

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) 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 409.2, B, (3) (6) to permit forty (40) off-street parking spaces instead of the required eighty six spaces. Section 413.2f to permit a sign to have a total area of 112 sq. ft. in lieu of the permitted 100 sq. ft. and Section 413.5b to allow a sign to project into the street right-of-way in lieu of being located entirely on the property.

The off-street parking requirements do not take into consideration the seasonal and transient nature of the carry-out trade. The geographical makeup of the area prohibits any type of extensions of the existing parking areas thereby making it impossible to conform to the requirement.

Also sign is existing and we wish to legalize location and size.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Robert S. Current (Type or Print Name) Signature: [Signature] Address: 1534 York Road, Lutherville, Md. 21093

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County...

ORDER RECEIVED FOR FILING DATE July 29, 1982

Robert S. Current, 1534 York Rd., 1155 N. of the centerline of Seminary Ave., Towson, Maryland 21284

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21284

Chairman: Nicholas P. Commodari

- MEMBERS: Bureau of Engineering, State Roads Commission, Bureau of Fire Prevention, Health Department, Project Planning, Building Department, Board of Education, Zoning Administration, Industrial Development

May 10, 1982 Item No. 86 Petitioner - Robert S. Current Variance Petition

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 subject property, presently improved with your client's combination carry-out/restaurant operation is located on the west side of York Road north of Seminary Avenue in the 8th election district.

In view of your client's proposal to construct an addition to the side of the existing building, and "legislize" the size and location of the sign located along York Road, this hearing is required.

In view of the fact that revised plans were submitted that reflect the correct parking calculations and those comments from the Office of Current Planning and Department of Permits and Licenses, I scheduled this petition for a hearing. However, a profile of the existing sign should also be reflected on these plans.

Enclosed are all comments submitted from the members of the Committee at this time that of a request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was

Item No. 86 Petitioner - Robert S. Current

presented for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, [Signature] Chairman

- cc: Callahan, Evans & Moore, Inc. Jefferson Building 1001 Chesapeake Avenue Towson, Maryland 21286

Baltimore County, Maryland Department Of Public Works

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

October 27, 1975

Mr. C. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21284

Re: Item #70 (1975-1976) Property Owner: Melvin R. Gill, Et Ux 5/8S of York Rd., 755' N/W of Seminary Ave. Existing Zoning: S.L. & P.R. 5.5 Proposed Zoning: Variance from Sec. 409.2b (3 & 6) to permit 40 off-street parking spaces instead of the required 60 spaces & a Special Hearing to approve off-street parking in a residential zone. No. of Acres: 125 x 200 District: 8th

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.

General: The submitted plan must be revised to indicate specifically which lots of the recorded subdivision "Lutherville Heights" (W.P.C. 7, Folio 68) comprise this site.

Highways: York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland Highway Administration.

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

Sediment 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 #70 (1975-1976) Property Owner: Melvin R. Gill, Et Ux Page 2 October 27, 1975

Storm Drains: The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters.

Water and Sanitary Sewers: Public water supply and sanitary sewers are serving this site. This property is tributary to the Jones Falls sanitary sewer system subject to State Health Department imposed restrictions.

Additional fire hydrant protection may be required in the vicinity.

Very truly yours, [Signature] ELLSWORTH N. DIVER, P.E., Chief, Bureau of Engineering

END:EM:FW:iss cc: J. Wimbley W. Munchel

S-SE Key Sheet 1:6 NW 1 Pos. Sheet NW 12 A Topo 60 Tax Map

Maryland Department of Transportation State Highway Administration

Lowell K. Bridwell Secretary M. S. Caltagirone Administrator

November 18, 1981

Mr. William Hammond Zoning Commissioner County Office Bldg. Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of Nov. 17 1981 ITEM: # 486 Property Owner: Robert S. Current Location: W/S York Rd. Route 45, 755' N. of centerline of Seminary Avenue Existing Zoning: BL & D.R. 5.5 Proposed Zoning: Variance to permit 40 off-street parking spaces in lieu of the required 81 spaces (40 spaces in lieu of 60 spaces granted under Case #76-116 ASPH). Acres: 0.57 District: 8th

Dear Mr. Hammond: On review of the site plan of October 28, 1981 and field inspection, the State Highway Administration finds the plan to be generally acceptable.

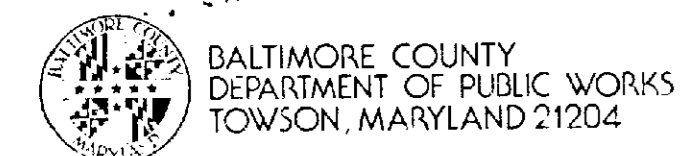
However, it is requested that the plan be revised to show the deteriorated and patched sidewalk on the north side of the entrance repaired or replaced and the broken curb on the south side of the entrance replaced.

If you have any questions, please do not hesitate to call this office.

Very truly yours, [Signature] Charles Lee, Chief Bureau of Engineering Access Permits

cc: Mr. J. Wimbley

My telephone number is (301) 659-1353 By: George Wittman Teletypewriter for impaired hearing or speech 303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5092 Statewide Toll Free P.O. Box 7177 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E. DIRECTOR February 5, 1982

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #86 (1981-1982) Property Owner: Robert S. Current 755 York Road 755' N. of centerline of Seminary Ave. Acres: 0.57 District: 8th

Dear Mr. Hammond: 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.

General: The comments which were supplied in connection with the Zoning Advisory Committee review of this property for Item 70 (1975-1976), 76-116 ASPH, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 86 (1981-1982).

Very truly yours, [Signature] ROBERT A. MORGAN, P.E., Chief Bureau of Public Services

