

IN RE: PETITION FOR VARIANCE  
S/S Joppa Road, 300' W of the  
c/l of Pleasant Plains Road  
(1513 Joppa Road)  
9th Election District  
4th Councilmanic District  
  
Tavern Real Estate Ltd. Part., et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-273-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1513 Joppa Road, located in the Baynesville/Loch Raven Village area of Towson. The Petition was filed by the owners of the property, Tavern Real Estate Limited Partnership, by Gerald E. Wedren, President, and the Contract Purchaser/Lessee, Papa John's International, c/o EMG Associates, by Edward Grieb, Jr., through their attorney, John B. Gontrum, Esquire. The Petitioners seek relief from Sections 303.2 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required 40 feet, a rear yard setback of 22 feet in lieu of the required 30 feet, and a side yard setback of 13 feet in lieu of the required 30 feet for a proposed building reconstruction. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Richard E. Matz, Professional Engineer, and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.2956 acres, zoned B.R.-C.N.S. and was formerly the site of a Little Tavern hamburger carry-out restaurant which has

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Date 3/20/95  
By [Signature]

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been vacant for a number of years. The Petitioners propose to remove the existing building and replace same with a new restaurant, offering carry-out only, to be known as Papa John's. The proposed improvements are more particularly described on the site plan of the property identified herein as Petitioner's Exhibit 1. Testimony and photographs submitted revealed that the property has deteriorated over the years and that the proposed improvements will provide a needed service to the community as well as revitalize the subject site. The new building will sit no closer to the rear of the property than the existing building, and although the front of the building will be closer to Joppa Road, its location on the property will not be detrimental to traffic in the area. In addition, the Petitioners will eliminate one of the two entrances to this site from Joppa Road to landscape that area, thereby leaving the site to be served by one point of ingress and egress. Furthermore, additional landscaping of the subject site is proposed in accordance with the schematic plan submitted into evidence as Petitioner's Exhibit 4B.

Testimony indicated that the proposed improvements are supported by the Towson-Ioch Raven Community Council, as evidenced by a letter dated February 27, 1995, from Mrs. Dale Livingston, President. It should also be noted that no one appeared in opposition to the relief requested, which was further supported by the various Baltimore County reviewing agencies.

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;

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Date

By

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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of March, 1995 that the Petition for Variance seeking relief from Sections 303.2 and 238.2 of the Baltimore

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Date 3/20/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 20, 1995

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
S/S Joppa Road, 300' W of the c/l of Pleasant Plains Road  
(1513 Joppa Road)  
9th Election District - 4th Councilmanic District  
Tavern Real Estate Ltd. Part., et al - Petitioners  
Case No. 95-273-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Gerald E. Wedren, President, Tavern Real Estate Ltd. Part.  
P.O. Box 7398, Silver Spring, Md. 20907

Mr. Edward Grieb, Jr., Papa John's International, c/o EMG Assoc.,  
915 Tyson Drive, West Chester, Pa. 19382

Mr. Richard E. Matz, Colbert, Matz, Rosenfelt & Woolfolk, Inc.  
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Mr. Wayne Skinner, 1813 Edgewood Road, Baltimore, Md. 21234  
People's Counsel; File

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# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1513 JOPPA ROAD

which is presently zoned BR-CNS

75-273-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 303.2 AND 238.2 FOR A 25 FT. FRONT YARD SETBACK IN LIEU OF THE REQUIRED 40 FT. MAXIMUM; FOR A 22 FT. REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FT.; FOR A 13 FT. SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) IT WOULD BE A PRACTICAL DIFFICULTY TO LOCATE THE BUILDING ELSEWHERE ON THE SITE BECAUSE OF THE SMALL SIZE OF THE SITE AND THE COUNTY REQUIREMENT TO HAVE A SINGLE ENTRANCE DRIVEWAY OFF JOPPA ROAD.

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/Lessee:

PAPA JOHN'S INTERNATIONAL  
C/O EMG ASSOCIATES

(Type or Print Name)

*Edward H. ...*

Signature

915 TYSON DRIVE

Address

WEST CHESTER, PA 19382  
City State Zipcode

Attorney for Petitioner

JOHN GONTRUM, ESQ.

(Type or Print Name)

*[Signature]*

Signature

ROMADKA, GONTRUM & MCLAUGHLIN  
814 EASTERN BLVD. 410-686-8274

Address Phone No.  
ESSEX MD 21221  
City State Zipcode

Legal Owner(s)

GERALD E. WEDREN  
TOWSON REAL ESTATE LTD. PARTNERSHIP

(Type or Print Name)

*Gerald Wedren pres. of Tawson Realty Co., general partner*

Signature

(Type or Print Name)

Signature

P.O. BOX 7398  
Address Phone No.  
SILVER SPRING MD 20907  
City State Zipcode

Name. Address and phone number or representative to be contacted

RICHARD E. MATZ  
COLBERT MATZ ROSENFELT & WOOLFOLK, INC.

Name Address Phone No.  
3723 OLD COURT RD. #206 410-653-3838  
BALTIMORE MD 21208

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

ORDER RECEIVED FOR FILING  
Date 13/20/95

BY DROP - OFF  
No REVIEW

2-2-95 WCR

Printed with Soybean Ink on Recycled Paper



# Colbert Matz Rosenfelt & Woolfolk, Inc.

Civil Engineers • Landscape Architects • Land Surveyors • Land Planners



95-273-A

## ZONING DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATED IN THE NINTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF JOPPA ROAD, 70 FEET WIDE, SAID POINT OF BEGINNING BEING DISTANT 250 FEET MORE OR LESS FROM THE NORTHWEST SIDE OF PLEASANT PLAIN ROAD AS MEASURED ALONG SAID SOUTH SIDE JOPPA ROAD, RUNNING THENCE BINDING ON THE OUTLINE OF THE LAND CONVEYED TO TAVERN REAL ESTATE LIMITED PARTNERSHIP BY DEED RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 8488 PAGE 389 THE FOLLOWING THREE (3) COURSES: (1) SOUTH 08 DEGREES 53 MINUTES 27 SECONDS EAST 100.33 FEET, (2) SOUTH 83 DEGREES 06 MINUTES 33 SECONDS WEST 100.43 FEET, AND (3) NORTH 08 DEGREES 53 MINUTES 27 SECONDS WEST 97.09 FEET TO SAID SOUTH SIDE JOPPA ROAD, THENCE BINDING ON SAID SOUTH SIDE, THE FOLLOWING TWO (2) COURSES: (4) NORTH 81 DEGREES 15 MINUTES 03 SECONDS EAST 98.83 FEET AND (5) NORTH 81 DEGREES 33 MINUTES 31 SECONDS EAST 1.5 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

CONTAINING 0.23 OF AN ACRE OF LAND MORE OR LESS.

J:\COLBERT\DESCR\94155.zon



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

95-273-A

District: 9th

Date of Posting: 2/17/95

Posted for: Variation

Petitioner: Taverna Real Estate Trust Partnership & Papa John's

Location of property: 1573 Joppa Rd, s/s

Location of Signs: See map road way on property being zoned

Remarks:

Posted by: [Signature]  
Signature

Date of return: 2/14/95

Number of Signs: 1



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-273-A

(Item 271)

1519 Joppa Road  
S/S Joppa Road, approximately 300' W of c/o Pleasant Plains Road  
9th Election District  
4th Councilmanic

Legal Owner:

Tavern Real Estate Limited Partnership

Contract Purchaser:

Papa John's International

Hearing: Monday,

March 6, 1995 at: 9:00 a.m. in Rm. 118, Old Courthouse.

Variance for a 25-foot front yard setback in lieu of the required 40 feet maximum; for a 22-foot rear yard setback in lieu of the required 30 feet; and for a 13-foot side yard setback in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

2/190 February 16.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD.,

2/16, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/16, 1995.

**THE JEFFERSONIAN,**

*A. Henickson*

LEGAL AD. - TOWSON





*PLANNING AND ZONING*  
**Zoning Administration &  
 Development Management**  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

**receipt**

95-273-A

Account: R-001-6150

Number 271 (WCR)

**DROP-OFF ----- NO REVIEW**

Date 2/2/95

#020 - ZONING VARIANCE ----- \$250.00  
 #080 - SIGN POSTING ----- 35.00  
 TOTAL ----- \$285.00

**LTD Ex  
 #95-024-2**

Legal Owner - Tavern Real Estate Ltd. Partnership  
 Contract Purchaser - Papa John's International  
 1513 Joppa Road  
 Acreage: .23 +/- acre  
 District: 9c4  
 Zoning: B.R.-C.N.S.  
 Attorney: John Gontrum

Check From:  
 FMG Associates, Inc.

Limited Exemption Granted on 12/19/94 by DRC

*Handwritten signature*

03/02/95 10:11 AM  
 BALTIMORE COUNTY (12-95)

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTUXENT PUBLISHING COMPANY  
Feb. 16, 1995 Issue - Jeffersonian

Please forward billing to:

John Gontrum, Esq.  
814 Estern Boulevard  
Essex, MD 21221  
410-686-8374

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NOTICE OF HEARING

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or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-273-A (Item 271)  
1513 Joppa Road  
S/S Joppa Road, approximately 300' W of c/l Pleasant Plains Road  
9th Election District - 4th Councilmanic  
Legal Owner: Tavern Real Estate Limited Partnership  
Contract Purchaser: Papa John's International  
HEARING: MONDAY, MARCH 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance for a 25-foot front yard setback in lieu of the required 40 feet maximum; for a 22-foot rear yard setback in lieu of the required 30 feet; and for a 13-foot side yard setback in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

1995 MAR 10 10 13 AM

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-273-A (Item 271)

1513 Joppa Road

S/S Joppa Road, approximately 300' W of c/l Pleasant Plains Road

9th Election District - 4th Councilmanic

Legal Owner: Tavern Real Estate Limited Partnership

Contract Purchaser: Papa John's International

HEARING: MONDAY, MARCH 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance for a 25-foot front yard setback in lieu of the required 40 feet maximum; for a 22-foot rear yard setback in lieu of the required 30 feet; and for a 13-foot side yard setback in lieu of the required 30 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon  
Director

cc: Tavern Real Estate Ltd. Partnership  
Richard E. Matz  
Papa John's International/EMG Associates  
John Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 27, 1995

John Gontrum, Esquire  
814 Eastern Blvd.  
Essex, Maryland 21221

RE: Item No.: 271  
Case No.: 95-273-A  
Petitioner: Papa John's Int'l.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director           DATE: Feb. 21, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for February 21, 1995  
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan should be submitted. The landscaping should continue the landscape theme of the nearby, approved Pars Auto and National Tire Warehouse developments. We are reviewing the Limited Exemption Plan for this site and our comments will be forthcoming.

RWB:sw

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Ervin McDaniel & Jeff Long      DATE: 2/16/95

FROM: Diana Itter  
Office of Planning & Zoning

VIA: Gary Kerns

SUBJECT: Combined comment for Papa John's - 1513 Joppa Rd.  
Limited Exemption Development Plan and Variance  
ZADM No. IX-634 and Item 271

This site is located along the Joppa Road commercial corridor within an area designated as "Community Conservation, Outer Neighborhoods," in the adopted Towson Community Plan and in the adopted Loch Raven Village Community Conservation Plan. This portion of Joppa Road has the typical problems associated with major commercial corridors ---- high volumes of traffic, frequent curb cuts, lack of shared driveways, inadequate landscape treatment and visual clutter due to the number and size of signs.

Building setback Variances from the front, side and rear yard setback requirement have been requested due to the small size of the site.

The Loch Raven Village Community Conservation Plan discusses the need for more landscaping and some physical improvements to enhance the image of the Joppa Road commercial corridor.

The site plan for the proposed carry-out restaurant shows the elimination of one curb cut along Joppa Road and a substantial landscaped area along the property frontage extending into the side yard. Both items are consistent with the aforementioned plan. The specific plant materials shown on the schematic landscape plan need some adjustments in order to be consistent with those utilized on other recent redevelopment sites located on Joppa Road, i.e. Pars Auto and National Tire Warehouse. Along Joppa Road, a low juniper should be substituted for the European cranberry which is too large to allow for visibility into the site. Cherry trees should be substituted for the hawthornes adjacent to the side of the parking lot. The fountain grass should be relocated. These details will be discussed with the county's landscape architect.

A sign detail has been provided for a free-standing sign 13' in height, and 45.69' per side which complies with both the current and proposed sign regulations. It is recommended that the 12' high sign be substituted as proposed for the York Road Papa John's. That sign has a better relationship between the phone number and the surrounding space and complies with the proposed sign regulations which state that the building address should be on the sign; it could be added to the green base of the sign. It is recommended that the sign detail should be part of the development/variance plan.

DI  
PAPAJ/PZONE/TXTDI

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning



DATE: February 23, 1995

SUBJECT: 1513 Joppa Rd. (Papa John's)

INFORMATION:

Item Number: 271

Petitioner: Papa John's International

Property Size: \_\_\_\_\_

Zoning: BR-CNS

Requested Action: Variance

Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

The attached combined Limited Exception and Variance comment reflects the position of this office regarding the subject property.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kern

PK/JL

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Baltimore County Government  
Fire Department



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

(410) 887-4500

DATE: 02/16/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21294  
HALL STOP-1105

RE: Property Owner: TAVERN REAL ESTATE LIMITED PARTNERSHIP

LOCATION: S/S JOPPA RD. APPROXIMATELY 300' W OF CENTERLINE PLEASANT  
PLAINS RD. (1513 JOPPA RD.)

Item No.: 271

Zoning Agenda: VARIANCE

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.

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", 1991  
edition prior to occupancy.

