IN RE: PETITION FOR SPECIAL HEARING E/S Donachie Road, 342' N of the c/l Colbury Road **(6920 Donachie Road, Suite 101)** 9th Election District 5th Council District Fairways at Towson, LLC, Owners; Rita's Mini-Mart, LLC, Contract Lessees	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-151-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Fairways at Towson, LLC, and the Contract Lessees, Rita's Mini-Mart, LLC, through their attorney, David F. Mister, Esquire. The Petitioners request a special hearing to approve an accessory business use of a convenience store with a Class A, 6-day, beer, wine and liquor license, off-premises sales, only, within an elevator apartment building, pursuant to Section 402.4 of the Baltimore County Zoning Regulations (1969), based upon accessory business use originally approved under the 1969 Code. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 6.

Appearing at the requisite public hearing in support of the request were Rita Smith, Principal of Rita's Mini Mart, LLC, Contract Lessees of the subject property, and her attorney, David F. Mister, Esquire. Also appearing in support of the request were Doris LaRue Mitchell and Clarence Young, nearby residents. Donna Spicer appeared on behalf of the Loch Raven Community Council and the Loch Raven Business Association. There were no Protestants or other interested persons present.

The subject property under consideration concerns a small area of leasable space (approximately 1700 sq.ft. in area) located on the first floor of an existing 15-story apartment building in the Glenmont Apartments complex in Towson. The subject building, which bears the address 6920 Donachie Road, is located near the intersection of Goucher Boulevard, Taylor

ORDER RECEIVED FOR FILING
Date 12/11/03
By

Avenue and Loch Raven Boulevard. The Glenmont Apartments complex features a series of high-rise and garden apartments totaling 880 residential units. In addition to the apartment units, the property contains a large parking field, community building, swimming pool and other similar amenities. As noted above, the subject Petition relates to the use of a small, 1700 sq.ft. area on the first floor of the subject building as a convenience store.

The Glenmont Apartments complex has existed at this location for many years. In approximately 1969, the subject space was developed as an eatery known as the Tom Jones Restaurant. A liquor license was obtained for that use (See Petitioner's Exhibit 1), and the use continued for a number of years. Ultimately, there was a change in management and the restaurant use traded under a series of different names. The last active restaurant operation ceased in the early 1990s.

Ms. Smith has entered into a lease with the property owners (Fairways at Towson, LLC) and has opened a small convenience store in the subject space. The convenience store is open from 8:00 AM to 10:00 PM, Monday through Saturday, and 10:00 AM to 8:00 PM on Sunday. The store contains a deli that serves sandwiches, pizza, and other similar items, as well as grocery and household items. Additionally, there is an ATM machine and notary services. As noted above, the deli has a valid liquor license and thus sells a variety of beer, wine and alcoholic beverages. Liquor is not consumed on the premises and most food items are for take-out; however, there is a small seating area containing three tables, generally for patrons who wish to play Keno and consume deli food. Apparently, the convenience store has been in place for a number of months and the special hearing was requested in order to legitimize the use from a zoning perspective. It was also indicated that the Liquor Board requires confirmation that the use complies with the local zoning ordinance.

Ms. Mitchell and Mr. Young are residents of the Glenmont Apartments complex. They testified that the convenience store has been a welcome addition to the residents of the apartment complex and surrounding neighborhood. They indicated that the store provides an amenity for the residents and is also a convenience, particularly for many of the elderly residents of the complex.

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Ms. Spicer appeared in support of the request. She expressed certain concerns about the sale of liquor; however, Ms. Smith indicated that she strictly complies with all laws and regulations regarding the sale of alcoholic beverages.

Based upon the testimony and evidence presented, I am easily persuaded that the proposed use is an appropriate accessory business in this residential complex, particularly the 15-story building. The use complies with the requirements set out in Section 402.4 of the B.C.Z.R. as in effect in 1969. The lease does not exceed 15% of the one floor area of the total rented space, and features only one sign located on the exterior of the building. Additionally, there is but one exterior entrance. These requirements are all set out in Section 402.4 of the 1969 regulations. In my judgment the proposed use is appropriate and will not detrimentally impact the health, safety or general welfare of the locale. I find that the use is in compliance with the B.C.Z.R. and should therefore be permitted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of December 2003 that the Petition for Special Hearing to approve an accessory business use of a convenience store with a Class A, 6-day, beer, wine and liquor license, off-premises sales, only, within an elevator apartment building, pursuant to Section 402.4 of the Baltimore County Zoning Regulations (1969), based upon accessory business use originally approved under the 1969 Code, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/11/03
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

December 12, 2003

David F. Mister, Esquire
Mister, Winter & Bartlett, LLC
30 E. Padonia Road, Suite 404
Timonium, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
E/S Donachie Road, 342' N of the c/l Colbury Road
(6920 Donachie Road, Suite 101)
9th Election District – 5th Council District
Fairways at Towson, LLC, Owners, Rita's Mini-Mart, LLC, Lessee - Petitioners
Case No. 04-151-SPH

Dear Mr. Mister:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Fairways at Towson, LLC, 6906 Donachie Road, Towson, Md. 21239
Ms. Rita Smith, Rita's Mini-Mart, LLC, 6920 Donachie Road, #101, Towson, Md. 21239
Ms. Doris L. Mitchell, 6902 Lachlan Circle, Apt. F, Baltimore, Md. 21239
Mr. Clarence Young, 6920 Donachie Road, Apt. 1002, Baltimore, Md. 21239
Ms. Donna Spicer, 8719 Eddington Rd., Baltimore, Md. 21234
People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6920 Donachie Road, Suite 101

which is presently zoned DR-16

This Petition shall be filed with the Department of Permits and 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

an accessory business use of a convenience store with a Class A, 6-day, beer, wine and liquor license, off-premises sale only, in an elevator apartment building, pursuant to §402.4 BCZR, 1969, based upon accessory business use originally approved under the 1969 Code.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Rita's Mini-Mart, LLC
Name - Type or Print

Signature

6920 Donachie Road, Suite 101, 410-339-7482
Address Telephone No.

Towson MD 21239
City State Zip Code

Legal Owner(s):

Fairways at Towson, LLC Barbara Carroll
Name - Type or Print

Signature

Brian Ditton, Prop. mgr.
Name - Type or Print

Signature

~~6902 Lachlan Circle~~ 443-279-0592
Address Telephone No.

