



STL
Baltimore County
Department of Permits and
Development Management

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

May 29, 2001

Michael Paul Smith
BodieNagle
143 Main Street,
Reisterstown, MD, 21136

RE: 31-37 Main Street,
Spirit and Intent Letter, Case No. 94-478-SPHA
4th Election District

Dear Mr. Smith,

I am in receipt of your letter dated May 18, 2001. After careful review of the information contained therein the following has been determined.

The Baltimore County Office of Planning makes no recommendation that a Special Hearing be held to consider the alterations proposed for the existing historical structures located at 31-37 Main Street, Reisterstown. The Landmarks Preservation Commission describes the changes as appropriate to the Reisterstown Historic District.

The Baltimore County Department of Permits and Development Management considers the proposed changes to 35-37 Main Street, Reisterstown as being within the "Spirit and Intent" of the order contained in the above referenced case. Additionally, the establishment of a restaurant use at 31-33 Main Street is permitted by right. Pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR), this specific use adaptation located within the BL-CCC zone and N.H.R.D. has no parking count requirement.

You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

Please prepare an amended plan clearly showing the addition and other collateral changes, including a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN
AND ORDER IN ZONING CASE # _____.

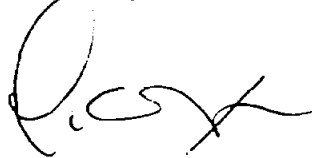
Signed By

Date

This amended plan will be included in the zoning case file.

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

Sincerely,



Lloyd T. Moxley
Planner II,
Zoning Review

LTM

LOCATION PLAN
SCALE: 1" = 500'

GENERAL NOTES #35-37 CASE # 94-489 SPHA

1. AREA OF PROP. = 1146 ±
2. EX. ZONING " = BL-CLL { ^{0.214} DR 3.5 { ^{0.334} DR 3.5
3. EX USE " = LAUNDRY MAT'L APT. (2 SF)
4. PROP. ZONING " = " BL-CLL { DR 3.5
5. PROP USE " = RESTAURANT/PUB/CLUB & 1 APT.
6. RECD. OFF. " =

- 4TH STP. DIRECT PARKING :
 A. EXIST. 2 STP. B.C.D.G
 1ST FL. RESTROOM = 15/2.4 SF
 2ND FL. 4 500 SF + 1 APT.
 B. 2014 SF @ 20/1000 + 1 APT. = 42.1 SF
 C. PROP. ADDIT. TO CONNECT BLDGS
 339.6 SF @ 20/1000 = 6.79
 TOTAL P.S. REQ'D = 49.04 = 50 P.S.
 D. N^O P.S. SHOWN (31,33,35,37) = 27
 7. BLDGS. - MARCH 2014

7. BLDG - MARYLAND HISTORIC TRUST SITE NO. BA1267
8. PROPERTY IS LOCATED IN THE REGISTERED
NATIONAL REGISTER HISTORIC DISTRICT
& BOTH PROPERTIES ARE CONTRIBUTING
STRUCTURES TO THE HISTORIC CHARACTER
OF THE AREA
9. SECTION 404.6.A.2 OF THE BCZL DOES
NOT REQUIRE PARKING FOR PROPERTIES
IF BLDGS ARE ADAPTED FOR REUSE
AS TOWN IN A BL-CLC DISTRICT
THE OFF-STREET PARKING WOULD NOT
BE REQUIRED

CASE # 94-489 SPHA
PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING & VARIANCE

35-37 MAIN STREET

ELECT. DIST. 4c3

BALTIMORE COUNTY, MD

APRIL 29 1994

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT
OF THE PLAN AND ORDER IN ZONING CASE * 94-470SPHA

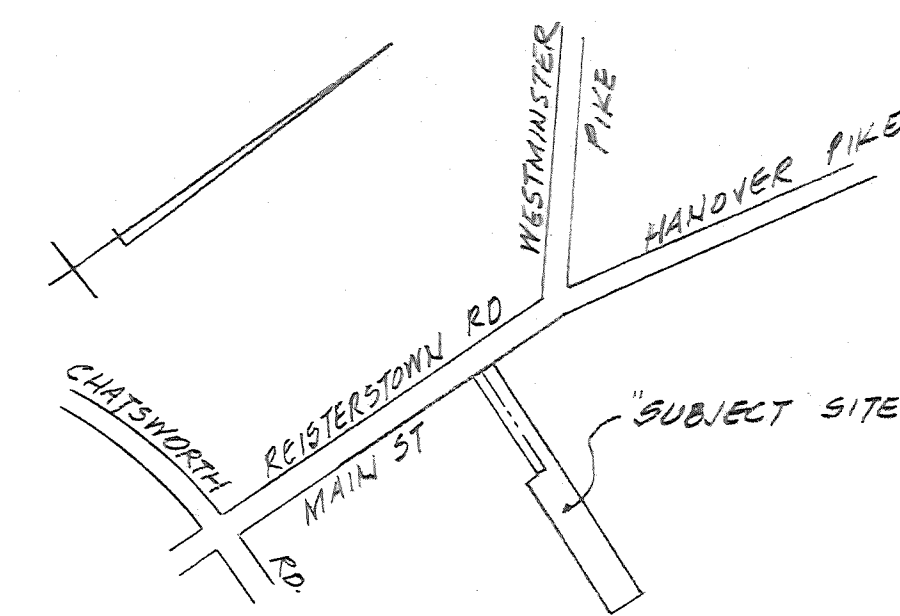
Red 27 5/30/01

OWNERS:

