

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ROGER W. LEE and
EDNA M. LEE, his wife, legal owners, of the property situate in Baltimore
County and which is described in the description and plat attached hereto and made a part hereof,
hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant
to the Zoning Law of Baltimore County, from an RDP (non-conforming use) zone to an
B1 zone, for the following reasons:

And a Variance to Section 232.2 to permit a side yard of
2 feet instead of the required 50 feet.

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore
County, to use the herein described property, for:

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

By Richard E. Lee Contract purchaser
of the Joint Venture By
Richard E. Lee
305 W. Allegheny Avenue
Baltimore, Maryland 21204
Address: TOWSON, Maryland 21204
Protestant's Attorney
By Charles E. Brooks
305 W. Allegheny Avenue
Baltimore, Maryland 21204
Address: TOWSON, Maryland 21204
Protestant's Attorney

ORDERED BY THE Zoning Commissioner of Baltimore County, this 13th day
of October, 1972, 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 12th day of March, 1973, at 10:00 o'clock.

(over)

RE: PETITION FOR RECLASSIFI- : BEFORE THE
CATION AND VARIANCE : DEPUTY ZONING
E/S of York Road, 940' N of : COMMISSIONER
Downes Road - 7th District : OF
Roger W. Lee - Petitioner :
NO. 73-210-BA (Item No. 20) : BALTIMORE COUNTY

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore
County this 9th day of April 1973, that the Order dated April 6, 1973,
passed in this matter should be and the same is hereby AMENDED to include
the following:

"that the above Variance be and the same is hereby DENIED,"

James E. Dyer
Deputy Zoning Commissioner of
Baltimore County

RE: PETITION FOR RECLASSIFICATION : BEFORE
from R.D.P. to B.L., and : COUNTY BOARD OF APPEALS
VARIANCE from Section 232.2 of :
the Zoning Regulations : OF
E/S of York Road, 940' :
N. of Downes Road : BALTIMORE COUNTY
7th District :
Roger W. Lee, et ux : No. 73-210-BA
Petitioners :

OPINION

This case comes before the Board on an appeal by the Petitioners from an
Order of the Deputy Zoning Commissioner. Said Order denied a requested reclassification
to B.L. from R.D.P. A variance from Section 232.2 to permit a side yard setback
of 2 feet instead of the required 50 feet was also denied. The subject property contains
approximately 0.411 acre and is located on the east side of York Road approximately 940
feet north of Downes Road, opposite Bentley Road, in the Seventh Election District of
Baltimore County. The Baltimore-Harrisburg Expressway abuts the rear of this property.
The property lies between the Parkton and the Maryland Line exits of the Expressway (I-83).
The subject property has apparently been operated as a small neighborhood tavern for many
years, well before the adoption of the zoning maps. According to testimony, this
tavern is one of the oldest continuing businesses on the York Road. Roger W. Lee, the
petitioner, is 70 years of age and has owned this property since 1947. His sons and their
wives now operate the tavern. The existing structure (see photos - Petitioners'
Exhibits 3-A thru 3-D) is old and in poor condition.

If this petition is granted, the owners plan to erect a new building to house
the tavern. The existing building is about 900 square feet. The new building, if
permitted, would be approximately 1,500 square feet and would cost about \$40,000. The
Petitioners could expand the existing structure to 1,200 feet under the nonconforming use
law, but because of the poor physical condition of the building this would not be practical.
The variance is sought so that the new tavern can be located on the high side of the lot.
According to the Petitioners and their real estate expert, the relocation of the tavern on the
lot will aid ingress and egress at the site, provide better off-street parking, and enable the
location of the septic system to be in a more advantageous spot.

Roger W. Lee - #73-210-BA

The Liquor Board recently (1972) upgraded the existing license at this
location from a Class D (Beer and Wine) to a Class D (Beer, Wine and Liquor) license,
thereby, in accordance with their regulations, recognizing the increasing need for this
facility at this location. The sole question to be decided by this Board is whether or not
the County Council erred in not zoning the subject property B.L. Did the County Council
err in not recognizing this long time tavern use? The real estate expert for the
Petitioners thinks so. He testified that all other existing commercial entities on the
York Road, between the Maryland Line and its intersection with I-83, were placed in
commercial zones by the County Council. This expert saw no difference between the
subject property and these other locations, nor any reason why the County Council would
want to exclude this one existing use. He concluded that the County Council should
have extended this same consideration to the subject property as it saw fit to do to all other
existing commercial sites.

The Board is inclined to agree with this reasoning. Testimony indicated
that the long time owner of this commercial property and business had no knowledge of the
impending adoption of the maps in 1971 and made no request that his property be included.
It would be unreasonable to expect the County Council to know of this particular situation
unless they were so informed by the property owner. Nevertheless, the Board feels
confident that if the County Council had known these facts in March of 1971, they would
indeed have placed this location on the map as B.L. as they did the other then existing
commercial uses in this rural location. This Board can see no distinction between the
subject property and the small B.L. piece placed on the map on the west side of York Road
just a few hundred feet south of the subject property. Testimony before this Board shows
that at this time the tavern continues to operate, while the gas pumps and commercial
activity at the nearby B.L. spot has stopped. Frankly, in reviewing the map and con-
sidering carefully the nature of this rural area, this Board is convinced that if the County
Council had been made aware of the facts as we now know them, they would have zoned
this 0.411 acre site B.L. just as it did the other five or so existing commercial spots that
serve this neighborhood. There were no Protestants.