RECEIVED

FEB 21 1995

ZADM

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

cc: File





**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

*2-20-95*

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

Re: Baltimore County  
Item No.: *7271 (WCR)*

Dear Ms. Watson:

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*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

*1994 Statewide Toll Free*

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  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: FEB. 13, 1995

DATE: FEB. 14, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 264  
267  
268  
271  
272  
273

*N. Bruce Seeloy*  
2-14-95

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF ZONING ADMINISTRATION  
 and  
 DEVELOPMENT MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: JJS  
 2 1995  
 scj

TO: Mr. Wirth - SWM  
 Mr. Stewart - EIRD  
 Mr. Seeley - W&S  
 Mr. Richards - ZADM, Development Control  
 Ms. Rorke - ZADM, Street Names & House Numbers  
 Mr. Bowling - DED (2)  
 Capt. Paull - Fire Dept. - M.S. 1102 F  
 Mr. Grossman - Rec & Parks  
 Mr. Small - SHA (3)  
 Mr. McDaniel - Strategic Plan., Development Review (3)

DATE: February 2, 1995

FROM: Susan Wimbley

SUBJECT: Project Name: Papa John's Joppa Road  
 Z A D M No.: IX-634  
 Project No: 95024Z  
 District: 9 c 4  
 Engineer: Colbert, Matz, Rosenfeld  
 and Woolfolk  
 Phone No.: 653-3838

1513  
 ITEM  
 #271

+++++  
 +Please indicate here +  
 +if your Agency requests+  
 +The Office of Law/Real +  
 +Estate to acquire-----+  
 +-----+  
 +REQUESTED BY:-----+  
 +HIGHWAY WIDENING \_\_\_\_\_+  
 +FOREST BUFFER \_\_\_\_\_+  
 +GREENWAY \_\_\_\_\_+  
 +FLOOD PLAIN \_\_\_\_\_+  
 +DRAIN/UTIL EASE \_\_\_\_\_+  
 +PUBLIC WORKS AGREE \_\_\_\_\_+  
 +FOREST CONSERVATION \_\_\_\_\_+  
 +None of the Above \_\_\_\_\_+

ACTION REQUESTED: \_\_\_\_\_ Waived CRG Meeting  
 \_\_\_\_\_ CRG Non-material Amendment  
 X  Limited Exemption (26-171.b.9)  
 \_\_\_\_\_ Waived Hearing Officer Hearing

Please review the attached plan for compliance with current regulations and return comments to our office by February 23, 1995. If you have no comments or do not need to review this plan, please indicate by placing your initials here \_\_\_\_\_. (This procedure is similar to the waived CRG meeting procedure.) NONRESPONSIVENESS BY THE AFOREMENTIONED DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.

Thank you for your timely attention to our request.

SDW:bje

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**PAPA JOHN'S  
1513 Joppa Road  
95-024-Z**

Limited Exemption Plan Review  
Plan Date: 12/94  
Comments Due: 2/23/95  
Comments Date: 2/15/95  
Comments Completed: 2/15/95

Final zoning approval is contingent first upon all plan comments being addressed on the limited exemption B-9 plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the blue commercial checklist information being included on the building permit site plans.

1. State the requested variances on the plan.
2. Show and dimension any signs and add note that any sign(s) shall comply with Section 413 of the Baltimore County Zoning Regulations (BCZR).
3. Add the type of paving of the parking lot.
4. Landscaping must be submitted to and approved by Avery Harden of the Developers Engineering Section (887-3751).

Any requests for further information from the Zoning Office must include a reference to the limited file #95-024-Z and written correspondence or revised plans must be accompanied by a copy of these comments.

  
JOHN J. SULLIVAN, JR.  
Planner II

JJS:scj

c: Item #271

UNRECORDED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



95-273-A

Asapeake Avenue  
21204

(410) 887-3353

February 15, 1995

John Gontrum, Esquire  
Romadka, Gontrum, and McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #271)  
Legal Owner: Tavern Real Estate Limited  
Partnership  
Contract Purchaser: Papa John's  
International  
1513 Joppa Road  
Limited Exemption File #95-024-Z  
9th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Need printed or typed title of Gerald Wedren, along with authorization to sign for Tavern Real Estate Limited Partnership.
2. Need telephone number for the legal owner.
3. Need to have printed or typed name and title of person signing for contract purchaser. Also need to have authorization for this person to sign for Papa John's International.

John Gontrum, Esquire  
February 15, 1995  
Page 2

4. Show and dimension any proposed free-standing signs and add note that any sign(s) shall comply with Section 413 of the Baltimore County Zoning Regulations and all zoning policies.
5. Add type of (parking lot) paving.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



John J. Sullivan, Jr.  
Planner II

JJS:scj

Enclosure (receipt)

cc: Zoning Commissioner  
Susan Wimbley  
Limited Exemption File

**IMPORTANT MESSAGE**

TO \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ A.M.  
P.M.

M Wayne Skinner  
OF 1813 Edgewood Rd

PHONE \_\_\_\_\_  
Area Code \_\_\_\_\_ Number \_\_\_\_\_ Extension 21234

FAX \_\_\_\_\_ 661 8249

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		RETURNED YOUR CALL	
WANTS TO SEE YOU		WILL CALL AGAIN	
WILL FAX YOU		URGENT!	

Message # Case 95-223-A

send copy of decision  
when rendered

Signed \_\_\_\_\_





RE: PETITION FOR VARIANCE  
1513 Joppa Road, S/S Joppa Road, appx.  
300' W of c/l Pleasant Plains Road,  
9th Election Dist., 4th Councilmanic

Tavern Real Estate Limited Partnership  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 95-273-A

\* \* \* \* \*

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 28<sup>th</sup> day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



3/1/95 - TO PS - to CEP 880-95

Towson - Loch Raven Community Council, Inc.

P.O. Box 27682

Towson, Maryland 21285-7682

February 27, 1995

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County Government  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: #95-273-A (Item 271)  
Papa John's International

Dear Mr. Schmidt:

The Towson-Loch Raven Community Council, Inc. (TLRCC) is an umbrella organization composed of 12 neighborhood associations and one community service group. We represent over 5,500 households in central Baltimore County.

The purpose of this letter is to comment on Papa John's request for variances. But first, I would like to inform you of our earlier involvement with this proposed project.

On December 19, 1994, the Development Review Committee heard Papa John's request for a limited exemption. For this hearing, TLRCC provided the Office of Planning & Zoning with written comments outlining our concerns. In summary, TLRCC was interested in how the proposed redevelopment of this site responds to the concerns listed in the adopted Loch Raven Village Community Conservation Plan (April 1992). Specifically, the LRVCC Plan's section on commercial corridors (page 42) focusing on the need to address the existing multiple curb cuts, visual clutter and minimal landscaping along this section of East Joppa Road.

TLRCC is NOT opposed to Papa John's redevelopment of the former Little Tavern site, we just wanted to know more about their intentions regarding the existing two curb cuts (is it possible to have just one?) and their landscaping plans. TLRCC's concern is consistent with our actions regarding two other sites along our area of E. Joppa Road - Pars Auto Service (1766 E. Joppa Road) and National Tire Warehouse (1909 E. Joppa Road) - both cases heard by the Zoning Commissioner's office.

Shortly after the DRC meeting, Wayne Skinner, former TLRCC president and current board member, met with Don Godsey (Papa John's) and Richard Matz (project engineer) to discuss TLRCC's concerns about the E. Joppa Road site. This meeting started a dialogue between Messrs. Matz and Skinner.

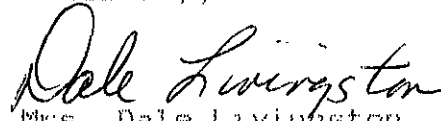
O V E R

Papa John's recognized the community's concern and has agreed to reduce their curb cuts from two to one and is proposing an area along E. Joppa Road for landscaping. TLRCC is deferring to Baltimore County the actual landscaping design (what's to be planted) and the final design of the sign.

In concluding, TLRCC acknowledges and thanks Papa John's for being very cooperative with us. We welcome them to our area and we look forward to their grand opening in the near future.

If you need to contact TLRCC further about this matter, I can be reached at (H) 821-0224 or you can contact Wayne Skinner at (H) 661-8249 or (W) 225-5759.

Sincerely,

  
Mrs. Dale Livingston  
President

cc: Don Godsey (Papa John's International, Inc.)  
Richard E. Matz (Colbert Matz Rosenfelt & Woolfolk, Inc.)  
John Gontrum (attorney for Papa John's)  
Diana Tlier (Office of Planning & Zoning)  
Jean Marie Stockdale, Knettishall  
Frank Stromyer, Loch Raven Village  
Wayne Skinner, Loch Raven Village

TLRCC Memberships:

Crowwood, Coventry & Satyr Hill	Loch Raven Kiwanis
Cromwell Valley	Loch Raven Village
Fellowship Forest	Northbrook
Glendale-Glenmont	Pelhamwood
Hillendale	Ridgeleigh
Hillendale Park	Towson Estates
Knettishall	

WCR

Judy Floam called back. (27)  
Dick Matz said there are  
no violations + JJS has  
thoroughly reviewed this  
twice

PS - She wasn't very nice!

COLBERT MATZ ROSENFELT & WOODOLK, INC.  
 3723 Old Court Road Suite 206  
 BALTIMORE, MARYLAND 21208

1/31/95  
 y

LETTER OF TRANSMITTAL

457-94 WCR

(410) 653-3838  
 FAX (410) 653-7953

TO Baltimore County Zoning Office  
 111 W. Chesapeake Ave.  
 Towson, Md. 21204.

DATE	1/24/95	JOB NO.	941055
ATTENTION			
RE:	Papa John's Pizza 271 1513 Joppa Road Variance Request		

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

- Shop drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     misc.

COPIES	DATE	NO.	DESCRIPTION
3			Signed petitions
12			Sealed plat
3			Sealed description
1			200' zoning Map.
1			Filing fees (\$250. + \$35.)

THESE ARE TRANSMITTED as checked below:

- For approval     Approved as submitted     Resubmit \_\_\_\_\_ copies for approval  
 For your use     Approved as noted     Submit \_\_\_\_\_ copies for distribution  
 As requested     Returned for corrections     Return \_\_\_\_\_ corrected prints  
 For review and comment     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS

BILL ADVERTISING TO  
 ED GRUBER  
 EMG ASSOCIATES  
 915 TYSON DRIVE  
 WEST CHESTER, PA 19382

RECEIVED  
 JAN 30 1995

MICROFILMED

COPY TO

file

ZADM

SIGNED:

Judy Hoan

RECYCLED PAPER:  
 Contents: 100% Pre-Consumer • 10% Post-Consumer

If enclosures are not as noted, kindly notify us at once.



Towson - Loch Raven Community Council, Inc.  
 P.O. Box 27682  
 Towson, Maryland 21285-7682

February 27, 1995

Mr. Lawrence E. Schmidt  
 Zoning Commissioner  
 Baltimore County Government  
 Suite 113, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

**ZONING COMMISSIONER'S  
 EXHIBIT 3**

RE: #95-273-A (Item 271)  
 Papa John's International

Dear Mr. Schmidt:

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O V E R


RECEIVED

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Sincerely,

  
Mrs. Dale Livingston  
President

cc: Don Godsey (Papa John's International, Inc.)  
Richard E. Matz (Colbert Matz Rosenfelt & Woolfolk, Inc.)  
John Gontrum (attorney for Papa John's)  
Diana Itter (Office of Planning & Zoning)  
Jean Marie Stockdale, Knottishall  
Frank Stromyer, Loch Raven Village  
Wayne Skinner, Loch Raven Village

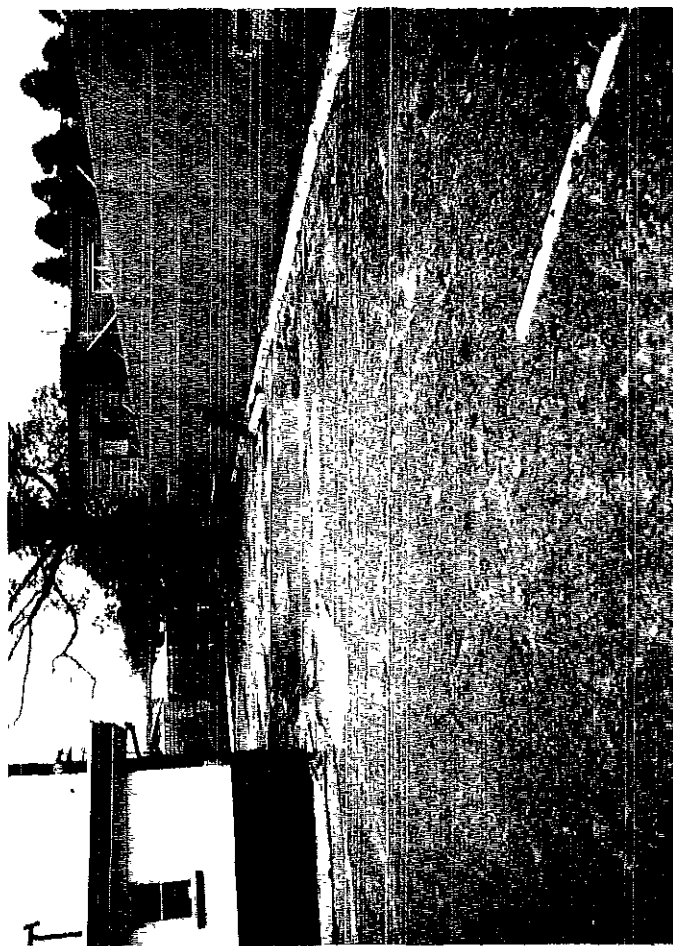
TLRCC Membership:

Cromwood, Coventry & Satyr Hill	Loch Raven Kiwanie
Cromwell Valley	Loch Raven Village
Fellowship Forest	Northbrook
Glendale-Glenmont	Pelhamwood
Hillendale	Ridgeleigh
Hillendale Park	Towson Estates
Knottishall	

