IN THE MATTER OF THE PETITION OF DONALD E. LEWIS, ET UX FOR VARIANCES ON PROPERTY LOCATED AT NE/COR OF YORK ROAD AND GERARD AVENUE 8th ELECTION DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 86-377-A

: :

OPINION

This matter comes before the Board as an appeal from the Order of the Deputy Zoning Commissioner, dated May 19, 1986, granting, with restrictions, numerous variances requested by the petitioner. The petitioner, Donald E. Lewis, has sold this property to Steven and Marcella Dellis, who have continued the pursuit for variances. Dissatisfied with the imposed restrictions, the Dellis' have appealed to this Board. The numerous petitioned variances seek:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet.

At the hearing before this Board, the petitioner presented evidence in support of the requested variances and there were no protestants from the neighborhood opposing the petition.

In order to properly consider the petition, a description of the property is in order. The site contains approximately 0.545 acres and is located in the heavily commercialized corridor along York Road in Timonium. Surrounding uses include a strip shopping center, a shopping center containing retail establishments and movie theatres, several gasoline stations and fast food restaurants. The Maryland State Fairgrounds also are in close proximity.

The site itself contains two uses, a B&B Auto Glass retail outlet and a restaurant/bar. Both improvements have existed on this site for some time. The petitioner, who has acquired the restaurant, desires to expand the facility from more than its present "tavern" use to a "nice, family restaurant." Toward this goal, and to satisfy Health Department requirements, the petitioner proposes a 46 x 20 square foot addition on the first floor and a 30 x 17 square foot addition to the second floor of the restaurant building. This proposal will allow for an increased table area on the first floor and the conversion and/or expansion of the second floor to an office area to be used in connection with the restaurant business. The petitioner stresses that these improvements will enhance the appearance of the entire restaurant building and will not reduce the amount of open space on site as much as might be expected in that a flight of steps and a beef barbeque pit, both currently located outside the building, will now be within the expansion and under roof.

In considering each of the petitioned variances in turn, we will first address the request to allow a setback of 2.94 feet rather than 30 feet. This variance concerns the northern border of the property, which contains a 12-foot easement used by both the petitioner for trash removal and neighboring businesses for delivery. The Board is persuaded to grant this variance, but has

real concerns regarding the easement. That is, in our view, the 12-foot area should be improved to more easily allow vehicle access.

Consideration of the parking variance poses the most difficult issue for this Board. Proposed parking is well short of Baltimore County standards and the concerns of the County's traffic engineer, Michael Flanigan, are legitimate. In addressing these concerns, the petitioners point to other parking available offsite (i.e. street and neighborhood office building lots) and that the restaurant's heaviest hours of business will be after the surrounding offices and the B&B shop will be closed. These considerations persuade us that the variance should be granted, with restrictions.

Insofar as the remaining requested variances, the Board is persuaded to grant same. We note that they merely request approval of the site as it now exists insofar as the current parking scheme and location of the buildings. Having heard no evidence of existing problems generated by the current scheme of improvements and parking on this parcel, we believe that they should be granted and that the petitioners have met their burden.

In passing, the Board finally notes that the petitioners once proposed to tear down the existing B&B building so as to better comply with the BCZR area and parking requirements. Although in agreement with the spirit of this directive as stated in the Deputy Zoning Commissioner's Order, we question both this Board's authority and the wisdom in ordering the demolition of this long-standing building. This is particularly troublesome in view of the current viable lease for that property. There may come a time when demolition of the building is the proper, practical alternative, but at present the Board believes that these variances may be granted with restrictions, and will so order.

ORDER

It is hereby, this 26th day of November, 1986, by the County Board of Appeals ORDERED that the variances requested, to wit:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet; be and are hereby GRANTED with the following restrictions:

(1) Curb, gutter and sidewalks shall be provided on the southern property line along Gerard Avenue to York Road.

(2) The outside beef barbeque pit and staircase shall be removed or brought within the confines of the proposed expansion, and there shall be no more restaurant uses or appurtenances not within the structure.

(3) The 12-foot easement shall be improved by crushed stone or paving so as to be more easily accessible.

(4) All parking spaces as shown on Petitioner's Exhibit #1 shall be striped so as to be easily identified.

(5) Improvements and expansion of the restaurant building shall be in accordance with those shown on Petitioner's Exhibit #1.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Lawrence E. Schmidt

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 26, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, MD 21204

RE: Case No. 86-377-A
Donald E. Lewis, et ux

Dear Mr. Hennessey:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in the subject case.

Sincerely,

Kathi C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Donald E. Lewis
Mr. & Mrs. Steven Dellis
Phyllis C. Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

RECEIVED
NOV 28 1986
ZONING OFFICE

IN RE: PETITION FOR VARIANCES NE/corner of York Road and Gerard Avenue - 8th Election District Donald E. Lewis, et ux, Petitioners	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-377-A

* * * * * * * * * * * *

The Petitioners herein request variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Evidence presented and testimony by and on behalf of the Petitioners indicated that the two buildings, now located on the site, are 30-year old improvements; variances requested for side yard setbacks and a distance from the building to the centerline of the side street reflects long-standing conditions. The Petitioners plan to demolish the 1,528 square foot building when the lease expires on August 31, 1988. In the meantime they propose additions to accomodate an enlarged customer area and kitchen, and to provide office space. There were no protestants.

After due consideration of evidence and testimony, attention to the comments of the State Highway Administration and the Department of Traffic Engineering, and careful purusal of the plan prepared by Gerhold, Cross & Etzel, dated October 8, 1985 and marked Petitioner's Exhibit 1, which indicates the parking arrangement proposed while the second building is in use, as well as the plan prepared by Gerhold, Cross & Etzel, revised April 18, 1986 and marked Petitioner's Exhibit 2, which indicates the parking arrangement proposed after the removal of the building, the Deputy Zoning Commissioner has serious doubts

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

that the 35% reduction in parking reflected in Petitioner's Exhibit 2 would provide adequate on-site parking for a thriving restaurant business.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of part of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of May, 1986, that the herein Petition for Variance to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 47 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The 1,528 square foot building shall be removed from the site no later than September 30, 1988. The parking lot shall be paved and striped no later than November 15, 1988.

2. The proposed addition to the restaurant shall not exceed 690 square feet in lieu of the 920 square feet proposed on Petitioner's Exhibit 2. Construction and occupancy may proceed with existing parking spaces being utilized and considered adequate to meet Baltimore County requirements until the new lot is prepared.

3. The finally determined parking arrangement shall be submitted to and approved by the Baltimore County Department of Traffic Engineering. That approval shall appear in writing in this case file either on a revised plan or in a separate memorandum.

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

4. Curb, gutter and sidewalks shall be provided along Gerard Avenue as indicated on Petitioner's Exhibit 2.

5. Landscaping proposals shall be submitted to and approved by the Office of Current Planning.

6. Signs for the restaurant shall be limited to one free-standing, double-face sign, each face not to exceed 32 square feet and no more than 25 square feet of signs attached to the building, all of which must be properly permitted.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

JMHJ:bg

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

- 3 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCES
NE/corner of York Road
and Gerard Avenue -
8th Election District
Donald E. Lewis, et ux,
Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

PETITION FOR ZONING VARIANCE

299 mor 244

86-377-A

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 238.2 to allow existing side yard setback of 2.94' in lieu of 30' 2)Sect.409.2 to allow 44 parking spaces in lieu of 79 spaces. 3)Sect. 409.2 C(4)to allow distance of 2' from parking space to street property line in lieu of 8 feet.4)Sect. 102.2 (238.2) to allow distance bstween bldg. of 25' in lieu of requirad max. of 60'.5)Sect.238.1 to allow distance to centerline of side street of 42' in lieu of 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Due to existing location of the 2 buildings on the lot,the side yards setback, the distance between buildings and the distance of building to centerline of street is a practical difficulty to conform to present zoning regulations.

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:	Legal Owner(s):
Steven & Marcella Dellis	Donald E. & Dorothy E. Lewis
(Type or Print Name)	(Type or Print Name)
Steven Dellis Marcella Dellis	Donald E. Lewis
Signature	Signature
2119 York Road	DOROTHY E LEWIS
Address	(Type or Print Name)
Timonium, Maryland 21093	Dorothy E. Lewis
City and State	Signature

Attorney for Petitioner:

Thomas L Hennessey	109 AGGARTE RD 337-0706
(Type or Print Name)	Address Phone No.
Thomas L Hennessey	LUTHERVILLE MD 21093
Signature	City and State
407 W Penna Ave	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Thomas L Hennessey
Towson Md. 21204	Name
City and State	Address Phone No.
Attorney's Telephone No.: 823-7710	

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 19 86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of April, 19 86 at 9:45 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

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 not 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 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-377-A

District 8th Date of Posting 3/21/86
Posted for: Variance
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd. approx. 12' in road way, on property of Petitioner
Remarks: Posted by Sign Hung on Post on NE/cor. of Property
Posted by [signature] Date of return: 3/31/86
Signature
Number of Signs: 1

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

EMERITUS
PAUL D. DOLLENBERG
FRED H. DOLLENBERG

August 29, 1985

Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York Road distant North 21 degrees 29 minutes 02 seconds West 41 feet from the center of Gerard Avenue and running thence along the east right of way line of York Road, North 21 degrees 29 minutes 02 seconds West 147.32 feet, thence leaving said York Road and binding on the property lines of the petitioner herein, the two following courses and distances viz: North 86 degrees 04 minutes 58 seconds East, binding on the south side of a 1 perch wide road, with the use in common with others entitled thereto, 153.30 feet and South 19 degrees 01 minute 02 seconds East 164.70 feet to the north side of Gerard Avenue, thence binding on the north side of Gerard Avenue, South 86 degrees 04 minutes 28 seconds West 126.31 feet and thence running northwesterly by a line curving to the right which connects the north side of Gerard Avenue with the east side of York Road, having a radius of 26.73 feet for an arc distance of 33.79 feet (the chord of said arc bearing North 57 degrees 41 minutes 32 seconds West 31.50 feet) to the place of beginning.

Containing 0.545 Acres of land more or less.

Being the land of the petitioners herein and shown on a plat filed with the Zoning Department.

STATE OF MARYLAND
JAMES EDWARD ETZEL
No. 7882
REGISTERED
LAND SURVEYOR

823 451-10

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

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 March 12, 1986.

TOWSON TIMES,

Publisher

42.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Ave nue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

7070-1/TO Mar. 18

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

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 March 13, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

27.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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Petition for Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Mar. 13

Case No. 86-377-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 February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner Donald E. Lewis, et ux Received by: Jean E. Hyer
Petitioner's Attorney Thomas L. Hennessey, Esquire
Chairman, Zoning Plans Advisory Committee

Case #86-377-A 8th District

NE CORNER YORK ROAD & GERARD AVENUE

DONALD E. LEWIS, ET UX, PETITIONERS

1 - SIGN

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 24, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

This is to advise you that $75.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely,

Arnold Jablon
Zoning Commissioner

AJ:med

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

No. 018553

DATE _____ ACCOUNT _____

AMOUNT $ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

February 28, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

TIME: 9:45 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Steven Dellis
Mrs. Marcella Dellis
2119 York Rd.
Timonium, Maryland 21093

Mr. Steve Cummins
National Coordinator
of Construction
B & B Auto Glass
Post Office Box 1879
Wichita, Kansas 67201

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

No. 016165

DATE 12/23/85 ACCOUNT 01-615-000

AMOUNT $ 100.00

RECEIVED FROM: Thomas Hennessey (Donald E. Lewis et ux)

FOR: Variance #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

July 25, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-377-A	DONALD E. LEWIS, ET UX
	NE/cor. York Rd. and Gerard Ave.
	8th District
	Variances-Setbacks; Parking
	5/19/86 - D.Z.C.'s Order-GRANTED w/restrict
ASSIGNED FOR:	WEDNESDAY, OCTOBER 29, 1986, at 10 a.m.
cc: Thomas L. Hennessey, Esq.	Counsel for Appellants/Petitioners
Mr. & Mrs. Donald Lewis	Appellants/Petitioners
Mr. & Mrs. Steven Dellis	" "
Phyllis C. Friedman	People's Counsel
Norman Gerber	
James Hoswell	
Arnold Jablon	
Jean Jung	
James Dyer	

June Holmen, Secretary

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 18, 1986

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. of York Rd. and Gerard Ave.
Donald E. Lewis, et ux - Petitioner
8th Election District
Case No. 86-377-A

Dear Ms. Friedman:

Please be advised that on June 11, 1986, an appeal was filed by Appellants/Petitioners, Donald E. and Dorothy E. Lewis and Steven and Marcella Dellis, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Thomas L. Hennessey, Esquire

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

JUN 11 AM

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Thomas L. Hennessey

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Rec'd 6/11/86
by Zoning Office
mmed

Thomas L. Hennessey

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 86-377-A
Towson, Maryland

District 8th Date of Posting 4/27/86
Posted for: Appeal
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd., corner 9' Ft. from Hwy, on property of Petitioner
Remarks:
Posted by [signature] Date of return: 5/2/86
Signature
Number of Signs: 1

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

No. 021753

DATE 6/17/86 ACCOUNT R-01-615-000

AMOUNT $ 90.00

RECEIVED FROM: Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., P.O. Box 5473, Towson, Maryland 21204

FOR: APPEAL FILING FEE & SIGN POSTING FEE re Case #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 7, 1986

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

ooo

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

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 244 - Case No. 86-377-A
Petitioners - Donald E. Lewis, et ux
Variance Petition

Dear Mr. Hennessey:

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,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 6, 1986

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

Attn: Mr. James Dyer

Re: ZAC Meeting of 1-7-86
ITEM #244.
Property Owner: Donald E. Lewis, et ux
Location: NE Corner York Road Route 45, & Gerard Avenue
Existing Zoning: B.R.-CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of re uired maximum of 60' and to allow distance to centerline of side street of 42' in lieu of 50'.
Acres: 0.545 acres
District: 8th Election District

Dear Mr. Jablon:

On review of the submittal of 10-8-85 and field inspection, the State Highway Administration finds all access to the site by way of the existing entrances at York Road generally acceptable.

However, the variance of 35 parking spaces (44 parking spaces in lieu of 79 spaces) could ause traffic pr blems on York Road and Gerard Avenue.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

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

NORMAN E. GERBER
DIRECTOR

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

MARCH 5, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 244
Property Owner: DONALD E. LEWIS, ETUX
Location: NE/C YORK ROAD & GERARD AVE.

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.

(X) 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 forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior 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
(X) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permits 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 "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
( ) Additional comments:

Eugene A. Ober
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 244 -ZAC- Meeting of December 7, 1985
Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
Existing Zoning: B.R. - CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of required maximum of 60' and to allow
Acres: 0.545 distance to centerline of side street
District: 8th fo 42' in lieu of 50'

Dear Mr. Jablon:

This Department has reviewed the requested zoning changes and has the following comments.

1. The entrance to this site from Gerard Avenue, exceeds the maximum County standard. This site should have only one entrance on Gerard Avenue, no more than 35' wide and that entrance should be as far as possible from York Road. Curb, gutter, and sidewalks should be provided along Gerard Avenue.

2. The requested variances to the setbacks from the street can be expected to cause sight distance problems and cause safety problems.

3. The requested variance to parking can be expected to generate congestion on the street in the area.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

January 10, 1986

Mr. Arnold Jablon
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: Donald E. Lewis, et ux

Location: NE corner York Road & Gerard Avenue

Item No.: 244 Zoning Agenda: Meeting of 1-10-86

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.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "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.

REVIEWER: Pat Joseph Kelly 1-10-86 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 244 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

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

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

(D) 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.

(E) All Use Groups except R-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. R-4 Use 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 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

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

(H) Where filing for a required Change of Use/Occupancy 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 Use Groups are from Use A-1 (MINOR R-1) to Mixed Uses A-3 B _____. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 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.

SPECIAL NOTE: (J) Comments: An increase of floor area will require this building to be sprinklered. See Table 501 for Use A-3. A-3 uses are limited to one story buildings of wood frame unless protected one hour or sprinklered. See Section 503.1.

