



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

September 21, 2018

W. Carl Richards, Jr., Chief
Office of Zoning Review [MS 1105]
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

18-346
\$150.00 Paid

RE: 5200 Leeds Avenue
Case No.: 1972-0242-SPH
Tax ID No.: 13-02470170
State Tax Map No. 0101, Parcel No.: 1226
Spirit and Intent Finding

Dear Mr. Richards:

We have the pleasure of representing Ms. K.T. Lin *et al*, owners of the above-referenced property (the “**subject property**”). The subject property is presently zoned BL-CCC.

In 1972, the subject property was split zoned, BL and DR 5.5. At that time the owners filed a Petition for Special Hearing, in the above-referenced case, seeking approval of business related parking in the residentially zoned portion of the property. A copy of the Petition filed in that case and the Plat to accompany the Petition, as approved is included with this letter.

Also included with this letter are the following:

1. SDAT Real Property Search data sheet for the subject property;
2. My Neighborhood Property Report for the subject property;
3. My Neighborhood Zoning Map showing the subject property and other properties in the area;
4. My Neighborhood Aerial Photograph, with the subject property outlined in blue, and other properties in the area;

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5. Three (3) Google Map Street Views depicting: a) the front of the building located on the subject property; b) a view looking southwest depicting the subject property at the corner of Leeds and North Avenues; and c) a view looking west with the rear of the existing building on the left and the screened parking area behind the existing building; and
6. A current site plan, prepared by Little & Associates, Inc., showing the footprint of the existing building and improved and screened parking area in the rear.

Section 230.1.A.4. of the *Baltimore County Zoning Regulations* permits a carry-out restaurant as of right. Likewise Section 230.1.A.1. permits residential uses in the BL district. The approved 1972 Plat to Accompany Petition depicted a food store use on the first floor and a single-family residence on the second floor. In 1972, the reviewing agencies, including the then Office of Planning and Zoning, recommended approval of the uses.

The plat which accompanied the 1972 Petition, was approved on June 8, 1972 by the Director of the Office of Planning and Zoning for Baltimore County. Moreover, that plat filed as "Exhibit A" in the 1972 Petition case, including the uses identified, site layout, and parking configuration and number of parking spaces, was incorporated by reference and made a part of the Order approving the relief sought.

This letter is to request, on behalf of our clients, a determination that their use of the first floor of the building on the subject property for a carry out restaurant [requiring 6 parking spaces as shown on No. 6 above] and the second floor as a residence [requiring 2 parking spaces as shown on No. 6 above] is within the spirit and intent of the approvals obtained in the 1972 Zoning case, including without limitation, the uses and configurations shown on the plat incorporated as part of the Order. Please note that on the site plan incorporated as No. 6 above, the parking required is provided.

I have also enclosed this firm's check in the amount of \$150 representing the fee shown on the web published fee schedule for processing of a response to this

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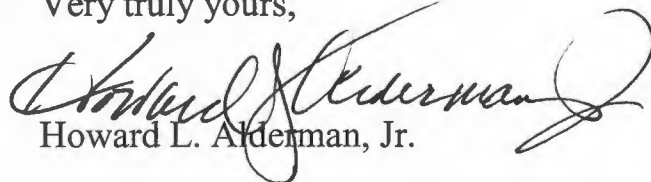


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request. If there is additional information that your staff needs to complete this request, please let me know as soon as possible. If someone will contact me or my assistant, Shelley Manning (410-321-4654), when the response is ready, I will have it picked up.

Thank you.

Very truly yours,



Howard L. Alderman, Jr.

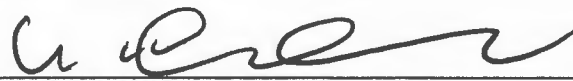
HLA/gk

Enclosures

c (w/out encl.): Ms. K.T. Lin *et al*
Little & Associates, Inc.

**Baltimore County Department of Permits,
Approvals and Inspections
Office of Zoning Review**

By countersigning this letter, I accept and agree that the uses and parking on the property as shown on the plan entitled "Site Plan Leeds Avenue (#5200), dated September 7, 2018, as prepared by Little & Associates, Inc. and submitted as enclosure No. 6 above, are within the Spirit and Intent of Zoning Case # 1972-0242-SPH, including the approved June 8, 1972 plat filed as Exhibit "A" in the proceeding/hearing, which was incorporated by reference in the Zoning Commissioner's final Order.