RAM:EM:FW:iss

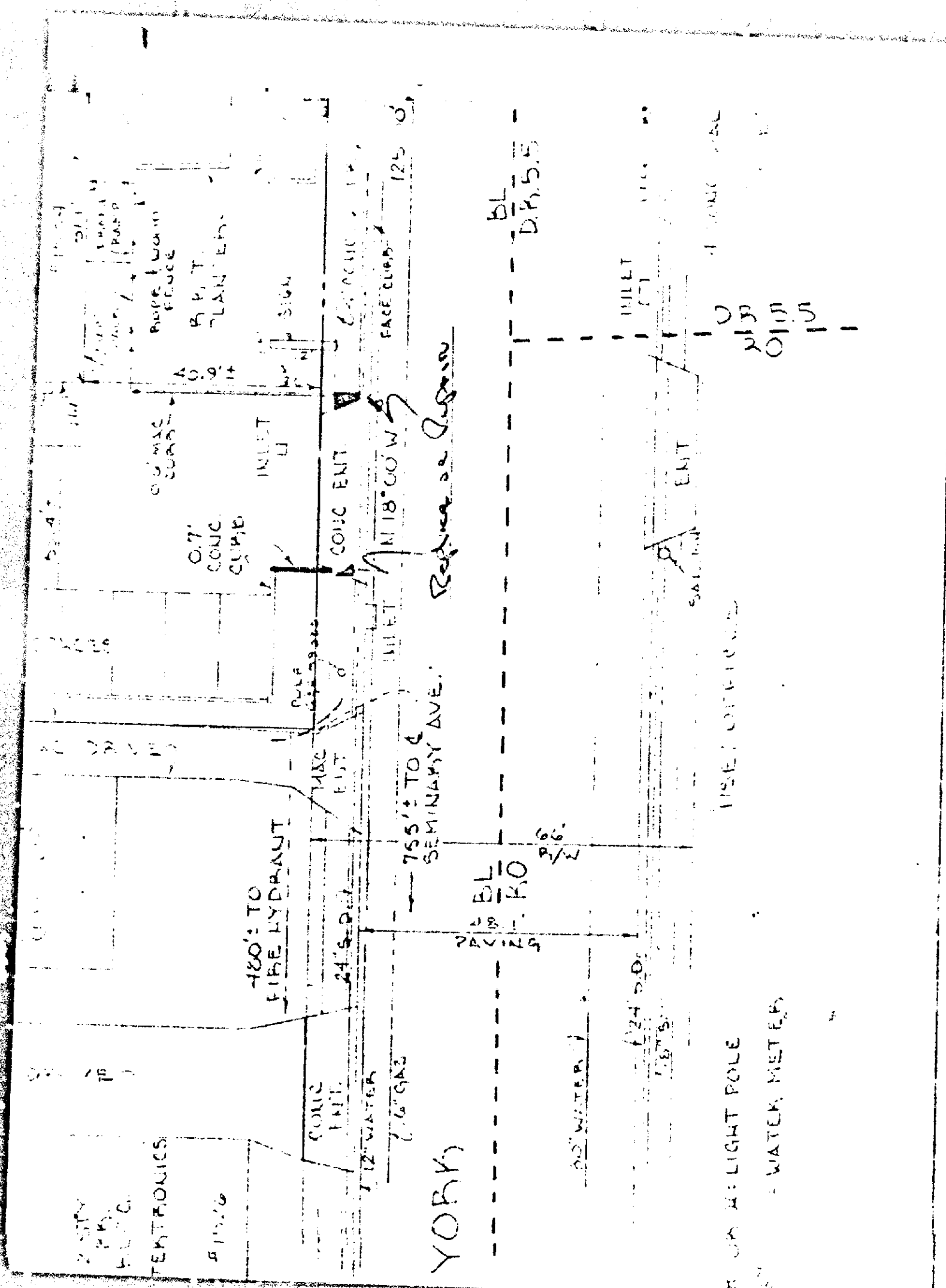
cc: Jack Wimbley William Munchel

Attachment

S-SE Key Sheet 4:6 NW 1 Pos. Sheet NW 12 A Topo 60 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

December 22, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #86, Zoning Advisory Committee Meeting, November 17, 1981, are as follows:

Property Owner: Robert S. Curreri
Location: W/S York Road 755' N. of centerline of Seminary Avenue
A-res: 0.57
District: 8th

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 made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the parking lot to the south of this site is to be used, a proper driveway connection must be indicated on the site plan.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW/rh

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
30114943550

EPHRAE COLLINS
DIRECTOR

March 16, 1982

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 86 - ZAC - Meeting of November 17, 1981
Property Owner: Robert S. Curreri
Location: W/S York Road 755' N. of centerline of Seminary Avenue
Existing Zoning: BL and D.R. 5.5
Proposed Zoning: Variance to permit 40 off-street parking spaces in lieu of the required 81 spaces (40 spaces in lieu of 60 spaces granted under Case #76-116 ASPH).

Acres: 0.57
District: 8th

Dear Mr. Hammond:

This parking variance will add to the traffic congestion in the area.

Michael S. Planigan
Michael S. Planigan
Traffic Engineering Associate II

MSF/bza

Curreri

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 17, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 86, Zoning Advisory Committee Meeting of November 17, 1981, are as follows:

Property Owner: Robert S. Curreri
Location: W/S York Road 755' N. of centerline of Seminary Avenue
Existing Zoning: BL & D.R. 5.5
Proposed Zoning: Variance to permit 40 off-street parking spaces in lieu of the required 81 spaces (40 spaces in lieu of 60 spaces granted under Case #76-116 ASPH).

Acres: 0.57
District: 8th

Metropolitan water and sewer exist.

Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for this food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health, for review and approval.

Very truly yours,

Ian J. Forrest
Ian J. Forrest
Director
BUREAU OF ENVIRONMENTAL SERVICES

BBS/rgt

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

December 16, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Robert S. Curreri

Location: W/S York Road 755' N. of centerline of Seminary Avenue

Item No.: 86 Zoning Agenda: Meeting of November 17, 1981

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 or _____ 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 operation.

() 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 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mf/cm

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3210

HO ZALESKI JR.
DIRECTOR

December 3, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #86 Zoning Advisory Committee Meeting, November 17, 1981, are as follows:

Property Owner: Robert S. Curreri
Location: W/S York Road 755' N. of centerline of Seminary Avenue
Existing Zoning: BL & L.R. 5.5
Proposed Zoning: Variance to permit 40 off street parking spaces in lieu of the required 81 spaces (40 spaces in lieu of 60 spaces granted under Case #76-116 ASPH).

Acres: 0.57
District: 8th

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Handicapped and Age; and other applicable Codes.

X B. A building/ _____ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

X F. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.

X I. Comments: The new north wall shall comply to Item "F" above and Table 211 of the Building Code. No opens are permitted within 3' of a property line. Water run off from roof shall be as required in Sec. 321 of Bill 199-79. Gutters and downspouts provide hand-dropped parking and access to building as

NOTE: These comments reflect only on the information provided by the drawing per State law submitted to the office of Planning and Zoning and are not intended to and B.O.C.A. be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,
Charles E. Humber
Charles E. Humber, Chief
Plans Review

CEB/rjt

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: November 17, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: November 17, 1981

RE: Item No: 86, 87, 88, 89, 90, 91, 92, 93
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Nick Petrovich
Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCES : BEFORE THE
 W/S of York Road, 755' N of the : ZONING COMMISSIONER
 centerline of Seminary Avenue - : OF
 8th Election District :
 Robert S. Curreri - Petitioner :
 NO. 82-245-A (Item No. 86) : BALTIMORE COUNTY

The petitioner herein seeks to secure variances to permit 40 off-street parking spaces in lieu of the required 86 spaces, a sign to have a total area of 112 square feet in lieu of the permitted 100 square feet, and a sign to project into the street right of way in lieu of being located entirely on the petitioner's property. The parking variance is requested to allow an addition to be made to the existing improvement and the sign variances are to legitimize the existing sign.

