

Statement of owner of premises required under Article 28 of the Public General Laws governing the sale of alcoholic beverages

I-WE HEREBY CERTIFY, That I am-we are the owner(s) of the property known as 583

Frederick Ave

named in the application for the renewal made by McPatrick's Inc

to the Board of Liquor License Commissioners for Baltimore County under the Alcoholic Beverage Laws of Maryland expiring April 30, 1985, that I-we assent to the granting of the renewal license applied for and that I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

WITNESS my-hand(s) and seal(s) this 30 day of March, 1985

(Owner) Thomas B. McGee (SEAL)

(Residence) 3221 Sun Front Ct Catonsville, MD 21043

(Owner) James E. Crawford (SEAL)

(Residence) 5564 Channing Rd 21228

(Residence) 101 Tree Top Ct Timonium, MD 21093

CLASS B (BWL) LICENSE

Cost of License \$ 1,000.00

DO NOT MAIL CHECK WITH THIS APPLICATION

Approved: McPatrick's Inc

BOARD OF LIQUOR LICENSE COMMISSIONERS

ISSUED 19

LICENSE NO. 19

THE LICENSE HEREIN APPLIED FOR MUST BE PAID IN CASH OR BY CERTIFIED CHECK. DO NOT MAIL CHECK WITH THIS APPLICATION

Printed No. 01

RENEWAL APPLICATION OF

VIRGINIA GAY CRAWFORD

VIOLA ANNA CRAWFORD

MC PATRICK, INC.

c/a McPatrick's Pub

583 Frederick Avenue

CATONSVILLE, MARYLAND, 21228

Filed 4-1 1985

FOR

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Do NOT mail Check for License with this application. RENEWAL APPLICATION-ALCOHOLIC BEVERAGE LICENSE.

State of Maryland

1985

READ CAREFULLY

ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1985 at the Office of the Board or you may be fined an amount not to exceed \$50 for each day the application is late, up to a maximum cumulative amount of \$500 for an application filed during the month of April. If the application for renewal is not received by April 30, 1985, your license will be VOIDED. This will necessitate the filing of a new application and the advertisement of same at a cost of \$100.00. Any such application will only be considered if there are new licenses available in your Election District. (See Article 28 of the Public General Laws, 1984 edition as amended.)

Extract from Section 198 of Article 28 of the Law: If any signed statement, affidavit or oath required under the provisions of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS B (BWL) LICENSE.

To the Board of Liquor License Commissioners for Baltimore County: Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage Law. There is submitted herewith the following statements and information required.

LICENSEE(S) McPATRICK'S INC 583 FREDERICK AVE 21228

McPATRICK'S PUB 788 7221

Virginia Gay Crawford 101 Tree Top Ct Timonium, MD 21093 561-1018

Viola A. Crawford 6308 Collinsway Rd. 21228

Are you now and have you been for the present License period both the owner and operator of the business conducted on the premises? License A: yes License B: yes License C: yes

I-we hereby certify that the facts and information set forth in the application upon which the present license was issued are unchanged: Yes X No (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No) (If yes for any license, attach an explanation)

1. Violation of Liquor Laws Lic. A yes Lic. B yes Lic. C 2. Violation of the gambling laws Lic. A yes Lic. B yes Lic. C 3. Commission of a felony Lic. A yes Lic. B yes Lic. C 4. Violation of the rules and regulations of the Board Lic. A yes Lic. B yes Lic. C

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

Virginia G. Crawford Signature of Licensee

Viola A. Crawford Signature of Licensee

AFFIDAVIT STATE OF MARYLAND, COUNTY OF BALTIMORE, SS: I HEREBY CERTIFY, That on the 30th day of March, 1985, before me the subscriber, Notary Public in and for the County and State aforesaid, personally appeared Virginia G. Crawford and Viola A. Crawford

the applicant(s) named in this renewal application and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal Michael S. Ry Notary Public

(OVER)

Statement of owner of premises required under Article 28 of the Public General Laws governing the sale of alcoholic beverages

I-WE HEREBY CERTIFY, That I am-we are the owner(s) of the property known as 583

Frederick Road, Catonsville.

named in the application for the renewal made by 583 Frederick Road

Virginia Gay Crawford Viola Anna Crawford

to the Board of Liquor License Commissioners for Baltimore County under the Alcoholic Beverage Laws of Maryland expiring April 30, 1985, that I-we assent to the granting of the renewal license applied for and that I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

WITNESS my-hand(s) and seal(s) this 15th day of April, 1985

(Owner) James E. Crawford (SEAL)

(Residence) 5564 Channing Rd 21228

(Residence) 3221 Sun Front Ct Catonsville, MD 21043

CLASS B (BWL) LICENSE

Cost of License \$ 1,000.00

DO NOT MAIL CHECK WITH THIS APPLICATION

Approved: McPatrick's Inc

BOARD OF LIQUOR LICENSE COMMISSIONERS

ISSUED 19

LICENSE NO. 19

THE LICENSE HEREIN APPLIED FOR MUST BE PAID IN CASH OR BY CERTIFIED CHECK. DO NOT MAIL CHECK WITH THIS APPLICATION

Printed No. 01

RENEWAL APPLICATION OF

VIRGINIA GAY CRAWFORD

VIOLA ANNA CRAWFORD

MC PATRICK, INC.

c/a McPatrick's Pub

583 Frederick Avenue

CATONSVILLE, MD 21228

Filed 4/15 1985

FOR

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Do NOT mail Check for License with this application. RENEWAL APPLICATION-ALCOHOLIC BEVERAGE LICENSE.

State of Maryland

1986

READ CAREFULLY

ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1986 at the Office of the Board or you may be fined an amount not to exceed \$50 for each day the application is late, up to a maximum cumulative amount of \$500 for an application filed during the month of April. If the application for renewal is not received by April 30, 1986, your license will be VOIDED. This will necessitate the filing of a new application and the advertisement of same at a cost of \$100.00. Any such application will only be considered if there are new licenses available in your Election District. (See Article 28 of the Public General Laws, 1984 edition as amended.)

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CLASS B (BWL) LICENSE.

To the Board of Liquor License Commissioners for Baltimore County: Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage Law. There is submitted herewith the following statements and information required.

LICENSEE(S) McPatrick's Pub, Inc. 583 Frederick Road, Catonsville

Virginia Gay Crawford, 101 Tree Top Court, Timonium, MD 561-1589

Viola Anna Crawford, 6308 Collinsway Road, Catonsville, MD 742-8843

Are you now and have you been for the present License period both the owner and operator of the business conducted on the premises? Licensee 1: yes Licensee 2: yes Licensee 3: yes

I-we hereby certify that the facts and information set forth in the application upon which the present license was issued are unchanged: Yes X No (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No) (If yes for any license, attach an explanation)

A. Violation of Liquor Laws: LICENSEE 1 no NO. 3

B. Violation of the gambling Laws: LICENSEE 1 no NO. 3

C. Commission of a felony: LICENSEE 1 no NO. 3

D. Violation of the Rules and Regulations of the Board: LICENSEE 1 no NO. 3

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

Virginia Gay Crawford Signature of Licensee

Viola Anna Crawford Signature of Licensee

AFFIDAVIT STATE OF MARYLAND, COUNTY OF BALTIMORE, SS: I HEREBY CERTIFY, That on the 15th day of April, 1986, before me the subscriber, Notary Public in and for the County and State aforesaid, personally appeared Virginia Gay Crawford and Viola Anna Crawford

the applicant(s) named in this renewal application and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal Michael S. Ry Notary Public

(OVER)

AGREEMENT

THIS AGREEMENT, made this 3 day of October, 1986, by and between ROBERT JEFFREY HOLDEN, hereinafter referred to as "HOLDEN", and JAMES E. CRAWFORD and THOMAS B. MCCREE, hereinafter referred to as "CRAWFORD and MCCREE".

WHEREAS, HOLDEN is a sole proprietor of Ridgeway Auto Service and leases the premises known as 585 Frederick Road, Baltimore, Maryland, from Enterprise Oil Company, and, at the present time, is in the second year of a five (5) year lease renewable on his part for an additional five (5) years; and,

WHEREAS, HOLDEN is desirous of improving the premises in which he conducts his business; and,

WHEREAS, CRAWFORD and McCree are desirous of obtaining additional parking spaces for the office and retail building which they are rehabilitating located on the premises as 583 Frederick Road, Baltimore, Maryland, and adjacent thereto; now, therefore, this Agreement

WITNESSETH,

That in consideration of the premises and other mutual considerations, CRAWFORD and MCCREE will, at their expense, cause R&C Contracting, Ltd. and HOLDEN, the following improvements to the leased premises at 585 Frederick Road:

1. The removal of all debris and inoperable automotive equipment including an old truck body located in the southeast corner of the premises known as 585 Frederick Road.

2. Grading of the bank located between the adjacent properties of 583 and 585 Frederick Road, securing said embankment with railroad ties.

3. Utilizing the top soil removed for further landscaping plans of HOLDEN.

4. Installing new paving on the existing parking area located between the existing building on 585 Frederick Road and the property line east thereof between

583 and 585 Frederick Road.

5. General landscaping of the premises known as 585 Frederick Road.

6. Constructing a small stair system connecting over the retaining wall as herebefore described the parking area of 585 Frederick Road to the parking area of 583 Frederick Road.

7. HOLDEN upon the completion of the foregoing improvements to the leased premises at 585 Frederick Road, will grant the right to CRAWFORD and MCCREE to utilize such parking spaces as may be necessary per a site plan currently being drawn and subject to the approval of the Zoning Commissioner to utilize said number of parking spaces as will be necessary for CRAWFORD and MCCREE to comply with the parking requirements of their adjacent project known as 583 Frederick Road.

10. CRAWFORD and McCree shall be responsible for the maintenance of said parking area, shall keep said area free of debris and shall make any and all repairs as may be required and shall keep said area free of snow and ice.

11. This Agreement shall commence on the 15th day of April, 1986, and shall terminate on the 14th day of April,

12. HOLDEN covenants that under the terms and conditions of his Lease that he had full authority to enter into this Agreement and furthermore that it is his intention to continue operating his business at 585 Frederick Road and will renew the Lease at the expiration of the first term.

13. Furthermore, it is the intentions of the parties hereto to enjoy a good and neighborly working relationship during the course of this Agreement and that they will mutually cooperate in the furtherance of each others interest regarding the parking spaces.