By:  9/24/18
W. Carl Richards, Jr., Chief

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
 Harry F. Blankner &
 I, or we, Carolyn C. Blankner, 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 Special
 Hearing under Section 506.7 of the Zoning Regulations of Baltimore County,
 to determine whether or not the Zoning Commissioner and/or Deputy Zoning
 Commissioner should approve off-street parking in a residential zone,
 that is necessary due to an undue hardship.

See attached description

ORDER RELAYED FOR FILING

Regulation is to be posted and advertised as prescribed by zoning
 Regulations. I agree to pay expenses of above Special Hearing 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: 5200 Leads Avenue, Arbutus
 Baltimore, Maryland 21227
 Petitioner's Attorney
 Address: 1236 Circle Drive, Arbutus
 Baltimore, Maryland 21227

ORDERED By the Zoning Co. "sioner of Baltimore County, this 17th
 day of March, 1967, 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
 the public hearing be had before the Zoning
 Commissioner of Baltimore County in Room 106, County Office Building in
 Towson, Baltimore County, on the 17th day of April, 1967,
 at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

PARTS OF LOTS 455, 456 & 457 BLOCK 3
 PLAT NO. 1 OF LINDEN HEIGHTS

Beginning for the same at a point on the southeast side of North Ave. 40 feet wide,
 distant northwesterly 93.57 feet from the intersection formed by the southwest
 side of North Ave. and the northwest side of Leads Ave. 40 feet wide; running
 thence binding on the southwest side of North Ave., north 43 degrees-10 minutes
 east 36.16 feet to the division line between lots numbers 55, 56, 57, and lot
 number 58, block 3, as shown on the plat no. 1 of Linden Heights, recorded among
 the land records of Baltimore County in Liber no. 5, folio 64; thence binding
 on said line south 31 degrees-50 minutes west 52.05 feet; thence south 48 degrees-
 10 minutes east 35.45 feet and north 31 degrees-50 minutes east 49.49 feet to the
 point of beginning.
 Containing 19,073.5
 square feet more or less



Deputy Zoning
 Surveyor

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiMenna, Zoning Commissioner Date: April 14, 1972
 FROM: George E. Gorrilla, Director of Planning
 SUBJECT: Petition #242-SPH. Southwest side of North Avenue 93.37 feet northwest
 of Leads Avenue.
 Petition for Special Hearing for Off-Street Parking in a residential zone.
 Harry F. Blankner and Carolyn C. Blankner - Petitioners
 14th District
 HEARING: Monday, April 17, 1972 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and
 has the following comments to offer:

In view of the shortage of parking spaces in the Arbutus Center we believe
 this proposal to be an appropriate one.

Any construction on the site however, should be conditioned to an approved
 site plan. Approval of a site plan by this office will be conditioned upon
 no lighting in the residential portion of the tract higher than 8 feet and
 provision of screening and/or landscaping along the North Avenue
 frontage.

GEG:NEG:cm

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
 JEFFERSON BUILDING
 TOWSON, MARYLAND 21204
 INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna
 FROM: Oliver L. Myers
 SUBJECT: Item 137 - ZAC - February 29, 1972
 Property Owner: Harry F. & Carolyn C. Blankner
 SW Corner Leads Ave. & North Ave.
 Special hearing for off-street parking in a
 residential zone
 Date: March 15, 1972

This department is in favor of the granting of the parking in
 a residential area but we would like to note that the existing parking
 space in the front of the property does not meet County standards.

Michael S. Flanigan
 Traffic Engineer Associate

NSF:mr

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 15, 1972

J. Gordon Flautt, Esq.,
 1236 Circle Drive, Arbutus
 Baltimore, Maryland 21227

RE: Type of Hearings Special Hearing
 Location: SW Cor. of Leads and North Avenues
 Petitioners: Harry F. and Carolyn C. Blankner
 Committee Meeting of Feb. 29, 1972
 13th District
 Item 137

Dear Sirs:

The Zoning Advisory Committee has reviewed the plan
 submitted with the above referenced petition and has made an
 on site field inspection of the property. The following
 comments are a result of this review and inspection.