Towson MD 21239
City State Zip Code

Attorney For Petitioner:

David F. Mister, Esquire
Name - Type or Print

Signature

Mister, Winter & Bartlett, LLC
Company

30 E. Padonia Road, Suite 404 410-561-3000
Address Telephone No.

Timonium, MD 21093
City State Zip Code

Representative to be Contacted:

David F. Mister, Attorney for Petitioner
Name

30 E. Padonia Road, Suite 404, 410-561-3000
Address Telephone No.

Timonium MD 21093
City State Zip Code

ORDER RECEIVED FOR FILING
Date 12/11/03
By

Case No. 04-151-SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hrs.

UNAVAILABLE FOR HEARING

Reviewed By Date 9-25-03

REV 9/15/98

Property Description

6920 Donachie Road
High Rise Building Area
Section Two-A
Glenmont Apartments
Plat 33/52

Beginning at a point on the East of Donachie Road which is 24' wide at the distance of 342' north of the centerline of the nearest improved intersecting street, Colbury Road, which is 70' wide, thence the follwing courses and distances:

- **N 12^0 38' 40" W 80.59'**
- **Northerly along a curve to the left with a radius of 172.00' a distance of 178.72', said curve being subtended by a chord bearing N 42^0 24' 39" W 170.78'.**
- **Westerly along a curve to the left with a radius of 321.11' a distance of 153.16', said curve being subtended by a chord bearing N 85^0 50' 28" W 151.71'.**
- **S 80^0 29' 42" W 130.00'**
- **S 09^0 30' 18" E 185.00'**
- **S 67^0 19' 03" E 46.66'**
- **S 40^0 32' 07" E 110.93'**
- **N 49^0 27' 53" E 60.00'**
- **S 40^0 32' 07" E 28.00'**
- **Easterly along a curve to the left with a radius of 145.00' a distance of 142.62', said curve being subtended by a chord bearing N 68^0 42' 49" W 136.94'.**
- **Easterly along a curve to the left with a radius of 70.00' a distance of 21.23', said curve being subtended by a chord bearing N 74^0 25' 12" E 21.15'.**
- **N 65^0 43' 55" E 60.49'**
- **Northerly along a curve to the right with a radius of 150.00' a distance of 59.74', said curve being subtended by a chord bearing N 04^0 14' 07" W 59.74'.**
- **N 07^0 10' 27" E 33.03'**

#151

To the place of beginning as recorded in Deed Liber 14349, Folio 748.

STATE OF MARYLAND
PAUL MICHAEL QUICK
NO. 16785
REGISTERED
PROFESSIONAL ENGINEER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 28105
04-151-SPH

DATE 9-25-03 ACCOUNT R-001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Ms. Rita Smith

FOR: Commercial Special Hearing filing fee
6922 Donochie Rd. (Fairways at Towson Apts)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/25/2003	9/25/2003	14:28:37	4

REG WS06 WALKIN KNCH KON
>>RECEIPT # 197284 9/25/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 028105
Rcpt Tot $325.00
325.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-151-SPH
6920 Donachie Road, Ste. 101
E/side of Donachie Court, 342 feet north of centerline of Colbury Rd.
9th Election District - 5th Councilmanic District
Legal Owner(s): Fairways at Towson, LLC, Brian Dillon, Prop. Manager
Contract Purchaser: Rite's a Mini-Mart

Special Hearing: to permit an accessory business use of a convenience store with a Class A, 6-day, beer, wine, and liquor license, off premises sale only, in an elevator apartment building, based upon accessory business use originally approved in the 1969 Code. (402-4-1960)

Hearing: Wednesday, November 26, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/685 Nov. 11 C636455

CERTIFICATE OF PUBLICATION

11/13/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/11/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

RM 111

Certificate Of Posting

RE: Case NO.: 04-151-SPH

Petitioner/Developer:
RITA SMITH

Date of Hearing/Closing: 11/26/03

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

Attention:

Ladies and Gentlemen:

This letter is to certfiy under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 6920 DONACHIE RD STE 101

This sign(s) were posted on 11/11/03
(Month, Day, Year)

