

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - N/S Joppa Road,
1500'W of c/l of Belair Road
(4142 E. Joppa Road)
11th Election District
5th Councilmanic District

Peggy Marmaras
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-193-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 4142 E. Joppa Road, located in the vicinity of Belair Road and Brookfield Road in Perry Hall. The Petition was filed by the owner of the property, Peggy Marmaras, Joint Tenancy Owner, through her attorney, Julie D. Wright, Esquire. The Petitioner seeks approval of parking for a proposed restaurant in a D.R. 5.5 zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Section 409.6.A.2 to permit 77 parking spaces in lieu of the required 88 spaces; from Section 1B01.1 to permit an RTA buffer and setback of 9.5 feet each in lieu of the required 50 feet and 75 feet, respectively; from Section 9.C.2.b.1 of the Landscaping Policy Manual to permit a 0 Foot setback in lieu of the minimum required 10 feet; and, from Section 9.C.2.b.3 of the Landscaping Policy Manual to permit 2.7% interior landscaping in lieu of the required 7%. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were George and Peggy Marmaras, co-owners of the property, Robert B. Tipton, Arthur E. Leonard, Professional Engineer with K.L.S. Consultants, Inc., and G. Scott

ORDER RECEIVED FOR FILING

Date 12/17/96
By [Signature]

ENCLOSURE

Barhight and Julie D. Wright, Attorneys at Law who represented the Petitioner. Numerous individuals appeared in opposition to the Petitioner's request all of whom signed the Protestants Sign-In Sheet.

Testimony and evidence offered revealed that the subject property consists of 1.02 acres, more or less, split zoned B.L. and D.R. 5.5. The majority of the property is unimproved but for a vacant 1 and 1/2 story building and accessory garage in the far western corner of the site. The property is located on the north side of Joppa Road at its intersection with Belair Road, and abuts the south side of Brookfield Road, a small residential street just north of the intersection of Joppa and Belair Roads. The Petitioner proposes to develop the property with a 5,500 sq.ft. restaurant in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1. Testimony offered by Mr. Marmaras revealed that he has been in the restaurant business for the past 40 years and has operated a diner on Pulaski Highway for the past 13 years. The Petitioners wish to develop the subject property with a diner similar in character and design as that depicted in an elevation drawing of the proposed building which was submitted into evidence as Petitioner's Exhibit 2. Mr. Marmaras testified that he would be personally responsible for the operation of the restaurant at this location. Further testimony revealed that Mr. Marmaras originally intended to operate the restaurant 7 days a week, 24-hours a day; however, subsequent to the hearing held in this matter, the Petitioners through their attorneys, submitted a letter indicating a new schedule for the hours of operation. According to that letter, Mr. Marmaras would like to operate the restaurant from 5:00 AM to Midnight, Monday through Thursday, and 24-hours on weekends, with those hours of operation terminating at Midnight on Sunday evenings.

OFFICE RECORD SECTION FILING
Date 12/17/66
By [Signature]

ENCLOSURE

As stated previously, the subject property is split zoned B.L. with a small sliver of D.R. 5.5 zoned land consisting of 0.15 acres, in the northwest corner of the site. As shown on Petitioner's Exhibit 1, the Petitioner proposes to locate parking spaces and travelways within that D.R. 5.5 zoned portion of the site. Thus, the requested special hearing relief is necessary to use the residentially zoned portion of the property for parking. In addition, a number of variances are sought from Residential Transition Area (RTA) requirements, by virtue of the existence of that D.R. 5.5 zoned portion of land on the subject property. Furthermore, the variance relief sought involves most of the remaining parking spaces to be provided for this site. The engineer who testified on behalf of the Petitioner was not clear in his testimony as to the manner in which the RTA setbacks and buffers are measured on a particular property. Suffice it to say, however, the Petitioner does not meet RTA setback and buffer requirements, and thus, the requested variances are necessary.

As noted above, many residents from the surrounding community appeared and testified in opposition to the Petitioners' request. Bertha Ginn, Bill Paulshak, Clinton Marshall, Dorothy McMann, who is President of the Perry Hall Improvement Association, David Marks, and Janet Almony, all testified in opposition to the Petitioner's plans. Several of these individuals have been long-time residents of the surrounding community, some of whom have lived in their houses for over 40 years. Brookfield Road, as noted above, is a small, residential street which serves approximately 7 residential properties. These properties, which continue to be utilized as single family residences, are located immediately adjacent to the proposed use. Most specifically affected are the residential homes of Mr. & Mrs. Schafer, as well as Ms. Ginn, Helen Dunty. and Edward Baker. These resi-

ORDER RECEIVED FOR FILING
Date 12/17/86
By [Signature]

dents believe that a restaurant of the magnitude proposed is not appropriate for this property, given its close proximity to this residential community. They testified that it is their belief the restaurant use would interfere with the quiet enjoyment of their homes, would be noisy, cause trash to accumulate on their property, and bring members of the general public into their neighborhoods at all hours of the night. This is particularly true, given the intention of the owner to operate a 24-hour restaurant, at least on weekends. The owner originally intended to operate the restaurant 24-hours a day, 7 days a week; however, the Petitioners have modified that position and now wish to operate on a 24-hour basis on weekends, only. Many residents oppose this 24-hour operation, or late night operation, in that many of those individuals who patronize bars and night-clubs in the late hours of the evening might go out afterwards and become unruly or cause a ruckus when entering or exiting the subject restaurant. Therefore, the residents are particularly opposed to a 24-hour operation.

After considering all of the testimony and evidence offered by both the Petitioners and the Protestants, I find that the special hearing request to allow parking in the D.R. 5.5 zoned portion of the site should be denied. The testimony and evidence was clear that to allow parking and travelways to exist in the D.R. 5.5 zoned portion of the site would adversely affect the surrounding residents, many of whom have lived in their homes for over 40 years. This is particularly true, given the nature of the proposed business, which is proposed to operate 24-hours a day on weekends, and until midnight during the week. The detrimental effect of this restaurant operation at this location would be above and beyond that normally associated with other similarly zoned properties.

Along those same lines, the variances sought from RTA buffer and setback requirements shall also be denied. These RTA areas have been established to provide appropriate distances between uses such as that which is proposed for this site and surrounding residential properties. The purpose of these buffers is to mitigate the effects of a commercial operation on neighboring residential properties. In this case, the Petitioners are unable to meet any of the required setbacks for the subject site. For the same reasons that the special hearing was denied, so to must the variance relief be denied. The operation of a restaurant at the subject location in close proximity to the residents, particularly Mr. & Mrs. Schafer and Ms. Ginn, as well as Ms. Dunty and Mr. Baker, are too great to allow the granting of the requested variances. This site is simply not an appropriate candidate for such a large scale restaurant use, with exaggerated hours of operation as proposed. Therefore, the special hearing and variance relief shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

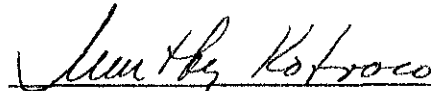
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of December, 1996 that the Petition for Special Hearing seeking approval of parking for a proposed restaurant in a D.R. 5.5 zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 409.6.A.2 to permit 77 parking spaces in lieu of the required 88 spaces; from Section 1B01.1 to

ORDER RECEIVED FOR FILING
Date 12/17/96
By [Signature]

permit an RTA buffer and setback of 9.5 feet each in lieu of the required 50 feet and 75 feet, respectively; from Section 9.C.2.b.1 of the Landscaping Policy Manual to permit a 0 foot setback in lieu of the minimum required 10 feet; and, from Section 9.C.2.b.3 of the Landscaping Policy Manual to permit 2.7% interior landscaping in lieu of the required 7%, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER REPEALED BY FILING
12/17/16
D&S
BY

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - N/S Joppa Road,
1500'W of c/l of Belair Road
(4142 E. Joppa Road)
11th Election District
5th Councilmanic District

Peggy Marmaras
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-193-SPHA

*

* * * * *

ORDER ON MOTION FOR MODIFICATION

This matter came before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for the subject property, known as 4142 E. Joppa Road, located in the vicinity of Belair Road and Brookfield Road in Perry Hall. The Petitions were filed by the owner of the property, Peggy Marmaras, through her attorney, Julie D. Wright, Esquire, and sought special hearing and variance relief for a proposed restaurant and related improvements on the subject property. A hearing on the matter took place on November 25, 1996 after which an Order was issued on December 17, 1996 denying the relief requested.

By letter dated January 17, 1997, this Office received a written request for modification and an amended site plan from Counsel for the Petitioners. In consideration of the Petitioner's request, I required a public hearing be held so that all interested parties to this case would have an opportunity to review the revised plan and voice any concerns they might have with the proposed modifications. A hearing on the Motion for Modification was then scheduled for February 25, 1997.

By letter dated February 21, 1997, Counsel for the Petitioners advised this Deputy Zoning Commissioner that the Petitioners now wish to withdraw their request for modification. Apparently, new issues have come

ORDER RECEIVED FOR FILING

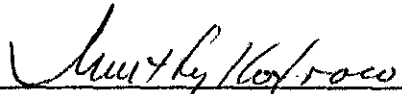
Date

By

MICROFILMED

to light and the Petitioners are unable to proceed with the hearing on their request for reconsideration of a modified plan.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of February, 1997 that the hearing on the Motion for Modification be and the same is hereby DISMISSED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Julie D. Wright, Esquire, Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. & Mrs. George Marmaras
9127 Cornflower Road, Baltimore, Md. 21237

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.
P.O. Box 63, Perry Hall, Md. 21128

Mr. Clinton Marshall, 4135 Brookfield Avenue, Baltimore, Md. 21236
Mr. & Mrs. George Wilson, 4517 Forge Road, Perry Hall, Md. 21128
Ms. Bertha H. Ginn, 4137 Brookfield Road, Baltimore, Md. 21236
Ms. Janet R. Almony, 4133 Brookfield Road, Baltimore, Md. 21236
Mr. David Marks, 4627 E. Joppa Road, Perry Hall, Md. 21128
Mr. & Mrs. Ed Schafer, 4144 E. Joppa Road, Baltimore, Md. 21236
Mr. Bill Paulshak, 9016 Belair Road, Baltimore, Md. 21236

People's Counsel; Case File

RECEIVED
2/24/97
bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

Julie D. Wright, Esquire and G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Joppa Road, 1500'W of c/l of Belair Road
(4142 E. Joppa Road)
11th Election District - 5th Councilmanic District
Peggy Marmaras - Petitioner

Dear Ms. Wright & Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied 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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. George Marmaras
9127 Cornflower Road, Baltimore, Md. 21237

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.
P.O. Box 63, Perry Hall, Md. 21128

Mr. Clinton Marshall, 4135 Brookfield Avenue, Baltimore, Md. 21236
Mr. & Mrs. George Wilson, 4517 Forge Road, Perry Hall, Md. 21128
Ms. Bertha H. Ginn, 4137 Brookfield Road, Baltimore, Md. 21236
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Mr. David Marks, 4627 E. Joppa Road, Perry Hall, Md. 21128
Mr. & Mrs. Ed Schafer, 4144 E. Joppa Road, Baltimore, Md. 21236
Mr. Bill Paulshak, 9016 Belair Road, Baltimore, Md. 21236

People's Counsel; Case File

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Petition for Special Hearing¹⁹³

to the Zoning Commissioner of Baltimore County

for the property located at 4142 East Joppa Road

which is presently zoned BL-AS & DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

pursuant to BCZR Section 409.8.B, Parking for a Proposed
Restaurant Development in a DR 5.5 Zone.

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

I, or we, agree to pay expenses of 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Julie D. Wright & Whiteford,
(Type or Print Name) Taylor & Preston L.L.P.

Signature

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

**DROP OFF
N: REVIEW
10/23/96
WCR**



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

Legal Owner(s):

Peggy Marmaras (Joint Tenancy Owner)
(Type or Print Name)

Signature

(Type or Print Name)

Signature

9127 Cornflower Road 256-4755

Address

Phone No.

Baltimore

MD

21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Julie D. Wright

Name

210 W. Penna. Ave.

832-2084

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

MICROFILMED



Petition for Variance

193

to the Zoning Commissioner of Baltimore County

for the property located at 4142 E. Joppa Road

which is presently zoned

BL-AS & DR 5.5

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)

(See Attached)

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

To be presented at hearing

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Julie D. Wright and Whiteford,
(Type or Print Name) Taylor & Preston L.L.P.

Signature

210 W. Penna. Ave. 832-2000

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

**DROP OFF
NO REVIEW**



Printed with Soybean Ink
on Recycled Paper

10/23/96
KCR

Zoning Administration

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.

Legal Owner(s):

Peggy Marmaras (Joint Tenancy Owner)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

9127 Cornflower Road

256-4755

Address

Phone No.

Baltimore

MD

21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Julie D. Wright

Name

210 W. Penna. Ave.

832-2084

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

PETITION FOR VARIANCE FROM:

- (1) Section 409.6.A.2 of the BCZR to permit 77 parking spaces in lieu of the required 88 parking spaces (5,500 sq. ft./1000 x 16 = 88).
- (2) Section 1B01.1 of the BCZR -- The RTA setback and buffer requirements.
- (3) Section 9.C.2.b.1 of the Landscaping Policy Manual to permit a 0' setback in lieu of the required 10' setback.
- (4) Section 9.C.2.b.3 of the Landscaping Policy Manual which requires 7% interior landscaping.

RECEIVED

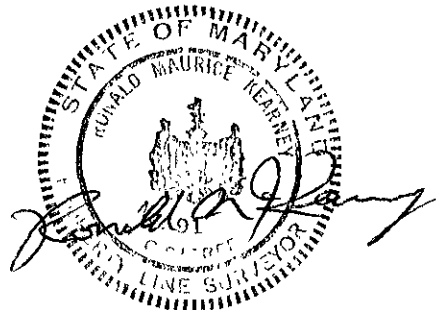
PROPERTY DESCRIPTION

ZONING DESCRIPTION
FOR

4142 EAST JOPPA ROAD

Beginning at a point on the South side of Brookfield Road which is 50 feet wide at the distance of 318 feet West of the centerline of the nearest improved intersecting street Bel Air Road which is 80 feet wide, as recorded in Deed Liber 8980 Folio 151 and Deed Liber 10109 Folio 712 and described as follows:

S 81 30" 12" E 144.58 ft, S 46 50' 38" W 18.42 ft,
S 36 37" 22" W 161.84 ft, S 29 26' 33" W 155.26 ft,
Southwesterly by a curve, 47.17 ft with radius of
292.01 ft, S 74 31 ' 01" W 78.06 ft, N 00 34' 07"
West 150.19 ft, N 85 49' 13" E 65.17 ft, and N 30
13' 58" E 201.00 ft to the place of beginning,
containing 1.01 acres, also known as 4142 E. Joppa
Road and located in the 11th Election District, 5th
Councilmanic District.



MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 97-193-SPHA (Item 193)

Petitioner/Developer: Whiteford, Taylor & Preston for Peggy Marmaras

Date of Hearing/Closing: Nov 25
11:00 AM

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

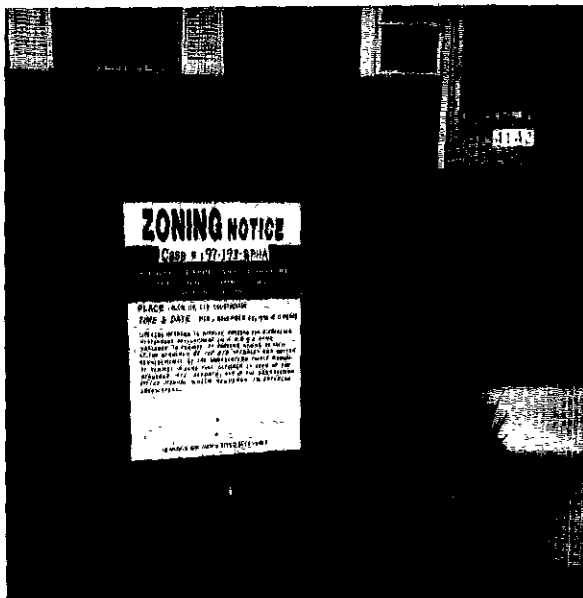
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4142 E. Joppa Rd,

N/S Joppa Rd, 1500' W of E/I Belair Rd;
also S/S Brookfield Road

The sign(s) were posted on November, 1996
(Month, Day, Year)



Sincerely,

Sue W. McKenzie
(Signature of Sign Poster and Date)

SUE W. MCKENZIE
(Printed Name)

6 Tapwood Ct
(Address)

Baltimore, MD 21234
(City, State, Zip Code)

(410) 668-8576
(Telephone Number)

97-193-SPHA

ENCLOSURE

TO: PUTUXENT PUBLISHING COMPANY
November 7, 1996 Issue - Jeffersonian

Please forward billing to:

Julie D. Wright, Esq.
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

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: 97-193-SPHA (Item 193)
4142 E. Joppa Road
N/S Joppa Road, 1500' W of c/l Belair Road; also S/S Brookfield Road
11th Election District - 5th Councilmanic
Legal Owner(s): Peggy Marmaras

Special Hearing to approve parking for a proposed restaurant development in a D.R.5.5 zone. Variance to permit 77 parking spaces in lieu of the required 88 parking spaces; for RTA setbacks and buffer requirements; of the Landscaping Policy Manual to permit a zero foot setback in lieu of the required 10 foot setback; and of the Landscaping Policy Manual which required 7% interior landscaping.

HEARING: MONDAY, NOVEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

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.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

October 31, 1996

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: 97-193-SPHA (Item 193)

4142 E. Joppa Road

N/S Joppa Road, 1500' W of c/l Belair Road; also S/S Brookfield Road

11th Election District - 5th Councilmanic

Legal Owner(s): Peggy Marmaras

Special Hearing to approve parking for a proposed restaurant development in a D.R.5.5 zone.
Variance to permit 77 parking spaces in lieu of the required 88 parking spaces; for RTA setbacks and buffer requirements; of the Landscaping Policy Manual to permit a zero foot setback in lieu of the required 10 foot setback; and of the Landscaping Policy Manual which required 7% interior landscaping.

HEARING: MONDAY, NOVEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Peggy Marmaras
julie D. Wright, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 10, 1996.
(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.

11/2/96





Baltimore County
Department of Permits and
Development Management

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

January 28, 1997

NOTICE OF HEARING
ON MOTION FOR RECONSIDERATION

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 118, Baltimore County Courthouse, Office located at 400 Washington Avenue, Towson, Maryland, as follows:

CASE NUMBER: 97-193-A (Item 193)
4142 E. Joppa Road
N/S Joppa Road, 1500' W of c/l Belair Road; also S/S Brookfield Road
11th Election District - 5th Councilmanic
Legal Owner(s): Peggy Marmaras

Variance to permit 77 parking spaces in lieu of the required 88 parking spaces; for the RTA setback and buffer requirements; of the Landscaping Policy Manual to permit a zero foot setback in lieu of the required 10 foot setback; and of the Landscaping Polciy Manual which requires 7% interior landscaping.

HEARING: TUESDAY, FEBRUARY 25, 1997 at 9:00 a.m.


Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Julie D. Wright, Esq.
Mr. & Mrs. George Marmaras
Ms. Dorothy S. McMann
Mr. Clinton Marshall
Mr. & Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. & Mrs. Ed Schafer
Mr. Bill Paulshak

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

January 28, 1997

* FEBRUARY 7, 1997

NOTICE OF HEARING
ON MOTION FOR RECONSIDERATION

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 118, Baltimore County Courthouse, Office located at 400 Washington Avenue, Towson, Maryland, as follows:

CASE NUMBER: 97-193-A (Item 193)
4142 E. Joppa Road
N/S Joppa Road, 1500' W of c/l Belair Road; also S/S Brookfield Road
11th Election District - 5th Councilmanic
Legal Owner(s): Peggy Marmaras

Variance to permit 77 parking spaces in lieu of the required 88 parking spaces; for the RTA setback and buffer requirements; of the Landscaping Policy Manual to permit a zero foot setback in lieu of the required 10 foot setback; and of the Landscaping Polciy Manual which requires 7% interior landscaping.

HEARING: TUESDAY, FEBRUARY 25, 1997 at ~~9:00 a.m.~~


Lawrence R. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

* PLEASE NOTE THAT THE TIME OF
THIS HEARING HAS BEEN CHANGED
TO 3:30 P.M.

cc: Julie D. Wright, Esq.
Mr. & Mrs. George Marmaras
Ms. Dorothy S. McMann
Mr. Clinton Marshall
Mr. & Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. & Mrs. Ed Schafer
Mr. Bill Paulshak

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

November 19, 1996

Julie D. Wright, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 193
Case No.: 97-193-SPHA
Petitioner: Peggy Marmaras

Dear Ms. Wright:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 23, 1996.

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 (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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND

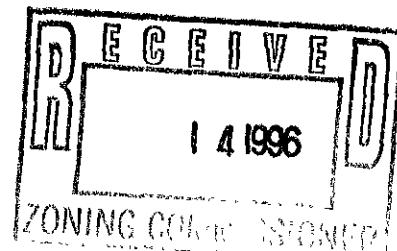
INTER-OFFICE CORRESPONDENCE

Jim
97-193-5PWA
11/25

TO: Arnold Jablon, Director
Permits and Development Management

DATE: November 13, 1996

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning



SUBJECT: 4142 E. Joppa Road

INFORMATION:

Item Number: 193
Petitioner: Peggy Marmaras (Joint Tenancy Owner)
Property Size: _____
Zoning: BL AS and DR 5.5
Requested Action: _____
Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

Staff recently reviewed petitions for Variance and Special Hearing regarding a proposed retail/office development of the subject site (see attached comment dated 7/25/96).

The current Petitions for Variance and Special Hearing were field in order to develop the site with a 5,500 square restaurant.

Our staff report of July 25, 1996 pointed out that the proposed retail/office development would result in increased commercial traffic on Brookfield Road, resulting in an adverse impact on the residents whose homes front along Brookfield Road.

The need for a parking variance indicates that the subject proposal would be even more impactive than the first development proposal. In addition, the current Petition for Variance includes requested relief from the Landscape Policy Manual to permit a 0' setback in lieu of the required 10' setback and a reduction of the 7% interior landscaping requirement. Relief from these Landscape Policy Manual requirements would encourage poor site design and exacerbate development impacts to the residents on Brookfield Road.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Kerner, III, Director, OP
SUBJECT: 4142 E. Joppa Road
ITEM NUMBER: 193

While this office acknowledges the site's irregular shape presents obvious design challenges, we feel that a reasonable use of this property is possible without the need for variances, and that development impact on Brookfield Road could be mitigated, if not eliminated altogether.

Prepared by:

Jeffrey W. Long

Division Chief:

Darryl L. Kline

AFK/JL:rdn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: July 25, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 4142 E. Joppa Road

INFORMATION:

Item Number: 8

Petitioner: Peggy Marmaras

Property Size: _____

Zoning: B.L.-A.S. and D.R. 5.5

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff recommends the following:

1. The requested variance of the required 50' and 75' buffer and setback in the RTA should be denied. The RTA abuts a residential lot and is in close proximity to the dwelling on that lot. Also, the RTA fronts on Brookfield Road, a residential street, opposite another residential lot. Use of the RTA for parking will cause increased commercial traffic on Brookfield Road which will adversely impact the existing homes on that road.
2. The requested variance for a 2' rear yard setback in lieu of the required rear yard setback of 20' should be denied. The abutting property is part of the rear yard of a single family dwelling.

Prepared by: _____

Division Chief: _____

PK/JL:lw

MICROFILMED

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: February 10, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 4142 E. Joppa Road

INFORMATION:

Item Number: 193
Petitioner: Marmaras Property
Property Size:
Zoning: BL AS and DR 5.5
Requested Action: Motion for Reconsideration
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

It is our understanding that a Motion for Reconsideration has been filed in the subject matter. Please be advised that the position of this office, as outlined in our comments of November 13, 1996, remains unchanged.

Prepared by: *Jeffrey W. Long*
Division Chief: *Earl L. Kline*
AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

2/25
T.K.
9:00 AM

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 19, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 4142 E. Joppa Road
Case No. 97-193 SPII

Please be advised that the plat accompanying the applicant's request in the subject matter is in error regarding the zoning of an adjacent parcel (Edward G Schafer 1769/239) located next to the area of the proposed restaurant. The zoning of the Schafer parcel was changed from BL-AS to ROA as a result of Issue No. 5-034 in the 1996 Comprehensive Zoning Map Process. This error is significant in that it changes the proposed building's setback requirement (see Section 232.2b o- 232.3b of the BCZR).

Prepared by:

Jeffrey M. Long

Division Chief:

Carol Kerns

AFK/JL:rdn

RECEIVED

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: November 14, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 November 12, 1996
 Item No. 193

The Development Plans Review Division has reviewed the subject zoning item. The proposed access off Joppa Road must be right-in, right-out only.

This office does not support the variance request for a 0' setback against residential use in lieu of the required 10 foot, nor the variance request for the required 7% interior landscaping in the parking lot. Also, all 7% interior landscape areas must not be located on top of the underground storm water management facility.

RWB:HJO:jrb

cc: File

ZONE36D

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 193

11.6.90
(WCR)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Nov 1 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov. 4 1996

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

Item #'s:	183	190
	184	191
	186	193
	187	195
	188	

RBS:sp

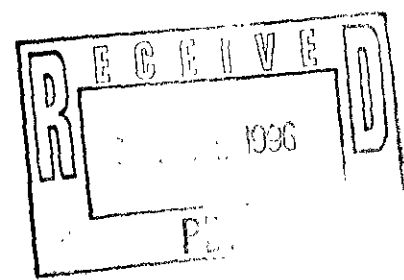
BRUCE2/DEPRM/TXTSBP

RECORDED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500



Office of the Fire Marshal
(410) 887-4880

DATE: 11/14/96

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

RE: Property Owner: PEGGY MARMARAS

Location: N/S JOPPA RD. 1500' W OF CENTERLINE BELAIR RD.; ALSO
S/S BROOKFIELD RD. (4142 E. JOPPA RD.)

Item No.: 193

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File



Printed with Soybean Ink
on Recycled Paper

RECEIVED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

File
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 24, 1997

Julie D. Wright, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Joppa Road, 1500'W of c/l of Belair Road
(4142 E. Joppa Road)
11th Election District - 5th Councilmanic District
Peggy Marmaras - Petitioner
Case No. 97-193-SPHA

Dear Ms. Wright:

This office is in receipt of your letter dated January 17, 1997 concerning the above-captioned matter and your request for consideration of a Motion for Modification of my Order dated December 17, 1996. Included with your letter was a revised site plan for the subject property which demonstrates that there have been substantial changes to the plan from that originally proposed.

Inasmuch as there were several Protestants who appeared at the original hearing and voiced several concerns over the proposed development, I believe a public hearing should be held so that all parties who have an interest in this case have an opportunity to review the revised plan and voice any concerns they may have with the proposed modifications.

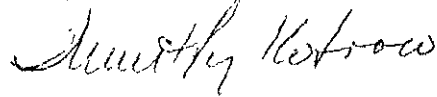
Therefore, by copy of this letter to Ms. Gwendolyn Stephens in the Department of Permits and Development Management, it is being requested that your Motion for Modification be scheduled to be heard by me on my next available hearing date that is mutually convenient for you, your clients, and the Protestants. At such time as Ms. Stephens has been able to ascertain what morning or afternoon I will have available over the next several weeks, you and the Protestants will be notified. Furthermore, inasmuch as I am willing to entertain your Motion for Modification, the appeals period for challenging my original Order in this case, dated December 17, 1996, is stayed.

MICROFILMED

Julie D. Wright, Esquire
Whiteford, Taylor & Preston
January 24, 1997
Page 2

In the meantime, should you have any questions concerning the scheduling of this matter, please feel free to contact Ms. Stephens at 887-3391.

Very truly yours,



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

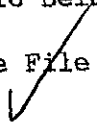
cc: Mr. & Mrs. George Marmaras
9127 Cornflower Road, Baltimore, Md. 21237

Ms. Gwendolyn Stephens, PDM

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.
P.O. Box 63, Perry Hall, Md. 21128

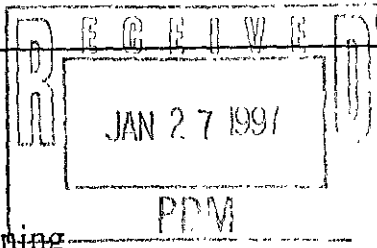
Mr. Clinton Marshall, 4135 Brookfield Avenue, Baltimore, Md. 21236
Mr. & Mrs. George Wilson, 4517 Forge Road, Perry Hall, Md. 21128
Ms. Bertha H. Ginn, 4137 Brookfield Road, Baltimore, Md. 21236
Ms. Janet R. Almony, 4133 Brookfield Road, Baltimore, Md. 21236
Mr. David Marks, 4627 E. Joppa Road, Perry Hall, Md. 21128
Mr. & Mrs. Ed Schafer, 4144 E. Joppa Road, Baltimore, Md. 21236
Mr. Bill Paulshak, 9016 Belair Road, Baltimore, Md. 21236

People's Counsel; Case File





Baltimore County
Zoning Commissioner
Office of Planning and Zoning



Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 24, 1997

Julie D. Wright, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
N/S Joppa Road, 1500'W of c/l of Belair Rd
(4142 E. Joppa Road)
11th Election District - 5th Councilmanic
Peggy Marmaras - Petitioner
Case No. 97-193-SPHA

*Given
needs full
morning or afternoon
time
(2-3 hrs.)
Bette*

Dear Ms. Wright:

This office is in receipt of your letter dated January 17, 1997 concerning the above-captioned matter and your request for consideration of a Motion for Modification of my Order dated December 17, 1996. Included with your letter was a revised site plan for the subject property which demonstrates that there have been substantial changes to the plan from that originally proposed.

Inasmuch as there were several Protestants who appeared at the original hearing and voiced several concerns over the proposed development, I believe a public hearing should be held so that all parties who have an interest in this case have an opportunity to review the revised plan and voice any concerns they may have with the proposed modifications.

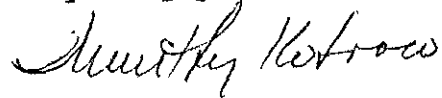
Therefore, by copy of this letter to Ms. Gwendolyn Stephens in the Department of Permits and Development Management, it is being requested that your Motion for Modification be scheduled to be heard by me on my next available hearing date that is mutually convenient for you, your clients, and the Protestants. At such time as Ms. Stephens has been able to ascertain what morning or afternoon I will have available over the next several weeks, you and the Protestants will be notified. Furthermore, inasmuch as I am willing to entertain your Motion for Modification, the appeals period for challenging my original Order in this case, dated December 17, 1996, is stayed.

MICROFILMED

Julie D. Wright, Esquire
Whiteford, Taylor & Preston
January 24, 1997
Page 2

In the meantime, should you have any questions concerning the scheduling of this matter, please feel free to contact Ms. Stephens at 887-3391.

Very truly yours,



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. George Marmaras
9127 Cornflower Road, Baltimore, Md. 21237

✓ Ms. Gwendolyn Stephens, PDM

Ms. Dorothy S. McMann, President, Perry Hall Improvement Assoc.
P.O. Box 63, Perry Hall, Md. 21128

Mr. Clinton Marshall, 4135 Brookfield Avenue, Baltimore, Md. 21236
Mr. & Mrs. George Wilson, 4517 Forge Road, Perry Hall, Md. 21128
Ms. Bertha H. Ginn, 4137 Brookfield Road, Baltimore, Md. 21236
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Mr. Bill Paulshak, 9016 Belair Road, Baltimore, Md. 21236

People's Counsel; Case File



Baltimore County
Department of Permits and
Development Management

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

GGG

Julie D. Wright, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #193)
Legal Owner: Peggy Marmaras
4142 East Joppa Road
11th Election District

Dear Ms. Wright:

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.

On The Petition Form:

The reference to the RTA setback and buffer variances should specifically detail what relief is being requested; i.e., to permit a RTA buffer and setback of ____ feet in lieu of the required 50 feet and 75 feet respectively. All variances should be keyed to their location on the plan.

MICROFILMED



Julie D. Wright, Esquire
November 6, 1996
Page 2

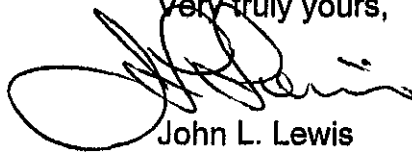
On The Plan:

The reference to the parking compliance requirements listed from Section 409.8.B.2 (on the plan) need to be addressed on the plan; e.g., in D. the lighting direction, hours of illumination, etc. need to be stated along with the other listed requirements.

The zoning description for the special hearing area (.15 acre) must be provided for inclusion in the file.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis", written over the typed name.

