

74-174-A #127-A **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Pauline Walls and Harry C. Walls, 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 238.1 to permit a front yard setback of 20 feet instead of the ~~required~~ 25 feet; Section 238.2 to permit a side yard setback on the southeast side of 5 feet instead of the required 10 feet; Section 409.24 (3) to permit 12 parking spaces instead of the required 27 parking spaces.

The reasons for the requested Variance are: (1) the property is located in the 9th District of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The applicants propose to utilize the existing structures for a small oriental type of restaurant. Parking requirements would not be as dense as they would be in the normal type of restaurant. The size of the property is sufficient for the uses which are proposed.

Alterations to the property can only be made in the fashion of the plats submitted with this petition.

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Thomas Reamer, Esq.
Contract purchaser
924 E. Belvedere Ave.
Baltimore, Md. 21212

Pauline Walls
Legal Owner
Address: 111 W. Chesapeake Avenue
Towson, Md. 21204

Address: 223 Equitable Building
Baltimore, Md. 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of January, 1974.

1974, 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 25th day of February, 1974, at 10:15 o'clock.

John D. Williams
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES
NW/corner of Joppa Road and
Lackawanna Avenue - 9th District
Harry C. Walls - Petitioner
NO. 74-174-A (Item No. 127-A)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request to permit a front yard setback of 20 feet instead of the required 25 feet, a side yard setback on the southeast side of five feet instead of the required 30 feet, and to permit 12 parking spaces instead of the required 27 spaces.

The property in question consists of two lots, one lot being situated at the corner of Joppa Road and Lackawanna Avenue, and the other lot fronting Lackawanna Avenue, exclusively. The corner lot is presently zoned B.R. (Business, Roadside). The Lackawanna Avenue lot is zoned D.R. 5.5 in its entirety. The property, which contains .3 of an acre, is improved with two dwellings. The dwelling fronting Lackawanna Avenue would be used exclusively by the operator of the restaurant as a residence. The dwelling fronting Joppa Road would be utilized as a restaurant and would be altered with an addition which necessitates the need for the front and side yard Variances.

The parking area for 12 cars would be located at the rear of the proposed restaurant between the two dwellings but entirely in the B.R. Zone.

The applicants propose to operate a small oriental type restaurant and content that the 12 parking spaces would be sufficient to support the proposed use.

Several area residents attended the hearing in protest to the granting of the requested Variances. They objected on the basis of the overcrowded traffic conditions on Joppa Road, parking of automobiles on the street and difficulties encountered by residents of Lackawanna Avenue in gaining ingress and egress to and from Joppa Road.

Testimony and evidence submitted by the Petitioner was not sufficient to establish hardship or practical difficulty nor did it establish proof that the granting of said Variances would not be detrimental to the health, safety and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15th day of March 1974, that the herein requested Variances are hereby DENIED.

James S. Raphael
Deputy Zoning Commissioner of
Baltimore County

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE

BEGINNING for the same at a point on the north right-of-way line of Joppa Road and the west right-of-way line of Lackawanna Avenue as shown on Baltimore County Bureau of Land Acquisition Right-of-Way 66-085-9; running thence and binding on the west right-of-way line of Lackawanna Avenue the two following courses and distances: 1) N23°46'17" E 35.53 feet; and 2) N20°55'45" W 158 feet ±; thence leaving the west right-of-way line of Lackawanna Avenue and binding on the north outline of Lot 2 as shown on the plat of V. M. Holloper Tract and recorded among the Land Records of Baltimore County in Liber J.W.B. 14, folio 1, S69°04'15" W 84.03 feet; running thence and binding on part of the west outline of Lot 2 as shown on said plat S26°22'45" E 183 feet ± to intersect the north right-of-way line of Joppa Road as shown on the aforesaid right-of-way plat N68°30'20" E 42.17 feet to the place of beginning.

CONTAINING 0.307 acres of land, more or less.