14. CRAWFORD and MCCREE, furthermore, as additional consideration hereto, do agree to re-surface the entire premises of 585 Frederick Road in compliance with the requirements of Baltimore County.

IN WITNESS WHEREOF, We sign our seals on the date first written above.

Witness: Michael S. Ry

Robert Jeffrey Holden (SEAL)

James E. Crawford (SEAL)

Thomas B. McCree (SEAL)

Do NOT Check for License with Application.
RENEWAL APPLICATION—ALCOHOLIC BEVERAGE LICENSE.

State of Maryland
1984

READ CAREFULLY
ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1984 at the Office of the Board, otherwise your license will be voided and an entirely new application and advertisement of same at a cost of \$100.00 will be required, if there are new licenses available in your Election District. (See Article 2B of the Public General Laws, 1957 edition as amended, and Rule 19 of the Rules and Regulations of the Liquor Board.)

Extract from Section 198 of Article 2B of the Law: If any signed statement, affidavit or oath required under the provisions of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS B LICENSE.

To the Board of Liquor License Commissioners for Baltimore County:

Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage Law. There is submitted herewith the following statements and information required.

LICENSEE(S)
McPATRICK'S, INC. 583 Frederick Rd. 788-7921
Corporate Name of Trade Name (Print) Business Address (Print) Business Phone
Licensee A James Patrick Ruth, Jr. 905 Bardswell 21228
Name (Print) Home Address (Print) Zone

Licensee B _____
Name (Print) Home Address (Print) Zone

Licensee C _____
Name (Print) Home Address (Print) Zone

Are you now and have you been for the preceding licensed year both the owner and operator of the business conducted on the premises?
Licensee A: Yes Licensee B: _____ Licensee C: _____

Previous District

I-we hereby certify that the facts and information set forth in the application upon which the present license was issued are unchanged: Yes X No _____ (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No)
(If yes for any license, attach an explanation)

1. Violation of Liquor Laws Lic. A No Lic. B _____ Lic. C _____ 2. Violation of the gambling laws Lic. A No
Lic. B _____ Lic. C _____ 3. Commission of a felony Lic. A No Lic. B _____ Lic. C _____ 4. Violation of the
rules and regulations of the Board Lic. A No Lic. B _____ Lic. C _____

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

James P. Ruth, Jr.
Signature of Licensee
Signature of Licensee
Signature of Licensee

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, SS:

I HEREBY CERTIFY, That on the 28th day of March, 1984, before me the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared James Patrick Ruth, Jr.

_____ the applicant(s) named in this renewal application and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal
Robert L. Smith
Notary Public

(OVER)

a need for parking mostly during the day; and the restaurant use would create peak use during late evening and night. These different parking needs would be more than adequately met by the parking on the site and would be better satisfied if the use permit for 3 Bishops Lane, zoned R-O, were approved. If the leased parking arrangement were considered, then approximately 90 spaces would be provided.

Mr. Reincke, Mr. Sarwar, and Mr. Clark oppose the granting of the use permit for parking on 3 Bishops Lane. They argued, and are supported by the Department of Traffic Engineering, that Bishops Lane is too narrow for commercial access to be permitted. Although perhaps Mr. Sarwar would object, neither Mr. Reincke nor Mr. Clark would oppose some parking on 3 Bishops Lane if access onto Bishops Lane was not permitted.

Mr. Decker and Mr. Dickler oppose both the use permit and the requested variance, fearing that the proposed uses would create traffic congestion and cause parking problems on the surrounding residential streets.

The Petitioners seek an interpretation of Section 104.1, pursuant to Section 500.7; relief from Section 409.4, pursuant to Section 502.1; or in the alternative, relief from Section 409.2.b.(3), (5), and (6), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

First, the lease arrangement with the owner of 585 Frederick Road, although not included in the requested variance to permit 61 parking spaces but which is being used to minimize the impact of any variance requested, came under attack by the Protestants. They pointed out that Stuart Petroleum Company (Steuart) leases the property and, in turn, sublets to the present occupant, i.e., the service garage, retaining the right to maintain a fuel oil loading rack. Steuart has not agreed to any lease arrangement with the Petitioners. See Protestants' Exhibit 1 and Protestants' Exhibits 3 and 4

ORDER RECEIVED FOR FILING
Date March 28, 1984
By Robert L. Smith

Statement of owner of premises required under Article 2B of the Public General Laws governing the sale of alcoholic beverages

I-WE HEREBY CERTIFY, That I am-we are the owner(s) of the property known as _____

named in the application for the renewal made by same

to the Board of Liquor License Commissioners for Baltimore County under the Alcoholic Beverage Laws of Maryland expiring April 30, 1984, that I-we assent to the granting of the renewal license applied for and that I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

WITNESS my-our hand(s) and seal(s) this _____ day of _____, 19____
(Owner) _____ (Signature) _____ (SEAL)

(Residence) _____
(Owner) _____ (Signature) _____ (SEAL)

(Residence) _____
(Residence) _____

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Do NOT Check for License with Application.
RENEWAL APPLICATION—ALCOHOLIC BEVERAGE LICENSE.

State of Maryland
1983

READ CAREFULLY
ALL QUESTIONS ON BOTH SIDES MUST BE FULLY ANSWERED.

This application must be filed on or before March 31, 1983 at the Office of the Board, otherwise your license will be voided and an entirely new application and advertisement of same at a cost of \$100.00 will be required, if there are new licenses available in your Election District. (See Article 2B of the Public General Laws, 1957 edition as amended, and Rule 19 of the Rules and Regulations of the Liquor Board.)

Extract from Section 198 of Article 2B of the Law: If any signed statement, affidavit or oath required under the provisions of this Act shall contain any false statement, the offender shall be deemed guilty of perjury, and upon indictment and conviction thereof, shall be subject to the penalties provided by law for that crime.

CLASS B LICENSE.

To the Board of Liquor License Commissioners for Baltimore County:

Application is made by the undersigned for a renewal of the above class of license under the provisions of the State Alcoholic Beverage Law. There is submitted herewith the following statements and information required.

LICENSEE(S)
McPATRICK'S PUB, INC. 583 Frederick Road, Catonsville, Maryland 21228
Corporate Name of Trade Name (Print) Business Address (Print) Business Phone
Licensee A James P. Ruth, Jr. 905 Bardswell Road, Baltimore, Maryland 21228
Name (Print) Home Address (Print) Zone

Licensee B _____
Name (Print) Home Address (Print) Zone

Licensee C _____
Name (Print) Home Address (Print) Zone

Are you now and have you been for the preceding licensed year both the owner and operator of these premises? Licensee A: Yes Licensee B: _____ Licensee C: _____

Previous District

I-we hereby certify that the facts and information set forth in the application upon which the present license was issued are unchanged: Yes X No _____ (If no, please attach full explanation)

During the licensed year have you been found guilty of any of the following? (Answer Yes or No)
(If yes for any license, attach an explanation)

1. Violation of Liquor Laws Lic. A No Lic. B _____ Lic. C _____ 2. Violation of the gambling laws Lic. A No
Lic. B _____ Lic. C _____ 3. Commission of a felony Lic. A No Lic. B _____ Lic. C _____ 4. Violation of the
rules and regulations of the Board Lic. A No Lic. B _____ Lic. C _____

I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

James P. Ruth, Jr.
Signature of Licensee
Signature of Licensee
Signature of Licensee

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, SS:

I HEREBY CERTIFY, That on the 28th day of March, 1983, before me the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared JAMES P. RUTH, JR.

_____ the applicant(s) named in this renewal application and made oath in due form of law that the matters and facts contained in said application are true.

WITNESS my hand and official seal
James P. Ruth, Jr.
Notary Public

(OVER) My Commission Expires: 7-1-86

the Petitioners' customers utilizing his property, which was previously granted a parking variance.

Testimony indicated that the subject property, zoned B.L. and R-O and located on Frederick Road, is improved with a building, constructed in at least the 1880's, which has been continuously utilized as a hotel and restaurant. In Case No. 83-160-SPHA, the existence of the restaurant was found to pre-date the establishment of zoning in Baltimore County. The significance of that conclusion relates not to the use itself, which today is permitted as of right in a B.L. Zone, but to the existence, or lack thereof, of the requisite parking. Although the decision decreed the parking spaces located in the rear of the property zoned D.R.16 (now zoned R-O), no use permit was required because the parking also pre-dated zoning in Baltimore County. The finding of facts leading those conclusions of law determined that the restaurant need not meet current parking requirements since the use and any need for parking pre-dated the adoption of the zoning regulations. In fact, in Case No. 83-160-SPHA, the Petitioner wanted to construct additional storage space and provide office space and argued that the 38 existing spaces were sufficient to satisfy the parking requirements for the square footage assigned to those latter uses. Notwithstanding that all of the spaces were located in the D.R.16 Zone, it was decided that the location was nonconforming.

The restaurant was then located on a lower level than now proposed, and the Petitioners currently wish to reduce the area of the restaurant from 4,680 square feet to 2,624 square feet. The office use has increased from 4,680 square to 11,882 square feet, and 2,435 square feet of retail space has also been proposed. Obviously, all of the office and retail use will require expansion of the existing historic building. The restaurant, as proposed,

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Date March 28, 1984
By Robert L. Smith

Statement of owner of premises required under Article 2B of the Public General Laws governing the sale of alcoholic beverages

I-WE HEREBY CERTIFY, That I am-we are the owner(s) of the property known as _____

583 Frederick Road, Catonsville, Maryland 21228

named in the application for the renewal made by JAMES P. RUTH, JR., t/a

McPATRICK'S PUB, INC.

to the Board of Liquor License Commissioners for Baltimore County under the Alcoholic Beverage Laws of Maryland expiring April 30, 1983, that I-we assent to the granting of the renewal license applied for and that I-we hereby authorize the State Comptroller, his duly authorized deputies, inspectors and clerks, the Board of Liquor License Commissioners for Baltimore County, its duly authorized agents and employees and any peace officer of Baltimore County to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted at any and all hours.