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

RECEIVED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
4142 E. Joppa Road, N/S Joppa Rd, 1500' W	*	ZONING COMMISSIONER
of c/l Belair Rd; also S/S Brookfield Rd		
11th Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
Peggy Marmaras	*	CASE NO. 97-193-SPHA
Petitioner		
* * * * *		

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 26th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Julie D. Wright, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

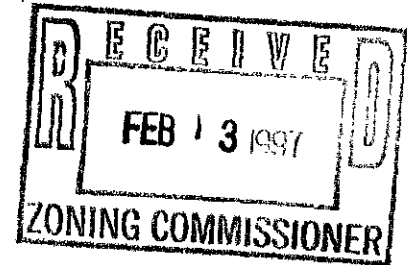
PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 12, 1997

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered



Re: Petitions for Special Hearing
and Variance
4142 E. Joppa Road, N/S Joppa Rd,
1500' W of c/l Belair Road; also
S/S Brookfield Road; 11th Elec-
tion Dist., 5th Councilmanic
PETITIONER: PEGGY MARMARAS
Case No. 97-193-SPHA

Dear Mr. Kotroco:

Our office has reviewed your January 24, 1997 letter to Ms. Wright. This case presents several important procedural issues:

1) The Petitioners failed to appeal the Deputy Zoning Commissioner's December 17, 1996 Order within the 30-day period. The Deputy Zoning Commissioner's Order is final. See Nutter v. Baltimore, 230 Md. 6 (1962) and Skipjack Cove Marina v. County Comm'rs for Cecil Co., 252 Md. 440 (1969).

2) There is no statutory authority for a "Motion for Modification" or "Motion for Reconsideration" at the Zoning Commissioner level; the appeal period can not be stayed upon filing a Motion.

At the Circuit Court level, the Maryland Rules of Procedure permit revisory power over judgments within 30 days. A Motion filed within 10 days of judgment will stay the appeal period. A Motion filed over 30 days must be based on fraud, mistake, or irregularity (see attached). The County Board of Appeals has revisory power within 30 days in the event of fraud, mistake, or

MICROFILMED

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
February 12, 1997
Page Two

irregularity (Rule 10). But there is no equivalent authority at the Zoning Commissioner level.

3) At common law, in the absence of statutory authority, an administrative decision may be modified only for "fraud, mistake or irregularity." These are not alleged to have occurred here. Redding v. Board of County Comm'rs, 263 Md. 94, 111-112 (1971) (attached).

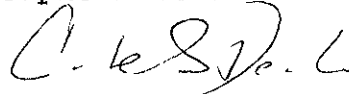
4) Accordingly, a Motion for Modification for "substantial changes" to a site plan is improper. A property owner, dissatisfied with the Commissioner's Order, cannot revise the plan, hoping for a more favorable decision. A new Petition, properly advertised, might be filed in the event of material changes. Baltimore County Code §26-127(a) requires review by the Planning Office and County agencies (OPZ has looked unfavorably on 2 prior proposals by the Petitioner for this site). Otherwise, there would be no finality to proceedings at the Commissioner's level, and the citizens would not have proper notice of a new and different plan.

In conclusion, there is no basis to grant a Motion for Reconsideration of the December 17, 1996 Order. It is final. It should not be revisited, and cannot now be appealed to the County Board of Appeals.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

CSD/caf
Attachments

cc: Julie D. Wright, Esq.
Attorney for Petitioner

ENCLOSURE

reconsider is filed in connection with an opinion or non-final order of the trial court. *Popham v. State Farm Mut. Ins. Co.*, 333 Md. 136, 634 A.2d 28 (1994).

In a motion to alter or amend a judgment is made within ten days of the entry of judgment the judgment loses its finality for appeal purposes. *Stephenson v. Goins*, 99 Md. App. 220, 636 A.2d 481, cert. denied, 335 Md. 229, 643 A.2d 384 (1994).

Filing appeal during pendency of motion. — A notice of appeal filed prior to the withdrawal or disposition of a timely filed motion under this Rule, Rule 2-532 or Rule 2-534, is effective; processing of that appeal is delayed until the withdrawal or disposition of the motion, and the trial court retains jurisdiction to decide the motion notwithstanding the filing of the notice of appeal. *Edsall v. Anne Arundel County*, 332 Md. 502, 632 A.2d 763 (1993).

Applied in *Battista v. Savings Bank*, 67 Md. App. 257, 507 A.2d 203 (1986); *Franklin v. Gupta*, 81 Md. App. 345, 567 A.2d 524 (1990);

Standiford v. Standiford, 89 Md. App. 326, 598 A.2d 495 (1991), cert. denied, 325 Md. 526, 601 A.2d 1101 (1992).

Quoted in *Smith v. Pearre*, 96 Md. App. 376, 625 A.2d 349 (1993).

Cited in *Arundel Fed. Sav. & Loan Ass'n v. Lawrence*, 65 Md. App. 158, 499 A.2d 1298 (1985); *Miller Bldg. Supply, Inc. v. Rosen*, 305 Md. 341, 503 A.2d 1344 (1986); *Sieck v. Sieck*, 66 Md. App. 37, 502 A.2d 528 (1986); *Exxon Corp. v. Schoene*, 67 Md. App. 412, 508 A.2d 142 (1986); *Smith v. Miller*, 71 Md. App. 273, 525 A.2d 245 (1987); *Alitalia Linee Aeree Italiane v. Tornillo*, 320 Md. 192, 577 A.2d 34 (1990); *Dabrowski v. Dondalski*, 320 Md. 392, 578 A.2d 211 (1990); *Edmonds v. Murphy*, 83 Md. App. 133, 573 A.2d 853 (1990); *Nationwide Mut. Ins. Co. v. Continental Cas. Co.*, 87 Md. App. 261, 589 A.2d 556, cert. denied, 324 Md. 122, 596 A.2d 628 (1991); *Curry v. Hillcrest Clinic, Inc.*, 99 Md. App. 477, 638 A.2d 115 (1994), aff'd, 337 Md. 412, 653 A.2d 934 (1995).

Rule 2-534. MOTION TO ALTER OR AMEND A JUDGMENT — COURT DECISION

In an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment. A motion to alter or amend a judgment may be joined with a motion for new trial.

(Amended Apr. 7, 1986, effective July 1, 1986.)

Source: This Rule is derived from FRCP 52 (b) and 59 (a).

Maryland Law Review. — For survey, "Developments in Maryland Law, 1989-90," see 50 Md. L. Rev. 1027 (1991).

Effect of amendment. — The 1986 amendment substituted "court decision" for "court trial" in the rule heading, and substituted "decided" for "tried" near the beginning of the first sentence.

Jurisdiction. — If a post trial motion, however titled, is filed within 10 days of judgment, the trial court retains jurisdiction to dispose of it, notwithstanding that an appeal may have been noted. *Marousek v. Sapra*, 87 Md. App. 205, 589 A.2d 529, cert. denied, 324 Md. 325, 597 A.2d 421 (1991).

Applicability to criminal appellate. — A criminal appellant may utilize the procedure reflected in Rules 2-534 and 2-535 as easily as could a civil appellant. *Pollard v. State*, 339 Md. 233, 661 A.2d 734 (1995).

Rules 2-534 and 2-535 are trial rules, applicable in cases instituted in the circuit court; the mere reference to those rules in another rule which addresses, without limitation as to kind, appeals from a lower court and which applies when the circuit court is acting as an appellate court, does not thereby necessarily characterize, or define, the appeals to which the appellate rule relates. *Pollard v. State*, 339 Md. 233, 661 A.2d 734 (1995).

Motion causes judgment to lose finality for appeal purposes. — When a motion to alter or amend an otherwise final judgment is filed within ten days after the judgment's entry, the judgment loses its finality for purposes of appeal. *Unnamed Att'y v. Attorney Grievance Comm'n*, 303 Md. 473, 494 A.2d 940 (1985).

When a motion to alter or amend an otherwise final judgment is filed, and while it is pending an appeal is filed, appellate jurisdiction attaches and the circuit court cannot de-

cide the motion. But where a motion is filed within ten days, an appeal will not ordinarily lie until the trial judge rules on the motion. *Unnamed Att'y v. Attorney Grievance Comm'n*, 303 Md. 473, 494 A.2d 940 (1985).

A motion to revise the judgment filed within ten days after the entry of judgment will stay the time for filing an appeal until the court rules on the motion, and will render nugatory any order for appeal filed before that ruling, while a motion to revise filed beyond ten days after judgment does not affect the time for noting an appeal or the validity of a timely appeal noted while the motion is pending. *Sieck v. Sieck*, 66 Md. App. 37, 502 A.2d 528 (1986).

"Action decided by the court." — A judgment notwithstanding the verdict was an "action decided by the court," and the motion for reconsideration was filed within 10 days after entry of that judgment; therefore, both the motion for reconsideration and the alternative motion for new trial were properly before the trial court. *B & K Rentals & Sales Co. v. Universal Leaf Tobacco Co.*, 73 Md. App. 530, 535 A.2d 492 (1988), rev'd on other grounds, 319 Md. 127, 571 A.2d 1213, aff'd, 84 Md. App. 103, 578 A.2d 274 (1990), rev'd on other grounds, 324 Md. 147, 596 A.2d 640 (1991).

"Tried by the court" includes disposition of case by summary judgment. *Sieck v. Sieck*, 66 Md. App. 37, 502 A.2d 528 (1985).

Timeliness of motion. — To file a motion within ten days of judgment logically implies that the party files the motion within a discrete ten-day period beginning with the entry of final judgment. Consequently, a court may not entertain motions prior to that judgment. In contrast, to file a motion no later than ten days from entry of judgment logically implies that the party need only to file his motion before the expiration of the ten-day period. Under this frame, a court may entertain a motion, including one filed before entry of judgment, so long as the ten-day period has lapsed. *Atlantic Food & Beverage Sys. v. City of Annapolis*, 70 Md. App. 721, 523 A.2d 648, cert. denied, 310 Md. 274, 528 A.2d 1286 (1987).

A motion for reconsideration and for a stay of judgment, filed more than ten days after the filing of the order that appellant wanted reconsidered, did not stay the running of appeal period. *Stephenson v. Goins*, 99 Md. App. 220, 636 A.2d 481, cert. denied, 335 Md. 229, 643 A.2d 384 (1994).

Motions under Rule 2-535. — A Rule 2-535 motion, if filed within 10 days of the entry of judgment by the court, will be treated as a motion under this Rule and have the same effect on appeal time. *Alitalia Linee Aeree Italiane v. Tornillo*, 320 Md. 192, 577 A.2d 34 (1990).

All revisory motions filed in an orphan's

court are to be treated in the same manner as motions made in a circuit court under Rule 2-535, which have no effect upon the running of the thirty-day appeal period; this is true regardless of whether the revisory motion is filed within ten days of the original judgment or order. *Grimberg v. Marth*, 338 Md. 546, 659 A.2d 1287 (1995).

Entry of revised judgment and timeliness of appeals. — As long as a motion to revise a judgment is filed within 30 days, the revised judgment need not be entered within 30 days of the original judgment, and notice of appeal, filed within 30 days of the revised judgment, is timely. *Gluckstern v. Sutton*, 319 Md. 634, 574 A.2d 898, cert. denied, 498 U.S. 950, 111 S. Ct. 369, 112 L. Ed. 2d 331 (1990).

Oral statements by judge. — An oral statement by a trial judge, not reflected in any written order or docket entry, does not constitute a motion under this Rule and thus does not deprive a judgment of its finality. *Gluckstern v. Sutton*, 319 Md. 634, 574 A.2d 898, cert. denied, 498 U.S. 950, 111 S. Ct. 369, 112 L. Ed. 2d 331 (1990).

Finality of judgment. — Where trial court granted a judgment notwithstanding the verdict to defendant, and plaintiff filed motions for reconsideration of judgment notwithstanding the verdict and for a new trial pursuant to Rule 2-533, within 10 days of entry of judgment by the trial court; then the original judgment notwithstanding the verdict lost its finality for purposes of appeal and, pursuant to Rule 8-202, (c) trial court's subsequent order denying plaintiff's motions became the final order from which the time of appeal ran, and was the only final appealable judgment in the case. *B & K Rentals & Sales Co. v. Universal Leaf Tobacco Co.*, 319 Md. 127, 571 A.2d 1213, aff'd, 84 Md. App. 103, 578 A.2d 274 (1990), rev'd on other grounds, 324 Md. 147, 596 A.2d 640 (1991).

Where there is a conflict of interest concerning coverage the insurer should, following the jury's verdict or court's decision in the tort case, and no later than 10 days after the entry of judgment in the tort suit, file a motion to intervene, a motion under this Rule and Rule 2-532 or 2-533, whichever is appropriate, and a complaint for declaratory relief regarding its duty to pay the damages assessed against its insured. The motion under this Rule or Rule 2-532 or 2-533 will render the tort judgment nonfinal. *Allstate Ins. Co. v. Atwood*, 319 Md. 247, 572 A.2d 154 (1990).

While the finality of a judgment is lost when a party files a motion pursuant to this Rule, Rule 2-533 or Rule 2-535 within ten days of its entry, no such effect occurs when a motion to reconsider is filed in connection with an opinion or non-final order of the trial court.

Pham v. State Farm Mut. Ins. Co., 333 Md. 336, 634 A.2d 28 (1994).

If a motion to alter or amend a judgment is made within ten days of the entry of judgment the judgment loses its finality for appeal purposes. *Stephenson v. Goins*, 99 Md. App. 220, 636 A.2d 481, cert. denied, 335 Md. 229, 643 A.2d 384 (1994).

Failure to make motion to alter or amend. — Error was waived where neither party raised the issue of stale evidence or brought it to the attention of the court, where neither party requested that additional evidence be taken, and where neither party moved to vacate, alter, or amend the judgment pursuant to this Rule. *Noffsinger v. Noffsinger*, 95 Md. App. 265, 620 A.2d 415, cert. denied, 331 Md. 197, 627 A.2d 539 (1993).

Filing appeal during pendency of motion. — A notice of appeal filed prior to the withdrawal or disposition of a timely filed motion under this Rule, Rule 2-532 or Rule 2-533, is effective; processing of that appeal is delayed until the withdrawal or disposition of the motion, and the trial court retains jurisdiction to decide the motion notwithstanding the filing of the notice of appeal. *Edsall v. Anne Arundel County*, 332 Md. 502, 632 A.2d 763 (1993).

Health claims arbitration. — Until the arbitration panel has issued a final award, there is nothing for the circuit court to review. The effect of CJ § 3-2A-06 (a), considered in conjunction with CJ § 3-2A-05 (h) and CJ § 3-222 (a), like this Rule and Rule 2-535, is to retain jurisdiction in the Health Claims Arbitration Office during the pendency of a timely filed motion for reconsideration; because judicial review occurs only after that office has decided such motion and passed a final award, until that occurs, neither a circuit court, nor any other tribunal, has jurisdiction over the matter. *Marousek v. Sapra*, 87 Md. App. 205, 589 A.2d 529, cert. denied, 324 Md. 325, 597 A.2d 421 (1991).

Applied in *McClayton v. McClayton*, 68 Md. App. 615, 515 A.2d 231 (1986); *Bricker v. Bricker*, 78 Md. App. 570, 554 A.2d 444 (1989); *Southern Four, Inc. v. Parker*, 81 Md. App. 85, 566 A.2d 808 (1989); *Singletary v. Maryland State Dep't of Pub. Safety*, 87 Md. App. 405, 589 A.2d 1311 (1991); *Triplin v. Jackson*, 326 Md. 462, 605 A.2d 618 (1992).

Quoted in *Porter Hayden Co. v. Commercial Union Ins. Co.*, 339 Md. 150, 661 A.2d 691 (1995).

Stated in *Ski Roundtop, Inc. v. Wagerman*, 79 Md. App. 357, 558 A.2d 1144 (1989).

Cited in *Young v. Young*, 61 Md. App. 103, 484 A.2d 1054 (1984); *Arundel Fed. Sav. & Loan Ass'n v. Lawrence*, 65 Md. App. 158, 499 A.2d 1298 (1985); *Brady v. Ralph Parsons Co.*, 308 Md. 486, 520 A.2d 717 (1987); *Younker v. Schmid Prods. Co.*, 310 Md. 493, 530 A.2d 274 (1987); *Swanson v. Wilde*, 74 Md. App. 57, 536 A.2d 694, aff'd, 314 Md. 80, 548 A.2d 837 (1988); *Board of Trustees v. RTKL Assocs.*, 80 Md. App. 45, 559 A.2d 805 (1989); *Carroll County Dep't of Social Servs. v. Edelmann*, 320 Md. 150, 577 A.2d 14 (1990); *Dabrowski v. Dondalski*, 320 Md. 392, 578 A.2d 211 (1990); *Board of License Comm'rs v. Haberlin*, 320 Md. 399, 578 A.2d 215 (1990); *Lieberman v. Lieberman*, 81 Md. App. 575, 568 A.2d 1157 (1990); *Fields v. Mersack*, 83 Md. App. 649, 577 A.2d 376 (1990); *Nationwide Mut. Ins. Co. v. Continental Cas. Co.*, 87 Md. App. 261, 589 A.2d 556, cert. denied, 324 Md. 122, 596 A.2d 628 (1991); *Ungar v. Handelsman*, 325 Md. 135, 599 A.2d 1159 (1992); *Hrehorovich v. Harbor Hosp. Ctr.*, 93 Md. App. 772, 614 A.2d 1021 (1992), cert. denied, 330 Md. 319, 624 A.2d 490 (1993); *Home Indem. Co. v. Killian*, 94 Md. App. 205, 616 A.2d 906 (1992); *Montgomery Village Assocs. v. Mark*, 95 Md. App. 337, 620 A.2d 975, cert. denied, 330 Md. 680, 625 A.2d 982 (1993); *Curry v. Hillcrest Clinic, Inc.*, 99 Md. App. 477, 638 A.2d 115 (1994), aff'd, 337 Md. 412, 653 A.2d 934 (1995).

Rule 2-535. REVISORY POWER

(a) **Generally.** — On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534.

(b) **Fraud, Mistake, Irregularity.** — On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity.

Committee note: This section is intended to be as comprehensive as Code, Courts Article § 6-408.

(c) **Newly-Discovered Evidence.** — On motion of any party filed within 30 days after entry of judgment, the court may grant a new trial on the ground of newly-discovered evidence that could not have been discovered by due diligence in time to move for a new trial pursuant to Rule 2-533.

(d) **Clerical Mistakes.** — Clerical mistakes in judgments, orders, or other parts of the record may be corrected by the court at any time on its own initiative, or on motion of any party after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed by the appellate court, and thereafter with leave of the appellate court.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 625

a. Section (b) is derived from former Rule 625

a. Section (c) is derived from former Rule 625 b.

Section (d) is derived from FRCP 60 (a) and former Rule 681.

Maryland Law Review. — For article, "The Revisory Power of Courts Over Judgments by Default in Third Party Practice," see 11 Md. L. Rev. 135 (1950).

For note, "Unambiguous personal injury release bars suit for subsequently discovered injuries," see 41 Md. L. Rev. 478 (1982).

For article, "Survey of Developments in Maryland Law, 1984-85," see 45 Md. L. Rev. 501 (1986).

For article, "Survey of Developments in Maryland Law, 1987-88," see 48 Md. L. Rev. 551 (1989).

University of Baltimore Law Review. — For comment, see "Regulatory Options for Surrogate Arrangements in Maryland," 18 U. Balt. L. Rev. 110 (1989).

Applicability of Rule. — There is nothing in this Rule that limits the procedure established by this Rule to a judgment preceded by an oral, adversarial hearing. *Alitalia Linee Aeree Italiane v. Tornillo*, 320 Md. 192, 577 A.2d 34 (1990), *aff'd*, 329 Md. 40, 617 A.2d 572 (1993).

Rule held inapplicable where movant was not party to action. — This Rule prescribes the time constraints imposed on a movant seeking a revision of a judgment in a proceeding in which the movant was a party, and where appellants were not parties to the foreclosure action that they were seeking to have vacated, this Rule was deemed inapplicable. *Bennett Heating & Air Conditioning, Inc. v. NationsBank of Md.*, 103 Md. App. 749, 654 A.2d 949 (1995).

It is most desirable that there should be end to litigation, and a judgment is presumed to be a settlement of all matters in dispute in that particular case; and once entered, parties are no longer under the necessity of preserving the evidences upon which their claims rested. *Penn Cent. Co. v. Buffalo Spring & Equip. Co.*, 260 Md. 576, 273 A.2d 97 (1971).

Underlying the long settled rule disfavoring vacation of an enrolled decree is the principle that, once parties have had the opportunity to present before a court a matter for investigation and determination, and once the decision has been rendered and the litigants, if they so choose, have exhausted every means of reviewing it, the public policy of this State demands that there be an end to that litigation. *Schwartz v. Merchants Mtg. Co.*, 272 Md. 305, 322 A.2d 544 (1974).

The purpose of limiting a trial court's discretion to revise an enrolled judgment is to promote finality of judgment and thus to insure that litigation comes to an end. *Haskell v. Carey*, 294 Md. 550, 451 A.2d 658 (1982).

Time to set aside judgment provided. — The Rules establish a period of time within which a reasonably diligent person can act for the purpose of causing a judgment to be set aside. *Suburban Properties Mgt., Inc. v. Johnson*, 236 Md. 455, 204 A.2d 326 (1964).

Jurisdiction. — If a post trial motion, however titled, is filed within 10 days of judgment, the trial court retains jurisdiction to dispose of it, notwithstanding that an appeal may have been noted. *Marousek v. Sapra*, 87 Md. App. 205, 589 A.2d 529, *cert. denied*, 324 Md. 325, 597 A.2d 421 (1991).

Filing motion within 10 days. — A motion under this Rule, if filed within 10 days of the entry of judgment by the court, will be treated as a Rule 2-534 motion and will have the same effect on appeal time. *Alitalia Linee Aeree*

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98 (separate opinion). Such an issue, we think, must ultimately be decided by this Court. Our duty admits of no 'substitute for facing up to the tough individual problems of constitutional judgment involved in every obscenity case.'"
378 U. S. at 187-88.

Perhaps the terse and complete answer to this contention is that in the Maryland equity courts there is absolutely no provision for the use of a jury to resolve questions of fact. That is the exclusive province of the chancellor. Maryland Rule 517. And it does not seem to us that resolution by a judge rather than a jury violates any constitutional guarantees. *Jacobellis*.

We shall modify Judge Powers' order of 8 February 1971 by deleting therefrom Numbers 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 14, 16 and 18.

Order modified and as modified affirmed.

Costs to be paid by appellants.

REDDING v. BOARD OF COUNTY COMMISSIONERS FOR PRINCE GEORGE'S COUNTY, MARYLAND

[No. 484, September Term, 1970.]

Decided October 14, 1971.

ADMINISTRATIVE LAW—Where Tape Recordings Of A Disciplinary Board Hearing In Which A Prima Facie Case Was Established Are Subsequently Introduced Without Objection In A Hearing Before A Board Of Appeals, The Board May Find This Evidence To Be Probative And Sufficient To Establish A Prima Facie Case Before It. p. 110

ADMINISTRATIVE LAW—EVIDENCE—Hearsay Is Admissible Before An Administrative Body And If Credible And Of Sufficient Probative Force May Be The Sole Basis For A Decision.

pp. 110-111

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ADMINISTRATIVE LAW—Rehearing—Where No Statute Or Ordinance Has Expressly Given A Board Of Appeals The Power Of Reconsideration Or Rehearing It Has Such A Right Solely If An Error In The Initial Decision Was Caused By Fraud, Surprise, Mistake Or Inadvertence. pp. 111-112

MANDAMUS, WRIT OF—DECLARATORY JUDGMENTS—Where A Petition For Mandamus Does Not Comply With Maryland Rules BE-40-46 And Includes A Prayer For Declaratory Relief, It Is Proper To Treat The Petition As One For Relief Under The Uniform Declaratory Judgment Act, Code (1971), Art. 31A. p. 112

R. L. H.

Motion for rehearing filed November 11, 1971; denied November 17, 1971.

Appeal from the Circuit Court for Prince George's County (McCULLOUGH, J.).

Appeal by the Board of County Commissioners for Prince George's County, Maryland, from a substituted order issued after rehearing by the Board of Appeals for Prince George's County which reinstated Michael D. Redding as a member of the county police force. From an order declaring the order of reinstatement to be null and void, Redding appeals.

Order of January 4, 1971, affirmed, the appellant to pay the costs.

The cause was argued before HAMMOND, C. J., and BARNES, McWILLIAMS, SINGLEY and SMITH, JJ.

Fred R. Joseph, with whom were *Karl G. Feissner*, *William L. Kaplan*, *Thomas P. Smith*, *Andrew E. Greenwood*, *Walter E. Laake* and *Feissner, Kaplan & Smith* on the brief, for appellant.

Glenn T. Harrell, Jr., and *John R. Barr*, Associate County Attorneys, with whom was *Walter H. Maloney, Jr.*, County Attorney, on the brief, for appellee.

BARNES, J., delivered the opinion of the Court.

The question presented to us in this appeal is whether the Circuit Court for Prince George's County (McCull-

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lough, J.) erred in passing an order on January 4, 1971, declaring an order of the Board of Administrative Appeals for Prince George's County (Board of Appeals), dated June 22, 1970, null and void. The Board of Appeals had, on March 13, 1970, by a vote of two to one, sustained the findings of the Chief of Police dismissing the appellant, Michael D. Redding, from the police force of the county. Later, on the motion of Redding, the Board of Appeals granted a rehearing which was held on May 18, 1970, and thereafter reinstated Redding as a county police officer upon the payment of a \$200 fine with suspension for three months from the time of his original dismissal by the Chief of Police.

Vincent S. Free, Chief of Police of the Police Force of Prince George's County (Chief Free), notified Redding on December 30, 1969, to appear before the Police Trial Board on January 6, 1970, to answer two charges against Redding, as follows:

"(1) Section 15-14-C-12 Conduct unbecoming an officer on December 20, 1969; wherein you [did] fail to conduct yourself in such a manner as would redound to the credit of the Department.

"(2) Section 15-14-C-20 You did intentionally violate a law of the State of Maryland, in that you did take, steal, and carry away and convert to your own use one (1) racing type jacket, valued at \$8.97, the property of Zayre Corporation."

After a hearing the Trial Board found Redding not guilty of charge (2) but guilty of charge (1). It recommended to Chief Free that Redding be dismissed from the force. On January 12, 1970, Chief Free notified Redding of the action of the Trial Board and that he concurred in its recommendation that Redding be dismissed from the force. Chief Free also notified Redding that he had five days within which to appeal to the Board of Appeals. Redding took an appeal through counsel and a

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hearing before the Board of Appeals was held on March 2, 1970. At this hearing all three members of the Board of Appeals were present, i.e., William G. Fawcett, Chairman; Simon M. Pristoop, Vice Chairman and Robert S. Miller, Member. Also present were the following counsel:

Martin A. Hertz, Assistant County Attorney,
Counsel for the Police Department,
Robert J. Flynn, Counsel for the Board of Appeals,
Fred R. Joseph, Counsel for Redding.

Mr. Flynn stated on behalf of the Board of Appeals that the procedure to be followed was that counsel for the Police Department would introduce into evidence a tape recording of the proceedings before the Trial Board, the findings of fact by the Trial Board and a summary of evidence—that is, all of the testimony before the Trial Board. He further stated that if counsel for the Police Department wished to put on additional evidence, he could do this; and counsel for Redding could put on whatever defense he might have.

Then the following appears in the record:

"MR. JOSEPH: Mr. Chairman, in regard to the question of stipulations, may I state at the outset that Officer Redding wants to facilitate matters here as much as possible; get them over with. We have no intention whatsoever of complicating the proceedings. However, it is our feeling that the burden is still upon the County, upon the police, in this case, and that with that burden goes the necessity that they prove their case.

"Now, there were certain witnesses brought before the Trial Board, Police Board. It is my opinion that a reading of what the police or the County Attorney recalls their statement to be does not present the evidence in the light of that hearing. I think in judging the weight of cer-

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tain testimony it is necessary to see the individuals and hear from them in person. I state this in regard, most specifically, to the, so to speak, accusing representative of the Zayre's Store, Mr. Friedhoff, who I think does not come out nearly as bad from the reading of the Findings of Fact as he did at the Trial Board.

"So I would state I would be willing to make certain stipulations. I do not, however, stipulate every single thing in that Finding of Fact as being entirely accurate in the report. May I respectfully state our feeling that the burden is still upon the County, and they must prove the case. We feel we have brought our witnesses and we are willing to go forward."

* * *

"CHAIRMAN FAWSETT: You are not objecting to this being admitted in evidence and you don't object to the Board giving whatever consideration or weight that we believe that it deserves?"

"MR. JOSEPH: Right.

"CHAIRMAN FAWSETT: The only additional evidence that we have will be witnesses that you see fit to call and which you have here tonight?"

"MR. JOSEPH: Correct."

Mr. Joseph then stated:
 "And I want to make clear that we still feel that the burden is upon the County to prove its case, and that it must do so with evidence. I think it also should be made clear that Officer Redding and his attorney had nothing to do with the preparation of these Findings of Fact nor were we consulted in regard to said preparation."

After making an opening statement to the Board of Appeals, Mr. Hertz offered the tapes of the proceedings before the Trial Board at its hearing on January 6, 1970,

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which were received into evidence, without objection, as "County's Exhibit No. 1." Mr. Hertz then offered, without objection, the Findings of Fact and Conclusions of Law of the Trial Board, including a Report of Sergeant Edward J. Armstrong, as "County's Exhibit No. 2," and a Customer's Receipt for \$24.95 from Zayre, which was part of the record before the Trial Board, marked "County's Exhibit No. 3."

Thereafter, Mr. Hertz asked to be excused from the hearing, indicating that he believed the Prince George's County Police Department had established a prima facie case and that he was waiving his right to cross-examine any witnesses offered by Redding. He was excused and thereafter Redding introduced his own and other testimony in his defense.

In the Findings of Fact and Conclusions of Law, the charges against Redding are recited with a list of those members of the Prince George's County Police Department who comprised the Trial Board—a Major, a Captain, a Lieutenant, a Sergeant and a Private. It was also recited that Mr. Hertz and Mr. Joseph were present, representing the Prince George's County Police Department and Redding, respectively. Redding was also present. The testimony of seven witnesses was thereafter summarized.

Charles R. Friedhoff, Assistant Manager for Suitomat, a leased department at Zayre's Department Store at Capital Heights, testified that he had been employed at that store for approximately one month. His initial contact with Redding was in the Men's Room of the store where Redding was changing his socks. Friedhoff stated that he knew nothing about the socks, as to whether they had been paid for. On December 20, 1969, Friedhoff, as he was leaving the store, was confronted by Redding who asked him about the jacket that had been placed underneath his counter in the Suitomat Department and asked Friedhoff if he would put the jacket in a bag and that Redding would pick it up later. Friedhoff stated that

he then went back to the Suitomat Department and told Danny Dyer (James Daniel Dyer, the next witness) to put the jacket in a bag for Officer Redding. Dyer replied that he was not supposed to do this, it being against company regulations and that he could not do it. Friedhoff told Dyer that it was all right, not to "sweat" it, that the officer knew what he was doing. Thereafter, Friedhoff left the store.

James Daniel Dyer, who had been employed by the Suitomat Department for approximately six weeks as a salesman, stated that it was against company regulations to give anyone any kind of gift. On December 20, 1969, he reported for work and, after straightening up his counter, placed a jacket that was under his counter back on the shelf in the Automotive Department as it had been lying under his counter for a week. Later, he was approached by Friedhoff, who inquired where the coat was. Dyer did not know that he was referring to the jacket he had placed back on the shelf. Friedhoff then went to the Automotive Department, got the jacket and placed it back under the counter. Before Friedhoff left the store, he called Dyer aside and told him to put the jacket in a bag when the officer came back for it and to put the security tape on it and to keep his mouth shut. Dyer stated that by placing the red security tape on the package, it was indicated that the package was paid for. Dyer then told Friedhoff that he should not do this and was told by Friedhoff to keep his mouth shut. Dyer did not comply with Friedhoff's orders because he knew it was wrong. After thinking about the matter and being uncertain about what to do, Dyer called the Manager of the Suitomat Department, Mr. Elman, and related to him what had happened. Mr. Elman said the situation would be taken care of. Dyer understood that Elman had called Mr. Schmidt, Manager of the Zayre Corporation, but did not know of any action taken by Schmidt at that time. Approximately ten minutes later, while Dyer was waiting on customers, Redding walked back to the Suitomat

Department and Dyer asked him when he was going to take the jacket. Redding replied, "When do you want me to get it?" and Dyer replied, "as soon as possible." Redding then took a bag, placed the jacket in it, put security tape on the bag and wrote his name on the security tape. He then placed the bag underneath the counter, walked past Dyer and a security guard, Mr. Mason, who was a short distance away. Dyer went over and checked the bag to make sure that he had made no mistake about what he had seen. Later, Redding came back to the Suitomat Department, took the jacket and walked out of the Suitomat Department. On December 31, Dyer talked to Redding at which time Redding stated that he was in trouble and that the jacket, as well as the socks, was a gift to him. Dyer knew nothing about the socks.

