

Pursuant to the Ordinance, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested 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 October, 1985, that the Petition for Zoning Variance to permit 40 parking spaces instead of the required 47 spaces be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- A temporary sign may be placed on the property for no more than 60 days per year, subject to the appropriate use permits approved by Baltimore County.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Stanley S. Fine, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

DATE *Oct 3 1985*

BY *[Signature]*

ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 24, 1985

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Stanley S. Fine, Esquire
Suite 300, 222 E. Redwood Street
Baltimore, Maryland 21202

RE: Item No. 406 - Case No. 86-138-A
Petitioners - D.W. Macley, et al
Variance Petition

Dear Mr. Fine:

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 Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or 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 accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

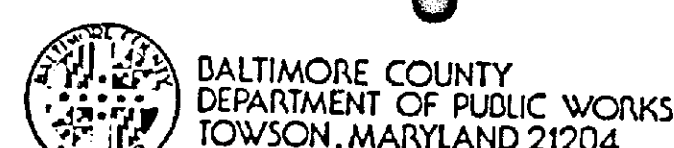
Very truly yours,

[Signature]
JAMES E. DYER, Esq.
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: Spellman, Larson & Associates, Inc.
Suite 110 - Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204



HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #406 (1984-1985)
Property Owners: D. W. Macley
S/W Cor. Joppa Rd. & Avondale Rd.
District 11th

Dear Mr. Jablon:

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 Comments:

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 facilities, would be the full responsibility of the Petitioner.

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

Very truly yours,

[Signature]
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:PMO:hlp

cc: File



William K. Hoffmann
Secretary
Hal Kassoff
Administrator

July 18, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: N. Commodari

Re: Item # 406
Property Owner: D.W. Macley, et al
Location: SW/Cor. Joppa Road and Avondale Road @ Harford Road (Route 147)
Existing Zoning: B.L.-CNS
Proposed Zoning: Var. to permit 40 parking spaces in lieu of the required 52 spaces.
Acres: 0.75
District: 11th

Dear Mr. Commodari:

On review of the submittal of 4/29/85, and a field inspection, the State Highway Administration finds the parking variance generally acceptable.

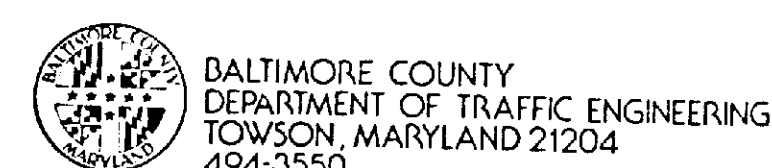
Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
By: George Wittman

CL-GW:es

cc: J. Ogle

My telephone number is 301-659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



STEPHEN E. COLLINS
DIRECTOR

July 31, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 402, 403, 404, 406, 407, and 408 ZAC-Meeting of July 2, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

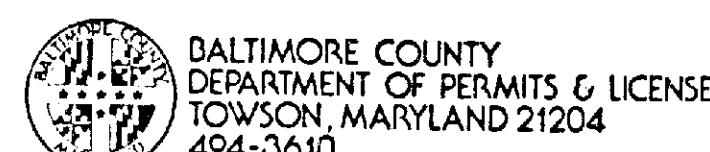
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for Item numbers 400, 402, 403, 404, 406, 407, and 408.

[Signature]
Michael S. Flannigan
Traffic Engineering Assoc. II

MSF/ccm



TED ZALESKI, JR.
DIRECTOR

July 19, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 406 Zoning Advisory Committee Meeting are as follows:
Property Owner: D. W. Macley, et al
Location: SW/Cor. Joppa Road and Avondale Road
District: 11th.

APPLICABLE RULES ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Decedent and Land (A.D.C. Title 10 - 3300) and other applicable Code and Standards.

2. A building and other miscellaneous permits shall be required before the start of any construction.

3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

5. All Tee Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Tee Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1001, Section 1001.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 1001 and 505 and have your Architect/Engineer contact this department.

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. When filing for a required Change of Use/Accessory Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the _____ to the _____ or to mixed use. See Section 311 of the Building Code.

9. The proposed project appears to be located in a Flood Plain, Flood/Hydrology. Please see the attached copy of Section 504.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

10. Comments: See newest industry standards on sloped roof glazing adopted in June of this year by B.O.C.A.

11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
G. E. HARRIS, Chief
Building Plans Review

L27/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: September 25, 1985

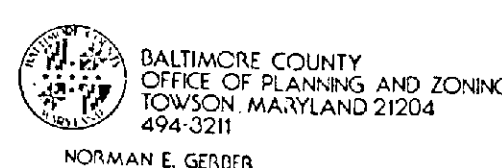
Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-138-A

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

SEPTEMBER 9, 1985

Re: Zoning Advisory Meeting of July 2, 1985
Item # 406
Property Owner: D.W. Macley, et al
Location: SW/Cor. Joppa Rd. and Avondale Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract, to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on _____.
- ☒ Landscaping: Must comply with Baltimore County Landscaping Manual, 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 8111 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 11, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 11, 1985.