Sincerely,

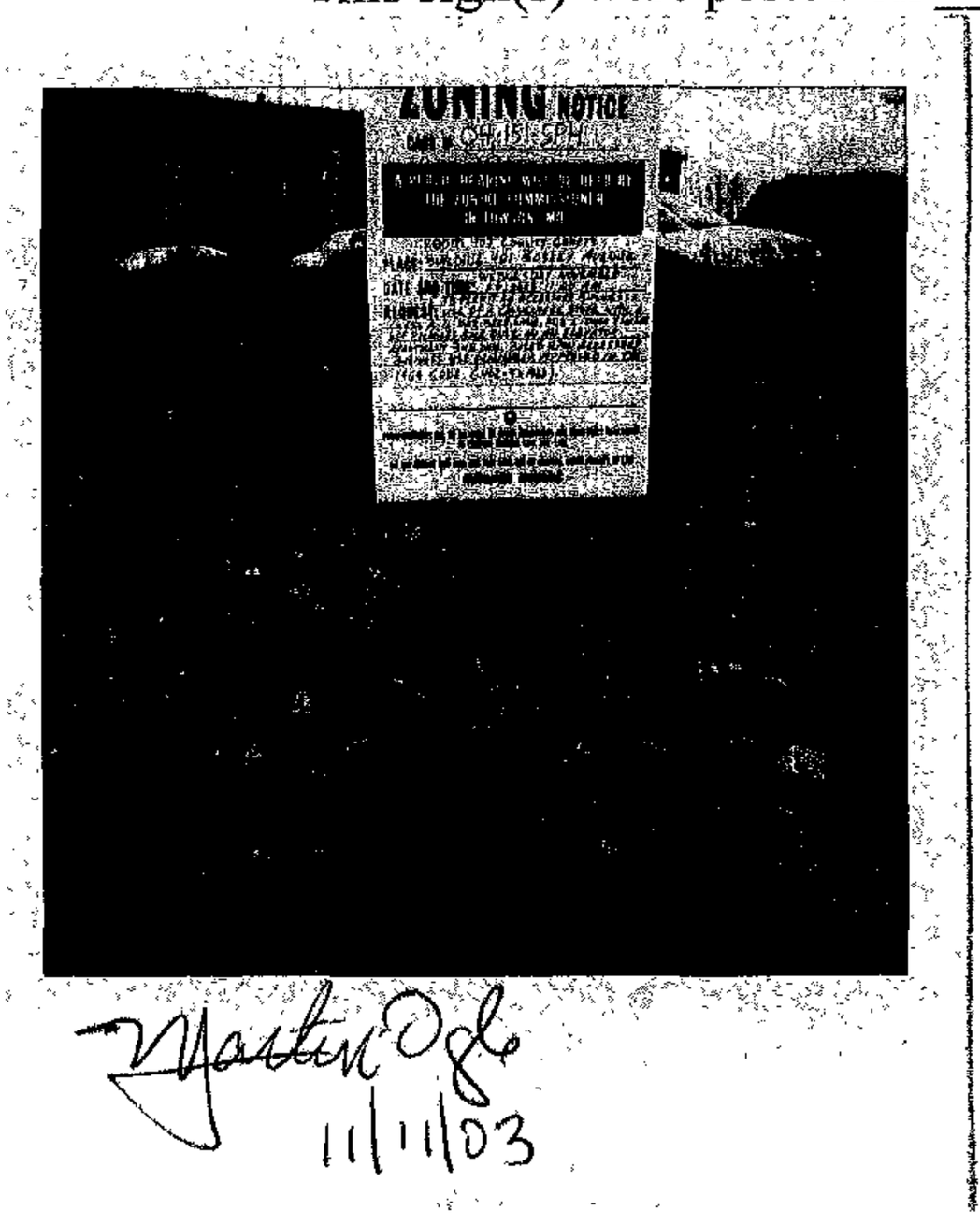
Martin Ogle
(Signature of Sign Poster and Date)

MARTIN OGLE
(Printed Name)

5016 CASTLESTONE DR.
(Address)

BALTO. MD. 21237
(City, State,ZipCode)

410-933-9470
(Telephone Number)



Martin Ogle
11/11/03

RE:	PETITION FOR SPECIAL HEARING 6920 Donachie Road, Suite 101; E.side Donachie Ct, 342; N of c/line of Colbury Rd 9th Election & 5th Councilmanic Districts Legal Owner(s): Brian Dillon, Property Mgr Fairways at Towson LLC Contract Purchaser(s): Rita Smith, Rita's Mini-Mart, LLC Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-151-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
OCT 21 2003
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to David F Mister, Esquire, Mister, Winter & Bartlett, LLC, 30 E Padonia Road, Suite 404, Timonium, MD 21093, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

Attn: Martin Ogle

November 5, 2003

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-151-SPH
6920 Donachie Road, Ste. 101
E/side of Donachie Court, 342 feet north of centerline of Colbury Road
9th Election District – 5th Councilmanic District
Legal Owners: Fairways at Towson, LLC, Brian Dillon, Prop. Manager
Contract Purchaser: Rita's Mini-Mart

Special Hearing to permit an accessory business use of a convenience store with a Class A, 6-day, beer, wine, and liquor license, off premises sale only, in an elevator apartment building, based upon accessory business use originally approved in the 1969 Code. (402-4-1960)

Hearings: Wednesday, November 26, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: David Mister, Mister, Winter & Bartlett, 30 E. Padonia Rd., Ste. 404, Timonium 21093
Fairways at Towson, 6906 Donachie Road, Towson 21239
Rita's Mini-Mart, 6920 Donachie Rd., Ste. 101, Towson 21239

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 11, 2003.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 16, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-151-SPH
6920 Donachie Road, Ste. 101
E/side of Donachie Court, 342 feet north of centerline of Colbury Road
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Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: David Mister, Mister, Winter & Bartlett, 30 E. Padonia Rd., Ste. 404, Timonium 21093
Fairways at Towson, 6902 Lachlan Circle, Towson 21239
Rita's Mini-Mart, 6920 Donachie Rd., Ste. 101, Towson 21239

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, ~~NOVEMBER 26, 2003.~~**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 11, 2003 Issue - Jeffersonian

Please forward billing to:
David Mister
30 E. Padonia Road, Ste. 404
Timonium, MD 21093

410-561-3000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-151-SPH
6920 Donachie Road, Ste. 101
E/side of Donachie Court, 342 feet north of centerline of Colbury Road
9th Election District – 5th Councilmanic District
Legal Owners: Fairways at Towson, LLC, Brian Dillon, Prop. Manager
Contract Purchaser: Rita's Mini-Mart

Special Hearing to permit an accessory business use of a convenience store with a Class A, 6-day, beer, wine, and liquor license, off premises sale only, in an elevator apartment building, based upon accessory business use originally approved in the 1969 Code. (402-4-1960)

Hearings: Wednesday, November 26, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-151-SPH

Petitioner: Fairways at Towson, LLC.