Sergeant Edward J. Armstrong, of the Inspectional Services Division of the Prince George's County Police Department, testified in accordance with his Report on the Redding matter. His full Report was attached, consisting of ten single spaced, letter size pages. From this Report, it appears that William Elman, Manager of the Suitomat Department, had telephoned Mr. Monihan, General Manager of the Zayre Store, who told him that Redding had placed a jacket in a bag from the Automotive Department, placed a red security tape on it and placed the package under the counter of the Suitomat Department. Monihan then called James Thomas, who was in charge of Security for the Zayre Corporation in the Washington District, and gave him this information, and later called him to tell him that Monihan had observed Redding leave the store with a package, go to an automobile and return without the package. Thomas then went to the store, spoke to Monihan who pointed out a row of automobiles, stating that Redding had placed the package in a white car. Thomas then went to the parking lot, looked into the white car (an Austin American) and saw on the front seat a Zayre bag with a red security tape on it, but no receipt. The coat of a Prince George's

County Policeman was hanging in the back of the white car. By inquiry, the white car was identified as owned by Redding. Thomas outlined the procedure for employees to make purchases. (Police officers assigned to this detail were considered employees.) All such purchases must be taken through cash register No. 12 where the employee pays for the item purchased and the item is then placed in a regular bag, secured by a red tape approximately one inch wide (a security tape) on which the employee's name is written. Security personnel are thus enabled to check employee purchases. Cash register No. 12 was then checked and no item from Department No. 53, the Automotive Department, for \$8.97, the price of the jacket appeared. Then, all cash registers were checked, with the same result. Sergeant Armstrong thereafter interviewed Friedhoff and Dyer. Their statements to him were substantially the same as already set forth. Monihan confirmed the statement made by Thomas. Mr. Mason, the security officer, observed Redding take the bag but had no reason to be suspicious about it because it had the security tape on it. He notified Thomas that he had observed Redding take the bag out.

In regard to Redding's statement, the Report stated that Redding first related that he placed one bag containing several other bags under the counter of the Suitomat Department about 9:00 p.m. on December 20. Sergeant Armstrong then stated that the matter had been fully investigated and for Redding "to be honest with us." Redding then stated, "Okay, I can't lie too good, I'll be honest with you." He then made a complete admission to Lieutenant Turner and Sergeant Armstrong in regard to what he did. He placed the jacket under the Suitomat counter, placed it in a Zayre bag, put on the security tape, signed his name on the security tape and took the jacket from the premises; he did not pay for it nor did he have permission to take the jacket. He stated that he thought that Friedhoff was giving him the jacket as a gift. He was asked, "Did anyone say to you that the

coat was a gift and that you didn't have to pay for it?" to which he replied, "No, I just had the feeling it was a gift." He was asked further, if he thought it was a gift, why did he go to the trouble of putting the jacket in a Zayre bag and placing the security tape on it, to which Redding replied, "I did it right out in the open." Redding stated to Armstrong that upon learning of the investigation on December 22, he hid the jacket but would not state where it was, saying that he would either produce the jacket or make restitution in the amount of the value of the jacket. He volunteered that Friedhoff knew he was going to take the jacket and not pay for it. After the interview, Lieutenant Turner advised Redding that he was suspended for conduct unbecoming to a police officer. A formal notice of suspension was thereafter issued.

Redding then testified. He stated that he had purchased a coat from the Suitomat Department and that Friedhoff had given him a 20% discount on the coat. A customer's sales slip, No. 27802 in the amount of \$24.95, dated "12/12" and signed by Friedhoff was introduced into evidence. He testified that Friedhoff had made him a gift of the jacket in question. The details in regard to placing the jacket under the counter, statements by Friedhoff and other matters were given but the account given by Sergeant Armstrong was in substance confirmed including his original statements and his later statement that it was no use to lie. Redding also stated that he first met Friedhoff when changing socks in the Men's Room. He took the socks because he was in a hurry and did not wish to stand in line to buy things. When he asked Friedhoff where he could pay for them, Friedhoff stated that he would take care of them.

George Bernard Norris, a private in the Prince George's County Police Department, testified that he had heard Friedhoff state to Redding on December 20 that "your jacket is ready." Later, Redding gave the jacket to Norris to return to the store after Redding had been suspended. Norris stated that Redding "is a good police of-

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ficer and an asset to the Prince George's County Police Department." Two other privates in the Prince George's County Police Department, Officers Mumaw and Savoy, also testified that Redding was a good police officer and an asset to the force.

It was noted that the jacket was admitted in evidence as Police Department Exhibit No. 1.

The conclusion reached by the Trial Board was that Redding was not guilty under Section 15-14, C-20 of intentionally stealing the jacket but was guilty under Section 15-14, C-12 of conduct unbecoming an officer, " * * * by unauthorized conversion to your own use of merchandise which was the property of Zayre's Corporation * * * "

It was recommended that Redding be dismissed from the Police Department.

The two tapes—running for some eight hours—have been played to ascertain whether the Findings of Fact were supported by the evidence taken and presented a fair summary of that testimony. In our opinion, the Findings of Fact are supported by the testimony and represent a fair summary of the testimony.

At the hearing before the Board of Appeals, Redding testified on his own behalf. His testimony is largely cumulative. In regard to the jacket, Redding stated that he had no notice that the Suitomat Department and the Zayre Corporation were not the same. He saw the jacket, liked it and put it under the counter. He told Friedhoff that he wanted the coat, to watch it for him and not to let anyone else buy it. Later, Friedhoff was asked if the jacket was still back there. Friedhoff stated, "Poncho, do you want the jacket?" After Redding answered, "Yes," Friedhoff stated, "O.K. I will go get it ready for you and you go pick it up." When asked, "when did you first see the jacket," Redding replied, "I first saw the jacket about a week or ten days before the 20th before I purchased it, before I took it."

After he learned that an investigation in regard to the

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jacket had begun, Redding took it over to his father's house and hid it "because I didn't know what to do." He hid it in a trash can but later got it back. He testified that he had no intention of stealing anything.

Dyer also testified at the hearing before the Board of Appeals. His testimony was largely a repetition of his testimony before the Trial Board with some additional references to Friedhoff as "a very nasty person" with the reputation of "a very good liar," especially in giving the impression that he owned or was manager of the concession. One of the members of the Board of Appeals asked him: "Did you feel at the time that Officer Redding was stealing this jacket * * *" to which Dyer answered, "The dirty look I gave him would have maybe told him." Officer Norris testified that he had received a gift of gloves from Zayre and that it was usual to give the policemen the same discount as that given other employees. He stated, "If you really want to get into brass technicalities, no police officer is supposed to accept anything."

Officer Mumaw testified that stores offer discounts to police officers and that at Christmas time he had accepted bottles of liquor from different merchants and a turkey from one man at Thanksgiving time. He thought that Redding's punishment was too harsh.

Counsel for Redding had noted his contention at the end of the Police Department's case that the Police Department carried the burden of proof and moved that the charges against Redding should be dismissed for the failure of the Police Department to make out a prima facie case. The Board of Appeals declined to do so rule and, after Redding had put on his evidence, decided by a two to one vote, by a decision dated March 13, 1970, and received by counsel for Redding on March 23, to sustain the findings of the Chief of Police dismissing Redding.

On March 30, 1970, Redding filed a Request for a Rehearing before the Board of Appeals and served a copy on counsel for the Police Department. In the Points and

Authorities Supporting this Request, Redding stated that he had new evidence to present, *i.e.*, (1) the testimony of James Nelson of the Prince George's County Police Department in regard to the identification of Redding's automobile by a police officer as set forth in Sergeant Armstrong's Report; (2) the testimony of William El-Friedhoff; and (3) the testimony of man in regard to Redding, relating to the use of the jacket in question after taking it from the Zayre store. It was also stated that counsel for Redding wished to emphasize that the hearing before the Board of Appeals is *de novo* and the issues were to be decided on the basis of the evidence presented and not on the basis of whether the Trial Board had acted within the scope of its discretionary right, which point had not been raised previously at the hearing of the case.

On April 13, 1970, the Board of Appeals vacated its previous order and in a resolution stated that a final order would be issued upon a rehearing and reconsideration of the appeal. The clerk of the Board of Appeals gave notice on May 8 that a hearing would be held on May 18 at 7:30 p.m. "for the purpose of argument on matters not previously heard before the Board which you [Mr. Joseph, Counsel for Redding] stated were material and relevant to this case."

On the evening of the hearing on May 18, counsel for the Police Department objected to proceeding with the rehearing because (1) there being no statutory authorization for a rehearing, the proposed rehearing could only be had upon an allegation and a showing by the person applying for the rehearing that there was fraud, surprise, mistake or inadvertence, none of which was alleged or shown and (2) the Board of Appeals decided to grant the rehearing without hearing from the Police Department thereby denying it due process of law. After argument by counsel for the parties, the Board of Appeals—consisting of Vice Chairman Pristoop and Member Miller (Chairman Fawcett having died prior to May 18)—

took the matter under advisement with the Board's counsel, Mr. Flynn, and thereafter returned announcing through Mr. Flynn that it would consider Redding's motion as one to take additional testimony due to inadvertence and would deny the motion of the Police Department but would treat it as a motion to strike the testimony at the end of Redding's case.

The testimony of Officer Nelson was merely cumulative to that produced before the Trial Board. He stated that he was the officer who identified Redding's white automobile and that Redding had told him that Friedhoff had given him the jacket. Elman's testimony was also cumulative. He thought there had been a misunderstanding by Redding that he had been given the jacket; but he could not explain why Zayre filed a complaint against Redding, stating that all he did "was report that something was taken from the store without * * * being paid for." The Board of Appeals declined to hear the testimony of George B. Norris on the ground that he had testified at the last hearing and that the price of the gloves he had received as a gift was not relevant.

The Police Department then produced Chief Free who testified in regard to the reasons why he sustained the findings of the Trial Board. He stated:

"* * * I think I have to—I believe my job, or my function, is to put on the road for the people of Prince George's County the finest police department that you can possibly get. I think probably the main thing that an officer must have, the main attribute certainly must be honesty. This is the one thing that he must have is honesty. I felt that Private Redding was dishonest in this instance, and for that reason I felt that he should not be a member of this department. "Q. Chief Free, what did you base your conclusion on that he had been dishonest? A. Well, when he actually took the jacket. Now, certainly if someone is going to give you something you

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don't have to hide it under a counter and then put a certain—put it in a certain bag with a red sticker on it which designates employee, sign your name on it. This was done as a subterfuge. It has to be that way.

"And then, of course, taking it out and putting it in his car. And then when he was approached after the complaint had been registered by Mr. Monahan, the general manager of the Zayre's Corporation, he was not frank, certainly, with the investigating officers. He told them at first that he had taken a bag containing other bags and placed it under the counter of the Sutomat department of this Zayre department store. He knew nothing of the taking of a jacket. This was his first story.

"Then he said, 'O.K., I can't lie too good. I will be honest with you.' He admitted he had taken the jacket. He placed it in a Zayre bag, sealed it with a red security tape, signed his name on the security tape, and left the premises without paying for the jacket.

"Now, his excuse was that he thought the jacket was a gift, although no one, including Mr. Friedhoff, had ever told him it was a gift.

"So far as I am concerned, I honestly believe that this was taken by Private Redding without the knowledge of the people that should have known about it."

On June 22, 1970, the Board of Appeals filed a resolution overruling the motion to strike and determined that there was a sufficient showing by Redding of inadequacy to warrant a rehearing accepting, without admitting, the Police Department's contention that fraud, surprise, mistake or inadvertency must be shown. Also, on June 22, the Board of Appeals passed an order which, after making certain findings of fact, concluded that (1) Redding exercised indiscretion in his acceptance of the

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article of clothing, (2) the finding of the Trial Board that Redding was guilty of conduct unbecoming an officer should be affirmed and (3) dismissal was "inappropriately severe for an officer with a previously unblemished record." It ordered that Redding be reinstated on the police force, subject to a \$200 fine and a three month suspension commencing on the date of his dismissal by Chief Free and that his pay be retroactive to the date the suspension period terminated.

On June 26 Chief Free filed a Petition for "Injunction, Mandamus and Such Further Relief as to the Court May Seem Proper" reciting the basic facts and alleging that the Board of Appeals acted arbitrarily and capriciously in reversing its prior decision when there was no error, fraud, mistake or inadvertency shown, but rather a mere change of mind without legal justification. It alleged also that Chief Free had advised Redding on June 26 that he need not report for duty in view of the challenge to the Board's action but that he would be paid his salary in the event the circuit court affirmed the Board's action. The requested relief was that the circuit court issue "a Writ of Mandamus and/or Injunction nullifying the Board of Appeals Order of June 22, 1970" and for a Show Cause Order directing the Board of Appeals to show cause why the order of June 22 should not be nullified and made void. Ultimately, the Board of County Commissioners for Prince George's County was substituted for Chief Free and the case was submitted to Judge McCullough for disposition. Judge McCullough, on January 4, 1971, filed an opinion indicating that the mandamus was a proper form to seek relief under the circumstances of the case and that the Board of Appeals had no authority to grant Redding a rehearing and to reverse its first order. Also on January 4, 1971, the circuit court ordered that the order of the Board of Appeals of June 22, 1970, "which reinstated Defendant Redding on the Police Force be and is hereby declared null and void." An appeal to the Court of Appeals from this order was timely filed by Redding.

Redding raised two questions before us:

1. The appellee failed to sustain its burden of proof at the initial hearing before the Board of Appeals.
 2. The lower court erred in ruling that the Order of the Board of Appeals reinstating the Appellant Redding on the Police Force was null and void.
- We now turn to a consideration of these questions.

(1)

In our opinion, sufficient evidence was produced by the appellee before the Board of Appeals both to establish a prima facie case and to support the decision of the Board of Appeals of March 13, 1970, sustaining Redding's dismissal from the force.

As we have already observed, there was ample evidence in the Findings of Facts and Conclusions of Law filed by the Trial Board and in supporting evidence in the tapes to support the decision of March 13, 1970, of the Board of Appeals. There were no objections by counsel for Redding to the admission of the tapes, the Findings of Fact and Conclusions of Law and the receipt for the purchase of a coat by Redding into evidence before the Board of Appeals. They were, therefore, properly before the Board of Appeals; and, as we have noted, they made out a prima facie case for the Police Department and the County Commissioners. The tapes indicate that counsel for Redding was afforded the right of cross-examination and freely and forcefully availed himself of that right. The Board of Appeals was not bound to accept all or any part of the testimony contained in the tapes or in the Findings of Fact and Conclusions of Law. It did, however, find this evidence to be probative and the evidence supports the decision of the Board of Appeals. Redding complains that some of the evidence admitted was hearsay; but we have held that such evidence is admissible before an administrative body in contested cases and, indeed, if credible and of sufficient probative force, may be the sole basis for the decision of the admin-

istrative body. See *Tauber v. County Board of Appeals*, 257 Md. 202, 213, 262 A. 2d 513, 518 (1970) and prior cases therein cited. In addition, there were no objections to the hearsay evidence taken before the trial board.

(2)

We are also of the opinion that the lower court properly ruled that the Board of Appeals had no legal basis for reconsidering or reopening the decision of March 13, 1970, and hence the Board's decision of June 22, 1970, was null and void.

There is no statute or ordinance which gives the Board of Appeals the power of reconsideration or of rehearing. The common law rule in regard to the power of an administrative body acting in a quasi-judicial capacity is therefore applicable. Our predecessors in *Zoning Appeals Board v. McKinney*, 174 Md. 551, 564-566, 199 A. 540, 546-547 (1938) indicated that in that type of situation, the administrative body has the right to reconsider a decision if an error has been caused by fraud, surprise, mistake or inadvertence. We cited *McKinney* with approval in *Kay Construction Co. v. County Council for Montgomery County*, 227 Md. 479, 177 A. 2d 694 (1962); in *Schultz v. Montgomery County Planning Board*, 230 Md. 76, 185 A. 2d 502 (1962); and in *Gaywood Community Ass'n v. Metropolitan Transit Authority*, 246 Md. 93, 227 A. 2d 735 (1967). In *Kay*, *Schultz* and *Gaywood*, we pointed out that a mere change of mind, without any intervening change in conditions or other different factors, did not amount to "fraud, mistake, surprise or inadvertence," justifying a rehearing or reconsideration. In the present case, there was no newly discovered evidence and the evidence produced was cumulative as we have observed. Indeed, there was no allegation in the Petition for the Rehearing that the prior decision had resulted from "fraud, mistake, surprise or inadvertence" and the burden of so alleging and proving is upon the person seeking the rehearing or reconsideration. The Board of Appeals sought to indicate that the prior decision was

made as a result of "inadvertency," but it clearly was not. There was simply no existing element of the rule and no reconsideration or rehearing could be lawfully held by the Board of Appeals as the lower court properly ruled.

The form of the "Petition for Injunction, Mandamus and Such Further Relief as to the Court May Seem Proper," Law No. 45,019 gives us some difficulty. The petition is far from a model of careful pleading. Rather, it presents a "shotgun" approach with the hope of the pleader that one shot will hit his opponent and bring him down. We interpret the petition as an action at law for declaratory relief (authorized by the Uniform Declaratory Judgment Act, Code (1971), Art. 31 A, §§ 1 et seq.) i.e., to declare the order of June 22, 1970, of the Board of Appeals null and void with ancillary relief by way of injunction or mandamus, if required, pursuant to Maryland Rules BF 40, 41, 42 and 43. It can hardly be an action for a writ of mandamus, as such, pursuant to Rules BE 40-46 in that (1) the petition was not verified as required by Rule BE 40 c and (2) there is no prayer for relief setting forth the peremptory form of the writ of mandamus sought. See Rule BE 45. Indeed, the prayer for relief is for declaratory relief and the relief obtained from the lower court was a declaration that the order of June 22, 1970, was null and void. In its opinion, the lower court suggests that a writ of mandamus might issue to compel the Board of Appeals to grant the motion to strike the evidence introduced at the second hearing on behalf of Redding or that the Board be enjoined from attempting to enforce its order of June 22, but the fact is that neither a writ of mandamus nor a writ of injunction did issue. Instead, declaratory relief was awarded—properly in our opinion—there being no necessity under the circumstances for issuing writs of mandamus or of injunction.

Order of January 4, 1971, affirmed, the appellant to pay the costs.

BOETTCHER v. VAN LILL, Individually and as
Executrix of the Estate of Arthur F. Van Lill

[No. 4, September Term, 1971.]

Decided October 14, 1971.

EVIDENCE—Boundaries Of Real Property—Plats—Unauthenticated Plat Is Inadmissible To Prove Specific Boundaries—Plat May Be Admitted For Limited Purpose Of Illustrating Testimony Of Witness. Where trial court admitted unauthenticated plat into evidence for limited purpose of illustrating testimony of witness who had knowledge, the Court held that the trial court committed no error.
pp. 115-117

SPECIFIC PERFORMANCE—Contract To Convey Real Property—Court Must Be Able To Determine With Reasonable Certainty What Property Is To Be Conveyed—Extrinsic Evidence May Assist Determination. Where in suit for specific performance of contract to make a lease, written document was insufficient to delineate specific boundaries of property, but where witnesses who had been on premises when boundaries were set described their location, the Court held there was sufficient evidence to describe boundaries with reasonable certainty.
pp. 117-120

J. A. A.

Appeal from the Circuit Court for Cecil County
(RONEY, J.).

Amended bill of complaint by Arthur F. Van Lill, Sr., and Dolores Van Lill, his wife, against Frank F. Boettcher and Josephine M. Boettcher, his wife, praying specific performance of alleged contract to make a lease. From a decree in favor of Dolores Van Lill, individually and as Executrix of the Estate of Arthur F. Van Lill, Josephine M. Boettcher appeals.

Decree modified to delete Dolores Van Lill individually from its provisions and as modified, affirmed with costs to be paid by appellant.

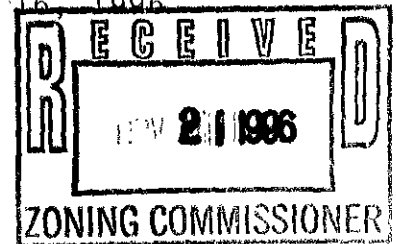
The cause was argued before HAMMOND, C. J., and BARNES, MCWILLIAMS, FINAN, SINGLEY, SMITH and DIGGES, JJ.

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63
Perry Hall, Maryland 21128

November 16, 1996

Mr. Lawrence Schmidt
Zoning Commissioner/Hearing Officer
111 West Chesapeake Avenue
Towson, MD 21204



RE: CASE NUMBER 97-193-SPHA (Item 193)

Dear Mr. Schmidt:

The Perry Hall Improvement Association membership at their regular monthly meeting, November 14, 1996, voted to oppose the variances requested for Case Number 97-193-SPHA (Item 193).

This property located at 4142 East Joppa Road is one of three commercial enterprises developed and/or to be developed on this heavily traveled intersection of Joppa and Belair Roads. One is a snowball stand directly on the corner of Joppa and Belair Roads; the second is a building granted limited exception in 1994 for a 2,070 square foot building at 9006 Belair Road, known as the Perry Hall Music Store and now this 5,500 square foot restaurant.

Baltimore County has regulations to ensure communities transition from commercial zones to residential zones. To allow a variance in a DR 5.5 zone thus ensuring less parking spaces than required for a building this size; to grant zero foot setbacks and variances from RTA setbacks, buffers and landscaping goes against all safeguards for the residential community.

Perry Hall has had millions of dollars spent by both Baltimore County and the State of Maryland to give our residents as well as people outside the community the ability to move on the roads safely and efficiently. There will be at the very least five ingress and egress locations on this one corner. Granting these variances will greatly compromise and endanger the public.

We are not against development. We only ask the developers to live within the county codes, guidelines and regulations.

Sincerely,

Dorothy S. McMann
Dorothy S. McMann
President

CC: Councilman Vince Gardina
Arnold "Pat" Keller, Director of Planning

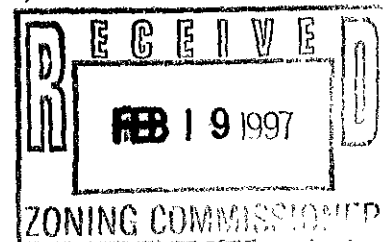
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PERRY HALL IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63
Perry Hall, Maryland 21128

February 19, 1997

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for Baltimore County
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204



Hand-delivered

RE: Petition for Reconsideration and
Modification of December 17, 1996
Deputy Zoning Commissioner Order
in Case No. 97-193-SPHA

Dear Deputy Commissioner Kotroco:

The Perry Hall Improvement Association has concerns about procedural issues and opposes the request for Motion for Reconsideration and Modification in Case No. 97-193-SPHA.

The Motion for Reconsideration should be denied because the Petitioner failed to ask for Reconsideration and to appeal the Deputy Zoning Commissioner's December 17, 1996 Order within the required 30 day period. The Deputy Zoning Commissioner's Order is then final.

As you indicated in your letter to the Petitioner of January 24, 1997, there have been substantial changes to the plan. Therefore, the new plan should go back through the process. This plan cannot be considered for a limited exemption (refer to 26-171 (7)). Any construction involving a full acre is not minor construction, nor can a diner be considered an accessory structure.

For these reasons, the Motion for Reconsideration or Modification should not be granted.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Al Thompson".

Al Thompson
President

A handwritten signature in cursive script, appearing to read "Dorothy S. McMann".

Dorothy S. McMann
Zoning Chair

cc: Julie D. Wright, Esquire
Attorney for Petitioner

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SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

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30 COLUMBIA CORPORATE CENTER
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TELEPHONE 410 884-0700
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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

JULIE D. WRIGHT
DIRECT NUMBER
410 832-2084
2071752@mclmail.com

December 4, 1996

VIA HAND DELIVERY

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Property: 4142 E. Joppa Road
Item No.: 193
Case No.: 97-193-SPHA
Petitioner: George and Peggy Marmaras**

Dear Mr. Kotroco:

This letter concerns the above-referenced zoning matter in which George and Peggy Marmaras have requested approval of an RTA variance, a parking variance, and landscaping variance so that they may construct a diner on the property located at 4142 E. Joppa Avenue. At the zoning hearing on November 25, 1996, over which you presided, Ms. Dorothy McMann, president of the Perry Hall Improvement Association, indicated that the Protestants' primary concern was that the diner would be a "24-hour" operation.

After the hearing, Mr. Marmaras and I discussed the possibility of limiting the diner's hours of operation to accommodate the Protestants. Mr. Marmaras has agreed to limit the diner's hours of operation as follows:

Monday - Thursday:	5:00 a.m. to Midnight
Friday:	24 Hours beginning at 5:00 a.m.
Saturday:	24 Hours
Sunday:	24 Hours ending at Midnight

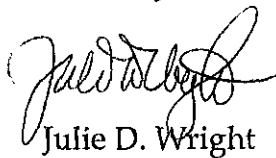
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10/10/96 10:10 AM

Mr. Timothy Kotroco
December 4, 1996
Page 2

Accordingly, the diner would be open for twenty-four hours only on the weekends beginning Friday at 5:00 a.m. and ending Sunday at midnight.

Thank you for your consideration and should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie D. Wright".

Julie D. Wright

JDW;jdw

cc: Ms. Dorothy McMann

94396

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
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410 832-2000
FAX 410 832-2015

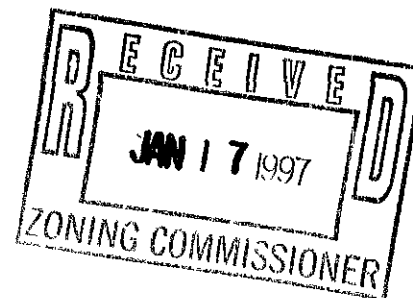
50 COLUMBIA CORPORATE CENTER
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1317 KING STREET
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FAX 703 836-0265

January 17, 1997



Timothy M. Kotroco, Deputy Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Motion for Modification of December 17, 1996 Zoning
Commissioner Order in Case No. 97-193-SPHA**

Dear Deputy Commissioner Kotroco:

Please accept this letter as Petitioners', George and Peggy Marmaras, Motion for Modification of your Order issued in the above-referenced case on December 17, 1996. Additionally, please find an amended development plan which addresses the concerns raised by you in your December 17, 1996 Order.

As you will recall, a zoning hearing was held on the 25th of November 1996. At that hearing, the Petitioners requested the following zoning relief:

- (1) Special Hearing to permit parking in a D.R. 5.5 zone.
- (2) Variance from § 409.6.A.2 to permit 77 parking spaces in lieu of the required 88 spaces.
- (3) Variance from § 1B01.1 to permit an RTA Buffer and setback of 9.5 feet each in lieu of the required 50 and 75 feet, respectively.
- (4) Variance from § 9.C.2.b.1 of the Landscaping Policy Manual to permit a 0 foot setback in lieu of the minimum required 10 feet.

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- (5) Variance from § 9.C.2.b.3 of the Landscaping Policy Manual to permit 2.7% interior landscaping in lieu of the required 7%.

Numerous community members appeared at the hearing and testified in opposition to the proposed development of a Double 'T' Diner on the subject site. The community members expressed concern about the amount of traffic which would be generated by the proposed development, increased noise, and increased trash accumulation.

You found that the special hearing request to allow parking in the D.R. 5.5 zoned portion of the site should be denied because of the adverse effect that the proposed development would have on adjacent residences. Additionally, you found that the variances requested for the RTA buffer and setback requirements should be denied because the RTA areas are designed to mitigate effects of commercial development and the Petitioners were unable to meet any of the required setbacks for the subject property.

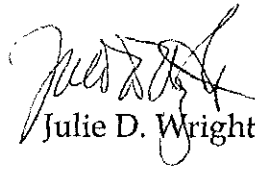
Based on your conclusion that the subject site is "simply not appropriate for such a large scale restaurant use, with exaggerated hours of operation as proposed," Petitioners have, amended the subject site plan. The amended site plan demonstrates that there will be no parking in the D.R. 5.5 zone, and therefore, no variances from the RTA setback and buffer requirements will be necessary. Additionally, the size of the restaurant has been reduced and the development no longer requires a variance from the parking space requirements. The development, however, will require variances from the landscaping requirements set forth in § 9.C.2.b.3 of the Landscaping Policy Manual. As of this date, the amended landscaping plan has not been finalized. The amended landscaping plan will be available on Tuesday, January 21, 1996. I will submit a copy to you at that time.

Petitioners request that you modify your order dated December 17, 1996, and approve the amended site plan. In the alternative, Petitioners request an opportunity for hearing to submit the alternative site plan, which, as stated above, addresses the problems created by the previously requested zoning relief; the development no longer requires any zoning relief. The Petitioners understand that, by filling this Motion to Modify the Zoning Commissioner's Order dated December 17, 1996, the appeals period for challenging that Order before the Board of Appeals is stayed.

Timothy M. Kotroco, Deputy Zoning Commissioner
January 17, 1997
Page 3

WHEREFORE, Petitioners, George and Peggy Marmaras, respectfully request an opportunity for hearing on its motion for modification of Zoning Commissioner's Order dated December 17, 1996.

Sincerely,



Julie D. Wright

JDW;jdw

Enclosure

cc: Ms. Dorothy S. McMann
Mr. Clinton Marshall
Mr. & Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. & Mrs. Ed Schafer
Mr. Bill Paulshak

People's Counsel; case file

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

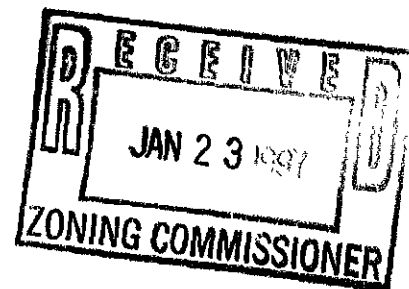
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 341-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

JULIE D. WRIGHT
DIRECT NUMBER
410 852-2084
2071752@mcimail.com

January 23, 1997



Timothy M. Kotroco, Deputy Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Motion for Modification of December 17, 1996 Zoning
Commissioner Order in Case No.: 97-193-SPHA**

Dear Deputy Commissioner Kotroco:

Please accept for filing in the instant matter, a copy of the proposed landscaping plan for the proposed development on 4142 E. Joppa Road. At the time I submitted the Motion for Modification on January 17, 1997, I did not have the benefit of the completed landscaping plan. Accordingly, I was incorrect in stating that the proposed development only required a variance from § 9.C.2.b.3 of the Landscaping Policy Manual.

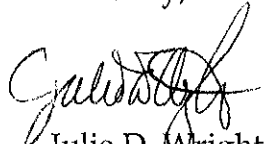
As the attached Landscape Plan demonstrates, the proposed development will also need a variance from § 9.C.2.b.1 of the Landscaping Policy Manual to permit a 0 foot setback in lieu of the minimum required 10 feet. As you can see from the Landscape Plan and the Modified Development Plan, the configuration of the site makes it impossible to situate the building for the diner in a manner which allows for the required 10 feet of landscaping between the site and the properties owned by Edward Schafer and Bertha Ginn. In order to compensate for the lack of landscaping in these areas, the developer proposes to construct a six-foot board-on-board fence along the property lines of the two adjacent residential properties. The fence will probably be more successful than shrubbery or trees at screening the proposed development from the two residences.

MICROFILMED

Timothy M. Kotroco, Deputy Zoning Commissioner
January 23, 1997
Page 2

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Julie D. Wright

JDW:jdw

cc: Ms. Dorothy S. McMann
] Mr. Clinton Marshall
Mr. & Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. & Mrs. Edward Schafer
Mr. Bill Paulshak

Mr. George Marmaras
Mr. Art Leonard
Mr. Bob Tipton

Attachment

copy

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

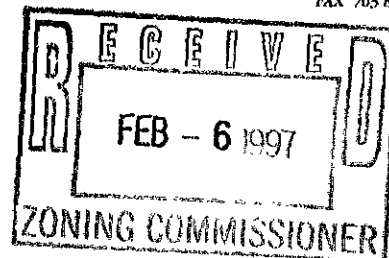
1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1517 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
2029522@mcimail.com

February 3, 1997



DELIVERY BY HAND

The Honorable Timothy M. Kotroco
Zoning Commissioner's Office
M.S. 2112
400 Washington Avenue
Towson, Maryland 21204

**Re: Case No. 97-193-A - Marmaras Property
Request for Rescheduling**

Dear Mr. Kotroco:

Thank you for the Notice of Hearing on the Motion for Reconsideration dated January 28, 1997 wherein a hearing has been scheduled for Tuesday, February 25, 1997 at 9:00 a.m. Unfortunately, I must be at the Baltimore County Circuit Court for an appeal hearing that same day at 9:30 a.m. In light of this scheduling conflict, please reschedule the hearing on the Motion for Reconsideration.

Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:sl
Enclosure

cc: The Honorable Lawrence E. Schmidt
Mr. and Mrs. George Marmaras
- Ms. Dorothy S. McMann
- Mr. Clinton Marshall
Mr. and Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. and Mrs. Ed Schafer
- Mr. Bill Paulshak

MICROFILMED

SIXTH SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
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50 COLUMBIA CORPORATE CENTER
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COLUMBIA, MARYLAND 21044
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FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT

DIRECT NUMBER
410 832-2050
202952261 mci@mail.com

February 3, 1997

DELIVERY BY HAND

The Honorable Timothy M. Kotroco
Zoning Commissioner's Office
M.S. 2112
400 Washington Avenue
Towson, Maryland 21204

**Re: Case No. 97-193-A - Marmaras Property
Request for Rescheduling**

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Should you have any questions or comments, please feel free to contact me. Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:sll
Enclosure

cc: The Honorable Lawrence E. Schmidt
Mr. and Mrs. George Marmaras
Ms. Dorothy S. McMann
Mr. Clinton Marshall
Mr. and Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. and Mrs. Ed Schafer
Mr. Bill Paulshak

*Settle,
Need to have
Gwen Set New
Date.*

*changed to
3:30 PM same
day,
Gwen to send
out revised
Notice of Hearing
2/6/97
Bjo*

RECORDED

IMPORTANT MESSAGE

TO Tim / Harry
 DATE 2/5 TIME A.M.
 P.M.