WITNESS my-our hand(s) and seal(s) this 28th day of March, 1983
(Owner) James P. Ruth, Jr. (Signature) _____ (SEAL)

(Residence) _____
(Owner) George Brown (Signature) _____ (SEAL)

(Residence) _____
(Residence) _____

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IN RE: PETITIONS SPECIAL HEARING AND ZONING VARIANCE
Parcel 1 - S/S of Frederick Road, 115.5' E of Bishops Lane (583 Frederick Road)
Parcel 2 - E/S of Bishops Lane, 192.5' S of Frederick Road (3 Bishops Lane) - 1st Election District
James E. Crawford, et al,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-240-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request an amendment to the site plan approved in Case No. 83-160-SPHA in order to allow a use permit for business parking on property zoned residential (R-O), which is contiguous to their property, and additionally, confirmation of an existing nonconforming use as a restaurant with insufficient parking thereto or, in the alternative, a variance to permit 61 parking spaces in lieu of the required 95 spaces, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and were represented by Mr. Crawford, an attorney, Thomas B. McGee; Joseph McGraw, a registered land surveyor and civil engineer (not registered); and Michael Reagan, a contractor, testified on behalf of the Petitioners. William Monk, an expert land planner, testified for the purpose of clarifying Case No. 83-160-SPHA. Paul Reincke, an adjoining property owner on Bishops Lane; Jim Clark, another property owner on Bishops Lane; Gordon Dickler, a property owner on Holmehurst Avenue; and Richard Docker, President of the Holmehurst Community Association, testified in opposition in varying degrees. Thomas Booth, a commercial property owner across Frederick Road from the instant site, testified solely as to his opposition of

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By Robert L. Smith

(photographs of oil tankers being loaded). The service garage, however, required seven spaces, i.e., four bays and three spaces outside, which in actuality would reduce the 29 spaces allegedly available to the Petitioner to 26 spaces. The Protestants argued that this, combined with the questionably valid lease agreement, the location and existence of the fuel oil loading rack, and the existence of an outdoor advertising sign in the left front of the service garage on Frederick Road, raise doubt that 26 spaces could be set aside for use by the Petitioners. They also object to any access being provided onto Bishops Lane.

Bishops Lane is too narrow, and 3 Bishops Lane is zoned R-O and has been used for residential purposes. The Petitioners have not met their burden under Section 502.1, and if the proposed use were granted, the public health, safety, and general welfare would be adversely impacted by the resulting traffic congestion, and therefore, the use permit should be denied. Even if access were prohibited onto Bishops Lane, the danger to Mr. Sarwar and the negative impact to Mr. Reincke far outweigh the benefits, and if the duplex were not cut in half, the latter would still prove true.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

It is also clear that the BCZR permits the use requested by the Petitioners in an R-O Zone by special exception. It is equally clear that the proposed use would be detrimental to the primary uses in the vicinity. It must be

- 5 -

determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will be detrimental to the health, safety, or general welfare of the locality and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification and inconsistent with the spirit and intent of the BCZR.

However, the validity of the lease agreement entered into by the Petitioners and the owner of 585 Frederick Road is immaterial; rather, it is a civil contractual dispute between the property owner, Steuart, and the Petitioners. The property is zoned B.L., and an automobile parking lot is permitted as of right. As long as the service garage has its legally required parking, any additional spaces could be leased to the Petitioners for their use. Access off Bishops Lane to this site can be regulated through the normal permit process by which the Petitioners must satisfy not only Baltimore County

- 6 -

but the Maryland Department of Transportation, State Highway Administration. The Petitioners would also need to present a site plan to the Zoning Office showing the number and size of the spaces. As long as the regulations are satisfied, and they are indeed technical in nature, there is no authority to prevent the use of a parking lot. The Petitioners have the right to pursue this goal. The choice is theirs.

The issue is thus reduced, i.e., should the restaurant be counted in the parking computation, and if it is, are 47 spaces sufficient. If it is not, then no variance would be needed.

The decision in Case No. 83-160-SPHA is legally binding and speaks for itself. However, the move to a different location within the building and a reduction to one-half of its original size raises the question of whether the nonconforming use has been lost.

The restaurant is not nonconforming, but the parking lot in the residential portion of the property is. Without question, the restaurant has been in use continuously since before 1945, and if the zoning did not permit restaurants as of right, then it would be nonconforming. However, the property is zoned B.L., and the restaurant is in fact permitted. Therefore, the move from one floor to another does not impact the nature of the use, it is still permitted as of right. It is the lack of parking for the restaurant that is the core of the issue here.

The existing restaurant did not require any parking because no parking had been necessary and none provided prior to the adoption of the zoning regulations. See the approved site plan submitted in Case No. 83-160-SPHA. The referenced site plan specifically delineates 38 spaces, correlating to the Zoning Commissioner's decision which assigned these spaces to the offices and

- 7 -

the then proposed addition. The nonconforming parking lot in a residential zone was clearly found to serve these latter uses, not the restaurant.

The Petitioners are not proposing to change the use of the parking lot, except to add nine spaces. Such expansion certainly does not violate Section 104.1, which is the applicable regulation. Such expansion is permissible as long as the nature and character of the use is unchanged. See Wilson v. Commissioners of Elkton, 371 A.2d 443 (1977). The increase in spaces constitutes an intensification and not an extension and is therefore permissible. Feldstein v. Lavalle Zoning Board, 227 A.2d 731 (1967).

Inasmuch as Case No. 83-160-SPHA determined that the restaurant did not require parking, the existing 47 spaces in an off-street parking area zoned R-O, nonconforming in itself, satisfies the parking requirements for the office and retail space proposed.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of January, 1987, that the amendments to the site plan approved in Case No. 83-160-SPHA to reflect 47 parking spaces in lieu of the 38 spaces previously approved and the proposed additions to the building be and are hereby GRANTED; a use permit for business parking in an R-O Zone (3 Bishops Lane) be and is hereby DENIED; and the Petition for Zoning Variance to permit 61 parking spaces in lieu of the required 95 spaces be and is hereby DISMISSED as moot, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall submit detailed floor plans to the Zoning Commissioner for approval prior to leasing and/or utilizing any space within the building.
2. The Petitioners shall notify the Zoning Commissioner if a parking problem exists on the site by January 29, 1988. If one does exist, the Petitioners may refile for a use permit for parking

- 8 -

PETITIONS FOR SPECIAL HEARING AND VARIANCE

1st Election District

Case No. 87-240-SPHA

LOCATION: Parcel No. 1 - South Side of Frederick Road, 115.5 feet East of Bishops Lane - 583 Frederick Road; Parcel No. 2 - East Side of Bishops Lane, 182.5 feet South of Frederick Road - 3 Bishops Lane

DATE AND TIME: Monday, December 22, 1986, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve a request to negate the nonconforming parking/restriction and to amend the plans granted in Case No. 83-160-ASPH and a use permit for business parking in an R.O. Zone (2 contiguous lots)

Petition for Zoning Variance to permit 61 parking spaces in lieu of the required 95 spaces

Being the property of James E. Crawford, et al, 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

J.S. Engineering Co., Inc.

PROFESSIONAL LAND SURVEYORS

3812 Mary Avenue
Baltimore, Maryland 21206
444-8848

REVISED PLANS

OFFICE COPY

10/29

DESCRIPTION #1

BEGINNING FOR THE SAME on the south side of Frederick Road 115.5 feet east of Bishop Lane and running thence North 74 degrees East 102.3 feet, South 16 degrees East 231.0 feet, South 74 degrees West 102.3 feet and North 16 degrees West 231.0 feet to the place of beginning. Being known as #583 Frederick Road, 1st Election District, Baltimore County, Maryland. Containing 0.54+/- Acres. Saving and excepting the portion of the lot zoned B.L.



#119

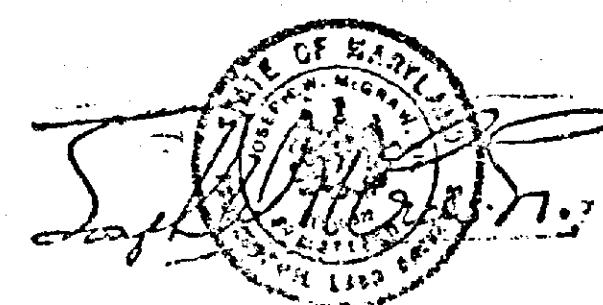
J.S. Engineering Co., Inc.

PROFESSIONAL LAND SURVEYORS

3812 Mary Avenue
Baltimore, Maryland 21206
444-8848

DESCRIPTION #2

BEGINNING FOR THE SAME on the east side of Bishop Lane 182.5 feet south of Frederick Road and running thence South 15 degrees 30 minutes East 55.42 feet, North 75 degrees 23 minutes East 115.5 feet, North 15 degrees 30 minutes West 58.25 feet and South 73 degrees 57 minutes West 115.5 feet to the place of beginning. Being known as #3 Bishops Lane, 1st Election District, Baltimore County, Maryland. Containing 0.15+/- Acres.



#119

on 3 Bishop Lane. However, the Petition for Special Hearing shall not include access onto Bishop Lane, which is specifically prohibited, nor include the razing of that half of the duplex located on that property unless the Petitioners have purchased 1 Bishops Lane. Such Petition shall include all appropriate landscaping required by the Baltimore County Landscape Manual.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: James E. Crawford, Esquire

Mr. Paul Reincke

Mr. Gordon Dickler

Mr. Richard Decker

People's Counsel

- 9 -

119 87-240-SPHA 6117 6405-448-69 **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2.b. (3), (5), (6) to permit 61 parking spaces in lieu of the required 95.

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

The present use of the premises known as 583 Frederick Road, requires 95 parking spaces inasmuch as the owners thereof have established 45 spaces on the above mentioned property and have acquired 29 spaces, via a lease on an adjacent property, and have additionally acquired an adjoining lot by purchase and as a result thereof, have established 14 spaces on or adjacent to the subject premises and inasmuch as under the current zoning laws, 95 spaces are required. It is hereby requested that a variance be granted for 5 or 13 spaces.

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
James E. Crawford
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 744-2400

Legal Owner(s):
James E. Crawford
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Thomas B. McGee
3221 Green Forest Ct., Ellicott City, MD 21043
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1986, 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 22nd day of December, 1986, at 11:30 o'clock A.M.

Calvin J. Talbot
Zoning Commissioner of Baltimore County.