JOEL & CYNTHIA BEM
2529 HOLLINGSWORTH RD
BALTIMORE, MARYLAND 21136

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

94-014 94-478-SPHA

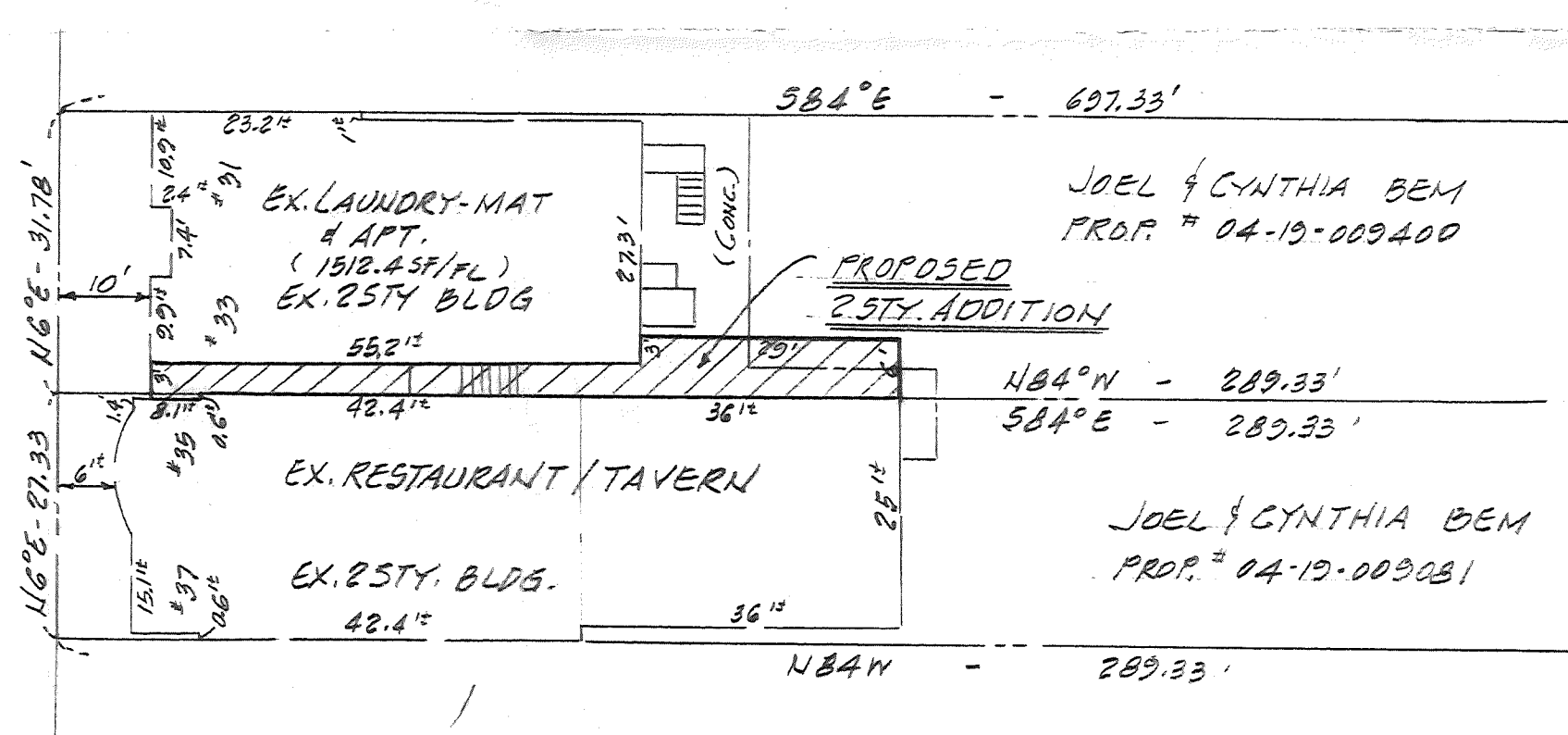


LOCATION PLAN
SCALE: 1"=500'

1. AREA OF PROPERTY: (*33-37)-0.16A² GROSS-0.192A² (*31-33)-1.14A² GROSS-1.162A²
2. EXISTING ZONING OF PROPERTY: (*33-37)-BL-CCC (*31-33)-BL-CCC-0.21A² & DR.3.5-0.93A²
3. EXISTING USE OF PROPERTY: (*33-37) RESTAURANT/TAVERN-2STY; (*31-33) LAUNDRY MAT/APT. 2STY.
4. PROPOSED ZONING: "BL-CCC" & "DR.3.5"
5. PROPOSED USE: RESTAURANT/TAVERN (2STY-33-37 & 1STY & PART OF 2ND FL. *31-33) & (1 APT. PART OF 2FL *31-33)
6. REQUIRED OFF STREET PARKING:
 - A. (*33-37) EXISTING 2STY. RESTAURANT/TAVERN - MD. HISTORIC TRUST SITE #2 BA 1866

1. EXISTING RESTAURANT-3232.93F. @ 20/1000=	64.65	CASE #94-4783PHA EX. PARKING NON-CONFORMING
2. PROP. ADDIT. 4783F. @ 20/1000	= 9.55	" " " PARKING VAR. GRANTED D.P.S.
3. TOTAL PARKING SPACES REQ'D.	73	" " " TOTAL P.S. = 0
 - B. (*31-33) EXISTING 2STY. BLDG. - LAUNDRY MAT/APT. - MD. HISTORIC TRUST SITE #2 BA 1867