K. 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.

BY: C. E. Burnham, Chief
Building Plans Review

1/22/86

PETITION FOR ZONING VARIANCES

8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue

DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

NE/cor. of York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A
Item No. 244
Date of Filing: 6/11/86

X 1. Copy of Petition
X 2. Copy of Description of Property
X 3. Copy of Certificate of Posting
X 4. Copy of Certificates of Publication
X 5. Copy of Zoning Advisory Committee Comments
X 6. Copy of Comments from the Director of Planning
X 7. Copy of Order to Enter Appearance
X 8. Copy of Order of Deputy Zoning Commissioner
X 9. Copy of Plat of Property [See Petitioner's Exhibits 1 and 2]
X 10. Copy of Letter from Petitioner's attorney, Thomas L. Hennessey, Esquire to Mrs. Jung, dated 3/14/86, with attachments [No copies of attachments retained in zoning file - originals sent to Bd. of Appeals]
X 11. Petitioner's Exhibits 1 to 2

Petitioner's Exhibit No. 1 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 10/8/85

Petitioner's Exhibit No. 2 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 4/18/86

X 12. Notice of Appeal of Appellants/ Petitioners, dated 6/10/86 and received 6/11/86
X 13. Copy of Cash Receipt No. 021753, dated 6/17/86
X 14. Copy of letter from Arnold Jablon to all parties notifying of the filing of an appeal, dated 6/18/86

Thomas L. Hennessey, Esquire — Attorney for Appellants/Petitioners
407 East Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
(823-7710)

Mr. Donald E. Lewis — Appellants/Peritioners
Mrs. Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093

Mr. Steven Dellis — Appellants/Petitioners
Mrs. Marcella Dellis
2119 York Road
Timonium, Maryland 21093

Phyllis C. Friedman, Esquire — People's Counsel

Norman E. Gerber — Request Notification
James Hoswell — " "
Arnold Jablon — " "
Jean M. H. Jung — " "
James E. Dyer — " "

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner — Date March 10, 1986

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

SUBJECT Zoning Petition No. 86-377-A

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office has no comment.

Norman E. Gerber, AICP, Director

NEG:JGH:slm

7/25/86 - Following were notified of hearing set for Wed. Oct. 29, 1986, at 10 a.m.:

Thomas Hennessey, Esq.
Mr. and Mrs. Lewis
Mr. and Mrs. Dellis
Phyllis Friedman
Zoning Office
Planning Office

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. &
Gerard Ave., 8th District : OF BALTIMORE COUNTY

DONALD E. LEWIS, et ux, : Case No. 86-377-A
Petitioners

: : : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Steven & Marcella Dellis, 2119 York Rd., Timonium, MD 21093, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Department of Permits and
Development Management

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

January 31, 1996

Charles E. Brooks, Esquire
Law Offices of Brooks & Spicer
610 Bosley Avenue
Towson, MD 21204

RE: Michael's Cafe/Gerard Building
2119 York Road
New Business Parking in
Residential Zone Petition
#86-377-A, #95-221-SPH
8th Election District

Dear Mr. Brooks:

Reference is made to your meeting with Arnold Jablon, Director of Permits and Development Management, and your letter dated January 16, 1996 which has been referred to me for reply. On behalf of your client, "Michael's", you have requested confirmation and/or certification of the zoning regulations applicable to additional business parking in a residential zone on the southside of Gerard Avenue. You have also stated that this proposed parking would be used by employees and not patrons.

Simply stated, Arnold Jablon verified the information provided by the zoning staff that a public hearing was required. Provided that all of the general requirements for parking in a residential zone are met, the application would include a variance to the RTA requirements and a special hearing for the parking use permit.

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 John Lewis or myself at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed with Soybean Ink on Recycled Paper

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-5710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mrs. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear Mrs. Jung:

I regret that I have not been able to contact you sooner concerning the open matters from the hearing previously held. I am waiting for the total revised plan from Mr. Etzel who I know has been in touch with the County and is attempting to secure clarifications of all situations presented by you. I want to thank you for your holding the matter sub curia as to your decision and letting us supplement the record with this additional information.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
cc: Gerhold, Cross & Etzel
Mr. and Mrs. Steve Dellis

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mr. John F. Etzel, Surveyor
Gerhold, Cross & Etzel
412 Delaware Avenue
Baltimore, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear John:

I have written to Mrs. Jung the attached letter so that she might be aware that we are working on the matter and it hasn't gone into limbo. As soon as you are prepared to go forward, please contact me and I will supplement the record in the proper form.

Thank you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
Enc.
cc: Mrs. Jean Jung
Mr. and Mrs. Steve Dellis

3/18/86

Mr. Steve Cummins, National Coordinator of Construction, B & B Auto Glass, Post Office Box 1879, Wichita, Kansas 67201, telephoned Zoning Office and spoke with me. He advised he was concerned about what was being planned by Petitioners in Case No. 86-377-A and wanted me to send him a copy of the hearing notice. I advised I would mail it out to him either 3/18/86 or 3/19/86.

B. du Bois

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

May 14, 1986

HAND-DELIVERED

Ms. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Zoning Variance, N/E corner York Road
and Gerard Avenue, 8th Election District
Hearing: April 1, 1986
Case 86-377-A Lewis

Dear Ms. Jung:

I am writing you in connection with our representations to you in regard to the above zoning case. As you know, at the hearing, due to the fact that the property was encumbered by a Lease, it was suggested that we propose what would be the treatment of the property after the Lease had expired and within the plans of the Petitioner. At that time, I advised you that I would send you the copy of the Lease relative to this matter. Attached to this letter, please find a copy of that Lease with all of its attachments. The applicable paragraph in regard to the term of the Lease is on Page 2 wherein it states "the Tenant shall have the right to renew this Lease for three years upon its same terms and conditions". The three-year period was exercised on the 31st day of August, 1985 and will expire on the 31st day of August, 1988.

Also, at the time of the hearing, it was suggested that a plat be prepared showing what the affect would be of the removal of the present building occupied by Lear Sigler, Inc., the Tenant on this property. Mr. Etzel of Gerhold, Cross & Etzel has prepared such a plan and I submit it to you with this letter (five copies).

As you know, this plat prepared is a plat that is proffered to show what can be done when the matter of tearing down the buildings has been accomplished.

Ms. Jean Jung, Deputy Zoning Commissioner
May 14, 1986
Page 2

You will also remember that at the hearing I explained to you that a great many of the variances set forth are set out to comply with existing zoning requirements as is the policy of the Zoning people at this time. The buildings themselves exist as shown and the site as shown is completely used at this time in the manner represented to you. The proposition for the variance, of course, was to permit a small addition to the building to help modernize it and to improve the site. The entrance ways as shown are not new entrance ways, they are existing. A great many of the parking spots, as shown on the original plat submitted with the hearing, are as they exist today. It is well to note that this site enjoyed more depth of frontage on York Road prior to the widening of York Road years ago. The Fairgrounds Inn has been in existence and in constant use for well over 20 years prior to the submission of our present improvement plan.

Ms. Jung, if I can be of any help at all concerning explanations, history or background which you feel would be helpful to all parties in connection with this matter, I would greatly appreciate the opportunity to discuss it further with you. I was not notified of any protests and my notes show that there were none at the hearing. Since the property is surrounded by commercial usages: a shopping center and filing station to the north, a filing station to the south, and a high-rise office building to the rear, and York Road to the front and, I believe, that everyone felt that the use proposed was compatible to the existing neighborhood and no protests were lodged since the proposal, I believe, was considered appropriate to the neighbors.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH:ntm

Attachments

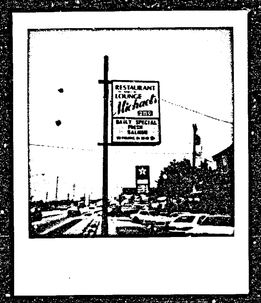
cc: Mrs. Marcella Dellis
Mr. John F. Etzel

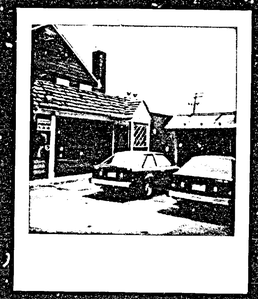
INTER-DEPARTMENT DELIVERY

NOTE—CROSS OUT ENTIRE LINE WHEN RECEIVED AND REUSE UNTIL ALL LINES ARE FULL

DATE	DELIVER TO	DEPARTMENT	SENT BY	DEPARTMENT
	CRG DAVIES ALLEN			

#86-377-A
EXHIBIT 9 LETTER OF 5/14/86 W/ATTACHMENTS



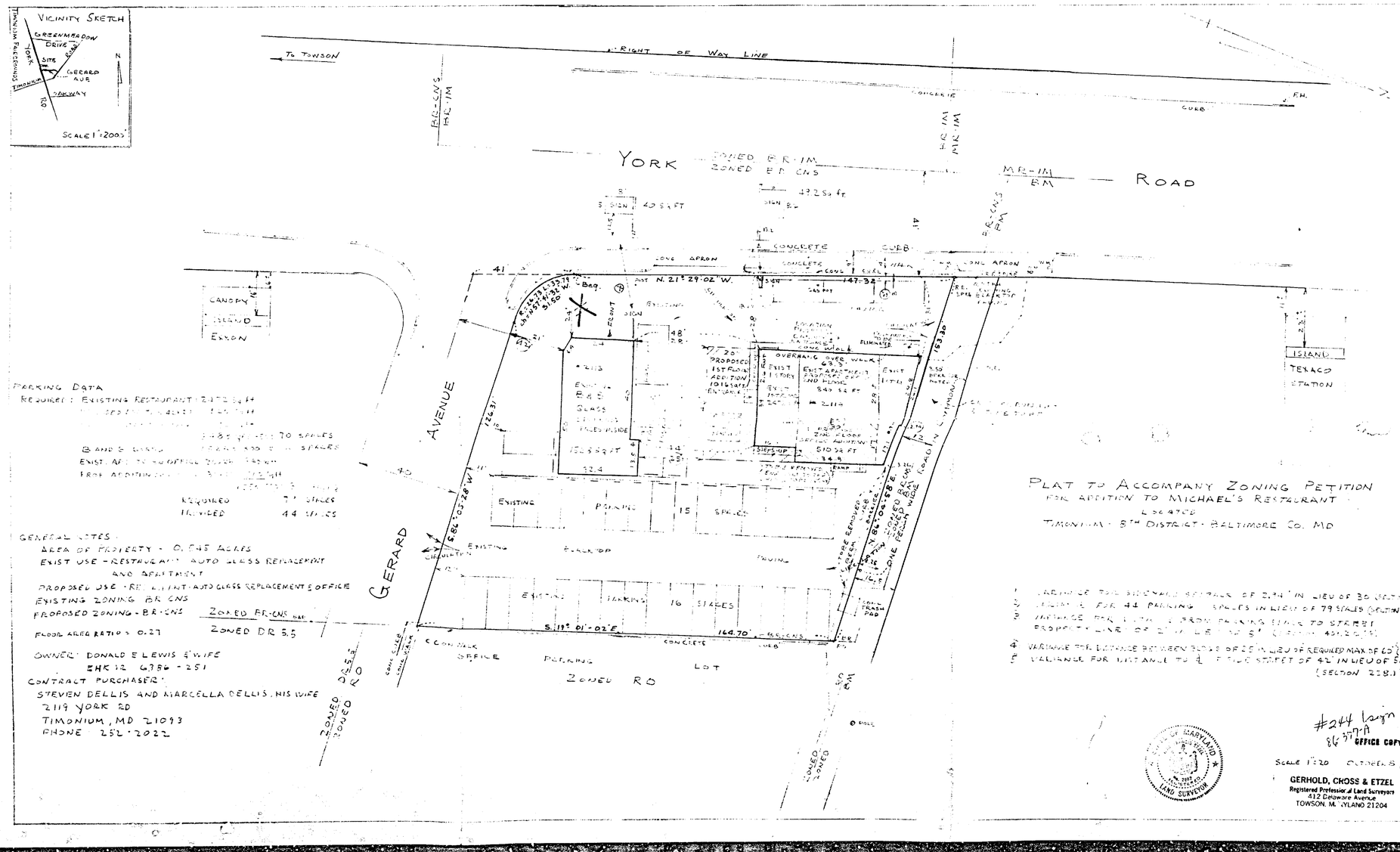


LEASE

THIS LEASE, Made this 1st day of August, 1982, by and between DONALD E. LEWIS and DOROTHY E. LEWIS, his wife, of Baltimore County, State of Maryland, hereinafter referred to as "Landlords" and LEAR SIGLER, INC., Safelite Division a body corporate of the State of Delaware, hereinafter referred to as "Tenant".

WITNESSETH: That in consideration of the payment of the rental hereinafter agreed upon and the performance of all the conditions, covenants, and agreements hereinafter set forth and to be performed by said Tenant, the Landlords do hereby lease unto the said Tenant the following described premises: Lot of ground on the northeast corner of York Road and Gerrard Avenue formerly a Sinclair filling station, it being the intention of the parties to confine the premises under this Lease to so much of the property as used for filling station purposes, less that taken by the State Highway Administration for the widening of York Road, the northernmost line of the property being 12 feet north of the present filling station and running southerly to Gerrard Avenue and easterly to the rear of the building, including that portion of the building formerly occupied by A & A Appraisal and Adjustment Service and 12 feet beyond the end of the entire building, said 12 feet being to the east of said building and said easterly line to run south to Gerrard Avenue, to be used by the Tenant for it's business of auto glass replacement and uses incidental therewith related to said business, and for no other purposes, for the term of three (3) years, beginning on the 1st day of September, 1982 and ending on the 31st day of August, 1985, at and for a rental of Eighty-four Hundred Dollars ($8,400.00) per annum, to be paid in equal monthly installments of Seven Hundred

1.

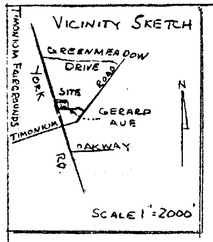

To TOWSON
RIGHT OF WAY LINE
CURB
F.H.
YORK
ZONED BR-IM
ZONED BR-CNS
MR-IM
EM
ROAD
S. SIGN 40 SQ FT
SIGN
CONCRETE
CURB APRON
CANOPY
ISLAND
ESSON
PARKING DATA
REQUIRED: EXISTING RESTAURANT
B AND B GLASS
EXIST. A & A APPRAISAL OFFICE
FIRST ADDITION
REQUIRED 79 SPACES
PROVIDED 44 SPACES
GENERAL NOTES
AREA OF PROPERTY = 0.245 ACRES
EXIST USE - RESTAURANT, AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT, AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR CNS
PROPOSED ZONING - BR-CNS
ZONED BR-CNS
FLOOR AREA RATIO = 0.27
ZONED DR 5.5
OWNER: DONALD E LEWIS & WIFE
EHK 12 6786 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE 252-2022
GERARD AVENUE
N. 21° 29' 02" W.
S. 68° 05' 58" E.
S. 21° 29' 02" E.
S. 68° 05' 58" W.
147.32
164.70
163.30
126.31
PROPOSED 1ST FLOOR ADDITION 1016 SQ FT ENCLOSED
OVERHANG OVER WALK
EXIST 1 STORY
EXIST APARTMENT 1 BEDROOM AND LIVING 549 SQ FT
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 2 STY FRAME
EXIST B & B GLASS
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY BRICK

86-377-A

Set Exh #1 Plat dated 10/15/85

FILMSORT® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards – Product of 3M, St. Paul, Minn.

VICINITY SKETCH



To TOWSON

RIGHT OF WAY LINE

CONCRETE CURB

F.H.

BR-CNS
BR-IM

YORK ROAD

ZONED BR-IM
ZONED BR-CNS

MR-IM
BM

BR-IM
MR-IM

BR-CNS
BM

8' SIGN 40 SQ FT

49.2 Sq ft SIGN

CONCRETE CURB

CONC APRON

CONCRETE

CONC

CURB

WALK

CONC APRON

RR SPIKE

Beg.

ART N. 21° 29' 02" W.