On February 17, 1976, the then Zoning Commissioner, S. Eric DiNenna, granted the subject property, owned by Melvin R. Gill, et ux, the use of off-street parking in a residential zone and 40 off-street parking spaces in lieu of the required 60 spaces (Case No. 76-116-ASPH). The site plan depicting the parking layout was approved on February 3, 1976 and marked Zoning Commissioner's Exhibit A. Subsequently, an appeal was filed to the County Board of Appeals. The Board, in its Order dated March 10, 1977, stated:

"...The Board's interpretation, based upon the testimony and review of the Zoning Regulations, is that the required off-street parking for the Petitioner's operation is forty-five spaces..."

Since the Board's application and interpretation of the parking requirements set forth in the zoning regulations was not appealed, it must be assumed to be correct and, therefore, any addition to the improvement as it existed on March 10, 1977 would require parking spaces to be added to the 45 spaces referred to in the Board's Order. This assumption, however, appears to be negated by the site plan prepared by Spellman, Larson & Associates, L.C., revised May 18, 1982, and marked Petitioner's Exhibit 1, which calculates the parking requirements, including the proposed addition, to be 86 spaces. The petitioner, in his

Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

It is FURTHER ORDERED that the variance to allow the existing sign to project into the State right of way in lieu of being located entirely on the petitioner's property is hereby DENIED.

William E. Hammond
 Zoning Commissioner of
 Baltimore County

attempt to clarify the extent of the parking requirements application, introduced a "parking calculation" sheet (Petitioner's Exhibit 3) which shows a breakdown of the interior use of the existing structure and assigned a parking space requirement for each, in accordance with Section 409.2.b.(3) and (6) of the Baltimore County Zoning Regulations, i.e., 1,435 square feet devoted to the carry-out with one space for each 200 square feet (7.17 spaces); 1,058 square feet devoted to the boiler room, steam room, cold storage, and stairs and bathroom with one space for each 200 square feet (5.25 spaces); and 1,836 square feet devoted to the dining area with one space for each 50 square feet (36.72 spaces)—a total square footage of 4,329 and a parking space total of 49.12.

Although this office has treated carry-out operations differently than restaurants in determining parking requirements, the same has not been true with respect to kitchen, restrooms, and storage space. In the past, they have always been treated as being part of the restaurant facility and, therefore, subject to one space for each 50 square feet. Calculations based upon this treatment would require 21.16 additional spaces for a total of 70.28 spaces.

The petitioner proposes to construct a 13' x 89' addition designed to provide additional cold and dry storage areas, restrooms, an office, and an additional 21' x 13' dining area. Based upon the petitioner's argument, he would need 5.4 additional parking spaces for the dining area and 4.4 additional spaces for the other areas for a total of 9.8 spaces. According to the Zoning Office calculations, 17.6 additional spaces would be required.

Whether or not the petitioner is correct when he says the total parking space requirement would be 59 or the Zoning Office is correct when it says the total parking space requirement would be 87.86 is immaterial to the extent that the petitioner cannot meet either requirement on site. It is for this reason that the petitioner contends that to comply with the zoning regulations would cause him practical difficulty or unreasonable hardship and, consequently,

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
 W/S of York Rd., 755' N of the :
 centerline of Seminary Ave., :
 8th District : CF BALTIMORE COUNTY

ROBERT S. CURRERI, Petitioner : Case No. 82-245-A

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 John W. Hession, III
 People's Counsel for Baltimore County
 Rm. 223, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 21st day of April, 1982, a copy of the foregoing Order was mailed to G. Warren Mix, Esq., 706 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III
 John W. Hession, III

justifies his request for a variance to the parking requirements. The petitioner further testified that there were several business parking areas within 500 feet of his location to which he had been given oral permission to use for overflow parking. He also introduced a lease (Petitioner's Exhibit 2) to use the adjoining property owned by D. William Anderson for 15 parking spaces.

Edward Corkey cited the increase in traffic as his reason for opposing the requested variances. He stated that there were many accidents on this portion of the road, but candidly acknowledged that they were caused by the road condition and not as a result of the petitioner's business. He indicated that he was not a crab fancier and, therefore, did not enjoy the odors emanating from the site.

Based upon the relatively minor addition proposed, together with the minor increase in parking spaces required and the availability of other areas for overflow parking, the variance should be granted.

Section 307 confers upon the Zoning Commissioner the power to grant variances "...from sign regulations..." Under this section, the petitioner requests that a sign, erected 10 to 11 years ago and containing 112 square feet, be legitimized since it does not comply with the limitation imposed by Section 413.2.f, i.e., "Other business signs (not exceeding three on any premises) may be used... limited to a total area of 100 square feet in Business Zones..." In addition, the petitioner also requests that a variance be granted for the aforementioned sign because it projects into the right-of-way line of York Road in violation of Section 413.5.b.

Since both of these requests deal with the same sign, they will be considered together. It should be noted that although Section 307 confers authority to grant variances from the sign regulations, a distinction between the variances becomes obvious. One seeks a variance from an area requirement and the other a variance from a location requirement, to wit, the use of a part of the York Road right of way for placement of the sign. Irrespective of whether or not the

LANDLORD AND TENANT'S AGREEMENT LUGS EXOS FORM 15

This Agreement, Made this 15th day of JUNE 1980 between DR. WILLIAM ANDERSON Landlord and OCEAN PRIDE SEAFOOD Tenant. WITNESSETH That the said Landlord hereby rents to the said Tenant USE OF PARKING LOT WHEN NEEDED FOR CUSTOMER PARKING IN THE REAR OF 1528 YORK RD. for the term of 5 YEARS beginning on the 15th day of JUNE 1980 and ending on the 14th day of JUNE 1985 at the rate of ONE HUNDRED TWENTY-FIVE dollars a YEAR payable IN ADVANCE

And the said Tenant hereby covenants with the said Landlord to pay the rent as aforesaid, keep the premises in good order, and to surrender the peaceful and quiet possession of the same at the end of the said term, in as good condition as when received, (the natural wear and decay of the property and unavoidable accidents excepted), and further, that the said Tenant will not do, suffer or permit anything to be done, in or about the premises which will contravene the policy of insurance against loss by fire, nor use, nor permit their use, for purposes other than those of a TO ACCOMMODATE CUSTOMER PARKING and will not at any time assign this agreement or sublet the property (this let or any portion thereof), without the consent in writing of the said Landlord or HIS representatives; and further, that whatever alterations or repairs the said Tenant shall be permitted to make shall be done at HIS own expense.

IT IS FURTHER AGREED, That if the rent shall be 15 days in arrears the Landlord shall have the right to distrain for the same, and to re-enter and take possession; and if the Tenant shall violate any of the foregoing covenants on his part herein made, the Landlord shall have the right without formal notice to re-enter and take possession; and if the property shall be destroyed or rendered unsuitable by fire or unavoidable accident, the tenancy hereby granted shall terminate at the end of the term above mentioned, or of any term thereafter, by giving at least THIRTY days previous notice thereof in writing.

