

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Joseph E. Luby and, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing Under Section 509.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Sec. 402.4 parking of passenger vehicles for restaurant clientele in the O.M. 16 zone abutting the existing D.L. 2000.20 which the restaurant is proposed to be constructed.

See attached description

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

I, or we, 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.

Address: Joseph E. Luby, Jr., 11111 Rockville Road, Rockville, Maryland 20850
 Address: John W. Hession, III, 11111 Rockville Road, Rockville, Maryland 20850
 Address: John W. Hession, III, 11111 Rockville Road, Rockville, Maryland 20850

ORDERED By the Zoning Commissioner of Baltimore County, this 12th day of April, 1975, 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 109, County Office Building in Towson, Baltimore County, on the 21st day of April, 1975, at 1:00 o'clock P.M.

Zoning Commissioner of Baltimore County

(over)

Mr. L. Alan Evans
 Evans, Hagan, & Holdefer, Inc.
 8013 Belair Road
 Baltimore, Maryland 21236

RE: Petition for Special Hearing
 N/S of Frederick Road, 89.55'
 W of Briarwood Road - 1st
 Election District
 Joseph E. Luby, et al -
 Petitioners
 NO. 75-251-SPH (Item No. 164)

Dear Mr. Evans:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,
James E. Dyer
 JAMES E. DYER
 Deputy Zoning Commissioner

JED/scw
 Attachments
 cc: Mr. Gene E. Rigger
 6110 Executive Boulevard
 Rockville, Maryland

John W. Hession, III, Esquire
 People's Counsel

Mr. William B. Combs
 47 Briarwood Road
 Baltimore, Maryland 21228

Mrs. Bauer
 13 Briarwood Road
 Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL HEARING
 N/S of Frederick Road, 89.55'
 W of Briarwood Road - 1st
 Election District
 Joseph E. Luby, et al -
 Petitioners
 NO. 75-251-SPH (Item No. 164)

This Petition represents a request for a Special Hearing to determine whether or not parking of passenger vehicles for restaurant clientele should be permitted in a D.R. 16 Zone. The property in question contains 1.09 acres of land and is part of a total tract containing 1.997 acres, a portion of which is commercially zoned and is proposed to be improved with the restaurant.

A great deal of testimony was offered by experts in the fields of restaurant development, real estate, and engineering. The testimony included details with regard to the entrance, the type of paving and screening, and the location of the proposed building on the commercially zoned portion of the property.

Residents who have resided in the area for many years appeared in protest to the proposed use. It was their opinion that the extensive paving, required to accommodate the 108 parking spaces, would only add to the serious flooding conditions that have existed in the area over a period of many years. In addition to this problem, the residents questioned the need for an additional restaurant in the area and the feasibility of locating this use on an already congested road.

After carefully reviewing the testimony and evidence presented in this case, it is the opinion of the Deputy Zoning Commissioner that the Petitioner has not met his burden of proving that the requested use would benefit the area while not being a detriment to their health, safety, and general welfare. This

HAGAN & HOLDEFER, INC.
 SURVEYORS AND CIVIL ENGINEERS
 8013 BELAIR RD. / BALTIMORE, MD. 21236 (301) 688-1501
 115 E. MAIN STREET / WESTMINSTER, MD. 21157 (301) 848-1700
 13 S. WASHINGTON STREET / EASTON, MD. 21031 (301) 822-5433

January 17, 1975

DESCRIPTION OF REAR PORTION OF #6350 FREDERICK ROAD TO ACCOMPANY PETITION FOR SPECIAL HEARING.

BEGINNING FOR THE SAME at a point situate the two following courses and distances, measured Westerly and Northerly respectively from the corner formed by the intersection of the North side of Frederick Road, 66 feet wide, and the West side of Briarwood Drive, 40 feet wide, (1) South 71 degrees 48 minutes 19 seconds West 89.55 feet and (2) North 17 degrees 09 minutes 33 seconds East 137 feet to the place of beginning and thence leaving said place of beginning and running the four following courses and distances, viz: (1) North 17 degrees 09 minutes 33 seconds East 159.55 feet, (2) South 49 degrees 48 minutes 32 seconds East 177.21 feet, (3) South 17 degrees 11 minutes 20 seconds East 242.26 feet, (4) North 71 degrees 48 minutes 19 seconds East 140.50 feet to the place of beginning.