CIRCULATION

EXISTING SIGN

BLACKTOP PAVING

CIRCULATION

LOCATION PROPOSED CANOPY ENTRANCE CONC WALK

ENTRANCE TO BE ELIMINATED

RR SPIKE

EXISTING BLACKTOP PAVING

CANOPY

ISLAND

EXXON

AVENUE

GERARD

#2113

EXISTING B&B GLASS

5 PARKING SPACES INSIDE

1528 SQ FT

32.4

EXIST 1 STORY

EXIST 1ST FLOOR 2472 SQ FT

EXIST APARTMENT PROPOSED OFFICE 2ND FLOOR 840 SQ FT

#2119

EXIST 1 STORY

PROPOSED 1ST FLOOR ADDITION TO GLASS ENTRANCE

TO BE REMOVED

PROPOSED 2ND FLOOR OFFICE ADDITION 510 SQ FT

OVERHANG OVER WALK 6.3'

STEPS UP

RAMP

TO BE REMOVED (ENTRANCE TO 2ND FLOOR TO BE INSIDE)

TREE

3.50 BRICK ON NOTCH

CRUSHER RUN, DIRT & STONE TO BE BLACKTOPPED (SHADED AREA) 12' ± WIDE

EXISTING PARKING 15 SPACES

EXISTING BLACKTOP PAVING

EXISTING CIRCULATION

S 86° 05' 28" W

CONC WALK

OFFICE PARKING LOT

EXISTING PARKING 16 SPACES

S 19° 01' 02" E 164.70'

CONCRETE CURB

CONC TRASH PAD

N 86° 05' 58" E 230.50' BR-CNS

YORK ROAD 70' PUBLIC WIDE

TO BE REMOVED

BR-CNS
RO

RO
BM

ZONED DR 5.5
ZONED RO

ZONED RO

ZONED DR 5.5
ZONED RO

POLE

ISLAND

TEXACO STATION

PARKING DATA

REQUIRED: EXISTING RESTAURANT = 2472 Sq ft
PROPOSED ADDITION 46 x 20 = 920 Sq ft
PROP ADD. to Kitchen 16 x 6 = 96 Sq ft
3488 SQ FT ÷ 50 = 70 SPACES

B AND B CLASS 1528 ÷ 300 = 6 SPACES
EXIST. APT TO BE OFFICE 30 x 28 = 840 sq ft
PROP ADDITION TO OFFICE 30 x 17 = 510 Sq ft
1350 ÷ 500 = 3 SPACES

REQUIRED 79 SPACES
PROVIDED 44 SPACES

GENERAL NOTES:

AREA OF PROPERTY - 0.545 ACRES
EXIST USE - RESTAURANT - AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT - AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR-CNS
PROPOSED ZONING - BR-CNS ZONED BR-CNS BAR
FLOOR AREA RATIO = 0.27 ZONED DR 5.5

OWNER: DONALD E LEWIS & WIFE
ELK JR 6386 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE: 252-2022

PLAT TO ACCOMPANY ZONING PETITION

FOR ADDITION TO MICHAEL'S RESTAURANT

LOCATED

TIMONIUM - 8TH DISTRICT - BALTIMORE CO. MD.

1. VARIANCE FOR SIDEYARD SETBACK OF 2.94' IN LIEU OF 30' (SECTION 238.2)
2. VARIANCE FOR 44 PARKING SPACES IN LIEU OF 79 SPACES (SECTION 409.2)
3. VARIANCE FOR DISTANCE FROM PARKING SPACE TO STREET PROPERTY LINE OF 2' IN LIEU OF 8' (SECTION 409.2.C.(4)
4. VARIANCE FOR DISTANCE BETWEEN BLDGS OF 25' IN LIEU OF REQUIRED MAX OF 60' (238.2) (102.2)
5. VARIANCE FOR DISTANCE TO ℄ OF SIDE STREET OF 42' IN LIEU OF 50' (SECTION 238.1)

PETITIONER'S EXHIBIT 1

#244
86-377-A

SCALE: 1"=20' OCTOBER 8, 1985

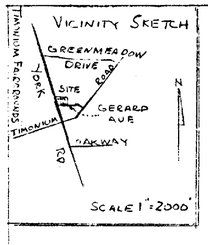
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

86-377-A

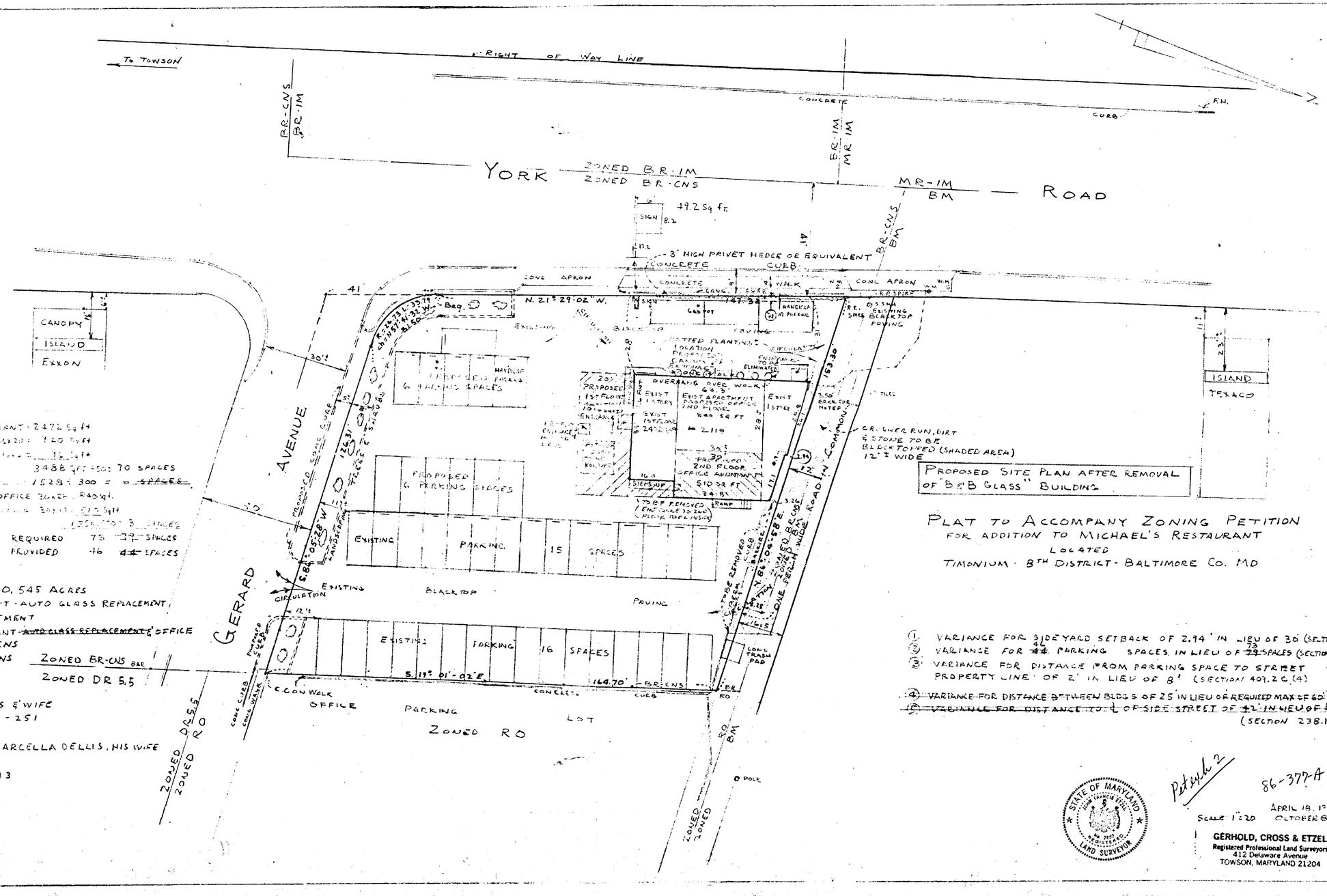
Ltr. Exhibit 2
4/18/86 Plat

M/M 5924 FILMSCAN® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards—Product of 3M, St. Paul, Minn.

VICINITY SKETCH



SCALE 1"=2000'


TO TOWSON
R/W RIGHT OF WAY LINE
CONCRETE CURB
F.H.
BR-CNS
BR-IM
YORK ROAD
ZONED BR-IM
ZONED BR-CNS
BR-IM
MR-IM
BM
MR-IM
BM
BR-CNS
BM
49.2 Sq ft
SIGN
8.2
19.2
3' HIGH PRIVET HEDGE OR EQUIVALENT
CONCRETE CURB
CONC APRON
CONCRETE
CONC
SURF
VINK
CONC APRON
N.21°29'02"W.
Bag.
CANOPY
ISLAND
EXXON
30'±
GERARD AVENUE
6 PARKING SPACES
HANDICAP PARKING
PROPOSED 6 PARKING SPACES
EXISTING PARKING 15 SPACES
EXISTING BLACKTOP PAVING
EXISTING CIRCULATION
PROPOSED 1 STORY OFFICE ADDITION
EXIST 1 STORY
EXIST APARTMENT
PROPOSED OFFICE
2ND FLOOR
640 SQ FT
2119
EXIST 1ST FLOOR
240 SQ FT
PROPOSED 2ND FLOOR OFFICE ADDITION
510 SQ FT
STEPS UP
RAMP
EXIST 1STORY
EXIST 1ST FLOOR
OVERHANG OVER G & S
3.56 BRICK OR NOTED
153.30
CR. INNER RUN, DIRT & STONE TO BE BLACKTOPED (SHADED AREA) 12'± WIDE
ISLAND
TEXACO
EXISTING BLACK TOP PAVING
EXISTING PARKING 16 SPACES
S.19°01'-02"E
164.70'
BR-CNS
CONC WALK
OFFICE PARKING LOT
ZONED RO
ZONED DR 5.5
ZONED RO
ONE FOOT WIDE COMMON
ZONED
ZONED
POLE
LOCK TRASH PAD
TREE REMOVED
CURB REMOVED
PROPOSED CURB
PROPOSED EDGE
CONC WALK
CONC CURB
S.84°04'-58"E
N.84°04'-58"W
S.84°05'-38"W
N.84°05'-38"E
S.84°05'-38"W
12.63'
30'
50'
50'
41'
30'
30'
30

IN THE MATTER OF THE PETITION OF DONALD E. LEWIS, ET UX FOR VARIANCES ON PROPERTY LOCATED AT NE/COR OF YORK ROAD AND GERARD AVENUE 8th ELECTION DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 86-377-A

: :

OPINION

This matter comes before the Board as an appeal from the Order of the Deputy Zoning Commissioner, dated May 19, 1986, granting, with restrictions, numerous variances requested by the petitioner. The petitioner, Donald E. Lewis, has sold this property to Steven and Marcella Dellis, who have continued the pursuit for variances. Dissatisfied with the imposed restrictions, the Dellis' have appealed to this Board. The numerous petitioned variances seek:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet.

At the hearing before this Board, the petitioner presented evidence in support of the requested variances and there were no protestants from the neighborhood opposing the petition.

In order to properly consider the petition, a description of the property is in order. The site contains approximately 0.545 acres and is located in the heavily commercialized corridor along York Road in Timonium. Surrounding uses include a strip shopping center, a shopping center containing retail establishments and movie theatres, several gasoline stations and fast food restaurants. The Maryland State Fairgrounds also are in close proximity.

The site itself contains two uses, a B&B Auto Glass retail outlet and a restaurant/bar. Both improvements have existed on this site for some time. The petitioner, who has acquired the restaurant, desires to expand the facility from more than its present "tavern" use to a "nice, family restaurant." Toward this goal, and to satisfy Health Department requirements, the petitioner proposes a 46 x 20 square foot addition on the first floor and a 30 x 17 square foot addition to the second floor of the restaurant building. This proposal will allow for an increased table area on the first floor and the conversion and/or expansion of the second floor to an office area to be used in connection with the restaurant business. The petitioner stresses that these improvements will enhance the appearance of the entire restaurant building and will not reduce the amount of open space on site as much as might be expected in that a flight of steps and a beef barbeque pit, both currently located outside the building, will now be within the expansion and under roof.

In considering each of the petitioned variances in turn, we will first address the request to allow a setback of 2.94 feet rather than 30 feet. This variance concerns the northern border of the property, which contains a 12-foot easement used by both the petitioner for trash removal and neighboring businesses for delivery. The Board is persuaded to grant this variance, but has

real concerns regarding the easement. That is, in our view, the 12-foot area should be improved to more easily allow vehicle access.

Consideration of the parking variance poses the most difficult issue for this Board. Proposed parking is well short of Baltimore County standards and the concerns of the County's traffic engineer, Michael Flanigan, are legitimate. In addressing these concerns, the petitioners point to other parking available offsite (i.e. street and neighborhood office building lots) and that the restaurant's heaviest hours of business will be after the surrounding offices and the B&B shop will be closed. These considerations persuade us that the variance should be granted, with restrictions.

Insofar as the remaining requested variances, the Board is persuaded to grant same. We note that they merely request approval of the site as it now exists insofar as the current parking scheme and location of the buildings. Having heard no evidence of existing problems generated by the current scheme of improvements and parking on this parcel, we believe that they should be granted and that the petitioners have met their burden.

In passing, the Board finally notes that the petitioners once proposed to tear down the existing B&B building so as to better comply with the BCZR area and parking requirements. Although in agreement with the spirit of this directive as stated in the Deputy Zoning Commissioner's Order, we question both this Board's authority and the wisdom in ordering the demolition of this long-standing building. This is particularly troublesome in view of the current viable lease for that property. There may come a time when demolition of the building is the proper, practical alternative, but at present the Board believes that these variances may be granted with restrictions, and will so order.

ORDER

It is hereby, this 26th day of November, 1986, by the County Board of Appeals ORDERED that the variances requested, to wit:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet; be and are hereby GRANTED with the following restrictions:

(1) Curb, gutter and sidewalks shall be provided on the southern property line along Gerard Avenue to York Road.

(2) The outside beef barbeque pit and staircase shall be removed or brought within the confines of the proposed expansion, and there shall be no more restaurant uses or appurtenances not within the structure.

(3) The 12-foot easement shall be improved by crushed stone or paving so as to be more easily accessible.

(4) All parking spaces as shown on Petitioner's Exhibit #1 shall be striped so as to be easily identified.

(5) Improvements and expansion of the restaurant building shall be in accordance with those shown on Petitioner's Exhibit #1.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Lawrence E. Schmidt

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 26, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, MD 21204

RE: Case No. 86-377-A
Donald E. Lewis, et ux

Dear Mr. Hennessey:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in the subject case.

Sincerely,

Kathi C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Donald E. Lewis
Mr. & Mrs. Steven Dellis
Phyllis C. Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

RECEIVED
NOV 28 1986
ZONING OFFICE

IN RE: PETITION FOR VARIANCES NE/corner of York Road and Gerard Avenue - 8th Election District Donald E. Lewis, et ux, Petitioners	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-377-A

* * * * * * * * * * * *

The Petitioners herein request variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Evidence presented and testimony by and on behalf of the Petitioners indicated that the two buildings, now located on the site, are 30-year old improvements; variances requested for side yard setbacks and a distance from the building to the centerline of the side street reflects long-standing conditions. The Petitioners plan to demolish the 1,528 square foot building when the lease expires on August 31, 1988. In the meantime they propose additions to accomodate an enlarged customer area and kitchen, and to provide office space. There were no protestants.

After due consideration of evidence and testimony, attention to the comments of the State Highway Administration and the Department of Traffic Engineering, and careful purusal of the plan prepared by Gerhold, Cross & Etzel, dated October 8, 1985 and marked Petitioner's Exhibit 1, which indicates the parking arrangement proposed while the second building is in use, as well as the plan prepared by Gerhold, Cross & Etzel, revised April 18, 1986 and marked Petitioner's Exhibit 2, which indicates the parking arrangement proposed after the removal of the building, the Deputy Zoning Commissioner has serious doubts

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

that the 35% reduction in parking reflected in Petitioner's Exhibit 2 would provide adequate on-site parking for a thriving restaurant business.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of part of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of May, 1986, that the herein Petition for Variance to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 47 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The 1,528 square foot building shall be removed from the site no later than September 30, 1988. The parking lot shall be paved and striped no later than November 15, 1988.

2. The proposed addition to the restaurant shall not exceed 690 square feet in lieu of the 920 square feet proposed on Petitioner's Exhibit 2. Construction and occupancy may proceed with existing parking spaces being utilized and considered adequate to meet Baltimore County requirements until the new lot is prepared.

3. The finally determined parking arrangement shall be submitted to and approved by the Baltimore County Department of Traffic Engineering. That approval shall appear in writing in this case file either on a revised plan or in a separate memorandum.