The subject property is improved with a 2 1/2 story frame
 dwelling that is used as both a single family residence and a local
 grocery store. It is existing in a business local zone. However,
 the zone line crosses the rear portion of this property in the
 rear at approximately 35 feet from his property line. There is
 existing residences on both the south and northwest sides of this
 property and also on the north side of North Avenue. There is
 existing curb and gutter located on both Leads Avenue and North
 Avenue at this location. The properties in this area are all
 well maintained.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plan
 submitted to this office for review by the Zoning Advisory Committee
 in connection with the subject item.

General:

The plan should be revised to indicate the Petitioner's site
 improvements as they exist in the field, i.e. garage, driveway and
 entrance, tree and concrete slabs, etc.

Highways:

No further highway improvements are required at this time
 except for the replacement of concrete curb and gutter and sidewalk
 in connection with any relocation of the existing entrance on North

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 Re: Harry F. and Carolyn C. Blankner
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Avenue. However, a highway right-of-way widening strip, 5 feet in width
 along the Leads Avenue frontage together with a fillet area at the intersection
 with North Avenue, will be required in conjunction with any grading or
 building permit application.

The entrance locations are subject to approval by the Department
 of Traffic Engineering, and shall be constructed in accordance with
 Baltimore County Standards.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary
 or permanent) to prevent creating any nuisances or damages to adjacent
 properties, especially by the concentration of surface waters. Correction
 of any problem which may result, due to improper grading or improper
 installation of drainage facilities, would be the full responsibility of
 the Petitioner.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are available and serving
 this property.

BUILDINGS ENGINEER'S

Petitioner to comply with all applicable requirements of the
 Baltimore County Building Code and regulations when plans are submitted. Also,
 see Parking Lot: "Section 409.101".

FIRE DEPARTMENT'S

The Fire Department has no comment on the proposed site.

HEALTH DEPARTMENT'S

Metropolitan water and sewer are available to the site, therefore,
 no health hazards are anticipated.

BOARD OF EDUCATION:

No bearing.

ZONING ADMINISTRATION DIVISION:

Although the petitioner's site plan does not indicate the existing
 garage that is located on the rear portion of this property, we feel that this

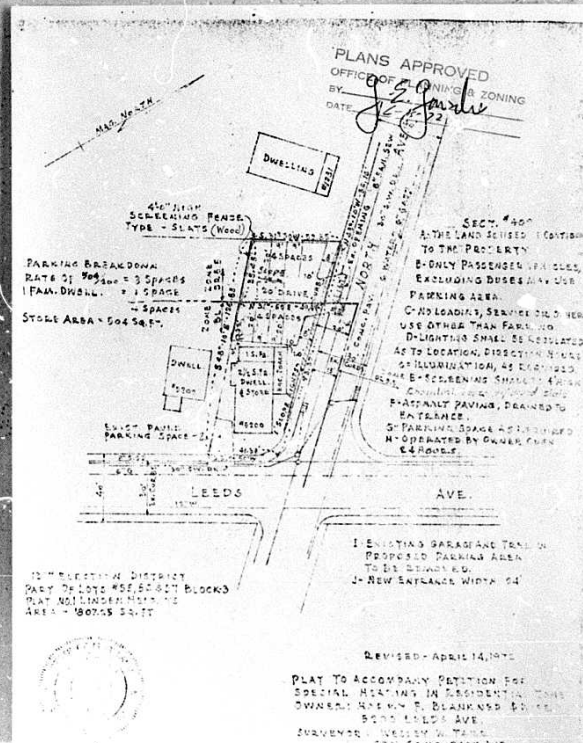
J. Gordon Flautt, Esq.,
 Re: Harry F. and Carolyn C. Blankner
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is insignificant since the existing garage will be removed prior to any
 extension of parking in this area. We concur with the Dept. of Traffic
 Engineering that the proposed driveway width does not have to be as
 large as shown on the site plan. Reviser plans prior to the hearing
 should indicate this revised entrance and also indicate the 4 foot high
 screening to extend along the southern property line against all of the
 off street parking area.