1. EXISTING 1ST FL. - RESTAURANT: 15124.95F. @ 20/1000	= 30.25
2ND FL. - " 5005.F. @ 20/1000, 1 APARTMENT - 1042 =	12
2. PROPOSED ADDITION TO CONNECT BUILDINGS: 339.41F. @ 20/1000	= 6.79
3. TOTAL PARKING SPACES REQ'D.	= 47.04 = 50 P.S. TOTAL P.S. REQ'D. = 0
7. NUMBER OF PARKING SPACES SHOWN = 27
8. PROPERTIES ARE LOCATED IN THE REISTERSTOWN NATIONAL REGISTER HISTORIC DISTRICT WITHIN A "BL-CCC" DISTRICT AND ARE BUILDINGS CONTRIBUTING TO THE HISTORIC CHARACTER OF THE AREA. PARKING SPACES ARE NOT REQUIRED UNDER SECTION 409.6.A.2 OF THE BCZR IF SUCH BUILDINGS ARE ADAPTED FOR REUSE AS A NIGHT CLUB, TAVERN OR STRIPTEASE BUSINESS.
9. ZONING HISTORY: CASE #94-4783PHA - SPECIAL HEARING TO APPROVE RESTAURANT/TAVERN AND EXISTING PARKING CONDITIONS AS NONCONFORMING AND RELIEF FROM SECTION 409.6.A.2 OF THE BCZR TO PERMIT 0 P.S. IN LIEU OF REQUIRED 9 P.S. FOR PROPOSED ADDITION WAS GRANTED 7-7-94. A VARIANCE TO PERMIT CRUSHER RUN DRIVEWAY AND PARKING AREA TO BE UNSTRIPED ALONG WITH NO ADDITIONAL LANDSCAPING WAS ALSO GRANTED.
10. ANY PROPOSED SIGNS TO COMPLY WITH SECTION 413 AND ALL ZONING POLICIES.
11. PERMITTED F.A.R. = 4, EXIST. F.A.R. = 3787.4/16988.4 = 0.223, PROP. F.A.R. = 4127.3/16988.4 = 0.243
12. PROPERTY SERVED BY PUBLIC UTILITIES.
13. OWNER DESIRES TO CONSTRUCT AN ADDITION TO JOIN THE TWO EXISTING BUILDINGS BY ENCLOSED THE EXISTING 3' WALKWAY SEPARATING THE BUILDINGS. OWNER HAS MET WITH HISTORIC DIVISION OF THE PLANNING DEPARTMENT AND THE HISTORIC COMMISSION WITH A FAVORABLE DECISION.



BLOW-UP SCALE: 1" = 20'

Baltimore County
Department of Permits and
Development Management

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

May 29, 2001

Michael Paul Smith
BodieNagle
143 Main Street,
Reisterstown, MD 21136

RE: 31-37 Main Street,
Spirit and Intent Letter, Case No. 94-478-SPHA
4th Election District

Dear Mr. Smith,

I am in receipt of your letter dated May 18, 2001. After careful review of the information contained therein the following has been determined.

The Baltimore County Office of Planning makes no recommendation that a Special Hearing be held to consider the alterations proposed for the existing historical structures located at 31-37 Main Street, Reisterstown. The Landmarks Preservation Commission describes the changes as appropriate to the Reisterstown Historic District.

The Baltimore County Department of Permits and Development Management considers the proposed changes to 35-27 Main Street, Reisterstown as being within the "Spirit and Intent" of the order contained in the above referenced case. Additionally, the establishment of a restaurant use at 31-35 Main Street is permitted by right. Pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR), this specific use adaptation located within the BL-CCC zone and N.H.R.D. has no parking count requirement.

You must sucky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

Please prepare an amended plan clearly showing the addition and other collateral changes, including a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE PLAN
AND ORDER IN ZONING CASE # 94-478 SPHA

Signed By _____ Date _____

_____ will be included in the zoning case file

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

Sincerely,

Lloyd T. Moxley
Planner II.
Zoning Review

LTM



OWNERS:

JOEL E. & CYNTHIA BEM
2529 HOLLINSWORTH ROAD
BALTIMORE, MARYLAND 21136

ENGINEER:

CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

94-478-SPHA 21-095.00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Lloyd Moxley
Permit & Dev. Mgmt.



DATE: May 25, 2001

FROM: John McGrain
Office of Planning

SUBJECT: NO. 35-37 Reisterstown Road

In the absence of Ms. Kimberly R. Abe, I want to inform you that the Landmarks Preservation Commission reviewed the proposed alterations to the façade of the structures and sent an on-site technical committee to meet with the owners and their architects. The Commission agreed that the proposed alterations were appropriate to the Reisterstown Historic District. Ms. Abe signed "O. K. to issue" on the permit application on April 19, 2001. We believe that all requirements relating to historic preservation have been complied with by applicants and the LPC and members and staff.

JM:rlh

c: Kimberly Abe

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
BETHESDA, MARYLAND 21204

DATE: 4/19/01
OEA: TM
HISTORIC DISTRICT/BLDG.