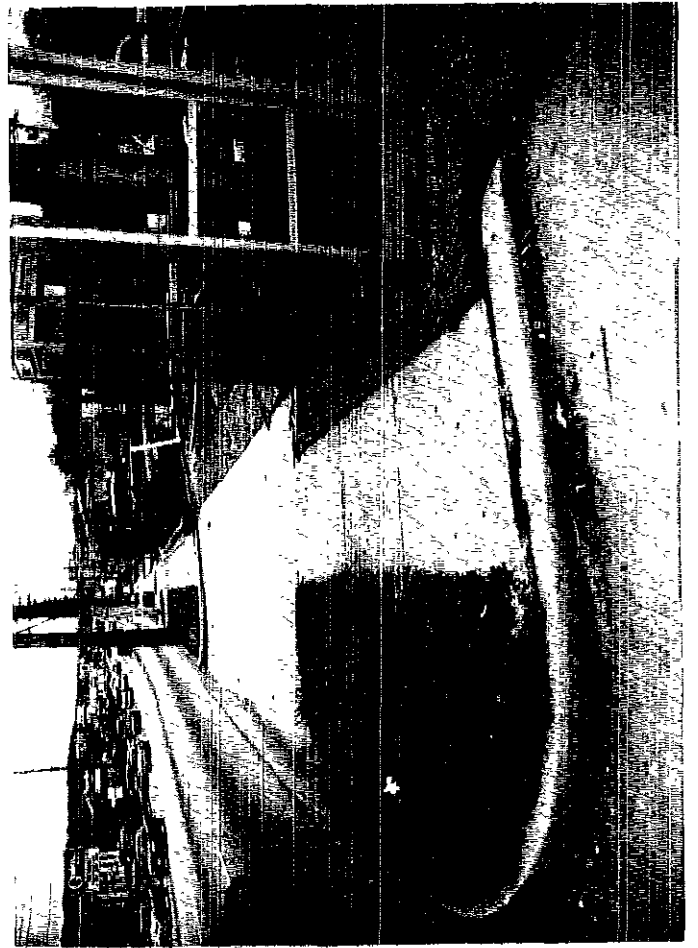
PETITIONER'S

EXHIBIT

#2

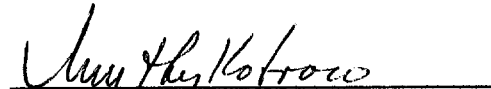






County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required 40 feet, a rear yard setback of 22 feet in lieu of the required 30 feet, and a side yard setback of 13 feet in lieu of the required 30 feet for a proposed building reconstruction, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) Landscaping of the subject site shall be in accordance with the Schematic Landscape Plan submitted into evidence as Petitioner's Exhibit 4B.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

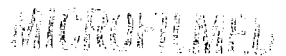
TMK:bjs

ORDER RECEIVED FOR FILING

Date

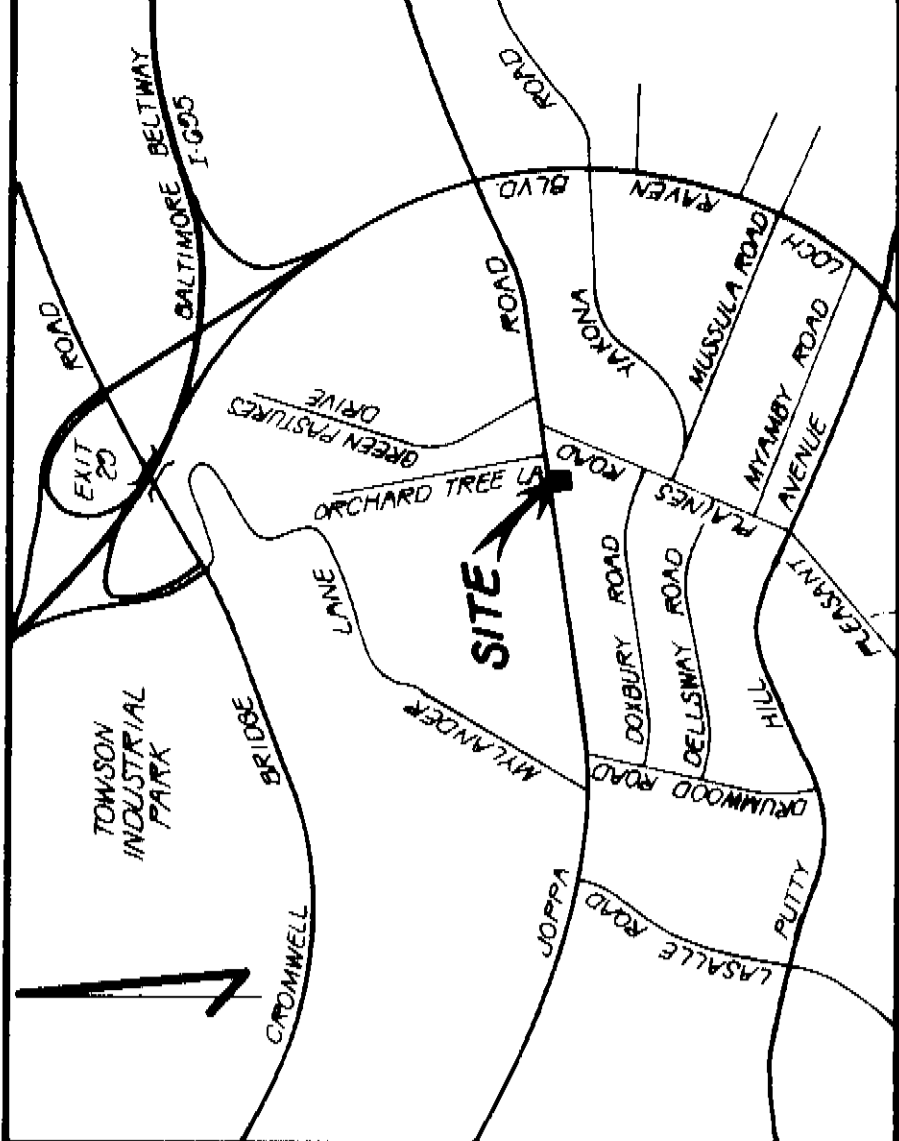
3/20/95

By









**VICINITY MAP**  
SCALE: 1" = 1000'

**Site Data**

**Applicant:** Papa John's International  
c/o EKC Associates  
915 Tyson Drive  
West Chester, Pa. 19382  
(610) 692-3146

**Owner:** Mr. Gerald E. Wehran  
Tavern Real Estate  
Ltd. Partnership  
P.O. Box 7398  
Silver Spring, Md. 20907

**Zoning:** BR-CNS

**Proposed Use:** Restaurant, Carry-Out Only

**Existing Building:** 830 Sq. Ft.

**Proposed Building:** 1149 Sq. Ft.

**Required Parking:** 5 spaces/1,000 sq. ft.  
6 Spaces required

**Proposed Parking:** 12 Spaces, inc. 2 HC

**Net Site Area:** 9908 Sq. Ft.  
0.2275 Acres

**Gross Site Area:** 12,878 Sq. Ft.  
0.2956 Acres

**F.A.R.:** 0.09

**Building Height:** One-story, ± 15 ft.

**A. Limited Exemption** under Section 26-171 (b)(9) of the Development Regulations shall be granted by the Development Review Committee on 11/19/94.

**Dead Reference:** 8488/389

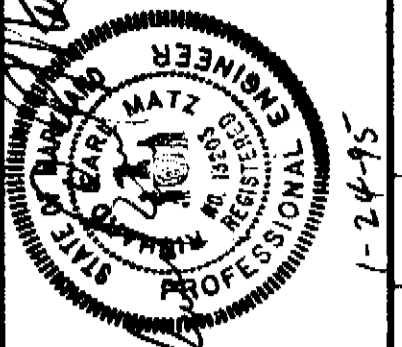
There are no wells, septic systems or underground fuel storage tanks.

**PETITIONER'S EXHIBIT 4A**

**DEVELOPMENT PLAN AND PLAN TO ACCOMPANY VARIANCE HEARING**  
**PAPA JOHN'S PIZZA**

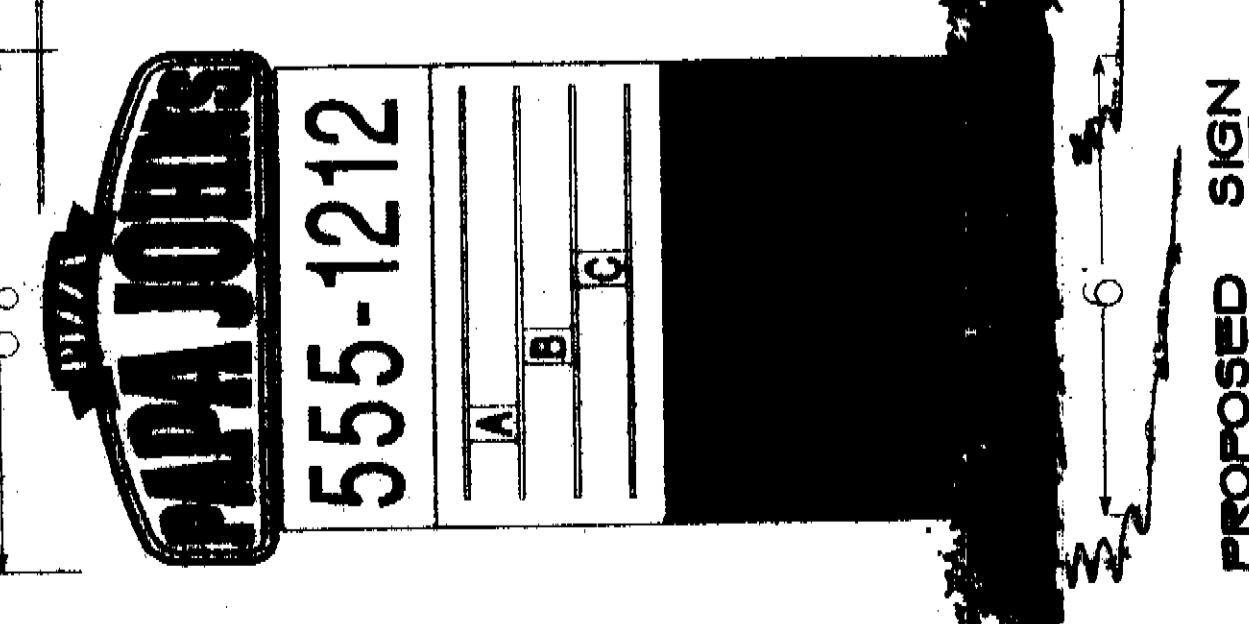
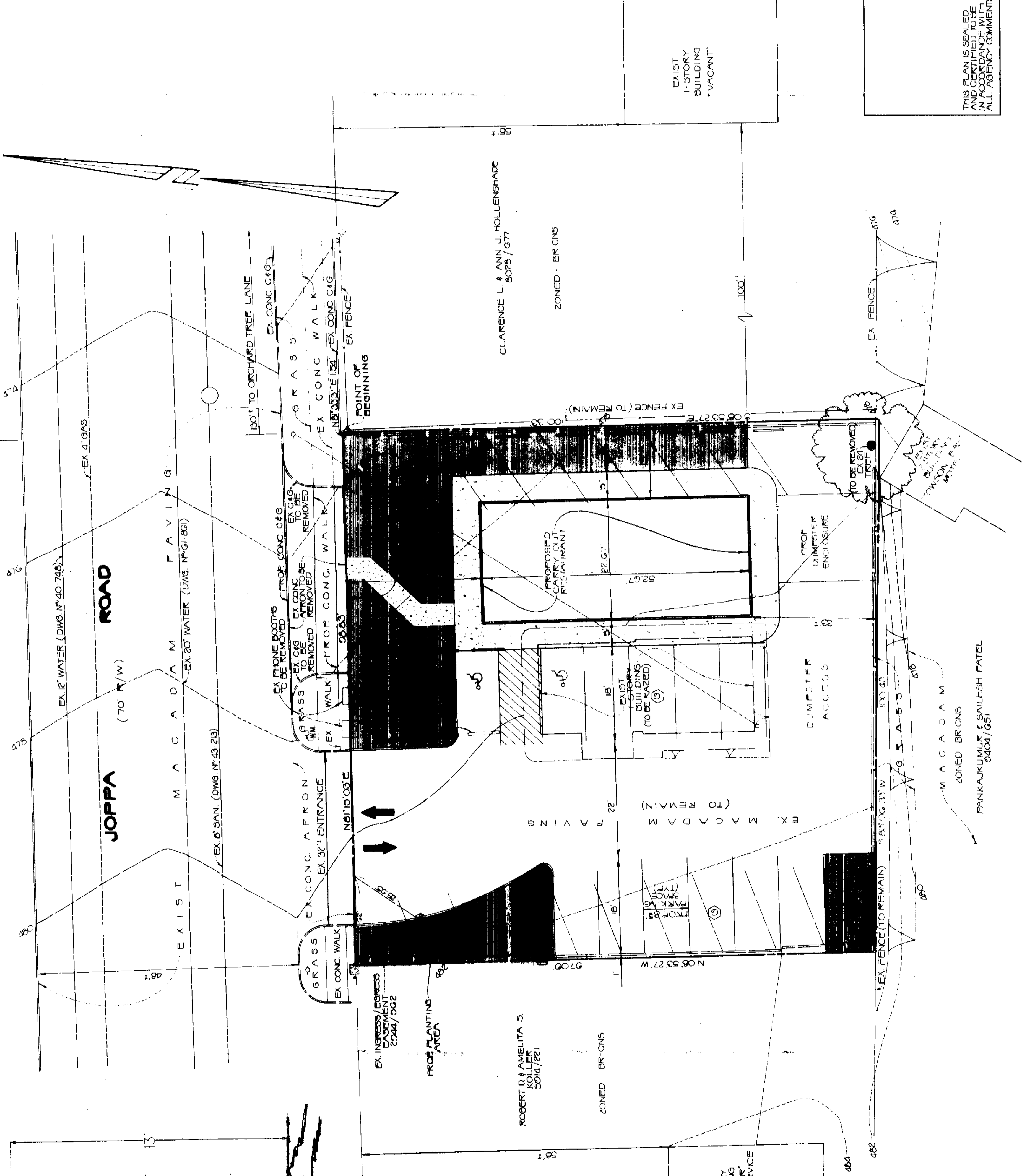
1513 JOFFA ROAD  
SECTION DISTRICT N°9 BALTIMORE COUNTY, MARYLAND  
COUNCILMANIC DISTRICT N°4  
ZADM FILE N° 1K-634  
TAX ACCT N° 0912402200  
1-200 TOWNSHIP 5C NE

MAR - 2 1995



**Robert Matz**  
**Rosenfelt & Woolfolk, Inc.**  
Civil Engineers Landscape Architects  
Land Surveyors Land Planners  
3723 Old Court Road, Suite 206  
Baltimore, Maryland 21208  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7853

NO.	DATE	REVISIONS	BY	SHEET	OF



**PROPOSED SIGN**  
NOT TO SCALE

**NOTE:**  
THIS SIGN SHALL COMPLY WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS

**NOTE**  
A VARIANCE WAS GRANTED FOR FRONT SETBACKS OF 30' IN LIEU OF 50' AND 20' IN LIEU OF 30' RESPECTIVELY, ON 1995 CASE N° 1095.