This petition is accepted for filing on the date of the enclosed
 filing certificate. Notice of the hearing date and time, which will be
 held not less than 30, nor more than 90 days after the date on the filing
 certificate, will be forwarded to you in the near future.

Very truly yours,
 Oliver L. Myers
 OLIVER L. MYERS, Chairman

JGD:JD
 Enc.



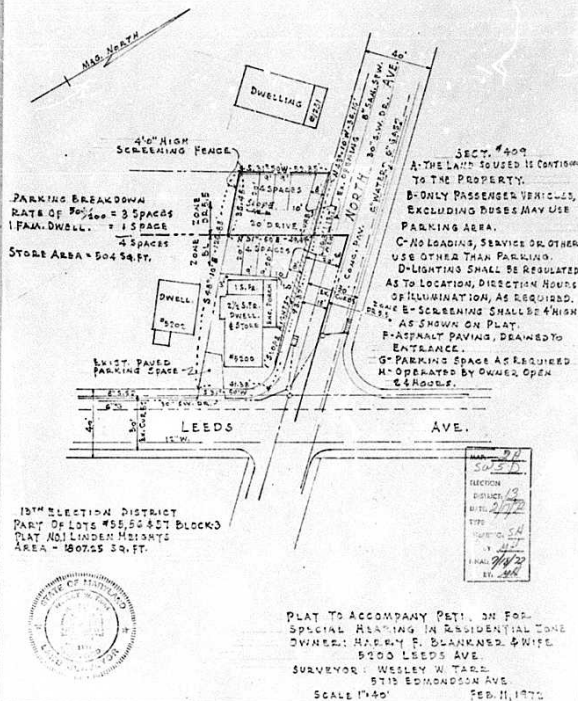
the above Special Hearing for off-street parking in a residential zone in accordance with the plan revised April 14, 1972, and approved June 8, 1972, by George A. Cavrellis, Director of the Office of Planning and Zoning for Baltimore County, said plan having been filed as "Exhibit A" in this proceeding, and which is incorporated by reference hereto as a part of this Order,---should be granted.

THIS IS ORDERED by the Honorable Commissioner of Baltimore County this _____ day of June _____, 1972, that the herein Petition for _____ for off-street parking in a residential zone Special Hearing should be and the same is granted, from and after the date of this order, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196__, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



BALTIMORE COUNTY, MD. Apr 11 8, 1972

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 17th day of April, 1972, the first publication appearing on the 30th day of March, 1972.

THE TIMES

Cost of Advertisement, \$24.00
 PO J 0027
 Reg. No. 0 921

TOWSON, MD, March 30, 1972

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~~ at one time ~~at one time~~ before the 17th day of April, 1972, at the ~~time~~ time appearing on the 30th day of March, 1972.

THE JEFFERSONIAN

Cost of Advertisement, \$.....

BALTIMORE DUNTY, MAYBOND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 3147

DATE April 14, 1972 ACCOUNT 01-663

AMOUNT \$19.00

DIST. - BUREAU
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Harry P. Manabara
5800 Leeds Ave.
Baltimore, Md. 21227
Advertising and printing of property
712-215-0881

4900 MC

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: MARCH 31-1972
 Posted for: SPECIAL AGENT
 Position: HARRY F. BLANKED
 Location of property: SW 1/4 OF NORTH AVE. 93 FT. NW OF LEADS AVE.
 Location of Sign: 3/4 OF NORTH AVE. 30 FT. W. OF E. LEADS AVE.
 Remarks:
 Posted by: Charles H. Neal Date of return: APRIL 10-1972

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	date
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: 			Revised Plans: Change in outline or description _____ Yes _____ No						
Previous case: _____			Map # _____						

J. Gordon Flouitt, Esq.,
1236 Circle Drive, Arbutus
Baltimore, Maryland 21227

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 7th day of March 1971

Eric Dineen
E. ERIC DINEEN,
 Senior Commissioner

Petitioners: Harry F. and Carolyn C. Gladness

Petitioner's Attorney: Jordan Elvitt

Reviewed by Oliver J. Murray
Chairman of
Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 2104
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE March 27, 1972 ACCOUNT 01-661

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Harry F. Blankner
5200 Leeds Ave.
Baltimore, Md. 21227

Petition for Spanish Hearing
#72-242-SPH

250