Roger W. Lee - #73-210-BA

As to the requested variance, the Board is satisfied that to deny same would
present the Petitioners with a practical difficulty in construction of the new tavern. The
relocation to the high side of the lot makes sense, and would seemingly aid the parking and
the traffic flow in and out of the lot. The grade of the lot dictates the usage of the
north side. The general welfare of the immediate community will be unaffected by the
granting of the variance.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 2nd day
of August, 1973, by the County Board of Appeals, ORDERED that the reclassification
from R.D.P. to B.L. petitioned for, be and the same is hereby GRANTED, and

IT IS FURTHER ORDERED that the variance from Section 232.2 of the Zoning
Regulations to permit a side yard of 2 feet instead of the required 50 feet petitioned for, be
and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100,
subtitle 8 of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slawik, Chairman

Walter A. Kober, Jr.

John A. Miller

C. A. Myers

State Registered Survey No. 2783

EMORY ROAD - UPPERCO, MARYLAND 21855 - GAfield 9-507

ALL that lot or parcel of land situate, lying and being in
the Seventh Election District of Baltimore County, State of
Maryland, and described as follows, that is to say:

BEGINNING in the centerline of York Road at a point measured
940 feet Northeasterly from the intersection of the centerlines
of York Road and Downes Road, said beginning point also being
at the end of the South 5 degrees West 22 perches line in a Deed
from John Mays Little, Attorney to Roger W. Lee and wife, dated
June 15, 1943, recorded among the Land Records of Baltimore
County in Liber R.J.S. No. 1287 folio 477 etc., thence binding
on said Deed, South 79 degrees 18 minutes East 132.20 feet to
the Northwesternmost right of way line of the Baltimore-Harrisburg
Expressway, 300 feet wide, thence running along the Northwest side
of that expressway, North 16 degrees 01 minute 30 seconds East
131.66 feet, thence by a line of division, North 81 degrees 13
minutes 30 seconds West 146.64 feet to the center of York Road
and to intersect the first above mentioned Deed line, thence
binding on that Deed and running in the center of York Road,
South 9 degrees 44 minutes West 126.18 feet to the place of
beginning, containing four hundred and eleven thousandths of an
acre (0.411) of land more or less.

BEING a part of the same land described in a Deed from John
Mays Little, Attorney, to Roger W. Lee and Mary Edna Lee, his
wife, dated June 15, 1943, recorded among the Land Records of
Baltimore County in Liber R.J.S. No. 1287 folio 477 etc.

AS surveyed July 25, 1972.

C. A. Myers
C. A. Myers, Surveyor

Mr. Richard Eugene Lee
Page Two
September 5, 1973

The total offstreet parking requirement would be twenty-nine
(29) spaces.

If further explanation or additional information is required, please
feel free to contact this office.

Very truly yours,

Eric D. Nenna
ERIC D. NENNA
Zoning Commissioner

SED:JBB:gc

cc: Mr. James E. Dyer
Deputy Zoning Commissioner

Mr. James B. Byrnes, III
Zoning Technician III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric D. Nenna, Zoning Commissioner
TO: James E. Dyer, Deputy Zoning Commissioner Date: February 14, 1973
FROM: John A. Slawik, Jr., Chairman
SUBJECT: Roger W. and Edna M. Lee
Item 20 - 4th Zoning Cycle

A review of revised plat indicates that the parking problem
as noted in the Department of Traffic Engineering's comments was
not corrected on the revised site plan. The Attorney was notified,
unfortunately too late to add variance to petition. It is
suggested that a smaller building that would accommodate the amount
of cars that could be parked on the property be considered.

John A. Slawik, Jr.
JOHN A. SLAWIK, JR.,
Zoning Technician III

JDDjr:JDD

RE: PETITION FOR RECLASSIFICATION AND VARIANCE : BEFORE THE
E/S of York Road, 940' N of : DEPUTY ZONING
Downes Road - 7th District : COMMISSIONER
Roger W. Lee - Petitioner : OF
NO. 73-210-RA (Item No. 20) : BALTIMORE COUNTY

This Petition represents a request for a Reclassification from a R.D.P. Zone to a B.L. Zone, and a Variance to permit a side yard of ten feet instead of the required fifty feet. The property is located on the east side of York Road, 940 feet north of Downes Road in the Seventh Election District of Baltimore County.

The Petitioner's attorney proffered the following testimony. The property is presently improved with a frame and cinder block building that has been utilized as a non-conforming tavern since 1947. The liquor license, that has been in effect since that time, was recently transferred to the Petitioner's son, at which time a need for a liquor license at this location was established. A permit for major improvements was subsequently denied because of the present non-conforming status of the property. The Petitioner felt that since the tavern has been an established part of the community for many years, it should have been recognized as such and designated as commercial on the Comprehensive Zoning Map. It was also pointed out that the only property in the area with a commercial designation is not occupied at this time.

The Baltimore County Department of Public Works' comments regarding the subject Petition, indicated that public water and sewer are not available to serve the property. The property is located beyond the boundary of the Baltimore County Metropolitan District and is not included within the limits of the Baltimore County Comprehensive Water and Sewerage Plan as amended October 1971.