WHILE YOU WERE OUT

M
 OF
 Area Code & Exchange

TELEPHONED	☐	PLEASE CALL	☐
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL		☐	☐

Message

 Operator

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
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TELEPHONE 410 884-0700
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JULIE D. WRIGHT
DIRECT NUMBER
410 832-2084
2071752@mcimail.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

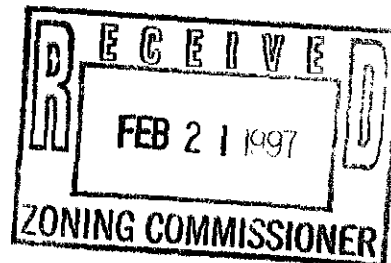
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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

February 21, 1997



Timothy M. Kotroco, Deputy Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

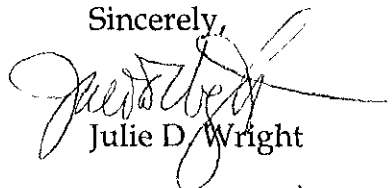
Re: Motion for Modification of December 17, 1996 Zoning
Commissioner Order in Case No. 97-193-SPHA

Dear Deputy Commissioner Kotroco:

Please accept this letter as Petitioners', George and Peggy Marmaras, Motion to Dismiss their previously filed Motion for Modification of your Order issued in the above-referenced case on December 17, 1996. In light of this dismissal request, the hearing on this matter, currently scheduled for February 25, 1997, should also be dismissed.

Thank you for your kind attention to this matter, and should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Julie D. Wright

JDW:jdw

cc: Ms. Dorothy S. McMann
Mr. Clinton Marshall

MICROFILMED

Timothy M. Kotroco, Deputy Zoning Commissioner
February 21, 1997
Page 2

Mr. & Mrs. George Wilson
Ms. Bertha H. Ginn
Ms. Janet R. Almony
Mr. David Marks
Mr. & Mrs. Ed Schafer
Mr. Bill Paulshak

People's Counsel; case file

BALTO - MD

256-1318

MICROFILMED

#193

October 23, 1996

DROP OFF

10/23/96

OK per WCR

Care Richards.
Planning & Zoning
~~Towson~~, Maryland 21204

Re: George Marmaras Property
4142 EAST JOPPA ROAD - Proposed Restaurant Development.

Dear Mr. Richards:

Please accept for filing the enclosed Petition for Special Hearing and Petition for Zoning Variance in the above referenced matter. John Lewis has reviewed the site plans and there are no zoning violations on the site.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Julie D. Wright

Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Ave.
Towson, Maryland 21204

MICROFILMED

832-2084

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

GEORGE MARMARAS

4217 CORNFLOWER RD #21236

PEGGY MARMARAS

" # 21236

ROBERT B. TIPTON

617 STEMMERS RUN RD.

ARTHUR E. LEONARD

102 N. MAIN ST. BEL AIR MD 21014

JOHN ROHDE

110 E. PENNSYLVANIA AVE # 21286



MICROFILMED

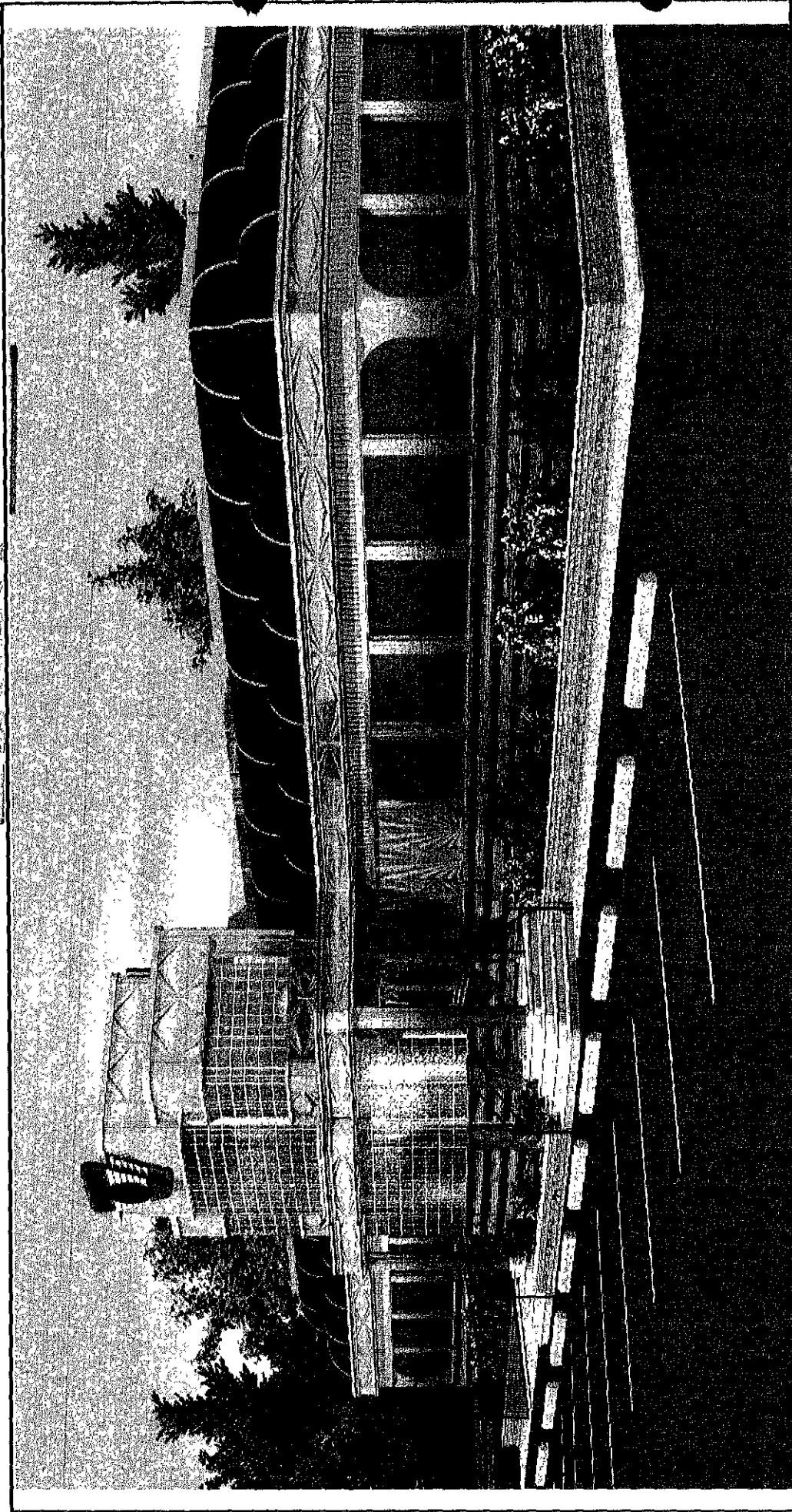
PROTESTANT(S) SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
Dorothy A. McNamee	P.O. Box 63, Burgin, Ill. 21123
Clinton Marshall	4135 Brookfield Ave. 21238
Edna Wilson	4517 Forge Rd. 21128
George Wilson	4517 Forge Rd. 21128
Bertha H. Linn	4137 Brookfield Rd. 21236
Janet R. Almory	4133 Brookfield Rd. 21236
David Mark	4627 E Joppa Rd. 21128
Chick Schafer	4144 E Joppa Rd.
Ed Schafer	4144 E Joppa Rd.
Bill Pauls	9016 Belair Rd.

MICROFILMED

MICROFILMS

2



		Project: Park West Diner Date: 10/1/77 Job No: 1000 Drawn By: Mark A. Black		This drawing, the design & business are all concepts & are the sole property of KULLMAN INDUSTRIES INC. No part of this drawing or design may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without the written permission from the owner, KULLMAN INDUSTRIES INC.				Kullman Industries Inc. 381 Blair Road Avenel New Jersey 07001 Park West Diner 1100 Route 48 Little Falls New Jersey 07643		<table border="1"> <tr> <th>Rev.</th> <th>Date</th> <th>By</th> <th>Remarks</th> </tr> <tr> <td>1</td> <td>10/1/77</td> <td>Mark A. Black</td> <td>Original</td> </tr> </table>		Rev.	Date	By	Remarks	1	10/1/77	Mark A. Black	Original	A2.1	
Rev.	Date	By	Remarks																		
1	10/1/77	Mark A. Black	Original																		

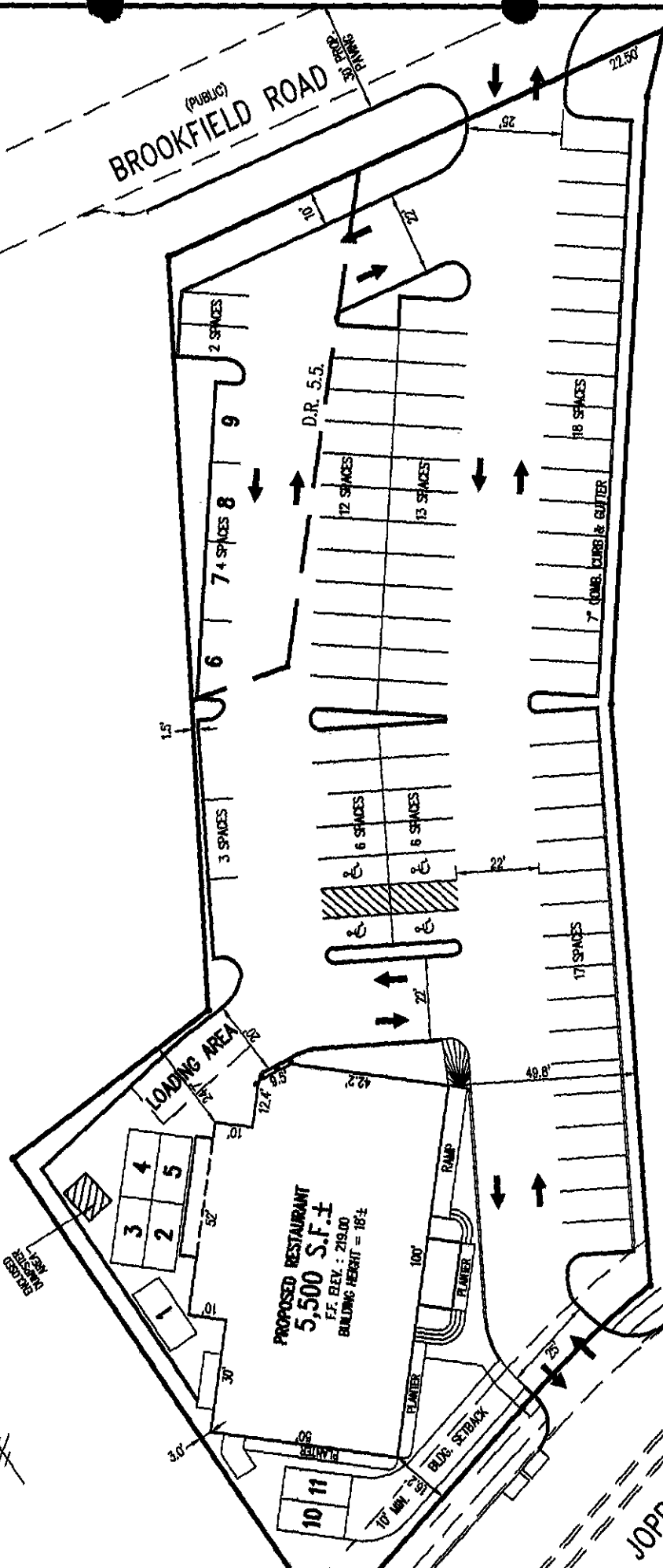
MICROFILMED

PROPOSED

PLAN

4

NOTE: PARKING SPACES NUMBERED 1,2,3,4,5,10 & 11
ARE VALET EMPLOYEE SPACES ONLY.



ENGINEER/SURVEYOR
K.L.S. CONSULTANTS, INC.
 102 NORTH MAIN STREET
 BEL AIR, MARYLAND 21014
 (410) 838-1441

MARMARAS PROPERTY
 PARKING LAYOUT
 88 PARKING SPACES
 SCALE: 1" = 40'

PROPOSED

JALTY COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

State

LOCATION BELAIR RD + EBENEZER RD + JOPPA RD

State Signal Number TMC5022

Recorder	CFB	Weat.CLEAR				Road Surf.DRY				Day of the Week THUR					Date of Count 8/31/95				
ROAD NAME		BELAIR				BELAIR				JOPPA					EBENEZER				
		N BOUND				S BOUND				N+S BOUND					W BOUND				
A.M. COUNT		L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	GRAND TOTAL
6:00-6:15		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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8:45-9:00		8	113	8	129	21	171	123	315	444	79	44	9	132	25	49	10	84	660
A.M. HOUR TOTALS																			
6:00-7:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15		3	53	40	96	47	177	131	355	451	42	50	8	100	30	60	8	98	649
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7:00-8:00		16	330	128	474	103	827	537	1467	1541	209	195	24	428	154	263	41	456	2627
7:15-8:15		22	372	108	502	69	822	542	1433	1935	216	197	20	433	165	289	64	518	2882
7:30-8:30		26	403	74	503	56	768	550	1374	1877	179	153	18	350	148	273	70	491	2718
7:45-8:45		25	386	56	467	49	752	533	1334	1801	198	148	18	364	114	248	70	432	2597
8:00-9:00		31	414	47	492	55	691	522	1268	1760	216	154	24	394	94	222	63	379	2533

Recorder	CFB	Weat.CLEAR				Road Surf.DRY				Day of the Week THUR					Date of Count 8/31/95				
ROAD NAME		BELAIR				BELAIR				JOPPA					EBENEZER				
		N BOUND				S BOUND				N+S BOUND					W BOUND				
P.M. COUNT		L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	GRAND TOTAL
3:00-3:15		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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4:15-4:30		14	216	11	243	15	139	73	227	470	116	75	14	205	24	51	29	104	779
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4:45-5:00		13	303	27	343	31	167	115	313	656	142	86	16	244	29	82	39	150	1050
5:00-5:15		23	221	10	254	21	118	71	210	464	121	68	11	200	38	76	27	141	805
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5:45-6:00		10	323	17	352	41	171	140	352	704	136	129	20	285	42	74	40	156	1140

P.M. HOUR TOTALS

3:00-4:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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3:30-4:30		25	474	25	526	29	302	149	480	1006	248	153	26	427	50	109	68	235	1667
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4:00-5:00		46	563	73	1086	81	570	338	989	2075	501	303	51	855	113	246	126	485	3415
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4:45-5:45		50	1144	55	1251	94	575	370	1039	2290	604	337	45	986	122	299	121	543	3819
5:00-6:00		45	1166	45	1260	104	579	395	1078	2338	598	380	49	1027	135	291	123	549	3911

RECEIVED



Griny

**VIRGINIA
TERHUNE
NORTHEAST
BOOSTER/
NORTHEAST
REPORTER**

STAFF WRITER

410-337-2400

410-337-2425

EXT. 447

FAX 410-337-2490



<http://www.lifegoodson.com>

409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

*sent to
Cops of
Duke*













97-193-A

H. Charles Kim, M.D.
Diplomate of the Board of
Colon & Rectal Surgery

2305 Osler Drive
Jowson, Maryland 21204

Colon & Rectal Surgery
Colonoscopy
Telephone 583-1313

February 4, 1997

Dear Mrs. Schafer:

As you know, you are scheduled to be admitted and have surgery on Friday February 21, 1997. Please report to the Ambulatory Surgery Department at St. Joseph Hospital by 7:00 A.M. on Friday morning. To get to Ambulatory Surgery, park in Main Visitor Parking Garage. Walk toward the Main Hospital Entrance. Before you reach the Main Entrance, to your right is the South Building. Please enter and follow sign to Ambulatory Surgery. Please register at the desk and have your parking ticket stamped.

Prior to surgery you have to have Pre-Surgical Testing done. I scheduled you P.A.T. at St. Joseph Hospital for Friday February 14, 1997 at 9:45. To get to P.A.T. again park in Main Visitor Parking Garage. Enter the South Building and follow sign to Pre-Admission Testing. Please register at the desk and have your parking ticket stamped. Please give person in P.A.T. top yellow sheet I have enclosed.

I am enclosing a prescription for your bowel prep Colyte that you are to use the day before surgery along with the instructions you are to follow.

Nothing to eat or drink after midnight on Thursday February 20th.

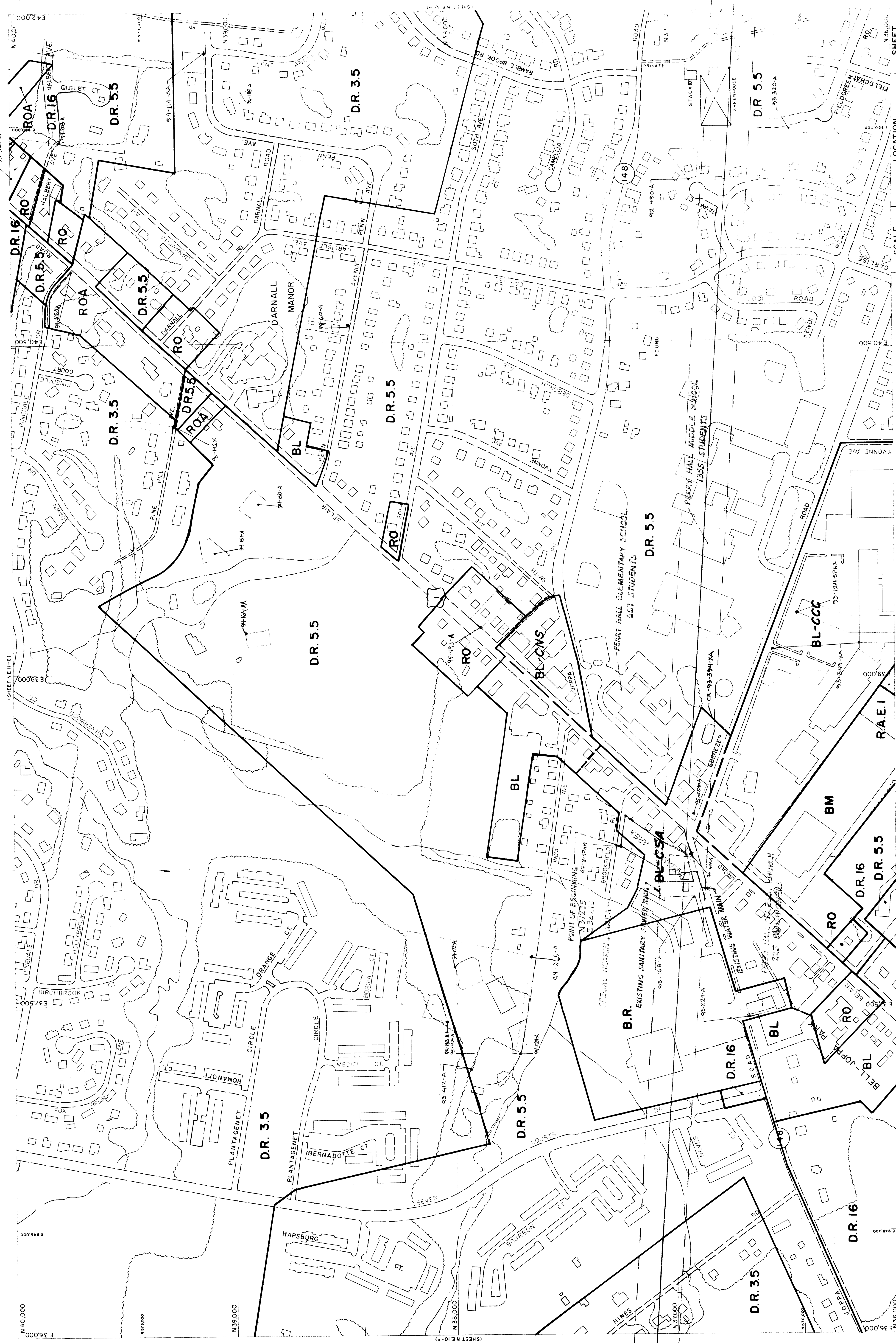
If you have any questions, please give me a call.



Elaine L. Schafer
4140 E. Wofford ROAD
BALTO - MD

256-1318

MICROFILMED



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

(SHEET NE 9-G)

M - NW
Q - SW

SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
PERRY HALL
MICROFILMED

Chairman, County Council

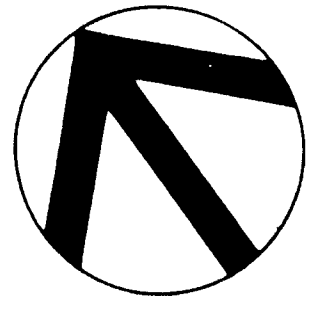
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TO REFLECT PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

DEPARTMENT OF PLANNING AND DEVELOPMENT MANAGEMENT
BALTIMORE COUNTY, MARYLAND
Development Plan Review
OWNER'S SIGNATURE AND CERTIFICATION FORM
I, the undersigned, being duly qualified, hereby certify that the information furnished in the foregoing application and drawings is true and correct to the best of my knowledge and belief, and that the same comply with the provisions of the Subdivision Map Act, Annotated Code of Maryland, Article 28, Chapter 2, and the provisions of the Subdivision Map Act, Annotated Code of Maryland, Article 28, Chapter 2, and the provisions of the Subdivision Map Act, Annotated Code of Maryland, Article 28, Chapter 2.

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE / CONDITION	REMARKS
+	6	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2'-2 1/2" CA / 84B	
△	6	TIJA CODATA 'GREENSPERE'	GREENSPERE UNDEN	2'-2 1/2" CA / 84B	
○	6	ZEKODIA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVIA	2'-2 1/2" CA / 84B	
+	3	ILEX OPACA	AMERICAN HOLLY	5'-6" HT / 84B	
+	6	PINUS STROBUS	WHITE PINE	5'-6" HT / 84B	
+	6	AVELANCHER CANADENSIS	SER/CEBERBY	6'-8" HT / 84B	HEAVY, MULTI-STEM
+	4	CORNUS KOJAK	KOJAK DOGWOOD	6'-8" HT / 84B	HEAVY, MULTI-STEM
+	55	EUNYALIS KATYONCHUS SEBODIANA	SEBODIANA	24'-30" HT / 84B	SPACED 3' O.C.
+	15	JUNIPERUS CHINENSIS VAR 'SARGENTII'	SARGENT JUNIPER	12'-15' CA	SPACED 3' O.C.
+	24	POTENTILLA FRUTICOSA 'PELMOSE BEAUTY'	PELMOSE BEAUTY CINQUEFOIL	15'-18' CA	SPACED 3' O.C.
+	43	VIOLUM P.L.C. VAR 'CONVETOSUM VIRENS'	CONVETOSUM VIRENS	24'-30" HT / 84B	SPACED 3' O.C.

- NOTES:
- All plant material shall be nursery grown and shall conform to American Association of Nurserymen, Inc. standards.
 - All planting procedures and specifications shall conform to "Landscape Specifications Guidelines for Baltimore-Washington Metropolitan Area" latest edition.
 - This plan is to be used for planting purposes only.
 - Contractor is to notify Mass Utility a minimum of 72 hours prior to digging. Telephone 1-800-257-7777.
 - The Landscape Architect is to be notified 48 hours before digging begins. The location of all existing utilities shall be marked and approved in the field by the Landscape Architect.
 - No tree or shrub planting pits are to be left open or unattended.
 - Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be mowed or removed prior to planting.



LANDSCAPE CALCULATIONS

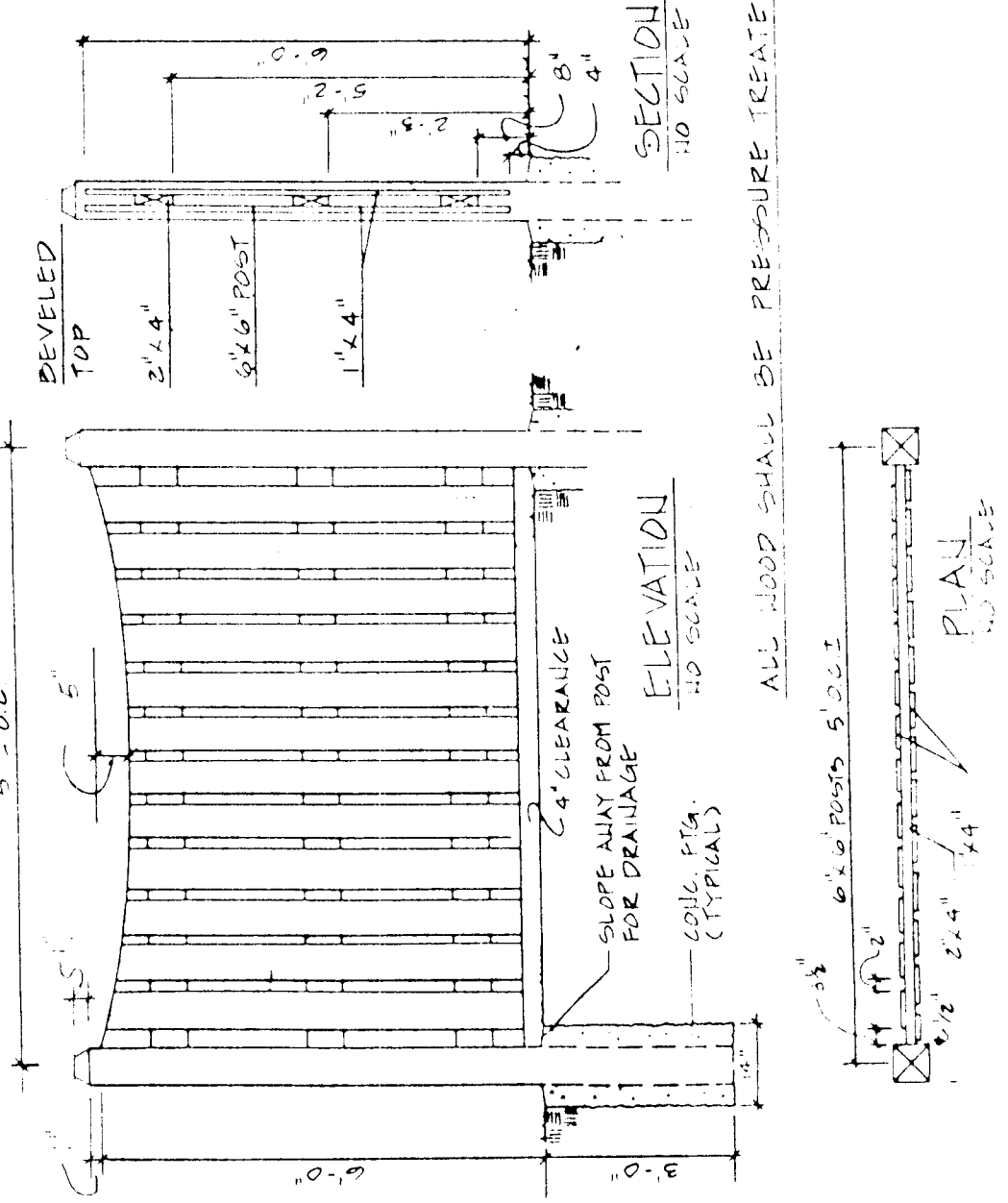
PLANTING REQUIRED:

- 1 PU / 140 LF ADJACENT ROAD = 65 PUS (500 LF ± 40)
- 1 PU / 120 LF INTERIOR ROAD = 17 (340 LF ± 20)
- 1 PU / 12 PAKKING SPACES = 65 (74 ± 2)
- SCREEN PLANTING FROM ADJ. ROAD = 53 (80 ± 15)
- SCREEN PLANTING FROM ADJ. RES. = 8 (120 ± 15)
- RESIDENTIAL TRANSITION AREA = 116 (400 SF ± 400)
- TOTAL PLANTING REQUIRED: 549 PUS

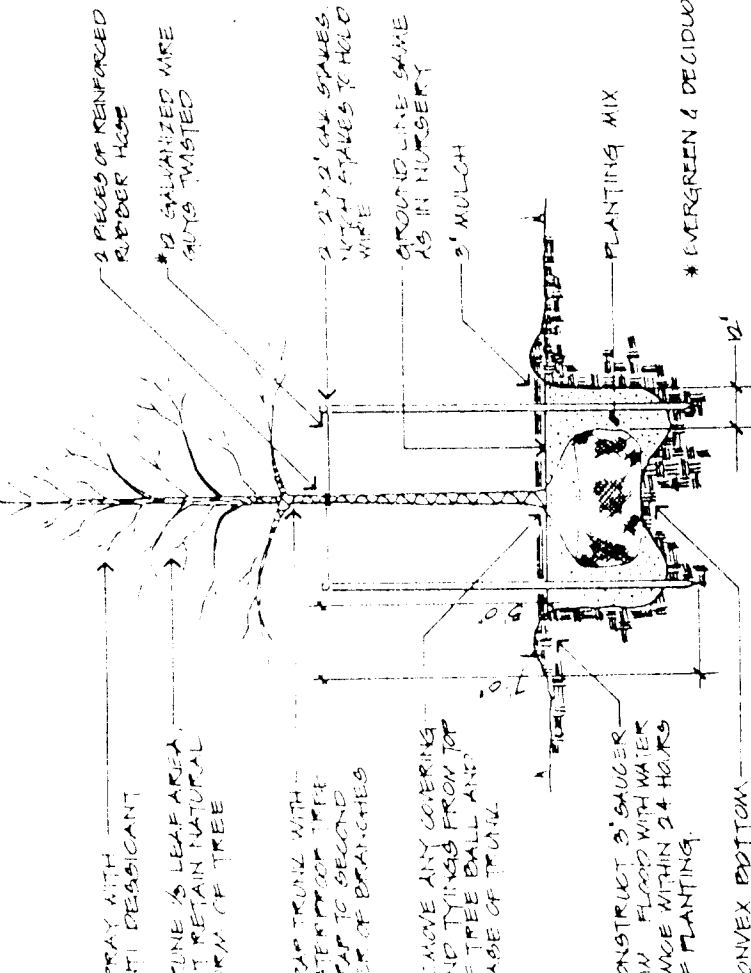
PLANTING PROVIDED:

- (8) MAJOR DEC. TREES = 8 PUS
- (10) MINOR DEC. TREES = 3
- (9) EVERGREEN TREES = 4.5
- (191) SHRUBS = 21.4
- TOTAL PLANTING PROVIDED: 549 PUS

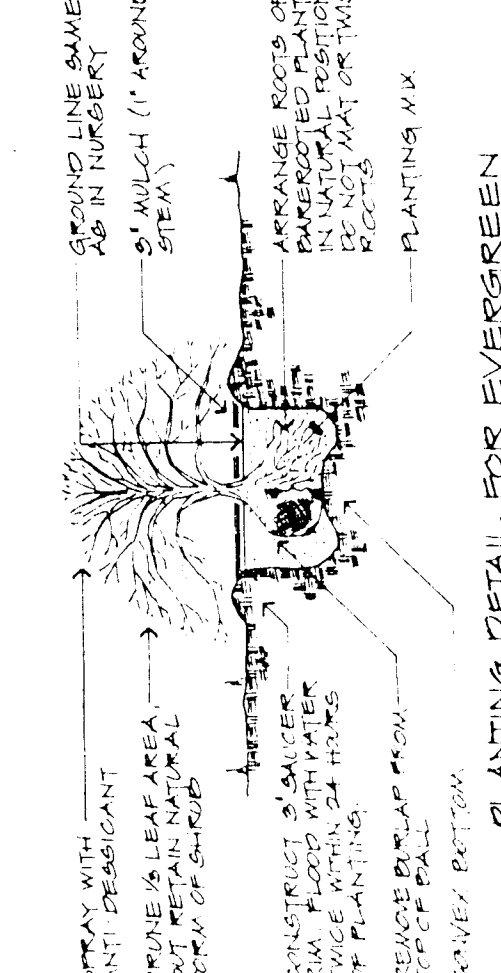
BOARD ON BOARD WOOD FENCE DETAIL



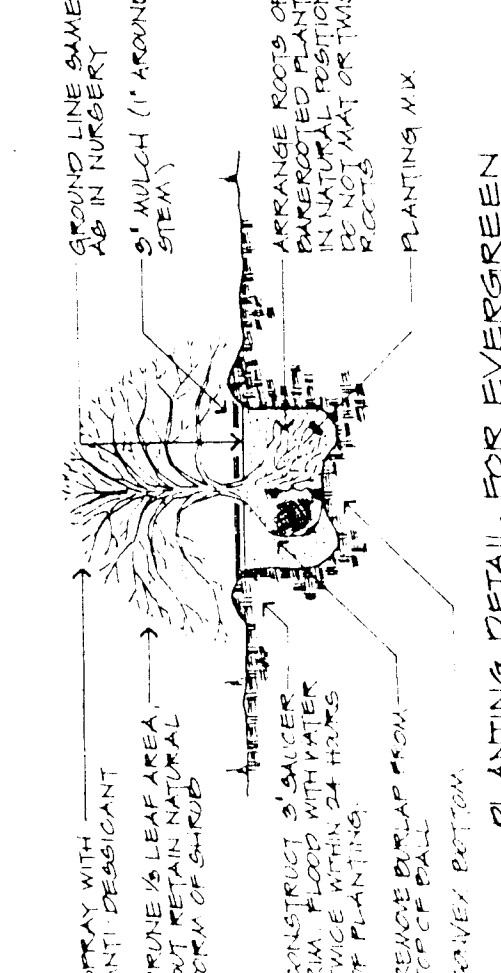
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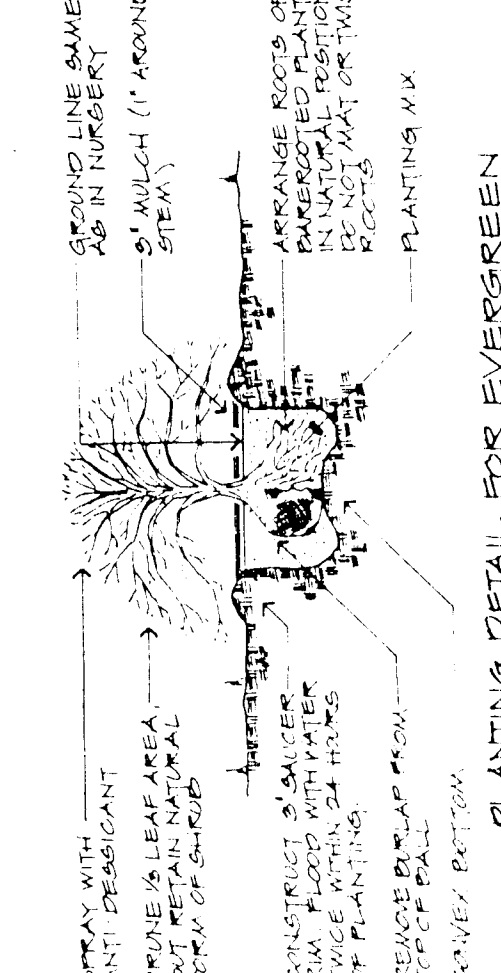
PLANTING DETAIL FOR EVERGREENS AND DECIDUOUS - 1/4" = 1' SCALE