TOTAL DISTURBED AREA = 5600 SF.  
NO GRADING PROPOSED ON SITE

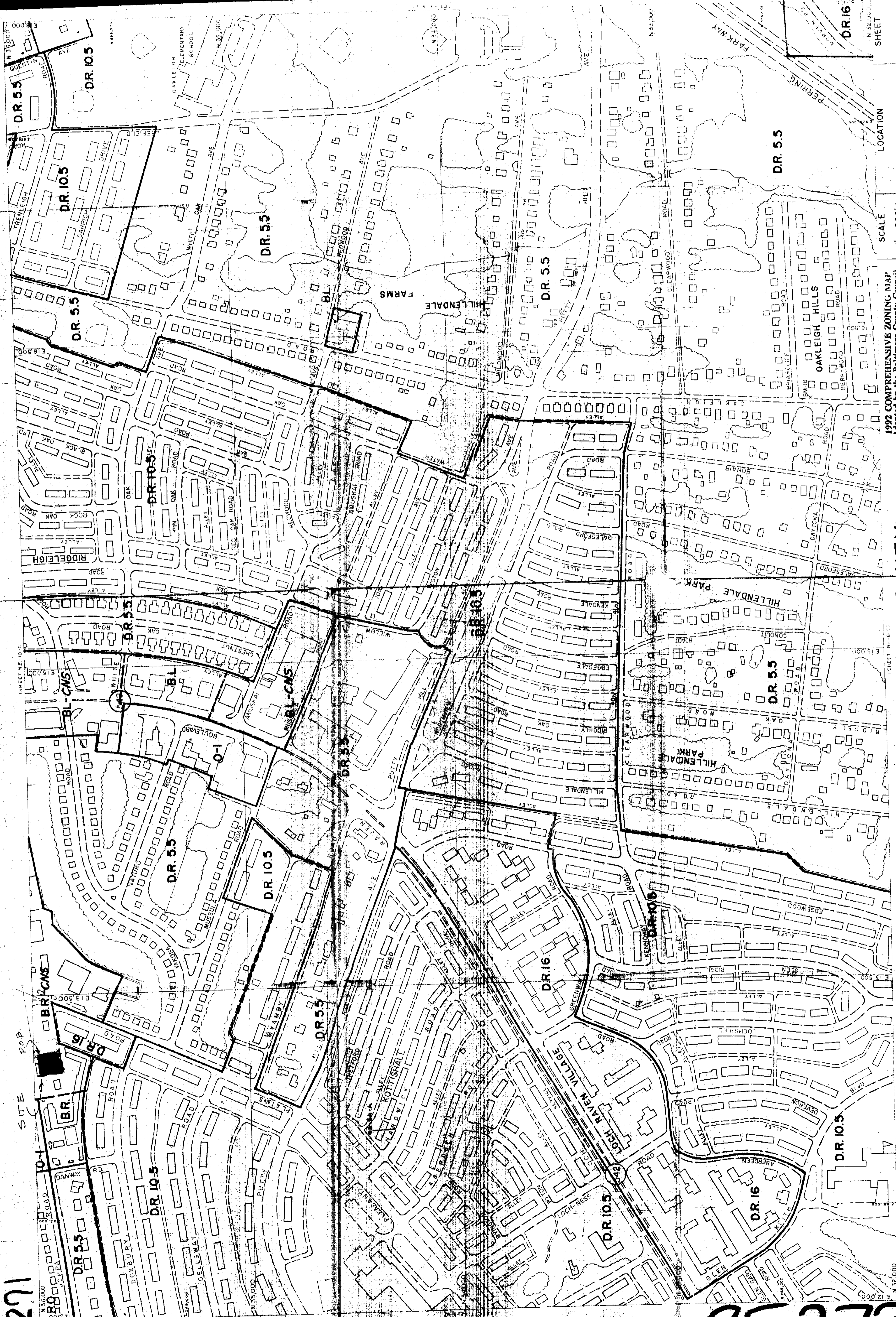
I, EDWARD GRUBER, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: 1. ANY DELINQUENT ACCOUNTS FOR ANY DEVELOPMENT IN THE PROPOSED DEVELOPMENT OF A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

*Edward Gruber*  
EDWARD GRUBER, INC.  
FOR PAPA JOHN'S (PIZZA) INTERNATIONAL, INC.

MICROFILMED

1/30/95  
DATE

271



**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William D. Howard*  
Chairman, County Council

SCALE 1" = 200' ±  
DATE OF PHOTOGRAPHY JANUARY 1986  
LOCATION BAYNESVILLE LOCHRAVEN VILLAGE

N-NW N-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY METRIC METHODS BY BUCHART-HORR, INC. BALTIMORE, MD. 21210

ACROFILMED

4495

95-273-A

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
 S/S Joppa Road, 300' W of the \* DEPUTY ZONING COMMISSIONER  
 c/l of Pleasant Plains Road (1513 Joppa Road)  
 9th Election District \* OF BALTIMORE COUNTY  
 4th Councilmanic District \* Case No. 95-273-A  
 Tavern Real Estate Ltd. Part., et al  
 Petitioners \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1513 Joppa Road, located in the Baynesville/Loch Raven Village area of Towson. The Petition was filed by the owners of the property, Tavern Real Estate Limited Partnership, by Gerald E. Wedren, President, and the Contract Purchaser/Lessee, Papa John's International, c/o EMG Associates, by Edward Grieb, Jr., through their attorney, John B. Gontrum, Esquire. The Petitioners seek relief from Sections 303.2 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required 40 feet, a rear yard setback of 22 feet in lieu of the required 30 feet, and a side yard setback of 13 feet in lieu of the required 30 feet for a proposed building reconstruction. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Richard E. Matz, Professional Engineer, and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.2956 acres, zoned B.R.-C.N.S. and was formerly the site of a Little Tavern hamburger carry-out restaurant which has

been vacant for a number of years. The Petitioners propose to remove the existing building and replace same with a new restaurant, offering carry-out only, to be known as Papa John's. The proposed improvements are more particularly described on the site plan of the property identified herein as Petitioner's Exhibit 1. Testimony and photographs submitted revealed that the property has deteriorated over the years and that the proposed improvements will provide a needed service to the community as well as revitalize the subject site. The new building will sit no closer to the rear of the property than the existing building, and although the front of the building will be closer to Joppa Road, its location on the property will not be detrimental to traffic in the area. In addition, the Petitioners will eliminate one of the two entrances to this site from Joppa Road to landscape that area, thereby leaving the site to be served by one point of ingress and egress. Furthermore, additional landscaping of the subject site is proposed in accordance with the schematic plan submitted into evidence as Petitioner's Exhibit 4B.

Testimony indicated that the proposed improvements are supported by the Towson-Loch Raven Community Council, as evidenced by a letter dated February 27, 1995, from Mrs. Dale Livingston, President. It should also be noted that no one appeared in opposition to the relief requested, which was further supported by the various Baltimore County reviewing agencies.

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;

ORDER RECEIVED FOR FILING  
 Date 3/24/95  
 By [Signature]

- 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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of March, 1995 that the Petition for Variance seeking relief from Sections 303.2 and 238.2 of the Baltimore

ORDER RECEIVED FOR FILING  
 Date 3/24/95  
 By [Signature]

County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required 40 feet, a rear yard setback of 22 feet in lieu of the required 30 feet, and a side yard setback of 13 feet in lieu of the required 30 feet for a proposed building reconstruction, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
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- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
 Date 3/24/95  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning



Suite 112 Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

March 20, 1995

(410) 887-4386

John B. Gontrum, Esquire  
 Romadka, Gontrum & McLaughlin  
 814 Eastern Boulevard  
 Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
 S/S Joppa Road, 300' W of the c/l of Pleasant Plains Road  
 (1513 Joppa Road)  
 9th Election District - 4th Councilmanic District  
 Tavern Real Estate Ltd. Part., et al - Petitioners  
 Case No. 95-273-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 887-5391.

Very truly yours,

[Signature]  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

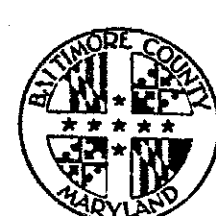
TMK:bjs

cc: Mr. Gerald E. Wedren, President, Tavern Real Estate Ltd. Part.  
 P.O. Box 7398, Silver Spring, Md. 20907

Mr. Edward Grieb, Jr., Papa John's International, c/o EMG Assoc.,  
 915 Tyson Drive, West Chester, Pa. 19382

Mr. Richard E. Matz, Colbert, Matz, Rosenfelt & Woolfolk, Inc.,  
 3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Mr. Wayne Skinner, 1817 Edgewood Road, Baltimore, Md. 21234  
 People's Counsel; 516



**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 1513 JOPPA ROAD  
 which is presently zoned BR-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Sections 303.2 AND 238.2 FOR A 25 FT. FRONT YARD SETBACK IN LIEU OF THE REQUIRED 40 FT. MAXIMUM; FOR A 22 FT. REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FT.; FOR A 13 FT. SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) IT WOULD BE A PRACTICAL DIFFICULTY TO LOCATE THE BUILDING ELSEWHERE ON THE SITE BECAUSE OF THE SMALL SIZE OF THE SITE AND THE COUNTY REQUIREMENT TO HAVE A SINGLE ENTRANCE DRIVEWAY OFF JOPPA ROAD.

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.

Controlled Purchaser:  
 PAPA JOHN'S INTERNATIONAL  
 c/o EMG ASSOCIATES  
 (Type or Print Name) [Signature]

Signature  
 915 TYSON DRIVE  
 Address  
 WEST CHESTER, PA 19382  
 City State Zipcode

Attorney for Petitioner:  
 JOHN GONTRUM, ESQ.  
 (Type or Print Name) [Signature]

Signature  
 ROMADKA, GONTRUM & MCLAUGHLIN  
 814 EASTERN BLVD., 410-686-8274  
 Address Phone No.  
 ESSEX MD 21221  
 City State Zipcode

With an attorney, declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.  
 Myself: GERALD E. WEDREN  
 (Type or Print Name) [Signature]  
 TAVERN REAL ESTATE LTD. PARTNERSHIP  
 (Type or Print Name) [Signature]

Signature  
 P.O. BOX 7398  
 Address  
 SILVER SPRING MD 20907  
 City State Zipcode

Name, Address and phone number of representative to be contacted:  
 RICHARD E. MATZ  
 COLBERT MATZ ROSENFELT & WOOLFOLK, INC.  
 Address Phone No.  
 3723 OLD COURT RD., #206 410-653-3838  
 BALTIMORE MD 21208  
 City State Zipcode

Signature  
 3723 OLD COURT RD., #206 410-653-3838  
 BALTIMORE MD 21208  
 City State Zipcode

ESTIMATED LENGTH OF HEARING (Responsible for Hearing)  
 the following date: \_\_\_\_\_  
 ALL OTHER: \_\_\_\_\_  
 REVISIONS BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Drop - Off  
 No Review  
 2-2-95 WCR  
 [Stamp]

**Colbert Matz Rosenfelt & Woolfolk, Inc.**  
 Civil Engineers - Landscape Architects - Land Surveyors - Land Planners



95-273-A

**ZONING DESCRIPTION**

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATED IN THE NINTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF JOPPA ROAD, 70 FEET WIDE, SAID POINT OF BEGINNING BEING DISTANT 250 FEET MORE OR LESS FROM THE NORTHWEST SIDE OF PLEASANT PLAIN ROAD AS MEASURED ALONG SAID SOUTH SIDE JOPPA ROAD, RUNNING THENCE BINDING ON THE OUTLINE OF THE LAND CONVEYED TO TAVERN REAL ESTATE LIMITED PARTNERSHIP BY DEED RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 8488 PAGE 389 THE FOLLOWING THREE (3) COURSES: (1) SOUTH 08 DEGREES 53 MINUTES 27 SECONDS EAST 100.33 FEET, (2) SOUTH 83 DEGREES 06 MINUTES 33 SECONDS WEST 100.43 FEET, AND (3) NORTH 08 DEGREES 53 MINUTES 27 SECONDS WEST 97.09 FEET TO SAID SOUTH SIDE JOPPA ROAD, THENCE BINDING ON SAID SOUTH SIDE, THE FOLLOWING TWO (2) COURSES: (4) NORTH 81 DEGREES 15 MINUTES 03 SECONDS EAST 98.83 FEET AND (5) NORTH 81 DEGREES 33 MINUTES 31 SECONDS EAST 1.5 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

CONTAINING 0.23 OF AN ACRE OF LAND MORE OR LESS.

J:\COLBERT\DESCR\94155.zon



3723 Old Court Road, Suite 206  
 Baltimore, Maryland 21208

Telephone: (410) 653-3838  
 Facsimile: (410) 653-7553

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

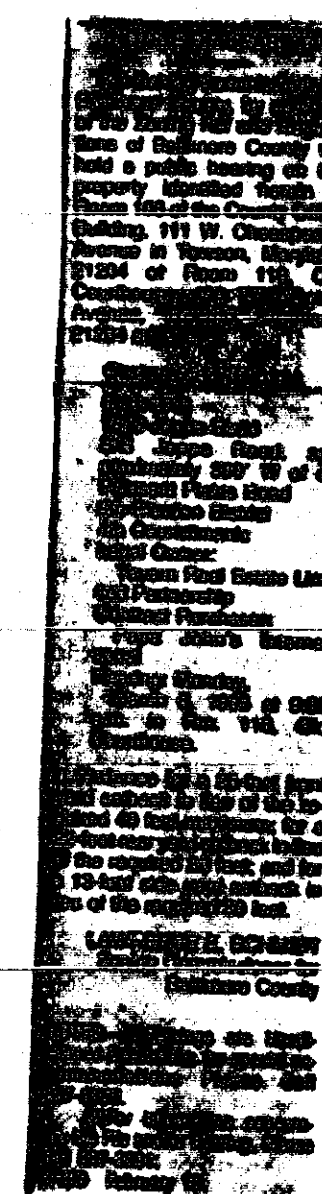
District: 9th Date of Posting: 3/17/95  
 Posted for: Variance  
 Petitioner: Tavern Real Estate Ltd. Partnership, c/o Papa John's  
 Location of property: 1513 Joppa Rd., Jh  
 Location of Sign: [Signature]  
 Remarks:  
 Posted by: [Signature] Date of return: 3/17/95  
 Number of Signs: 1

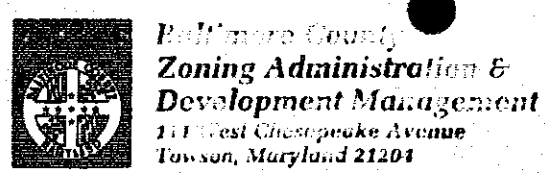
**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 2116, 1995

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/16/95.