BEING the remainder of Lot 2, Plat of V. M. Holloper Tract which is recorded among the Land Records of Baltimore County in Plat Book J.W.C. 14, folio 1.



E. F. RAPHEL & ASSOCIATES
Registered Professional
Land Surveyor

- 2 -

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 7, 1974

Thomas Reamer, Esq.,
223 Equitable Building
Baltimore, Maryland 21202

RE: Variance Petition
Item 127A
Pauline and Harry C. Walls -
Petitioners

Dear Mr. Reamer:

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

These 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northwest corner of Joppa Road and Lackawanna Avenue, in the 9th District of Baltimore County. This property, the front portion of which is zoned Business Roadside, is currently improved with an existing 1-1/2 story frame dwelling that is proposed to be converted to a small restaurant. Parking would be provided immediately behind this building with access from Lackawanna Avenue. There is an existing one-story ranch house that is immediately beyond the proposed parking area, and this property is zoned D.R. 5.5.

It is the intention of the Contract Purchaser to live in this dwelling while maintaining the

Thomas Reamer, Esq.
Re: Item 127A
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February 7, 1974

restaurant. There is an existing commercial building on the west side of the subject property that is currently unoccupied. The rear portion of this property was the subject of an off street parking hearing (Case No. 72-103 ASPH, dated December 7, 1971).

The property immediately to the east is an existing two-story frame dwelling that is also zoned Business Roadside, which was previously the subject of an off street parking hearing (Case No. 72-281 ASPH, dated November 14, 1972, and Amended Order, dated December 7, 1972.)

Curb and gutter does not currently exist along Lackawanna Avenue at this location. Public water and sewer are available to this property.

Revised site plans as requested by other members of this Committee will be required prior to the hearing.

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

JJDjr:JD
Enclosure
cc: Mrs. Claire McCullough,
924 E. Belvedere Ave. (21212)
E. F. Raphael & Associates
201 Courtland Ave. (21204)

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E.
DIRECTOR

Wm. T. HELLER
DEPUTY TRAFFIC ENGINEER

January 31, 1974

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

Re: Item 127A - ZAC - January 22, 1974
Pauline and Harry C. Walls
N/S Joppa Road and the W/S Lackawanna Avenue
Variance to permit a front yard setback of 20 feet instead of the required 25 feet and a side yard setback on the SE side of 5 feet instead of the required 30 feet and to permit 12 parking spaces instead of the required 27 parking spaces.
District 9

Dear Mr. DiNenna:

The petitioner is requesting variances to the front yard setback, to the side yard setback, and to the required parking. The variances to the front and side yards is not expected to cause any traffic problems. The variance to the parking requirement can be expected to cause some problems on Lackawanna Avenue.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

HSE/pk

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Form 100-1 (Rev. 1-74)

Your Petition has been received and accepted for filing
this 22nd day of January, 1974.

John D. Williams
Zoning Commissioner

Petitioner: Pauline and Harry C. Walls
Petitioner's Attorney: Thomas Reamer
Reviewed by: John D. Williams
E. F. Raphael & Associates, 201 Courtland Ave. (21204) Zoning Advisory Committee

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

February 15, 1974

Bureau of Engineering
ELLISWORTH H. DIVER, P.E. CHIEF

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

Re: Item #127A (1973-1974)
Property Owner: Pauline & Harry C. Walls
N/S of Joppa Rd. and the W/S of Lackawanna Ave.
Existing Zoning: B.R. and D.R. 5.5
Proposed Zoning: Variance to permit a front yard setback of 20' instead of the required 25', a side yard setback on the S/E side of 5' instead of the required 30' and to permit 12 parking spaces instead of the required 27 parking spaces.
No. of Acres: 0.307 District: 9th

Dear Mr. DiNenna:

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.

Highways:

Joppa Road, an existing County road, was recently improved in this vicinity as a 148-foot closed-type roadway cross-section on a 70-foot right-of-way as a Federal Aid Project; no further highway improvements are required.