PERMIT # B
RECEIPT # #
CONTROL # COC-
XREF #:

PROPERTY ADDRESS 31-37 MAIN STREET
SUITE/SPACE/FLOOR REISTERSTOWN, MD
SUBDIV: 21136
TAX ACCOUNT #: 0419009400
OWNER'S INFORMATION (LAST, FIRST)
NAME: JOE E. REM
ADDR: 2529 Hollingsworth Rd
Reisterstown, MD.

FEE: 40435+272+24=471

PAID:
PAID BY:

INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.

CODE CODE

BOCA CODE ✓

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER COC

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

APPLICANT INFORMATION

NAME: JOE REM

COMPANY:

STREET 2529 Hollingsworth Rd

CITY, ST, ZIP Reisterstown, MD 21136

PHONE #: 410 526 0590 MHIC LICENSE #

APPLICANT

SIGNATURE: [Signature] DRC#

PLANS: CONST 2 PLOT 10 PLAT 0 DATA 3 EL 1 PL 1

TENANT

CONTR: TBD

ENGR:

SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES ✓ NO
FURNACE
AREAS

DESCRIBE PROPOSED WORK: Change of use from laundry mat/store apt
to restaurant/apt. Apts to include remove demising part, ceiling
HVAC, ductwork, new partitions + finishes. Const add'n between
two bldgs to become one. 1st fl - ext of restaurant. and fl - bdrm
brapt + dining mezzanine for restaurant + cold balc. ext.
8' x 8' x 18' = 669 SF Apts = 3394 SF
Also using tax# 0419009081

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM EXISTS PROPOSED
3. SEPTIC EXISTS PROPOSED
4. PRIVY EXISTS PROPOSED

CENTRAL AIR: 1.
ESTIMATED COST: 5150.000
OF MATERIALS AND LABOR

1. PUBLIC SYSTEM EXISTS PROPOSED
2. PRIVATE SYSTEM EXISTS PROPOSED

PROPOSED USE: restaurant / 2nd fl apt + addition + apts.
EXISTING USE: restaurant / 2nd fl apt / laundry / store

OWNERSHIP

1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. Y 2. N

POWDER ROOMS

BATHROOMS

KITCHENS

CLASS 06

LIBER

FOLIO

APPROVAL SIGNATURES

DATE

BUILDING SIZE 4063
FLOOR 49,596 SF
WIDTH
DEPTH
HEIGHT
STORIES
LOT # 3
CORNER LOT
1. Y 2. N ZONING BL-CCC

BLD INSP:
BLD PLAN: 1200K TO FILE ALB
FIRE: 4/19/01
SEDI CTL:
ZONING:
PUB SERV:
ENVRMT: 4/19/01
PERMITS: 4/19/01

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

*wants to waive plans
No DRC - Inlet 1. Name

This is listed on the national register in
Reisterstown National Register Historic District
- K.A.BE April 17, 2001

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - E/S Main Street, 260'S of c/l of Westminster Pike (15 - 37 Main Street) 4th Election District 3rd Councilmanic District

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 94-478-SPHA

Joel E. Bem, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 35 through 37 Main Street in Reisterstown. The Petitions were filed by the owners of the property, Joel E. and Cynthia R. Bem. The Petitioners seek a special hearing to approve existing parking for a restaurant/tavern on the subject property zoned B.L.-C.C.C. as nonconforming and variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 9 for a proposed addition, or, alternatively, in lieu of the special hearing relief sought, a variance from Section 409.6.A.2 of the B.C.Z.R. to permit 19 parking spaces in lieu of the required 73 parking spaces, and a variance from Sections 409.8.A.2 and 409.8.A.6 to permit driveway and parking areas to be paved with crusher run and unstriped in lieu of the required macadam paving and striped parking spaces. The subject property and relief sought are more particularly described on Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Cynthia Bem, property owner, Paul Lee, Registered Professional Engineer who prepared the site plan of the property, Nellie Fraser, a long-time resident of the area, and Lloyd J. Hammond, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 0.18 acres, more or less, zoned B.L.-C.C.C. and is improved with a two-story combination restaurant/tavern. The site is well-known to this Zoning Commissioner, having been known as the Lamplight Inn for the past 10 years, and before that, it was known as the Ho Ho Restaurant for many years. The property is located in old Reisterstown on Main Street where that road forks into Westminster Pike (Maryland Route 130) and Hanover Pike (Maryland Route 30). The property is located in the Reisterstown National Register Historic District which was established on November 15, 1979. The improvements thereon bear the Maryland Historical Trust Site No. BA 1266. According to the written comments supplied to this Zoning Commissioner by John McGrain with the Office of Planning and Zoning, as Executive Secretary of the Landmarks Preservation Commission, the improvements on the property were probably constructed in approximately 1887. The Petitioners come before this Zoning Commissioner seeking approval of the current parking conditions as nonconforming. As shown on the site plan marked Petitioner's Exhibit 1, the subject property is rectangular in shape having a width of 27.33 feet and a depth of 289.33 feet. Parking has always been provided to the rear of the site, while the front portion of the property is occupied by the restaurant/tavern use. Affidavits were received from Charles R. Broderick and Nellie Fraser, who was present at the hearing, attesting to the fact that this property has been used as a restaurant/tavern since the 1940s and that parking has been provided to the rear of the building as is the current practice since that time.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the

use of the property to become illegal. The controlling year in this case is (year).

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See *McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978)*.