THE JEFFERSONIAN,  
 A. Henikson  
 LEGAL AD. - TOWSON





receipt  
75-273-A

Account #0014150  
Number 271 (WCR)  
DROP-OFF — NO REVIEW

Number 271 (WCR)

LTD Ex  
#95-024-2

#020 - ZONING VARIANCE \$250.00  
#030 - SIGN POSTING 35.00  
TOTAL \$285.00

Legal Owner - Tavern Real Estate Ltd. Partnership  
Contract Purchaser - Papa John's International  
1513 Joppa Road  
Aveoysen - 23 +/- acre  
District: 964  
Zoning: B.R.-C.N.S.  
Attorney: John Gontrum

Check From:  
I2MG Associates, Inc.

Limited Exemption Granted on 12/19/94 by DRC

RECEIVED FEB 24 1995  
BALTIMORE COUNTY ZONING ADMINISTRATION

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUBLISHING COMPANY  
Feb. 16, 1995 Issue - Jeffersonian

Please forward billing to:

John Gontrum, Esq.  
814 Eastern Boulevard  
Essex, MD 21221  
410-686-8374

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-273-A (Item 271)  
1513 Joppa Road  
5/8 Joppa Road, approximately 300' W of c/l Pleasant Plains Road  
9th Election District - 4th Councilmanic  
Legal Owner: Tavern Real Estate Limited Partnership  
Contract Purchaser: Papa John's International  
HEARING: MONDAY, MARCH 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse

Variance for a 25-foot front yard setback in lieu of the required 40 feet median; for a 22-foot rear yard setback in lieu of the required 30 feet; and for a 13-foot side yard setback in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-273-A (Item 271)  
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5/8 Joppa Road, approximately 300' W of c/l Pleasant Plains Road  
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*Carl John*

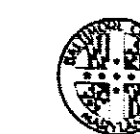
Arnold Jablon  
Director

cc: Tavern Real Estate Ltd. Partnership  
Richard E. Nitz  
Papa John's International/DWG Associates  
John Gontrum, Esq.

NOTES: (1) ZONING SIGN & FOOT MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 27, 1995

John Gontrum, Esquire  
814 Eastern Blvd.  
Essex, Maryland 21221

RE: Item No.: 271  
Case No.: 95-273-A  
Petitioner: Papa John's Int'l.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 2, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

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

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Ervin McDaniel & Jeff Long DATE: 2/16/95

FROM: Diana Itter  
Office of Planning & Zoning

VIA: Gary Kerns

SUBJECT: Combined comment for Papa John's - 1513 Joppa Rd.  
Limited Exemption Development Plan and Variance  
ZADM No. IX-634 and Item 271

This site is located along the Joppa Road commercial corridor within an area designated as "Community Conservation, Outer Neighborhoods," in the adopted Towson Community Plan and in the adopted Loch Raven Village Community Conservation Plan. This portion of Joppa Road has the typical problems associated with major commercial corridors --- high volumes of traffic, frequent curb cuts, lack of shared driveways, inadequate landscape treatment and visual clutter due to the number and size of signs.

Building setback Variances from the front, side and rear yard setback requirement have been requested due to the small size of the site.

The Loch Raven Village Community Conservation Plan discusses the need for more landscaping and some physical improvements to enhance the image of the Joppa Road commercial corridor.

The site plan for the proposed carry-out restaurant shows the elimination of one curb cut along Joppa Road and a substantial landscaped area along the property frontage extending into the side yard. Both items are consistent with the aforementioned plan. The specific plant materials shown on the schematic landscape plan need some adjustments in order to be consistent with those utilized on other recent redevelopment sites located on Joppa Road, i.e. Pars Auto and National Tire Warehouse. Along Joppa Road, a low juniper should be substituted for the European cranberry which is too large to allow for visibility into the site. Cherry trees should be substituted for the Hawthornes adjacent to the side of the parking lot. The fountain grass should be relocated. These details will be discussed with the county's landscape architect.

A sign detail has been provided for a free-standing sign 13' in height and 45.69' per side which complies with both the current and proposed sign regulations. It is recommended that the 12' high sign be substituted as proposed for the York Road Papa John's. That sign has a better relationship between the phone number and the surrounding space and complies with the proposed sign regulations which state that the building address should be on the sign; it could be added to the green base of the sign. It is recommended that the sign detail should be part of the development/variance plan.

DI  
PAPAJ/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: February 23, 1995

SUBJECT: 1513 Joppa Rd. (Papa John's)

INFORMATION:

Item Number: 271

Petitioner: Papa John's International

Property Size:

Zoning: BR-CNS

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The attached combined Limited Exception and Variance comment reflects the position of this office regarding the subject property.

Prepared by: *Jeffery W. Long*

Division Chief: *Gary L. Kerns*

PK/JL

271/PZONE/TXTJWL

Pg. 1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 21, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for February 21, 1995  
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. A schematic landscape plan should be submitted. The landscaping should continue the landscape theme of the nearby, approved Pars Auto and National Tire Warehouse developments. We are reviewing the Limited Exemption Plan for this site and our comments will be forthcoming.

RWB:gw



Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500 (410) 887-4500

DATE: 02/16/95

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

RE: Property Owner: TAVERN REAL ESTATE LIMITED PARTNESHIP  
LOCATION: S/S JOPPA RD. APPROXIMATELY 300' W OF CENTERLINE PLEASANT PLAINS RD. (1513 JOPPA RD.)  
Item No.: E71 Zoning Agenda: VARIANCE

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.

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", 1971 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SALERWALD  
Fire Marshal Office, PHONE 897-4881, M3-1102F

cc: File

Printed on Recycled Paper

RECEIVED  
FEB 21 1995  
ZADM

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Katsoff  
Administrator

2-20-95

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

Re: Baltimore County  
Item No.: 7371 (WCE)

Dear Ms. Watson:

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,  
for *Bob Small*  
Ronald Burns, 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  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: FEB 14 1995

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: FEB. 13, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 264  
267  
268  
271  
272  
273

LS:sp  
LETTYZ/DEPRM/TXTSBB

*N. Bruce Seely*  
2-14-95

BALTIMORE COUNTY, MARYLAND  
OFFICE OF ZONING ADMINISTRATION  
and  
DEVELOPMENT MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth - SWM DATE: February 2, 1995  
Mr. Stewart - EIRD  
Mr. Seely - WES  
Mr. Richards - ZADM, Development Control  
Ms. Burke - ZADM, Street Names & House Numbers  
Mr. Bowling - DED (2)  
Capt. Paul - Fire Dept. - M.S. 1102 F  
Mr. Grossman - Rec & Parks  
Mr. Small - SHA (3)  
Mr. McDaniel - Strategic Plan., Development Review (3)

FROM: Susan Wimbley

SUBJECT: Project Name: Papa John's Joppa Road  
ZADM No.: IX-634  
Project No.: 95024 Z  
District: 9 c 4  
Engineer: Colbert, Matz, Rosenfeld  
and Woolfolk  
Phone No.: 653-3838

ACTION REQUESTED:  
 Waived CRG Meeting  
 CRG Non-material Amendment  
 Limited Exemption (26-171.b.3)  
 Waived Hearing Officer Hearing

\*\*\*\*\*  
Please indicate here +  
if your Agency requests +  
The Office of Law/Real +  
Estate to acquire +  
\*\*\*\*\*  
REQUESTED BY: +  
HIGHWAY WIDENING +  
\*\*\*\*\*  
FOREST BUFFER +  
GREENWAY +  
FLOOD PLAIN +  
DRAIN/UTIL EASE +  
PUBLIC WORKS AGREE +  
FOREST CONSERVATION +  
None of the Above +

Please review the attached plan for compliance with current regulations and return comments to our office by February 23, 1995. If you have initials here (This procedure is similar to the waived CRG meeting procedure.) NONRESPONSIVENESS BY THE AFOREMENTIONED DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.

Thank you for your timely attention to our request.

SDW:bje

PAPA JOHN'S  
1513 Joppa Road  
95-024-Z

Limited Exemption Plan Review  
Plan Date: 12/94  
Comments Due: 2/23/95  
Comments Date: 2/15/95  
Comments Completed: 2/15/95

Final zoning approval is contingent first upon all plan comments being addressed on the limited exemption B-9 plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the blue commercial checklist information being included on the building permit site plans.

- State the requested variances on the plan.
- Show and dimension any signs and add note that any sign(s) shall comply with Section 413 of the Baltimore County Zoning Regulations (BCZR).
- Add the type of paving of the parking lot.
- Landscaping must be submitted to and approved by Avery Harden of the Developers Engineering Section (887-3751).

Any requests for further information from the Zoning Office must include a reference to the limited file #95-024-Z and written correspondence or revised plans must be accompanied by a copy of these comments.

*John J. Sullivan, Jr.*  
JOHN J. SULLIVAN, JR.  
Planner II

JJS:scj  
Item #271

Baltimore County Government  
Office of Zoning Administration  
and Development Management

Chesapeake Avenue  
J 21204 (410) 887-3353

February 15, 1995

John Gontrum, Esquire  
Romadka, Gontrum, and McLaughlin  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #271)  
Legal Owner: Tavern Real Estate Limited Partnership  
Contract Purchaser: Papa John's International  
1513 Joppa Road  
Limited Exemption File #95-024-Z  
9th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

- Need printed or typed title of Gerald Wedren, along with authorization to sign for Tavern Real Estate Limited Partnership.
- Need telephone number for the legal owner.
- Need to have printed or typed name and title of person signing for contract purchaser. Also need to have authorization for this person to sign for Papa John's International.

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on Recycled Paper

John Gontrum, Esquire  
February 15, 1995  
Page 2

- Show and dimension any proposed free-standing signs and add note that any sign(s) shall comply with Section 413 of the Baltimore County Zoning Regulations and all zoning policies.
- Add type of (parking lot) paving.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,  
*John J. Sullivan, Jr.*  
John J. Sullivan, Jr.  
Planner II

JJS:scj  
Enclosure (receipt)

cc: Zoning Commissioner  
Susan Wimbley  
Limited Exemption File

IMPORTANT MESSAGE

TO: \_\_\_\_\_ AM  
DATE: \_\_\_\_\_ P.M.  
M: *Walter*  
OF: *1813 Joppa Road*  
PHONE: *661 8249*  
FAX: \_\_\_\_\_

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	RETURNED YOUR CALL
WANTS TO SEE YOU	WILL CALL AGAIN
WILL FAX YOU	URGENTI

Message: *Call # 95-024-Z*  
*send copy to [unclear] when needed*

Signed: \_\_\_\_\_

RE: PETITION FOR VARIANCE  
1513 Joppa Road, S/S Joppa Road, appx.  
300' W of c/l Pleasant Plains Road,  
9th Election Dist., 4th Councilmanic

Tavern Real Estate Limited Partnership  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-273-A

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

*Charles S. Demilio*  
CHARLES S. DEMILIO  
Deputy People's Counsel  
Room 41, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

February 27, 1995

Mr. Lawrence E. Schmidt Zoning Commissioner Baltimore County Government Suite 113, Courthouse 400 Washington Avenue Towson, MD 21204

RE: #95-273-A (Item 271) Papa John's International

Dear Mr. Schmidt:

The Towson-Loch Raven Community Council, Inc. (TLRCC) is an umbrella organization composed of 12 neighborhood associations and one community service group. We represent over 5,500 households in central Baltimore County.

The purpose of this letter is to comment on Papa John's request for variances. But first, I would like to inform you of our earlier involvement with this proposed project.

On December 19, 1994, the Development Review Committee heard Papa John's request for a limited exception. For this hearing, TLRCC provided the Office of Planning & Zoning with written comments outlining our concerns. In summary, TLRCC was interested in how the proposed redevelopment of this site responds to the concerns listed in the adopted Loch Raven Village Community Conservation Plan (April 1992). Specifically, the LRVCC Plan's section on commercial corridors (page 42) focusing on the need to address the existing multiple curb cuts, visual clutter and minimal landscaping along this section of East Joppa Road.

TLRCC is NOT opposed to Papa John's redevelopment of the former Little Tavern site, we just wanted to know more about their intentions regarding the existing two curb cuts (is it possible to have just one?) and their landscaping plans. TLRCC's concern is consistent with our actions regarding two other sites along our area of E. Joppa Road - Pars Auto Service (1766 E. Joppa Road) and National Tire Warehouse (1909 E. Joppa Road) - both cases heard by the Zoning Commissioner's office.

Shortly after the DRC meeting, Wayne Skinner, former TLRCC president and current board member, met with Don Godsey (Papa John's) and Richard Matz (project engineer) to discuss TLRCC's concerns about the E. Joppa Road site. This meeting started a dialogue between Messrs. Matz and Skinner.

OVER

3/1/95 TC AS-to CEF 880-95

Papa John's recognized the community's concern and has agreed to reduce their curb cuts from two to one and is proposing an arbor along E. Joppa Road for landscaping. TLRCC is deferring to Baltimore County the actual landscaping design (what's to be planted) and the final design of the sign.

In concluding, TLRCC acknowledges and thanks Papa John's for being very cooperative with us. We welcome them to our area and we look forward to their grand opening in the near future.

If you need to contact TLRCC further about this matter, it can be reached at (H) 821-0224 or you can contact Wayne Skinner at (H) 661-8249 or (W) 225-5755.

Sincerely, Dale Livingston Mrs. Dale Livingston President

cc: Don Godsey (Papa John's International, Inc.) Richard E. Matz (Colbert Matz Rosenfelt & Woolfolk, Inc.) John Gontrom (attorney for Papa John's) Diana Utter (Office of Planning & Zoning) Jean Marie Stockdale, Knettishall Frank Strouwer, Loch Raven Village Wayne Skinner, Loch Raven Village

TLRCC Membership:

- Crowwood, Coventry & Satyr Hill, Cromwell Valley, Fellowship Forest, Glendale-Glenmont, Hillendale, Hillendale Park, Knettishall, Loch Raven Estates, Loch Raven Village, Northbrook, Pelhamwood, Ridgely, Towson Estates

TO Baltimore County Zoning Office 111 W. Chesapeake Ave. Jowson, Md. 21204

Form with fields for DATE (1/24/95), JOB NO (94105), ATTENTION (Papa John's Plaza 291), and VARIANCE REQUEST (1513 Joppa Road).