TOWSON TIMES,

W. Venetoni
Publisher

34.00

PETITION FOR VARIANCE
11th Election District

LOCATION: Southwest corner of Joppa and Arundale Roads
DATE AND TIME: Wednesday, October 2, 1985 at 11:30 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 Variance from Section 409.2b(3) to allow 40 parking spaces instead of the required 52 spaces (40 spaces instead of 47 spaces granted under previous variance 85-31-A).

Being the property of D. W. MacLay, et al as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY
89100-LB2129 9/11

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 12, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 12, 1985.

THE JEFFERSONIAN,

W. Venetoni
Publisher

22.00

PETITION FOR VARIANCE
11th Election District

LOCATION: Southwest corner of Joppa and Arundale Roads
DATE AND TIME: Wednesday, October 2, 1985 at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. 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 Variance from Section 409.2b(3) to allow 40 parking spaces instead of the required 52 spaces (40 spaces instead of 47 spaces granted under previous variance 85-31-A).

Being the property of D. W. MacLay, et al as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Sept. 12.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 9/6/85

Posted for: Variance

Petitioner: D. W. MacLay, et al

Location of property: SW Cor. Joppa & Arundale Rds

Location of Signs: 1 - Facing intersection of Hartford & Joppa - 1 Facing intersection of Joppa & Arundale, both approx. 8' Ex. roadways on property of petitioner

Remarks: _____

Posted by: *W. Venetoni* Date of return: 9/13/85

Number of Signs: 2

Case No. 86-138-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

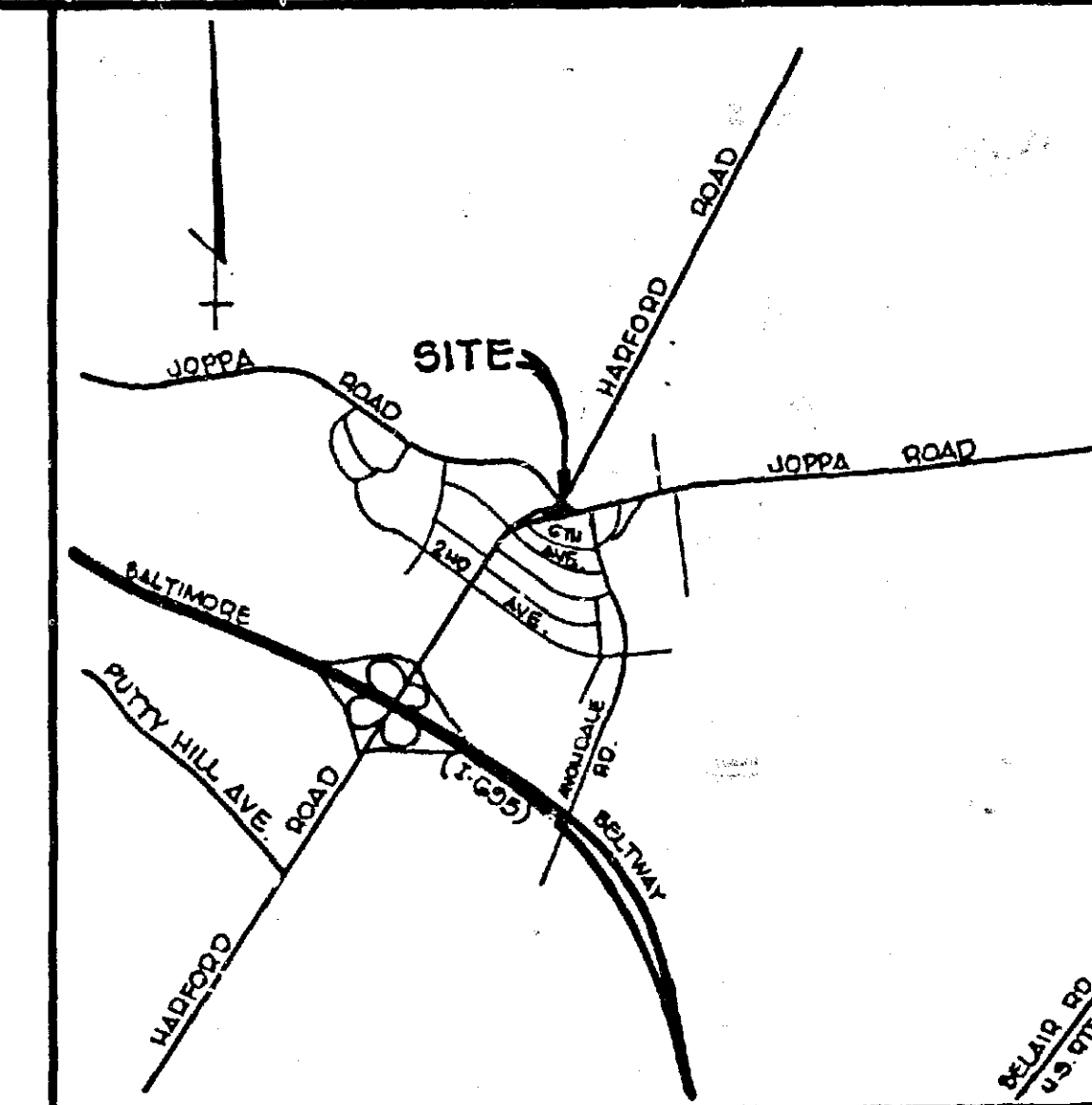
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
25th day of August, 1985.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner D. W. MacLay, et al
Petitioner's
Attorney: Stanley S. Fine, Esquire