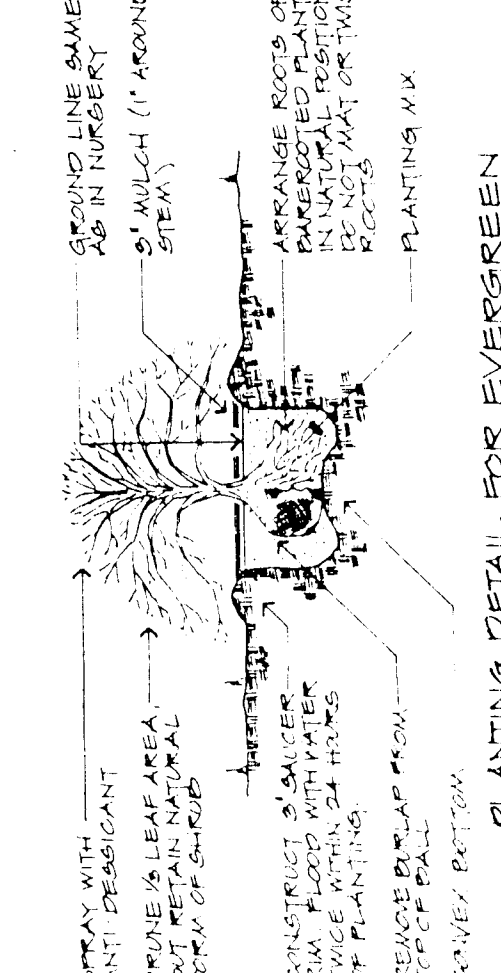
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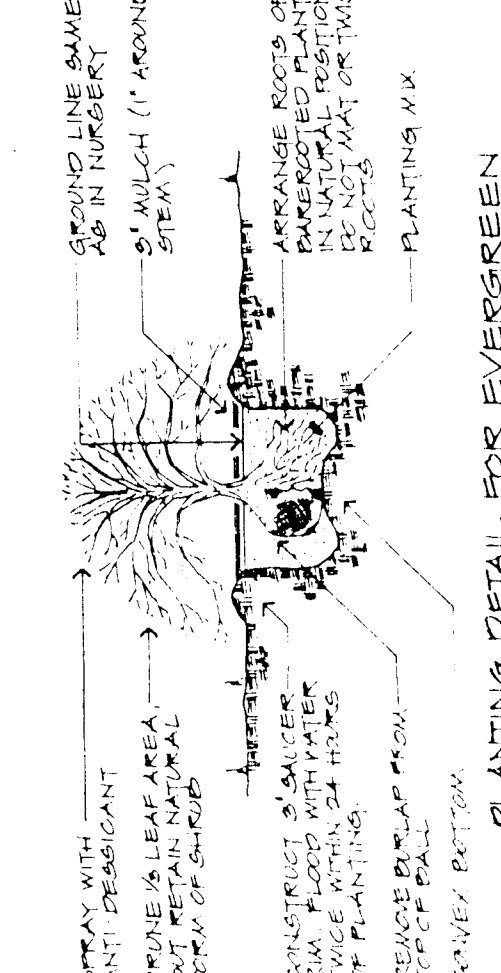
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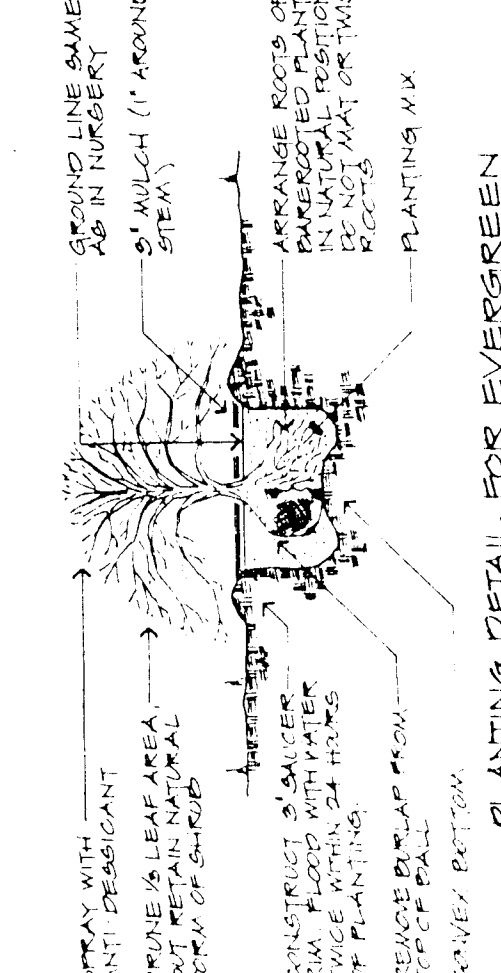
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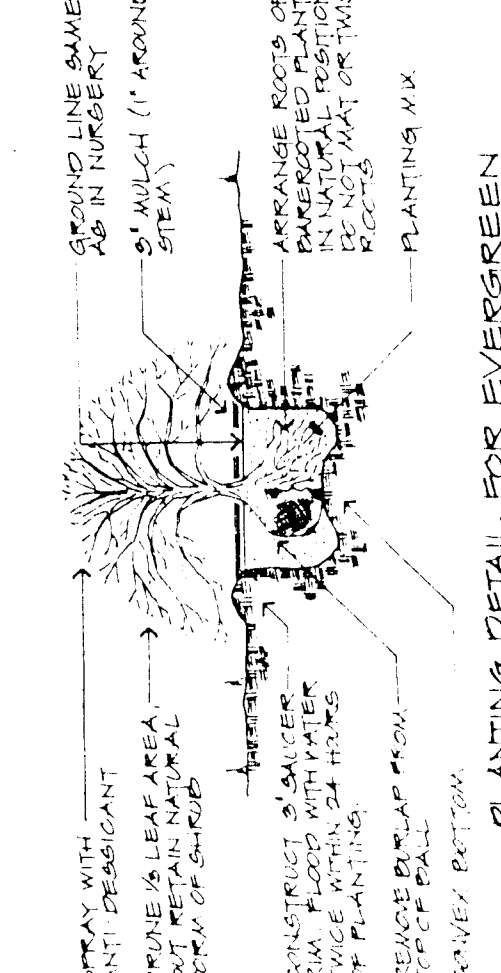
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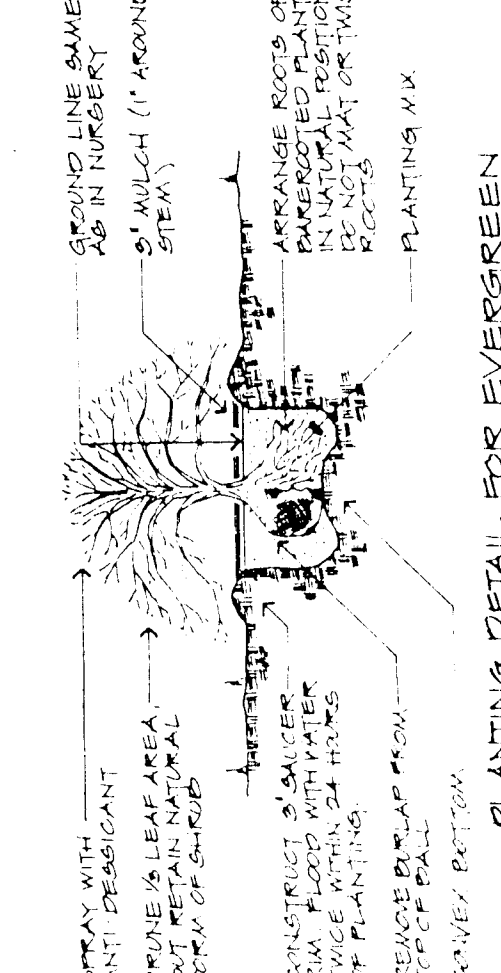
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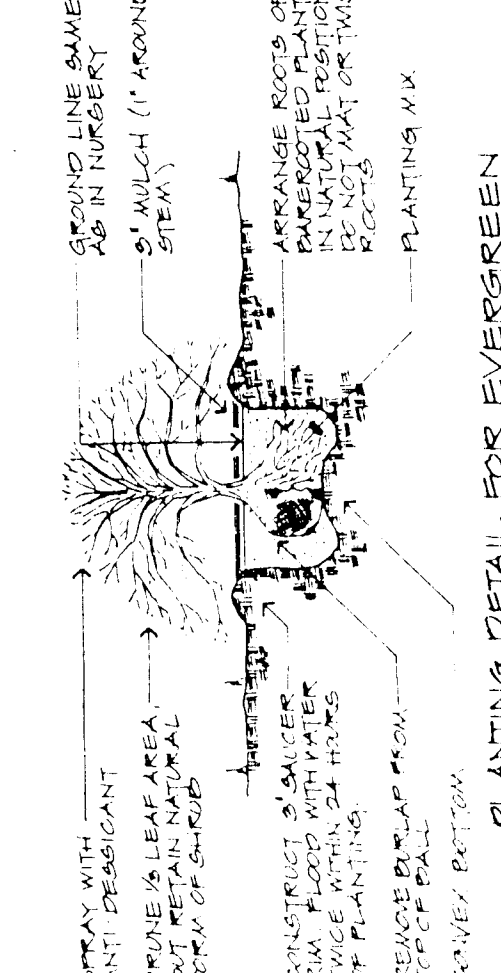
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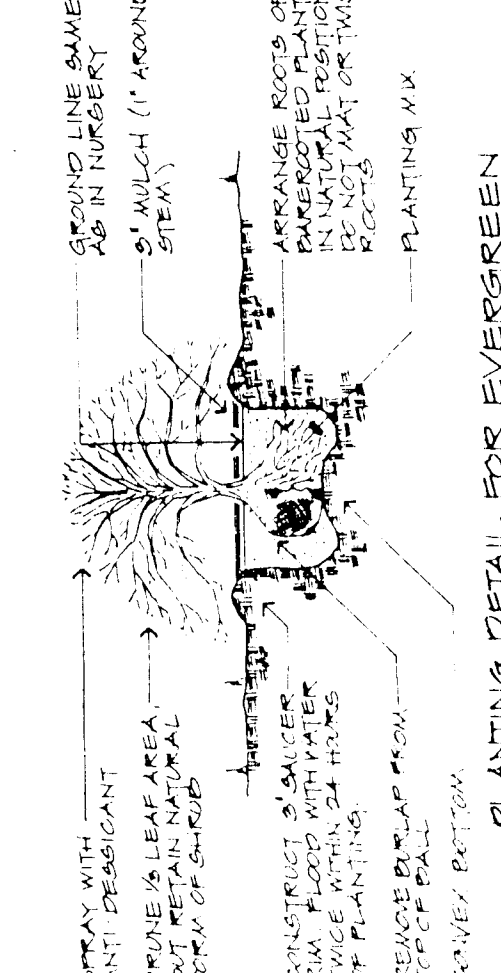
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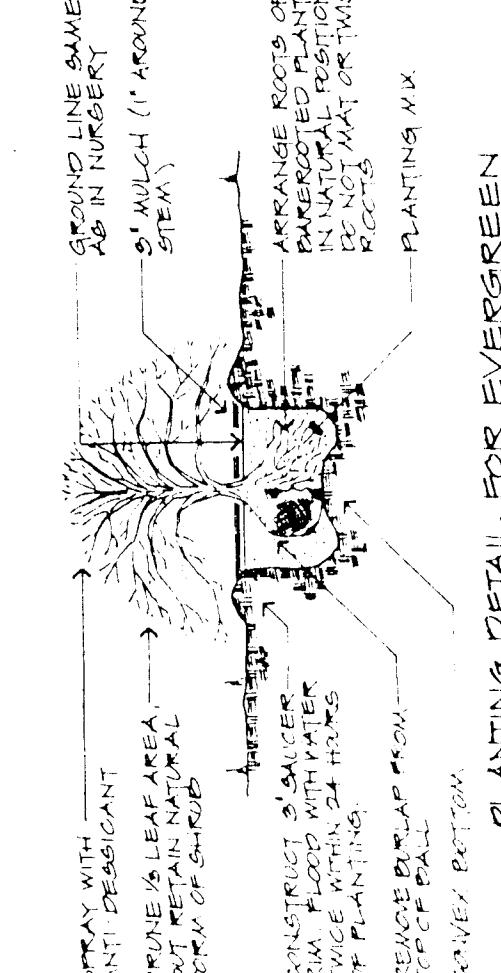
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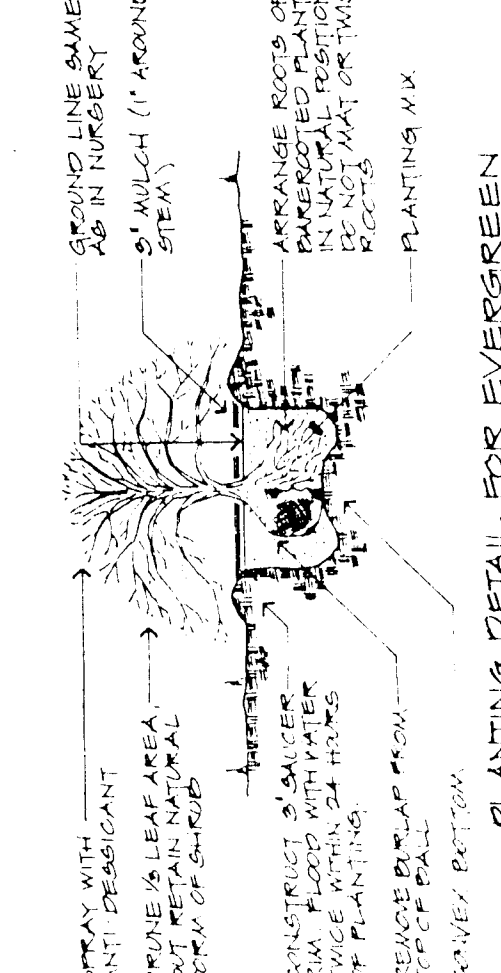
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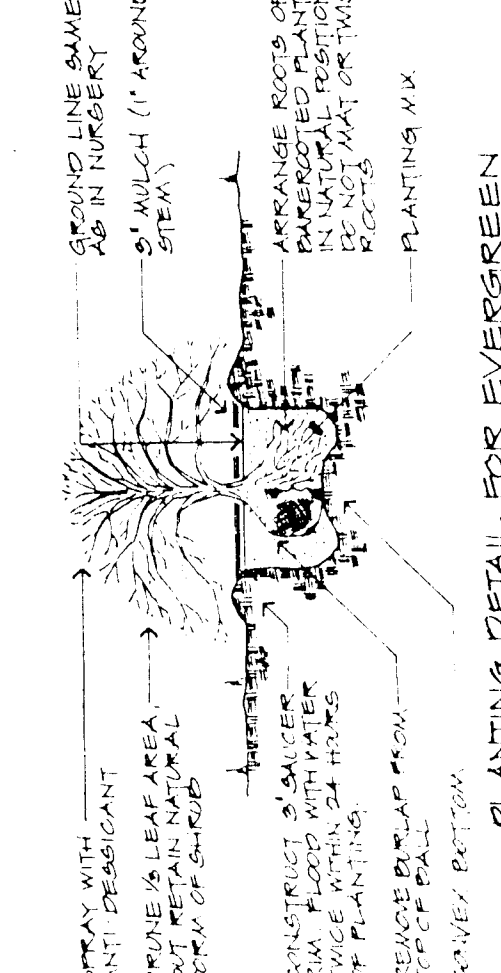
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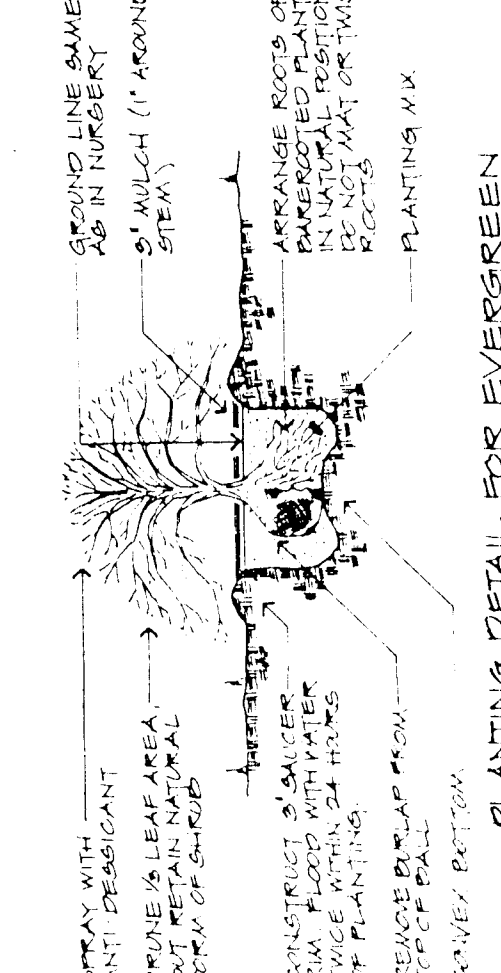
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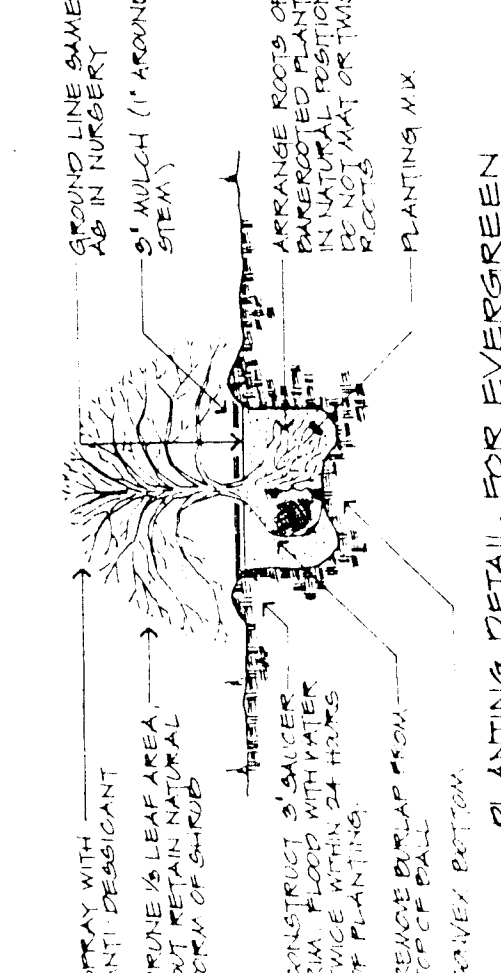
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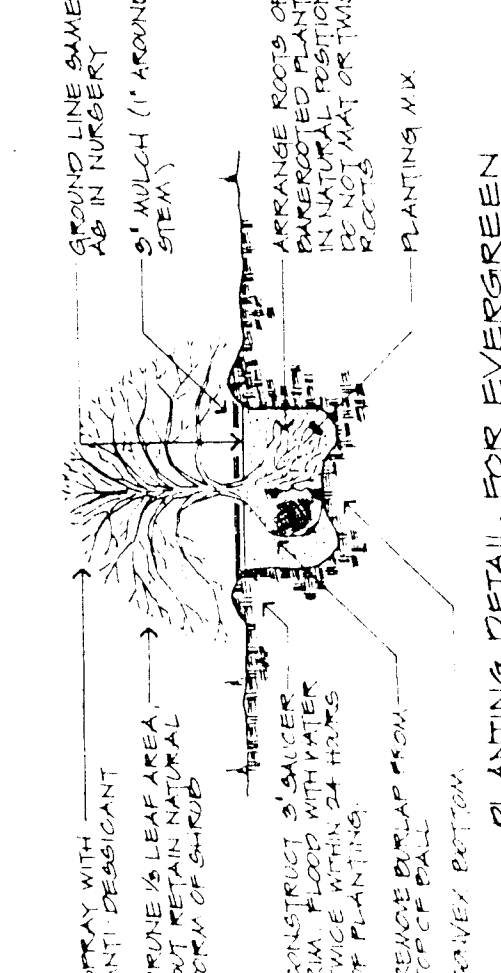
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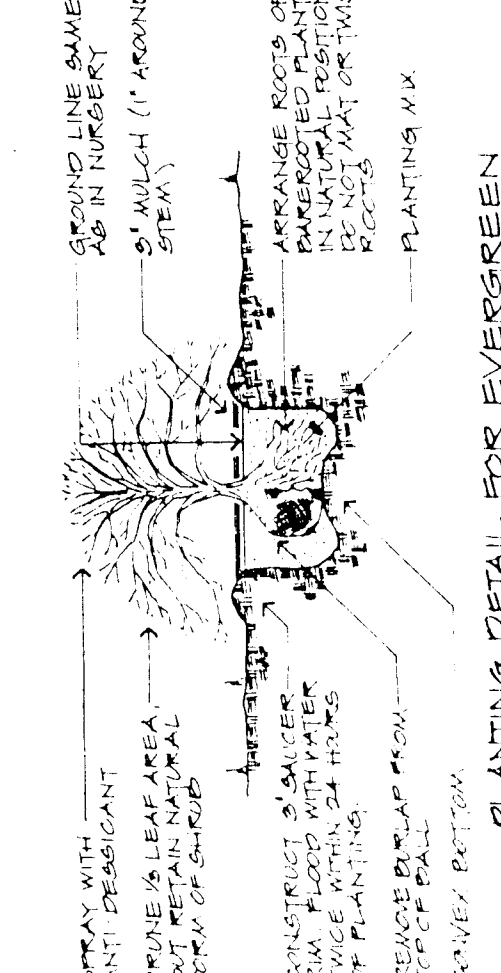
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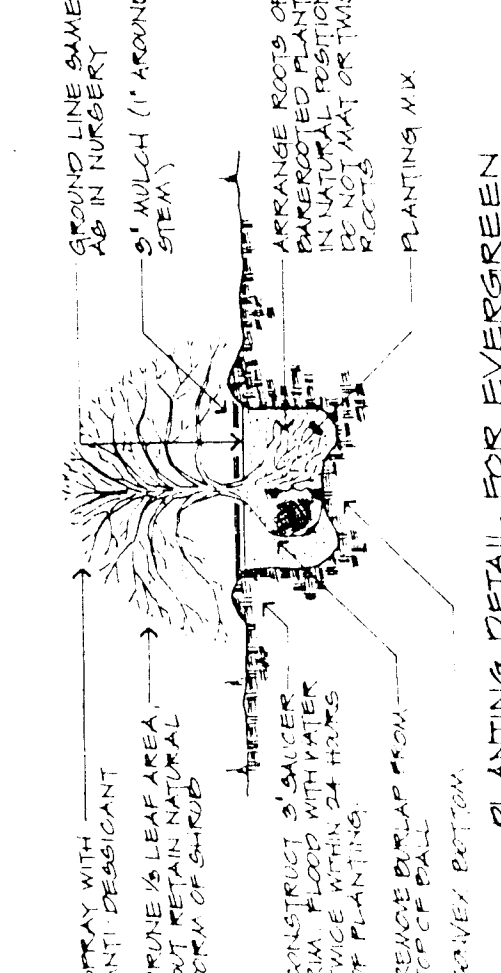
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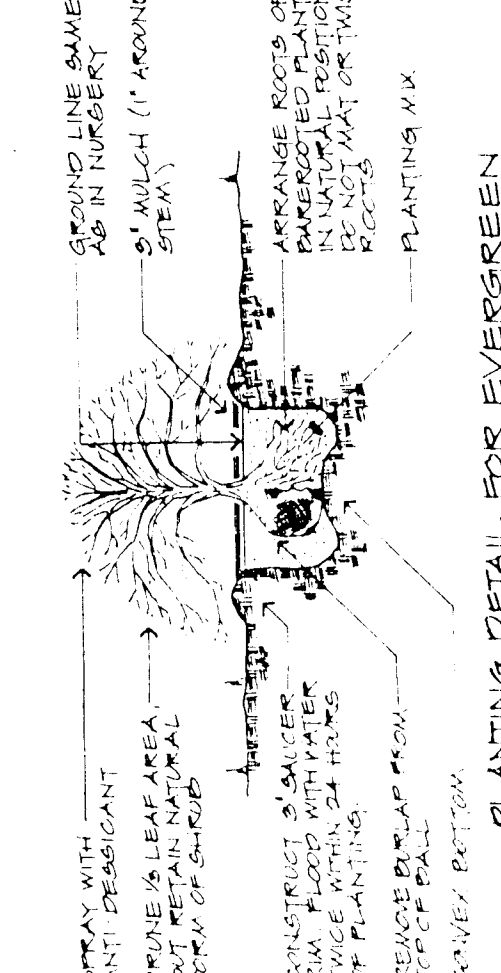
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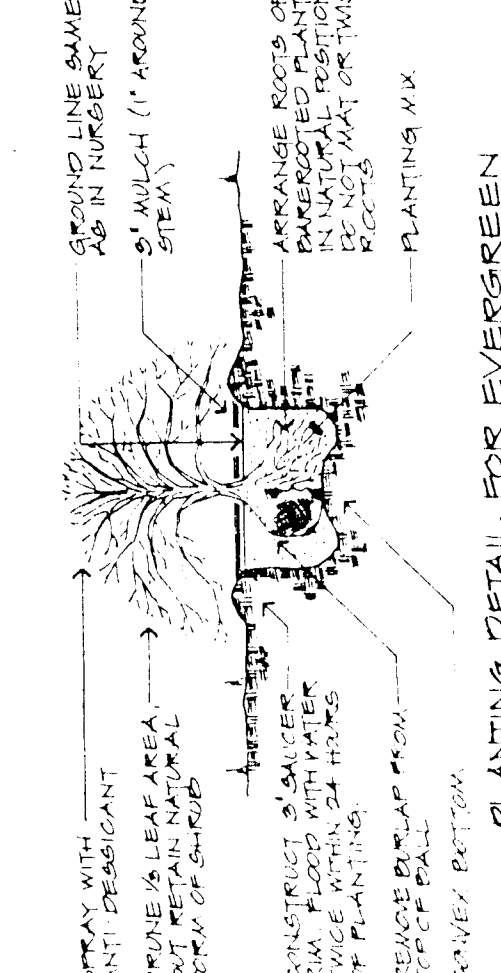
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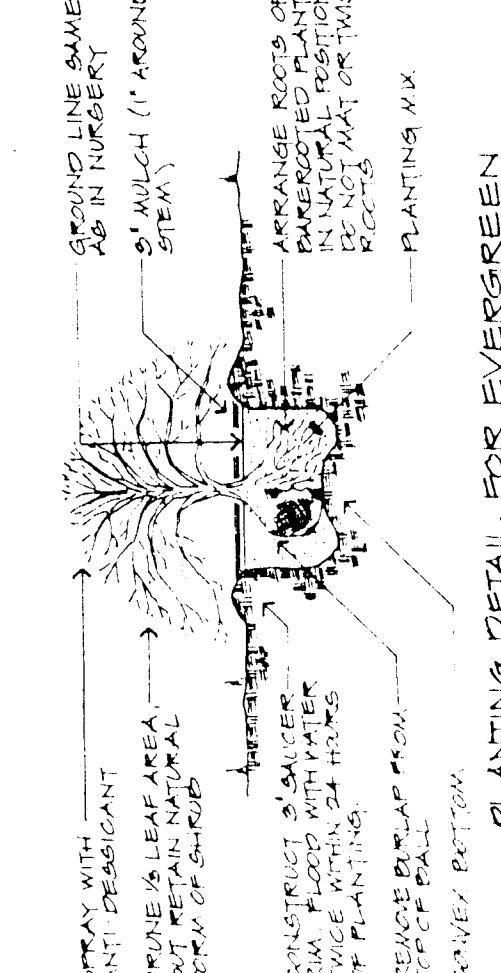
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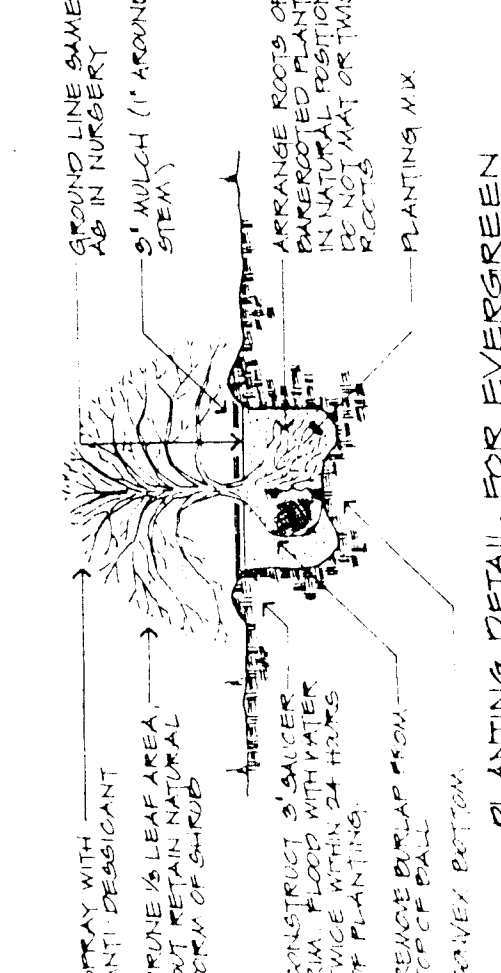
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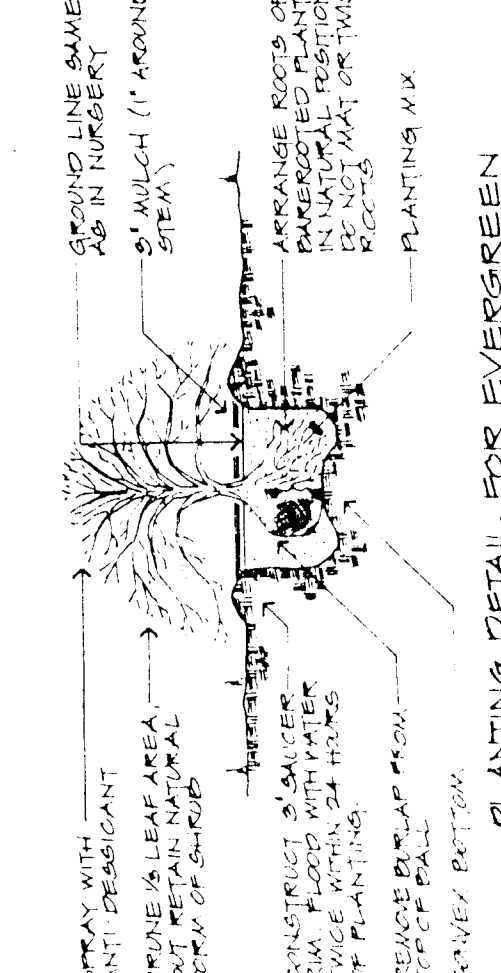
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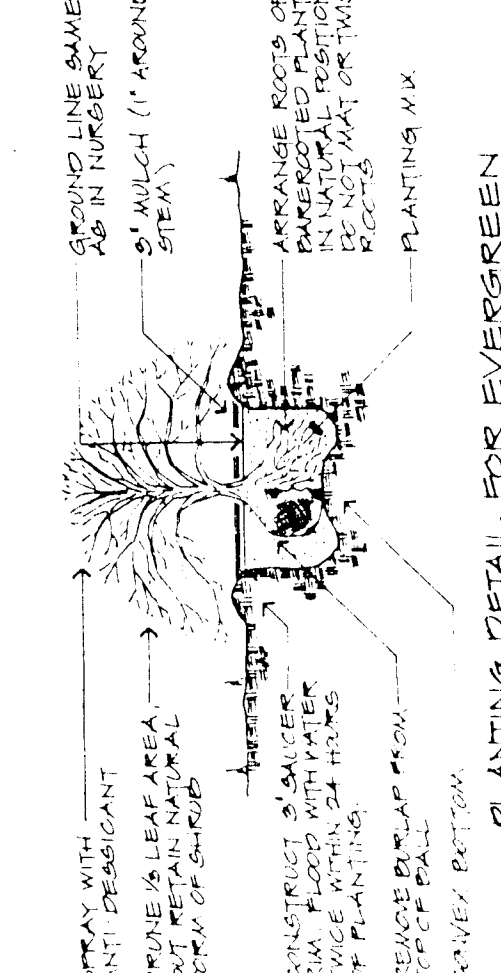
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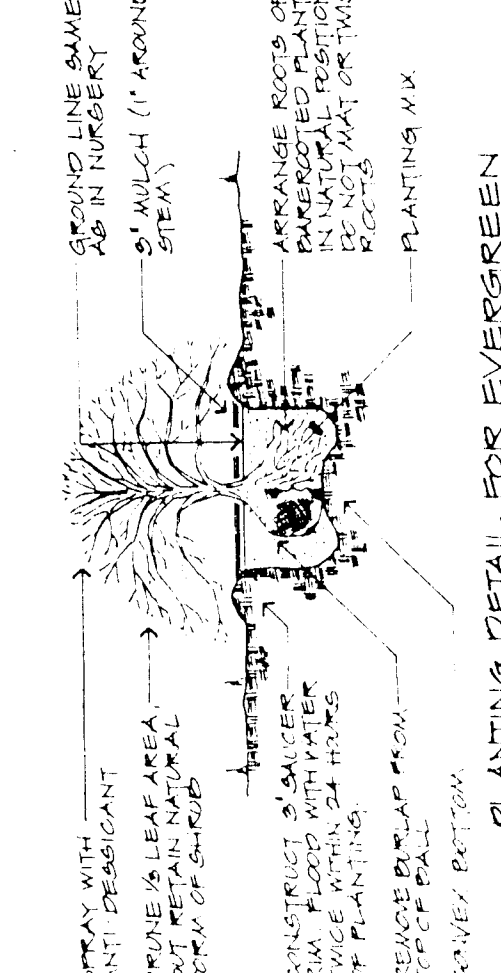
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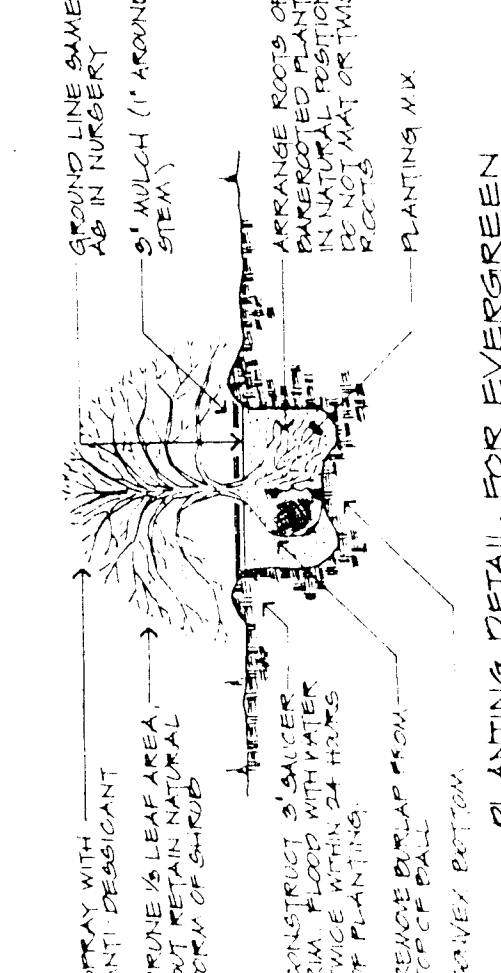
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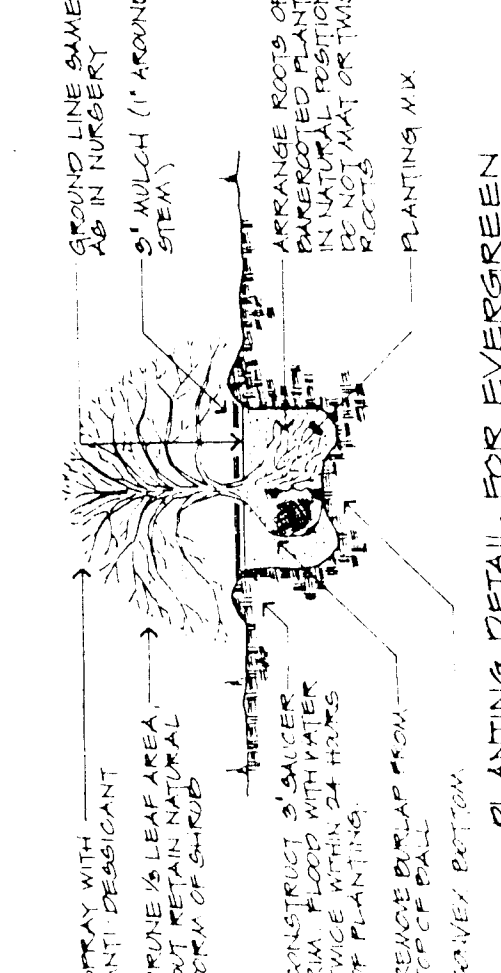
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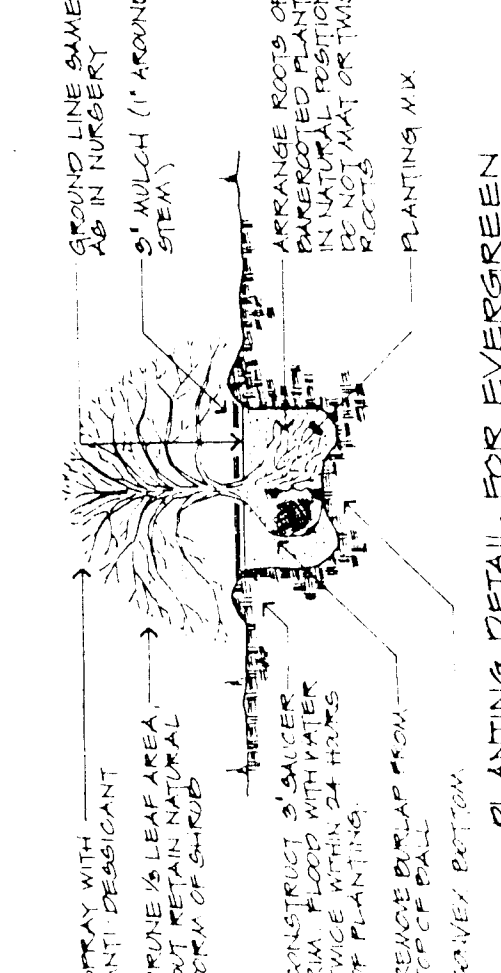
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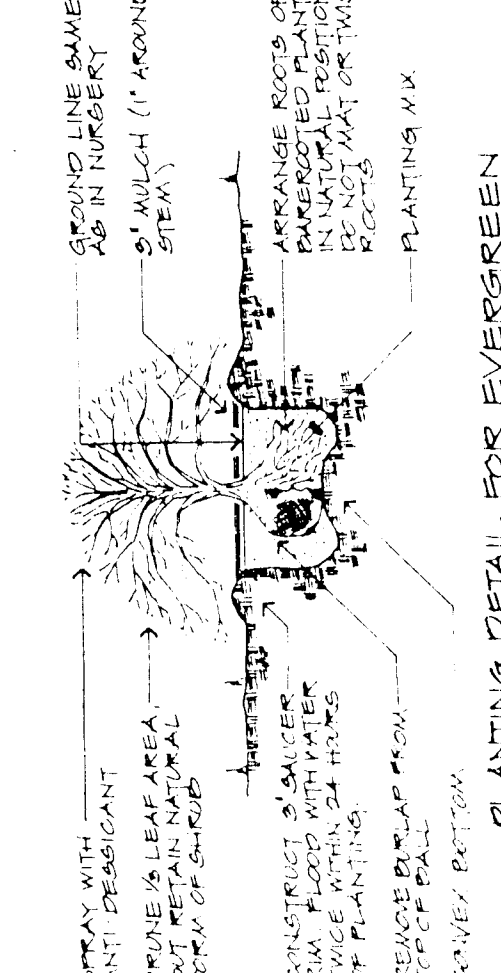
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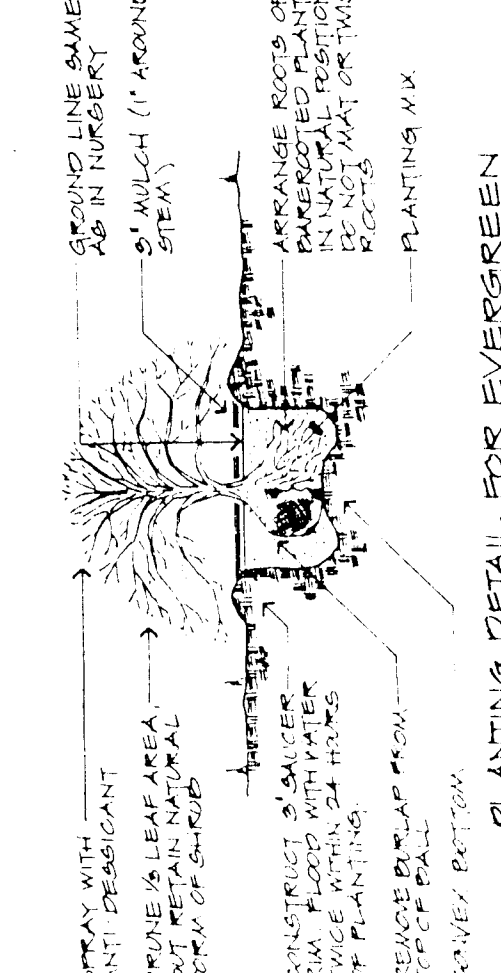
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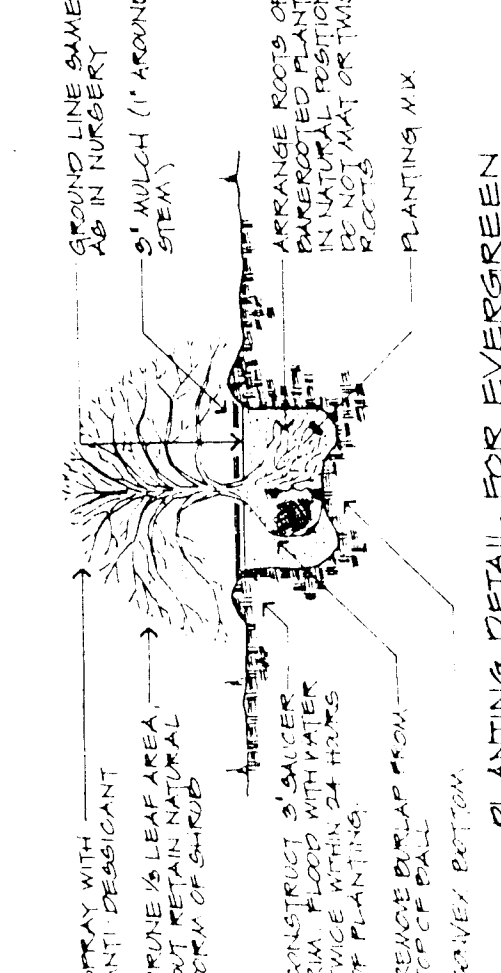
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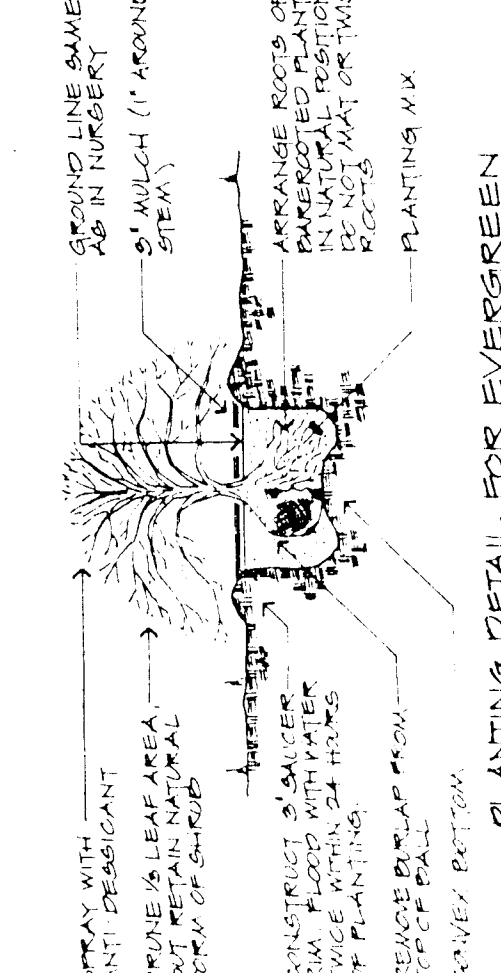
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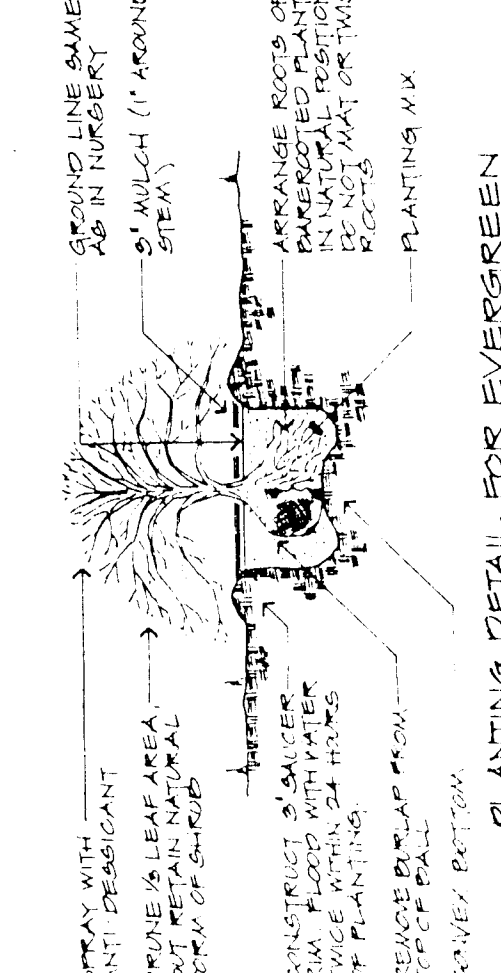
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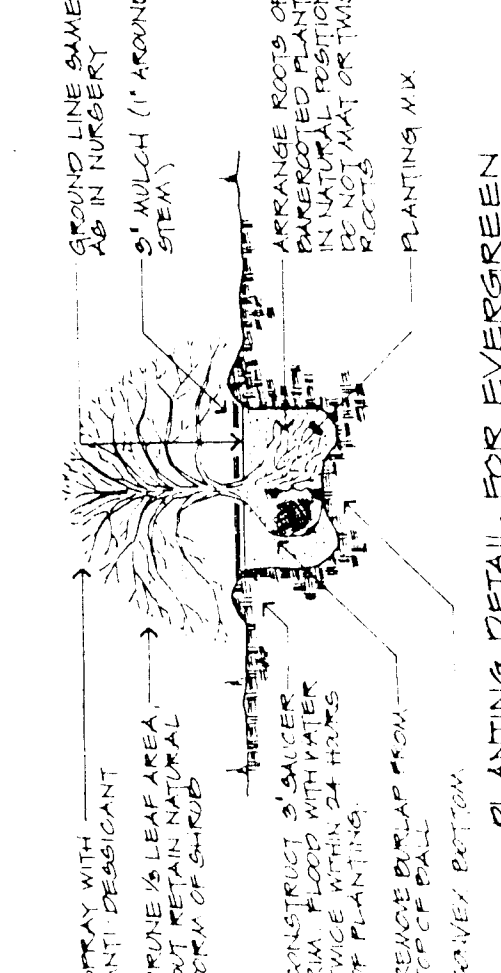
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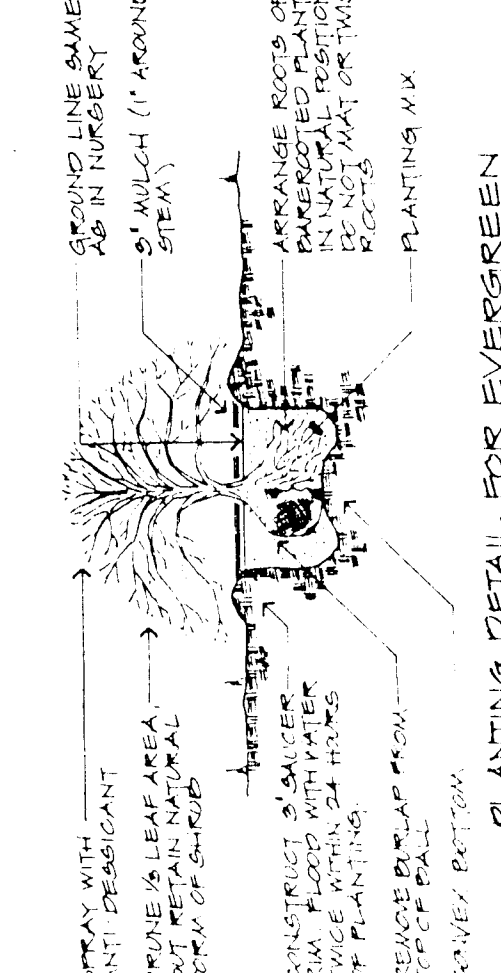
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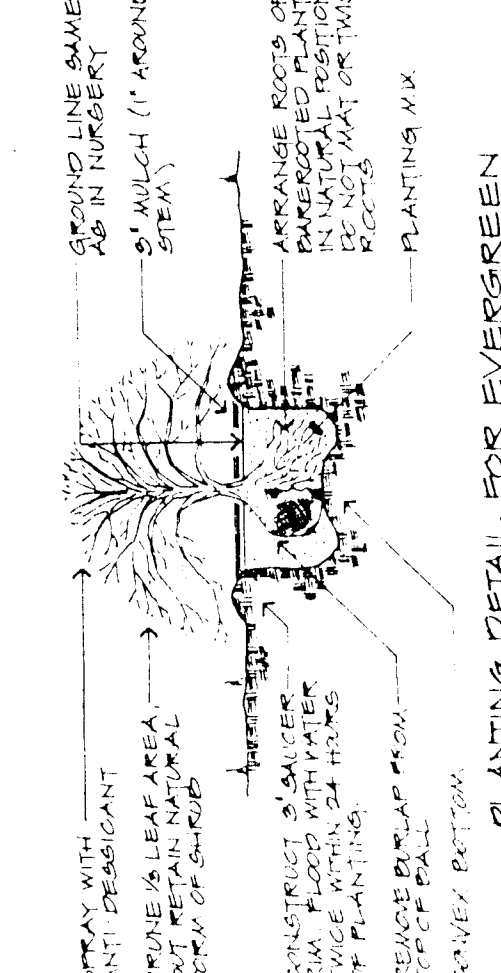
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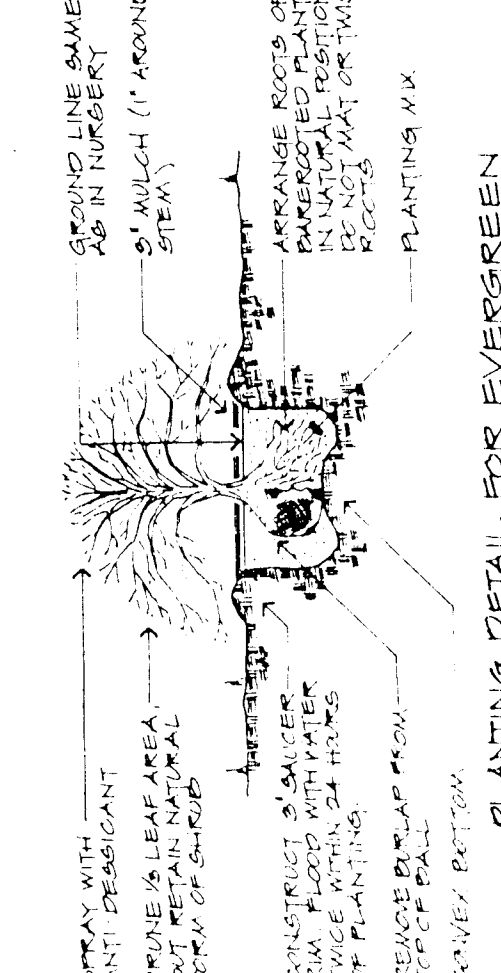
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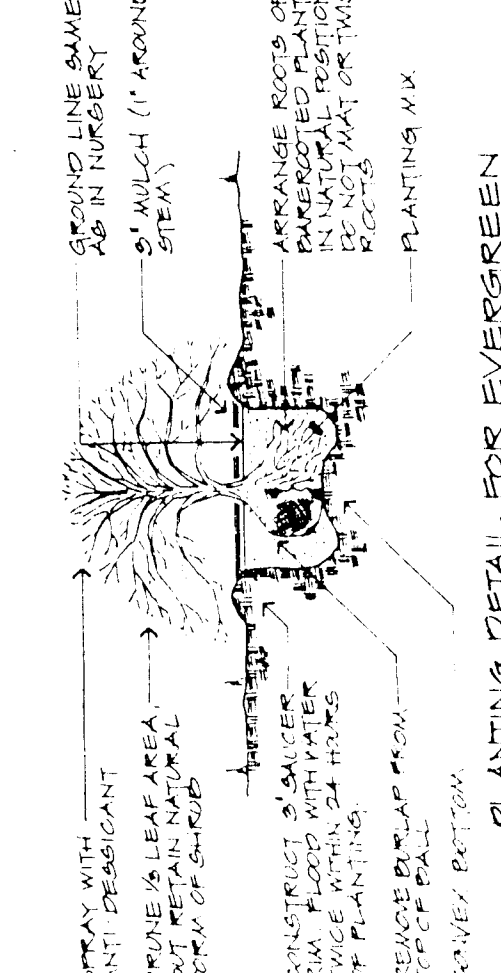
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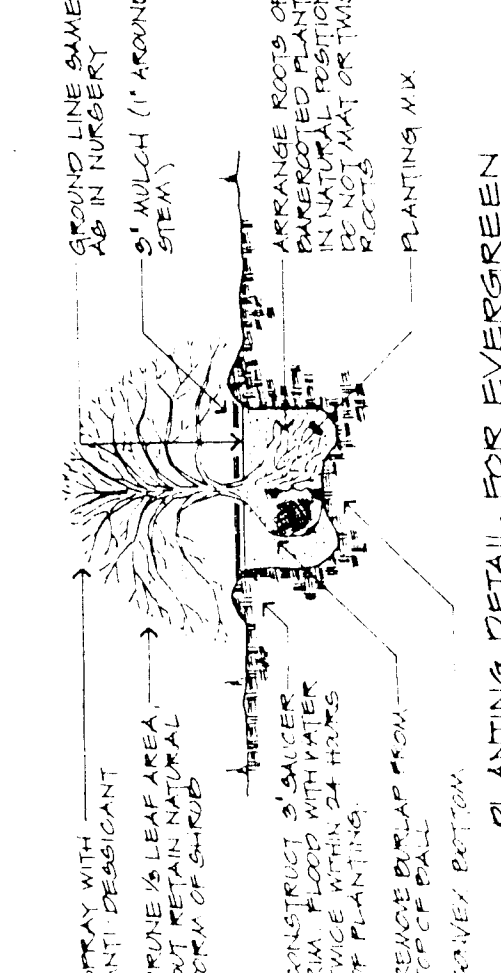
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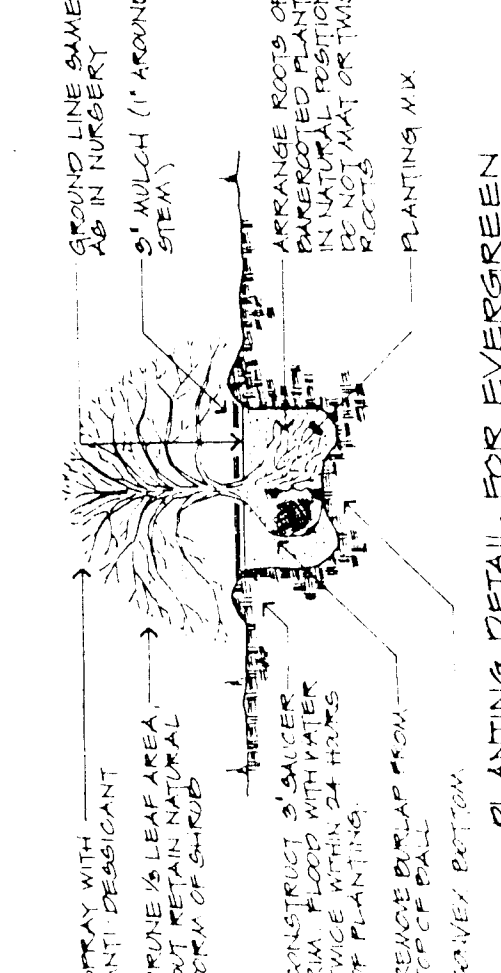
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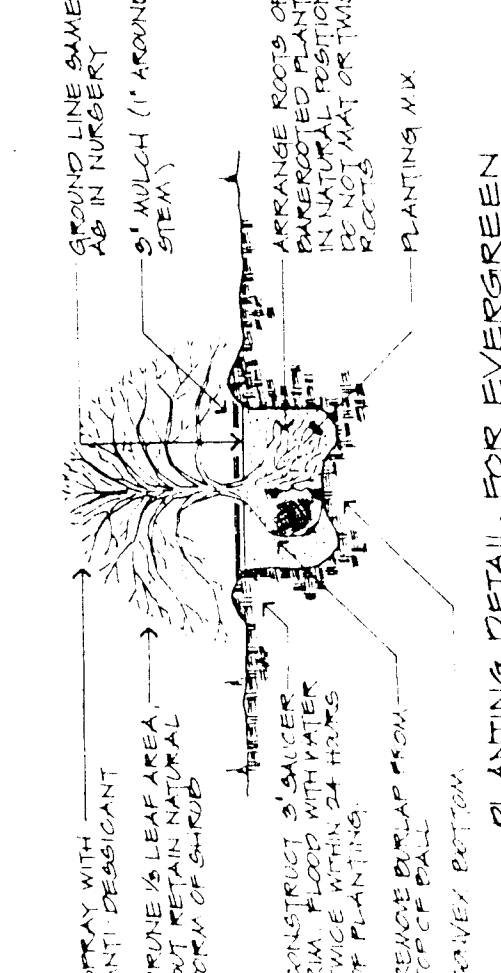
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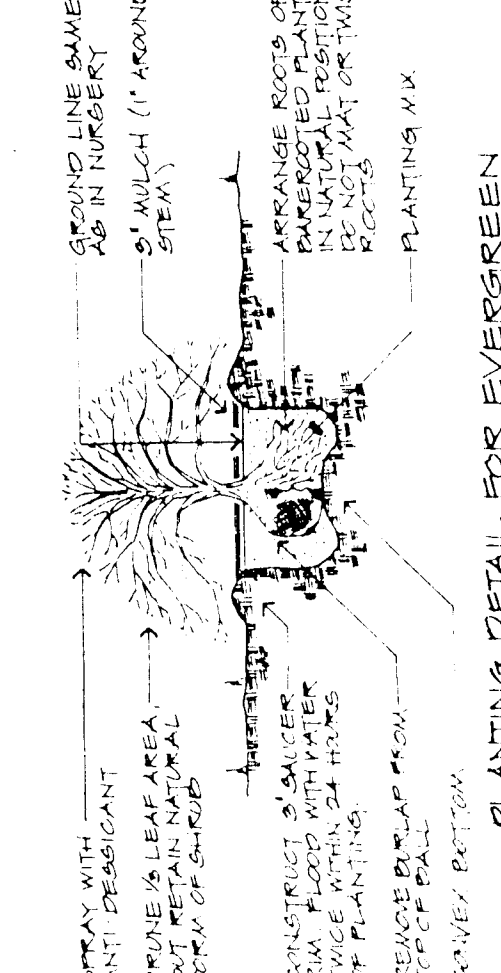
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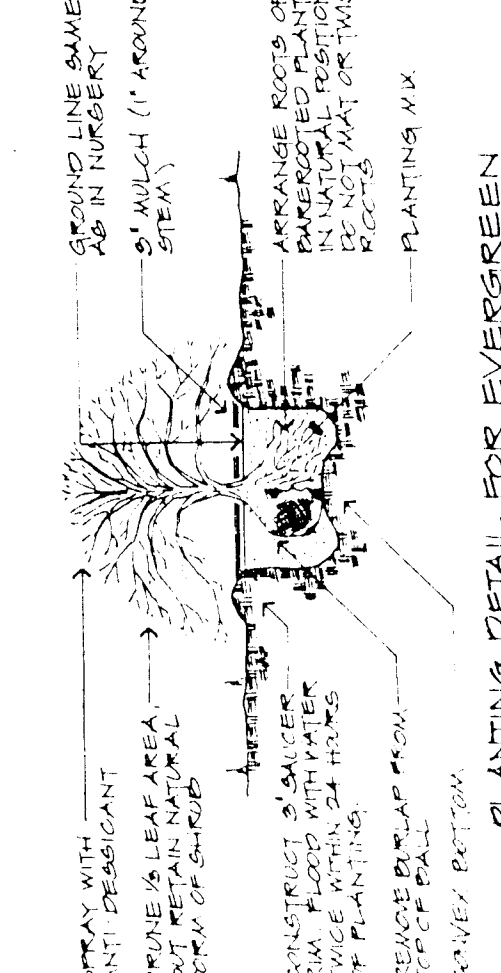
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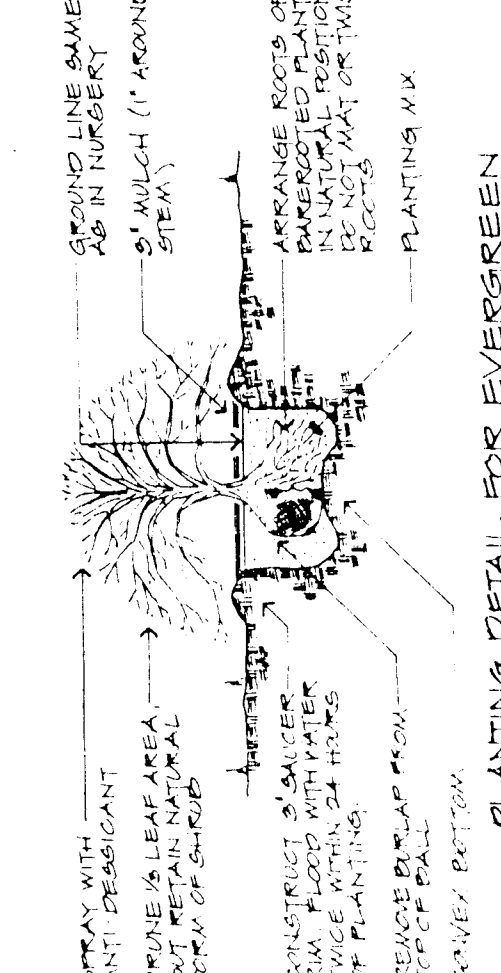
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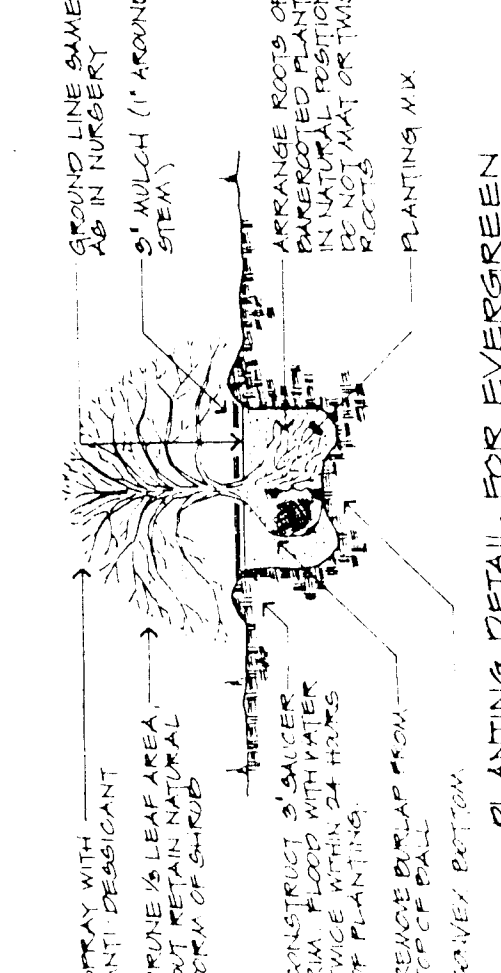
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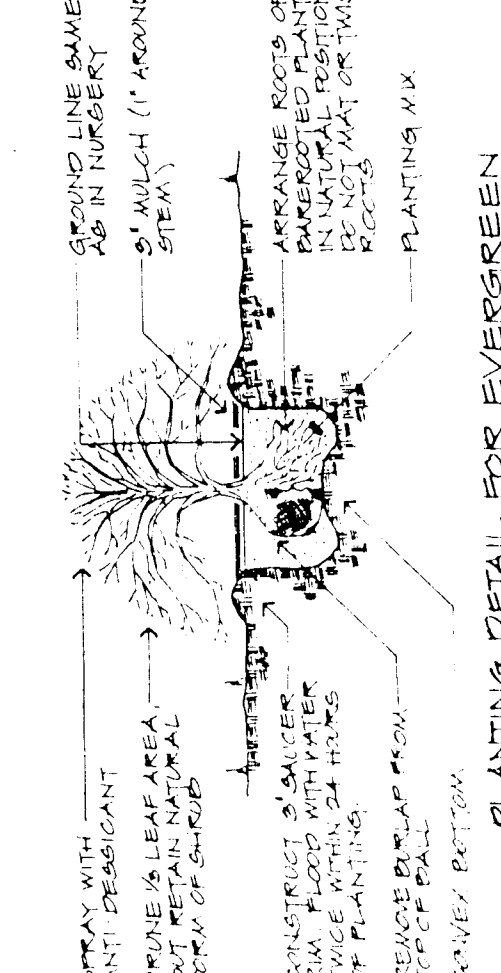
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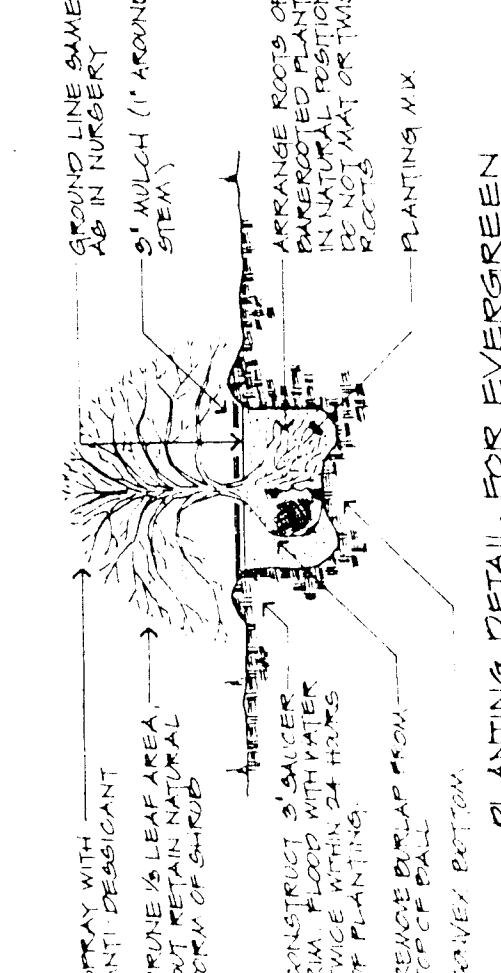
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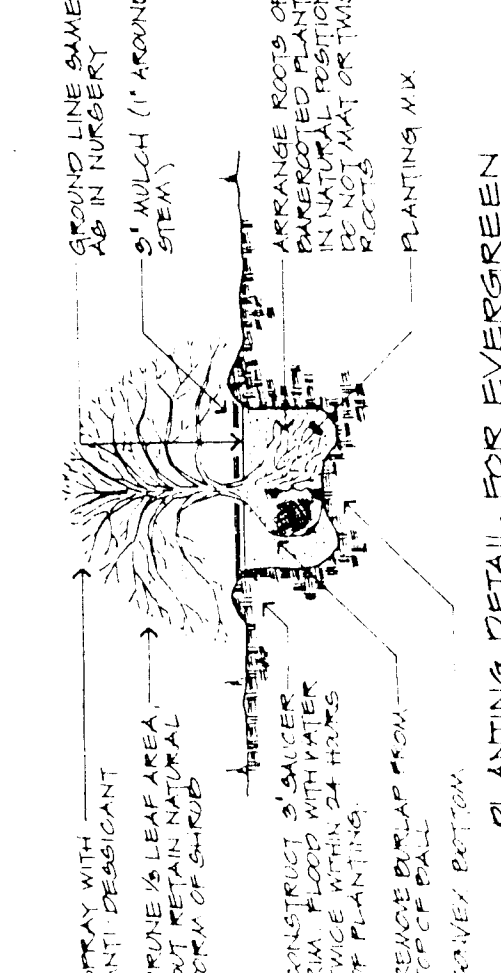
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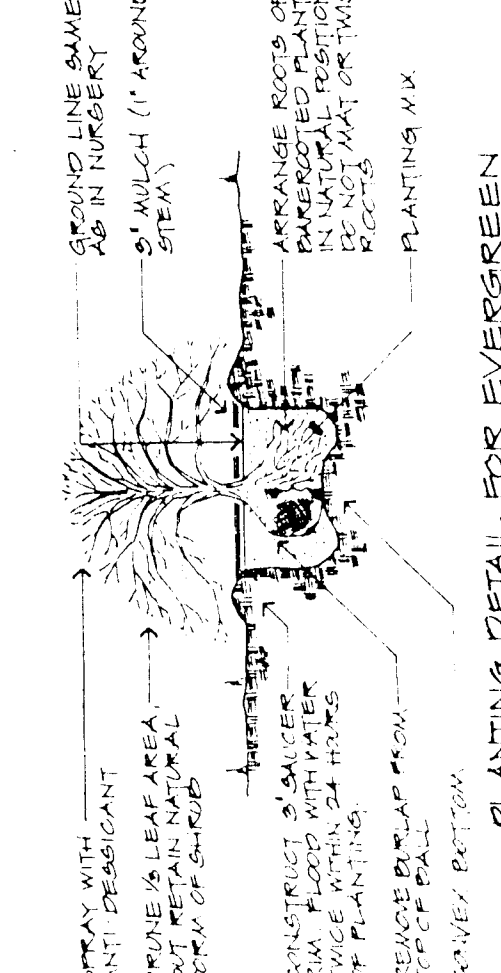
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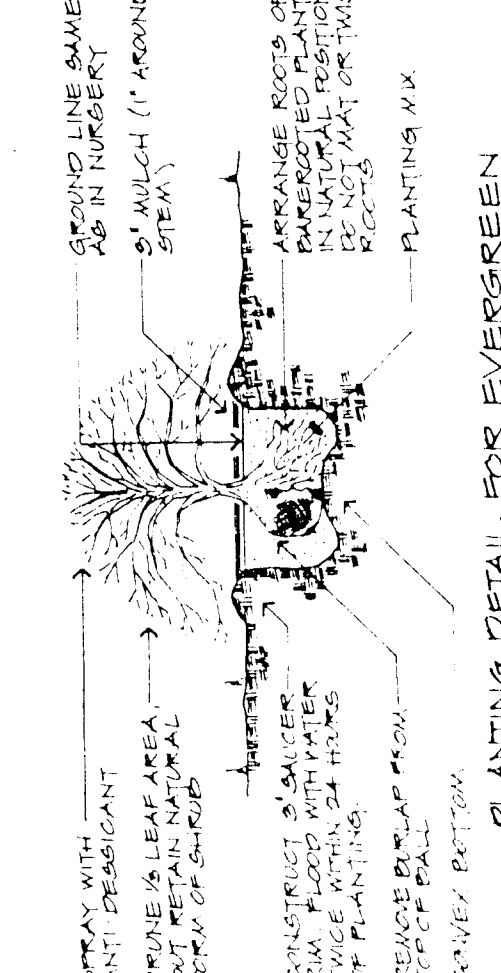
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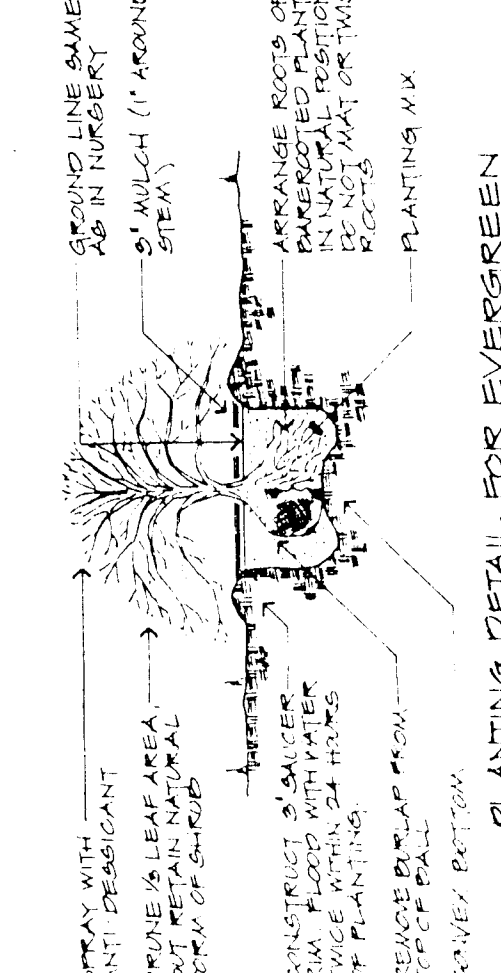
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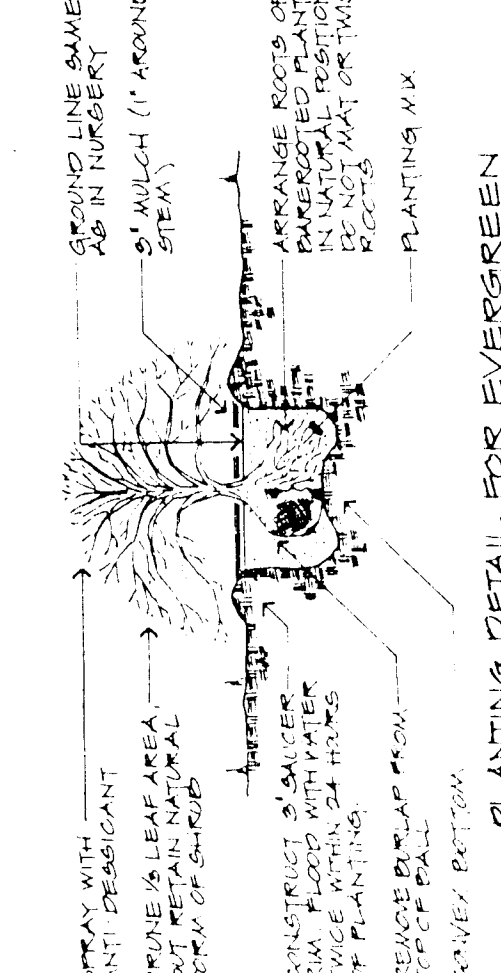
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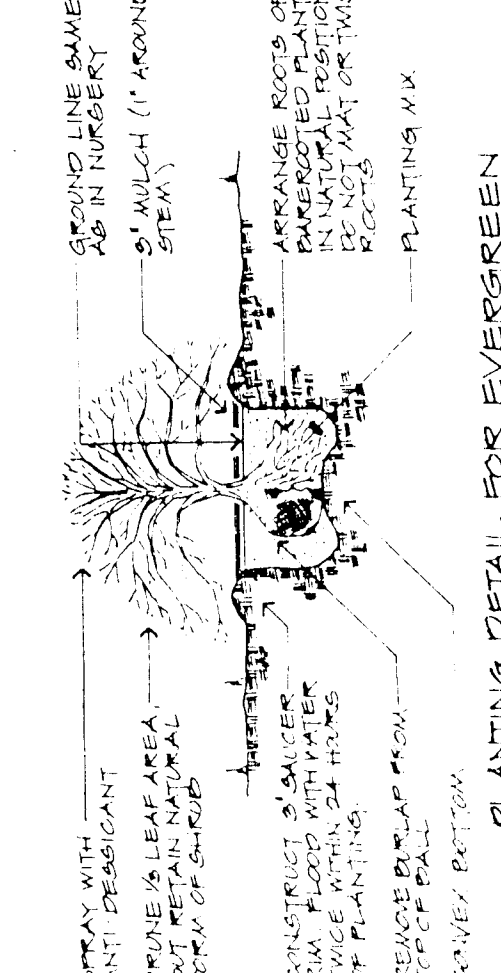
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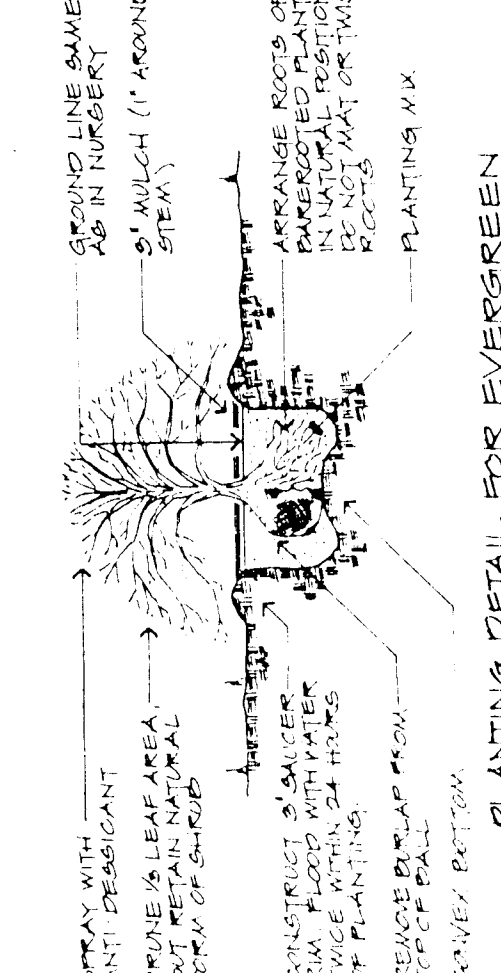
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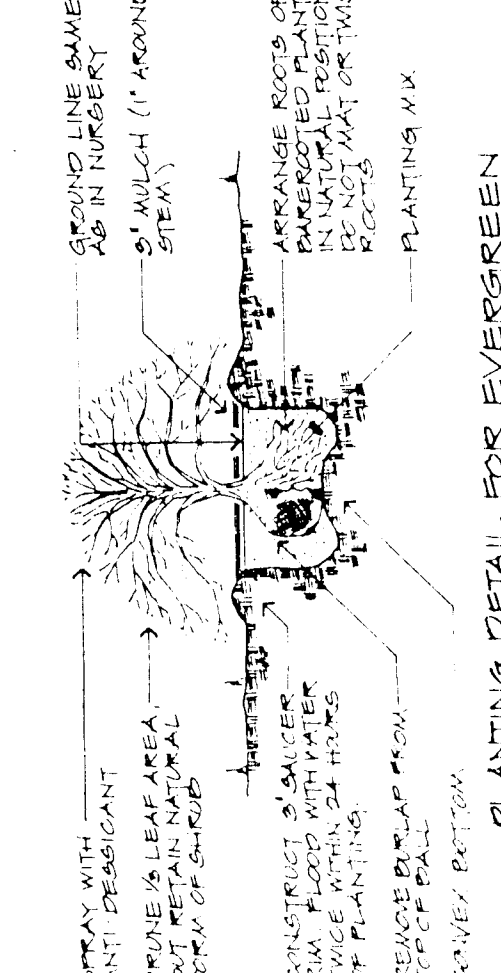
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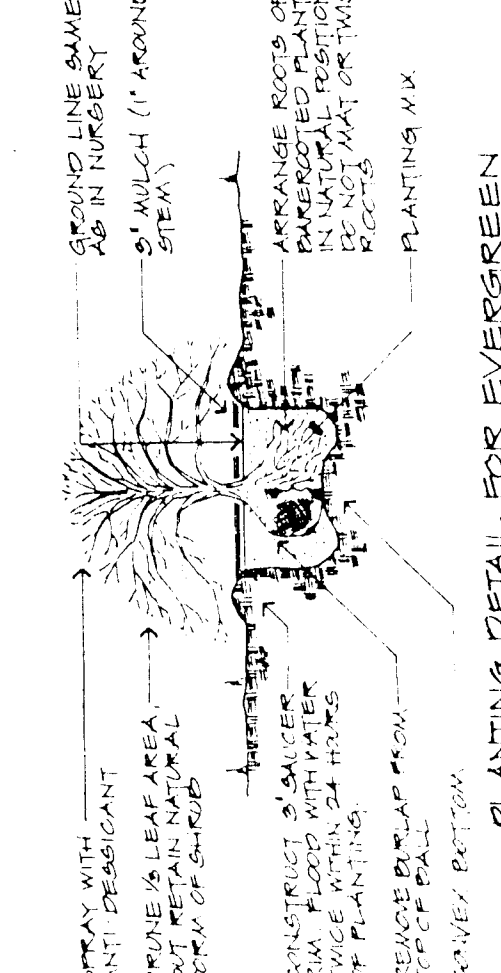
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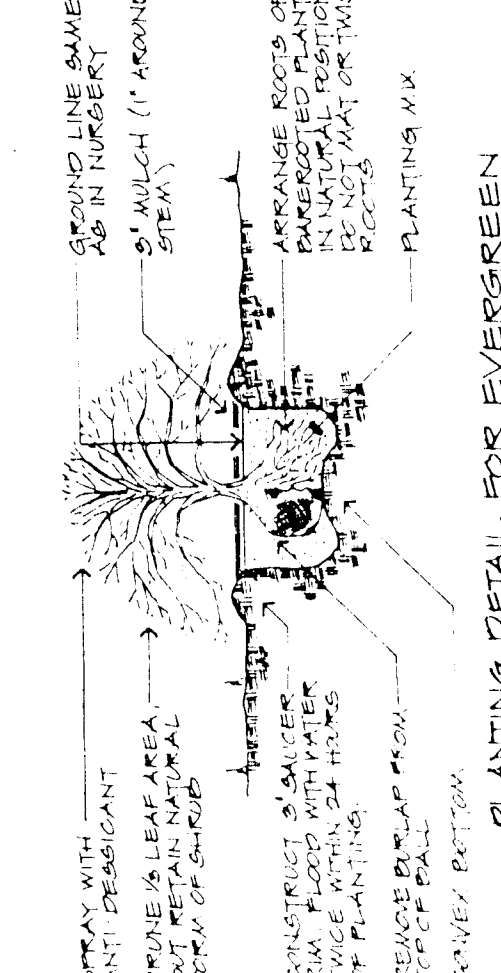
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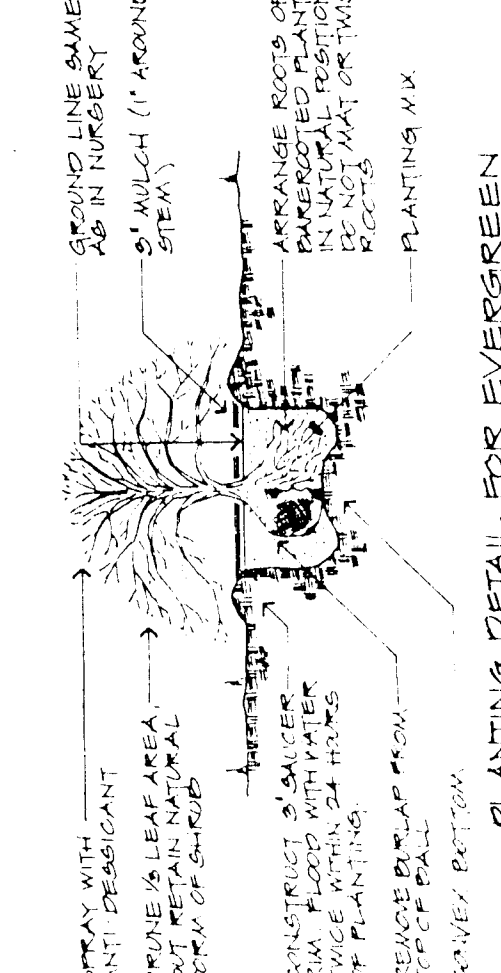
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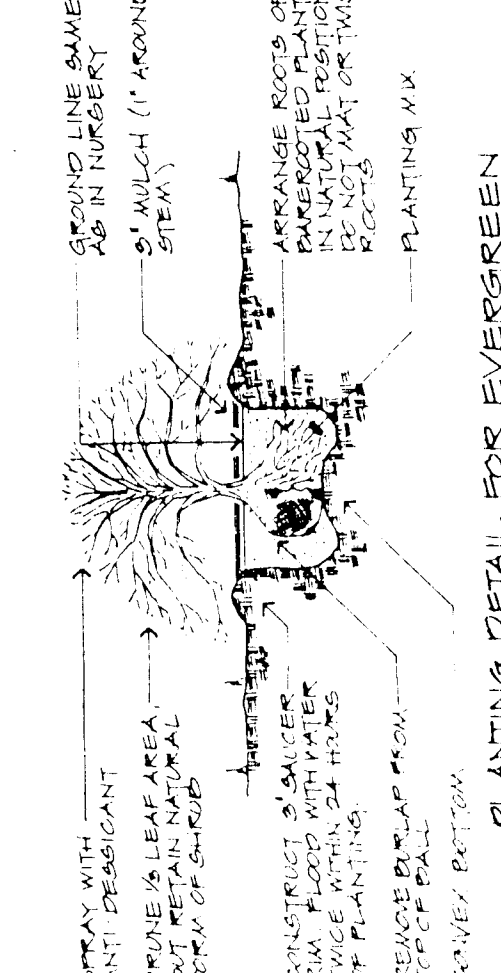
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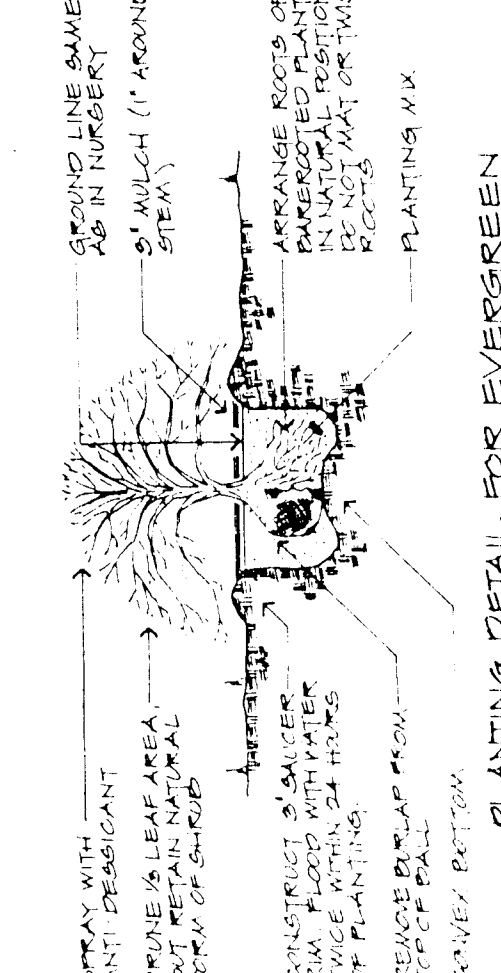
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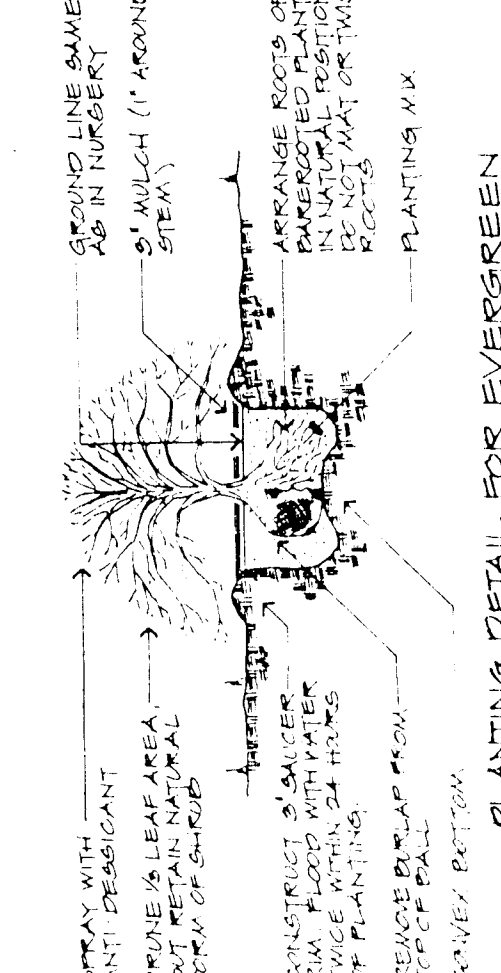
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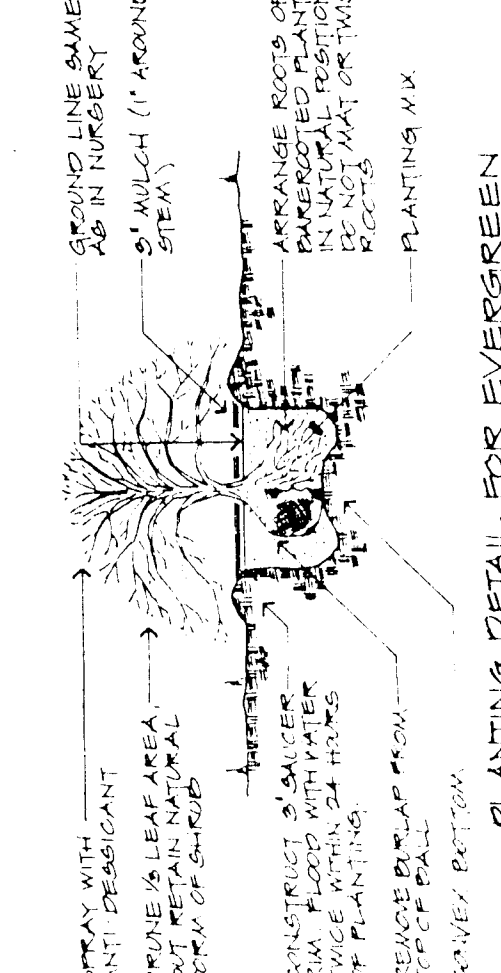
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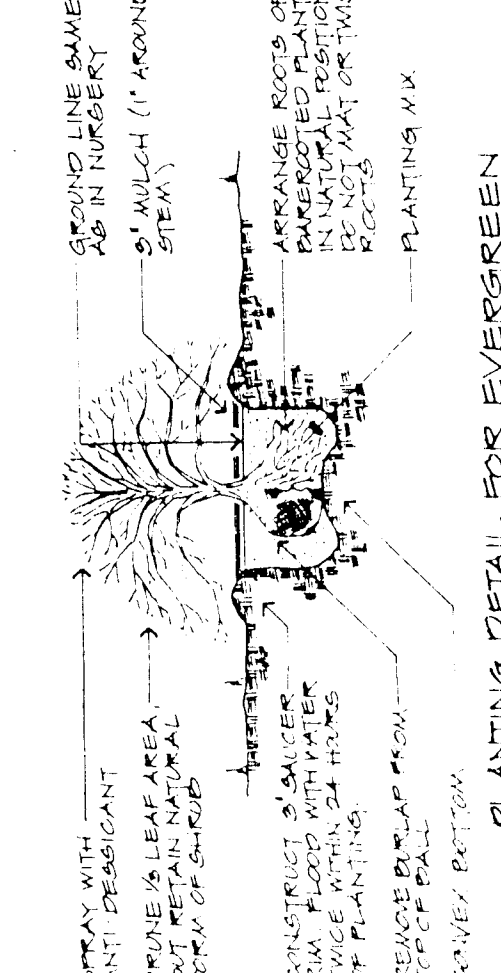
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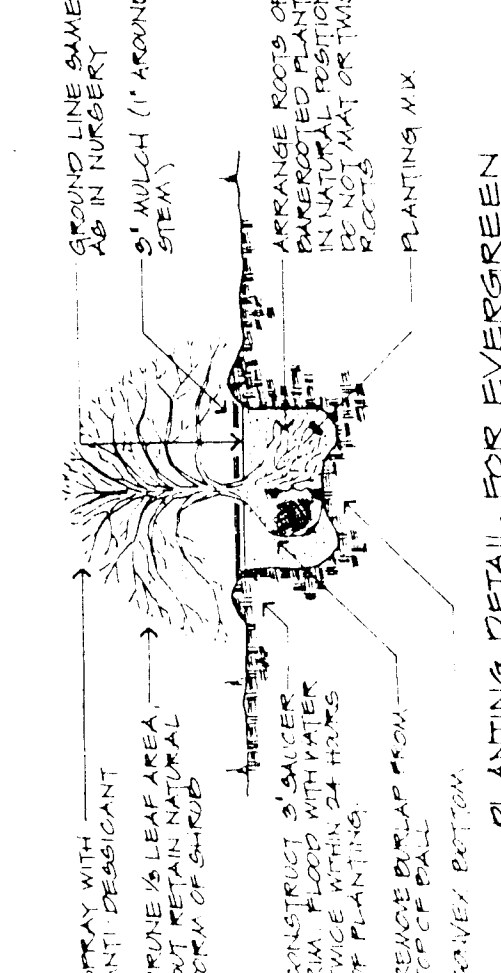
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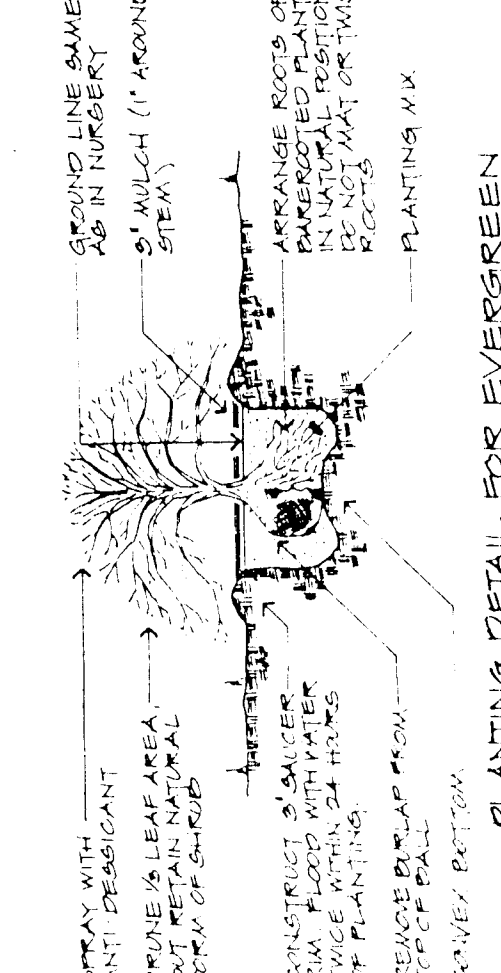
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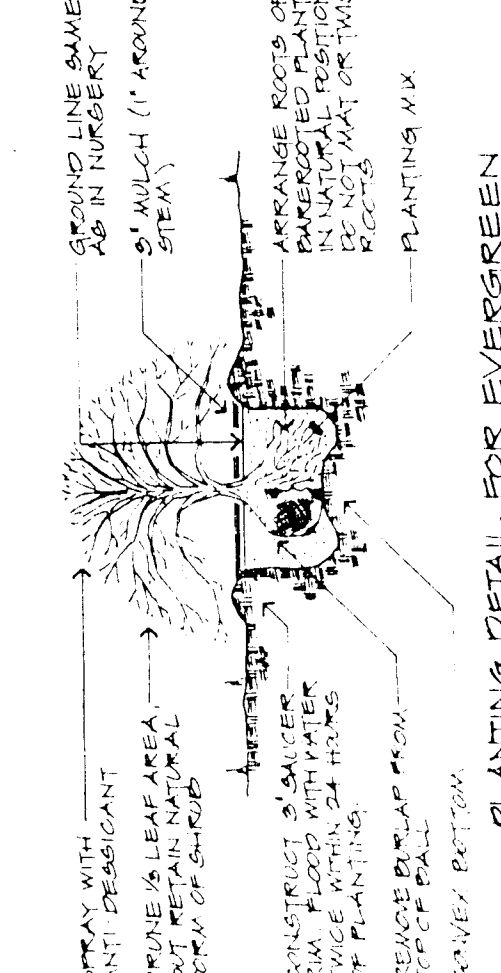
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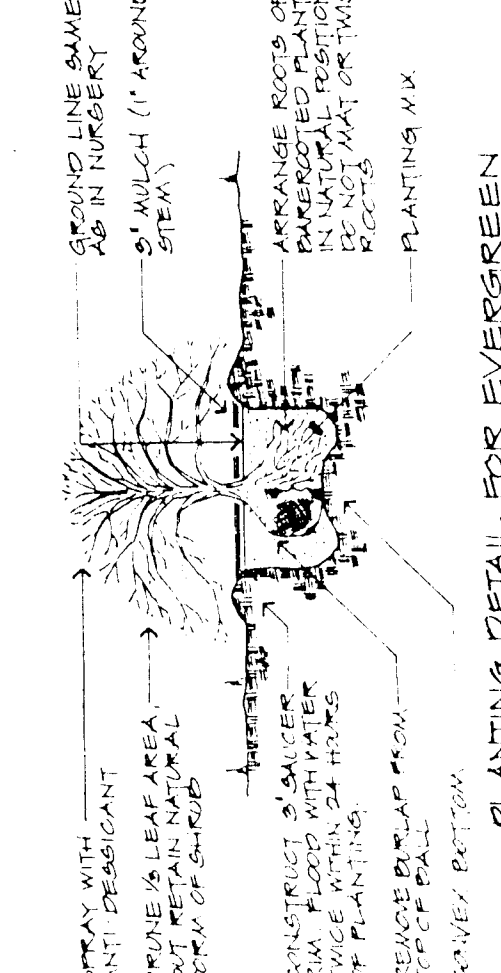
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