Address or Location: 6920 Donachie Ct, Suite 101
Towson, Md, 21239

PLEASE FORWARD ADVERTISING BILL TO:

Name: David F. Mister, ESQ.

Address: 30 E. Padonia Rd, Suite 404
Timonium, Md., 21093

Telephone Number: 410-561-3000

Baltimore County
Department of Permits and
Development Management

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

November 21, 2003

David Mister, Esquire
Mister, Winter & Bartlett, LLC
30 E. Padonia Rd., Ste. 404
Timonium, MD 21093

Dear Mr. Mister:

RE: Case Number: 04-151-SPH, 6920 Donachie Road, Ste. 101

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 25, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Fairways @ Towson, Barbara Corso, 6906 Donachie Rd., Towson 21239
Rita's Mini-Mart, 6920 Donachie Road, Ste. 101, Towson 21239

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.: (151)-169

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 26, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 20, 2003
Item Nos. 151, 152, 153, 154, 156,
157, 158,159, 160, 161, 162, 163, 164,
167, and 168

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

fs
11/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 22, 2003

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

RECEIVED
OCT 2 4 2003
ZONING COMMISSIONER

SUBJECT: 6920 Donachie Road

INFORMATION:

Item Number: 04-151

Petitioner: Fairways at Towson, LLC

Zoning: DR 16

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to allow continuance of the use of a Class A, 6 day, beer, wine and liquor license.

Prepared by: Mark A Cumpton

Section Chief: Lyn Lanham

AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.14.03

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

RE: Baltimore County
Item No. 151 JJS

Dear. Ms. Hart:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

T- 3/6/78- now t/a Tom Jones, Ltd.

TOM JONES TAVERN, INC. B(BWL) (4) 9

Glenmont Towers, 6920 Donachie Rd. - ~~12~~ 39 N-10/23/70

Frank E. Splendorio
Mona Schwartz } T-3/3/77
~~Judith Taylor Belew~~
~~Geo H. Beler~~
~~C. Nicholas Beler~~
~~Richard William Britt~~
~~Lynn Thomsen Kelz~~ T-12/28/71

828-1187 & 1188

~~Vach~~

TOM JONES LTD. B(BWL) 9

6920 Donachie Road - 39 T-3/6/78 formerly Tom Jones Tavern, Inc.

~~James Alfred Cottingham~~
~~Elizabeth A. Cottingham T-5/1/82~~
Marc R. Kivitz, Trustee - 5/1/82

828-1187 & 1188

Urso

Ref No1

C.W.M., INC. B(B
Glenmont Towers
6920 Donachie Rd. 21239

Carolyn J. Class
Walter J . Gramp, Jr.
Jesse J. Giordana

Th- 9/22/86

Tr. Fl. - Tom Jones, Ltd. -

11-21-86 t-fer to Whittington - Lansinger Fund. Corp.

Urso

583-1022

WHITTINGTON-LANSINGER FUNDING CORPORATION B(BWL) 09
T/A Carolyn's of Glenmont
Glenmont Towers
6920 Donachie Road
Baltimore, MD 21239

Ronald Ross Lansinger
Beth Ann Lansinger
J. Ronald Lansinger

t-fer to Wilhelmsen-Ahl, Ltd. 12/2/87

t-fer from CWM, INC.

Urso

WILHELMSEN-AHL, LTD. B(BWL) 9
T/A ~~Carolyn's of Glenmont~~ TOM JONES II
6920 Donachie Road
Baltimore, MD 21239

Hans R. Wilhelmsen, Jr.
Michael G. Ahl

t-fer from WHITTINGTON-LANSINGER FUNDING CORP. 12/2/87

T-FER TO QUIET STORM, INC
T/A TOM JONES II 11/14/88

Kilduff

QUIET STORM, INC Page 51
t/a Tom Jones II 9523
6920 Donachie Road B(BWL)
Baltimore, MD 21239 11/14/88
Helena Elson 09
t-fer from KROPFELDER
WILHELMSEN-AHL, LTD. Page 57

CLOSED 11/15/89
T-FER TO H.G.G. ENTERPRISES, INC

H.G.G. Enterprises, Inc. B(BWL) 09
t/a Gilmartin's Inne
6920 Donachie Road
Baltimore, MD 21239
John M. Hickey
Michael D. Gilmartin
William Gil de Leon
t-fer from Quiet Storm, Inc. 11/15/89

EXHIBIT

tabbies

A 2

THIS LEASE is made as of the _____ day of _____, 2002, between **GLENMONT GARDENS, LLC**, having an address at 9901 Langs Road, Baltimore, Maryland 21220 (hereinafter called "Landlord"), and **RITA'S MINI-MART, L.L.C.**, a Maryland Limited Liability Company (hereinafter called "Tenant") and **RITA SMITH** (hereinafter called "Guarantor"), each having an address at 6920 Donachie Road, #101, Baltimore, Maryland 21239 (hereinafter called "Tenant").

