5/1178 PETITION FOR ZONING VALLANCE FROM AREA AND HEIGHT REGULATIONS LEON L. LINEBURG L. or ws. ETHEL B. LINEBURG County and which is described in the desc hereby publics for a Veriance from Section, 409.2b. (3) to parait 0 parking spaces 12-57 dity Property is to be posted and advertised as pres I, or we, agree to pay expenses of above Variance 1238 Francis Avenue Halethorpe, Maryland 21227

Beginning at a point on the east side of East Drive, said point being located 62.6' north of Stevens Ave., N 14° 45' 10" E., 56.9', thence running S 75° 14' 50" E, 134.89', thence S 27° 25' 20" W, 57.55' thence N 74° 32' 12", 122.29' to the beginning point. Otherwise known as 5309 East Drive, in the 13th Election RE: PETITION FOR VARIANCE E/S of East Drive, 62.6' N of Stevens Avenue - 13th Election Leon L. Lineburg, et ux -NO. 78-197-A (Item No. 115)

...

REFORE THE DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Variance to permit zero parking spaces in lieu of the required 107 parking spaces at the east side of East Drive, 62.6 feet north of

Testimony on behalf of the Petitioners indicated that they wish to construct a 20 foot by 72 foot addition to the existing restaurant located on a 0.1 acre lot. The proposed addition would be used for a dining room. Under existing zoning regulations, the total number of parking spaces required for the entire building, including the addition, would be 107. The restaurant has been in operation at the subject location for nineteen years and is zoned B. L.

Testimony by a member of the Baltimore County Revenue Authority, on behalf of the Petitioners, indicated that a public parking lot, located across the street from the subject property, is generally only ten percent utilized. Counsel for the Petitioners testified that the aforesaid facility would provide

Comments submitted by the Zoning Plans Advisory Committee called tion to the fact that many buildings in the subject area do not presently njoy off-street parking. The following coments were submitted by the

"... If granted, it is suggested that consideration be given to the rental of parking spaces and that such an agree-ment be made a part of the order."

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the Petitioners hamshown practical difficulty, and the Variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this _____ day of March, 1978, that the aforementioned Variance should be and the same is hereby GRANTED, from and after the date of this Order, subject to a five year lease agreement, including renew. options, with the Baltimore County Revenue Authority, for rental of parking spaces on the Baltimore County parking facility across from the site, and the approval of a site plan by the Department of Public Works and the Office of

RE: PETITION FOR VARIANCE District Leon L. Lineburg, et ux -Petitioners NO. 78-197-A (Item No. 115)

REFORE THE DEPUTY ZONING

BALTIMORE COUNTY 111 111 111

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltim County, this 1972 day of April, 1978, that the Order, dated March 30, 1978, passed in this matter, should be and the same is hereby AMENDED, "Nunc Pro Tune", on Page 2, Paragraph 2, by deleting lines four through six

> ".... subject to an agreement with the Baltimore County Revenue Authority, for the use of parking spaces on its lot across from the restaurant location for as long as such parking facility exists and is available, and the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning."

DATE

ORDER RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna, Zoning Commissioner

FOR FILING

ORDER RECEIVED

DATE

Date__ Morch 20, 1978

PROM Leslie H. Graef, Director of Planning

ITEM 115
SUBJECT Petition 78-197-A. Petition for Variance for Off-Street Parking East side of East Drive 62.6 feet North of Stevens Avenue Petitioner - Leon L. Lineburg and Ethel R. Lineburg

13th District

HEARING: Monday, March 20, 1978 (10:15 A.M.)

This office shores the concern expressed by the Department of Traffic Engineering's representative on the Zoning Advisory Committee; however, the proximity of the Advulse Parking Facility is noted. If granted, it is suggested that consideration be given to the rental of advisors and that such

LHG:JGH:n



S. ERIC DINENNA

March 30, 1978

John Carroll Coolahan, Esquire 1330 Sulphur Spring Road Arbutus, Maryland 21227

> RE: Petition for Variance E/S of East Drive, 62.6' N of District Leon L. Lineburg, et ux -Petitioners NO. 78-197-A (Iram No. 115)

Dear Mr. Coolahar

I have this date passed my Order in the above captioned matter in

GJM/mo

cc: John W. Hessian, III, Esquire



S. ERIC DINENNA

April 19, 1978

John Carroll Coolahan, Esquire 1330 Sulphur Spring Road Arbutus, Maryland 21227

RE: Petition for Variance E/S of East Drive, 62.6' N of Stevens Avenue - 13th Election District Leon L. Lineburg, et ux -Petitioners NO. 78-197-A (Item No. 115)

Dear Mr. Coolaha

I have this date passed my Order in the above referenced matter, in accordance with the attached.

