dilapidated two-story frame building. This dwelling would be demolished if the petition is granted. The petitioner testified that he would erect and operate a small family run restaurant. It is proposed that same would be a one story structure approximately 20' x 40', with possible seating arrangements for thirty to thirty-five patrons. The restaurant would be operated by the petitioner, his wife and perhaps two to four other employees, and

S. A. Macris - No. 68-176-ASPH

would be similar to an operation he has run in Baltimore City. The petitioner cited the commercialization along Joppa Road, including relatively new businesses such as Pep Boys' Stores, R.C.A. Service Center and Hoover Electronics, as evidence of reasonable need for his small restaurant. The petitioner testified that from his experience in this business he felt that the majority of his customers would come from his immediate commercial neighbors and that most would be walking patrons for lunch and dinner. The Board found this to be a reasonable conclusion.

There was little or no significant opposition to the variance for the rear and side yard setbacks, same coming only from the immediate property owners; one operating a commercial establishment with a paved parking area, and the other, a resident who had apparently at one time sought to sell her property to the petitioner for use in this proposed venture. As to the variance from the off-street parking regulation, the Board was impressed by the possible use of this site in such a manner as to possibly attract patrons who could walk to the establishment, thereby diminishing the need for on-site parking. Considering the above and the balance of the testimony presented, it is the judgment of the Board that it would be a practical difficulty for the petitioner to use this lot without the requested variances, and furthermore, it is the considered opinion, and the Board finds as a fact, that to grant these variances would not cause substantial injury to the public health, safety and/or general welfare of the surrounding area. Considering the practical difficulty involved, the granting of these variances would be in keeping with the spirit and intent of the Regulations. Therefore, it is the judgment of this Board that the variances from Section 208.2 and Section 409.2b(3) of the Zoning Regulations shall be granted as requested.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of February, 1969 by the County Board of Appeals ORDERED, that the variances petitioned for be and the same are hereby granted.

S. A. Macris - No. 68-176-ASPH

Any appeal from this decision must be in accordance with Chapter 1102, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John A. Slawik, Acting Chairman

Walter A. Keller, Jr.

John A. Miller

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

C. John Serio, Esq.,
3 E. Lexington Street
Baltimore, Maryland 21202

SUBJECT: Special Hearing for off-street parking
in a residential zone, side yard
setback, rear yard setback in parking
variance, for Serafina A. Macris,
located N/E of Joppa Rd. 1/2 of Engle Road
9th District
(Item 9, November 7th, 1967)

Dear Sirs:

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

BUREAU OF ENGINEERING:

Road - Joppa Rd. 1/2 to be developed as a minimum 40' road on a 70' R/W. Engle Rd. is to be developed as a minimum 30' road on a 40' R/W.

BUREAU OF TRAFFIC ENGINEERING: AND PROJECT PLANNING DIVISION:

The plans should provide for a 50' R/W on Engle Road to provide for sidewalks on the East side of this road.

HEALTH DEPARTMENT:

Public water and sewer are available to the subject site. Prior to construction, renovation, indoor installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Control, Baltimore County, Dept. of Health for review and approval.

STATE ROADS COMMISSION:

There are no State roads involved; therefore, this office has no comment.

ZONING ADMINISTRATION DIVISION:

The committee is of the opinion that the site is not large enough to accommodate the proposed use. The seven parking spaces shown on the site plan represent less than half of the minimum required by the Zoning Regulations. If the petition should be granted and widening for side sidewalks required at the building permit stage, it is questionable that the seven spaces could be provided. This would require an additional Variance Hearing. If the petitioner should decide to continue with this hearing, it is suggested that (a.) an attempt be made to find the required number of parking spaces in the vicinity, within 200' of the proposed restaurant; (b.) if the parking cannot be found, the plans should be revised to indicate the 10 foot widening for sidewalks, and a revised parking layout indicating the number of spaces that can be provided after the widenings; (c.) the petition should then be revised accordingly.