PETITIONER'S EXHIBIT 2

AND IT IS ALSO FURTHER AGREED, That this agreement, with all its provisions and covenants, shall continue in force from term to term after the expiration of the term above mentioned, provided, however, that the parties hereto, or either of them, can terminate the same at the end of the term above mentioned, or of any term thereafter, by giving at least THIRTY days previous notice thereof in writing.

IN TESTIMONY WHEREOF, the said parties have hereunto subscribed their names and affixed their seals the day and year first above written.

TEST:— *William Anderson* (SEAL)
Bonnie Lee Hoff (SEAL)

zoning regulations can impose a burden upon property owned and utilized by the State in the exercise of its governmental function, it must be concluded that there is no authority conferred by Section 307 to grant a variance to impose an additional burden on the land owned by the State—an owner not a party to these proceedings.

Therefore, in view of the oversized sign having existed for the last 10 or 11 years without substantial injury to the public health, safety, and general welfare and based upon the practical difficulty and unreasonable hardship created if the petitioner were required to comply with the zoning regulations by reducing the size of the sign by 12 square feet, this variance should be granted. However, the variance to permit said sign to remain in its present location should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of July, 1982, that the variances to permit 40 off-street parking spaces in lieu of the required 86 spaces, in accordance with Petitioner's Exhibit 1, and the existing sign to have a total area of 112 square feet in lieu of the permitted 100 square feet are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Provide a temporary sign on the subject site, visible both north and south on York Road, by which the public is directed to other parking locations available for use by the patrons of the business during peak times of operation.
2. Interior use of the subject improvement shall be in accordance with Petitioner's Exhibit 3 and, as to the proposed addition, in accordance with the testimony.
3. The existing sign shall be relocated outside of the State right-of-way line of York Road.
4. Compliance with the comments submitted by the Maryland Department of Transportation, dated November 18, 1981, the Department of Permits and Licenses, dated December 3, 1981, the Department of Health, dated December 17, 1981, and the Office of Planning and Zoning, Current Planning and Development Division, dated December 22, 1981.
5. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the

PETITION FOR VARIANCES

8th Election District
 ZONING: Petition for Variances
 LOCATION: West side of York Road, 755 feet North of the center line of Seminary Avenue
 DATE & TIME: Tuesday, May 18, 1982 at 10:30 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit forty off-street parking spaces in lieu of the required eighty-six spaces, a sign to have a total area of 112 square feet in lieu of the permitted 100 square feet, and a sign to project into the street right-of-way in lieu of being located entirely on the property.

The Zoning Regulations to be excepted as follows:
 Section 409.2.b.(3)(6) - a minimum of off-street parking spaces for restaurant/carry-out
 Section 413.2.f. - minimum area for free-standing sign
 Section 413.5.b. - location of sign
 All that parcel of land in the Eighth Election District of Baltimore County

Being the property of Robert S. Curreri, as shown on the plat filed with the Zoning Department
 Hearing Date: Tuesday, May 18, 1982 at 10:30 A.M.
 Public Hearing: Room 106, County Office Building, 111 West Chesapeake Avenue Towson, Maryland

BY ORDER OF
 WILLIAM E. HAMMOND
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE July 29, 1982
 BY *John P. Lawry*

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ORDER RECEIVED FOR FILING

DATE July 29, 1982
 BY *John P. Lawry*



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 110 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.E.
JOSEPH L. REED
LOUIS J. PIAZZA, JR., P.E.
ALBERT BEVY
MARK C. MARTIN

DESCRIPTION FOR VARIANCE TO ZONING, 1534 YORK ROAD, EIGHTH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the West side of York Road, 66 feet wide, at the distance of 755 feet, more or less, measured Northerly along the West side of York Road from the center line of Seminary Avenue and running thence and binding on the West side of York Road North 18 Degrees 00 Minutes West 125.00 feet, thence leaving the West side of York Road and running South 72 Degrees 00 Minutes West 200.00 feet, South 18 Degrees 00 Minutes East 125.00 feet and North 72 Degrees 00 Minutes East 200.00 feet to the place of beginning. Containing 0.57 acres of land more or less.

10/29/81



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning
Date: May 13, 1982
Zoning Petition No. 82-245-A
Robert S. Curreri

In view of the concerns expressed by the Department of Traffic Engineering, this office cannot support the subject request. Additionally, we are opposed to the granting of the requested sign variance that would add to the more than ample signage along this portion of York Road.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:slc

cc: Arlene January
Shirley Hess

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

July 30, 1982

RE: Petition for Variances
W/S of York Road, 755' N of the
centerline of Seminary Avenue -
8th Election District
Robert S. Curreri - Petitioner
NO. P2-245-A (Item No. P6)

Dear Mr. Mix:

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

Very truly yours,

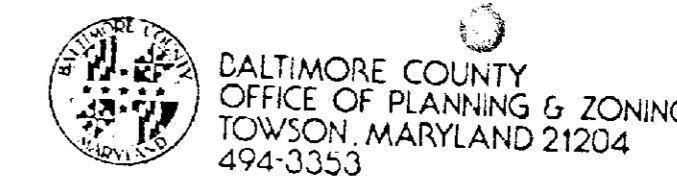
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mr. Edward Cockey
8 Craftley Road
Lutherville, Maryland 21093

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



WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 11, 1982

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances
W/S York Rd., 755' N of the centerline
of Seminary Avenue
Robert S. Curreri - Petitioner
Case #82-245-A Item #86

Dear Mr. Mix:

This is to advise you that \$64.78 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107638

DATE: 5/18/82 ACCOUNT: 01-662

AMOUNT: \$64.78

RECEIVED FROM: Robert S. Curreri o/o G. Warren Mix, Esq.
FOR: Advertising & Posting Case #82-245-A

VALIDATION OR SIGNATURE OF CASHIER
64.78

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variances, W/S of York Rd., 755' N of the center line of Seminary Ave., 8th Election District, Robert S. Curreri - Petitioner, NO. 82-245-A (Item 86)

TIME: 10:30 A.M.

DATE: Tuesday, May 18, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

**PETITION FOR VARIANCES
8TH ELECTION DISTRICT**

ZONING: Petition for Variances
LOCATION: West side of York
Road, 755 feet North of the
centerline of Seminary Avenue
DATE & TIME: Tuesday, May 18,
1982, 10:30 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing on the petition for variances to permit forty off-street parking spaces in an area of the required subject area, a sign to have a total area of 112 square feet in the right-of-way in lieu of being located entirely on the property.