SECTION 1
DEMISE OF PREMISES, COMMENCEMENT DATE AND TENANT IMPROVEMENTS

Landlord, for and in consideration of the payment of the rent and performance of the covenants and agreements hereinafter mentioned, hereby leases to Tenant and Tenant hereby leases from Landlord, 6920 Donachie Road, Suite 101, containing approximately 1,700 square feet, more or less, (hereinafter called the "Premises"), being located in Glenmount Towers, (hereinafter called the "Building"), at 6920 Donachie Road, Baltimore County, Maryland (hereinafter called the "Property")

Delivery of Premises. Subject to the conditions and covenants set forth herein, Tenant agrees to accept possession of the Premises on _____ (hereinafter "Delivery Date"), which Premises shall, prior to delivery to Tenant, be re-keyed, and to proceed with due diligence to perform the leasehold improvements, all of such leasehold improvements to be performed in a good and workmanlike fashion and in compliance with plans subject to Landlord's written approval, which approval shall be not be unreasonably withheld ("Tenant's Work") in compliance with Exhibit A, "Tenant's Work", which exhibited is included by reference herein. Tenant agrees that it will commence construction of Tenant's Work within thirty (30) days of the Delivery Date, and cause Tenant's Work, including acquisition of all permits and liquor licenses as may be required by any governmental authorities to operate Tenant's business, to be completed within six (6) months of the Delivery Date.

In the event that Tenant fails to obtain licenses, permits or approvals, as may be required by applicable governmental agencies, to occupy the Premises as a retail convenience store, including a license to sell beer-wine on the Premises, this Lease

Sec. 402.4—ELEVATOR APARTMENT BUILDINGS AND OFFICE BUILDINGS, CONDITIONS FOR ACCESSORY BUSINESS USES IN— [Bill No. 64, 1960]
The conditions (Referred to in Section 215.5) for accessory business uses for the convenience of tenants in elevator apartment buildings and in office buildings, are as follows:

(a) Space leased for such uses shall not exceed 15% or one floor of the total rented space, whichever is the lesser;

(b) Each such use may have only one sign located on the exterior of the building and each such sign shall not exceed two square feet in area and shall not extend more than six inches from such building;

(c) Entrances to such uses shall be from the interior of the building, provided, however, that one of such uses may have one exterior entrance.

Ex No 3

In the case of any property for which a Special Exception for an office building has been granted and utilized prior to the effective date of this enactment May 13, 1960 , accessory business uses for the convenience of tenants may be included in buildings erected thereon provided such uses meet the conditions of this Section.

Section 402B—ANTIQUE SHOPS [Bill No. 85, 1967]

An antique shop may be permitted as a Special Exception in an R.6 or R.40 Zone only outside the Metropolitan District on a lot not less than one acre in size, provided further that:

a. There shall be no display of merchandise visible from any public street; and
b. One sign in addition to those permitted under Section 413.1 may be displayed. Such sign shall be limited to the name of the business, shall be single-faced, stationary, and non-illuminated, and shall not exceed five square feet in area.

Section 402C—RESIDENTIAL ART SALON [Bill No. 85, 1967]

A residential art salon may be permitted as a Special Exception in an R.6 or R.40 Zone only outside the Metropolitan District on a lot not less than one acre in size, provided that:

a. There shall be no display of merchandise visible from any public street;
b. One sign in addition to those permitted under Section 413.1 may be displayed. Such sign shall be limited to the name of the establishment or its proprietor, shall be single-faced, stationary, and non-illuminated, and shall not exceed 5 square feet in area;
c. Offstreet parking spaces shall be as provided in Section 409, except that irrespective of any conflicting provisions of Section 409, there shall be offstreet parking for at least ten cars (screened so as not to be visible from any public street); and
d. Hours of operation shall be not earlier than 10:00 A.M. and not later than 10:00 P.M. daily.