Received by: *James E. Dyer*
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

EXISTING ZONING BL-CNS
EXISTING RESTAURANT AREA 2316 S.F.
PROPOSED GREENHOUSE AREA 280 S.F.
TOTAL RESTAURANT AND GREENHOUSE AREA 2596 S.F.
PARKING REQUIRED: TOTAL RESTAURANT AND GREENHOUSE AREA IN S.F. ÷ 50 = 52
PARKING PROPOSED 40
A VARIANCE TO THE ZONING REGULATIONS IS REQUIRED TO ALLOW 40 PARKING SPACES INSTEAD OF THE REQUIRED 52 AS STIPULATED IN SECTION 409.2 b (3).
TOTAL SITE AREA 0.751 AC.
INFORMATION SHOWN WAS TAKEN FROM THE APPROVED SITE PLAN PREPARED BY EVANS, HAGAN & HOLDEFER, INC., DATED 4-17-76.
CONTRACTOR TO NOTIFY M.S. UTILITY (301-552-0100) 3 DAYS PRIOR TO DIGGING SO THAT ALL UTILITIES CAN BE MARKED IN THEIR APPROXIMATE LOCATION.
REFER TO THE FORMAL LANDSCAPE PLAN DATED 9-18-84 PREPARED BY HORD COPLAN MACHT IN CONJUNCTION WITH THE PREVIOUS ZONING CASE NO. 85-31-A.
REFER TO PREVIOUS ZONING CASE NO. 85-31-A DATED 8-1-84 WHEREBY A VARIANCE WAS GRANTED TO PERMIT 40 PARKING SPACES IN LIEU OF THE REQUIRED 47 SPACES.

VARIANCE PETITION - CASE NO. ITEM NO.

REVISIONS		
NO.	DATE	DESCRIPTION
1	6-3-85	LANDSCAPE NOTE, ADD P.O.D.