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

4. Curb, gutter and sidewalks shall be provided along Gerard Avenue as indicated on Petitioner's Exhibit 2.

5. Landscaping proposals shall be submitted to and approved by the Office of Current Planning.

6. Signs for the restaurant shall be limited to one free-standing, double-face sign, each face not to exceed 32 square feet and no more than 25 square feet of signs attached to the building, all of which must be properly permitted.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

JMHJ:bg

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

- 3 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCES
NE/corner of York Road
and Gerard Avenue -
8th Election District
Donald E. Lewis, et ux,
Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

PETITION FOR ZONING VARIANCE

299 mor 244

86-377-A

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 238.2 to allow existing side yard setback of 2.94' in lieu of 30' 2)Sect.409.2 to allow 44 parking spaces in lieu of 79 spaces. 3)Sect. 409.2 C(4)to allow distance of 2' from parking space to street property line in lieu of 8 feet.4)Sect. 102.2 (238.2) to allow distance bstween bldg. of 25' in lieu of requirad max. of 60'.5)Sect.238.1 to allow distance to centerline of side street of 42' in lieu of 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Due to existing location of the 2 buildings on the lot,the side yards setback, the distance between buildings and the distance of building to centerline of street is a practical difficulty to conform to present zoning regulations.

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:	Legal Owner(s):
Steven & Marcella Dellis	Donald E. & Dorothy E. Lewis
(Type or Print Name)	(Type or Print Name)
Steven Dellis Marcella Dellis	Donald E. Lewis
Signature	Signature
2119 York Road	DOROTHY E LEWIS
Address	(Type or Print Name)
Timonium, Maryland 21093	Dorothy E. Lewis
City and State	Signature

Attorney for Petitioner:

Thomas L Hennessey	109 AGGARTE RD 337-0706
(Type or Print Name)	Address Phone No.
Thomas L Hennessey	LUTHERVILLE MD 21093
Signature	City and State
407 W Penna Ave	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Thomas L Hennessey
Towson Md. 21204	Name
City and State	Address Phone No.
Attorney's Telephone No.: 823-7710	

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 19 86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of April, 19 86 at 9:45 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

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 not 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 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-377-A

District 8th Date of Posting 3/21/86
Posted for: Variance
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd. approx. 12' in road way, on property of Petitioner
Remarks: Posted by Sign Hung on Post on NE/cor. of Property
Posted by [signature] Date of return: 3/31/86
Signature
Number of Signs: 1

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

EMERITUS
PAUL D. DOLLENBERG
FRED H. DOLLENBERG

August 29, 1985

Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York Road distant North 21 degrees 29 minutes 02 seconds West 41 feet from the center of Gerard Avenue and running thence along the east right of way line of York Road, North 21 degrees 29 minutes 02 seconds West 147.32 feet, thence leaving said York Road and binding on the property lines of the petitioner herein, the two following courses and distances viz: North 86 degrees 04 minutes 58 seconds East, binding on the south side of a 1 perch wide road, with the use in common with others entitled thereto, 153.30 feet and South 19 degrees 01 minute 02 seconds East 164.70 feet to the north side of Gerard Avenue, thence binding on the north side of Gerard Avenue, South 86 degrees 04 minutes 28 seconds West 126.31 feet and thence running northwesterly by a line curving to the right which connects the north side of Gerard Avenue with the east side of York Road, having a radius of 26.73 feet for an arc distance of 33.79 feet (the chord of said arc bearing North 57 degrees 41 minutes 32 seconds West 31.50 feet) to the place of beginning.

Containing 0.545 Acres of land more or less.

Being the land of the petitioners herein and shown on a plat filed with the Zoning Department.

STATE OF MARYLAND
JAMES EDWARD ETZEL
No. 7882
REGISTERED
LAND SURVEYOR

823 451-10

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

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 March 12, 1986.

TOWSON TIMES,

Publisher

42.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Ave nue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

7070-1/TO Mar. 18

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

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 March 13, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

27.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 a.m.
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Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Mar. 13

Case No. 86-377-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 February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner Donald E. Lewis, et ux Received by: Jean E. Hyer
Petitioner's Attorney Thomas L. Hennessey, Esquire
Chairman, Zoning Plans Advisory Committee

Case #86-377-A 8th District

NE CORNER YORK ROAD & GERARD AVENUE

DONALD E. LEWIS, ET UX, PETITIONERS

1 - SIGN

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 24, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

This is to advise you that $75.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely,

Arnold Jablon
Zoning Commissioner

AJ:med

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

No. 018553

DATE _____ ACCOUNT _____

AMOUNT $ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

February 28, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

TIME: 9:45 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Steven Dellis
Mrs. Marcella Dellis
2119 York Rd.
Timonium, Maryland 21093

Mr. Steve Cummins
National Coordinator
of Construction
B & B Auto Glass
Post Office Box 1879
Wichita, Kansas 67201

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

No. 016165

DATE 12/23/85 ACCOUNT 01-615-000

AMOUNT $ 100.00

RECEIVED FROM: Thomas Hennessey (Donald E. Lewis et ux)

FOR: Variance #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

July 25, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-377-A	DONALD E. LEWIS, ET UX
	NE/cor. York Rd. and Gerard Ave.
	8th District
	Variances-Setbacks; Parking
	5/19/86 - D.Z.C.'s Order-GRANTED w/restrict
ASSIGNED FOR:	WEDNESDAY, OCTOBER 29, 1986, at 10 a.m.
cc: Thomas L. Hennessey, Esq.	Counsel for Appellants/Petitioners
Mr. & Mrs. Donald Lewis	Appellants/Petitioners
Mr. & Mrs. Steven Dellis	" "
Phyllis C. Friedman	People's Counsel
Norman Gerber	
James Hoswell	
Arnold Jablon	
Jean Jung	
James Dyer	

June Holmen, Secretary

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 18, 1986

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. of York Rd. and Gerard Ave.
Donald E. Lewis, et ux - Petitioner
8th Election District
Case No. 86-377-A

Dear Ms. Friedman:

Please be advised that on June 11, 1986, an appeal was filed by Appellants/Petitioners, Donald E. and Dorothy E. Lewis and Steven and Marcella Dellis, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Thomas L. Hennessey, Esquire

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

JUN 11 AM

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Thomas L. Hennessey

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Rec'd 6/11/86
by Zoning Office
mmed

Thomas L. Hennessey

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 86-377-A
Towson, Maryland

District 8th Date of Posting 4/27/86
Posted for: Appeal
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd., corner 9' Ft. from Hwy, on property of Petitioner
Remarks:
Posted by [signature] Date of return: 5/2/86
Signature
Number of Signs: 1

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

No. 021753

DATE 6/17/86 ACCOUNT R-01-615-000

AMOUNT $ 90.00

RECEIVED FROM: Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., P.O. Box 5473, Towson, Maryland 21204

FOR: APPEAL FILING FEE & SIGN POSTING FEE re Case #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 7, 1986

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

ooo

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

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 244 - Case No. 86-377-A
Petitioners - Donald E. Lewis, et ux
Variance Petition

Dear Mr. Hennessey:

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,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 6, 1986

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

Attn: Mr. James Dyer

Re: ZAC Meeting of 1-7-86
ITEM #244.
Property Owner: Donald E. Lewis, et ux
Location: NE Corner York Road Route 45, & Gerard Avenue
Existing Zoning: B.R.-CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of re uired maximum of 60' and to allow distance to centerline of side street of 42' in lieu of 50'.
Acres: 0.545 acres
District: 8th Election District

Dear Mr. Jablon:

On review of the submittal of 10-8-85 and field inspection, the State Highway Administration finds all access to the site by way of the existing entrances at York Road generally acceptable.

However, the variance of 35 parking spaces (44 parking spaces in lieu of 79 spaces) could ause traffic pr blems on York Road and Gerard Avenue.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

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

NORMAN E. GERBER
DIRECTOR

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

MARCH 5, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 244
Property Owner: DONALD E. LEWIS, ETUX
Location: NE/C YORK ROAD & GERARD AVE.

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.

(X) 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 forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior 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
(X) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permits 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 "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
( ) Additional comments:

Eugene A. Ober
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 244 -ZAC- Meeting of December 7, 1985
Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
Existing Zoning: B.R. - CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of required maximum of 60' and to allow
Acres: 0.545 distance to centerline of side street
District: 8th fo 42' in lieu of 50'

Dear Mr. Jablon:

This Department has reviewed the requested zoning changes and has the following comments.

1. The entrance to this site from Gerard Avenue, exceeds the maximum County standard. This site should have only one entrance on Gerard Avenue, no more than 35' wide and that entrance should be as far as possible from York Road. Curb, gutter, and sidewalks should be provided along Gerard Avenue.

2. The requested variances to the setbacks from the street can be expected to cause sight distance problems and cause safety problems.

3. The requested variance to parking can be expected to generate congestion on the street in the area.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

January 10, 1986

Mr. Arnold Jablon
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: Donald E. Lewis, et ux

Location: NE corner York Road & Gerard Avenue

Item No.: 244 Zoning Agenda: Meeting of 1-10-86

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.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "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.

REVIEWER: Pat Joseph Kelly 1-10-86 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 244 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

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

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

(D) 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.

(E) All Use Groups except R-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. R-4 Use 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 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

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

(H) Where filing for a required Change of Use/Occupancy 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 Use Groups are from Use A-1 (MINOR R-1) to Mixed Uses A-3 B _____. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 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.

SPECIAL NOTE: (J) Comments: An increase of floor area will require this building to be sprinklered. See Table 501 for Use A-3. A-3 uses are limited to one story buildings of wood frame unless protected one hour or sprinklered. See Section 503.1.

K. 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.

BY: C. E. Burnham, Chief
Building Plans Review

1/22/86

PETITION FOR ZONING VARIANCES

8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue

DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

NE/cor. of York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A
Item No. 244
Date of Filing: 6/11/86

X 1. Copy of Petition
X 2. Copy of Description of Property
X 3. Copy of Certificate of Posting
X 4. Copy of Certificates of Publication
X 5. Copy of Zoning Advisory Committee Comments
X 6. Copy of Comments from the Director of Planning
X 7. Copy of Order to Enter Appearance
X 8. Copy of Order of Deputy Zoning Commissioner
X 9. Copy of Plat of Property [See Petitioner's Exhibits 1 and 2]
X 10. Copy of Letter from Petitioner's attorney, Thomas L. Hennessey, Esquire to Mrs. Jung, dated 3/14/86, with attachments [No copies of attachments retained in zoning file - originals sent to Bd. of Appeals]
X 11. Petitioner's Exhibits 1 to 2

Petitioner's Exhibit No. 1 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 10/8/85

Petitioner's Exhibit No. 2 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 4/18/86

X 12. Notice of Appeal of Appellants/ Petitioners, dated 6/10/86 and received 6/11/86
X 13. Copy of Cash Receipt No. 021753, dated 6/17/86
X 14. Copy of letter from Arnold Jablon to all parties notifying of the filing of an appeal, dated 6/18/86

Thomas L. Hennessey, Esquire — Attorney for Appellants/Petitioners
407 East Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
(823-7710)

Mr. Donald E. Lewis — Appellants/Peritioners
Mrs. Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093

Mr. Steven Dellis — Appellants/Petitioners
Mrs. Marcella Dellis
2119 York Road
Timonium, Maryland 21093

Phyllis C. Friedman, Esquire — People's Counsel

Norman E. Gerber — Request Notification
James Hoswell — " "
Arnold Jablon — " "
Jean M. H. Jung — " "
James E. Dyer — " "

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner — Date March 10, 1986

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

SUBJECT Zoning Petition No. 86-377-A

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office has no comment.

Norman E. Gerber, AICP, Director

NEG:JGH:slm

7/25/86 - Following were notified of hearing set for Wed. Oct. 29, 1986, at 10 a.m.:

Thomas Hennessey, Esq.
Mr. and Mrs. Lewis
Mr. and Mrs. Dellis
Phyllis Friedman
Zoning Office
Planning Office

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. &
Gerard Ave., 8th District : OF BALTIMORE COUNTY

DONALD E. LEWIS, et ux, : Case No. 86-377-A
Petitioners

: : : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Steven & Marcella Dellis, 2119 York Rd., Timonium, MD 21093, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Department of Permits and
Development Management

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

January 31, 1996

Charles E. Brooks, Esquire
Law Offices of Brooks & Spicer
610 Bosley Avenue
Towson, MD 21204

RE: Michael's Cafe/Gerard Building
2119 York Road
New Business Parking in
Residential Zone Petition
#86-377-A, #95-221-SPH
8th Election District

Dear Mr. Brooks:

Reference is made to your meeting with Arnold Jablon, Director of Permits and Development Management, and your letter dated January 16, 1996 which has been referred to me for reply. On behalf of your client, "Michael's", you have requested confirmation and/or certification of the zoning regulations applicable to additional business parking in a residential zone on the southside of Gerard Avenue. You have also stated that this proposed parking would be used by employees and not patrons.

Simply stated, Arnold Jablon verified the information provided by the zoning staff that a public hearing was required. Provided that all of the general requirements for parking in a residential zone are met, the application would include a variance to the RTA requirements and a special hearing for the parking use permit.

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 John Lewis or myself at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed with Soybean Ink on Recycled Paper

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-5710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mrs. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear Mrs. Jung:

I regret that I have not been able to contact you sooner concerning the open matters from the hearing previously held. I am waiting for the total revised plan from Mr. Etzel who I know has been in touch with the County and is attempting to secure clarifications of all situations presented by you. I want to thank you for your holding the matter sub curia as to your decision and letting us supplement the record with this additional information.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
cc: Gerhold, Cross & Etzel
Mr. and Mrs. Steve Dellis

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mr. John F. Etzel, Surveyor
Gerhold, Cross & Etzel
412 Delaware Avenue
Baltimore, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear John:

I have written to Mrs. Jung the attached letter so that she might be aware that we are working on the matter and it hasn't gone into limbo. As soon as you are prepared to go forward, please contact me and I will supplement the record in the proper form.

Thank you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
Enc.
cc: Mrs. Jean Jung
Mr. and Mrs. Steve Dellis

3/18/86

Mr. Steve Cummins, National Coordinator of Construction, B & B Auto Glass, Post Office Box 1879, Wichita, Kansas 67201, telephoned Zoning Office and spoke with me. He advised he was concerned about what was being planned by Petitioners in Case No. 86-377-A and wanted me to send him a copy of the hearing notice. I advised I would mail it out to him either 3/18/86 or 3/19/86.

B. du Bois

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

May 14, 1986

HAND-DELIVERED

Ms. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Zoning Variance, N/E corner York Road
and Gerard Avenue, 8th Election District
Hearing: April 1, 1986
Case 86-377-A Lewis

Dear Ms. Jung:

I am writing you in connection with our representations to you in regard to the above zoning case. As you know, at the hearing, due to the fact that the property was encumbered by a Lease, it was suggested that we propose what would be the treatment of the property after the Lease had expired and within the plans of the Petitioner. At that time, I advised you that I would send you the copy of the Lease relative to this matter. Attached to this letter, please find a copy of that Lease with all of its attachments. The applicable paragraph in regard to the term of the Lease is on Page 2 wherein it states "the Tenant shall have the right to renew this Lease for three years upon its same terms and conditions". The three-year period was exercised on the 31st day of August, 1985 and will expire on the 31st day of August, 1988.

Also, at the time of the hearing, it was suggested that a plat be prepared showing what the affect would be of the removal of the present building occupied by Lear Sigler, Inc., the Tenant on this property. Mr. Etzel of Gerhold, Cross & Etzel has prepared such a plan and I submit it to you with this letter (five copies).

As you know, this plat prepared is a plat that is proffered to show what can be done when the matter of tearing down the buildings has been accomplished.

Ms. Jean Jung, Deputy Zoning Commissioner
May 14, 1986
Page 2

You will also remember that at the hearing I explained to you that a great many of the variances set forth are set out to comply with existing zoning requirements as is the policy of the Zoning people at this time. The buildings themselves exist as shown and the site as shown is completely used at this time in the manner represented to you. The proposition for the variance, of course, was to permit a small addition to the building to help modernize it and to improve the site. The entrance ways as shown are not new entrance ways, they are existing. A great many of the parking spots, as shown on the original plat submitted with the hearing, are as they exist today. It is well to note that this site enjoyed more depth of frontage on York Road prior to the widening of York Road years ago. The Fairgrounds Inn has been in existence and in constant use for well over 20 years prior to the submission of our present improvement plan.