Lackawanna Avenue, an existing residential County road, is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements, including highway right-of-way widening and any necessary reversible easements for slopes, will be required in connection 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.

Settlement Control:

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.

Item #127A (1973-1974)
Property Owner: Pauline and Harry C. Walls
Page 2
February 15, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan which must be revised to also show the existing storm drains, inlets and utility easements.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damage 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 serving the residences on this property. It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

Ellisworth H. Diver
ELLISWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:PM:ess

cc: G. Reier

N-18 Key Sheet
37 NE 11 Pos. Sheet
NE 10 C Topo
70 Tax Map

Baltimore County Fire Department



Towson, Maryland 21204
812-7310

J. Austin Deitz
Chief

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Pauline & Harry C. Walls
Location: N/S of Joppa Rd. W/S of Lackawanna

Item No. 127-A Zoning Agenda 1/22/74

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 _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. 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.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: Lt. Thomas E. Kelly
Planning Group
Special Inspection Division

Noted and Approved: *Paul H. Reische*
Deputy Chief
Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

January 31, 1974

DONALD J. ROOP, M.D., M.P.H.
Baltimore 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 Item 127A, Zoning Advisory Committee Meeting January 29, 1974, are as follows:

Property Owner: Pauline & Harry C. Walls
Location: N/S Joppa Rd. W/S Lackawanna Ave.
Present Zoning: B.R. & D.R. 5.5
Proposed Zoning: Variance to permit front yard setback of 20' instead of req'd 25', side yard of 5' instead of req'd 30' and 12 parking spaces instead of req'd 27.
No. Acres: 0.307
District: 9

Metropolitan water and sewer are available.

Food Service Comments: If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Air Pollution Comments: The building or buildings on this site may be subject to a permit to construct and a permit to operate any and all fuel burning and processing equipment. Additional information may be obtained from the Division of Air Pollution and Industrial Hygiene, Baltimore County Department of Health.

Very truly yours,

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

HVB:mno
cc: L.A. Schuppert
W.L. Phillips

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



February 7, 1974

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 Item #127A, Zoning Advisory Committee Meeting, February 5, 1974, are as follows:

Property Owner: Pauline & Harry C. Walls
Location: N/S of Joppa Road & the W/S of Lackawanna Avenue
Existing Zoning: B.R. and D.R. 5.5
Proposed Zoning: Variance to permit a front yard setback of twenty (20) feet instead of the required twenty-five (25) feet, a side yard setback on the SE side of five (5) feet instead of the required thirty (30) feet and to permit twelve (12) parking spaces instead of the required twenty-seven (27) parking spaces.
No. of Acres: 0.307
District: 9th

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 100 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 480-2211 ZONING 480-2211

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 31, 1974

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

Z.A.C. Meeting of: January 22, 1974

Re: Item 127A.
Property Owner: Pauline & Harry C. Walls
Locations: N/S of Joppa Rd. & the W/S of Lackawanna Ave.
Present Zoning: B.R. & D.R. 5.5
Proposed Zoning: Variance to permit a front yard setback of twenty (20) ft. instead of the required twenty-five (25) ft., a side yard setback on the S.E. side of five (5) ft. instead of the required thirty (30) ft. and to permit twelve (12) parking spaces instead of the required twenty-seven (27) parking spaces.

District: 9th
No. Acres: 0.307

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/ml

N. EMILIE PARKS, CHAIRMAN
CURTIS L. BISHOP, CHAIRMAN
MR. ROBERT L. BERNY

MARION M. BELLARIVE
JOSEPH M. MCDONALD
ALVIN LEBER
JOSHUA M. WHEELER, CLERK

T. EDWARD WILCOX, JR.
RICHARD W. STACEY, V.M.D.
MRS. RICHARD M. WILCOX

Nov. 28, 1973

Mr. John J. Dillon, Jr.
Zoning Technician 3
Baltimore County
Towson Office Building
Towson, Maryland

Dear Mr. Dillon:

I am of Korean extraction, having lived in Baltimore 16 years, teaching music at the Bryn Mawr School for Girls 13 years.