EXHIBIT

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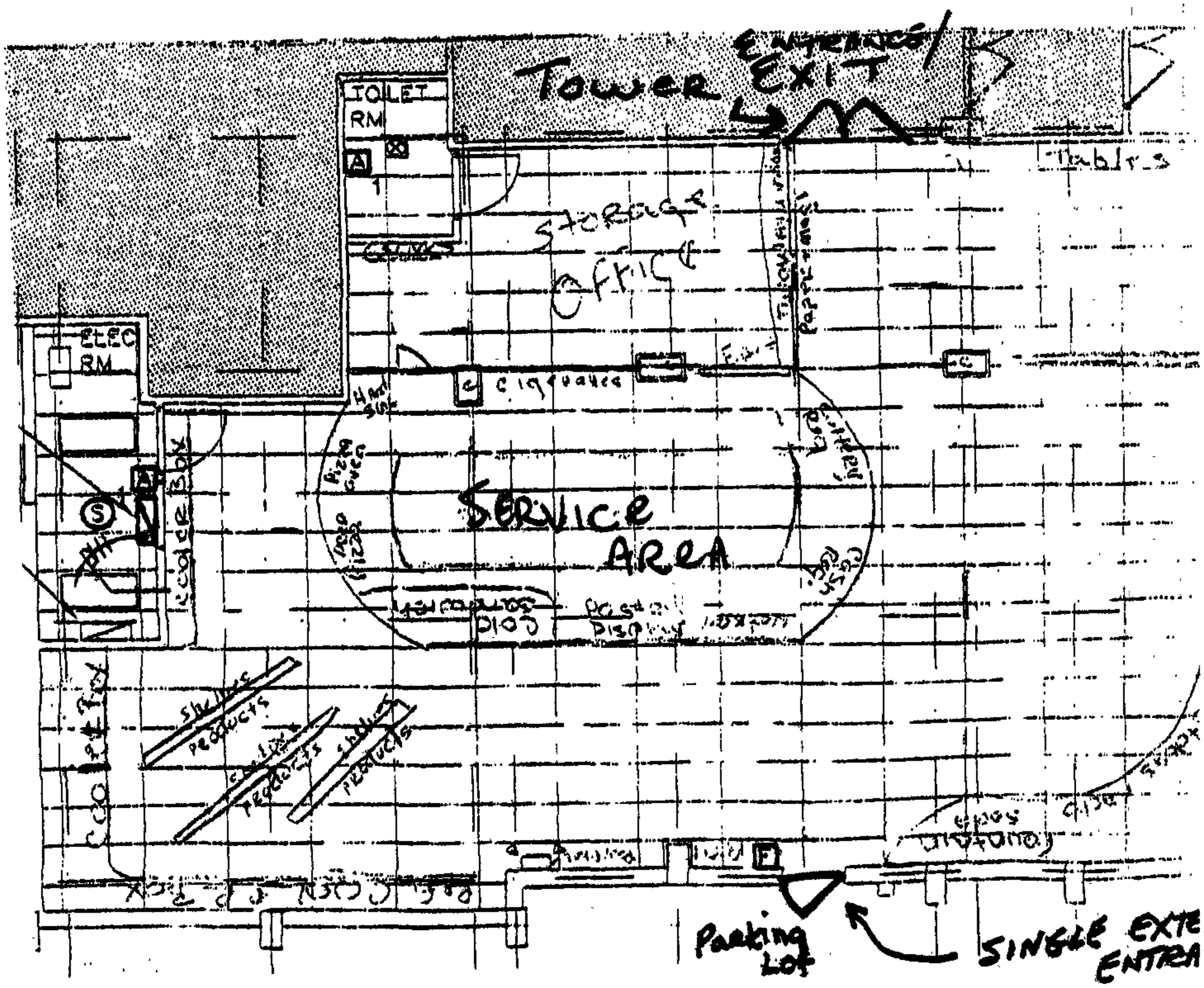
Rita's Mini-Mart
6920 Donachie Rd #101



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

PERMISSION IS HEREBY GRANTED TO:

DIRECTOR
NAME: GLENMONT APARTMENTS LLC
ADDRESS: 9901 LANGS RD

PERMIT NO: B432810

BUILDINGS ENGINEER

TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED AS FOLLOWS ON PERMIT NO. B432810

LOCATION OF PROPERTY: 6920 DONACHIE DR
DIST: 09 LOT NO: BLOCK NO.
SUBDIVISION: GLENMONT APARTMENTS

DATE: 07/19/2002
FEE PAID: 169.00

ISSUED BY BUILDINGS ENGINEER

EXHIBIT #5

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

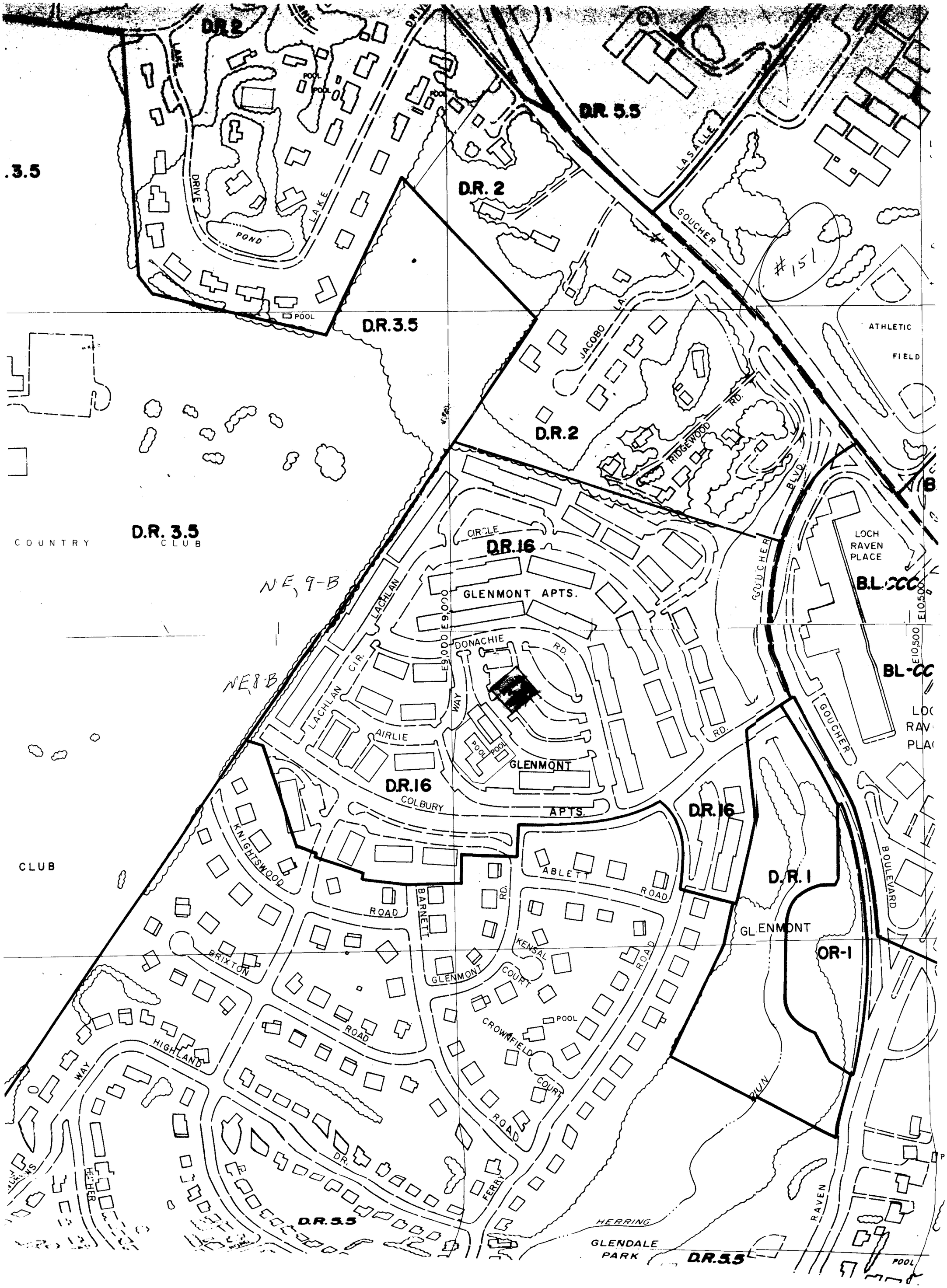
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Doris LaRue Mitchell	6902 Lochlan Ct Apt F	Balto. MD 21239	
Clarence Young	6920 Donachie Rd. Apt 1002	Balto MD 21239	
Rita Smith			
Dave Muster			