Ms. Jung, if I can be of any help at all concerning explanations, history or background which you feel would be helpful to all parties in connection with this matter, I would greatly appreciate the opportunity to discuss it further with you. I was not notified of any protests and my notes show that there were none at the hearing. Since the property is surrounded by commercial usages: a shopping center and filing station to the north, a filing station to the south, and a high-rise office building to the rear, and York Road to the front and, I believe, that everyone felt that the use proposed was compatible to the existing neighborhood and no protests were lodged since the proposal, I believe, was considered appropriate to the neighbors.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH:ntm

Attachments

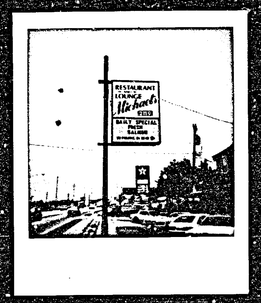
cc: Mrs. Marcella Dellis
Mr. John F. Etzel

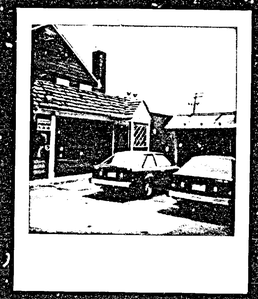
INTER-DEPARTMENT DELIVERY

NOTE—CROSS OUT ENTIRE LINE WHEN RECEIVED AND REUSE UNTIL ALL LINES ARE FULL

DATE	DELIVER TO	DEPARTMENT	SENT BY	DEPARTMENT
	CRG DAVIES ALLEN			

#86-377-A
EXHIBIT 9 LETTER OF 5/14/86 W/ATTACHMENTS



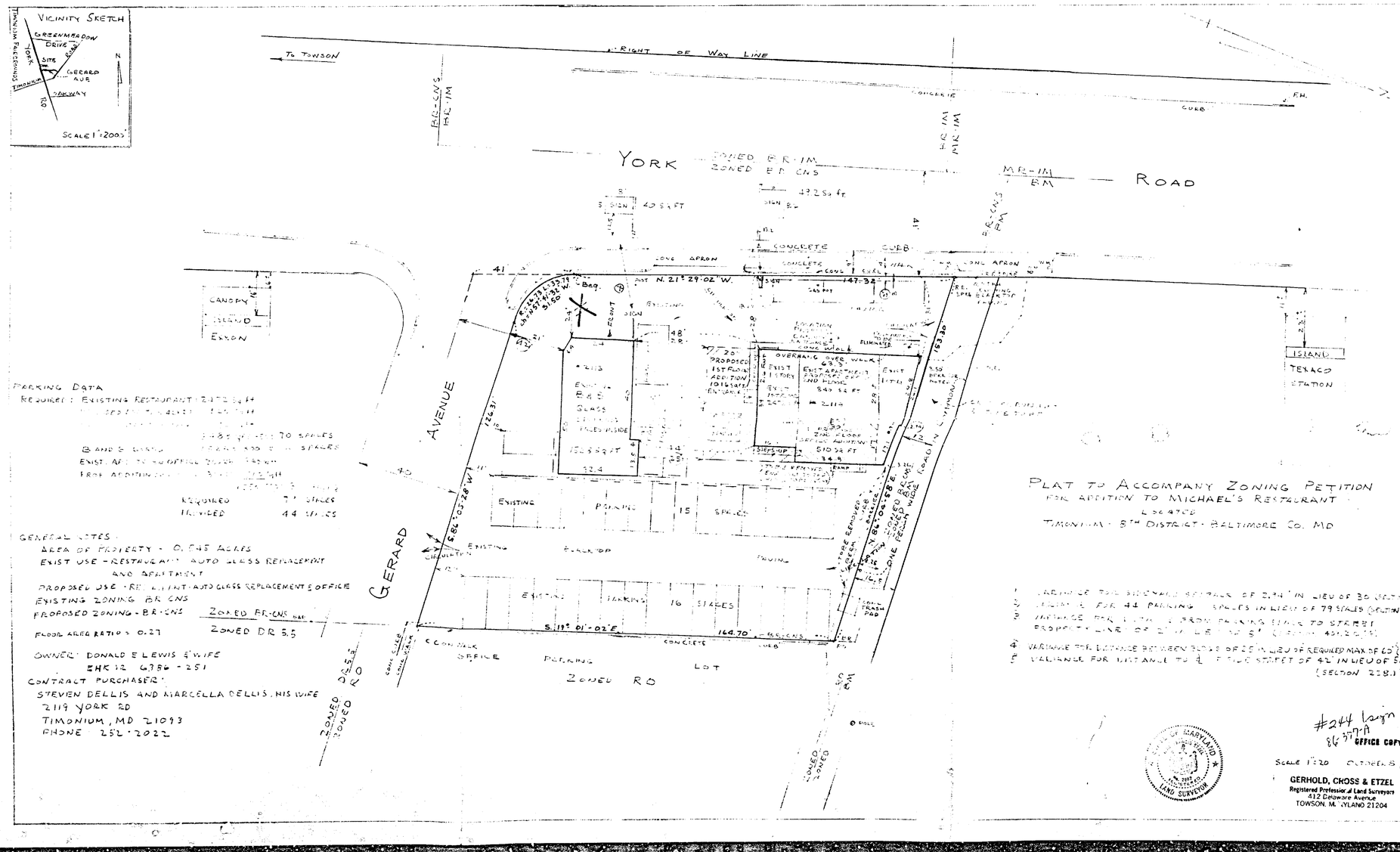


LEASE

THIS LEASE, Made this 1st day of August, 1982, by and between DONALD E. LEWIS and DOROTHY E. LEWIS, his wife, of Baltimore County, State of Maryland, hereinafter referred to as "Landlords" and LEAR SIGLER, INC., Safelite Division a body corporate of the State of Delaware, hereinafter referred to as "Tenant".

WITNESSETH: That in consideration of the payment of the rental hereinafter agreed upon and the performance of all the conditions, covenants, and agreements hereinafter set forth and to be performed by said Tenant, the Landlords do hereby lease unto the said Tenant the following described premises: Lot of ground on the northeast corner of York Road and Gerrard Avenue formerly a Sinclair filling station, it being the intention of the parties to confine the premises under this Lease to so much of the property as used for filling station purposes, less that taken by the State Highway Administration for the widening of York Road, the northernmost line of the property being 12 feet north of the present filling station and running southerly to Gerrard Avenue and easterly to the rear of the building, including that portion of the building formerly occupied by A & A Appraisal and Adjustment Service and 12 feet beyond the end of the entire building, said 12 feet being to the east of said building and said easterly line to run south to Gerrard Avenue, to be used by the Tenant for it's business of auto glass replacement and uses incidental therewith related to said business, and for no other purposes, for the term of three (3) years, beginning on the 1st day of September, 1982 and ending on the 31st day of August, 1985, at and for a rental of Eighty-four Hundred Dollars ($8,400.00) per annum, to be paid in equal monthly installments of Seven Hundred

1.

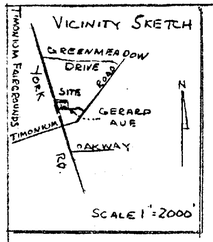

To TOWSON
RIGHT OF WAY LINE
CURB
F.H.
YORK
ZONED BR-IM
ZONED BR-CNS
MR-IM
EM
ROAD
S. SIGN 40 SQ FT
SIGN
CONCRETE
CURB APRON
CANOPY
ISLAND
ESSON
PARKING DATA
REQUIRED: EXISTING RESTAURANT
B AND B GLASS
EXIST. A & A APPRAISAL OFFICE
FIRST ADDITION
REQUIRED 79 SPACES
PROVIDED 44 SPACES
GENERAL NOTES
AREA OF PROPERTY = 0.245 ACRES
EXIST USE - RESTAURANT, AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT, AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR CNS
PROPOSED ZONING - BR-CNS
ZONED BR-CNS
FLOOR AREA RATIO = 0.27
ZONED DR 5.5
OWNER: DONALD E LEWIS & WIFE
EHK 12 6786 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE 252-2022
GERARD AVENUE
N. 21° 29' 02" W.
S. 68° 05' 58" E.
S. 21° 29' 02" E.
S. 68° 05' 58" W.
147.32
164.70
163.30
126.31
PROPOSED 1ST FLOOR ADDITION 1016 SQ FT ENCLOSED
OVERHANG OVER WALK
EXIST 1 STORY
EXIST APARTMENT 1 BEDROOM AND LIVING 549 SQ FT
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 2 STY FRAME
EXIST B & B GLASS
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY BRICK

86-377-A

Set Exh #1 Plat dated 10/15/85

FILMSORT® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards – Product of 3M, St. Paul, Minn.

VICINITY SKETCH



To TOWSON

RIGHT OF WAY LINE

CONCRETE CURB

F.H.

BR-CNS
BR-IM

YORK ROAD

ZONED BR-IM
ZONED BR-CNS

MR-IM
BM

BR-IM
MR-IM

BR-CNS
BM

8' SIGN 40 SQ FT

49.2 Sq ft SIGN

CONCRETE CURB

CONC APRON

CONCRETE

CONC

CURB

WALK

CONC APRON

RR SPIKE

Beg.

ART N. 21° 29' 02" W.

CIRCULATION

EXISTING SIGN

BLACKTOP PAVING

CIRCULATION

LOCATION PROPOSED CANOPY ENTRANCE CONC WALK

ENTRANCE TO BE ELIMINATED

RR SPIKE

EXISTING BLACKTOP PAVING

CANOPY

ISLAND

EXXON

AVENUE

GERARD

#2113

EXISTING B&B GLASS

5 PARKING SPACES INSIDE

1528 SQ FT

32.4

EXIST 1 STORY

EXIST 1ST FLOOR 2472 SQ FT

EXIST APARTMENT PROPOSED OFFICE 2ND FLOOR 840 SQ FT

#2119

EXIST 1 STORY

PROPOSED 1ST FLOOR ADDITION TO GLASS ENTRANCE

TO BE REMOVED

PROPOSED 2ND FLOOR OFFICE ADDITION 510 SQ FT

OVERHANG OVER WALK 6.3'

STEPS UP

RAMP

TO BE REMOVED (ENTRANCE TO 2ND FLOOR TO BE INSIDE)

TREE

3.50 BRICK ON NOTCH

CRUSHER RUN, DIRT & STONE TO BE BLACKTOPPED (SHADED AREA) 12' ± WIDE

EXISTING PARKING 15 SPACES

EXISTING BLACKTOP PAVING

EXISTING CIRCULATION

S 86° 05' 28" W

CONC WALK

OFFICE PARKING LOT

EXISTING PARKING 16 SPACES

S 19° 01' 02" E 164.70'

CONCRETE CURB

CONC TRASH PAD

N 86° 05' 58" E 230.50' BR-CNS

YORK ROAD 70' PUBLIC WIDE

TO BE REMOVED

BR-CNS
RO

RO
BM

ZONED DR 5.5
ZONED RO

ZONED RO

ZONED DR 5.5
ZONED RO

POLE

ISLAND

TEXACO STATION

PARKING DATA

REQUIRED: EXISTING RESTAURANT = 2472 Sq ft
PROPOSED ADDITION 46 x 20 = 920 Sq ft
PROP ADD. to Kitchen 16 x 6 = 96 Sq ft
3488 SQ FT ÷ 50 = 70 SPACES

B AND B CLASS 1528 ÷ 300 = 6 SPACES
EXIST. APT TO BE OFFICE 30 x 28 = 840 sq ft
PROP ADDITION TO OFFICE 30 x 17 = 510 Sq ft
1350 ÷ 500 = 3 SPACES

REQUIRED 79 SPACES
PROVIDED 44 SPACES

GENERAL NOTES:

AREA OF PROPERTY - 0.545 ACRES
EXIST USE - RESTAURANT - AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT - AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR-CNS
PROPOSED ZONING - BR-CNS ZONED BR-CNS BAR
FLOOR AREA RATIO = 0.27 ZONED DR 5.5

OWNER: DONALD E LEWIS & WIFE
ELK JR 6386 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE: 252-2022

PLAT TO ACCOMPANY ZONING PETITION

FOR ADDITION TO MICHAEL'S RESTAURANT

LOCATED

TIMONIUM - 8TH DISTRICT - BALTIMORE CO. MD.

1. VARIANCE FOR SIDEYARD SETBACK OF 2.94' IN LIEU OF 30' (SECTION 238.2)
2. VARIANCE FOR 44 PARKING SPACES IN LIEU OF 79 SPACES (SECTION 409.2)
3. VARIANCE FOR DISTANCE FROM PARKING SPACE TO STREET PROPERTY LINE OF 2' IN LIEU OF 8' (SECTION 409.2.C.(4)
4. VARIANCE FOR DISTANCE BETWEEN BLDGS OF 25' IN LIEU OF REQUIRED MAX OF 60' (238.2) (102.2)
5. VARIANCE FOR DISTANCE TO ℄ OF SIDE STREET OF 42' IN LIEU OF 50' (SECTION 238.1)

PETITIONER'S EXHIBIT 1

#244
86-377-A

SCALE: 1"=20' OCTOBER 8, 1985

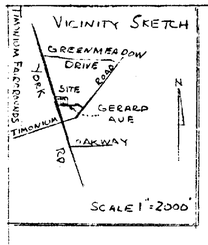
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

86-377-A

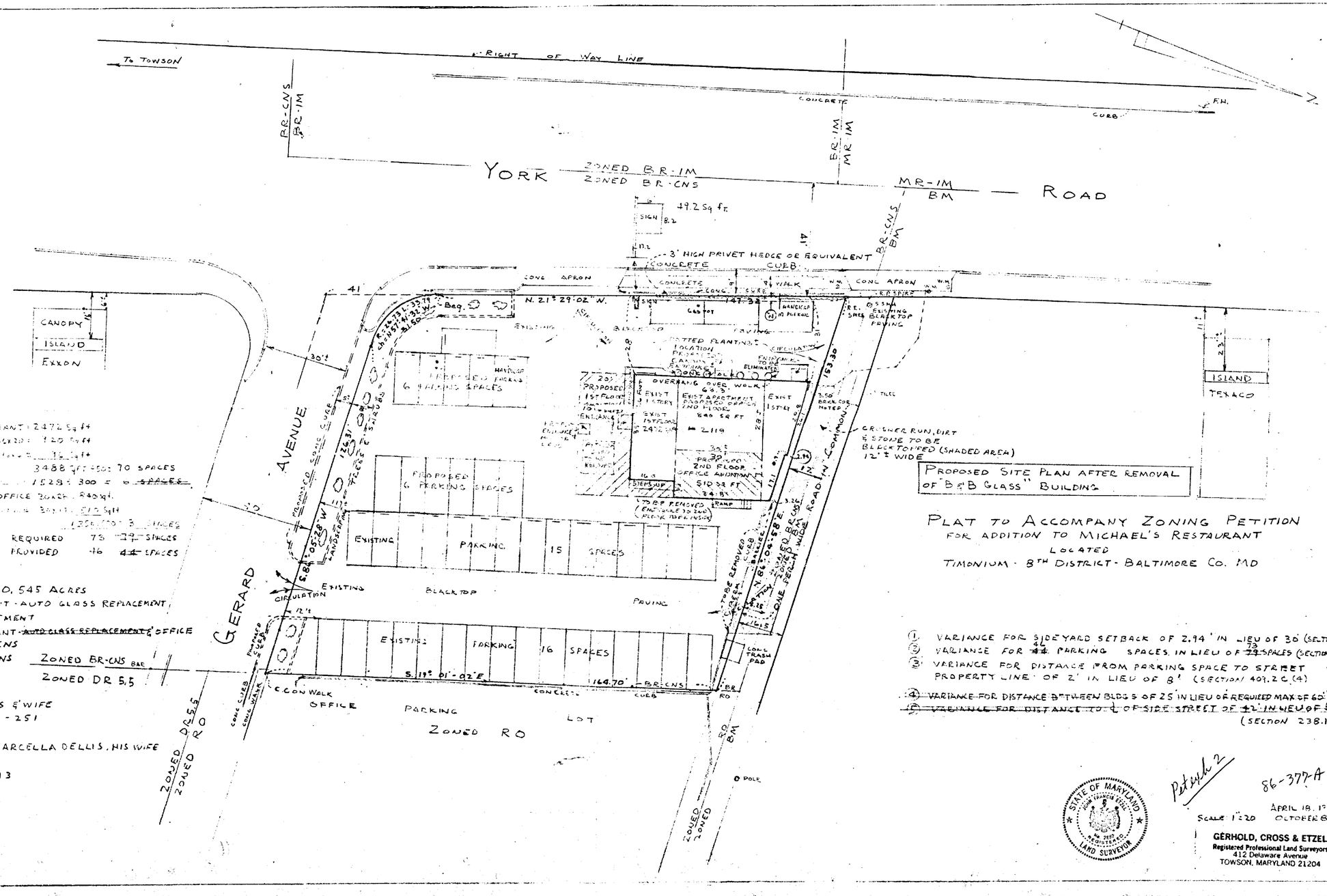
Ltr. Exhibit 2
4/18/86 Plat

M/M 5924 FILMSCAN® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards—Product of 3M, St. Paul, Minn.