I have always had a special interest in Oriental cuisines - Korean, Japanese and Chinese, and want to provide the Baltimore community with an opportunity to enjoy this special assortment of cuisine and the cultural accompaniment.

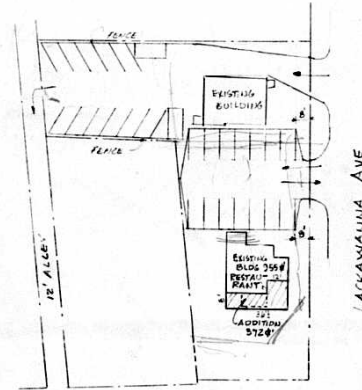
I have been working on this project for a year. Some time ago I talked to you on the phone. I had made preliminary arrangements to purchase property at 1900 Joppa Road, East, and my attorney had promised he was going to apply for parking validation in ten days after I had requested him to do so. After three and one-half months he said it was impossible to arrange for a hearing.

I now have another property at 1722 East Joppa Road with 155 feet D.W. and 145 feet B.R. 5.5. I wish to apply for off-street parking at this location, and intend to appear in person at the hearing to avoid any such delay as that caused by my attorney at the previous situation. Please advise if this procedure meets with your approval so I may take the necessary action. I have a loan approved by Small Business Administration which has been extended three times, and doubt the possibility of further extension. Your assistance in any way appropriate will be greatly appreciated.

Sincerely,

Claire McCullough
924 E Belvedere Ave - Phone 433-7440

Claire McCullough
Claire McCullough



JOPPA ROAD

LACKAWANNA AVE

LOCATION PLAN
1"=40' (OR BETTER CLOSE)

TOTAL RESTAURANT AREA = 1327'²
REQUIRED REST. PARKING = 26.54 SPACES
PARKING PROVIDED = 27

73-34 DRYMAN
11/16/73

Claire McCullough

25.0 C HSC

District: _____ Date of Posting: 2-7-74
 Posted for: Henry Mac Feb 25, 1974 @ 10:15 A.M.
 Petitioner: Henry C. Wells
 Location of property: NW Corner of Joppa Rd. & Lockbourne av.
 Location of Sign: 1 sign posted on front yard on NW Corner
 of Joppa & Lockbourne av.
 Remarks: _____
 Posted by: Gerald H. Nease Date of return: 2-14-74

SPEX PARKING

DR 5.5
BR ZONE

S. 69° 04' 15" W 84.03

BR. & FRAME
RANCHER
USE RESIDENCE

SCREEN - 4' HIGH EVERGREEN

CURB

MACADAM

CURB

EX. 13' 11"

FRAME

24.3

PROPOSED

36.8

Beginning

N. 68° 30' 20" E

42.17

EX. WATER

LACKAWANNA AVE

EX. SAN

EX. WATER

EX. WATER

EX. WATER

EX. WATER

EX. WATER

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GENERAL DATA

AREA OF PROPERTY 0.307 AC.
EXISTING ZONE BR # DR 5.5
EXISTING USE RESIDENTIAL
PROPOSED ZONE BR # DR 5.5
PROPOSED USE RESTAURANT

PARKING DATA

FLOOR AREA EXISTING = 941 sq.
" " PROPOSED = 376 sq.
TOTAL = 1323
PARKING RATIO
1 SPACE / 50' = 27 REQUIRED
12 PROVIDED

MAP	30
NEED	
ELECT	9
DATE	1-22-74
TYP	
RECORD	✓
LY	MR
FINAL	1-24-74
BY	MR



E. P. RAPHAEL & ASSOCIATES
Registered Professional Land Surveyors
201 Courtland Avenue
Yowson, Maryland 21204

PLAT TO ACCOMPANY PETITION FOR VARIANCE KOREAN ROOF RESTAURANT

5th ELECT. DIST. BALTO CO
SCALE 1" = 30' 1-3-74