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing on the petition for variances to permit forty off-street parking spaces in an area of the required subject area, a sign to have a total area of 112 square feet in the right-of-way in lieu of being located entirely on the property.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 29, 1982

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 one time before the day of May, 1982, the 13th publication appearing on the 25th day of April, 1982.

THE JEFFERSONIAN
L. Frank Struthers
Manager.

Cost of Advertisement, \$.....

**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

District: 8th Date of Posting: April 30, 1982
Posted for: Variances
Petitioner: Robert S. Curreri
Location of property: West side of York Road, 755' N of centerline of Seminary Avenue
Location of signs: West side of York Road, 755' N of centerline of Seminary Avenue
Remarks:
Posted by: G. Warren Mix Signature Date of return: May 2, 1982
Number of Signs: 1

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

cc: Spellman, Larson & Assoc., Inc.
Suite 110
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

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

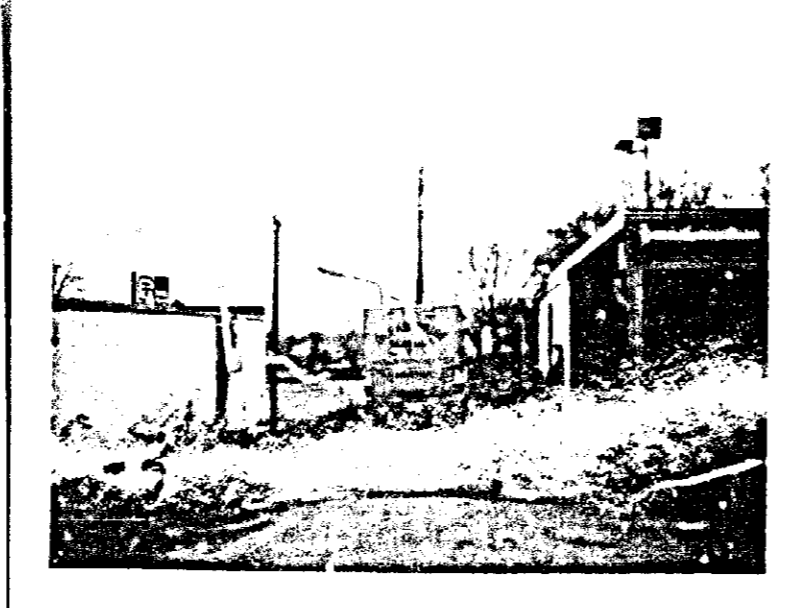
Your Petition has been received and accepted for filing this 13th day of April, 1982.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Robert S. Curreri

Petitioner's Attorney: G. Warren Mix

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee



**Petition for
Variances
8TH ELECTION
DISTRICT**

ZONING: Petition for
Variances
LOCATION: West side
of York Road, 755 feet
North of the center line of
Seminary Avenue
DATE & TIME: Tuesday,
May 18, 1982 at 10:30
a.m.
PUBLIC HEARING:
Room 106, County Office
Building, 111 W. Chesapeake
Avenue, Towson,
Md.

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of Baltimore County, will hold a public hearing on the petition for variances to permit forty off-street parking spaces in an area of the required subject area, a sign to have a total area of 112 square feet in the right-of-way in lieu of being located entirely on the property.

The Zoning Regulations of Baltimore County, Section 409.2.b.(2)(b) - a parking spaces for restaurant/carry-out

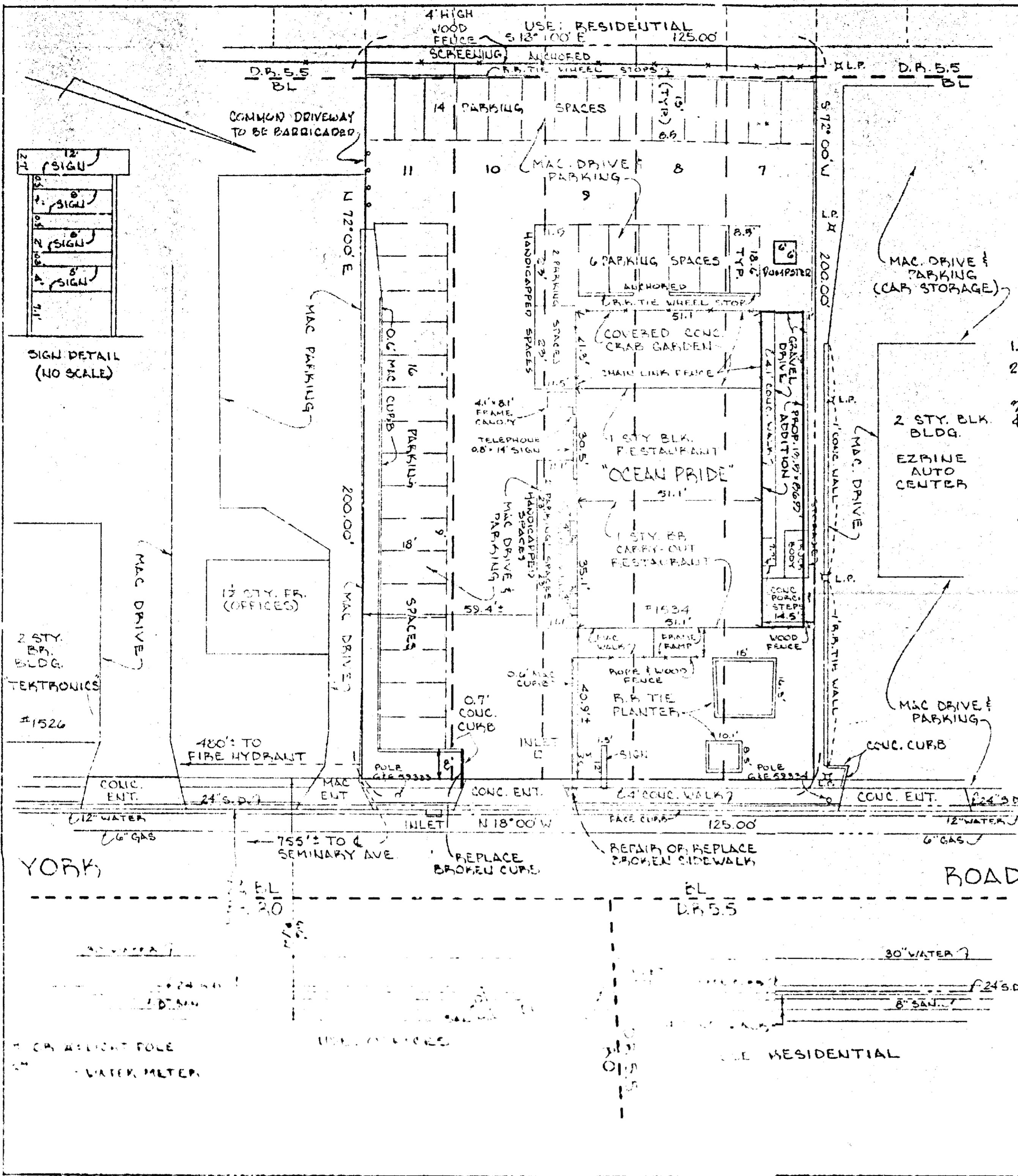
Section 413.2.f. - minimum area for free-standing sign
Section 413.6.b. - location of sign
All that parcel of land in the Eighth Election District of Baltimore County containing for the same at a point on the West side of York Road, 755 feet North of the center line of Seminary Avenue and running thence and binding on the North 18 Degrees 00 Minutes West 125.00 feet, thence leaving the West side of York Road and running South 72 Degrees 00 Minutes West 200.00 feet, South 18 Degrees 00 Minutes East 125.00 feet and North 72 Degrees 00 Minutes East 200.00 feet to the place of beginning. Containing 0.57 acres of land more or less.
Being the property of Robert S. Curreri, as shown on the plat filed with the Zoning Department.
Hearing Date: Tuesday, May 18, 1982 at 10:30 a.m.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
BY ORDER OF
William E. Hammond
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., April 29, 1982
This is to Certify, That the annexed