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that parking on the subject property has been provided to the rear of the site continuously and without interruption since prior to

(year), and as such, enjoys a legal nonconforming status. Therefore, the relief requested in the Petition for Special Hearing should be granted.

As to the variances requested, testimony revealed that a fire destroyed a portion of the property some time ago and that the Petitioners are now in the process of remodeling the premises to repair that damage. In conjunction with those improvements, the Petitioners seek to construct a 25' x 36' addition to the rear of the existing building and as a result, the requested parking variances are necessary. The proffered testimony by Mrs. Bem was that the subject restaurant/tavern is a neighborhood facility and most of the clientele live within walking distance. Testimony indicated that although insufficient parking pursuant to the B.C.Z.R. exists on site, there have never been any parking problems generated by the use. Furthermore, there is adequate street parking and as noted above, most of the customers are neighbors. The testimony presented by Mrs. Bem was corroborated by Mrs. Fraser, a long-time resident of the locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley, 270 Md. 208 (1973)*. To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance relief sought for existing conditions is not granted, due to the historic nature of the property and the fact that the required additional parking would compromise the historic integrity of the site. For this reason as well, I will not require additional landscaping of the site as recommended by the Department of Public Works, which may detract from the historic character of the property and its current use. In addition, the relief granted will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petition for Special Hearing and Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of July, 1994 that the Petition for Special Hearing to approve existing parking conditions for a restaurant/tavern on the subject property zoned B.L.-C.C.C. as nonconforming, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 parking spaces in lieu of the required 9 for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 409.8.A.2 and 409.8.A.6 of the B.C.Z.R. to permit driveway and parking areas to be paved with crusher run and unstriped in lieu of the required macadam paving and striped parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Variance seeking an alternative variance from Section 409.6.A.2 of the B.C.Z.R. to permit 18 parking spaces in lieu of the required 73 parking spaces, be and is hereby DISMISSED AS MOOT.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 7, 1994

(410) 887-4386

Lloyd J. Hammond, Esquire
616 Main Street
P.O. Box 569
Reisterstown, Maryland 21136

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S Main Street, 260' S of the c/l of Westminster Pike
(35 - 37 Main Street)
4th Election District - 3rd Councilmanic District
Joel E. Bem, et ux - Petitioners
Case No. 94-478-SPHA

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

✓file

Petition for Special Hearing

94-478-SPHA
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 -----
Petitioners request to determine the non-conforming status
for parking for a restaurant/tavern in a "BL-CCC" zone.

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/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

LLOYD J. HAMMOND

(Type or Print Name)

Signature

Address

Reisterstown, MD 21136

City and State

Attorney's Telephone No.: 833-7576

Legal Owner(s):

JOEL E. BEM

(Type or Print Name)

Signature

CYNTHIA R. BEM

(Type or Print Name)

Signature

2529 HOLLINGSWORTH ROAD

Address

Reisterstown, MD 21136

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

CYNTHIA R. BEM

Name

2529 HOLLINGSWORTH RD. 526-7637 Home

Reisterstown, MD 21136 833-2335 Work

Address



OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER

REVIEWED BY: [Signature] DATE: 7/15/94

Zoning Plans Advisory Committee Comments
Lloyd J. Hammond
Date: June 24, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR:cm
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 13, 1994
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section *DWB* RWB
RE: Zoning Advisory Committee Meeting
for June 13, 1994
Item No. 462

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual.

RWB:aw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 462 (19TH)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID A. KAHN, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 14, 1994
Zoning Administration and
Development Management

FROM: Pat Keiler, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 448, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, 478, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Cary Lewis*

PK/JL:lw

ZAC. 448/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 457, 458, 461, 462, 463, 464, 466, 467, 468, 469 AND 470.

RECEIVED
JUN 6 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
35-37 Main Street, E/S Main St., *
260' S of c/l Westminster Pike, 4th *
Election Dist., 3rd Councilmanic *
FOR BALTIMORE COUNTY
Joel E. Bem and Cynthia R. Bem * CASE NO.: 94-478-SPHA
Petitioners * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *24th* day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Lloyd J. Hammond, Esq., 616 Main Street, P.O. Box 569, Reisterstown, MD 21136, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Landmarks Preservation Commission



401 Bosley Avenue
Towson, MD 21204

(410) 887-3495
Fax (410) 887-5862

July 1, 1994

Mr. Lloyd J. Hammond
616 Main Street
Reisterstown, MD 21136

Dear Mr. Hammond:

This is to inform you that the structure at 35 Main Street is located within the Reisterstown National Register Historic District established November 15, 1979. The house bears the Maryland Historical Trust Site Number BA1266, as shown on the enclosed portion of the study map produced in forming the district. The current name at the time of listing was "Ho Ho Restaurant." The house was probably built about 1887 for Henry Emich.