WE ARE SENDING YOU Attached Under separate cover via the following items: Shop drawings, Prints, Plans, Samples, Specifications, Copy of letter, Change order, Misc.

Table with columns COPIES, DATE, NO., and DESCRIPTION. Includes items like signed petitions, sealed plat, sealed association, etc.

THESE ARE TRANSMITTED as checked below: For approval, For your use, As requested, For review and comment, FOR BIDS DUE, Approved as submitted, Approved as noted, Returned for corrections, PRINTS RETURNED AFTER LOAN TO US

REMARKS: BILL ADVERTISING TO ED GRUBER ENG ASSOCIATES 915 TYSON DRIVE WEST CHESTER PA 19382 RECEIVED JAN 30 1995

COPY TO WCR Judy Elbam called back. Dick Matz said there are no violations + JS has thoroughly reviewed this twice PS - she wasn't very nice!

February 27, 1995

Mr. Lawrence E. Schmidt Zoning Commissioner Baltimore County Government Suite 113, Courthouse 400 Washington Avenue Towson, MD 21204

RESPONSE TO THE ZONING COMMISSIONER'S EXHIBIT 3

RE: #95-273-A (Item 271) Papa John's International

Dear Mr. Schmidt:

The Towson-Loch Raven Community Council, Inc. (TLRCC) is an umbrella organization composed of 12 neighborhood associations and one community service group. We represent over 5,500 households in central Baltimore County.

The purpose of this letter is to comment on Papa John's request for variances. But first, I would like to inform you of our earlier involvement with this proposed project.

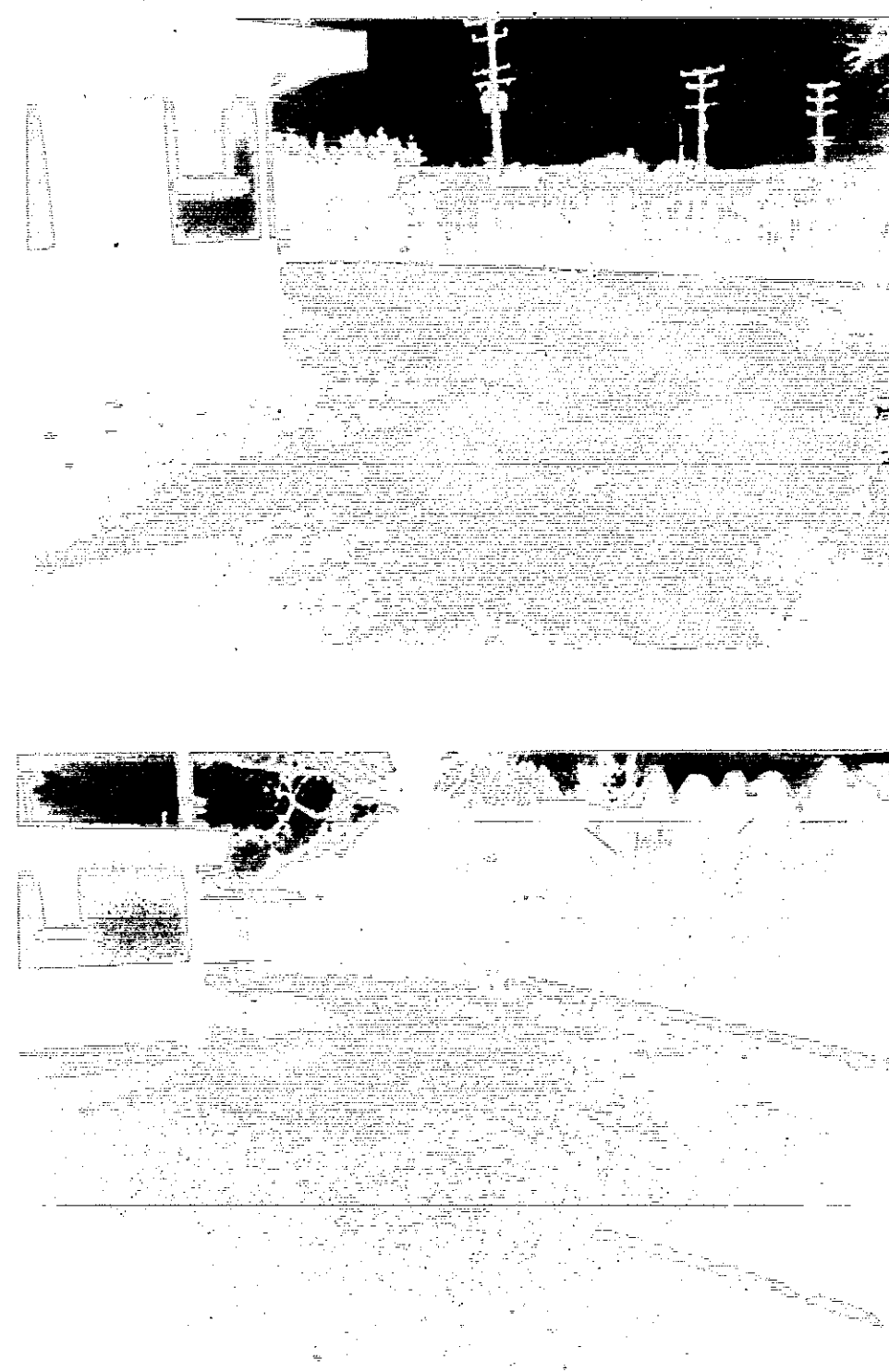
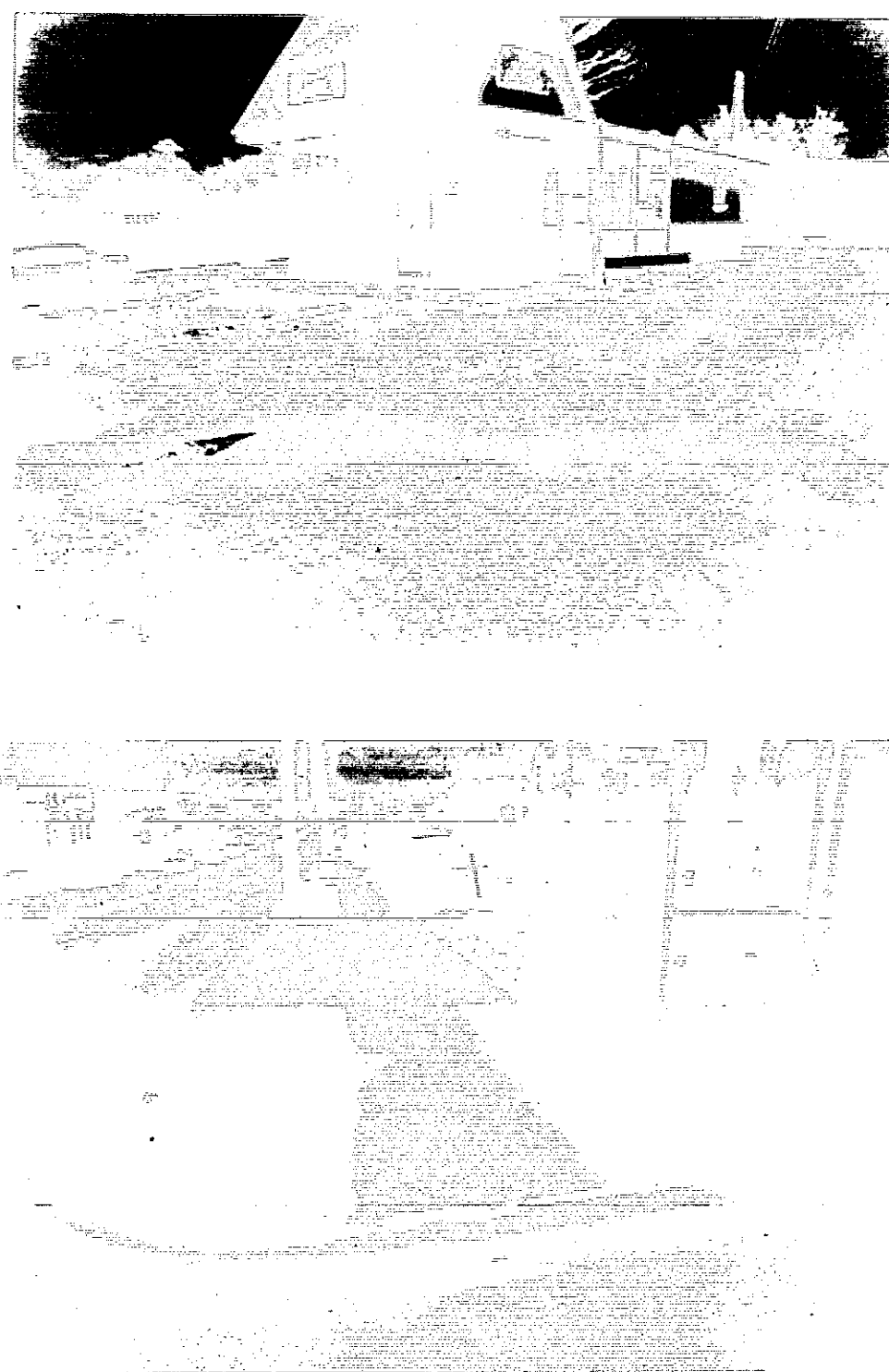
On December 19, 1994, the Development Review Committee heard Papa John's request for a limited exception. For this hearing, TLRCC provided the Office of Planning & Zoning with written comments outlining our concerns. In summary, TLRCC was interested in how the proposed redevelopment of this site responds to the concerns listed in the adopted Loch Raven Village Community Conservation Plan (April 1992). Specifically, the LRVCC Plan's section on commercial corridors (page 42) focusing on the need to address the existing multiple curb cuts, visual clutter and minimal landscaping along this section of East Joppa Road.

TLRCC is NOT opposed to Papa John's redevelopment of the former Little Tavern site, we just wanted to know more about their intentions regarding the existing two curb cuts (is it possible to have just one?) and their landscaping plans. TLRCC's concern is consistent with our actions regarding two other sites along our area of E. Joppa Road - Pars Auto Service (1766 E. Joppa Road) and National Tire Warehouse (1909 E. Joppa Road) - both cases heard by the Zoning Commissioner's office.

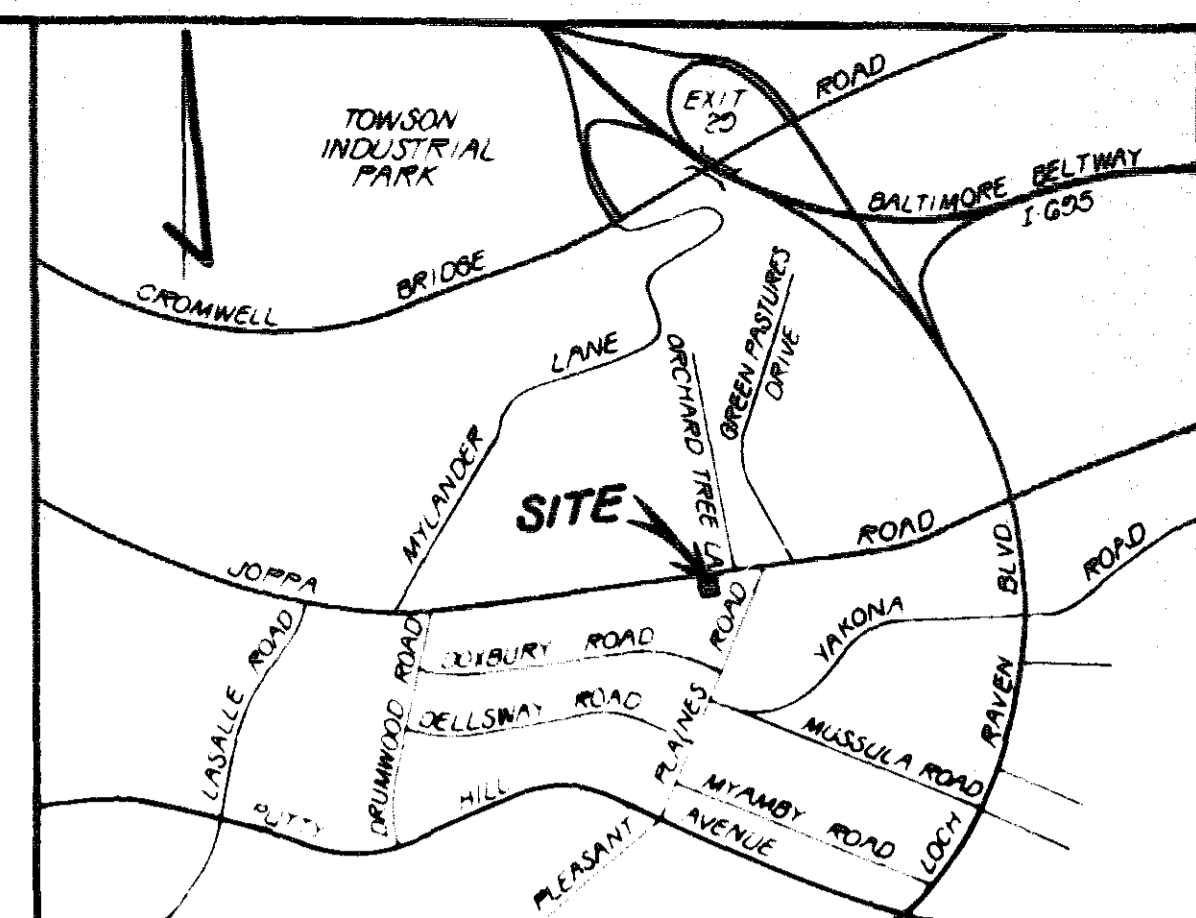
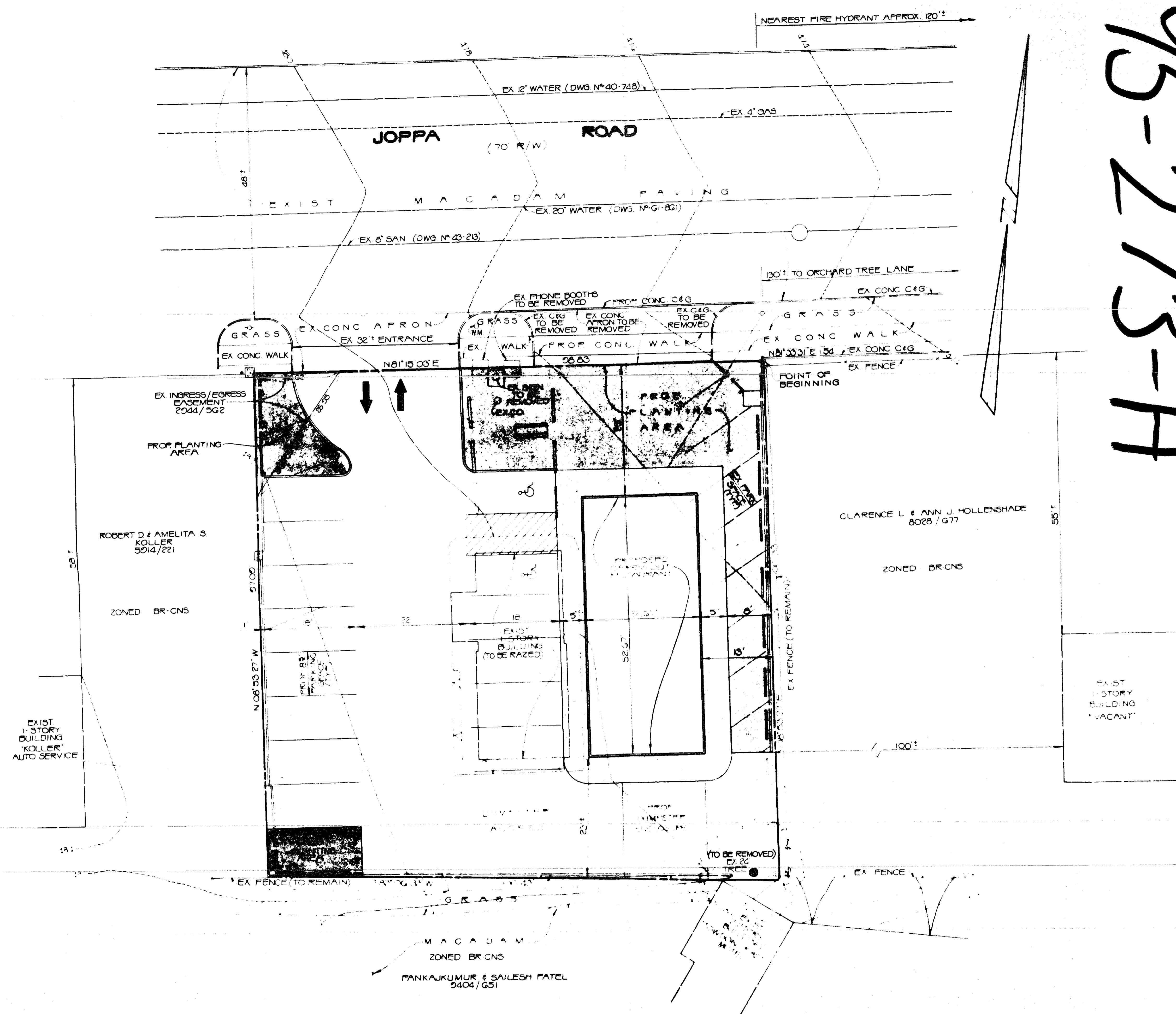
Shortly after the DRC meeting, Wayne Skinner, former TLRCC president and current board member, met with Don Godsey (Papa John's) and Richard Matz (project engineer) to discuss TLRCC's concerns about the E. Joppa Road site. This meeting started a dialogue between Messrs. Matz and Skinner.