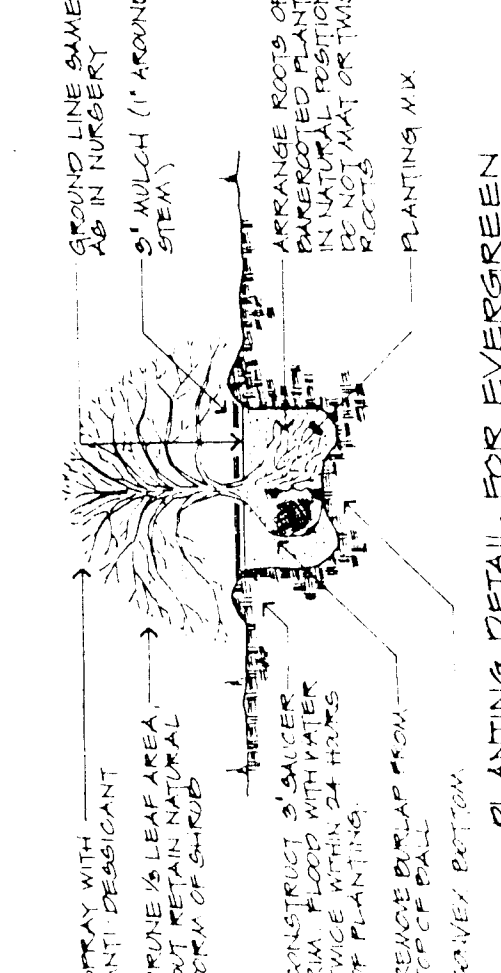
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