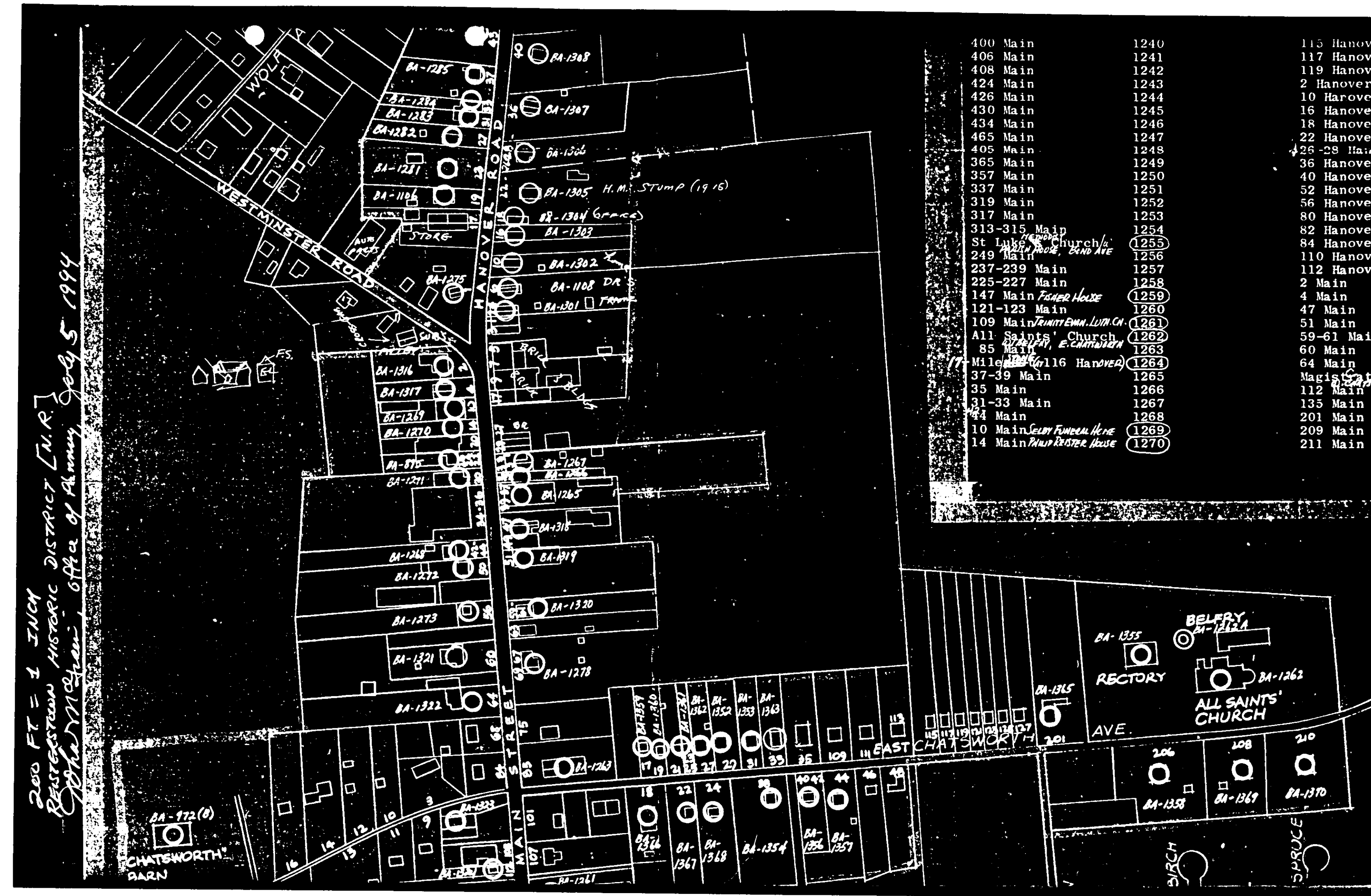
Sincerely,

John McGrain
John McGrain
Executive Secretary
Landmarks Preservation
Commission

JMcG:jw

Enclosure





STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 29 day of June, in the year one thousand nine hundred and ninety-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared NELLIE FRASER and she made oath in due form of law that the following matters and facts are true:

I, Nellie Fraser, currently reside at 5 Main Street, Reisterstown, Maryland, 21136. I have been a resident of the Old Town Reisterstown area since 1947 and am familiar with the properties in the area, especially on Main Street. I am particularly familiar with the property located at 35 Main Street where currently a restaurant/tavern business is being operated known as the LAMPLIGHT INN. This property has been used for the operation of a restaurant/tavern business continuously at least since I came to the area over 45 years ago. It has been operated by different owners under different names (THE CRYSTAL, THE LAMPLIGHT, HO HO'S) but has never been closed for any period of time more than a few days. Over the years, I have been a patron of the establishments and known the various owners. The business operations at 35 Main Street have always been since the 1940's that of a restaurant/tavern.

Parking for the customers has always been on the public street.

Nellie Fraser
Nellie Fraser
AS WITNESS my hand and Notary Seal:
[Signature]
Notary Public

My Commission Expires:
11-1-96

disc. No. 5 JoAnn

**PETITIONER'S
EXHIBIT No 2**

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 29 day of June, in the year one thousand nine hundred and ninety-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared CHARLES R. BRODERICK, JR. and he made oath in due form of law that the following matters and facts are true:

I, Charles R. Broderick, Jr., currently reside in Glyndon, Maryland, and am Board Chairman of the Bees Distributing Co., Inc., located at 2920 Dade Road, Pinksburg, Maryland. I have been a resident of the Reisterstown area since the 1940's and am very familiar with the properties in the area. I have specific knowledge of the property known as 35 Main Street, Reisterstown, Maryland. That property has been the location of a restaurant/tavern business at least since 1950. I am able to make that statement based on the following information. From May of 1955 until my recent retirement, I was the owner and operator of The Bees Distributing Co., Inc., a beer distributor located in the Reisterstown area. Bees has always had and continues to have a business relationship the various restaurant/taverns operating at the 35 Main Street location. In addition to the Lamplight Inn, there were other businesses located there with whom Bees had an account. They include The Crystal and Ho Ho's Restaurant and Lounges. Bees has regularly and continuously serviced these businesses at the 35 Main Street location, making deliveries there typically on a weekly basis since our opening in 1955.