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 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Bureau of Fire Prevention
Building Engineer
Board of Education
Industrial Development

Very truly yours,

cc: Carlyle Brown-Sur, of Engr.
C. Richard Moore-Sur, of Engr.
Albert V. Quimby-Project Planning
William Greenwell-Health Dept.
John Meyers-State Roads Comm.

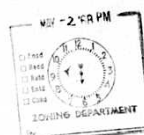
JAMES E. DYER,
Principal Zoning Technician

RE: Petition for Variance and Special Hearing-
NE corner Joppa Road and Engle Road
9th District - Serafina Macris, Petitioner -
NO. 68-176-A

NOTICE OF APPEAL

Please enter an Appeal from the Order of Edward D. Hardesty, Deputy Zoning Commissioner, dated April 11, 1968, in the aforementioned case, and forward all papers to the Board of Appeals of Baltimore County.

Serafina Macris
Serafina Macris
Eva Macris



No. 68-176-ASPH -- Serafina A. Macris and Eva Macris

Copy of Petition, description of property and Order of the Deputy Zoning Commissioner
Certificate of posting
Certificate of publications
Comments of Office of Planning
Order of Appeal
Plat filed with petition

1 sign

C. John Serio
Suite 25
Central Savings Bank Building
Baltimore, Md. 21202

Counsel for petitioner

Mr. Charles Lilly
1744 E. Joppa Road
Baltimore, Md. 21234

Protestant

Mr. Robert Donovan
876/ Engle Road
Baltimore, Md. 21234

Protestant

PETITION FOR VARIANCE AND SPECIAL HEARING

9th DISTRICT

ZONING:

Petition for Variance for Side & Rear Yards and
Parking.
Petition for Special Hearing for Off-Street Parking in
a Residential Zone.

LOCATION:

Northeast corner of Joppa and Engle Roads.

DATE & TIME:

MONDAY, FEBRUARY 5, 1968 at 1:00 P.M.

PUBLIC HEARING:

Room 108, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.

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

Petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard setback of 30 feet from the North 04 degrees 27' minute West 150 foot line instead of the required 30 feet; and to permit a rear yard setback of 3 feet instead of the required 30 feet. To permit 7 off-street parking spaces instead of the required 16 spaces. Petition for Special Hearing to permit off-street parking in a residential zone.

The Zoning Regulation to be excepted as follows:

Section 208.2 - Side and Rear Yards - 30 feet.
Section 409.2 b (3) - Dance Hall, night club or nightclub restaurant - 1 for each 50 square feet of total floor area.

All that parcel of land in the Ninth District of Baltimore County

Being the property of Serafina A. Macris and Eva Macris, as shown on plat plan filed with the Zoning Department.

Hearing Dates: Monday, February 5, 1968 at 1:00 P.M.
Public Hearings: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

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

January 15, 1968

C. John Serio, Esq.,
3 E. Lexington Street
Baltimore, Md. 21202

NOTICE OF HEARING

Re: Petition for Variance & Special Hearing for
Serafina A. Macris
68-176-A

TIME: 1:00 P.M.

DATE: Monday, February 5, 1968

PLACE: ROOM 108, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,
TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

AND FOR A SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

SARANDOS A. MACRIS and
EVA MACRIS, 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 Section 238.2 of the Zoning Regulations of Baltimore County
to permit a rear yard setback of 3' instead of the required 30'.
To permit a rear yard setback of 3' instead of the required 30'.

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

Section 409.2 b (3) To permit 7 off-street parking places instead
of the required 18 spaces, and for Off-Street
parking in a residential zone.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations
1 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
BY
Address

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day
of September, 1969, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be held before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 15th day of February, 1968, at 3:00 o'clock
P.M.

Zoning Commissioner of Baltimore County.