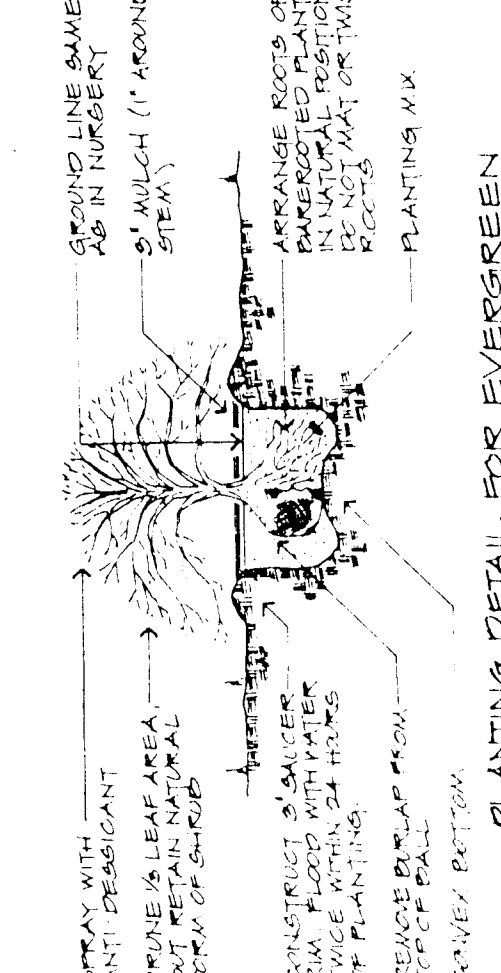
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