GEORGE IV MARTINAK

GJM/ihm

cc: John W. Hessian, III, Esquire People's Counsel

RE: PETITION FOR VARIANCE ens Avenue, 13th District LEON L. LINEBURG, Patitions : BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 78-197-A

......

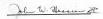
ORDER TO ENTER APPEARANCE

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.

Charles E. Kount Charles E. Kountz, Jr. & Deputy People's Counsel

John W. Herrian, TE John W. Hessian, III People's Counsel County Office Building Towson, Maryland 21204 494–2188

I HEREBY CERTIFY that on this 8th day of March, 1978, a copy of the aforegoing Order was mailed to John Carroll Coolahan, Esquire, 1330 Sulphur Spring Road, Arbutus, Maryland 21227, Attorney for Petitioner





BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



July 10. 1978

John C. Coolahan, Esquire 1330 Sulphur Spring Road Arbutus, Maryland 21227

RE: Case No. 78-197-A (Item No. 115) E/S of East Drive, 62.6' N of Stevens Avenue - 13th Election Leon Lineburg, et al - Petitioners

Dear Mr. Coolahan:

The following is in response to your letter of July 5, 1978, in which you state that the Revenue Authority cannot comply with the restriction, regarding a contract for parking spaces between itself and your client, as required by the referenced Order.

In consideration of an agreement between the Revenue Authority and your client to enter into a contract of five years duration, with re-newable options, this office will interpret this as constituting substantial compliance with the Order, as amended on April 19, 1978, absent any protest to the contrary It is understood that, should any protest materialize, the matter may be brought to a hearing at some future date.

Your client will, of course, be required to submit a site plan and comply with same, in accordance with the other requirements of the

Please call me if you have any further questions

Very Fuly yours,

GJM/jhr

John Carroll Coolahan, Esquire 1330 Sulphur Spring Road

Harrison Associates, Inc. 40 Dutton Avenue Baltimore, MD. 21228

Arbutus, BALTIMORE COUNTY OFFICE OF PLANNING & ZONING Karyland 21227

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

Your Petition has been received and accepted for filing lat day of February 1978.

John C. Coolahan, Esquire Page 2 July 10, 1978

Mr. Charles E. Heintz, Jr., Executive Director Revenue Authority

Mr. S. Eric DiNenna

Mr. James E. Dyer

JOHN CARROLL COOLA

July 5, 1978

Mr. George J. Martinak Deputy Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Petition for Variance Leon L. Lineburg et al No. 78-197-A (Item No. 115)

Dear Mr. Martinak:

JCC

orner.

Pursuant to our recent conversation regarding the above case, I am writing to advise you that I have contacted the Baltimore County Revenue Authority regarding your Amended Order of April 19, 1978 and your Order of March 30, 1978.

Mr. Heints of the sevence Authority devised se that they would be agrable to entering into a contact with my client for five years, with renewal options as set forth in your Order of March 30, 1978. However, Mr. Heints stated that his agency has never entered into an agreement as you outlined in your Amended Order of April 19, 1978 and he did not believe that his agency would do so in this case.

My client is anxious to go forward with his planned expansion but is stypied at this time because of our inability to contract with the Revenue Authority consistant with your Amended Order.

In view of this I would request that you review this case and advise as to what we might do to arrive at an agreeable solution.

Very truly yours,

John C. Coolahan, Esq.



BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave Towson, Maryland 212

Nicholas B. Com

Sureau of Department of Traffic Engineering

Sureau of Fire Prevention Health Department Project Planning Building Department

Board of Education Industrial Development

John Carroll Coolahan, Esquire 1330 Sulphur Spring Road Arbutus, Maryland 21227 RE: Variance Petition Item Number 115 Petitioner - Leon L. Lineburg

Ethel R. Lineburg

February 17, 1978

Dear Mr. Coolaban:

The Zontanan The Tontan Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has nade an on site field inspection of the property. The following comments are a result of this review and inspection. These comments are not introded to indicate the property of the property of

Located on the east side of East Drive between Linden and Stevens Avenues in the 11th Election District, this B.L. soned property 's presently improved with a restaurant facility. Surrounding properties are similarly the south, a dwelling, which is directly affected by the proposed addition, to the north and various commercial uses to the northeast and east.

Because of your client's proposal to construct an addition to the existing restaurant and coupled with the fact that off-street parking cannot be provided, this

John Carroll Coolahan, Esquire Page 2 Item Number 115 February 17, 1978

Variance is required. Many buildings in this area are existen by including off-street parking. A previous zoning hearing Cod my off-street parking. A previous zoning hearing Cod my off-street property located on the southeast corner of East Drive and Stevens Avenue to permit 0 parking spaces in live of the required 27 spaces parking

Particular attention should be afforded the comments of the Department of Permits and Licenses concerning the requirement that exiting be confined to the subject property.