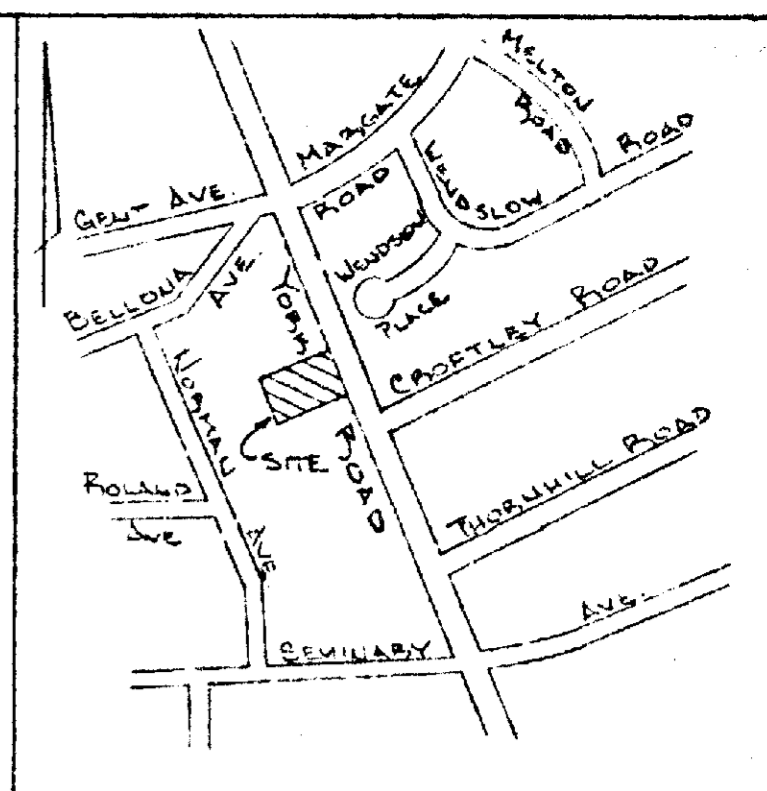
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 29th day of April, 1982.
Publisher.





SITE DATA

1. AREA OF TRACT = 0.57 AC.
2. REFER TO PREVIOUS ZONING VARIANCE CASE #76-116
3. EXISTING ZONING: BL 4 DR. 5.5
4. PROPOSED ZONING: BL 4 DR. 5.5 WITH A VARIANCE TO ALLOW A REDUCTION IN THE PARKING SPACE REQUIREMENT FROM THE REQUIRED 86 SPACES TO 40 SPACES.
5. PARKING PROVIDED (ZONING CASE #76-116): 40 SPACES
6. PARKING SCHEDULE:
 - EX. CARRY-OUT FLOOR AREA = 1794 #
 - EX. RESTAURANT FLOOR AREA = 2647 #
 - PROP. BLDG ADDITION FLOOR AREA = (19.5 x 869) = 1173 #
 - PARKING REQUIRED: CARRY-OUT = 1794 ÷ 200 = 9.0 SPACES
 - RESTAURANT = 2647 ÷ 50 = 52.9 SPACES
 - BLDG. ADDITION = 1173 ÷ 50 = 23.5 SPACES
 - TOTAL = 85 SPACES
7. PARKING PROVIDED = 40 SPACES



PLAT FOR VARIANCE TO ZONING

TO PERMIT 40 PARKING SPACES INSTEAD OF THE REQUIRED 86 PARKING SPACES (76-116 ASPH GRANTED: 40 IN LIEU OF 60)

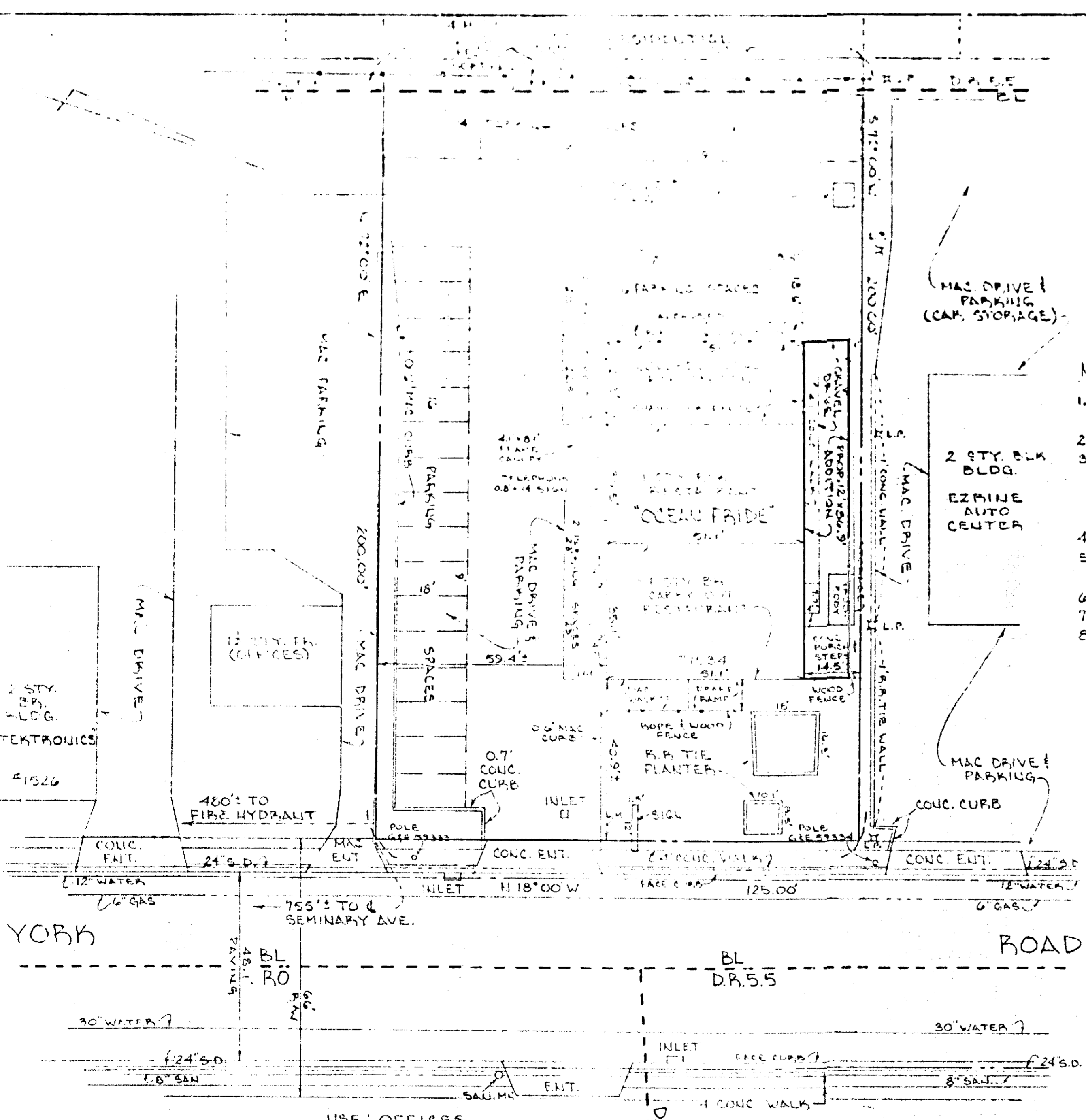
1534 YORK ROAD
8TH ELECT. DIST. BALTIMORE CO., MD.
SCALE: 1" = 20'
OCT. 28, 1981
REV. APRIL 5, 1982