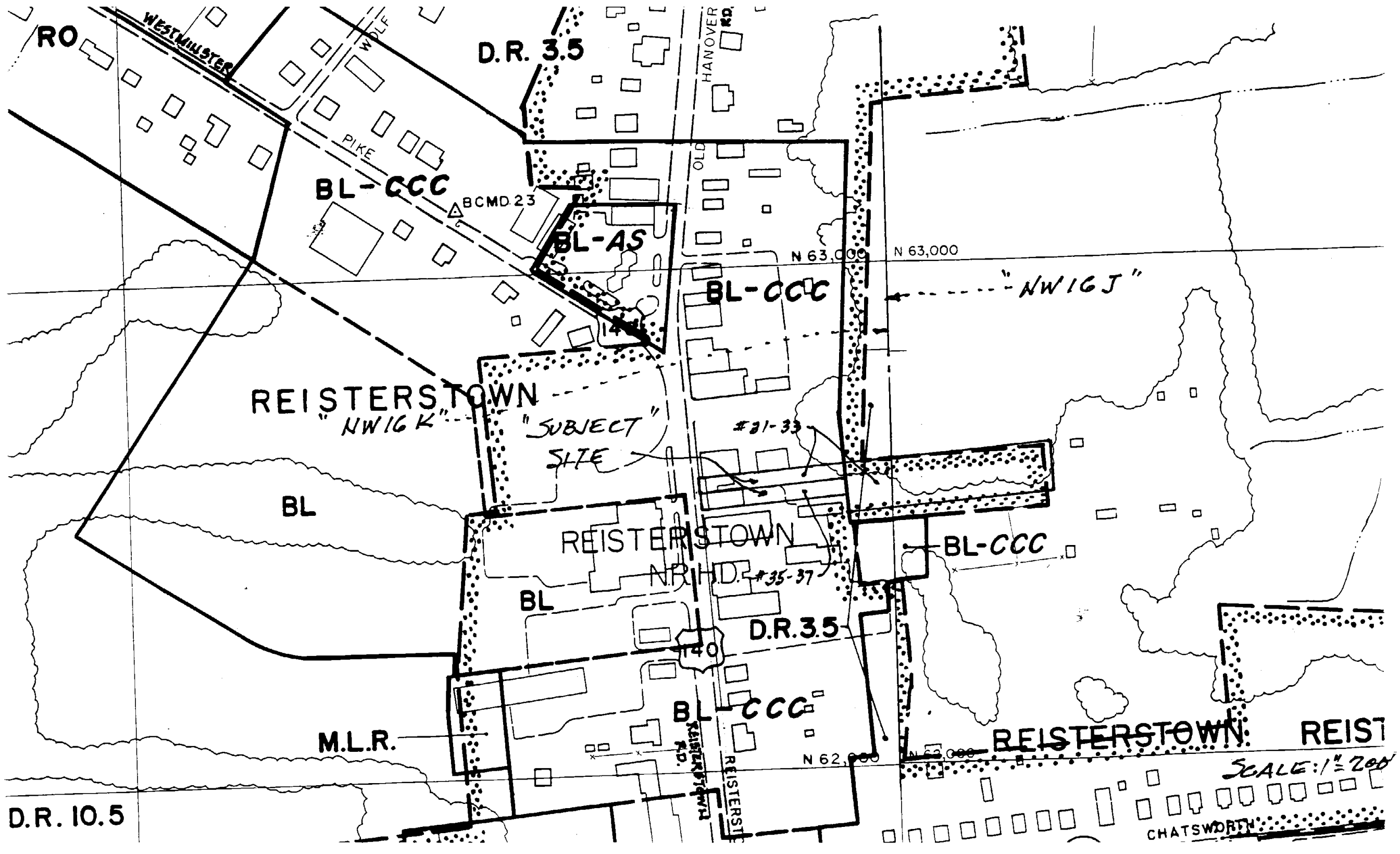
My personal experience goes even farther back to 1951. Prior to opening my own beer distributorship in 1955, I worked for Gunther Beer as a driver/delivery man. My route included stops in the Reisterstown area. One of the locations that I serviced for Gunther was The Crystal located at 35 Main Street. Based on the above personal recollections, and the records of deliveries by Bees, I am able to state that the property in question, 35 Main Street, was definitely operated as a restaurant/tavern continuously since 1951 and was never closed for more than a few days at a time.