(over)

119 87-240-SPHA 6117 6405-448-69 **PETITION FOR SPECIAL HEARING** 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a request to negate the nonconforming parking/restriction and to amend the plans granted in case # 83-160ASPH and a use permit for business parking in an R.O. zone (2 contiguous lots)

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

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
James E. Crawford
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 744-2400

Legal Owner(s):
James E. Crawford
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Thomas B. McGee
3221 Green Forest Ct., Ellicott City, MD 21043
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of November, 1986, 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 22nd day of December, 1986, at 11:30 o'clock A.M.

Calvin J. Talbot
Zoning Commissioner of Baltimore County.

(over)



583 Frederick Ave

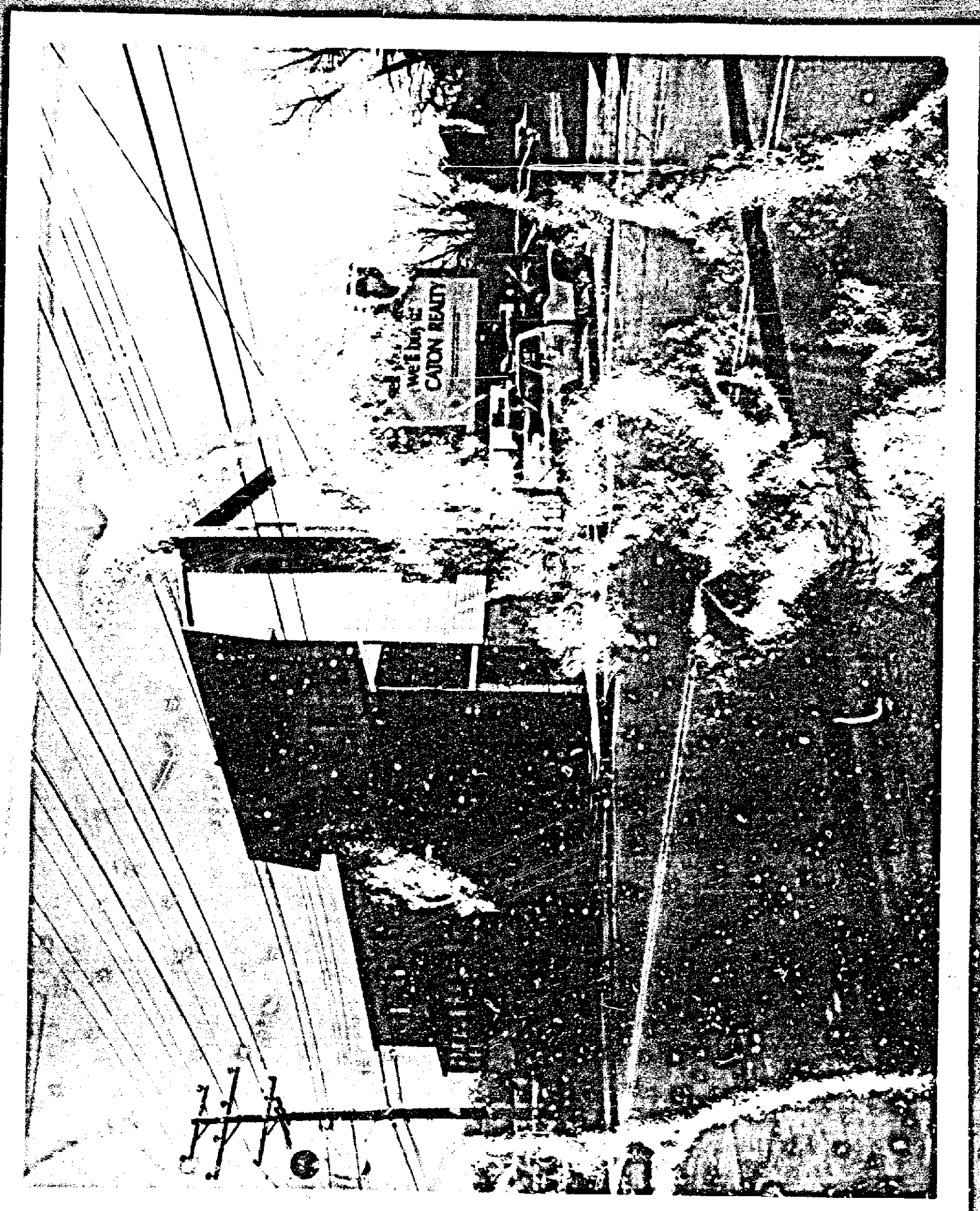


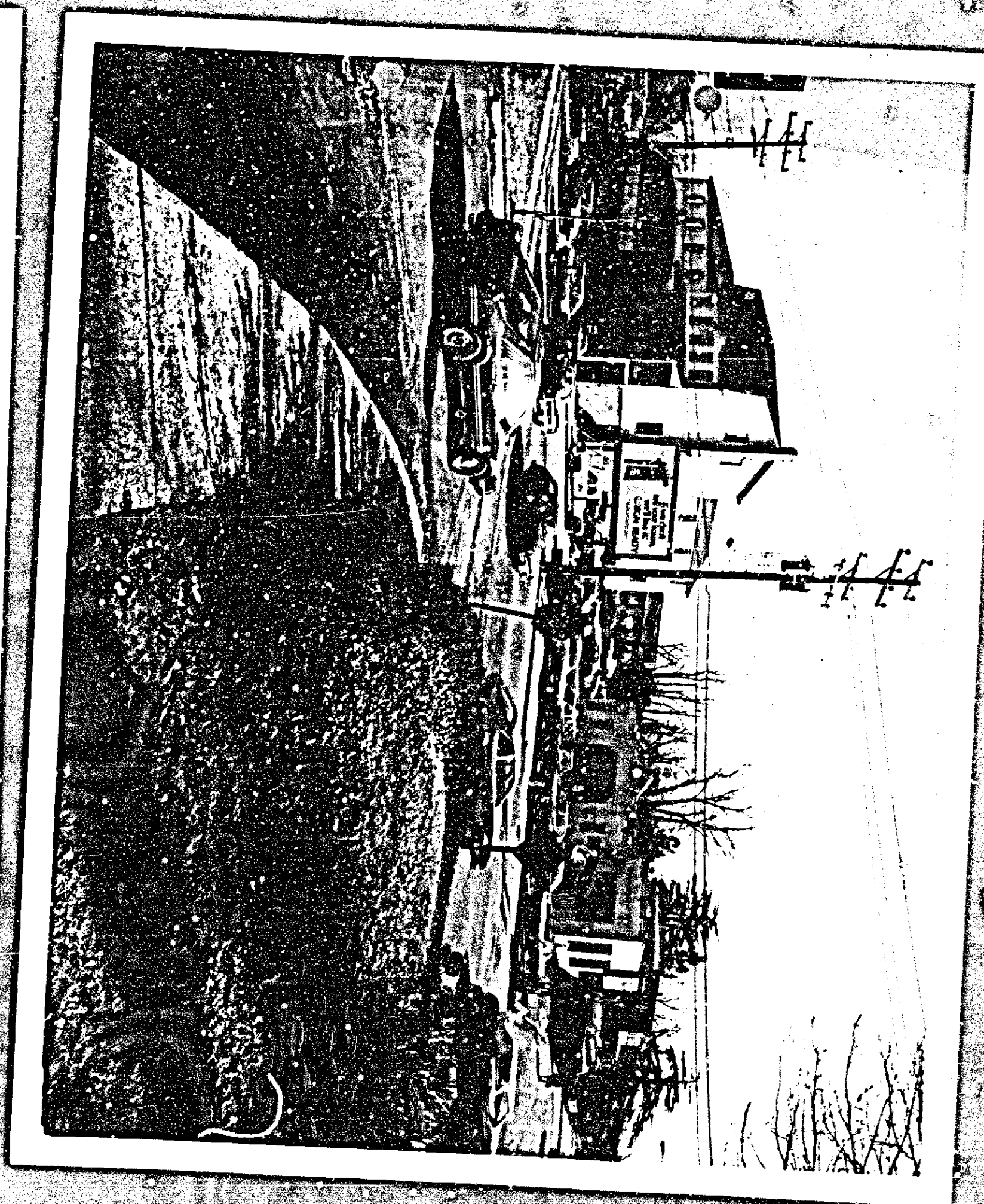
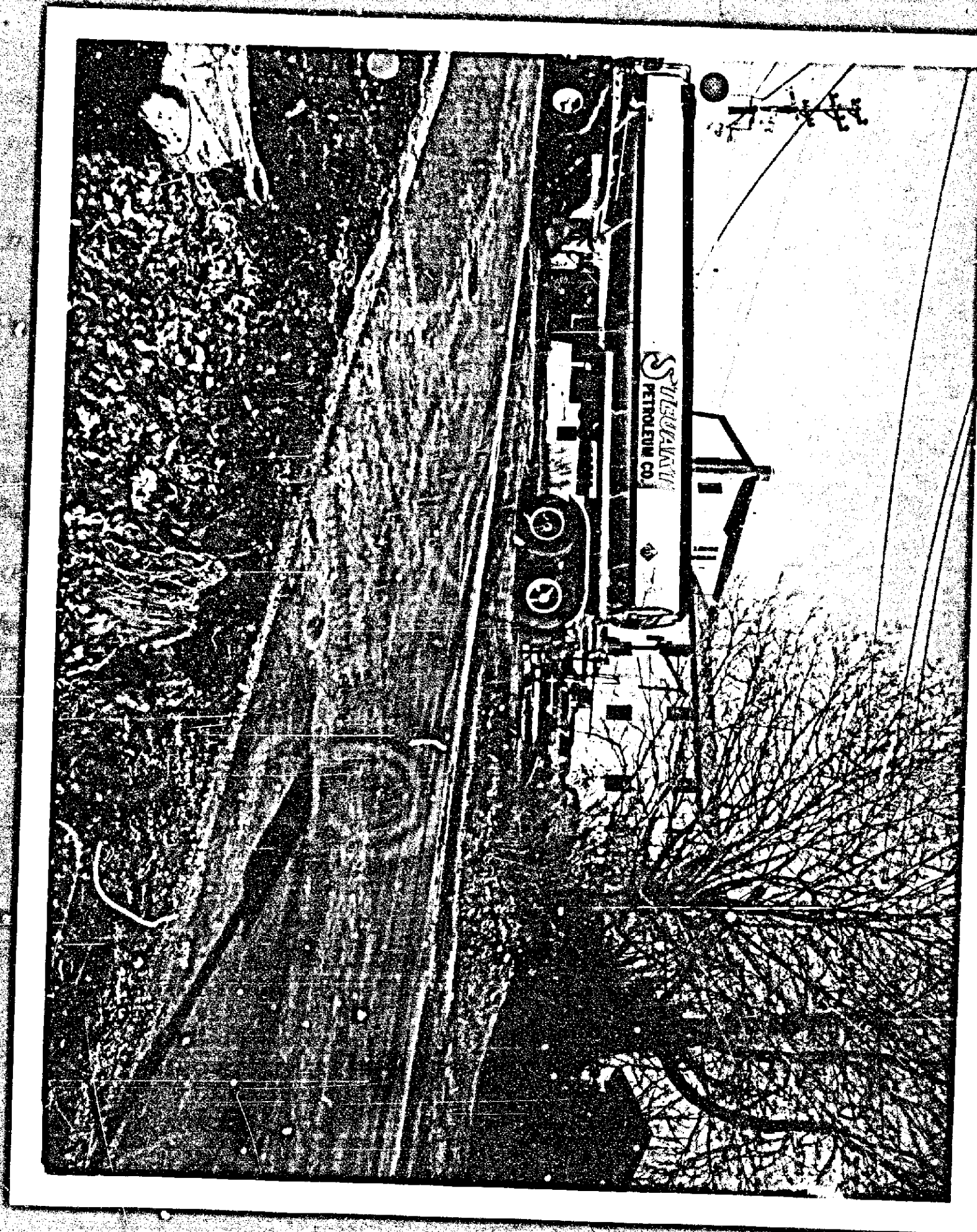
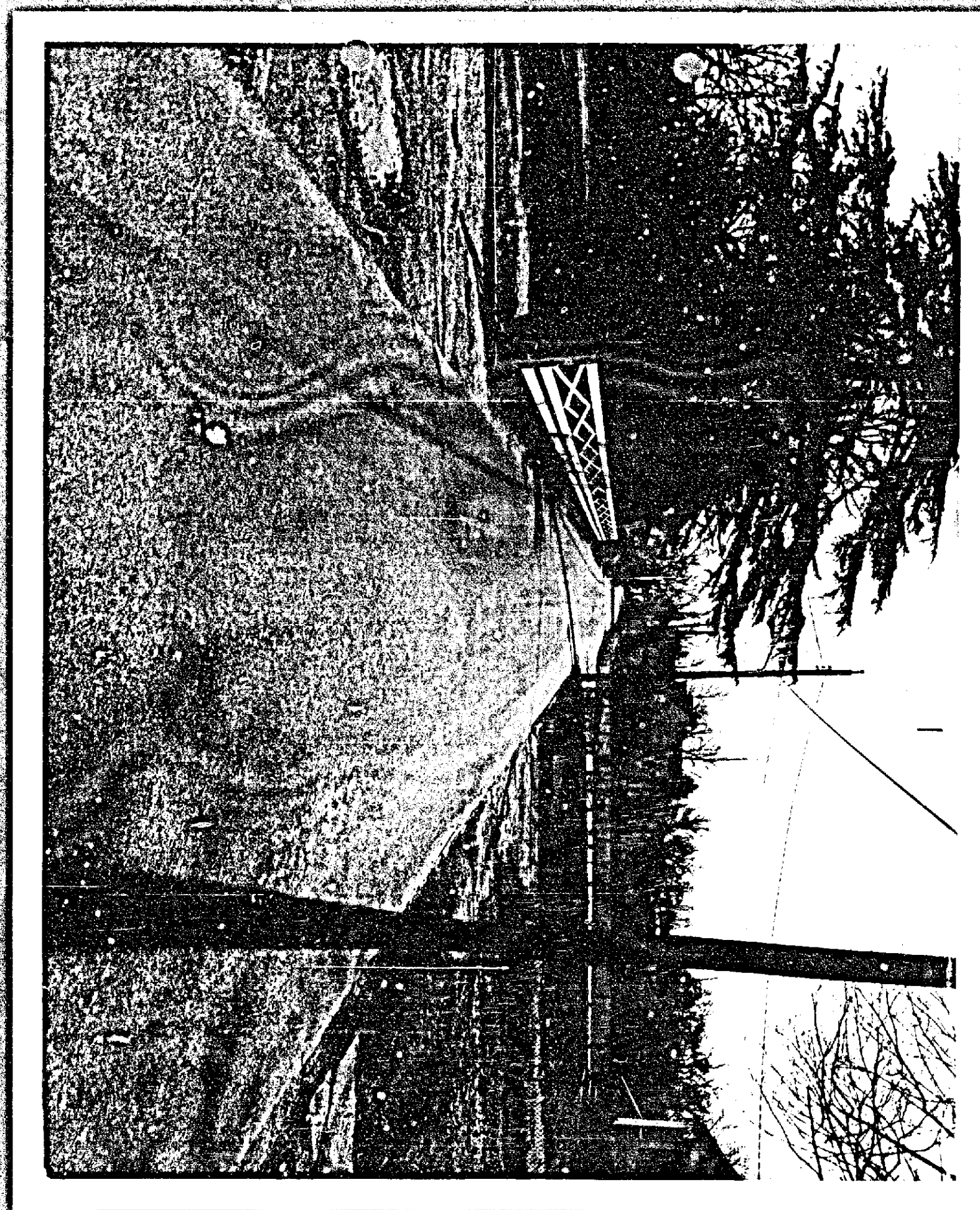
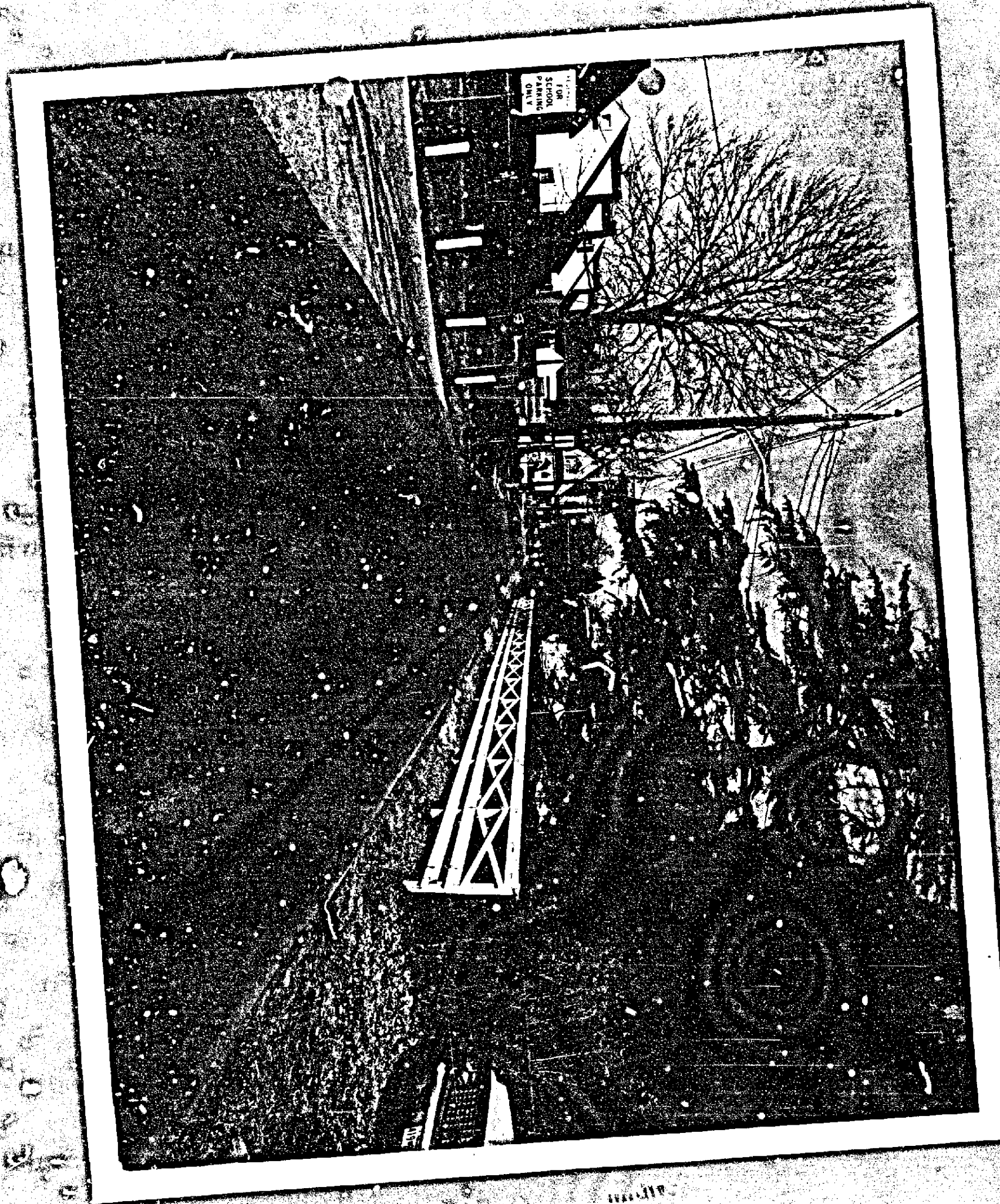
583 Frederick Ave

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Cheltenham Ave
Towson, Maryland 21204
87-440-4414

Your petition has been received and accepted for filing this 12th day of November, 1986.

Received by:
JAMES E. CRAWFORD
Petitioner's Attorney
Zoning Commissioner





HOLMEHURST COMMUNITY ASSOCIATION 10 Holmehurst Avenue, Catonsville, MD 21228

December 22, 1986

R. W. Decker, President
W. L. Hawkins, Past President
K. Fehrerbach, V. Pres.
G. Dickler, Treas.
L. Szakowski, Sec.

TO WHOM IT MAY CONCERN:

As President of the HOLMEHURST COMMUNITY ASSOCIATION, I am here to protest the changing of zoning and/or granting of any form of variance that would increase the traffic in the Catonsville corridor. In particular I think that the recent work on the Toll House has not been in the best interest of the community.

I have three points that I want to make:

FIRST: The traffic now on Frederick Road is so bad that we cannot make a left turn from our street at certain times of the day. There have been numerous accidents in this location caused by the traffic increase brought about by recent expansion of businesses in the area.