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

the above Variance should be had, and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this
day of 196, that the herein Petition for a Variance should be and the
same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition
and it appearing that by reason of failure to show practical difficulty and unreasonable
hardship the above VARIANCE should not be granted, and the permit for
off-street parking in a residential zone would adversely affect the health
safety and general welfare of the locality involved, therefore, should also
be DENIED.

the ZONING COMMISSIONER OF BALTIMORE COUNTY

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11 day
of April, 1968, that the above Variance be and the same is hereby DENIED,
and the permit for off-street parking in a residential zone is also DENIED.

DEPUTY Zoning Commissioner of Baltimore County

JOSEPH D. THOMPSON, P.E., C.E.
CIVIL ENGINEERS & LAND SURVEYORS

1150 101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION FOR ZONING VARIANCE
NO. 1742 JOPPA ROAD, 9th DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at the corner formed by the intersection of the north side
of Joppa Road, 40 feet wide, and the east side of Emge Road, 24 feet wide, and running thence
and landing on the east side of Emge Road North 11 degrees 02 minutes 06 seconds West 147
feet, more or less, thence leaving the east side of Emge Road and running North 82 degrees 59
minutes East 50.00 feet and South 11 degrees 02 minutes 06 seconds East 143 feet, more or less,
to the north side of Joppa Road, herein referred to and running thence and landing thereon South
79 degrees 36 minutes 48 seconds West 47.44 feet and South 77 degrees 23 minutes 50 seconds
West 2.5 feet, more or less, to the place of beginning.

CONTAINING 0.17 acres more or less.

SUBJECT to the proposed widening of Joppa Road as shown on Bureau of Land
Acquisition Baltimore County Plat KW-66-085-15.

Robert E. Spellman, Land Surveyor No. 4503

10-13-67

JOSEPH D. THOMPSON, P.E., C.E.
CIVIL ENGINEERS & LAND SURVEYORS

1150 101 SHELL BUILDING - 200 EAST JOPPA ROAD
TOWSON, MARYLAND 21204 • Valley 3-8820

DESCRIPTION OF A PARCEL OF LAND TO
BE USED FOR OFFSTREET PARKING IN A
RESIDENTIAL ZONE

BEGINNING for the same at a point on the west side of Emge Road at
the distance of 130.00 feet northerly measured along the east side of Emge Road
from the north side of Joppa Road said point being on the dividing line between
the BR and R6 zoned areas and running thence and landing on the east side of Emge
Road, north 11 degrees 02 minutes 06 seconds west 17 feet, more or less, thence
leaving the east side of Emge Road and running north 82 degrees 59 minutes east
50.00 feet and south 11 degrees 02 minutes 06 seconds east 143 feet, more or less,
to the dividing line herein referred to and running thence and landing thereon south
79 degrees 36 minutes 48 seconds west 50 feet, more or less, to the place of
beginning.

CONTAINING 775 square feet of land, more or less.

Robert E. Spellman, Land Surveyor No. 4503

10-27-67

Appeal filed 3/7/69

RE: PETITION FOR SPECIAL HEARING
for Off-street Parking (Section
409.2b(3)), and VARIANCE from
Section 238.2 of the
Zoning Regulations
NE corner Joppa and Emge Roads,
9th District
Sarandos A. and Eva Macris,
Petitioners
Zoning File No. 68-176-ASP
Mr. and Mrs. Robert M. Donovan, Jr.,
Protestants-Appellants

Misc. Docket No. 8
Folio No. 423
File No. 4191

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 1101-B (4) of the Maryland Rules of Procedure,
John A. Sawitz, Walter A. Reiter, Jr., and John A. Miller, constituting the County Board
of Appeals of Baltimore County, have given notice by mail of the filing of the Appeal to
the representative of every party to the proceeding before it, namely, C. John Serio, Esq.,
Suite 25, Central Savings Bank Building, Baltimore, Maryland 21202, Attorney for the
Petitioners, and Manuel M. Nicolaides, Esq., 546 Equitable Building, Baltimore,
Maryland 21202, Attorney for the Protestants, and Mr. Charles Lilly, 1744 E. Joppa Road,
Baltimore, Maryland 21234, Protestants, a copy of which notice is attached hereto and
prayed that it may be made a part thereof.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Valley 3-3000, Ext. 570

I hereby certify that a copy of the foregoing Certificate of Notice has been
mailed to C. John Serio, Esq., Suite 25, Central Savings Bank Building, Baltimore,
Maryland 21202, Attorney for the Petitioners, and Manuel M. Nicolaides, Esq., 546
Equitable Building, Baltimore, Maryland 21202, Attorney for the Protestants, and Mr.
Charles Lilly, 1744 E. Joppa Road, Baltimore, Maryland 21234, Protestants, on this 27th
day of March, 1969.