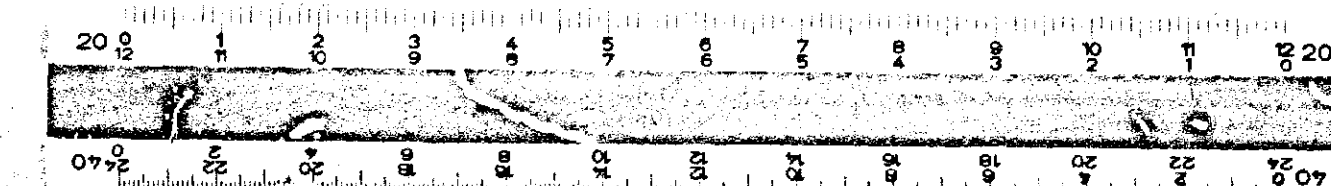
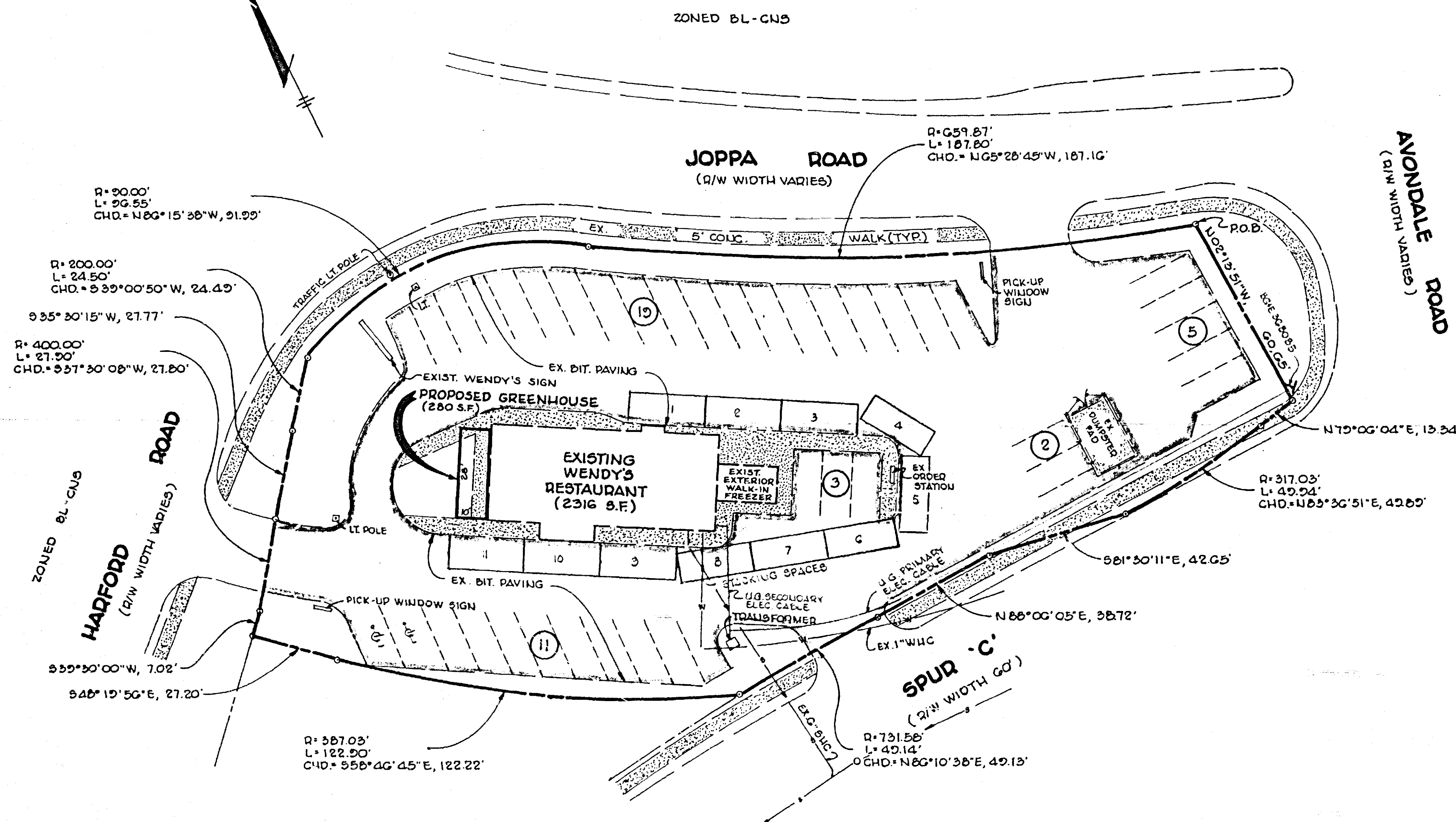
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

OWNER
M.C.C. GROUP - MARYLAND H. & G.B. VENTURE
3500 OAKLAWN
DALLAS TEXAS, 75210

VARIANCE PLAT

11 EL. DIST. BALTIMORE CO., MD.
SCALE: 1" = 20' DES. BY: SHT. 1 OF 1
DATE: APRIL 23, 1985 DRN BY: AWD

#04054





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 23, 1997

Mr. William Monk
William Monk, Inc.
Courthouse Commons, Suite C-6
222 Bosley Avenue
Towson, MD 21204-4300

RE: Zoning Verification
9801 Harford Road
Zoning Case 86-138-A
11th Election District

Dear Mr. Monk:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your clients' request is to add an approximately 85 square feet (cashier's window) addition to the existing building/drive-thru operation. The above referenced zoning hearing number approved 40 parking spaces in lieu of the required 52 (a variance of 12 spaces). With the proposed addition, the number of parking spaces required would be 44. Your request is to calculate the restaurant spaces at 16 per 1,000 square feet (per the zoning bill which took effect 5-26-88). Provided that the requirements of Sections 409.4.C and 409.8.A.4 of the Baltimore County Zoning Regulations, which also took effect that same date, are satisfied, the proposed small cashier window addition would be approved as being within the spirit and intent of zoning hearing case 86-138-A.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning case 86-138-A

Enclosure