Planning Board recommendations with regard to the Petitioner's request

state in part:

"The Planning Board recognizes the current use of the property as non-conforming. In adopting R.D.P. zoning here on the Comprehensive Zoning Maps, the County Council affirmed the non-conforming use status of the existing tavern; the Planning Board believes the zoning map is correct. Further, the Board is of the opinion that to grant commercial zoning here would be spot zoning."

The recently amended Baltimore County Zoning Regulations established two separate and distinct basic zones for rural areas that are presently without benefit of public utilities, and are located outside the urban rural demarcation line. The R.S.C. Zone (Rural Suburban Conservation) was established for areas that do not have, and are not expected to have, utilities at any future date. The R.D.P. Zone (Rural Deferred Planning) was established for those rural areas that are expected to be served with public utilities at some future date. The exception to this rule is set forth under Subsection 1A00.1 Subparagraph 2d which states certain existing areas of compact development, such as certain approved subdivisions or immediate environs of typical rural business centers which are not normally to be classified as R.D.P. The regulations further provide that land classified as R.D.P., shall not be reclassified (rezoned) until such time as documents are provided indicating that the land to be reclassified is to be serviced by public sewerage and water supply systems within a period of six years after the time of consideration with respect to the zoning classification.

The Petitioner has not attempted to establish that water and sewer facilities will be supplied to his site. Therefore, he must base his case entirely upon whether or not the map is in error in placing an R.D.P. zoning designation on the subject property.

After reviewing the above testimony and facts presented in this case, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has failed to meet his burden of proving error. Testimony did not establish that the area in which the tavern is located is a rural business center or environ.

Commercial zoning on this property would amount to a spot zone.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6TH day of April 1973, that the above Reclassification be and the same is hereby DENIED, and that the above described property or area be and the same is hereby continued to remain a R.D.P. Zone.

James E. Lee
Deputy Zoning Commissioner of
Baltimore County

IN RE: ROGER W. LEE and
EDNA M. LEE, his wife
YORK ROAD, SPARKS, MARYLAND
RECLASSIFICATION FROM AN
RDP (non-conforming use)
ZONE TO A BL ZONE

Petitioner

BEFORE THE ZONING DEPARTMENT
OF BALTIMORE COUNTY

MEMORANDUM IN SUPPORT OF REQUEST FOR
RECLASSIFICATION OF SUBJECT PROPERTY

Roger W. Lee and Edna M. Lee, legal owners, allege and aver that the original zoning designated for the subject property is in error in that:

a. The subject property has existed as a commercial use within Baltimore County for the last thirty-five (35) years and has during that period of time held a license for the distribution of alcoholic beverages.

b. The owners were not aware that any zoning had altered for the subject property and did not at the time of the adoption of the original maps contest the designation of the same as an R.D.P. zone but rather assumed that their commercial enterprise which had existed for an extensive number of years would be recognized and approved by the appropriate zoning authorities of Baltimore County, Maryland.

c. And for such other and further reasons as may be set forth at the time of any hearing hereon.

Charles E. Brooks
Brooks & Turnbull
305 W. Allegheny Avenue
Towson, Maryland 21204
291-2600
Attorneys for Petitioner