SECOND: The Zoning/Planning Department has studied and set down rules and laws that they feel are necessary for good community development and that describe what an owner must provide in order to expand his business. It is my understanding that the owner of the Toll House has gone ahead with expansion construction with total disregard for these laws, expecting the community to move over. Zoning and Planning laws should apply equally to everyone in this county.

THIRD: In all of these Zoning/Variance disputes there can be only one winner. If our Government Officials grant the change, the Developer wins, even if he has broken the law. If they do not grant the variance, the people are merely even. We the people have to work to protect our rights with no chance of gain, whereas the Developer gets all the benefits; and when they do win, it costs us in many ways, such as:

1. If the Toll House is granted a variance allowing a larger business to operate with fewer than the required number of parking spaces, the customer parking will probably overflow into our residential street.

2. During construction, we are inconvenienced, having to put up with noise, dirt, traffic, loss of use of public facilities (the Toll House has blocked off the sidewalk for months) and usually runoff pollution of mud and sediment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO...Zoning Commissioner

Date...December 8, 1986

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

SUBJECT...Zoning Petition No. 87-240-Spha

This office shares the concerns expressed by the Department of Traffic Engineering's representative on the Zoning Plans Advisory Committee. Consequently, this office is opposed to the granting of the subject request.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

CPS-006

3. After the business is open, we will then have our neighborhood changed for the worse by increases in all of the above.

4. The Developer then takes the profits to another neighborhood and does it all over again.

In summary, please listen to our neighborhood and stop this stealing of the quality of life from the people.

Sincerely,
Richard W. Decker
Richard W. Decker, President

PROTESTANT'S
EXHIBIT 14

STUART

ENTERPRISE FUEL CO.
4110 W. GARRISON AVENUE
BALTIMORE MD 21215
(301) 367-7989

December 22, 1986

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County, Md.

Re: Case #87-240 Spha

Dear Mr. Jablon:

Regarding the property located at 585 Frederick Road in Baltimore County, please be advised that this property is leased by Stuart Petroleum Company from Mr. John H. West. Enterprise Fuel Company, a division of Stuart Petroleum Company, leases the front portion of the property to Mr. Jeffrey Holden, who in turn uses the property for auto repairs.

At the same time, Enterprise Fuel Company maintains a fuel oil loading rack at the rear of this property. It is important that this portion of the property be kept clear at all times and, therefore, Enterprise Fuel Company has not given permission to any party to use that portion of the property for parking.

Sincerely yours,
ENTERPRISE FUEL COMPANY
Daniel D. Riva
Daniel D. Riva
General Manager

DDR:jk

PROTESTANT'S
EXHIBIT 1

Mr. A. Jablon -2- October 6, 1986

If the adverse site (#585) is to be used to support the parking requirements for #583 Frederick Road, the State Highway Administration will require the site plan to be revised.

The revised site plan must show a Standard depressed entrance (30' recommended) located 100' from Bishops Lane with 30' radius improvements at the intersection of Route 144 and Bishops Lane and a State Highway Administration concrete curb (barrier curb) constructed on or in back of the S.H.A. Right-of-Way Line.

All work within the S.H.A. Right-of-Way must be through S.H.A. permit with the posting of a \$7,000.00 bond or Letter of Credit to guarantee construction.

It is requested the site plan be revised prior to a hearing date being set.

Very truly yours,

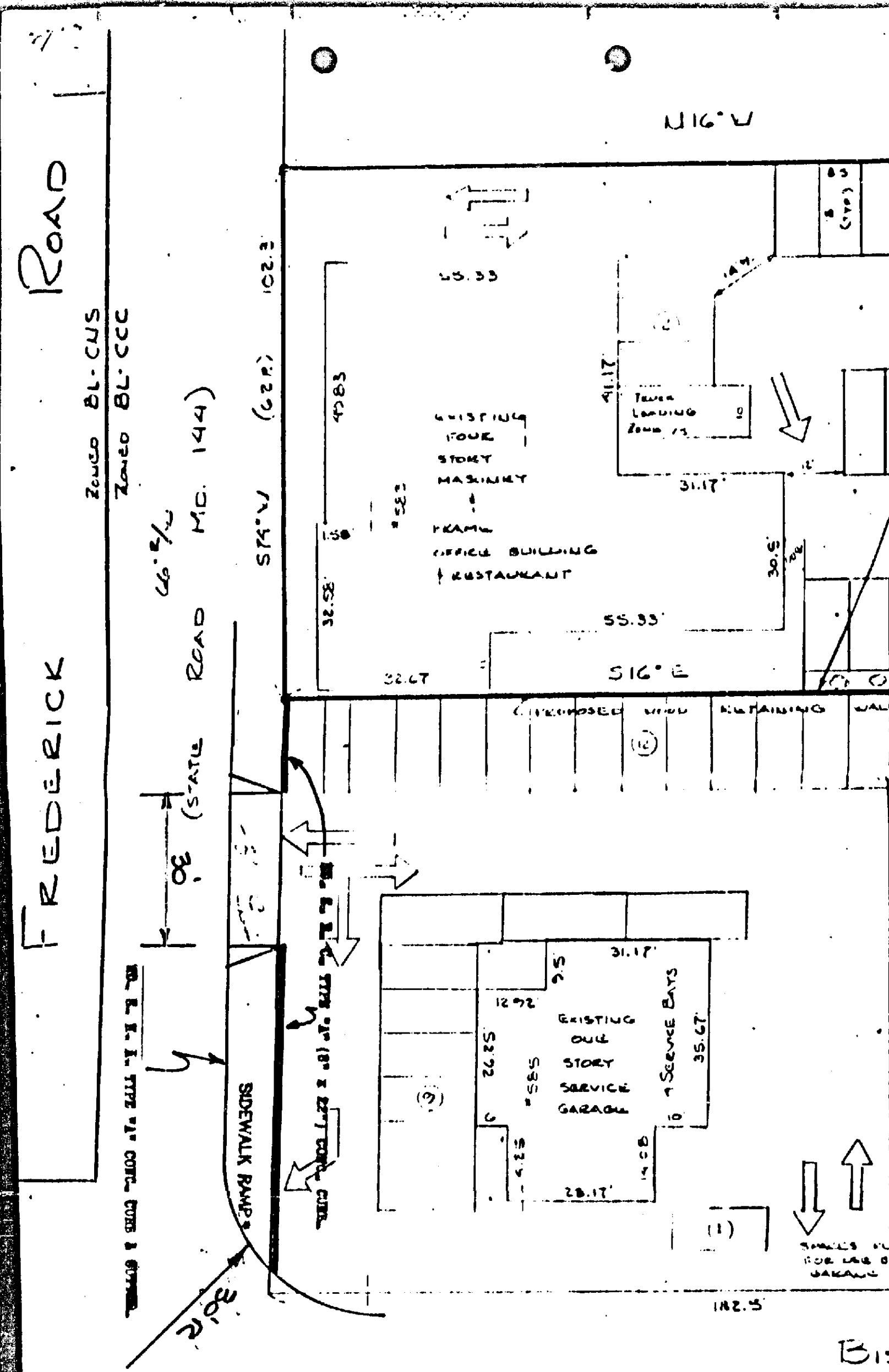
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle



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

STEPHEN E. COLLINS
DIRECTOR

October 23, 1986

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

Item No. 119 -ZAC-
Property Owner: Thomas B. McGee, et al
Location: S/S Frederick Road, 115.5 East of Bishop Lane
Existing Zoning: B.L. and R.O.
Proposed Zoning: Variance to permit either 5 or 13 parking spaces in lieu of the required 95 and Special Hearing to approve a non-conforming use for the purposes known and designated as 503 Frederick Road, Catonsville, Maryland 21228, and/or business parking in a residential zone and to amend petition and plans filed in zoning hearing SPHA 83-160.

Area: .54 Acres (B.L.), .15 Acres (R.O.)
District: 1st Election District

Dear Mr. Jablon:

The requested variance to parking can be expected to cause congestion on the residential streets in the surrounding area. Access to Bishop Lane should not be allowed due to the limited width of the road.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



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

PAUL H. REINCKE
CHIEF

September 29, 1986

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

RE: Property Owner: Thomas B. McGee, et al

Location: S/S Frederick Road, 115.5' East of Bishop Lane

Item No.: 119

Zoning Agenda: Meeting of 9/30/86

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 of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neil*
Special Inspection Division

Noted and Approved:

John F. O'Neil
Fire Prevention Bureau

/mb



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

NORMAN E. GERDER
DIRECTOR

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

NOVEMBER 19, 1986

Re: Zoning Advisory Meeting of September 30, 1986
Item # 119
Property Owner: THOMAS B. MCGEE, et al
Location: S/S FREDERICK RD, 115.5' E. OF BISHOP LANE.

Dear Mr. Jablon:

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

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () 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.
- (X) The property is located in a deficient service area as defined by 811.178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by 811.178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:
"ANY FUTURE EXPANSION OF THIS SITE MUST COMPLY TO ALL APPLICABLE COUNTY REGULATIONS & STANDARDS."

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 3, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

REVISED

Comments on Item # 119 / Zoning Advisory Committee Meeting are as follows:

Property Owner: Thomas B. McGee, et al
Location: S/S Frederick Road, 115.5 East of Bishop Lane
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

() 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.M.S.I. #117-1 - 1980) and other applicable codes and standards.

() A building and other miscellaneous permits shall be required before the start of any construction. Take out zoning permits, retaining wall permits, etc., etc.

() 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.

() 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.

() All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-1 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 1107, Section 1106.2 and Table 1107. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

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

() When 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 _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood Hazard. 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.

() Comments: Continuation of existing uses in an existing structure may continue under Section 103.0 amended if the structure is approved and improved for Life Safety as directed by the Building Official. Comply to the State Handicapped Code for parking, signs, building access and usability.

() These abbreviated comments are first 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 V. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burcham
By: C. E. Burcham, Chief
Building Plans Review

12/2/86

Conditional Permit
Signed by Zoning
10/8/86 uor
C-1831-86

Petition request amended 10/29/86 per
zoning comments, Mr McGee + Crawford both
contacted by phone 10/29/86, both agreed
and Suneson will amend plat submitted.