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, Nicholan B Sommodon

Chairman Zoning Plans Advisory Committee

NBC:rf

cc: Harrison Associates, Inc. 40 Dutton Avenue Baltimore, Maryland 21228



December 28, 1977

Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item \$115 (1977-1978)
Property Omer: Leon L. & Ethel R. Lineburg
E/S East Dr. Go.5. N. Stevens Ave.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Variance to permit O parking spaces
in lieu of the required 64 spaces.
Acress: 0.17 District: 13th

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.

East Drive is an existing improved County street; further improvements are

The construction and/or reconstruction of concrete sidewalk and curb and gutter, etc. will be the full responsibility of the Petitioner.

Sediment Control:

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

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

Item #115 (1977-1978) Property Owner: Leon L. & Ethel R. Lineburg er 28, 1977

Water and Sanitary Sewer:

Public water supply and sanitary sewerage serve this property. Additional fire hydrant protection is required in the vicinity.

Ellewith D. Sir / 20 Mes ELLSWORTH N. DIVER, P.E. /

January 30, 1978

Item No. 115 - ZAC - December 13, 1977
Property Owner: Leon L. & Ethel R. Lindburg
Location: E/S East Dec. 76.26 'N Stevens Ave.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning Variance to permit 0 parking spaces in lieu

of the required 64 spaces.

The requested variance to parking can be expected to cause some

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate

cc: W. Munchel SW 5 D Topo 101 Tax Map

THORNTON M. MOURING, P.E.

March 13, 1978

Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 2120

> Re: Item #115 (1977-1978) Item #115 (1977-1978)
> Property Owner: Leon L. & Ethel R. Lineburg
> E/S East Dr. 62.6 N. Stevens Ave.
> Existing Zoning: B.L.-C.C.C.
> Proposed Zoning: Variance to permit 0 parking spaces in lieu of the required 64 spaces. Acres: 0.17 District: 13th

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

Supplemental Storm Drain Comments:

The rear portion of this property is subject to the 100-year design storm flooding by Herbert Run. The United States Department of Housing and Urban Development P.1.A. Map 76 indicates a 100-year design storm flood plain elevation of approximately 76 feet above N.L.T. (Baltimore County datum). Further construction is not permitted within 100-year flood plains.

Very truly yours. ELISWORTH N. DIVER, P.E. Chief, Bureau of Engineering

cc: D. Grise J. Seuffert

G-SW Key Sheet 18 SW 15 Pos. Sheet SW 5 D Topo



January 11, 1978

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

The following are comments on Item # 115 . Zoning Advisory Meeting of December 13, 1977:

Property Owner: Leon L. & Ethel R. Lineburg

R/S East Dr. 62.6' N Stevens Ave. Location:

Acres: 0.17 13th

Metropolitan water and sewer are available, therefore no health hazards are

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 reriew and approval prior to construction.

Very truly yours.

Ohman M. Word Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

THD/KS/po SEC 35 118

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

department of permits and license

Dear Mr. DiNenna:

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

The items checked below are applicable:

construction.

G. Requested setback variance

Very truly yours, Charle & Sumbon Charles E. Burnham Plans Review Chief

Comments on Item # 115 Zoning Advisory Committee Meeting,

Property Owner: Leon L. & Ethel R. Lineburg Location: R/S East Dr. 62.6' M Stevens Ave. Existing Zoning: B.L. - C.C.O. Proposed Zoning: Variance to permit O parking spaces in lieu of the required 64 spaces.

A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes, such as Naryland State Code for the Handicapped and Agod.
 E. A building permit shall be required before construction can begin.

C. Three sets of construction drawings will be required to file an application for a building permit.

(X) D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit. (X) E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

(X) F. Firewalls shall be provided on property line of new and existing

OHN D. SEYFFERT

Attention: N. Commodari, Chairman Zoning Advisory Committee

Ro: Property Omer: Leon L. & Ethel R. Lineburg

Location: E/S East Dr. 62.6' N Stevens Ave. Item No. 115 Zoning Agenda Meeting of 12/13/77

February 22, 1978

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 grequired and shall be located at intervals of foot along an approved read 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_

ECEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Provention Code prior to occupancy or beginning of operations.

(xx) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Pire Protection Association Stratard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Dureau has no comments, at this time. Note: Basement use for assembly shall be sprinklered.