OVER

Pittiner's Exhibit 2 4 photographs Case 95-273-A



# 95-273-A



**VICINITY MAP**  
SCALE: 1" = 100'

**Site Data**

**Applicant:** Papa John's International  
c/o EMG Associates  
915 Tyson Drive  
West Chester, Pa. 19382  
(610) 692-3346

**Owner:** Mr. Gerald E. Wedren  
Tavern Real Estate  
Ltd. Partnership  
P.O. Box 7398  
Silver Spring, Md. 20907

**Zoning:** BR-CNS

**Proposed Use:** Restaurant, Carry-Out Only

**Existing Building:** 830 Sq. Ft.

**Proposed Building:** 1149 Sq. Ft.

**Required Parking:** 5 spaces/1,000 sq. ft.  
6 Spaces required

**Proposed Parking:** 14 Spaces, inc. 2 HC

**Net Site Area:** 9908 Sq. Ft.  
0.2275 Acres

**Gross Site Area:** 12,878 Sq. Ft.  
0.2956 Acres

**F.A.R.:** 0.09

**Building Height:** One-story, ± 15 ft.

A Limited Exemption under Section 26-171 (b) (9) of the Development Regulations was granted by the Development Review Committee on 12/19/94.

## PETITIONER'S EXHIBIT 1

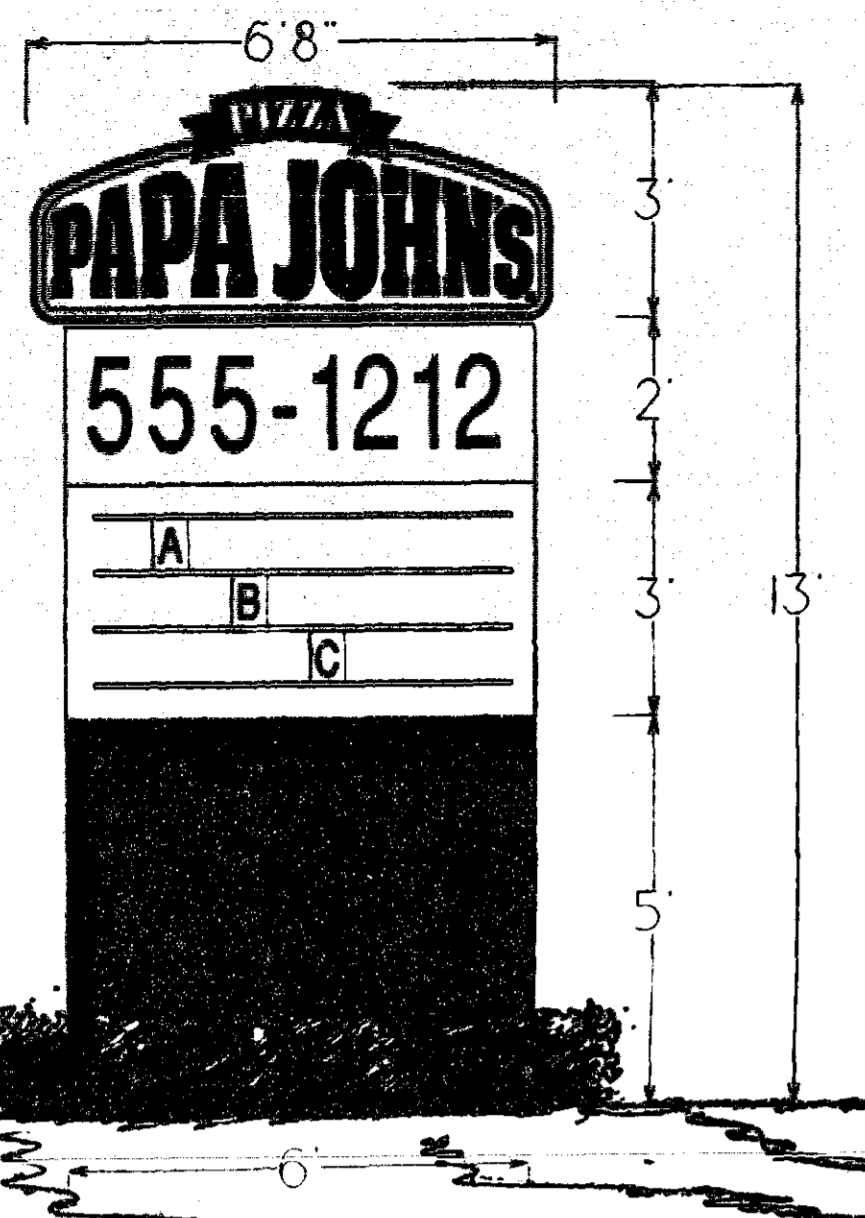
**DEVELOPMENT PLAN AND PLAN TO ACCOMPANY VARIANCE HEARING**  
**PAPA JOHN'S PIZZA**  
1513 JOPPA ROAD  
ELECTION DISTRICT NO. 6 BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 10' DECEMBER 14, 1994  
COUNCILMANIC DISTRICT NO. 4

JAN 24 1995

**Colbert Matz**  
**Rosentfeld & Woolfolk, Inc.**  
Civil Engineers Landscape Architects  
and Surveyors Land Planners  
3723 Old Court Road, Suite 206  
Baltimore, Maryland 21208  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7953

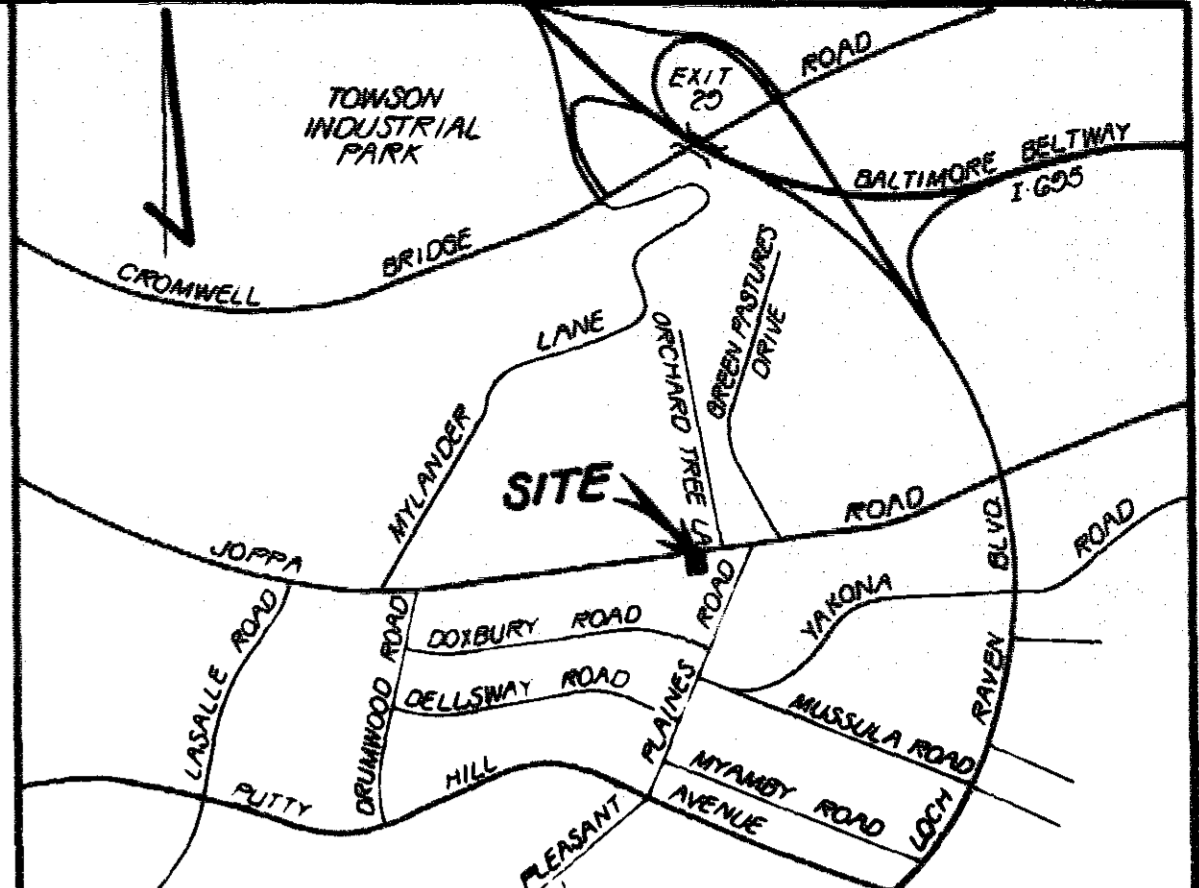
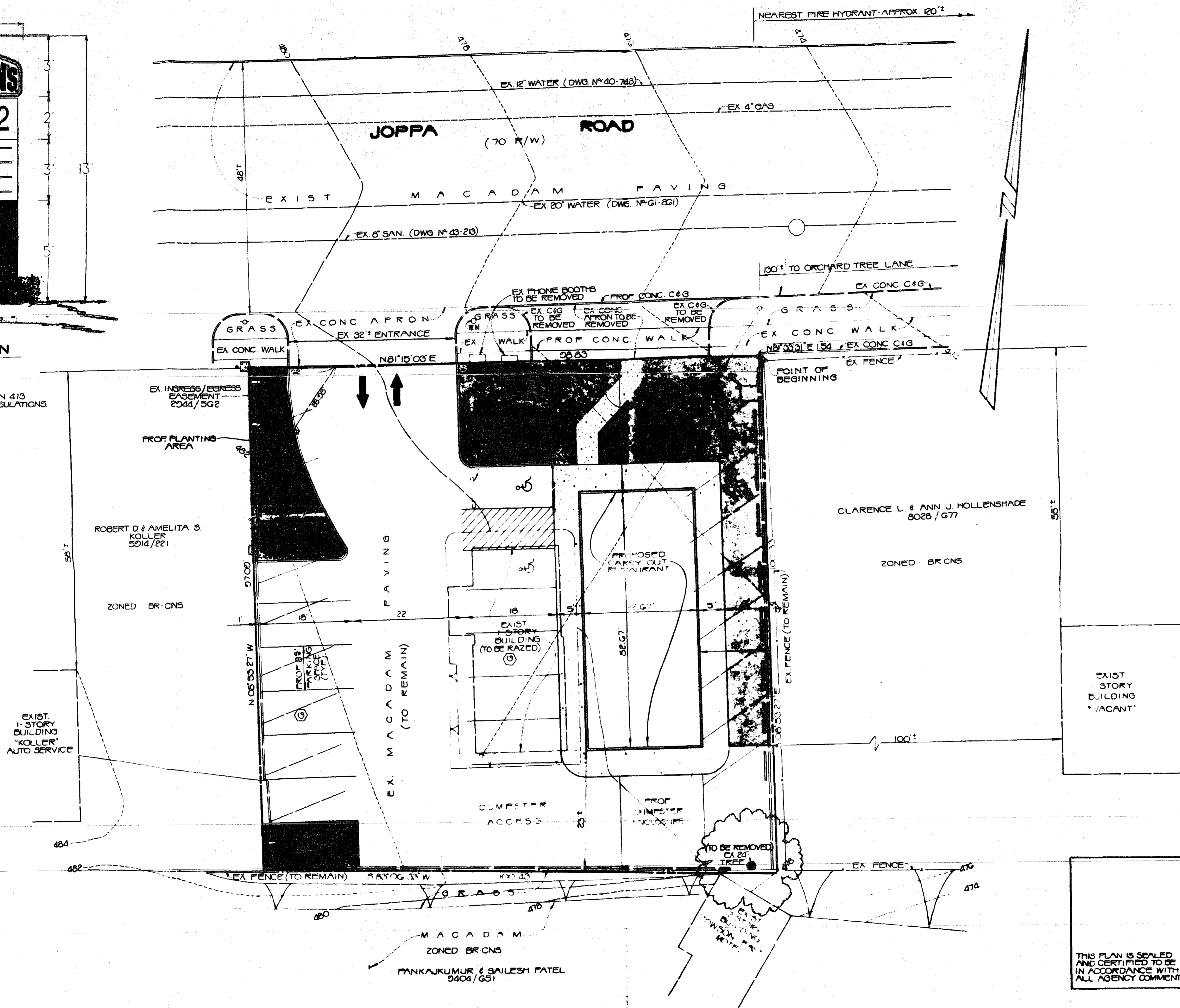
SCALE: 1" = 10'	DATE: DECEMBER, 1994
JOB NO: 04100	DESIGNED: M.E.K.
DRAWN: M.E.K.	CHECKED:
FILE:	DRAWING NUMBER:
NO.	DATE
REVISIONS	BY
SHEET	OF