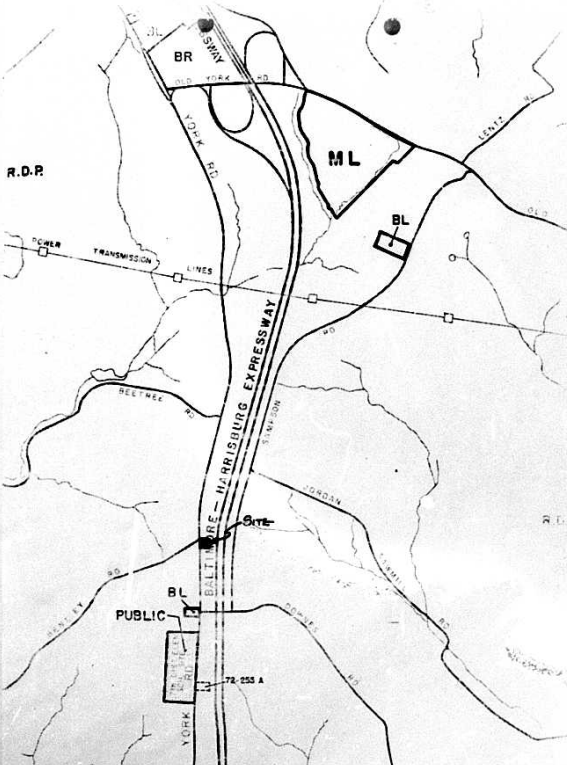
BROOKS & TURNBULL
305 WEST ALLEGHENY AVE.
TOWSON, MD. 21204
291-2600

ORDER RECEIVED FOR FILING

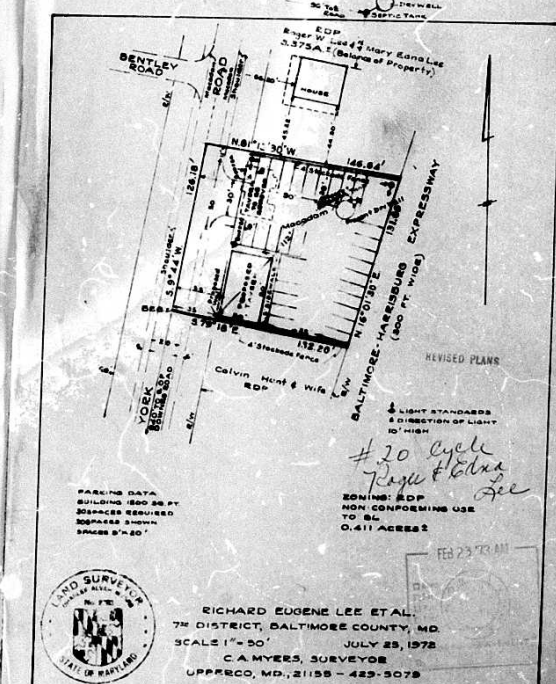
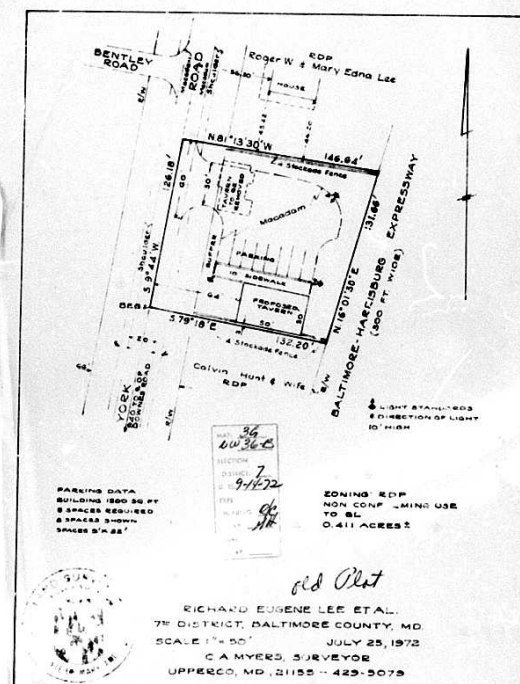
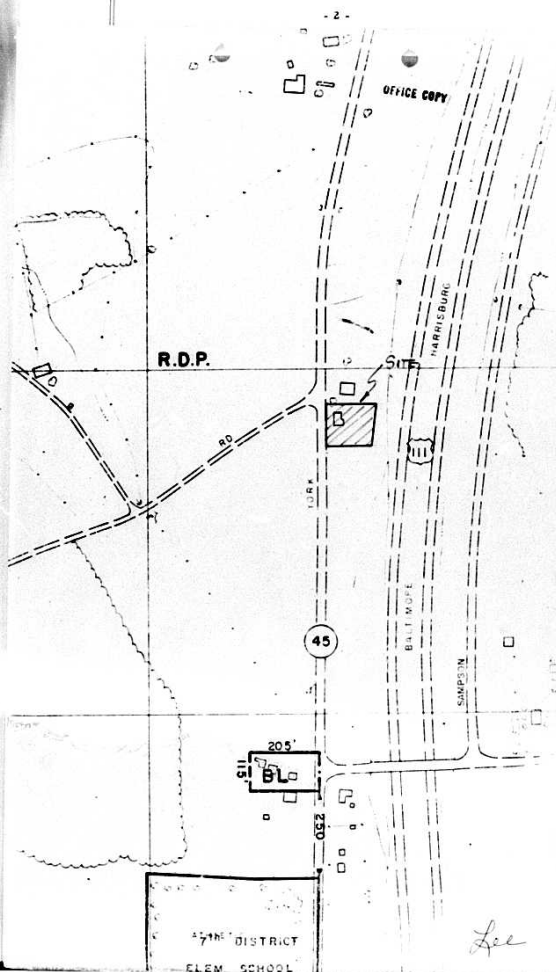
DATE *April 1973*

BY *John P. Hays*

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BALTI
OF PL



DEC 10 1973

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 13, 1972

OFFICE OF ENGINEERING
1115 N. TOWSON AVE.
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.
Chairman

MEMBERS:

JOHN J. DILLON, JR.

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Charles E. Brooks, Esq.,
Brooks & Turnbull
305 W. Allentown Avenue
Towson, Maryland 21204

RE: Reclassification Petition
Item 20
Robert W. Lee and Edna M. Lee - Petitioners

Dear Mr. Brooks:

The Zoning Advisory Committee has reviewed the plans 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 located on the east side of York Road, 940 feet northeast of Domes Road, in the 7th District of Baltimore County. This RDP property which contains 0.411 acres is currently improved with an existing frame and cinder block building that is used as a tavern. It is located right on the existing right of way line of York Road and the only parking available to this site is along the shoulder of York Road and on a small gravelled surface area just to the south of this structure. The property immediately adjoining this site is also owned by the petitioner and is improved with their residence. The properties immediately to the south and west are unimproved at this time. This existing tavern now apparently enjoys the luxury of a non-conforming use.

The petitioner's site plan doesn't indicate the location of the existing or the proposed septic system of this tavern, nor does it indicate the existing septic system of the Lee home. It should also indicate the amount of land that is owned by the Lee's in addition to that shown on the site plan.

The attorney is advised to familiarize himself with Section 1A-00.2 of the Zoning Regulations which set forth the requirements for a Reclassification from an RDP property to another zone. Also, revised site plans should be submitted that reflect those comments of the Bureau of Engineering, State Highway Administration, the Department of Traffic Engineering, and the Project Planning Office. He should also pay particular attention to those comments of the Health Department.