Containing 1.09 Acres

This description has been prepared for zoning purposes only and is not to be used for conveyance.



proposed use of the property could only add to an already overflowing storm drain system. For these reasons, the Petitioners' request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4th day of June, 1975, that the herein Petition for a Special Hearing for parking in a residentially zoned area should be and the same is hereby DENIED.

James E. Dyer
 Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 DATE April 17, 1975
 BY John W. Hession, III

RE: PETITION FOR SPECIAL HEARING FOR OFF-STREET PARKING IN A RESIDENTIAL ZONE.
 North side of Frederick Road 89.55 feet West of Briarwood Road - 1st District
 Joseph Luby
 BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 Case No. 75-251-SPH

ORDER TO ENTER APPEARANCE

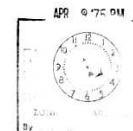
Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Hession, III
 People's Counsel

Charles E. Kountz, Jr.
 Deputy People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-3212

I HEREBY CERTIFY That a copy of the foregoing Order was mailed this 21st day of April, 1975 to L. Alan Evans, 8013 Belair Road, Baltimore, Maryland 21236, Agent for Petitioner.



John W. Hession, III

I will not attend. JWH.

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

April 22, 1975

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

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

Re: Item #164 (1975-1975)
 Property Owner: Joseph E. Luby
 N/S of Frederick Rd., 89.55' W. of Briarwood Dr.
 Existing Zoning: D.R. 16
 Proposed Zoning: Special Hearing Sec. 409.4 to approve parking of passenger vehicles for restaurant clientele.
 No. of Acres: 1.09 Acres District: 1st

Dear Mr. DiNenna:

The following comments are supplementary to those submitted to your office, dated March 11, 1975.

Supplemental Storm Drain Comments:

This property lies within an area which is tributary to an existing 5' x 9' (approximate) storm drain box culvert through the development of "Briarwood" east of this site, via the existing 3/4" reinforced concrete pipe (indicated as 3/4" on the Petitioner's submitted plan) at the northeast corner of this site. (See print of Drawing #45-0251, File 4, attached.)

The existing 5' x 9' box culvert is undersized for a 100-year frequency storm and there have been complaints from residents as to experiencing flooding in the vicinity.

There is an open drainage course with a running stream at the rear of this site which directs storm water drainage to the existing 3/4" pipe.

The proposed parking area will comprise approximately an acre. As stated in "Storm Drain Comments, March 11, 1975, storm drainage facilities will be required in connection with any grading or building permit application.

The Petitioner is cautioned that the proposed parking lot and grading are not to encroach upon or reduce the area of a drainage reservation or easement required for a flood plain of a 100-year design storm, if he does not provide a closed system storm drain extension.

Item #164 (1975-1975)
 Property Owner: Joseph E. Luby
 Page 2
 April 22, 1975

Supplemental Storm Drain Comments: (Cont'd)

The remainder of the March 11, 1975 comments are reiterated; they remain valid and applicable to this Petition.

Very truly yours,

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

END:EN:PW:res

cc: D. Grise
 H. Shalowitz

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 15, 1975

Franklin T. Hoggans, Jr.
Chairman

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTION
DEPARTMENT OF TRAFFIC INVESTIGATION
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERING
PROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BUREAU OF EDUCATION
OFFICE OF THE BUILDING ENGINEER

Mr. Louis Alan Evans,
Evans, Hagan & Holdefer, Inc.
8013 Belair Road
Baltimore, Maryland 21236

RE: Special Hearing Petition
Item 164
Joseph E. Ruby - Petitioner

Dear Mr. Evans:

The Zoning Plans 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.

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 Chairman 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 north side of Frederick Road, 89.55 feet west of Briarwood Drive, and is currently zoned R.L., C.M.S. for a distance of 175 feet from the center line of Frederick Road, with the remainder of the property zoned DR 16.