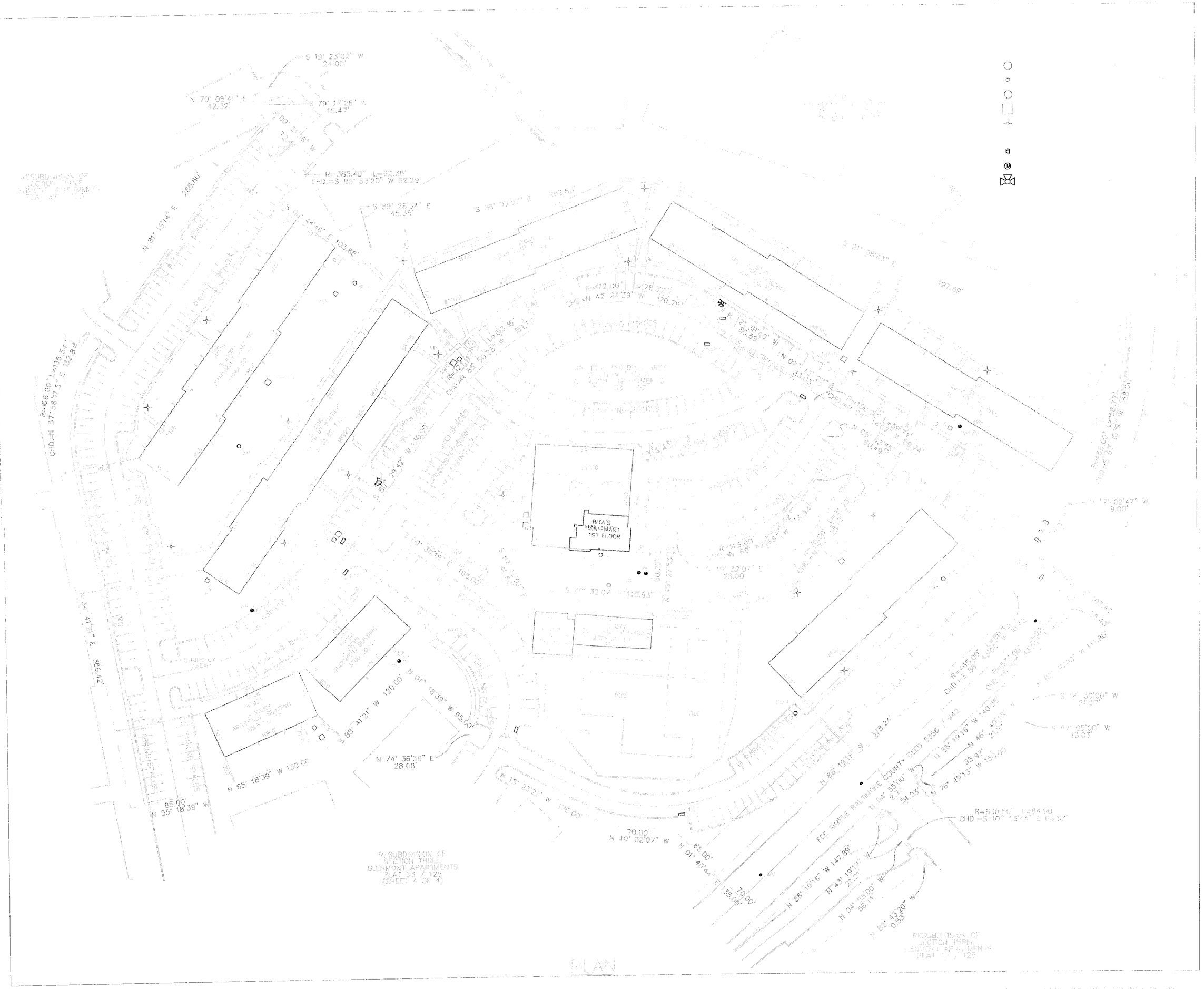
PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 0451
DATE 11-26-03
6920 Donachie Rd.