VICINITY SKETCH



SCALE 1"=2000'


TO TOWSON
R/W RIGHT OF WAY LINE
CONCRETE CURB
F.H.
BR-CNS
BR-IM
YORK ROAD
ZONED BR-IM
ZONED BR-CNS
BR-IM
MR-IM
BM
MR-IM
BM
BR-CNS
BM
49.2 Sq ft
SIGN
8.2
19.2
3' HIGH PRIVET HEDGE OR EQUIVALENT
CONCRETE CURB
CONC APRON
CONCRETE
CONC
SURF
VINK
CONC APRON
N.21°29'02"W.
Bag.
CANOPY
ISLAND
EXXON
30'±
GERARD AVENUE
6 PARKING SPACES
HANDICAP PARKING
PROPOSED 6 PARKING SPACES
EXISTING PARKING 15 SPACES
EXISTING BLACKTOP PAVING
EXISTING CIRCULATION
PROPOSED 1 STORY OFFICE ADDITION
EXIST 1 STORY
EXIST APARTMENT
PROPOSED OFFICE
2ND FLOOR
640 SQ FT
2119
EXIST 1ST FLOOR
240 SQ FT
PROPOSED 2ND FLOOR OFFICE ADDITION
510 SQ FT
STEPS UP
RAMP
EXIST 1STORY
EXIST 1ST FLOOR
OVERHANG OVER G & S
3.56 BRICK OR NOTED
153.30
CR. INNER RUN, DIRT & STONE TO BE BLACKTOPED (SHADED AREA) 12'± WIDE
ISLAND
TEXACO
EXISTING BLACK TOP PAVING
EXISTING PARKING 16 SPACES
S.19°01'-02"E
164.70'
BR-CNS
CONC WALK
OFFICE PARKING LOT
ZONED RO
ZONED DR 5.5
ZONED RO
ONE FOOT WIDE COMMON
ZONED
ZONED
POLE
LOCK TRASH PAD
TREE REMOVED
CURB REMOVED
PROPOSED CURB
PROPOSED EDGE
CONC WALK
CONC CURB
S.84°04'-58"E
N.84°04'-58"W
S.84°05'-38"W
N.84°05'-38"E
S.84°05'-38"W
12.63'
30'
50'
50'
41'
30'
30'
30

IN THE MATTER OF THE PETITION OF DONALD E. LEWIS, ET UX FOR VARIANCES ON PROPERTY LOCATED AT NE/COR OF YORK ROAD AND GERARD AVENUE 8th ELECTION DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 86-377-A

: :

OPINION

This matter comes before the Board as an appeal from the Order of the Deputy Zoning Commissioner, dated May 19, 1986, granting, with restrictions, numerous variances requested by the petitioner. The petitioner, Donald E. Lewis, has sold this property to Steven and Marcella Dellis, who have continued the pursuit for variances. Dissatisfied with the imposed restrictions, the Dellis' have appealed to this Board. The numerous petitioned variances seek:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet.

At the hearing before this Board, the petitioner presented evidence in support of the requested variances and there were no protestants from the neighborhood opposing the petition.

In order to properly consider the petition, a description of the property is in order. The site contains approximately 0.545 acres and is located in the heavily commercialized corridor along York Road in Timonium. Surrounding uses include a strip shopping center, a shopping center containing retail establishments and movie theatres, several gasoline stations and fast food restaurants. The Maryland State Fairgrounds also are in close proximity.

The site itself contains two uses, a B&B Auto Glass retail outlet and a restaurant/bar. Both improvements have existed on this site for some time. The petitioner, who has acquired the restaurant, desires to expand the facility from more than its present "tavern" use to a "nice, family restaurant." Toward this goal, and to satisfy Health Department requirements, the petitioner proposes a 46 x 20 square foot addition on the first floor and a 30 x 17 square foot addition to the second floor of the restaurant building. This proposal will allow for an increased table area on the first floor and the conversion and/or expansion of the second floor to an office area to be used in connection with the restaurant business. The petitioner stresses that these improvements will enhance the appearance of the entire restaurant building and will not reduce the amount of open space on site as much as might be expected in that a flight of steps and a beef barbeque pit, both currently located outside the building, will now be within the expansion and under roof.

In considering each of the petitioned variances in turn, we will first address the request to allow a setback of 2.94 feet rather than 30 feet. This variance concerns the northern border of the property, which contains a 12-foot easement used by both the petitioner for trash removal and neighboring businesses for delivery. The Board is persuaded to grant this variance, but has

real concerns regarding the easement. That is, in our view, the 12-foot area should be improved to more easily allow vehicle access.

Consideration of the parking variance poses the most difficult issue for this Board. Proposed parking is well short of Baltimore County standards and the concerns of the County's traffic engineer, Michael Flanigan, are legitimate. In addressing these concerns, the petitioners point to other parking available offsite (i.e. street and neighborhood office building lots) and that the restaurant's heaviest hours of business will be after the surrounding offices and the B&B shop will be closed. These considerations persuade us that the variance should be granted, with restrictions.

Insofar as the remaining requested variances, the Board is persuaded to grant same. We note that they merely request approval of the site as it now exists insofar as the current parking scheme and location of the buildings. Having heard no evidence of existing problems generated by the current scheme of improvements and parking on this parcel, we believe that they should be granted and that the petitioners have met their burden.

In passing, the Board finally notes that the petitioners once proposed to tear down the existing B&B building so as to better comply with the BCZR area and parking requirements. Although in agreement with the spirit of this directive as stated in the Deputy Zoning Commissioner's Order, we question both this Board's authority and the wisdom in ordering the demolition of this long-standing building. This is particularly troublesome in view of the current viable lease for that property. There may come a time when demolition of the building is the proper, practical alternative, but at present the Board believes that these variances may be granted with restrictions, and will so order.

ORDER

It is hereby, this 26th day of November, 1986, by the County Board of Appeals ORDERED that the variances requested, to wit:

(a) relief from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow an existing side yard setback of 2.94 feet in lieu of 30 feet;

(b) relief from BCZR 409.2 to permit 44 parking spaces in lieu of 79 spaces;

(c) relief from BCZR 409.2.c(4) to permit a distance of 2 feet from the parking space to the street property line in lieu of 8 feet;

(d) relief from BCZR Section 102.2 (238.2) to permit a distance between buildings of 25 feet in lieu of the required maximum of 60 feet; and

(e) relief from Section 238.1 to permit the distance to center line of side street of 42 feet in lieu of 50 feet; be and are hereby GRANTED with the following restrictions:

(1) Curb, gutter and sidewalks shall be provided on the southern property line along Gerard Avenue to York Road.

(2) The outside beef barbeque pit and staircase shall be removed or brought within the confines of the proposed expansion, and there shall be no more restaurant uses or appurtenances not within the structure.

(3) The 12-foot easement shall be improved by crushed stone or paving so as to be more easily accessible.

(4) All parking spaces as shown on Petitioner's Exhibit #1 shall be striped so as to be easily identified.

(5) Improvements and expansion of the restaurant building shall be in accordance with those shown on Petitioner's Exhibit #1.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Lawrence E. Schmidt

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

November 26, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, MD 21204

RE: Case No. 86-377-A
Donald E. Lewis, et ux

Dear Mr. Hennessey:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in the subject case.

Sincerely,

Kathi C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Donald E. Lewis
Mr. & Mrs. Steven Dellis
Phyllis C. Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

RECEIVED
NOV 28 1986
ZONING OFFICE

IN RE: PETITION FOR VARIANCES NE/corner of York Road and Gerard Avenue - 8th Election District Donald E. Lewis, et ux, Petitioners	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-377-A

* * * * * * * * * * * *

The Petitioners herein request variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Evidence presented and testimony by and on behalf of the Petitioners indicated that the two buildings, now located on the site, are 30-year old improvements; variances requested for side yard setbacks and a distance from the building to the centerline of the side street reflects long-standing conditions. The Petitioners plan to demolish the 1,528 square foot building when the lease expires on August 31, 1988. In the meantime they propose additions to accomodate an enlarged customer area and kitchen, and to provide office space. There were no protestants.

After due consideration of evidence and testimony, attention to the comments of the State Highway Administration and the Department of Traffic Engineering, and careful purusal of the plan prepared by Gerhold, Cross & Etzel, dated October 8, 1985 and marked Petitioner's Exhibit 1, which indicates the parking arrangement proposed while the second building is in use, as well as the plan prepared by Gerhold, Cross & Etzel, revised April 18, 1986 and marked Petitioner's Exhibit 2, which indicates the parking arrangement proposed after the removal of the building, the Deputy Zoning Commissioner has serious doubts

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

that the 35% reduction in parking reflected in Petitioner's Exhibit 2 would provide adequate on-site parking for a thriving restaurant business.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of part of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of May, 1986, that the herein Petition for Variance to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 47 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 2, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The 1,528 square foot building shall be removed from the site no later than September 30, 1988. The parking lot shall be paved and striped no later than November 15, 1988.

2. The proposed addition to the restaurant shall not exceed 690 square feet in lieu of the 920 square feet proposed on Petitioner's Exhibit 2. Construction and occupancy may proceed with existing parking spaces being utilized and considered adequate to meet Baltimore County requirements until the new lot is prepared.

3. The finally determined parking arrangement shall be submitted to and approved by the Baltimore County Department of Traffic Engineering. That approval shall appear in writing in this case file either on a revised plan or in a separate memorandum.

ORDER RECEIVED FOR FILING
DATE May 19, 1986
BY Arlene A. Schlissel
ADMINISTRATIVE ASSISTANT

4. Curb, gutter and sidewalks shall be provided along Gerard Avenue as indicated on Petitioner's Exhibit 2.

5. Landscaping proposals shall be submitted to and approved by the Office of Current Planning.

6. Signs for the restaurant shall be limited to one free-standing, double-face sign, each face not to exceed 32 square feet and no more than 25 square feet of signs attached to the building, all of which must be properly permitted.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

JMHJ:bg

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

- 3 -

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCES
NE/corner of York Road
and Gerard Avenue -
8th Election District
Donald E. Lewis, et ux,
Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

PETITION FOR ZONING VARIANCE

299 mor 244

86-377-A

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 238.2 to allow existing side yard setback of 2.94' in lieu of 30' 2)Sect.409.2 to allow 44 parking spaces in lieu of 79 spaces. 3)Sect. 409.2 C(4)to allow distance of 2' from parking space to street property line in lieu of 8 feet.4)Sect. 102.2 (238.2) to allow distance bstween bldg. of 25' in lieu of requirad max. of 60'.5)Sect.238.1 to allow distance to centerline of side street of 42' in lieu of 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Due to existing location of the 2 buildings on the lot,the side yards setback, the distance between buildings and the distance of building to centerline of street is a practical difficulty to conform to present zoning regulations.

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:	Legal Owner(s):
Steven & Marcella Dellis	Donald E. & Dorothy E. Lewis
(Type or Print Name)	(Type or Print Name)
Steven Dellis Marcella Dellis	Donald E. Lewis
Signature	Signature
2119 York Road	DOROTHY E LEWIS
Address	(Type or Print Name)
Timonium, Maryland 21093	Dorothy E. Lewis
City and State	Signature

Attorney for Petitioner:

Thomas L Hennessey	109 AGGARTE RD 337-0706
(Type or Print Name)	Address Phone No.
Thomas L Hennessey	LUTHERVILLE MD 21093
Signature	City and State
407 W Penna Ave	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Thomas L Hennessey
Towson Md. 21204	Name
City and State	Address Phone No.
Attorney's Telephone No.: 823-7710	

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 19 86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of April, 19 86 at 9:45 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE May 19 1986
BY Helen E. Kobler
ADMINISTRATIVE ASSISTANT

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 not 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 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-377-A

District 8th Date of Posting 3/21/86
Posted for: Variance
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd. approx. 12' in road way, on property of Petitioner
Remarks: Posted by Sign Hung on Post on NE/cor. of Property
Posted by [signature] Date of return: 3/31/86
Signature
Number of Signs: 1

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

EMERITUS
PAUL D. DOLLENBERG
FRED H. DOLLENBERG

August 29, 1985

Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the east side of York Road distant North 21 degrees 29 minutes 02 seconds West 41 feet from the center of Gerard Avenue and running thence along the east right of way line of York Road, North 21 degrees 29 minutes 02 seconds West 147.32 feet, thence leaving said York Road and binding on the property lines of the petitioner herein, the two following courses and distances viz: North 86 degrees 04 minutes 58 seconds East, binding on the south side of a 1 perch wide road, with the use in common with others entitled thereto, 153.30 feet and South 19 degrees 01 minute 02 seconds East 164.70 feet to the north side of Gerard Avenue, thence binding on the north side of Gerard Avenue, South 86 degrees 04 minutes 28 seconds West 126.31 feet and thence running northwesterly by a line curving to the right which connects the north side of Gerard Avenue with the east side of York Road, having a radius of 26.73 feet for an arc distance of 33.79 feet (the chord of said arc bearing North 57 degrees 41 minutes 32 seconds West 31.50 feet) to the place of beginning.

Containing 0.545 Acres of land more or less.

Being the land of the petitioners herein and shown on a plat filed with the Zoning Department.

STATE OF MARYLAND
JAMES EDWARD ETZEL
No. 7882
REGISTERED
LAND SURVEYOR

823 451-10

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

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 March 12, 1986.

TOWSON TIMES,

Publisher

42.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Ave nue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

7070-1/TO Mar. 18

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

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 March 13, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

27.50

86-377-A

PETITION FOR ZONING VARIANCES
8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue
DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet.

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

Mar. 13

Case No. 86-377-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 February, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner Donald E. Lewis, et ux Received by: Jean E. Hyer
Petitioner's Attorney Thomas L. Hennessey, Esquire
Chairman, Zoning Plans Advisory Committee

Case #86-377-A 8th District

NE CORNER YORK ROAD & GERARD AVENUE

DONALD E. LEWIS, ET UX, PETITIONERS

1 - SIGN

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 24, 1986

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

Dear Mr. Hennessey:

This is to advise you that $75.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

Sincerely,

Arnold Jablon
Zoning Commissioner

AJ:med

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

No. 018553

DATE _____ ACCOUNT _____

AMOUNT $ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

February 28, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NE/cor. York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A

TIME: 9:45 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

AJ:med

cc: Mr. Steven Dellis
Mrs. Marcella Dellis
2119 York Rd.
Timonium, Maryland 21093

Mr. Steve Cummins
National Coordinator
of Construction
B & B Auto Glass
Post Office Box 1879
Wichita, Kansas 67201

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

No. 016165

DATE 12/23/85 ACCOUNT 01-615-000

AMOUNT $ 100.00

RECEIVED FROM: Thomas Hennessey (Donald E. Lewis et ux)

FOR: Variance #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

July 25, 1986

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-377-A	DONALD E. LEWIS, ET UX
	NE/cor. York Rd. and Gerard Ave.
	8th District
	Variances-Setbacks; Parking
	5/19/86 - D.Z.C.'s Order-GRANTED w/restrict
ASSIGNED FOR:	WEDNESDAY, OCTOBER 29, 1986, at 10 a.m.
cc: Thomas L. Hennessey, Esq.	Counsel for Appellants/Petitioners
Mr. & Mrs. Donald Lewis	Appellants/Petitioners
Mr. & Mrs. Steven Dellis	" "
Phyllis C. Friedman	People's Counsel
Norman Gerber	
James Hoswell	
Arnold Jablon	
Jean Jung	
James Dyer	

June Holmen, Secretary

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 18, 1986

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
NE/cor. of York Rd. and Gerard Ave.
Donald E. Lewis, et ux - Petitioner
8th Election District
Case No. 86-377-A

Dear Ms. Friedman:

Please be advised that on June 11, 1986, an appeal was filed by Appellants/Petitioners, Donald E. and Dorothy E. Lewis and Steven and Marcella Dellis, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ:med

ccs: Thomas L. Hennessey, Esquire

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

JUN 11 AM

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Thomas L. Hennessey

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Road & :
Gerard Ave., 8th District : OF BALTIMORE COUNTY
:
Donald E. Lewis, et ux, : Case No: 86-377-A
Petitioners

NOTICE OF APPEAL BY PETITIONERS

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

Mr. Zoning Commissioner:

Please enter an appeal from the Order passed May 19, 1986 in connection with the above-entitled matter. The appeal is filed on behalf of the Petitioners, the property Owners and contract Purchasers:

Donald E. Lewis and Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093 and

Steven Dellis and Marcella Dellis
2119 York Road
Timonium, Maryland 21093

THOMAS L. HENNESSEY, P.A.

Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

MAIL CERTIFICATION

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Notice of Appeal was mailed to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Rec'd 6/11/86
by Zoning Office
mmed

Thomas L. Hennessey

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 86-377-A
Towson, Maryland

District 8th Date of Posting 4/27/86
Posted for: Appeal
Petitioner: Donald E. Lewis, et ux
Location of property: NE/cor. York Rd. & Gerard Ave.
Location of Signs: Facing York Rd., corner 9' Ft. from Hwy, on property of Petitioner
Remarks:
Posted by [signature] Date of return: 5/2/86
Signature
Number of Signs: 1

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

No. 021753

DATE 6/17/86 ACCOUNT R-01-615-000

AMOUNT $ 90.00

RECEIVED FROM: Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., P.O. Box 5473, Towson, Maryland 21204

FOR: APPEAL FILING FEE & SIGN POSTING FEE re Case #86-377-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 7, 1986

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

ooo

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

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 244 - Case No. 86-377-A
Petitioners - Donald E. Lewis, et ux
Variance Petition

Dear Mr. Hennessey:

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,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

January 6, 1986

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

Attn: Mr. James Dyer

Re: ZAC Meeting of 1-7-86
ITEM #244.
Property Owner: Donald E. Lewis, et ux
Location: NE Corner York Road Route 45, & Gerard Avenue
Existing Zoning: B.R.-CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of re uired maximum of 60' and to allow distance to centerline of side street of 42' in lieu of 50'.
Acres: 0.545 acres
District: 8th Election District

Dear Mr. Jablon:

On review of the submittal of 10-8-85 and field inspection, the State Highway Administration finds all access to the site by way of the existing entrances at York Road generally acceptable.

However, the variance of 35 parking spaces (44 parking spaces in lieu of 79 spaces) could ause traffic pr blems on York Road and Gerard Avenue.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

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

NORMAN E. GERBER
DIRECTOR

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

MARCH 5, 1986

Re: Zoning Advisory Meeting of JANUARY 7, 1986
Item # 244
Property Owner: DONALD E. LEWIS, ETUX
Location: NE/C YORK ROAD & GERARD AVE.

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.

(X) 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 forward by the Bureau of Public Services.
( ) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.
( ) A record plat will be required and must be recorded prior 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
(X) Landscaping: Must comply with Baltimore County Landscape Manual.
( ) The property is located in a deficient service area as defined by Bill 178-79. No building permits 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 "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
( ) Additional comments:

Eugene A. Ober
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 244 -ZAC- Meeting of December 7, 1985
Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
Existing Zoning: B.R. - CNS
Proposed Zoning: Variance to allow existing side yard setback of 2.94' in lieu of 30' and to allow 44 parking spaces in lieu of 79 spaces and to allow distance of 2' from parking space to street property line in lieu of 8' and to allow distance between building of 25' in lieu of required maximum of 60' and to allow
Acres: 0.545 distance to centerline of side street
District: 8th fo 42' in lieu of 50'

Dear Mr. Jablon:

This Department has reviewed the requested zoning changes and has the following comments.

1. The entrance to this site from Gerard Avenue, exceeds the maximum County standard. This site should have only one entrance on Gerard Avenue, no more than 35' wide and that entrance should be as far as possible from York Road. Curb, gutter, and sidewalks should be provided along Gerard Avenue.

2. The requested variances to the setbacks from the street can be expected to cause sight distance problems and cause safety problems.

3. The requested variance to parking can be expected to generate congestion on the street in the area.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

January 10, 1986

Mr. Arnold Jablon
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: Donald E. Lewis, et ux

Location: NE corner York Road & Gerard Avenue

Item No.: 244 Zoning Agenda: Meeting of 1-10-86

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.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "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.

REVIEWER: Pat Joseph Kelly 1-10-86 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI, JR.
DIRECTOR

February 11, 1986

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

Dear Mr. Jablon:

Comments on Item # 244 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald E. Lewis, et ux
Location: NE corner York Road and Gerard Avenue
District: 8th.

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

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

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

(D) 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.

(E) All Use Groups except R-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. R-4 Use 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 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

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

(H) Where filing for a required Change of Use/Occupancy 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 Use Groups are from Use A-1 (MINOR R-1) to Mixed Uses A-3 B _____. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 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.

SPECIAL NOTE: (J) Comments: An increase of floor area will require this building to be sprinklered. See Table 501 for Use A-3. A-3 uses are limited to one story buildings of wood frame unless protected one hour or sprinklered. See Section 503.1.

K. 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.

BY: C. E. Burnham, Chief
Building Plans Review

1/22/86

PETITION FOR ZONING VARIANCES

8th Election District

LOCATION: Northeast corner of York Road and Gerard Avenue

DATE AND TIME: Tuesday, April 1, 1986, at 9:45 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 Zoning Variances to permit an existing side yard setback of 2.94 feet in lieu of the required 30 feet, 44 parking spaces in lieu of the required 79 spaces, a distance of 2 feet from the parking space to the street property line in lieu of the required 8 feet, a distance between the buildings of 25 feet in lieu of the required 60 feet and a distance to the centerline of the side street of 42 feet in lieu of the required 50 feet

Being the property of Donald E. Lewis, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

NE/cor. of York Rd. and Gerard Ave.
8th Election District
Donald E. Lewis, et ux - Petitioners
Case No. 86-377-A
Item No. 244
Date of Filing: 6/11/86

X 1. Copy of Petition
X 2. Copy of Description of Property
X 3. Copy of Certificate of Posting
X 4. Copy of Certificates of Publication
X 5. Copy of Zoning Advisory Committee Comments
X 6. Copy of Comments from the Director of Planning
X 7. Copy of Order to Enter Appearance
X 8. Copy of Order of Deputy Zoning Commissioner
X 9. Copy of Plat of Property [See Petitioner's Exhibits 1 and 2]
X 10. Copy of Letter from Petitioner's attorney, Thomas L. Hennessey, Esquire to Mrs. Jung, dated 3/14/86, with attachments [No copies of attachments retained in zoning file - originals sent to Bd. of Appeals]
X 11. Petitioner's Exhibits 1 to 2

Petitioner's Exhibit No. 1 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 10/8/85

Petitioner's Exhibit No. 2 - Plat re: Michael's Restaurant, drawn by Gerhold, Cross & Etzel, dated 4/18/86

X 12. Notice of Appeal of Appellants/ Petitioners, dated 6/10/86 and received 6/11/86
X 13. Copy of Cash Receipt No. 021753, dated 6/17/86
X 14. Copy of letter from Arnold Jablon to all parties notifying of the filing of an appeal, dated 6/18/86

Thomas L. Hennessey, Esquire — Attorney for Appellants/Petitioners
407 East Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
(823-7710)

Mr. Donald E. Lewis — Appellants/Peritioners
Mrs. Dorothy E. Lewis
109 Margate Road
Lutherville, Maryland 21093

Mr. Steven Dellis — Appellants/Petitioners
Mrs. Marcella Dellis
2119 York Road
Timonium, Maryland 21093

Phyllis C. Friedman, Esquire — People's Counsel

Norman E. Gerber — Request Notification
James Hoswell — " "
Arnold Jablon — " "
Jean M. H. Jung — " "
James E. Dyer — " "

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner — Date March 10, 1986

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

SUBJECT Zoning Petition No. 86-377-A

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office has no comment.

Norman E. Gerber, AICP, Director

NEG:JGH:slm

7/25/86 - Following were notified of hearing set for Wed. Oct. 29, 1986, at 10 a.m.:

Thomas Hennessey, Esq.
Mr. and Mrs. Lewis
Mr. and Mrs. Dellis
Phyllis Friedman
Zoning Office
Planning Office

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. &
Gerard Ave., 8th District : OF BALTIMORE COUNTY

DONALD E. LEWIS, et ux, : Case No. 86-377-A
Petitioners

: : : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Thomas L. Hennessey, Esquire, 407 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Steven & Marcella Dellis, 2119 York Rd., Timonium, MD 21093, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Department of Permits and
Development Management

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

January 31, 1996

Charles E. Brooks, Esquire
Law Offices of Brooks & Spicer
610 Bosley Avenue
Towson, MD 21204

RE: Michael's Cafe/Gerard Building
2119 York Road
New Business Parking in
Residential Zone Petition
#86-377-A, #95-221-SPH
8th Election District

Dear Mr. Brooks:

Reference is made to your meeting with Arnold Jablon, Director of Permits and Development Management, and your letter dated January 16, 1996 which has been referred to me for reply. On behalf of your client, "Michael's", you have requested confirmation and/or certification of the zoning regulations applicable to additional business parking in a residential zone on the southside of Gerard Avenue. You have also stated that this proposed parking would be used by employees and not patrons.

Simply stated, Arnold Jablon verified the information provided by the zoning staff that a public hearing was required. Provided that all of the general requirements for parking in a residential zone are met, the application would include a variance to the RTA requirements and a special hearing for the parking use permit.

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 John Lewis or myself at (410) 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed with Soybean Ink on Recycled Paper

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-5710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mrs. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear Mrs. Jung:

I regret that I have not been able to contact you sooner concerning the open matters from the hearing previously held. I am waiting for the total revised plan from Mr. Etzel who I know has been in touch with the County and is attempting to secure clarifications of all situations presented by you. I want to thank you for your holding the matter sub curia as to your decision and letting us supplement the record with this additional information.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
cc: Gerhold, Cross & Etzel
Mr. and Mrs. Steve Dellis

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

April 17, 1986

Mr. John F. Etzel, Surveyor
Gerhold, Cross & Etzel
412 Delaware Avenue
Baltimore, Maryland 21204

Re: 2919 York Road
Case No. 86-377-A
Donald E. Lewis, et ux. Variance Petition

Dear John:

I have written to Mrs. Jung the attached letter so that she might be aware that we are working on the matter and it hasn't gone into limbo. As soon as you are prepared to go forward, please contact me and I will supplement the record in the proper form.

Thank you.

Yours very truly,

Thomas L. Hennessey

TLH/kan
Enc.
cc: Mrs. Jean Jung
Mr. and Mrs. Steve Dellis

3/18/86

Mr. Steve Cummins, National Coordinator of Construction, B & B Auto Glass, Post Office Box 1879, Wichita, Kansas 67201, telephoned Zoning Office and spoke with me. He advised he was concerned about what was being planned by Petitioners in Case No. 86-377-A and wanted me to send him a copy of the hearing notice. I advised I would mail it out to him either 3/18/86 or 3/19/86.

B. du Bois

LAW OFFICES
Thomas L. Hennessey, P.A.

AREA CODE 301 823-7710

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4280
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21285-5473

May 14, 1986

HAND-DELIVERED

Ms. Jean Jung, Deputy Zoning Commissioner
Baltimore County, Maryland
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Zoning Variance, N/E corner York Road
and Gerard Avenue, 8th Election District
Hearing: April 1, 1986
Case 86-377-A Lewis

Dear Ms. Jung:

I am writing you in connection with our representations to you in regard to the above zoning case. As you know, at the hearing, due to the fact that the property was encumbered by a Lease, it was suggested that we propose what would be the treatment of the property after the Lease had expired and within the plans of the Petitioner. At that time, I advised you that I would send you the copy of the Lease relative to this matter. Attached to this letter, please find a copy of that Lease with all of its attachments. The applicable paragraph in regard to the term of the Lease is on Page 2 wherein it states "the Tenant shall have the right to renew this Lease for three years upon its same terms and conditions". The three-year period was exercised on the 31st day of August, 1985 and will expire on the 31st day of August, 1988.

Also, at the time of the hearing, it was suggested that a plat be prepared showing what the affect would be of the removal of the present building occupied by Lear Sigler, Inc., the Tenant on this property. Mr. Etzel of Gerhold, Cross & Etzel has prepared such a plan and I submit it to you with this letter (five copies).

As you know, this plat prepared is a plat that is proffered to show what can be done when the matter of tearing down the buildings has been accomplished.

Ms. Jean Jung, Deputy Zoning Commissioner
May 14, 1986
Page 2

You will also remember that at the hearing I explained to you that a great many of the variances set forth are set out to comply with existing zoning requirements as is the policy of the Zoning people at this time. The buildings themselves exist as shown and the site as shown is completely used at this time in the manner represented to you. The proposition for the variance, of course, was to permit a small addition to the building to help modernize it and to improve the site. The entrance ways as shown are not new entrance ways, they are existing. A great many of the parking spots, as shown on the original plat submitted with the hearing, are as they exist today. It is well to note that this site enjoyed more depth of frontage on York Road prior to the widening of York Road years ago. The Fairgrounds Inn has been in existence and in constant use for well over 20 years prior to the submission of our present improvement plan.

Ms. Jung, if I can be of any help at all concerning explanations, history or background which you feel would be helpful to all parties in connection with this matter, I would greatly appreciate the opportunity to discuss it further with you. I was not notified of any protests and my notes show that there were none at the hearing. Since the property is surrounded by commercial usages: a shopping center and filing station to the north, a filing station to the south, and a high-rise office building to the rear, and York Road to the front and, I believe, that everyone felt that the use proposed was compatible to the existing neighborhood and no protests were lodged since the proposal, I believe, was considered appropriate to the neighbors.

My best to you.

Yours very truly,

Thomas L. Hennessey

TLH:ntm

Attachments

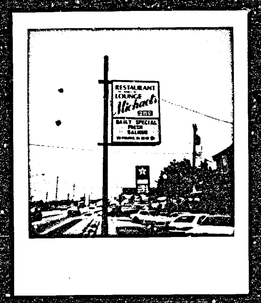
cc: Mrs. Marcella Dellis
Mr. John F. Etzel

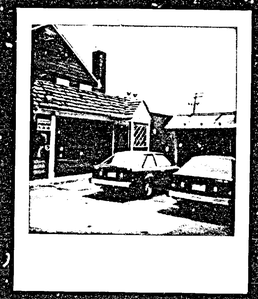
INTER-DEPARTMENT DELIVERY

NOTE—CROSS OUT ENTIRE LINE WHEN RECEIVED AND REUSE UNTIL ALL LINES ARE FULL

DATE	DELIVER TO	DEPARTMENT	SENT BY	DEPARTMENT
	CRG DAVIES ALLEN			

#86-377-A
EXHIBIT 9 LETTER OF 5/14/86 W/ATTACHMENTS



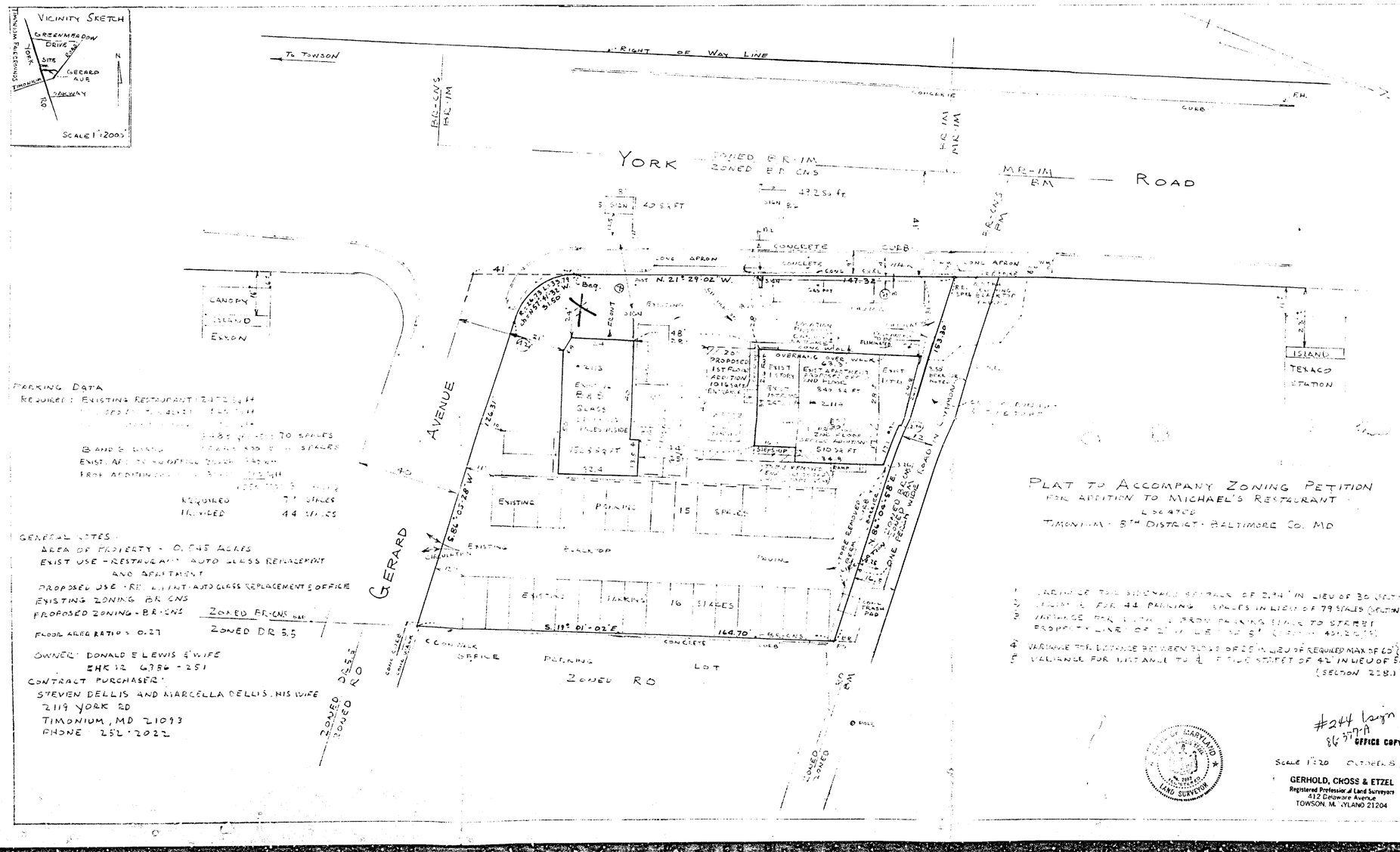


LEASE

THIS LEASE, Made this 1st day of August, 1982, by and between DONALD E. LEWIS and DOROTHY E. LEWIS, his wife, of Baltimore County, State of Maryland, hereinafter referred to as "Landlords" and LEAR SIGLER, INC., Safelite Division a body corporate of the State of Delaware, hereinafter referred to as "Tenant".