This petition is accepted for filing on the date of the enclosed filing certificate. However, all corrections to site plans as requested shall be submitted to this office prior to

Charles E. Brooks, Esq.,
Item 20
Page 2
October 13, 1972

Thursday, February 1, 1973 in order to allow time for advertising. Failure to comply may result in this petition not being scheduled for a hearing. Notice of the hearing date and time, which will be between March 1, 1973 and April 15th, 1973 will be forwarded to you in the near future.

Very truly yours,
John J. Dillon, Jr.
JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJD:JD

Enclosure

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH H. DYER, P. E. CHIEF

October 12, 1972

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #20 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Robert W. & Edna M. Lee
York Rd., 940' N/E of Domes Rd.
Present Zoning: R.D.P.
Proposed Zoning: Reclass. to B.L.
District: 7th No. Acres: 0.411 acre

Dear Sir:

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

Highway and Storm Drain Comments:

York Road and the Baltimore-Harrisburg Expressway are State Roads; therefore, all improvement, intersections, entrances and drainage facilities are subject to the requirements and approval of the State Highway Administration.

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.

Sanitary Sewer and Water Comments:

The subject property is located beyond the boundary of the Baltimore County Metropolitan District and is not included within the limits of the Baltimore County Comprehensive Water and Sewerage Plan, as amended October 1971.

Public water supply and sanitary sewers are not available to serve this property; therefore, a private water supply and sewage disposal system must be provided in accordance with the requirements and regulations of the Health Department.

Item #20 (Cycle Zoning IV Oct. 1972 - April 1973)
Property Owner: Robert W. and Edna M. Lee
Page 2
October 12, 1972

Sediment Control Comments:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

Ellsworth H. Dyer
ELLSWORTH H. DYER, P.E.
Chief, Bureau of Engineering

END:EAH:RDW:es

NW 36 B 2001 Topo
M2 NW 6 Position Sheet
RD-2B Key Sheet
7 Tax Map

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

ELLSWORTH J. CLAYTON, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

October 31, 1972

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning IV
Item 20 - ZAC - Oct. 72 to Apr. 73
Property Owner: Robert W. & Edna M. Lee
York Rd NE of Domes Road
Reclass. from RDP to BL
District 7

Dear Mr. DiMenna:

The subject petition is requesting a zoning reclassification from RDP to BL. As presently zoned, this site would generate approximately 12 trips per day. The proposed zoning would generate approximately 200 trips per day.

The petitioner is reminded that a tavern requires one parking space per 50 square feet and is advised to resubmit plans showing the proper amount of parking.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc

Maryland Department of Transportation
State Highway Administration

September 28, 1972

Harry R. Hughes
Secretary
David H. Fisher
Administrator

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Ad. Com. Meeting
of Tuesday, Sept. 26, 1972
Reclassification:
Property Owner: Robert W. &
Edna M. Lee
Location: York Road (Route 45)
940' N/E of Domes Road
Present Zoning: R.D.P.
Proposed Zoning: Reclass. to B.L.
Districts 7
No. Acres: 0.411 acres

Dear Mr. DiMenna:

The entire frontage of the subject site must be improved with curb and gutter and additional paving.

The roadside face of curb is to be 24" from and parallel to the centerline of York Road. The right of way line or parking lot buffer must be curbed with concrete.

Stopping sight distance is less than desirable but does meet minimum requirements.

The entrance will be subject to State Highway Administration approval and permit.

Very truly yours,

Charles Lee, Chief
Development Engineering Section
John E. Meyers
John E. Meyers
Asst. Development Engineer

CLJ:EMH



Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
872-7210

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. J. Austin Deitz, Chief
Zoning Advisory Committee

Re: Property Owner: Robert W. and Edna M. Lee

Location: York Road, 940' N/E of Domes Road

Item No. 20

Zoning Agenda IV ZONING CYCLE
October 1972- APRIL 1973

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at
- () 4. EXCEEDS the maximum allowed by the Fire Department.
- () 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 6. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 7. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *John E. Meyers* Noted and Approved:
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

ms
1/25/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

September 29, 1972

DONALD A. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Reclassification of Lee Property, Zoning Advisory Committee Meeting, September 26, 1972, are as follows:

Property Owner: Roger W. and Edna M. Lee
Location: York Road, 940' N/E of Downes Road
Present Zoning: R.D.P.
Proposed Zoning: Reclassification to B.L.
District: 7
No. Acres: 0.411

Complete soil evaluation must be conducted and approved water well must be completed prior to issuance of building permit.

This is a critical area for soil percolation. Lot size is less than one acre.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnz

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 23, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #20

Property Owner: Roger W. and Edna M. Lee
Location: York Road, 940' N/E of Downes Road
Present Zoning: R.D.P.
Proposed Zoning: Reclass from R.D.P. to B.L.