PETITIONER'S EXHIBIT 1



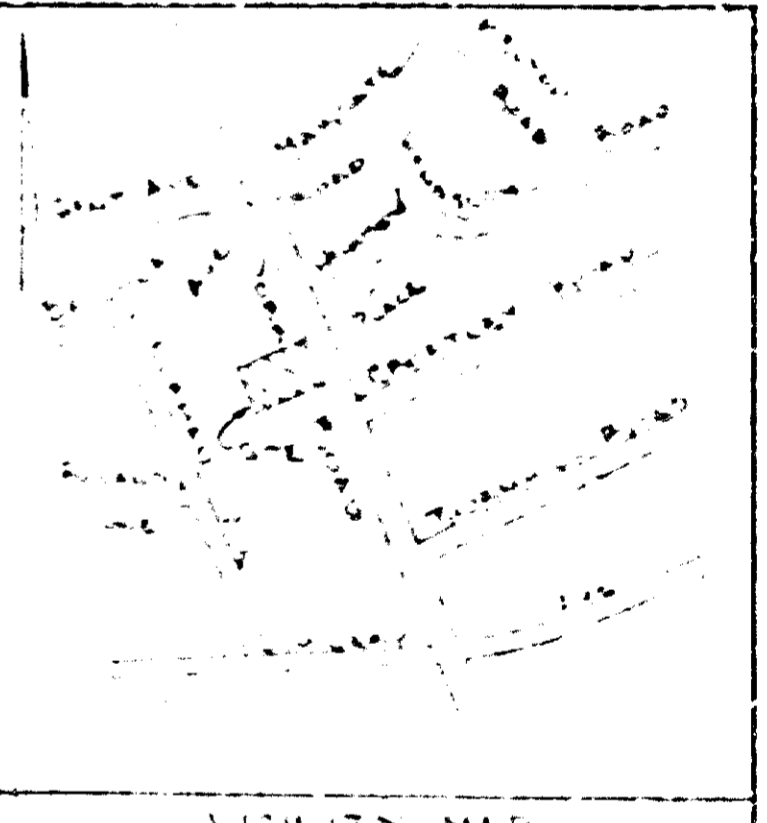
REV. 5/10/82
SPELLMAN, LARSON & ASSOCIATES INC.
SUITE 110 JEFFERSON BUILDING
TOWNS, MARYLAND 21284
423-3333

8:030



NOTES:

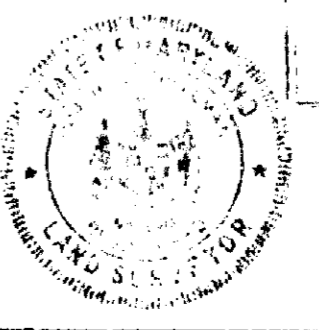
1. REFER TO PREVIOUS ZONING VARIANCE CASE #76-116
2. EXISTING ZONING: BL 4 DR. 5.5
3. PROPOSED ZONING: BL 4 DR. 5.5 WITH A VARIANCE TO ALLOW A REDUCTION IN THE PARKING SPACE REQUIREMENT FROM THE REQUIRED 81 SPACES TO 40 SPACES.
4. PARKING PROVIDED (ZONING CASE #76-116), 40 SPACES
5. BUILDING ADDITION: 12' x 86.3' = 1042.8 S.F. = 21 SPACES
6. PARKING REQUIRED: 81 SPACES
7. PARKING PROVIDED: 40 SPACES
8. AREA OF TRACT: 0.57 AC.