Edith T. Eisenhart, Secretary
County Board of Appeals of Baltimore County

cc: Zoning
Mr. Robert L. Hinton, Land Acquisition

Mr. & Mrs. Robert M. Donovan, Jr.

VS.

The County Board of Appeals
of Baltimore County

and

Sarandos A. and Eva Macris

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket # 8
Folio No. 423
File No. 4191

MOTION TO EXTEND TIME FOR TRANSMITTING RECORD

Now come Mr. & Mrs. Robert M. Donovan, Jr., by Manuel M.
Nicolaides, their attorney and moves pursuant to Rule b7 of the
Maryland Rules of Practice and Procedure that the time within to
file the Record of the Administrative Agency be extended and for
reasons say:

1. That C. Leonard Perkins, Court Reporter, has advised
that due to his heavy schedule and back log of work he will not be
able to complete a transcript of the record in this matter within
the time prescribed and has requested additional time, namely thirty
to forty days to prepare said transcript.

2. That the Administrative Agency needs an additional
time to prepare this Record for transmittal.

WHEREFORE, the movants pray that this Honorable Court
grant permission to extend the time for transmission of the Record.

Manuel M. Nicolaides
Attorney for Movants
546 Equitable Building
Baltimore, Maryland 21202
539-3703

Mr. & Mrs. Robert M. Donovan, Jr.

VS.

The County Board of Appeals
of Baltimore County

and

Sarandos A. and Eva Macris

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

AT LAW

Misc. Docket # 8
Folio No. 423
File No. 4191

ORDER

Upon the foregoing Motion this 11 day of April,
1969.

ORDERED that the time for transmitting Record is hereby
extended to 11 day of April, 1969.

JUDGE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 25, 1968
FROM: George E. Gavrilis, Director of Planning

SUBJECT: Petition #68-176-A. Northeast corner of Joppa & Emge Roads. Petition for
Variance to permit a side yard of Zero feet from the North 04 degrees 27 minutes
West 150 foot line instead of the required 30 feet and to permit a rear yard of
3 feet instead of the required 30 feet and to permit 7 off-street parking spaces
instead of the required 18 spaces. Petition for Special Hearing to permit
off-street parking in a residential zone.
Sarandos Macris - Petitioner

9th District

HEARING: Monday, February 5, 1968. (1:00 P.M.)

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

- As we have noted before, the Zoning Regulations state: "It is the intent of
these Regulations that adequate off-street parking spaces be provided for all
buildings, and that the requirements hereinafter set forth are and shall be
taken as absolute minimums, to be exceeded wherever feasible." The subject
property should be used for a purpose that will require fewer parking spaces,
in compliance with the Zoning Regulations.
- Even if the drastic reduction in the required number of spaces were to be
allowed, the site is too small to permit sufficiently free vehicle maneuvering.
(A ten-foot-wide strip of land on the westerly side of the lot is to be reserved
for the widening of Emge Road.)
- We have no comment with regard to the variances for side and rear yards.