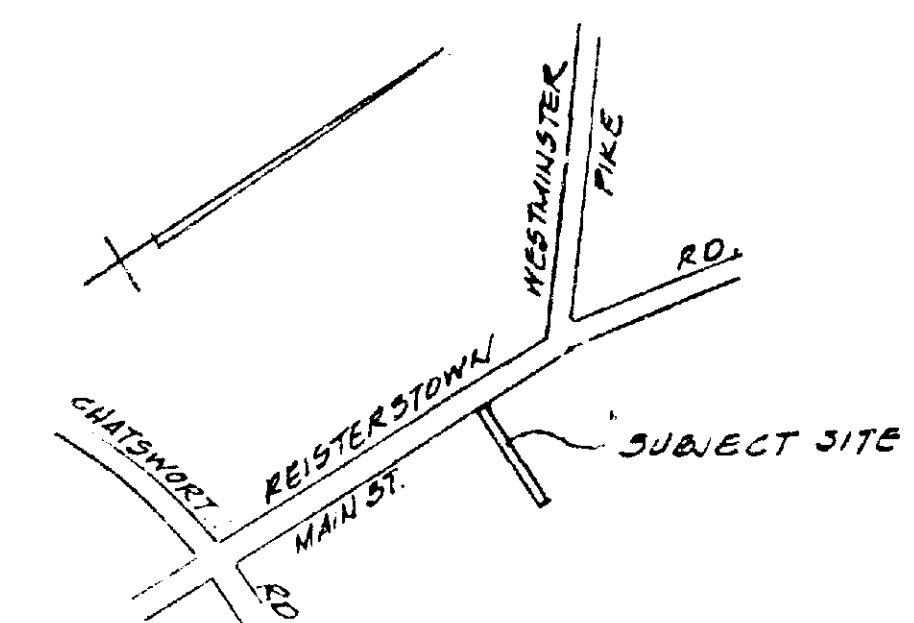
Parking for the customers has always been on the public street.

Charles R. Broderick, Jr.
Charles R. Broderick, Jr.
AS WITNESS my hand and Notary Seal:
[Signature]
Notary Public

My Commission Expires:
11-1-96

**PETITIONER'S
EXHIBIT No 3**





LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY : 0.118 AC. (GROSS AREA = 0.109 AC.)
2. EXISTING ZONING OF PROPERTY : "BL-CCC"
3. EXISTING USE OF PROPERTY : "LAMPLIGHT INN" ("RESTAURANT/TAVERN")
4. PROPOSED ZONING OF PROPERTY : "BL-CCC"
5. PROPOSED USE OF PROPERTY : "RESTAURANT / TAVERN"
6. REQUIRED OFF-STREET PARKING : 0
 - A. EXIST. BSTDY. BUILDING:
 - 1STY. PL. + 1375 SF RESTAURANT, 2ND PL. + 1375 SF STORAGE
 - 1STY. ADDITION + 482.5 S.F.
 - B. EX. CLOG. : $1375 + 1375 + 482.5 = 3232.5 \text{ SF} @ 20/1000 = 64.65$
 - C. "REQUIRED 1STY. ADDITION + 417.5 SF @ 20/1000 : 8.35
 - (ALLOWABLE EXPANSION 25% 3232.5 SF = 808.5 SF)
7. NUMBER OF PARKING SPACES SHOWN : 18 RS
8. PETITIONER REQUESTING A SPECIAL HEARING TO DETERMINE THE NON-CONFORMING STATUS FOR PARKING FOR A RESTAURANT/TAVERN IN A "BL-CCC" ZONE.
9. PETITIONER REQUESTS A VARIANCE TO SECTION 403.8.A.2 OF THE BCOR TO PERMIT PARKING SPACES IN LIEU OF REQUIRED 23 PARKING SPACES FOR A NEW ADDITION BASED ON THE NON-CONFORMING STATUS OF THE EXISTING PARKING BEING APPROVED AS PART OF THIS HEARING, OR ALTERNATIVELY TO PERMIT 18 PARKING SPACES IN LIEU OF REQUIRED 23 PARKING SPACES (A VARIANCE OF 55 PARKING SPACES) IN ORDER TO BRING THE REQUIRED PARKING FOR THE EXISTING PROPERTY, PART OF WHICH IS TO BE RAZED AND RECONSTRUCTED WITH THE NON-CONFORMING PARKING TO SUPPORT IT AND PROPOSED NEW EXPANSION OF THE RESTAURANT IN COMPLIANCE WITH THE EXISTING ZONING REGULATIONS.
10. PETITIONER PROPOSES TO REBUILD EXISTING 1STY. ADDITION (482.5 SF) WITH PROPOSED ADDITION OF 417.5 SF.
11. THERE IS NO RECORD OF ANY ZONING HISTORY FOR THIS PROPERTY.
12. ANY PROPOSED SIGNS TO COMPLY WITH SECTION 413 AND ALL ZONING POLICIES.
13. PERMITTED P.A.R. = 4; EXISTING P.A.R. = 18573/7840.8 = 0.24; PROP. P.A.R. = 2276/7840.8 = 0.29
14. PROPERTY SERVED BY PUBLIC UTILITIES.
15. PETITIONER REQUESTING A VARIANCE TO SECTIONS 403.8.A.2 & 403.8.A.6 OF THE BCOR TO ALLOW DRIVEWAY & PARKING AREA NOT TO BE PAVED OR MACADAMIZED BUT TO HAVE A CRUSHER RUN SURFACE AND FROM REQUIRED PERMANENTLY STRIPPED PARKING AREAS.

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING & VARIANCE

*35-37 MAIN STREET

(REISTERSTOWN RD.)

ELECT. DIST. 4c3

BALTIMORE COUNTY, MD

APRIL 29, 1994

**PETITIONER'S
EXHIBIT No 1**

OWNERS:

JOEL & CYNTHIA BEM
2520 HOLLINGSWORTH RD.
BALTIMORE, MARYLAND 21136

462

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