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

October 14, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 119 Zoning Advisory Committee Meeting are as follows:

Property Owner: Thomas B. McGee, et al
Location: S/S Frederick Road, 115.5 E of Bishop Lane
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

() 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.M.S.I. #117-1 - 1980) and other applicable codes and standards.

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

() 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.

() 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.

() All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-1 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 exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

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

() When 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 _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood Hazard. 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:

() Comments: Construction stopped by order number FOC2581. New permit applied for requiring various fire separations, fire walls and sprinklers and exits by handiapped parking, signs, curb cuts, building accessibility and usability as required by State Law. If wood retaining walls are to be constructed a separate permit is required. The applicant must obtain additional information by visiting Room 122 of the County Office Building at 111 V. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burcham
By: C. E. Burcham, Chief
Building Plans Review

12/2/86



BALTIMORE COUNTY
BOARD OF LIQUOR LICENSE COMMISSIONERS
TOWSON, MARYLAND 21204
494-3191

STANLEY PIANOWSKI
ADMINISTRATOR

April 17, 1986

FINAL NOTICE

The 1986 Renewal Application of:

Virginia Gay Crawford
Viola Anna Crawford
MC PATRICK, INC.
t/a McPatrick's Pub
583 Frederick Avenue
Baltimore, Maryland 21228

has not been received by the Board of Liquor License Commissioners for Baltimore County.

You are now subject to a \$500.00 FINE for late filing.

Your license will be VOIDED if not received in this Office by April 30, 1986.

BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE COUNTY

Philip R. Leyhe, Jr., Chairman
Leon Albin, Member
Anthony Padussis, Member

PRL:jpf

THOMAS B. MCGEE, P.A.

ATTORNEY AT LAW
1827 WILKINS AVENUE
BALTIMORE, MARYLAND 21228
947-1800
947-1018

April 23, 1986

Mr. Phillip R. Leyhe, Chairman
Board of Liquor License Commissioners
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: McPatrick's Pub, Inc.

Dear Mr. Leyhe:

I wish to apologize for the late filing of the Renewal Application for the Liquor License of McPatrick's Pub, Inc. As you may be aware, we are involved in a major rehabilitation of the premises of the Pub at 583 Frederick Road.

Needless to say, we have encountered numerous delays because of structural and financing problems. All of these matters have since been resolved and we should begin in earnest to bring about the completion of the building and bar/restaurant. Most of the problems that we had to resolve occurred around the time for renewal and the renewal simply escaped us. I trust that everything is now in order and we hope to open the bar/restaurant by the end of August or beginning of September.

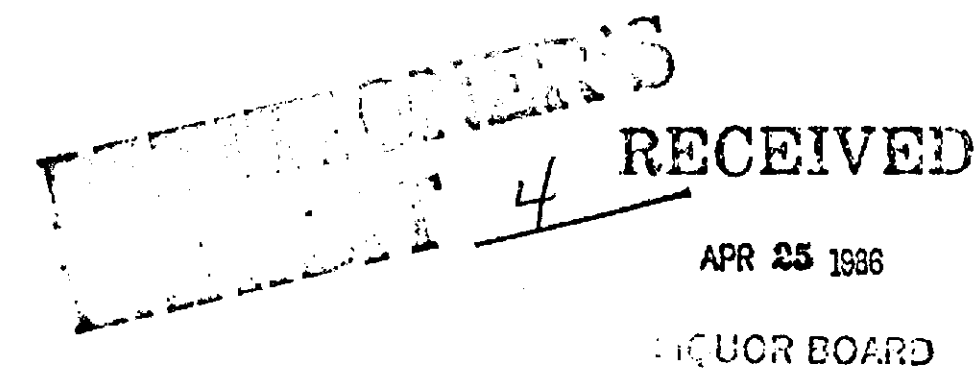
Anticipating your understanding in this matter,

I remain,

Sincerely yours,

Thomas B. McGee
Thomas B. McGee

TBM:cl



APR 25 1986

LIQUOR BOARD



Standard Contract of Sale

Published by
The Greater Baltimore Board of Realtors, Inc.

This is a Legally Binding Contract; If Not Understood, Seek Competent Advice.

RES No. 1
6181

This Agreement of Sale, made this 12th day of June

between *Clinton DeHoff, unmarried* and *James E. Crawford and Thomas B. McGee*
Seller, and
Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Catonsville, Maryland, being the property known as 3 Bishops Lane. Further described among the Land Records of Baltimore County Liber 7091, Folio 650. Having a frontage of 55 Ft., more or less, and a depth of 115 ft., more or less, consisting of --- acres, more or less, with improvements thereon and all rights and appurtenances thereto belonging, or in any wise thereto appertaining, in fee simple

at and for the price of
-----Sixty-five thousand----- Dollars (\$65,000.00)
of which -----One thousand----- Dollars (\$1,000.00)

have been paid prior to the signing hereof, and the balance to be paid as follows: Cash at time of settlement which shall take place on or before 90 days from date hereof. It is understood and agreed by all parties hereto that this contract is contingent upon the buyers getting their financing approved within 30 days. If financing is not approved, all money on deposit shall be returned to buyers and this contract becomes null and void. Refrigeration on second floor is not included in sale. All permanent and attached fixtures including ceiling fan are included in sale.

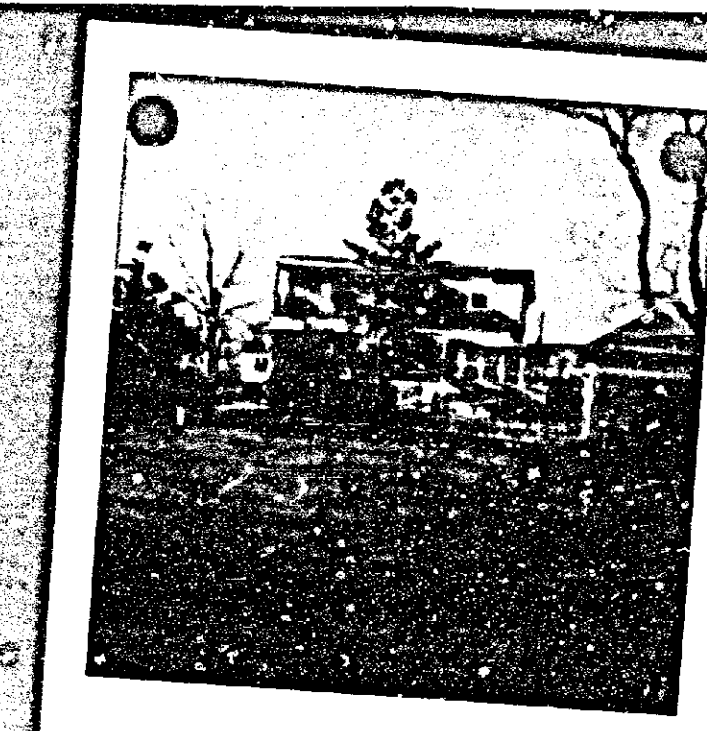
Buyer understands that property is being sold at this price in "as is" condition and Seller will not be responsible for any repairs should alterate financing require it.

At the end of 30 days Seller requests a written commitment from a lender stating the funds will be available for settlement and an additional deposit of Two thousand dollars (2000.00)

Warranty Deed Upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

Title Title to the property shall be good and merchantable, free of liens and encumbrances except as specified herein and except. Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Adjustments Ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other benefits charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether assessments have been levied or not as of date of settlement.



583 Frederick Ave

DPL 114-1124
BALTIMORE COUNTY, MARYLAND
Department of Permit and License
Office of Buildings Engineer
County Office Building
Towson, Maryland 21204
Telephone: 684-3337
Part Of Building Inspected:
S-LAB
Approved ☒ Disapproved ☐
Remarks:
8-27-85
Date

Possession Possession of the premises shall be given to Buyer as of date of settlement.

Risk of Loss The herein described property is to be held at the risk of the Seller until legal title has been given possession has been given to Buyer. If, prior to the time legal title has been given possession has been given to Buyer, all or a substantial part of the property is destroyed or damaged, without fault of the Buyer, then this contract, at the option of the Buyer, shall be null and void and of no further effect, and all monies paid hereunder shall be returned promptly by Seller to Buyer.

Insurance It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests may appear, and shall cover the time said insurance in force during the life of this Contract. In the event it shall be determined by the Buyer that the property is inadequately insured by the Seller, the Buyer shall have the right, at Buyer's option and expense, to obtain such insurance, or additional insurance, as shall be satisfactory to Buyer.

Entire Agreement This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written.

Time of Essence Time shall be of essence of this Agreement.

Stamps, Recordation and Transfer Taxes The cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally between the parties hereto.

Agency The Seller recognizes O'Connor, Piper & Flunn Realtor, as the listing broker negotiating this contract and agrees to pay said Realtor a brokerage fee for services rendered in the amount provided for in the listing contract cooperating on a 50/50 basis with Edward J. Warren, Inc. The marginal copies of this Contract are for convenience and reference only and in no way define or limit the intent, rights or obligations of the parties hereunder.

The parties hereto hereby bind themselves, their heirs, personal representatives, successors and assigns for the faithful performance of this Contract.

Witness the hands and seals of the parties hereto the day and year first above written.

Witness *Donald McDaniel* (SEAL)
Witness *Edward J. Warren* (SEAL)
Witness *Thomas B. McGee* (SEAL)
Witness *James E. Crawford* (SEAL)
Witness *Stanley Pianowski* (SEAL)

NOTICE TO BUYER: If the property being purchased hereunder is an unimproved parcel of land, intended to be used for residential purposes, you should, before signing this contract, consult the appropriate public authorities to ascertain whether public sewer and water facilities are available, or, if not, whether the property will be approved by such authorities for the installation of a well and/or private sewage disposal system.

NOTICE TO BUYER: You are entitled to select your own Title Insurance Company, Settlement Company, Escrow Company or Title Attorney.

The recovery of compensation from real estate guaranty fund of the Maryland Real Estate Commission is limited to an amount not to exceed \$25,000.00 for any claim.