TELEPHONE REG-3000 EXT. 287	INVOICE	No. 57810
BALTIMORE COUNTY, MARYLAND		
OFFICE OF FINANCE		DATE 4/23/60
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		FILED County Board of Appeals (Zoning)
TO: Almond M. Nicolaides, Esq. 546 Equitable Building Baltimore, Md. 21202		
REPORT TO ACCOUNT NO.	01.712	TOTAL AMOUNT \$10.00
QUANTITY	RETAIN THIS PORTION WITH YOUR REMITTANCE DETACH & GIVE PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COUNT
Cost of certified copies of documents - Case No. 66-176-ASPH Stamos A. and Eva Mirak ME corner Japan and Kings Roads 9th District		\$10.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

(over)

ORDER RECEIVED FOR FILING
DATE 4/1/68 J. Harris alk

Marcel E. Buddemeier
County Board of Appeals of Baltimore County

Dec. 15, 1967	Petition of Srnadas A. Macris and Eva Macris for special hearing for off-street parking (Section 409.2b(3)), and variance from Section 238.2 of Bellinore County Zoning Regulations, on property located on the northeast corner of Appo and Emgo Roads, 9th District - filed
" "	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for February 5, 1968 at 1:00 p.m.
Jan. 19, 1968	Certificates of Posting of property - filed
" 22	Certificate of Publication in newspaper - filed
Feb. 5	At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner - case held sub curia
Apr. 11	Order of Deputy Zoning Commissioner denying variance and off-street parking
May 2	Order of appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
Nov. 6 6	Hearing on appeal before County Board of Appeals - case held sub curia

10-13-64

cc: Mr. Charles Lillz
Mr. Robert Donovan
Mr. Robert L. Hinton
Mr. John G. Rose
Mr. Edward D. Hardisty
Mr. George E. Gayrell

C. JOHN SERIO
ATTORNEY AT LAW
CENTRAL SAVINGS BANK BUILDING
SUITE 41
BALTIMORE, MARYLAND 21202

April 30, 1968

Mr. John G. Rose
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Variance and Special Hearing -
NE corner Joppa Road & Emge Road - 9th Dist.
Sarandos Morris - Petitioner - NO. 68-176-A

Dear Mr. Rose:

Enclosed herewith you will find Notice of Appeal
in the above entitled matter, together with check payable
to Baltimore County, Maryland, in the amount of \$40.00.



Very truly yours,

C. John Serio

CJS:PH
encls.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: January 25, 1968
FROM: George E. Gavrellis, Director of Planning

SUBJECT: Petition #68-176-A. Northeast corner of Joppa & Emge Roads. Petition for
Variance to permit a side yard of Zero feet from the North 04 degrees 27 minutes
West 150 foot line instead of the required 30 feet and to permit a rear yard of
3 feet instead of the required 30 feet and to permit 7 off-street parking spaces
instead of the required 18 spaces. Petition for Special Hearing to permit
off-street parking in a residential zone.
Sarandos Morris - Petitioner

9th District

HEARING: Monday, February 5, 1968. (1:00 P.M.)

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

1. As we have noted before, the Zoning Regulations states "It is the intent
of these Regulations that adequate off-street parking spaces be provided for all
buildings, and that the requirements hereinafter set forth are and shall be
taken as absolute minimums, to be exceeded wherever feasible." The subject
property should be used for a purpose that will require fewer parking spaces,
in compliance with the Zoning Regulations.
2. Even if the drastic reduction in the required number of spaces were to be
allowed, the site is too small to permit sufficiently free vehicle maneuvering.
(A ten-foot-wide strip of land on the westerly side of the lot is to be reserved
for the widening of Emge Road.)
3. We have no comment with regard to the variances for side and rear yards.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 11, 1968

COUNTY OFFICE BUILDING
111 W. CHESTER AVE.
TOWSON, MD. 21204
JA. 8-8000

GEORGE E. GAVRELLIS
DIRECTOR
JOHN G. ROSE
ZONING COMMISSIONER

C. John Serio, Esquire
512 Lexington Street
Baltimore, Maryland 21201

RE: Petition for Variance and
Special Hearing - NE corner
Joppa Road and Emge Road -
9th District - Sarandos Morris,
Petitioner - NO. 68-176-A

Dear Mr. Serio:

I have this date passed my Order denying the above
captioned matter by reason of failure to show practical difficulty and
unreasonable hardship and the permit for off-street parking in a
residential zone would adversely affect the health, safety and general
welfare of the locality involved.