District: 7
No. Acres: 0.411 acres

Dear Mr. DiNenna:

No student yield from the existing zoning since the minimum for R.D.P. zoning is one (1) lot per acre. Also, no yield can be realized from a B.L. zone.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WHP:ld

* BARBARA WILLIAMS, J.P. - SECRETARY
* JAMES M. DROGGER, VICE-PRESIDENT
* MRS. ROBERT L. BOWEN

* EUGENE J. HESS
* RUSSELL ANAST
* ALVIN LEBRON
* JOSHUA W. WINKLER, SUPERINTENDENT

* H. EMBLE PARKS
* RICHARD A. TRACEY, V.M.D.
* MRS. RICHARD A. WUELFEL

Baltimore County, Maryland OFFICE OF THE BUILDINGS ENGINEER DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204

C. Elmer Hoppert, Jr.
BUILDINGS ENGINEER

October 5, 1972

GERARD J. DIETZ
DIRECTOR

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

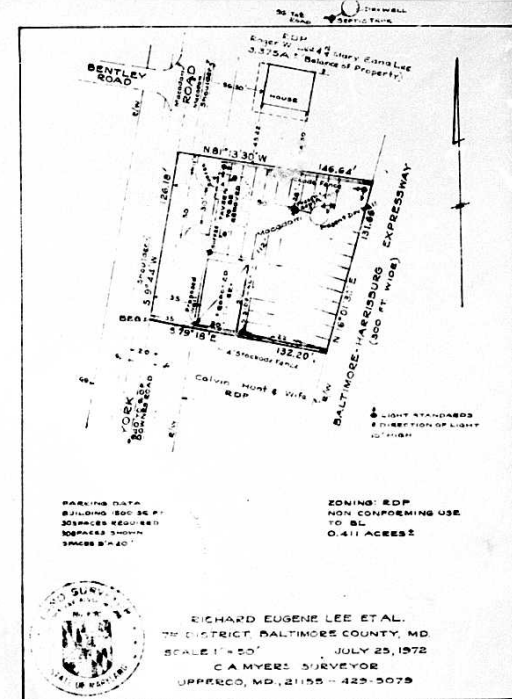
Comments on "Reclassifications" Zoning Advisory Committee Meeting, September 26, 1972 are as follows:

Property Owner: Roger W. and Edna M. Lee
Location: York Road, 940' N.E. of Downes Road
Present Zoning: R.D.P.
Proposed Zoning: Reclassification to B.L.
District: 7
No. Acres: 0.411 acres

"When any structure is to be constructed, the Petitioner shall comply with all applicable requirements of Baltimore County Building Code and Regulations".

Sincerely,

C. Elmer Hoppert, Jr.
C. Elmer Hoppert, Jr.
Buildings Engineer, (Acting)



Richard (Gene) Lee BUILDING CONTRACTOR

REISTERSTOWN, MARYLAND • PHONE 833-0788
833-0788

Baltimore County Office of Planning & Zoning
Office of Zoning Commissioner
111 West Chesapeake Avenue,
Towson, Maryland 21204

Re: Case No. 73-210 RA
Richard Eugene Lee
7th District,
Balto. County, Maryland
Attn: Mr. Eric DiNenna

Gentlemen:

Enclosed please find one copy of the floor plan of our proposed building, showing a packaged goods area, (shaded yellow) of 400 sq. ft., tavern area of 1350 sq. ft., making a total area of 1750 sq. ft.

The site plan submitted for rezoning to B.L. showed a building of 1500 sq. ft. with parking for 30 vehicles based on the zoning requirements of 1 parking space for each 50 sq. ft. of 30 spaces, which incidentally is the maximum number of spaces our lot can take. We feel however, that the packaged goods area, being a retail store and strictly for sale of carry-out liquor, would require a different parking requirement than that of the tavern area. One parking space for each 200 sq. ft., in accordance with Section 409 of the Baltimore County Zoning Regulations. If this is correct, the parking requirements would be as follows:

Package Goods 400 sq. ft. - 2 spaces required
Tavern Area 1350 sq. ft. - 27 spaces required
Total area of the two being 1750 sq. ft. - 29 spaces required.

In addition, the building will have a full basement, and will be used for storage of all the bar stock, and will be accessible by stairway from the bar indicated on the drawing.

Please review this matter, and give us your ruling at your earliest convenience.

Very truly yours,

Richard Eugene Lee
Richard Eugene Lee

70 copy of floor plan in file as of 11/28/73 - B.A.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENNA
Zoning Commissioner
JAMES F. DYER
Deputy Zoning Commissioner

September 5, 1973

Mr. Richard Eugene Lee
Route 3, Westminster Road
Reisterstown, Maryland 21136

RE: Proposed Restaurant and
Package Goods Store
Case No. 73-210-RA
7th Election District

Dear Mr. Lee:

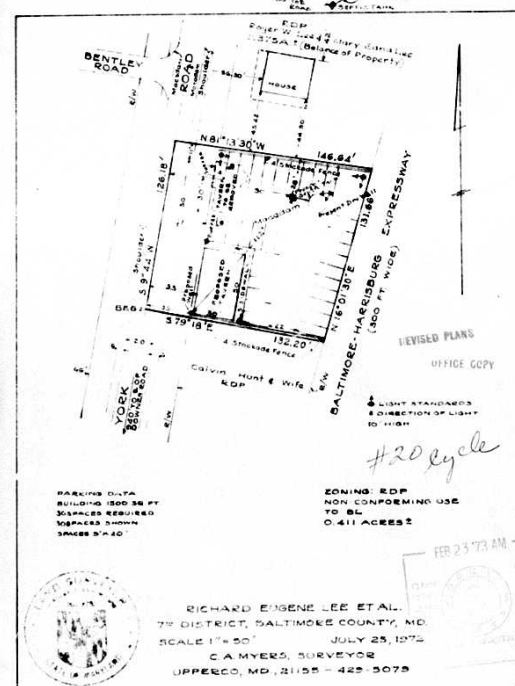
I am in receipt of your letter of August 30, 1973, in which you request an interpretation of the parking requirements for the above referenced proposed structure. Additionally, you enclosed a floor plan of the proposed structure.