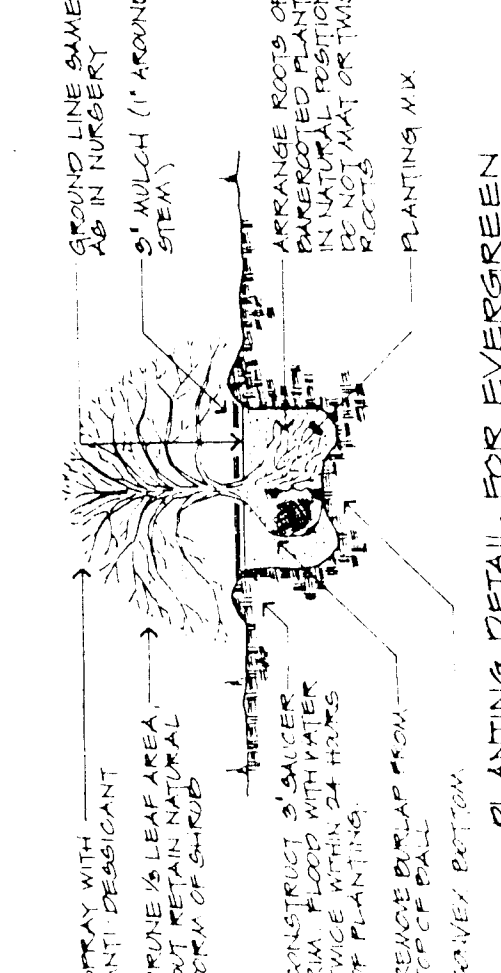
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



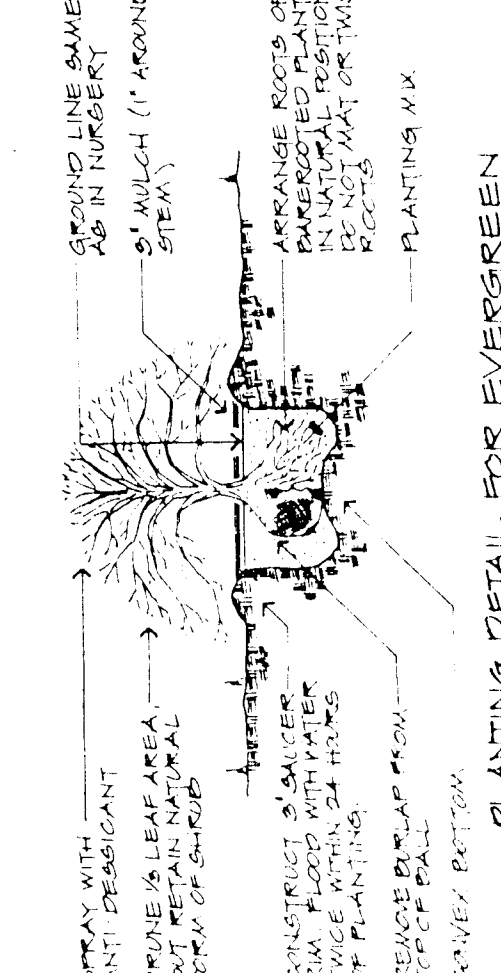
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



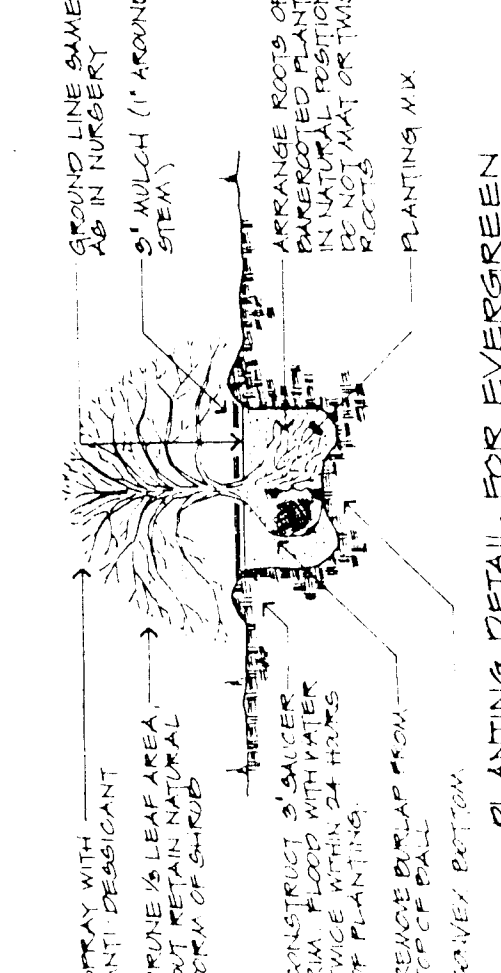
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



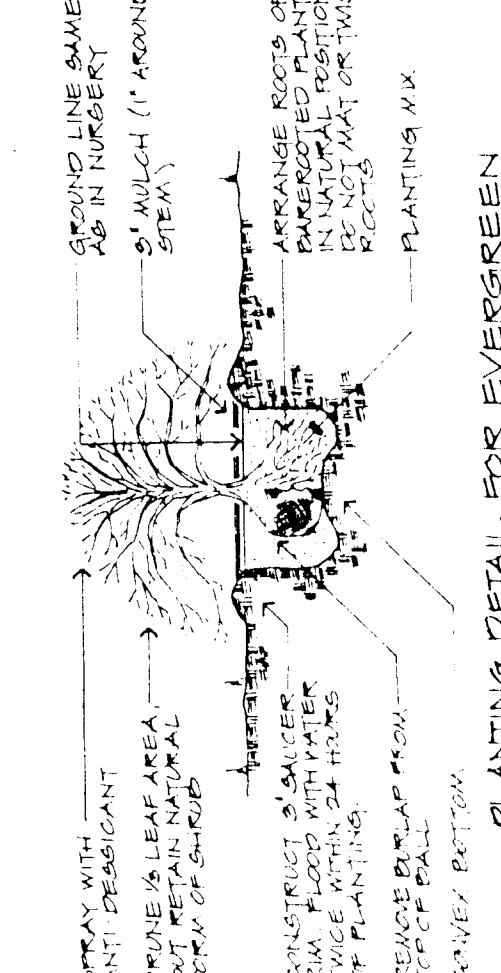
PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE

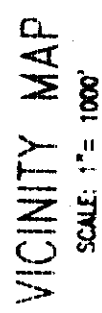


PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE



PLANTING DETAIL FOR TREES - 1/4" = 1' SCALE





SITE ANALYSIS

PREVIOUS COMMERCIAL DEBIT NO.	9128100
DEBIT NUMBER	9100
DATE	06/06/00

GROSS AREA (ZONED B1) = 44,379 SF / 1.02 Acres
 GROSS AREA (ZONED DR, S.S.) = 6,760 SF / 0.15 Acres
 TOTAL GROSS AREA = 51,139 SF / 1.17 Acres

NET AREA (ZONED B1) = 39,467 SF / 0.90 Acres
 NET AREA (ZONED DR, S.S.) = 4,650 SF / 0.11 Acres
 TOTAL NET AREA = 44,117 SF / 1.01 Acres

OUR AREA RATIO = $\frac{4,937.5}{51,139} = 0.097$
OUR AREA RATIO ALLOWED: 3.0

PROPOSED MAP No. N.E. 10-G
PROPOSED USE: COMMERCIAL : RESTAURANT 4,937.5 S.F.
PROPERTY ZONED: BR & D.R. 5.5
MINIMUM OPEN SPACE: N/A

SPACING SPACES REQUIRED:
 $937.5 \text{ S.F.} / 1,000 \times 16 =$

WORKING SPACES PROVIDED =	79 (INCLUDES 2 REGULAR HANDICAP SPACES AND 2 VAN ACCESSIBLE HANDICAP SPACES)
PERPENDICULAR SPACES =	8 1/2' x 18'
PALLETS SPACES =	7.5' x 29'

GENERAL NOTES

3. EXTERIOR LIGHTS SHALL BE DIRECTED TOWARD THE SITE ONLY.

PERMIT APPLICATION WILL BE SUBMITTED TO BALTIMORE COUNTY APPROVAL.

ALL DRIVEWAYS AND PARKING AREAS ARE TO BE PAVED.

DETAILED LANDSCAPE PLAN WILL BE SUBMITTED TO
ALTAIR COUNTY FOR APPROVAL.

SEWERAGE AND WATER SERVICES ARE AVAILABLE AT THE SITE

SPECIAL R.T.A. NOTES

THE PARKING SHOWN IN THE R.E.A. ARE A SHAU
COMPLY WITH BALTIMORE COUNTY ZONING
REGULATION 409.R.E.2 :

IN ADDITION TO ALL OTHER APPLICABLE REQUIREMENTS, EACH PARKING FACILITY SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

THE LAND SO USED MUST ADJOIN OR BE ACROSS AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.

ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY
USE THE PARKING FACILITY.

NO LOADING, SERVICE, OR ANY USE OTHER THAN
PARKING SHALL BE PERMITTED

LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED.

A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED

BE SPECIFIED, AND REGULATED AS REQUIRED.

ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

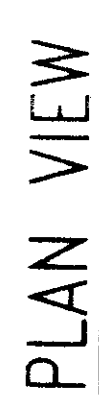


MICROFILMED,

AMENDED SITE PLAN TO ACCOMPANY PETITIONS
FOR VARIANCE AND SPECIAL HEARING

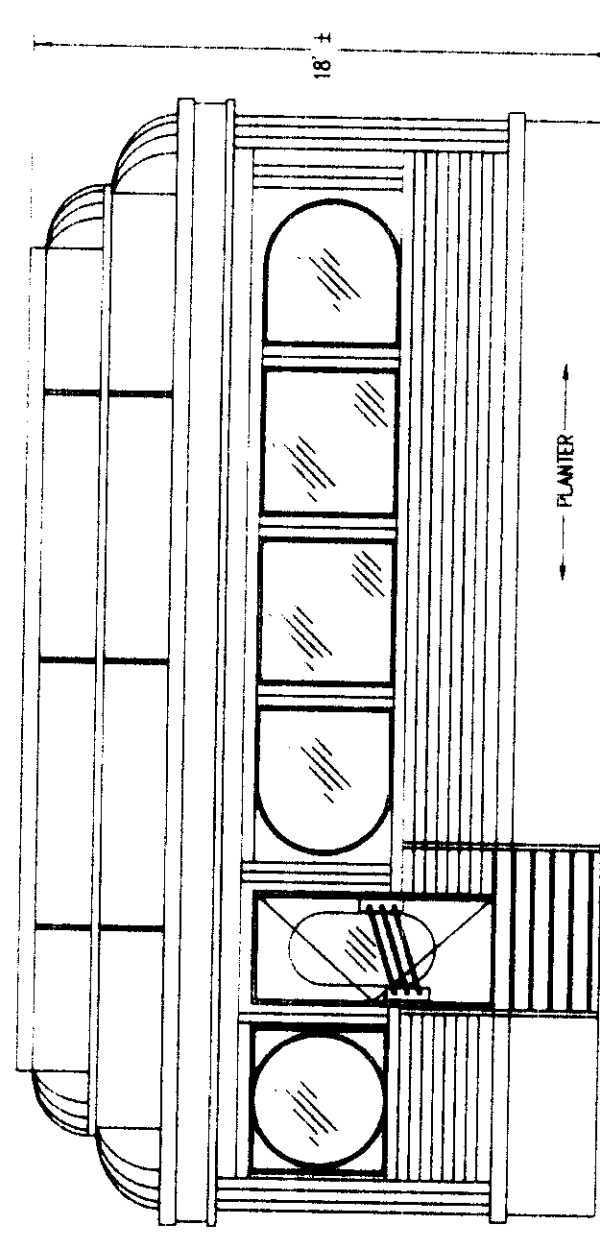
LAND OF
GEORGE MARMARAS
4142 E. IOWA ROAD

THE UNIVERSITY OF CHICAGO PRESS



SCALE: 1" = 30'

U.S. ROUTE 1



SIDE ELEVATION

SCALE: 1" = 60'

ENGINEER / SURVEYOR

CONSULTANTS, INC.

 /

GEORGE MARMARAS

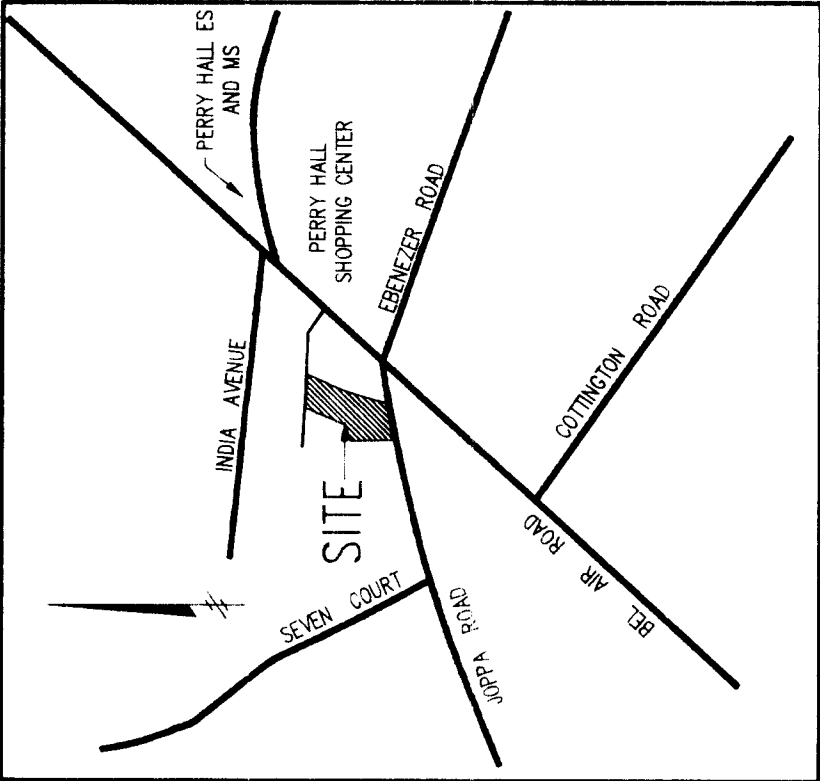
DRAWN BY: _____
DESIGNED BY: _____

DATE: 1/11/97

BOARD OF EDUCATION
BALTIMORE CO

SHELL GAS STATION
AND FOOD MART

CROWN GAS STATION



VICINITY MAP
SCALE: 1" = 1000'

SITE ANALYSIS

PRELIMINARY ZONING: COMMERCIAL (BL - AS)
PREVIOUS ZONING: COMMERCIAL (BL - AS)
DATE OF LAST IMPROVEMENT: 05/92
GROSS AREA (ZONED BL - AS) = 44,379 S.F. / 1.02 Acres
TOTAL GROSS AREA = 51,139 S.F. / 1.17 Acres
NET AREA (ZONED BL - AS) = 39,482 S.F. / 0.90 Acres
TOTAL NET AREA = 44,112 S.F. / 1.01 Acres
FLOOR AREA RATIO = 5,500 / 6,108
FLOOR AREA RATIO ALLOWED: 5.0
ZONING MAP NO. N-10-5
PROPERTY ZONED: BL - AS, 5.5
AMOUNT OF OPEN SPACE: N/A
PARKING SPACES REQUIRED: 86
PARKING SPACES PROVIDED: 77 (INCLUDES 4 VAN ACCESSIBLE SPACES)
PARKING SPACES = 6.1/2 x 18'
PARALLEL SPACES = 1.5/2 x 21'

GENERAL NOTES

1. EXTERIOR LIGHTS SHALL BE DIRECTED TOWARD THE SITE ONLY.
2. NO SIGNS ARE PERMITTED AT THIS TIME. HOWEVER, ANY FUTURE SIGNS SHALL BE SUBMITTED TO THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS FOR REVIEW AND APPROVAL.
3. ALL DRIVES AND PARKING AREAS ARE TO BE PAVED.
4. ALL PARKING SPACES ARE TO BE PERMANENTLY STRIPPED.
5. A DETAILED LANDSCAPE PLAN WILL BE SUBMITTED TO BALTIMORE COUNTY FOR APPROVAL.
6. PUBLIC WATER AND SEWER SERVICES ARE AVAILABLE TO THE SITE.

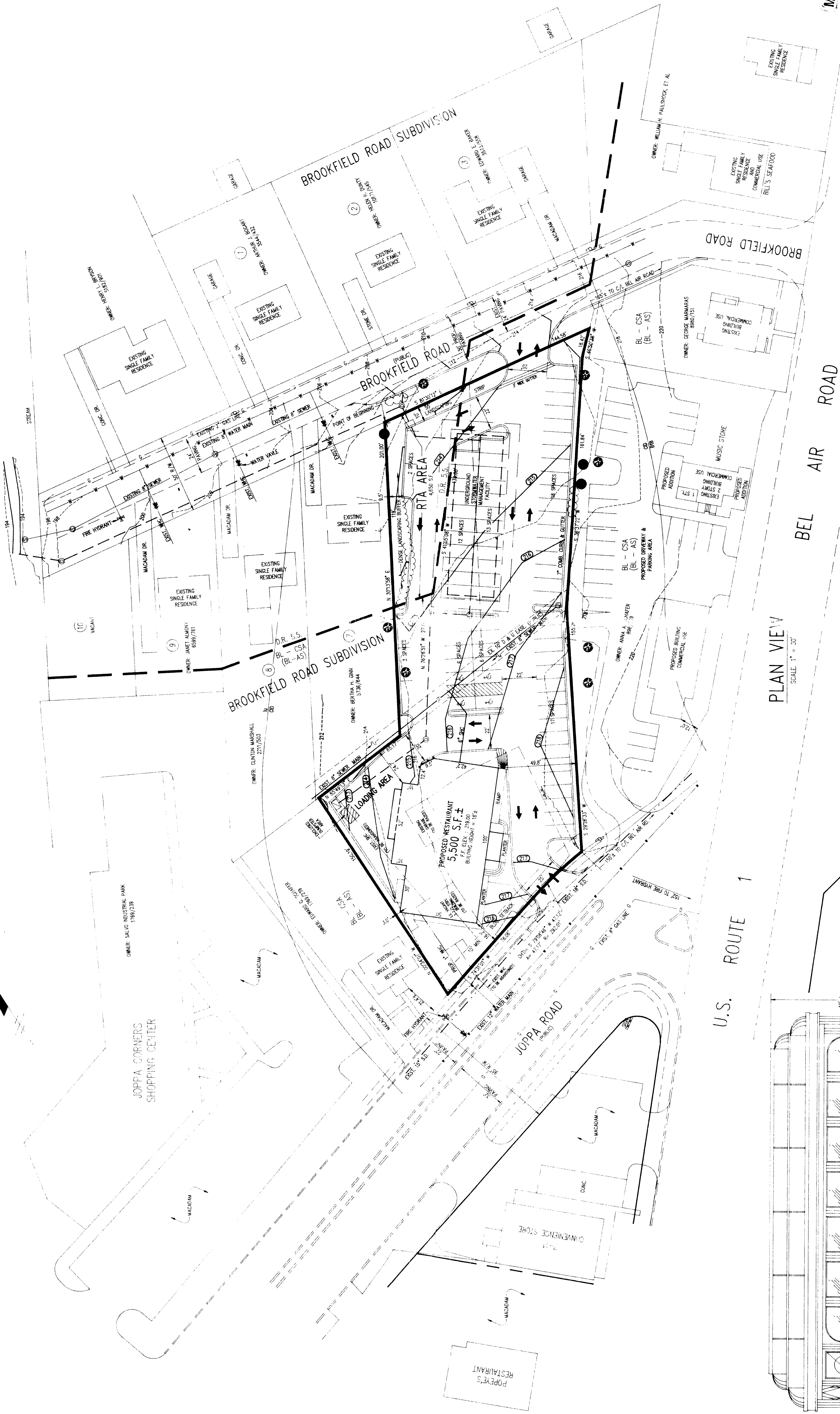
SPECIAL R.T.A. NOTES

- THE PARKING SPACES IN THE R.T.A. AREA SHALL COMPLY WITH BALTIMORE COUNTY ZONING REGULATION 403.8.2.2.
- IN ADDITION TO ALL OTHER APPLICABLE REQUIREMENTS, THE FOLLOWING CONDITIONS SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:
- A. THE LAND SO USED MUST ADJACE OR BE ADJACENT TO AN ALLEY OR STREET FROM THE BUSINESS OR INDUSTRY INVOLVED.
 - B. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 - C. NO LOADING OR UNLOADING OF ANY USE OTHER THAN PASSENGER VEHICLES SHALL BE PERMITTED.
 - D. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED.
 - E. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS MUST BE PROVIDED.
 - F. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE, AND PERMITTED HOURS OF USE SHALL BE SPECIFIED AND REGULATED AS REQUIRED.
 - G. ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO PROTECT THE PUBLIC INTEREST OR TO PREVENT A DETRIMENTAL TO ADJACENT PROPERTIES WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

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MICROFILMED

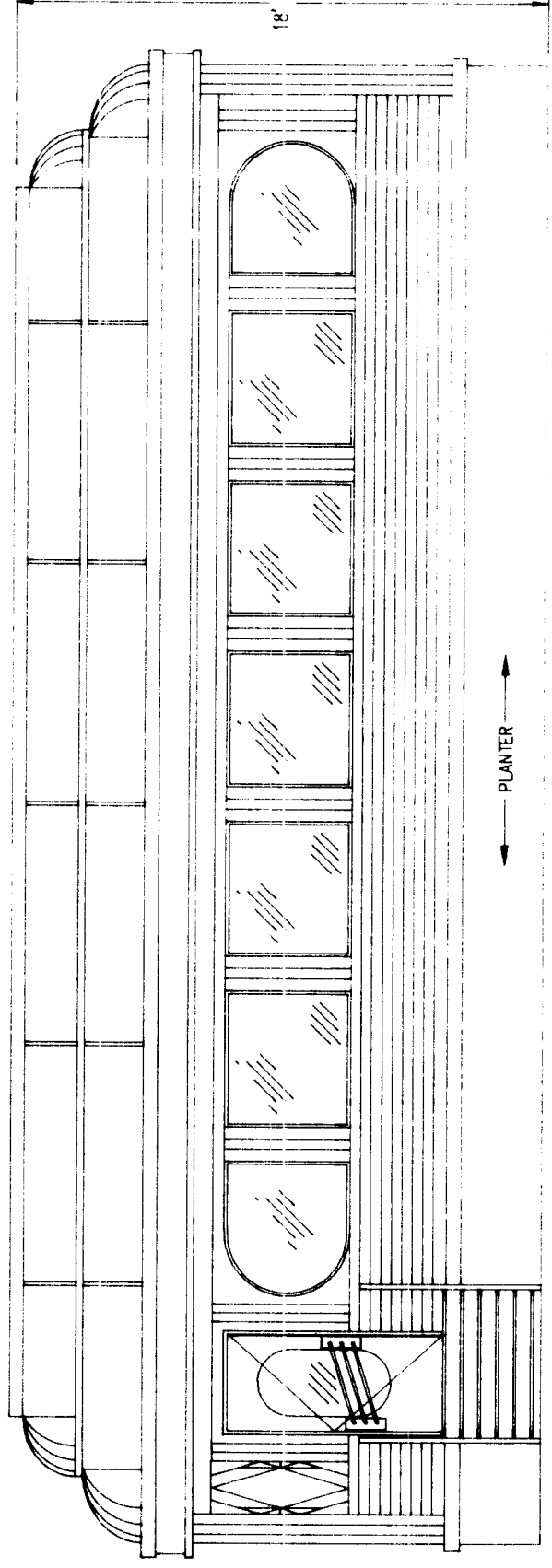
97-193-SPHA



PLAN VIEW
SCALE: 1" = 30'

U.S. ROUTE 1

SIDE ELEVATION
SCALE: 1" = 60'



SITE PLAN TO ACCOMPANY PETITIONS FOR VARIANCE AND SPECIAL HEARING		DATE: 10/22/96	
LAND OF		DRAWING NO.: MARSTEEI	
GEORGE MARMARAS		SCALE: 1" = 30'	
ELECTION DISTRICT 11, COUNTY COUNCIL DIST. 5		SHEET: 0F	
BALTIMORE COUNTY, MARYLAND		KLS JOB NUMBER: 9639	
DRAWN BY: JMA		DESIGNED BY: AEL	
CHECKED BY: AEL		KLS JOB NUMBER: 9639	
REVIEWER: TANTS, INC.		ENGINEER: K.L.S. CONSULTANTS, INC.	
102 NORTH STREET		102 NORTH STREET	
BALTIMORE, MD 21014		BALTIMORE, MD 21014	
DATE: _____		BY: _____	
REVISION: _____		REVISION: _____	

OWNER / DEVELOPER:
GEORGE MARMARAS
9217 CORNFLOWER ROAD
BALTIMORE, MARYLAND 21237

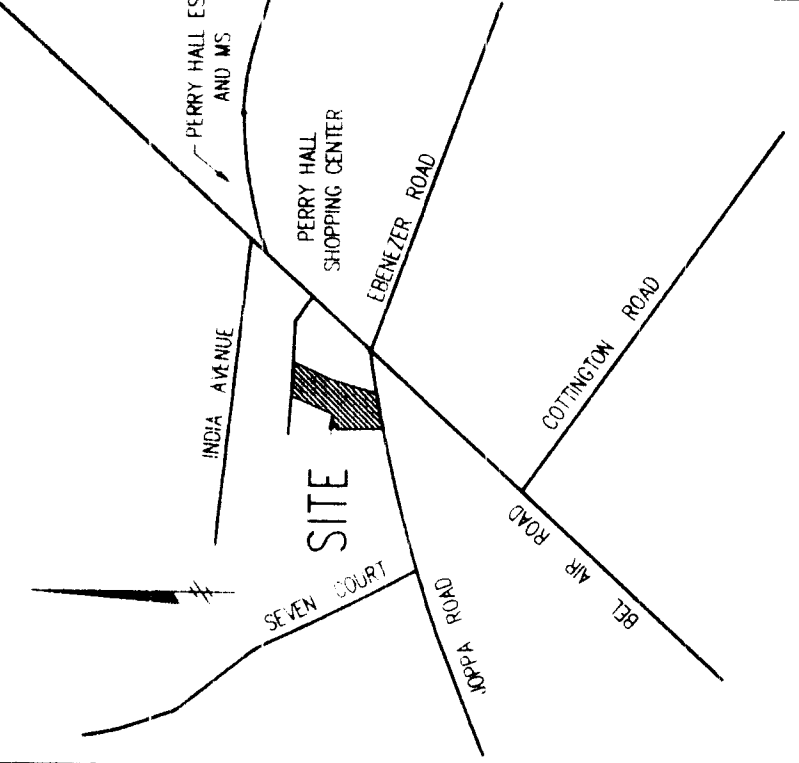
REVIEWER:
TANTS, INC.

ENGINEER:
K.L.S. CONSULTANTS, INC.
102 NORTH STREET
BALTIMORE, MD 21014
(410) 441-1441

BOARD OF EDUCATION
BALTIMORE CO.

SHELL GAS STATION
AND FOOD MART

CROWN GAS STATION



VICINITY MAP

SCALE: 1" = 1000'

SITE ANALYSIS

JULIE ANALALIS

WIFE OF CAROL ANN REMPE INC. BIRMGHAM
CITY, ALABAMA 35209
SPONSORING MEMBER NO. 10782
DATE OF LAST IMPROVEMENT N/A

GROSS AREA (ZONED R-1) = 44,427 S.F. / 1.01 Acres
GROSS AREA (ZONED D-5A) = 6,786 S.F. / 0.15 Acres
TOTAL GROSS AREA = 51,213 S.F. / 1.17 Acres

NET AREA (ZONED R-1) = 38,465 S.F. / 0.88 Acres
NET AREA (ZONED D-5A) = 4,650 S.F. / 0.11 Acres
TOTAL NET AREA = 44,115 S.F. / 1.01 Acres

FLOOR AREA RATIO = 5.500
FLOOR AREA = 51,213
1,000 SQ. FT. PER LOT ALLOWED: 3.0

ZONING MAP NO. 10-10-10
PROPOSED USE: COMMERCIAL - RESTAURANT
PROPERTY ZONED BY & FOR: S-5
MINIMUM OPEN SPACE: N/A

PAVING SPACES REQUIRED:
5,500 SF / 1,000 "x 16"
BR 16' x 6' 6"

PARKING SPACES PROVIDED = 8
PARKING SPACES REQUIRED = 8
PERMISSIBLE SPACES = 8
AVAILABLE SPACES = 15, 21, 18

GENERAL NOTES

LETTERS FROM THE DE CHIEF OF POLICE TO THE CHIEF OF POLICE

SPECIAL R.T.A. NOTES

[illegible]

NOTE: PARKING SPACES NUMBERED 1,2,3,4 & 5
ARE VALET EMPLOYEE SPACES ONLY.



PLAN VIEW

SCALE: 1" = 30'

SIDE ELEVATION

SCALE: 1" = 60'

OWNER / DEVELOPER

OWNER / DEVELOPER
GEORGE MARMARAS
9217 CORNFLOWER ROAD
BALTIMORE, MARYLAND 21237

ENGINEER / SURVEYOR
K.L.S. CONSULTANTS, INC.

102 NORTH MAIN STREET
BFL AIR MAIL W. 212

OWNER / DEVELOPER

OWNER / DEVELOPER
GEORGE MARMARAS
9217 CORNFLOWER ROAD
BALTIMORE, MARYLAND 21237

MICROFILMED

UNCONTROLLED
SITE PLAN TO ACCOMPANY PETITIONS FOR
VARIANCE AND SPECIAL HEARING

LAND OF
GEORGE MARMARAS
4142 E. JORDA ROAD

4142 E. JOFFA ROAD
ELECTION DISTRICT 11, COUNTY COUNCIL DIST. 5
BALTIMORE COUNTY, MARYLAND