# 271



**PROPOSED SIGN**  
NOT TO SCALE

**NOTE:**  
THIS SIGN SHALL COMPLY WITH SECTION 413 OF THE BALTIMORE COUNTY ZONING REGULATIONS



**VICINITY MAP**  
SCALE: 1" = 1000'

**Site Data**

**Applicant:** Papa John's International  
c/o EMG Associates  
915 Tyson Drive  
West Chester, Pa. 19382  
(610) 692-3346

**Owner:** Mr. Gerald E. Hedren  
Tavern Real Estate  
Ltd. Partnership  
P.O. Box 7398  
Silver Spring, Md. 20907

**Zoning:** BR-CNS

**Proposed Use:** Restaurant, Carry-Out Only

**Existing Building:** 930 Sq. Ft.

**Proposed Building:** 1149 Sq. Ft.

**Required Parking:** 5 spaces/1,000 sq. ft.  
6 Spaces required

**Proposed Parking:** 12 Spaces, inc. 2 BC

**Net Site Area:** 9908 Sq. Ft.  
0.2275 Acres

**Gross Site Area:** 12,878 Sq. Ft.  
0.2956 Acres

**F.A.R.:** 0.09

**Building Height:** One-story, ± 15 ft.

A Limited Exemption under Section 26-171 (b) (9) of the Development Regulations was granted by the Development Review Committee on 12/19/94.

Deed Reference: 6488/380

There are no wells, septic systems or underground fuel storage tanks.

**PETITIONER'S EXHIBIT 4A**

**DEVELOPMENT PLAN AND PLAN TO ACCOMPANY VARIANCE HEARING**  
**PAPA JOHN'S PIZZA**  
1513 JOPPA ROAD  
ELECTION DISTRICT NO. 9 BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 10'  
COUNCILMANIC DISTRICT NO. 4 DECEMBER 14, 1994  
ZADM FILE NO. 1X-G34  
TAX ACCT NO. 0012402200  
1" = 200' TOPO SC NE  
MAR - 2 1995

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH ALL AGENCY COMMENTS

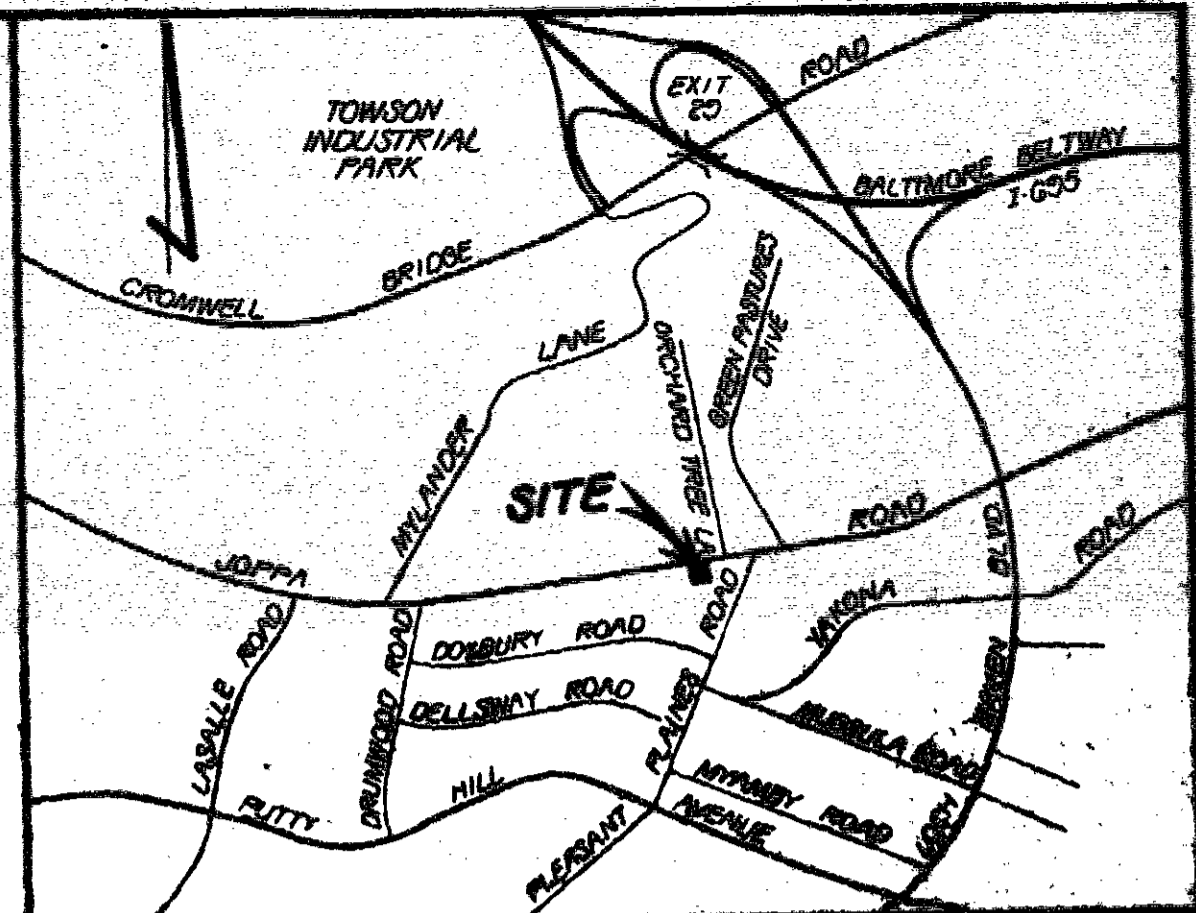
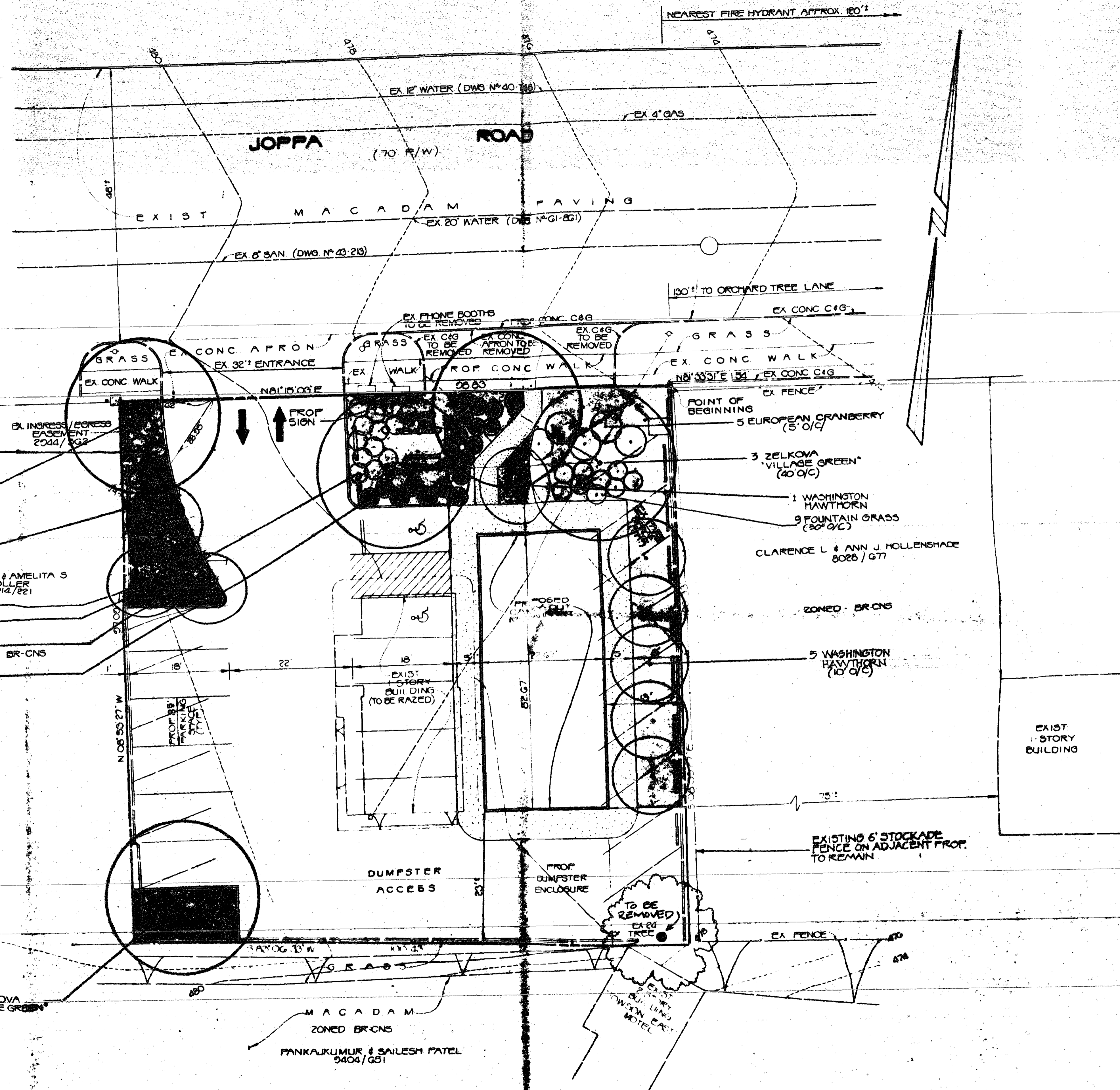
**NOTE**  
A VARIANCE WAS GRANTED FOR FRONT, SIDE AND REAR SETBACKS; 25' IN LIEU OF 40', 15' IN LIEU OF 30' AND 22' IN LIEU OF 30' RESPECTIVELY, ON 1995 CASE NO. [unclear]  
TOTAL DISTURBED AREA = 5600 SF  
NO GRADING PROPOSED ON SITE

I, EDWARD GRUBER, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

*Edward Gruber* 1/20/95  
EMG ASSOCIATES, INC. DATE  
FOR PAPA JOHN'S (PIZZA) INTERNATIONAL, INC.

**Colbert Matz Rosenfelt & Woolfolk, Inc.**  
Civil Engineers Landscape Architects  
Land Surveyors Land Planners  
3723 Old Court Road, Suite 206  
Baltimore, Maryland 21208  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7953

NO	DATE	REVISIONS	BY	SHEET	OF



**VICINITY MAP**  
SCALE: 1" = 1000'

**Site Data**

**Applicant:** Papa John's International  
c/o ESG Associates  
915 Tyson Drive  
West Chester, Pa. 19382  
(215) 692-3346

**Owner:** Mr. Gerald E. Hedron  
Towson Real Estate  
Ltd. Partnership  
P.O. Box 7398  
Silver Spring, Md. 20997

**Zoning:** BR-CNS

**Proposed Use:** Restaurant, Carry-Out Only

**Existing Building:** 830 Sq. Ft.

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0.2275 Acres

**Gross Site Area:** 12,878 Sq. Ft.  
0.2956 Acres

**F.A.R.** 0.09

**Building Height:** One-story, ± 15 ft.

A Limited Exemption under Section 26-171 (a) (7) of the Development Regulations was granted by the Development Review Committee on 12/19/94.

**PETITIONER'S EXHIBIT 48**

**LANDSCAPE PLAN (SCHEMATIC)**  
**PAPA JOHN'S PIZZA**  
1513 JOPPA ROAD  
ELECTION DISTRICT NO. 9 BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 10'  
DECEMBER 14, 1994

**Colbert Matz Rosenfelt & Woolfolk, Inc.**  
Civil Engineers Landscape Architects  
Land Surveyors Land Planners  
3723 Old Court Road, Suite 206  
Baltimore, Maryland 21208  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7853

NO.	DATE	REVISION	BY	SHEET	OF
1	12-15-94	PLANTING WALKWAY REV. A/S			
SCALE: 1" = 10'					
DATE: DECEMBER, 2004					
JOB NO.: 24150					
DRAWN: MEK					
CHECKED:					
FILE:					
DRAWING NUMBER:					



95-273-A

<p>N-NW N-NE</p> <p>THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-NORM, INC. BALTIMORE, MD. 21210</p>	<p><b>BALTIMORE COUNTY</b>  <b>OFFICE OF PLANNING AND ZONING</b>  <b>OFFICIAL ZONING MAP</b></p>	<p><b>1992 COMPREHENSIVE ZONING MAP</b>          Adopted by the Baltimore County Council          Oct. 15, 1992</p> <p><i>William Howard</i>          Chairman, County Council</p>	<p><b>SCALE</b>          1" = 200' ±</p> <p><b>DATE OF PHOTOGRAPHY</b>          JANUARY 1986</p>	<p><b>LOCATION</b>          BAYNESVILLE          LOCHRAVEN          VILLAGE</p>	<p><b>SHEET</b>          NE          9-C</p>
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