Very truly yours,

Edward D. Hardesty
EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH/jdr

cc: Mr. Charles Lilly
1744 E. Joppa Road
Baltimore, Maryland 21234

Mr. Robert Donovan
8707 Emge Road
Baltimore, Maryland 21234

C. VICTOR MURPHY
ATTORNEY

C. JOHN SERIO
ATTORNEY AT LAW
CENTRAL SAVINGS BANK BUILDING
SUITE 41
BALTIMORE, MD. 21202

February 25, 1968

Mr. Edward Hardesty
Deputy Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Sarandos A. Morris and
Eve Morris
No. 68-176-A
Property: 17 & E. Joppa Road

Dear Mr. Hardesty:

You will recall that at the time of the hearing on
the Petition for Variance in connection with the above matter,
Mr. Morris testified that he was in the process of purchasing
additional land.

I have now been informed by Mr. Morris that the
Company which he owns has purchased the fee simple property
known as 1732 E. Joppa Road. This property is zoned commercial
and has a frontage of 45 feet, more or less, and a depth of
152 feet.

Very truly yours,

C. John Serio

CJS:PH.

68-176-A

Elthymer - Rotten - now good BR.
Porticoes - would not be lit bldg -
already by B.W. Lerner (May 1967)

Sarandos - Now has restaurant at 1234
Greenmont Ave - family style
restaurant - dig on business & their
plants in mixed area which is
heavily commercial -

Protestants

Art H. Donovan - Emge Rd is narrow - traffic
3707 Emge - congestion - prop depreciation -

143'
15'
123'
65'
63'

C. John Serio, Esq.
312 Lexington Street
Baltimore, Maryland 21201

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

Your petition does not meet the Zoning Commissioner's requirements
for filing as per attached.

Owners Name: Sarandos A. Morris

Reviewed By: _____

John G. Rose
Zoning Commissioner

TELEPHONE
822-3300
EXT. 387

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 51764

DATE: Feb. 22, 1968

TO: Cash

06-422

QUANTITY

ADVERTISING AND POSTING OF PROPERTY FOR SARANDOS A. MORRIS
68-176-A

02.75

02.75

02.75

02.75

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IN GIBBS COURT
IN RE: HIGGINS

68-176

FOLDER NAME OR NUMBER	DATE	FOLDER NAME OR NUMBER	DATE	FOLDER NAME OR NUMBER	DATE
68-176-A	1/25/68				
68-176-A	1/25/68				
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PETITION FOR VARIANCE FROM SPECIAL ZONING
SUBJECT:
ZONING: Petition for Variance for Side & Rear Yards and Parking.
Petition for Special Hearing for: Off-Street Parking in a Residential Zone.
LOCATION: Northeast corner of Joppa and Empe Roads, DATE & TIME: MONDAY, FEBRUARY 5, 1968 AT 1:00 P.M.
PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard setback of zero feet from the North 64 degrees 17 minutes West 150 foot line instead of the required 20 feet, and to permit a rear yard setback of 3 feet instead of the required 30 feet. To permit 7 off-street parking spaces instead of the required 16 spaces. Petitioner for Special Hearing to permit off-street parking in a residential zone.

The Zoning Regulation to be accepted is as follows:
 Section 238.2 - Law and Order
 Yards - 30 feet.
 Section 409.2 (b) - Dance Hall, night club or restaurant
 1. For each 30 square feet of total floor area.

All that parcel of land in the Ninth District of Baltimore County

BEING: for the same as the corner bounded by 63.5 to the intersection of the north side of Joppa Road, 40 feet wide, and Joppa Road, 25 feet wide, and running thence and bounding on the east side of Empe Road North 11 degrees 02 minutes 06 seconds West 147 feet, more or less, thence bounding the east side of Empe Road and running North 82 degrees 59 minutes East 30.00 feet and South 11 degrees 02 minutes 06 seconds East 143 feet, more or less, to the north side of Joppa Road, herein referred to as running thence and bounding thence South 79 degrees 36 minutes 48 seconds West 47.64 feet, and South 77 degrees 23 minutes 50 seconds West 2.5 feet, more or less, to the place of beginning.