The petitioner is requesting a Special Hearing for off street parking in the residentially zoned portion of this property, in order that a Ponderosa Steak House restaurant may be constructed approximately 5/8" from the alley property line on the east side of the parcel.

The property to the west and north side of Frederick Road is an existing gasoline service station. Single family dwellings exist to the rear

Mr. Louis Alan Evans,
Re: Item 164
April 15, 1975
Page 1

of this station, also abutting the west side of the subject property. The properties across the alley to the east are improved with row home development fronting on Briarwood Drive.

Please note the comments of Project and Development Planning section and those of the Department of Traffic Engineering. The means of lighting the parking area must be indicated on the plan.

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,

Franklin T. Hoggans, Jr.
FRANKLIN T. HOGGANS, JR.
Chairman,
Zoning Plans Advisory Committee

FTH:JD

Enclosure

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



DONALD J. HOGAN, M.D., M.P.H.
DIRECTOR, BALTIMORE COUNTY DEPARTMENT OF HEALTH

February 27, 1975

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

Dear Mr. DiNenna:

Comments on Item 164, Zoning Advisory Committee Meeting, March 4, 1975, are as follows:

Property Owner: Joseph E. Ruby
Location: N/S of Frederick Rd. 89.55' W of
Briarwood Dr.
Existing Zoning: DR 16
Proposed Zoning: SPECIAL HEARING Sec. 409.4 to approve parking of passenger vehicles for restaurant clientele.
No. of Acres: 1.09 Acres
District: 1st

Metropolitan water and sewer are available.

Food Protection Comments: Prior to construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval.

Very truly yours,

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

HVB:ncg

CC--L.A. Schuppert

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

Bureau of Engineering
ELEANOR H. DYER, P.E., Chief

March 11, 1975

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

Re: Item #164 (1975-1975)
Property Owner: Joseph E. Ruby
N/S of Frederick Rd., 89.55' W. of Briarwood Dr.
Existing Zoning: DR 16
Proposed Zoning: Special Hearing Sec. 409.4 to approve parking of passenger vehicles for restaurant clientele.
No. of Acres: 1.09 Acres District: 1st

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:

Frederick Road (N.Y. 140) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State "cut right-of-way" will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The alley, contiguous to the east side of this property, is for residential use only. The petitioner shall provide means to prevent vehicular access thereto or therefrom in connection with this proposed restaurant and parking lot.

It is the responsibility of the petitioner to ascertain and clarify his and others rights in and to the indicated 16-foot right-of-way along the west side of this property and to initiate such action as may be necessary to abandon, widen or relocate this "right-of-way".

Sediment Controls:

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 #164 (1975-1975)
Property Owner: Joseph E. Ruby
Page 2
March 11, 1975

Sediment Controls (Cont'd)

Drainage studies, storm water management drawings and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan. Storm drainage facilities will be required in connection with any grading or building permit application.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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.

Drainage and utility easements will be required through this property.

Water and Sanitary Sewer:

Public water and sanitary sewerage exist in Frederick Road and served the former improvements on this property.

This property is tributary to the Maiden Choice Run Sewerage System and is not subject to State Health Department imposed moratorium restrictions.

Very truly yours,

Eleanor H. Dyer, P.E.
ELEANOR H. DYER, P.E.
Chief, Bureau of Engineering

END:EXP:DW:ncg

cc: D. Grise
H. Shalovits

G-M V Key Sheet
8 & 9 SW 20 Pos. Sheet
SW 2 E Topo
101 Tax Map



Maryland Department of Transportation State Highway Administration

March 3, 1975

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

At: Mr. Franklin Hoggans

Dear Sir:

The subject plan indicates a proposed entrance at an offset to Paradise Avenue. In order to eliminate an anticipated conflict of traffic, the entrance should be aligned directly opposite Paradise Ave. The parking layout will have to be rearranged accordingly.

Any subsequent plans must clearly indicate detail of the entrance. The existing entrance into site must be closed with standard curb sections.

The 1973 average daily traffic on this section of Frederick Road is 18,100 vehicles.