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

Zoning Item # 119, Zoning Advisory Committee Meeting of 9-30-86

Property Owner: Thomas B. McGee et al

Location: 583 Frederick Ave. District 1

Water Supply meteo Sewage Disposal meteo

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

87-040-57H Rec'd 12-22-86

Zoning Item # 119 Zoning Advisory Committee Meeting of 9-30-86
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

109.9. NOTES:

- THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED. [B.C.E.R., 1955; RESOLUTION, NOVEMBER 21, 1956.]
- ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING AREA. [B.C.E.R., 1955; RESOLUTION, NOVEMBER 21, 1956.]
- NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED. [B.C.E.R., 1955; RESOLUTION, NOVEMBER 21, 1956.]
- LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED. [B.C.E.R., 1955; RESOLUTION, NOVEMBER 21, 1956.]
- SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL ADOPTED PURSUANT TO SECTION 22-105 OF TITLE 22 OF THE BALTIMORE COUNTY CODE. [RESOLUTION, NOVEMBER 21, 1956; NO. 31, 1984.]
- A PAVED SURFACE, PROPERLY DRAINED, SHALL BE REQUIRED. [B.C.E.R., 1955, PARAGRAPH 109.9.C; RESOLUTION, NOVEMBER 21, 1956.]
- A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED. [RESOLUTION, NOVEMBER 21, 1956.]
- METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE, AND PERMITTED HOURS OF USE SHALL BE SPECIFIED, AND REGULATED AS REQUIRED. [B.C.E.R., 1955, PARAGRAPH 109.9.C; RESOLUTION, NOVEMBER 21, 1956.]

JST. ENGINEERING Co., Inc.
3812 MARY AVENUE
BALTIMORE, MARYLAND 21206
(301) 444-8848

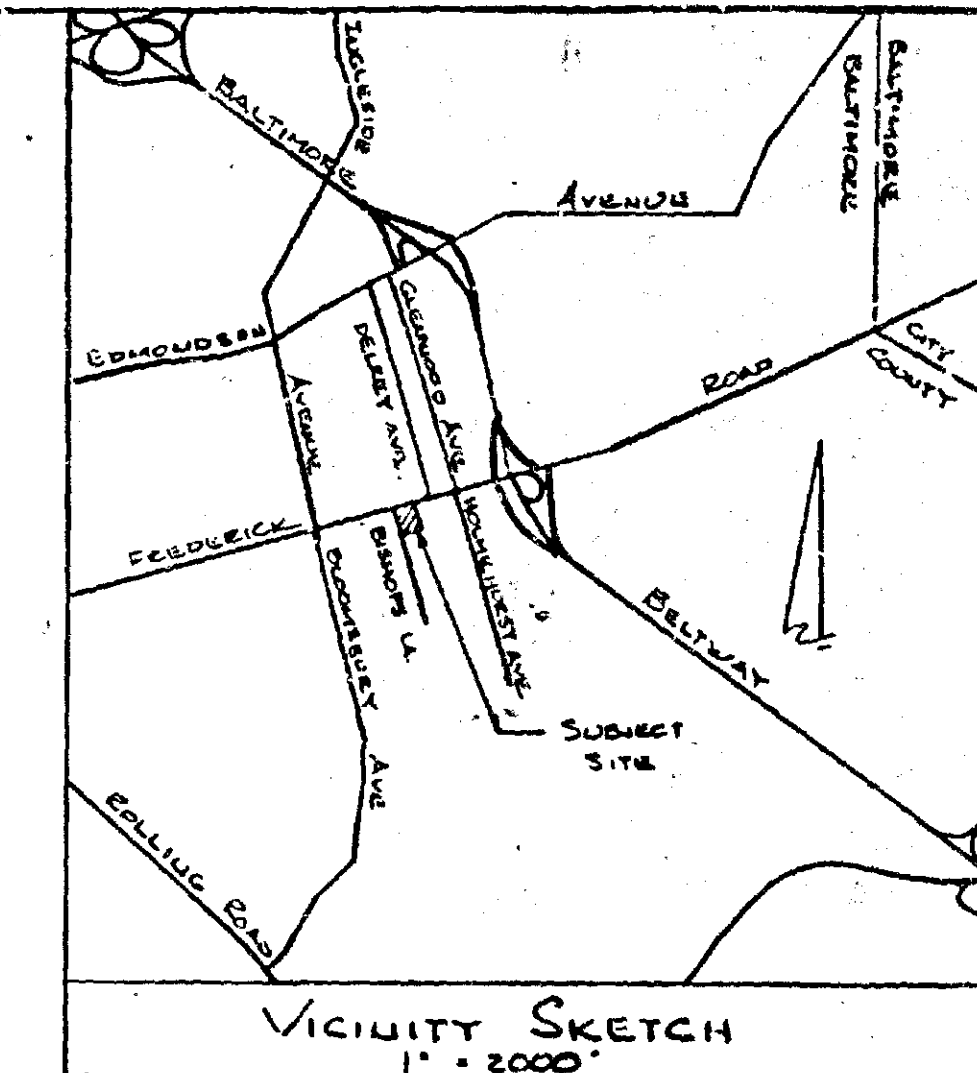


REVISED
PLAN FOR SPECIAL HEARINGS AND VARIANCE

FOR
"583 FREDERICK ROAD (CASE #119)
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20' DATE: 9-5-86
REV: 11-3-86

SHEET 1 OF 2



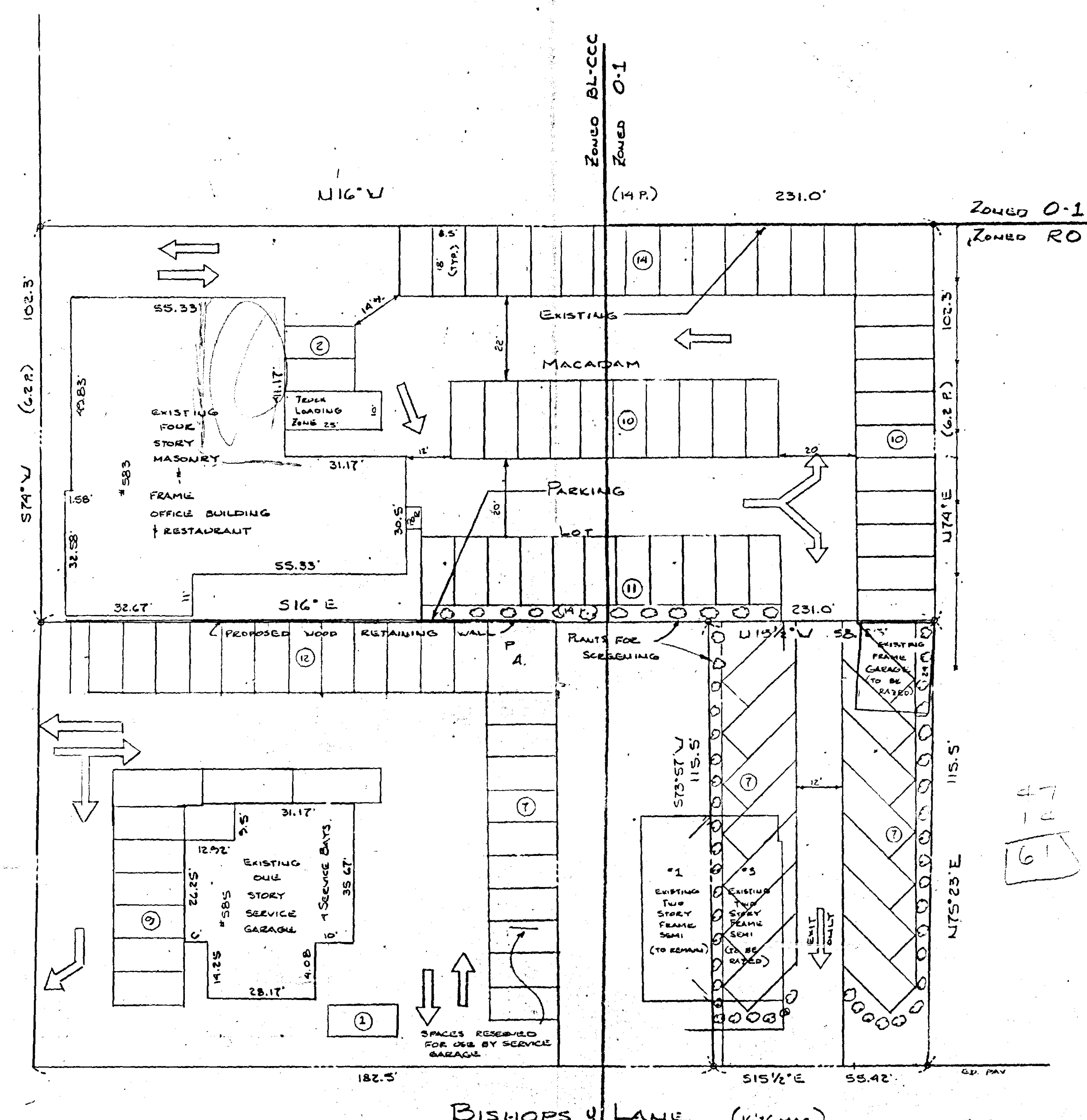
NOTES:

- PROPERTY IS ZONED BL-CCC AND R0
- PROPOSED USE IS OFFICE SPACE, BAR AND RESTAURANT.
RETAIL - 2434.6 ÷ 200 = 12 SPACES
RESTAURANT - 224.2 ÷ 50 = 5 SPACES
- PARKING REQUIRED: 1ST LEVEL - OFFICE - 258.1 ÷ 300 = 10 SPACES
2ND LEVEL - OFFICE - 224.2 ÷ 50 = 5 SPACES
3RD LEVEL - OFFICE - 224.2 ÷ 500 = 1 SPACES
4TH LEVEL - OFFICE - 104.9 ÷ 500 = 3 SPACES
TOTAL REQUIRED = 95 SPACES
- PARKING PROVIDED: 1 ON-SITE - 61 SPACES
- 23 ADDITIONAL PARKING SPACES ARE AVAILABLE OFFSITE (ON THE SERVICE GARAGE LOT) BY MEANS OF A LEASE AGREEMENT.
- SCREENING TO BE PROVIDED AROUND PARKING WHEN ADJUTING RESIDENTIAL PROPERTY. SCREENING MUST BE 4' HIGH.
- UTILITIES ARE AVAILABLE IN FREDERICK ROAD.
- AREA OF SITE IS: 0.6031 ACRES.

FREDERICK ROAD

ZONED BL-CCC

(STATE ROAD MD. 144)



BISHOP'S LANE (16 1/2' MAG.)

ZONED BL-CCC
ZONED R0