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Donna Spicer	8719 Eddington Rd.	Balto Md. 21234	FAX 410-668-0569


D.R.2
LAKE
DRIVE
POND
POOL
D.R.3.5
D.R. 5.5
LASALLE
D.R. 2
GOUCHER
#151
ATHLETIC
FIELD
JACOBO
RIDGEWOOD
BLVD.
D.R.2
COUNTRY
CLUB
D.R. 3.5
NE, 9-B
NE 8-B
CIRCLE
D.R.16
GLENMONT APTS.
LACHLAN
CIR.
E9,000
DONACHIE
RD.
WAY
AIRLIE
GLENMONT
APTS.
COLBURY
LOCH
RAVEN
PLACE
B.L.CC
E10,500
BL-CC
D.R.16
KNIGHTSWOOD
ROAD
BARNETT
ABLETT
KENSAL
COURT
GLENMONT
BRIXTON
HIGHLAND
CROWNFIELD
D.R.16
D.R. 1
GLENMONT
OR-1
RUN
HERRING
RAVEN
D.R.5.5
GLENDALE
PARK
D.R.5.5
POOL



GRAPHIC SCALE

50 0 25 50 100

(IN FEET)
1 inch = 50ft.

GENERAL NOTES

1. OWNER: SHAWKEY REALTY HOLDINGS, LLC
   2650 BALTIMORE AVENUE, SUITE 400
   COLLEGE PARK, MD 20740
2. SITE GROSS & NET AREA = 12.63 ACRES
3. TAX MAPS: 107/A/440
4. THE PROPERTY IS ZONED DR 16
5. 200' SCALE ZONING MAP NO.
6. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY PREPARED BY KCI.
7. CENSUS TRACT: A.D.C. MAP & GRID: 27,G9
   WATERSHED: SUBSEWERSHED:
   SCHOOL DISTRICT: REGIONAL PLANNING DISTRICT:
8. THIS SITE IS SERVICED BY PUBLIC WATER & SEWER.
9. THE PROPERTY IS NOT IN THE 100-YEAR FLOODPLAIN.
10. FLOOR AREA RATIO 417,679 SQ FT/550,173 SQ FT = 0.75
11. PARKING CALCULATION:
    A. REQUIRED:
       STUDIO APARTMENT = 1-PARKING SPACE/UNIT x -UNITS = -PARKING SPACES
       1- & 2-BEDROOM APARTMENTS = 1.75 PARKING SPACE/UNIT x -UNITS = -PARKING SPACES
       3-BEDROOM APARTMENT = 2 PARKING SPACES/UNIT x -UNITS = -PARKING SPACES
       OFFICE = 3,374/1000 SQ FT GFA x 50 FT GFA =
       RETAIL = 5/1000 SQ FT GFA x 50 FT GFA =
       RESTAURANT = -/1000 SQ FT GFA x 50 FT GFA =
       COMMUNITY POOL = -/-/- PEOPLE SUBMITTED TO THE POOL AT ANY ONE TIME BY THE HEALTH DEPARTMENT
    B. PROVIDED:
       THERE ARE 1,06 TOTAL PARKING SPACES, 17 OF WHICH ARE HANDICAPPED
12. PRIOR [illegible] THE PROPERTY [illegible] THE PROPERTY [illegible]
    A. [illegible] TO THE PRELIMINARY PLAN FOR CONSIDERATION OF A [illegible] PARKING SPACE [illegible]
    B. [illegible] TO THE BUILDING SPECIFICALLY FUNCTIONAL [illegible]
    [illegible] APARTMENTS
13. [illegible]
    A. [illegible] EXCEPTION TO FERRY AND ELEVATOR APARTMENTS BUILDING.
    B. [illegible] GRANTED AND THE [illegible] JUSTIFIES THE EXCEPTION

MATTER SPECIFIC NOTES

1. EXISTING AND PROPOSED SIGNAGE:
   A. "BUSINESS NAME" ON APARTMENT BUILDING AWNING. AREA OF SIGN DOES NOT EXCEED 24 SQUARE FEET.
   B. SIGN ON THE ENTRANCE TO THE CONVENIENCE STORE IN THE INTERIOR OF THE APARTMENT BUILDING

PURPOSE NOTE

THIS PLAN HAS BEEN PREPARED AS AN ATTACHMENT TO THE SPECIAL EXCEPTION ZONING REQUEST FOR RITA'S MINI-MART FACILITIES TO PERMIT THE USE OF THE CLASS A BEER, WINE, LIQUOR OF THE MINI-MART, AS AUTHORIZED BY THE LIQUOR BOARD FOR THE APPLICANT AND PROPERTIES.

NO ADDITIONAL SITE OR BUILDING IMPROVEMENTS ARE ASSOCIATED WITH THIS REQUEST NOR ARE ANTICIPATED.

STATE OF MARYLAND
STEPHEN MICHAEL QUICK
No. 19831
REGISTERED
PROFESSIONAL ENGINEER

KCI Civil Engineers & Engineering Services
Steve M. Quick, P.E.
P.O. Box 403
Towson, Maryland 21115
PHONE: 410-296-3000

PLAT FOR SPECIAL EXCEPTION ZONING REQUEST
SECTION TWO – A
GLENMONT APARTMENTS

FAIRWAYS AT TOWSON
RITA'S MINI-MART, LLC
6920 DONACHIE ROAD, TOWSON

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
1. SEPT 15, 2003 by PMQ	TAM	SBE	1" = 50'
	DATE: JULY 12, 2003	JOB NO.: 03001	SHEET NO.: 1 OF 1

151
Pet No
6