Very truly yours,

Charles Lay, Chief
Bureau of Engineering
Access Permits
by: John E. Meyers

CLJ:CHN

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

ITEM 164
J.A.C. Meeting March 4, 1975
Property Owner: Jos. E. Ruby
Location: N/S Frederick Road
(Route 144) 89.55' W. of
Briarwood Drive, Existing
Zoning: DR 16, Prop. - spec. hear-
ing Sec. 409.4 to approve parking
of passenger vehicles for restaurant
clientele.
No. of Acres: 1.09 Acres
District: 1st

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



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

March 10, 1975

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

Re: Item 164 - ZAC - March 4, 1975
Property Owner: Joseph E. Ruby
Location: N/S of Frederick Rd. 89.55' W of Briarwood Dr.
Existing Zoning: DR 16
Proposed Zoning: SPECIAL HEARING Sec. 409.4 to approve parking of passenger vehicles for restaurant clientele.
No. of Acres: 1.09 Acres
District: 1st

Dear Mr. DiNenna:

As presently zoned, this site would generate approximately 380 trips per day. The proposed zoning would generate approximately 1200 trips per day.

If the driveway to this site is to be located near Paradise, it must be directly opposite Paradise Avenue.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc.

MSF/LAA

ROAD

PARADISE

AVENUE

FREDERICK

Approx. Location of Existing Sanitary Service
As Shown on Balto. Co. San. Sewer Plan N° 26166 A-10
Must be verified before starting any construction

SERVICE STATION

Narcissa B. Swain PE
2600/187

BL-CNS DR-16

John Jenkins
545/424

RESIDENTIAL

Samuel D. Turner

Mary Lackard
552/557

CARY D. Hall Jr.
552/131

N 17° 26' 23" W 16.50'

N 17° 11' 23" W

S 17° 11' 23" E 282.26'
41926'

DIRT ROAD

WOOD BRIDGE

LOCATION PLAN

SCALE 1"=2000'

DR-16

PROPOSED RESTAURANT

FF 383.50

MACADAM PAVING

MACADAM PAVING

CONCRETE ALLEY

BL-CNS DE-16

PLAT # BRIARWOOD
12/181

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING
FOR

"6350 FREDERICK ROAD
1ST ELECT. DIST. BALTIMORE CO. MD
PONDEROSA SYSTEMS INC.
2181 EMBURY PARK ROAD DAYTON, OHIO

NOTES

GROSS AREA OF PROP. 1.57 AC.
EXISTING ZONE BL-CNS & DE-16
EXISTING USE VACANT
PROPOSED USE RESTAURANT 5406"
REQUIRED PARKING 5406/50 = 108.12 spaces
PROVIDED PARKING 109 spaces

ZONING NOTES

AREA OF SPECIAL HEARING = 1.09 AC.
EX-ZONE = DR-16
PRO-ZONE = DR-16 w/ SPECIAL HEARING
for Parking as provided in
Sec. 401.4 of Balto. Co. Zoning
Regulations
Existing Use VACANT
PRO-USE = Parking for Proposed Restaurant

BENCH MARK

M.D. N° 7467 - ELEV. 967.959
X-Cor & Conc. Walk on South
Side of Frederick Road 300
West of Cedarwood Road

NOTE

Dangerous Interior Lights - Max. Height 8'. All
lighting to be in compliance with section
101 of the zoning regulations.

DRIVE RD.

EVANS, HAGAN & HOLDEFER, INC.		
DATE	REVISION	BY
10/16/75		
SURVEYORS AND CIVIL ENGINEERS		
8013 BELAIR ROAD / BALTIMORE, MD. 21236		
(301) 468-1501		
230 FORAN STREET / CAMBRIDGE, MD. 21613 / (301) 578-5300		
112 E. MAIN STREET / WELLSBORO, MD. 21787 / (301) 548-5799		
12 S. WASHINGTON STREET / EIGHTON, MD. 21037 / (301) 573-5421		
		
RECEIVED BY Mette & Pritch CONVEYED BY J. Mett DRAWN BY C. H. H. CHECKED BY C. H. H.		
DATE 10/16/75 SCALE 1"=20'		