The submitted plan indicates a seventeen hundred and fifty (1750) square foot building, of which four hundred (400) square feet is utilized for carry-out, package goods, and a walk-in cooler. The remaining thirteen hundred and fifty (1350) square feet is indicated as a tavern use.

Based on the fact that the areas are physically separate, except for a passageway between the tavern and carry-out areas, it is my interpretation that the parking areas could be calculated as follows:

1. Carry-out, package goods, and walk-in cooler (400 square feet).
 - a. One (1) space for each two hundred (200) square feet of floor area (2 spaces required).
2. Tavern area (1350 square feet).
 - a. One (1) space for each fifty (50) square feet of floor area (27 spaces required).

111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#73-210-RA

District: 7th

Date of Posting: 5-11-73

Posted for:

Petitioner: *Roger W. Lee*

Location of property: *775 York Rd. 940' N.E. of Downes Rd.*

Location of Sign: *1. Posted right in front of property.*

Remarks:

Posted by: *Paul A. Lee*

Date of return: 5-17-73

PETITION FOR RECLASSIFICATION AND VARIANCE
 TO: JUDGE
 FROM: R.W.P. to R.L.
 Date: Filed for Variance for a 100' Yard.
 Location: East side of York Road 940' N. of Domes Road.
DATE & TIME: MONDAY, MARCH 12, 1973 at 10:00 A.M.
PUBLIC HEARING: Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
 The Planning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing.
 Present: Judge: R.W.P.
 Proposed Variance: From the Zoning Ordinance of Baltimore County to permit a side yard of 100 feet of the rear property.
 The Planning Commission is to be held on March 12, 1973 at 10:00 A.M. in the County Office Building, 111 W. Chesapeake Avenue, Towson, Md. The purpose of the hearing is to hear the testimony of the parties to the variance and to make a recommendation to the Board of Commissioners of Baltimore County.
 The Board of Commissioners of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing.
 Present: Judge: R.W.P.
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ORIGINAL
 OFFICE OF
THE TOWSON TIMES
 TOWSON, MD. 21204 February 26 - 1973

THIS IS TO CERTIFY, that the annexed advertisement of
 S. Eric Dinenna
 Zoning Commissioner of Baltimore County
 was inserted in THE TOWSON TIMES, a weekly newspaper published
 in Baltimore County, Maryland, once a week for one successive
 week before the 26 day of February 1973 that is to say, the same
 was inserted in the issue of February 22, 1973.

STROMBERG PUBLICATIONS, Inc.

By: *Robert M. Morgan*

PETITION FOR RECLASSIFICATION AND VARIANCE
 TO: JUDGE
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 Date: Filed for Variance for a 100' Yard.
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CERTIFICATE OF PUBLICATION

TOWSON, MD., February 22, 1973
 THIS IS TO CERTIFY, that the annexed advertisement was
 published in THE JEFFERSONIAN, a weekly newspaper printed
 and published in Towson, Baltimore County, Md., on the 22nd
 day of March, 1973, the first publication
 appearing on the 22nd day of March, 1973.
 19. 73.

THE JEFFERSONIAN

H. Leach
 Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 7A
 Date of Posting: 2-22-73
 Posted for: *Heavy Industry*
 Petitioner: *Robert M. Morgan*
 Location of property: *940' N. of Domes Rd.*
 Location of Sign: *2 signs*
 Remarks:
 Posted by: *Michael H. Hines*
 Date of return: 3-1-73

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>J.P.H.</i>										
Previous case: _____										