CONTAINING: 0.17 acres, more or less.
SUBJECT: to the proposed widening of Joppa Road shown on Bureau of Land Acquisition Baltimore County Plat BK 66-085-15.

DESCRIPTION OF A PARCEL OF LAND TO BE USED FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE

BEING: for the same as a point on the east side of Empe Road at the distance of 130.00 feet northerly measured along the east side of Empe Road from the north side of Joppa Road said point being on the dividing line between the P.4 and B6 named areas and running thence and bounding on the east side of Empe Road, north 11 degrees 02 minutes 06 seconds West 147 feet, more or less, thence bounding the east side of Empe Road and running north 82 degrees 59 minutes East 30.00 feet and south 11 degrees 02 minutes 06 seconds East 143 feet, more or less, to the dividing line herein referred to and running thence and bounding thence South 79 degrees 36 minutes 48 seconds West 47.64 feet, and South 77 degrees 23 minutes 50 seconds West 2.5 feet, more or less, to the place of beginning.

CONTAINING: 775 square feet of land, more or less.

Being the property of Burdette A. Morris and Eva Morris, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, February 5, 1968 at 1:00 P.M.
 Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

BY ORDER OF
 JOHN C. ROSE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Jan. 18

OFFICE OF THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
 Baltimore, Md.

THE HERALD - ARGUS
 Catonsville, Md.

No. 1 Newburg Avenue

CATONSVILLE, MD.

January 22, 1968

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTEAN, a group of weekly newspapers published in Baltimore County, Maryland, once a week for one week before the 2nd day of Jan., 1968, that is to say the same was inserted in the issues of January 1st, 1968.

THE BALTIMORE COUNTEAN

By *Paul J. Morgan*
 Edmund Monaghan
 679

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BY ORDER OF
 JOHN C. ROSE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Jan. 18