PLAT FOR VARIANCE TO ZONING

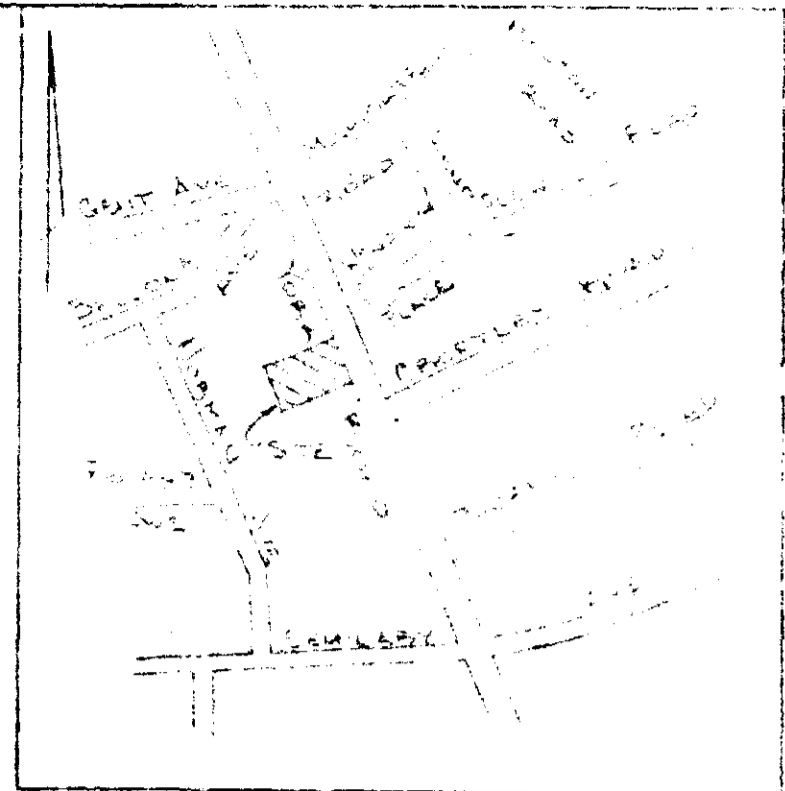
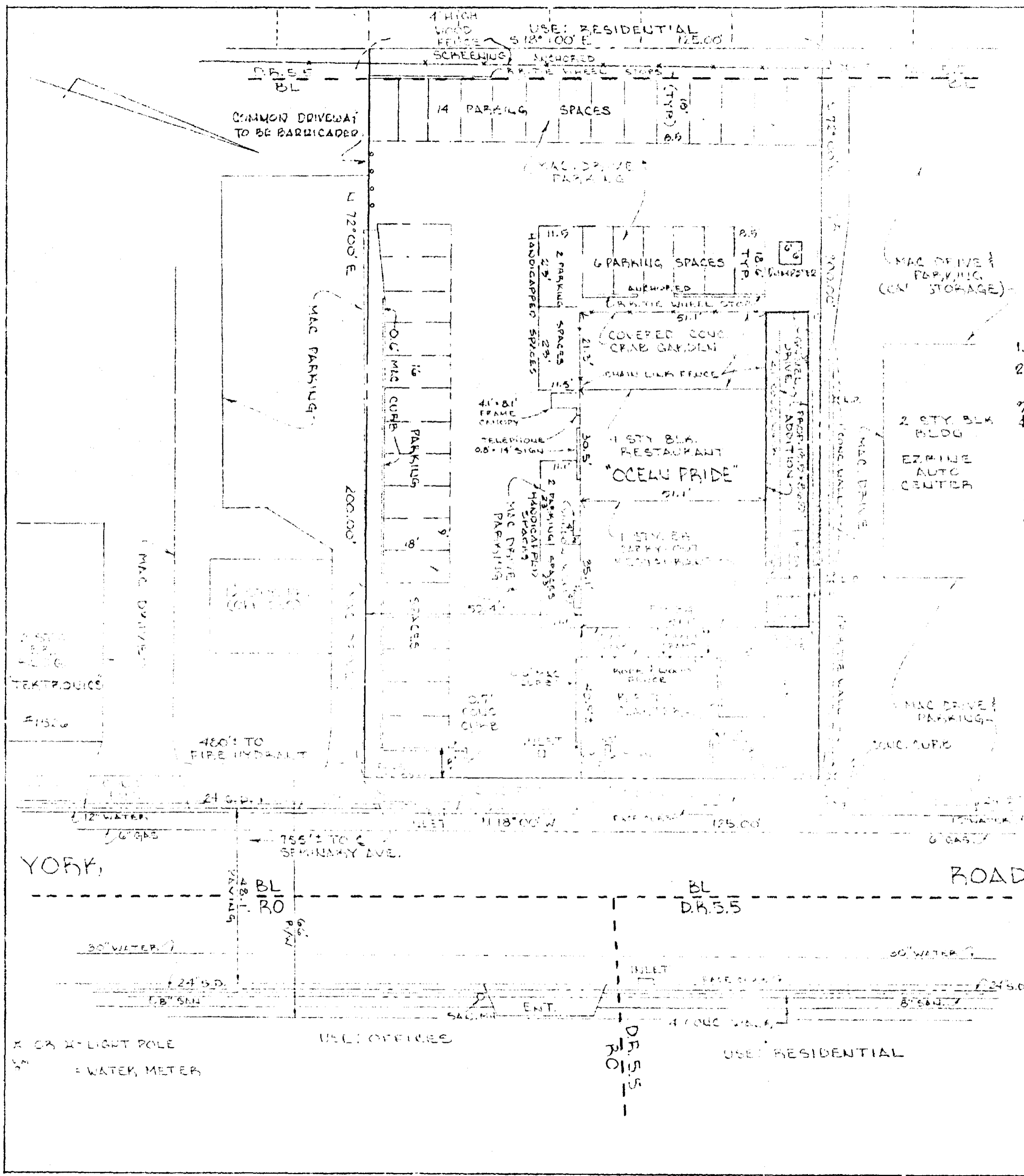
TO PERMIT 40 PARKING SPACES INSTEAD OF THE REQUIRED 81 PARKING SPACES (76-116 ASPH GRANTED: 40 IN LIEU OF 60)

1534 YORK ROAD
8TH ELECT. DIST. BALTIMORE CO., MD.
SCALE: 1" = 20'
OCT. 28, 1981



REV. 5/10/82
SPELLMAN, LARSON & ASSOCIATES INC.
SUITE 110 JEFFERSON BUILDING
TOWNS, MARYLAND 21284
423-3333

8:030



SITE DATA

1. AREA OF TRACT = 0.87 AC.
2. REFER TO PREVIOUS ZONING VARIANCE CASE #76-116
3. EXISTING ZONING: BL & DR, S.5
4. PROPOSED ZONING: BL & DR, S.5 WITH A VARIANCE TO ALLOW A REDUCTION IN THE PARKING SPACE REQUIREMENT FROM THE REQUIRED 86 SPACES TO 40 SPACES.
5. PARKING REQUIRED (ZONING CASE #76-116): 40 SPACES
6. PARKING SCHEDULE:
 - BA. GARAGE/FLOOR AREA = 1794 #
 - BB. RESTAURANT FLOOR AREA = 2647 #
 - CC. BLDG. ADDITION FLOOR AREA = 1179 #
 - PARKING REQUIRED: GARAGE/FLOOR = 1794 ÷ 20 = 89.7 SPACES
 - RESTAURANT = 2647 ÷ 50 = 52.9 SPACES
 - BLDG. ADDITION = 1179 ÷ 50 = 23.5 SPACES
 - TOTAL = 86 SPACES
 - PARKING PROVIDED = 40 SPACES

PLAT FOR VARIANCE TO ZONING
 TO PERMIT 40 PARKING SPACES INSTEAD OF
 THE REQUIRED 86 PARKING SPACES
 (76-116 AS GRANTED) 40 IN LIEU OF 86
 1534 YORK ROAD
 8TH ELECT. DIST. BALTIMORE CO., MD.
 SCALE: 1" = 20'
 OCT. 28, 1981
 REV. APRIL 5, 1982

FTM/STL



SPELLMAN, LARSON & ASSOCIATES INC.
 SUITE 110 JEFFERSON BUILDING
 Towson, Maryland 21284
 823-3535