Reviewed by: _____

Previous case: _____

Revised Plans:
Change in outline or description _____ Yes
_____ No

Map # _____

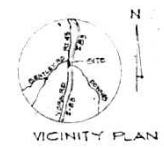
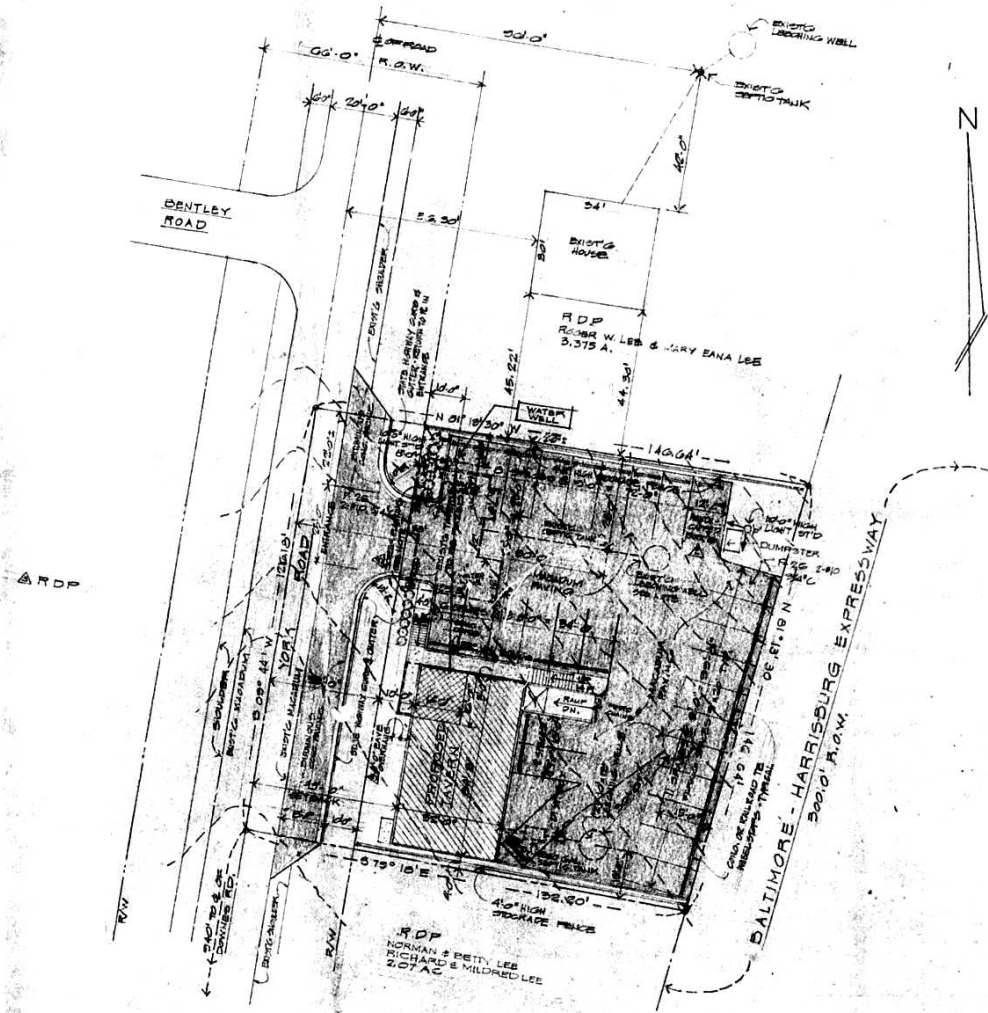
Charles E. Brooks, Esq.,
 305 W. Allegheny
 BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204
 Your Petition has been received and accepted for filing
 this 29th day of October 1972.
R.D. Hines
 Zoning Commissioner
 Petitioner: Robert M. Lee and Edna M. Lee
 Petitioner's Attorney: Charles E. Brooks
 Reviewed by: *J.P.H.*
 Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 7084
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE: March 12, 1973 ACCOUNT: 01-669
 AMOUNT: \$106.13
 DISTRIBUTION:
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER
 Betty J. Lee
 Parkton, Md. 21204
 Advertising and posting of property - 73-210-BA
 \$80.06
 106.13

BALTIMORE COUNTY, MARYLAND No. 9294
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE: April 19, 1973 ACCOUNT: 01-662
 AMOUNT: \$75.00
 DISTRIBUTION:
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER
 Charles E. Brooks, Esquire
 Cost of Appeal and Posting of Property on Case No. 73-210-BA
 E/S of York Road, 940' N of Domes Road - 7th District
 Robert W. Lee, et ux - Petitioners

BALTIMORE COUNTY, MARYLAND No. 5761
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE: Nov. 6, 1972 ACCOUNT: 01-662
 AMOUNT: \$50.00
 DISTRIBUTION:
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER
 Messrs. Brooks & Turnbull
 305 W. Allegheny Ave.
 Towson, Md. 21204
 Petition for Reclassification for Robert W. Lee





- NOTES:**
1. THIS SITE PLAN WAS DRAWN FROM SURVEY PREPARED BY C.A. MYERS, UPPERSOD, MARYLAND, 2188 DATED JULY 26, 1972.
 2. EXISTING SEPTIC SYSTEM OF EXIST'G TAVERN TO BE RAISED SHALL BE BACKFILLED.
 3. PARKING REQUIREMENTS
PACKAGED GOODS 400 SQ.FT. - 1 SPACE PER 200 SQ.FT. = 2 REQUIRED
TAVERN 1850 SQ.FT. - 1 SPACE PER 500 SQ.FT. = 2 REQUIRED
PARKING SPACES REQUIRED = 24, PARKING SPACES PROVIDED = 22
PROVIDE WHEELSTOPS FOR EACH PARKING SPACE.
 4. ALL GRD IMPROVEMENTS AND PARKING LOT ENTRANCE MUST MEET STATE HIGHWAY ADMINISTRATION REQUIREMENTS AND APPROVAL.
 5. ELECTION DISTRICT 7.
 6. SOFTEN PLANTING: 4'0" HIGH SPREADING YEW'S ACROSS PARKING AREA EACH SIDE OF DRIVEWAY ENTRANCE.

SITE PLAN SCALE 1" = 20'-0"
TOWNED BL - 0.411 ACRES



PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: *[Signature]*
DATE: 10-4-75
73-210-KA



GLEN'S TAVERN
RICHARD EUGENE LEE
7TH DISTRICT, BALTIMORE COUNTY, MARYLAND
JULY 13 1975
REVISED JULY 13, 1976
TWS No A-1

- ADD SOFTEN PLANTING, LAND SCAPING, ALCOHOL TANKS & BARS PERMANENT 5-25 TO
- ADD HANDICAPPED PARKING SPACE 7-27 TO