CERTIFICATE OF PUBLICATION

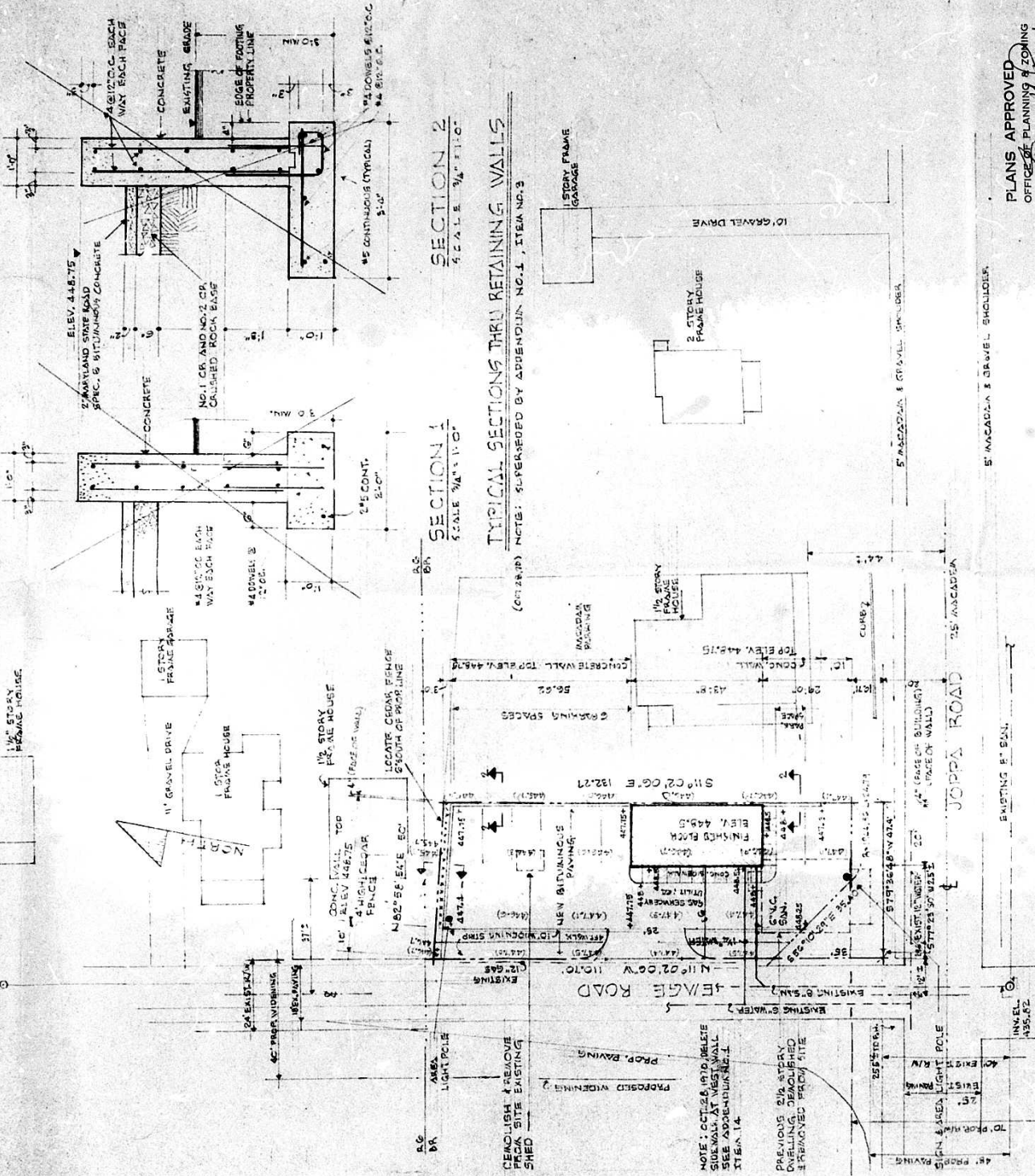
TOWSON, MD. JAN 18 1968

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 in each of one time week before the 5th day of JANUARY, 1968, the first publication appearing on the 18th day of JANUARY, 1968.

THE JEFFERSONIAN
Frank Struth
 Manager

Cost of Advertisement, \$.....

ENGINEERS AND SURVEYORS
TOPPERS BLVD. 200E TOPPER CT
TOPPER BLVD. MD. 27131-0001



PLOT PLAN

INCLUDING NEW & EXISTING TOP ELEVATIONS
SCALE 1" = 20'-0"
KEY: (000.0) EXISTING ELEVATION (TOP OF EXISTING TOPSOIL)
(400.0) NEW ELEVATION (TOP OF MACADAM) (CONCRETE)
ELEVATIONS BASED ON COUNTY 1443

9th ELECTION DISTRICT

7 PARKING SPACES, 9' WIDE X 30' LONG

VARIANCES
SECTION 238.2 TO PERMIT 0 SIDE YARD ON EAST AND 20 FT. SIDEYARD ON WEST INSTEAD OF REQUIRED 30 FT.

SECTION 409.2.B (3) TO PERMIT 7 PARKING SPACES INSTEAD OF THE REQUIRED 10

EXISTING ZONE BR WITH VARIANCE GROSS AREA 153 AC OFF STREET PARKING NET AREA 17 AC.

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *[Signature]*
DATE 11/17/71
6P-176

9th AND APPROVED
OFFICE OF PLANNING & ZONING
BY *[Signature]*
DATE 11/17/71
6P-176



OCTOBER 1, 1969 (NOVEMBER 27, 1970 REV.)
(OCTOBER 28, 1970 REV.)

SARANDOS, TOWNE & COUNTRY, INC.
BAGGE & JOPPA ROADS
BALTIMORE COUNTY, MARYLAND
Architects & Planners
223 West read street
Baltimore, Maryland