WITNESSETH: That in consideration of the payment of the rental hereinafter agreed upon and the performance of all the conditions, covenants, and agreements hereinafter set forth and to be performed by said Tenant, the Landlords do hereby lease unto the said Tenant the following described premises: Lot of ground on the northeast corner of York Road and Gerrard Avenue formerly a Sinclair filling station, it being the intention of the parties to confine the premises under this Lease to so much of the property as used for filling station purposes, less that taken by the State Highway Administration for the widening of York Road, the northernmost line of the property being 12 feet north of the present filling station and running southerly to Gerrard Avenue and easterly to the rear of the building, including that portion of the building formerly occupied by A & A Appraisal and Adjustment Service and 12 feet beyond the end of the entire building, said 12 feet being to the east of said building and said easterly line to run south to Gerrard Avenue, to be used by the Tenant for it's business of auto glass replacement and uses incidental therewith related to said business, and for no other purposes, for the term of three (3) years, beginning on the 1st day of September, 1982 and ending on the 31st day of August, 1985, at and for a rental of Eighty-four Hundred Dollars ($8,400.00) per annum, to be paid in equal monthly installments of Seven Hundred

1.

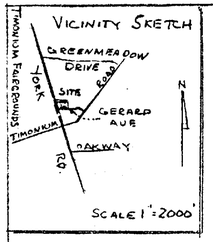

To TOWSON
RIGHT OF WAY LINE
CURB
F.H.
YORK
ZONED BR-IM
ZONED BR-CNS
MR-IM
EM
ROAD
S. SIGN 40 SQ FT
SIGN
CONCRETE
CURB APRON
CANOPY
ISLAND
ESSON
PARKING DATA
REQUIRED: EXISTING RESTAURANT
B AND B GLASS
EXIST. A & A APPRAISAL OFFICE
FIRST ADDITION
REQUIRED 79 SPACES
PROVIDED 44 SPACES
GENERAL NOTES
AREA OF PROPERTY = 0.245 ACRES
EXIST USE - RESTAURANT, AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT, AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR CNS
PROPOSED ZONING - BR-CNS
ZONED BR-CNS
FLOOR AREA RATIO = 0.27
ZONED DR 5.5
OWNER: DONALD E LEWIS & WIFE
EHK 12 6786 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE 252-2022
GERARD AVENUE
N. 21° 29' 02" W.
S. 68° 05' 58" E.
S. 21° 29' 02" E.
S. 68° 05' 58" W.
147.32
164.70
163.30
126.31
PROPOSED 1ST FLOOR ADDITION 1016 SQ FT ENCLOSED
OVERHANG OVER WALK
EXIST 1 STORY
EXIST APARTMENT 1 BEDROOM AND LIVING 549 SQ FT
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 1 STY
EXIST BRICK ENTRY
EXIST 2 STY FRAME
EXIST B & B GLASS
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY FRAME
EXIST 1 STY BRICK
EXIST 1 STY BRICK
EXIST 1 STY BRICK

86-377-A

Set Exh #1 Plat dated 10/15/85

FILMSORT® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards – Product of 3M, St. Paul, Minn.

VICINITY SKETCH



To TOWSON

RIGHT OF WAY LINE

CONCRETE CURB

F.H.

BR-CNS
BR-IM

YORK ROAD

ZONED BR-IM
ZONED BR-CNS

MR-IM
BM

BR-IM
MR-IM

BR-CNS
BM

8' SIGN 40 SQ FT

49.2 Sq ft SIGN

CONCRETE CURB

CONC APRON

CONCRETE

CONC

CURB

WALK

CONC APRON

RR SPIKE

Beg.

ART N. 21° 29' 02" W.

CIRCULATION

EXISTING SIGN

BLACKTOP PAVING

CIRCULATION

LOCATION PROPOSED CANOPY ENTRANCE CONC WALK

ENTRANCE TO BE ELIMINATED

RR SPIKE

EXISTING BLACKTOP PAVING

CANOPY

ISLAND

EXXON

AVENUE

GERARD

#2113

EXISTING B&B GLASS

5 PARKING SPACES INSIDE

1528 SQ FT

32.4

EXIST 1 STORY

EXIST 1ST FLOOR 2472 SQ FT

EXIST APARTMENT PROPOSED OFFICE 2ND FLOOR 840 SQ FT

#2119

EXIST 1 STORY

PROPOSED 1ST FLOOR ADDITION TO GLASS ENTRANCE

TO BE REMOVED

PROPOSED 2ND FLOOR OFFICE ADDITION 510 SQ FT

OVERHANG OVER WALK 6.3'

STEPS UP

RAMP

TO BE REMOVED (ENTRANCE TO 2ND FLOOR TO BE INSIDE)

TREE

3.50 BRICK ON NOTCH

CRUSHER RUN, DIRT & STONE TO BE BLACKTOPPED (SHADED AREA) 12' ± WIDE

EXISTING PARKING 15 SPACES

EXISTING BLACKTOP PAVING

EXISTING CIRCULATION

S 86° 05' 28" W

CONC WALK

OFFICE PARKING LOT

EXISTING PARKING 16 SPACES

S 19° 01' 02" E 164.70'

CONCRETE CURB

CONC TRASH PAD

N 86° 05' 58" E 230.50' BR-CNS

YORK ROAD 70' PUBLIC WIDE

TO BE REMOVED

BR-CNS
RO

RO
BM

ZONED DR 5.5
ZONED RO

ZONED RO

ZONED DR 5.5
ZONED RO

POLE

ISLAND

TEXACO STATION

PARKING DATA

REQUIRED: EXISTING RESTAURANT = 2472 Sq ft
PROPOSED ADDITION 46 x 20 = 920 Sq ft
PROP ADD. to Kitchen 16 x 6 = 96 Sq ft
3488 SQ FT ÷ 50 = 70 SPACES

B AND B CLASS 1528 ÷ 300 = 6 SPACES
EXIST. APT TO BE OFFICE 30 x 28 = 840 sq ft
PROP ADDITION TO OFFICE 30 x 17 = 510 Sq ft
1350 ÷ 500 = 3 SPACES

REQUIRED 79 SPACES
PROVIDED 44 SPACES

GENERAL NOTES:

AREA OF PROPERTY - 0.545 ACRES
EXIST USE - RESTAURANT - AUTO GLASS REPLACEMENT AND APARTMENT
PROPOSED USE - RESTAURANT - AUTO GLASS REPLACEMENT & OFFICE
EXISTING ZONING BR-CNS
PROPOSED ZONING - BR-CNS ZONED BR-CNS BAR
FLOOR AREA RATIO = 0.27 ZONED DR 5.5

OWNER: DONALD E LEWIS & WIFE
ELK JR 6386 - 251
CONTRACT PURCHASER:
STEVEN DELLIS AND MARCELLA DELLIS, HIS WIFE
2119 YORK RD
TIMONIUM, MD 21093
PHONE: 252-2022

PLAT TO ACCOMPANY ZONING PETITION

FOR ADDITION TO MICHAEL'S RESTAURANT

LOCATED

TIMONIUM - 8TH DISTRICT - BALTIMORE CO. MD.

1. VARIANCE FOR SIDEYARD SETBACK OF 2.94' IN LIEU OF 30' (SECTION 238.2)
2. VARIANCE FOR 44 PARKING SPACES IN LIEU OF 79 SPACES (SECTION 409.2)
3. VARIANCE FOR DISTANCE FROM PARKING SPACE TO STREET PROPERTY LINE OF 2' IN LIEU OF 8' (SECTION 409.2.C.(4)
4. VARIANCE FOR DISTANCE BETWEEN BLDGS OF 25' IN LIEU OF REQUIRED MAX OF 60' (238.2) (102.2)
5. VARIANCE FOR DISTANCE TO ℄ OF SIDE STREET OF 42' IN LIEU OF 50' (SECTION 238.1)

PETITIONER'S EXHIBIT 1

#244
86-377-A

SCALE: 1"=20' OCTOBER 8, 1985

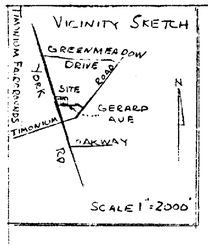
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

86-377-A

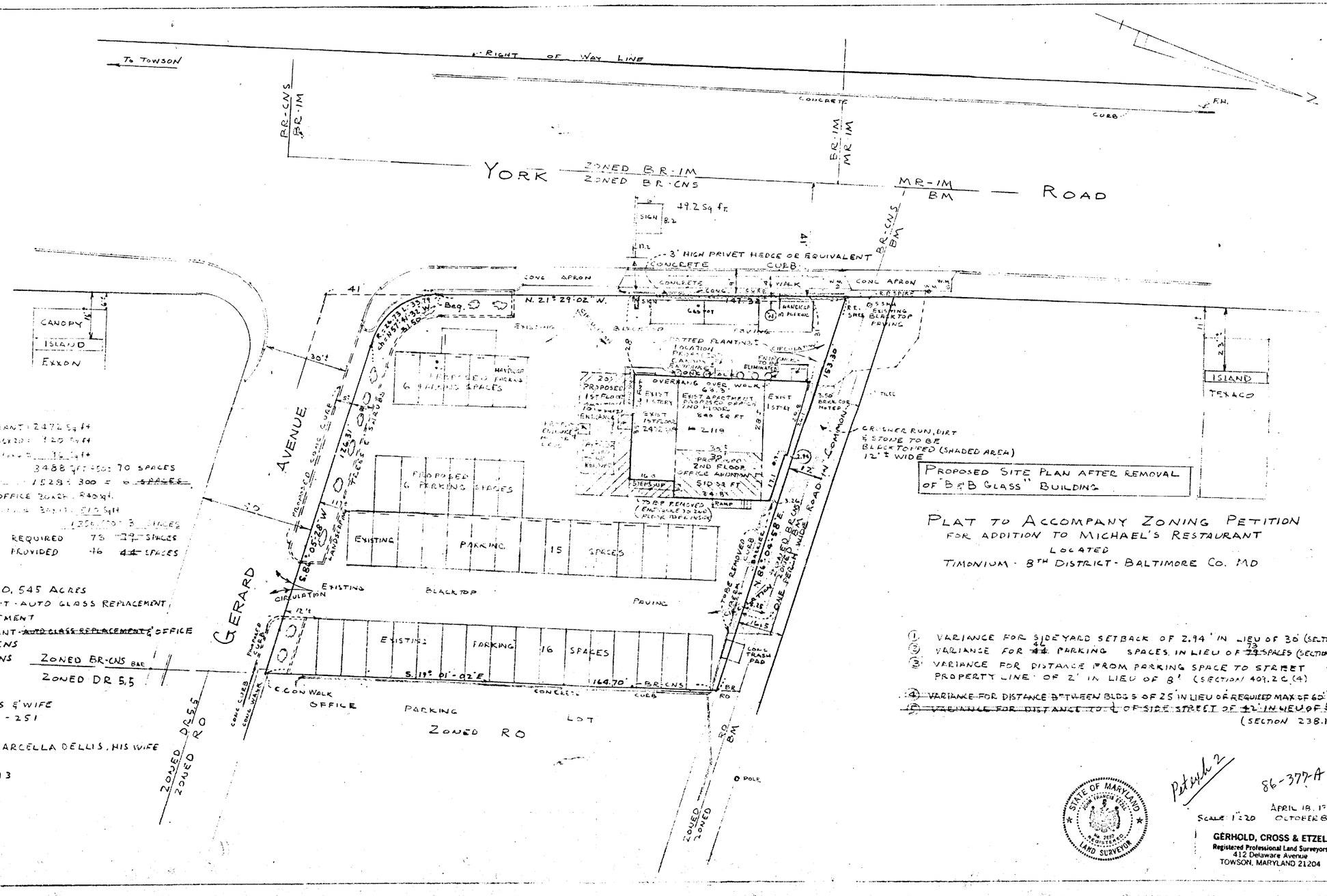
Ltr. Exhibit 2
4/18/86 Plat

M/M 5924 FILMSCAN® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards—Product of 3M, St. Paul, Minn.

VICINITY SKETCH



SCALE 1"=2000'


TO TOWSON
R/W RIGHT OF WAY LINE
CONCRETE CURB
F.H.
BR-CNS
BR-IM
YORK ROAD
ZONED BR-IM
ZONED BR-CNS
BR-IM
MR-IM
BM
MR-IM
BM
BR-CNS
BM
49.2 Sq ft
SIGN
8.2
19.2
3' HIGH PRIVET HEDGE OR EQUIVALENT
CONCRETE CURB
CONC APRON
CONCRETE
CONC
SURF
VINK
CONC APRON
N.21°29'02"W.
Bag.
CANOPY
ISLAND
EXXON
30'±
GERARD AVENUE
6 PARKING SPACES
HANDICAP PARKING
PROPOSED 6 PARKING SPACES
EXISTING PARKING 15 SPACES
EXISTING BLACKTOP PAVING
EXISTING CIRCULATION
PROPOSED 1 STORY OFFICE ADDITION
EXIST 1 STORY
EXIST APARTMENT
PROPOSED OFFICE
2ND FLOOR
640 SQ FT
2119
EXIST 1ST FLOOR
240 SQ FT
PROPOSED 2ND FLOOR OFFICE ADDITION
510 SQ FT
STEPS UP
RAMP
EXIST 1STORY
EXIST 1ST FLOOR
OVERHANG OVER G & S
3.56 BRICK OR NOTED
153.30
CR. INNER RUN, DIRT & STONE TO BE BLACKTOPED (SHADED AREA) 12'± WIDE
ISLAND
TEXACO
EXISTING BLACK TOP PAVING
EXISTING PARKING 16 SPACES
S.19°01'-02"E
164.70'
BR-CNS
CONC WALK
OFFICE PARKING LOT
ZONED RO
ZONED DR 5.5
ZONED RO
ONE FOOT WIDE COMMON
ZONED
ZONED
POLE
LOCK TRASH PAD
TREE REMOVED
CURB REMOVED
PROPOSED CURB
PROPOSED EDGE
CONC WALK
CONC CURB
S.84°04'-58"E
N.84°04'-58"W
S.84°05'-38"W
N.84°05'-38"E
S.84°05'-38"W
12.63'
30'
50'
50'
41'
30'
30'
30