Noted and Chief Wey

Planning Group Special Imspection Dividion

Pire Prevention Bureau

office of planning and zoning

January 18, 1978

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

Comments on Item #115, Zoning Advisory Committee Meeting, December 13, 1977, are as follows:

Property Owner: Leon L. and Ethel R. Lineburg Location: F/S East Drive 62.6' N. Stevens Avenue Existing Zoning: 8.L.-C.C.C.
Proposed Zoning: Variance to permit 0 parking psaces in lieu of the required 64 spaces Acres: 0,17

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are mode aware of plans or problems with regard to development plans that may have a

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

John Levablez John L. Wimbley Current Planning and Development Division department or hum. TOWSON, MARYLAND 21204 (301) 494-3550 department of traffic engine STEPHEN E COLLINS

Wr Fric S DiNenna

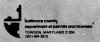
Zoning Commissioner County Office Building

Towson, Maryland 21204

Acres: District:

parking problems in t'e area.

MSF/hms



December 9, 1977

Hr. S. Eric DiNemms, Zoning Commissioner Office of Planning and Soning County Office Building Towson, Maryland 21204

Comments on Item # 1152oning Advisory Committee Meeting, December 13, 1977 are as follows:

Property Owner: Leon L. & Ethel R. Lineburg Location: R/S East Dr. 62.6' N Stevens Ave. Existing Zoning:B.L. - C.C.C. Proposed Zoning:Variance to permit O parking spaces in lieu of the required 64 spaces.

Acres: District:

The items checked below are applicable:

A. Structure shall conform to Baltimore County Building Code (B.O.C.A.)
1970 Edition and the 1971 Supplement and other applicable codes, as well as
Maxyland State Code for the Bandicapped and aged.
 B. A building permit shall be required before construction can begin.

C. Three sets of construction drawings will be required to file an application for a building permit.

(L) D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.

E. Vood frame valls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

(X) p. Exiting shall be required without crossing over property lines in compliance with bullding code.

G. Requested setback variance conflicts with the Baltimore County Building Code. See Section

Sharlo & Sumbon

Charles E. Burnham Plans Review Chief CEB:rrj

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 7, 1977

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

Z.A.C. Meeting of: December 13, 1977

RE: Item No: 115 Item No: 115
Property Owner: Leon L. & Ethel R. Lineburg
Location: E/S East Dr. 62.6* N. Stevens Ave.
Present Zoning: B.L.-6.C. Opermit 0 parking spaces in lieu of the required 64 spaces.

District: 13th No. Acres: 0.17

No bearing on student population.

Very truly yours,

W. Wick Letrout W. Nick Petrovich, Field Representative

T. BAYARD WILLIAMS. JR., VICE-PRESIDEN

BOGER B. HAYDEN

Place of the Control	AND DESCRIPTION OF THE PERSONS	DVIGUSS:	S-100
1-SIGN	78	8-1	97-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	- 3
District 13th Posted for PETITION FOR VARIANCE	Date of Posting MARCH 4, 1978
Petitioner: Leon L. LINEBURG	
Location of property: E/S of EAST DR. 6	2.6 N OF STEVENS AVE.
Location of Signs: FRONT 5309 FAST	DR.
Remarks: POSTED INSIDE VESTIBULE WINE	be w
Posted by Thomas To Boland	

OFFICE OF FIN	OUNTY MARYLAND ANCS - NUE DIVISION DUS CASH RECEIPT	No. 57347
Dec.	1, 1977 ACCOUNT 01-6	62
	\$25.	.00
	Cash (John Carroll (Coolahan)
RECEIVED		
FROM	ition for Variance Leon I	Lineburg
Pet	ition for Variance Leon I	Aneburg 2 5,0 C MSC

PETITION	M	APPI	NG	PRO	OGRE	SS	SHE	T		
FUNCTION	Wal	1 Map	Ori	ginal	Dupl	licate	Tro	cing	200	Sheet
FUNCTION	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map					125	تدور				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: D.T					ed Pla e in ou		or des	cripti	ion	
Previous case: 74-	259	4		Мар	1505	0	-			

BALTIMORE COUNTY, MAR OFFICE OF FINANCE - REVENU MISCELLANEOUS CASH RE	E DIVISION
March 20, 1978	ACCOUNT 01-662
	AMOUNT \$42.91
Balto., Md. 21227	han, Eeq. 1330 Sulphur Spring Rd.



TOWSON, MD. 21204

March 1.

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Leon L. Lineburg was inserted in the following:

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☐ Towson Times
 ☐ Arbutus Times
 ☐ Community Times ☐ Suburban Times West
- ☐ Suburban Times East

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the day of Harch 19 78, that is to say, the same was inserted in the issues of March 2, 1978.

STROMBERG PUBLICATIONS, INC.

BY Loura Panneticker



CERTIFICATE OF PUBLICATION

TOWSON, MD.,..... March 2. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., oncert day of ____Karch______, 19_78_, the first publication appearing on the 2nd day of March 19. 78

S. Lank Shurker

Cost of Advertisement, \$___



















