

IN RE: PETITION FOR VARIANCE
NW corner of Turner Crossing Road
and York Road
7th Election District
3rd Councilmanic District
(21336 York Road)

Grace Y. Lambert
Legal Owner
Donald Warrener Jr.
Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 2009-0220-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Grace Y. Lambert, and the lessee, Donald Warrener, Jr., requesting relief as follows:

- From Section 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 13 feet in lieu of permitted 4 feet for an entrance projection; and
- From Section 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection.

The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Donald Warrener, Jr. and his attorney, Arnold Jablon, Esquire. Also appearing in support of the requested relief were David Flowers, land planner, who assisted in the preparation of the site plan, and David Martin with Martin & Phillips Design Associates, Inc., the landscape architect who prepared the site plan. It should be noted that Mr. Flowers has been recognized and accepted as an expert witness on land use and zoning before this Commission and was offered and so accepted in this case. There were no Protestants or other interested persons in attendance at the hearing.

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The case proceeded by way of a proffer by Mr. Jablon in which the testimony and evidence revealed that the subject property is a trapezoidal-shaped property containing approximately 1.858 acres zoned B.L. ($1.828\pm$ acres) and B.R.-C.M. ($0.03\pm$ acre). The property is located at the northwest corner of York Road and Turners Crossing Road, just west of Interstate 83 and about one mile south of the Maryland-Pennsylvania line, in the Parkton area of northern Baltimore County. It is improved with an existing one-story tavern and package goods store (hereinafter referred to as the "tavern") of approximately 6,914 square feet. Also on the property is another separate one-story building, a hair salon, consisting of approximately 1,650 square feet, located to the west of the tavern. Mr. Warrener has a long-term lease with the owner of the property for the building in which the tavern is located. The tavern is literally located at the corner of the property, immediately adjacent to both Turners Crossing Road and York Road, as more specifically depicted on the site plan. The front of the building is to York Road and one side is to Turners Crossing Road. Parking is provided to the rear and to the opposite side of the building, immediately adjacent to York Road and north of the subject tavern, and takes up most of the property. Customers enter the site immediately from York Road or from Turners Crossing Road into the parking areas. Further testimony indicated that the building has been at this location for more than 50 years.

The purpose of the Petition is to seek variances for a covered projection extending from the building over its entranceway facing York Road, located on the northern part of the building. The projection, approximately extending 12 feet from the roof of the building into the front yard and approximately 40 feet in length, was begun without a permit. Petitioners are seeking a variance of 13 feet instead of 12 feet as shown on the site plan as a precaution so as to have a one foot leeway as construction proceeds and is consummated. In order to secure the permit, Petitioner is in need of the above-described variance relief. This entrance projection would not be enclosed, no seating

would be provided, and sole purpose is to provide protection from the weather as customers ingress and egress the tavern. Photographs of the building and the entrance projection under construction were marked and accepted into evidence as Petitioner's Exhibit 4. As shown in the photographs, the covered projection is over the single entrance into the front of the tavern.

Mr. Flowers confirmed that the site is primarily zoned B.L. -- surrounded by R.C.5 to the west and east, B.M.-C.R. to the north, and R.C.2 to the south. As shown on the official County zoning map marked and accepted into evidence as Petitioner's Exhibit 2 and the aerial photograph showing the surrounding areas previously accepted into evidence as Petitioner's Exhibit 3, there is no other B.L. zoning in the area. Located immediately adjacent to the north of the subject site is the local Post Office. The Post Office, Mr. Flowers notes, has a similar entrance projection to protect those who enter and leave as is proposed by Petitioner.

In support of the variance requests, Petitioner's attorney, Mr. Jablon, explained that the property has several unusual characteristics that drive the need for the variance relief. Most notable as shown on the site plan is the location of the tavern on the property. York Road and Turners Crossing Road intersect at the southeastern corner of the site. The location of the tavern so close to both York Road and Turners Crossing Road, as described above and shown on the site plan -- and its entrance-way historically at its present location on the building -- limit what the Petitioner may do. There is no entrance on the northern or western side of the tavern. Another unusual characteristic was noted by Mr. Flowers. As labeled on the site plan, there exists a 66 foot "turnpike easement" that extends approximately 10 feet into the subject property, or, described in another way, the property line extends approximately 10' into this easement. The Zone line extends into the middle of York Road, the centerline approximately 23' from the property line. Mr. Flowers explained that the State does not own the referenced 10 feet, but is retained by the property owner. It is presumed that should the State want to widen York Road, it would utilize

this "turnpike easement" to do so. This 10 foot area is paved, however, and from the tavern to the northern property line is part of the parking lot. As depicted in the photographs (Petitioner's Exhibit 4), a curb (with no gutter or sidewalk) runs the length of the tavern, with a pavement of approximately 10 feet extending from the curb line to the property line, as more particularly shown on the site plan. There are traffic posts erected demarking the travel lanes of York Road from the paved area of the subject site to the curb, which runs the length of the tavern. The entrance projection does not extend into or over the "turnpike easement." In addition, as noted in the Zoning Advisory Committee comments, the State Highway Administration (SHA) does not oppose the variance requests. The existence of the B.L. zoning, which was obviously intended specifically for the uses on the subject property as there is no other B.L. zoning in the area, the Post Office to the north (in the area zoned B.M.-C.R.), the size of the site, and the duration of the tavern all point to the uniqueness in a zoning sense of the property as it relates to other properties in the area.

In terms of practical difficulty, Mr. Jablon pointed out that there is nowhere else an entrance projection could be provided to protect customers. The front entrance is as shown in the photographs near York Road. It cannot be moved. Hence, the only functional location for the covered projection is where it is proposed. Mr. Jablon proffered that there would be no adverse impact from the entranceway as shown on the site plan. The operation of the tavern would not change as a result and the granting of the variance requests and would have no detrimental impact on the surrounding locale.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated March 26, 2009 indicate that it does not oppose Petitioner's request; however, should the request be granted, Petitioner should be required to add landscaping north of the existing tavern along York Road

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where there is currently a large parking lot with minimal landscaping. The comments received from the State Highway Administration (SHA) dated March 10, 2009 indicate that based on their internal review, the existing access and use as shown on the site plan are consistent with State Highway Access Manual Guidelines, and SHA has no objection to approval of the variance requests.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure that is the subject of the variance requests. Clearly, the subject property has constraints that are inherent to the property and have existed for a significant period of time. Its irregular, trapezoid shape, its frontage on both York Road and Turners Crossing Road, and the location of the existing, long-standing, structure on the property for at least 50 years leads me to find the property unique in a zoning sense. Furthermore, in my view, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. I further find that the strict application of the limitations imposed by Section 301.2 of the B.C.Z.R. would cause practical difficulty and undue hardship to Petitioner.

Finally, I find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Thus, I find that these variances can be granted consistent with the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

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[Signature]

THEREFORE, IT IS ORDERED this 6th day of May, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests as follows:

- From Section 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 13 feet in lieu of permitted 4 feet for an entrance projection; and
- From Section 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection,

be and are hereby GRANTED. The relief granted herein shall be subject to the following:

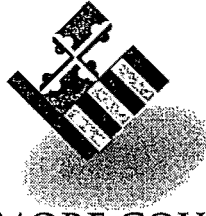
1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall add minimal landscaping as determined by Avery Hardin, the County Landscape Architect, to be located (a) in the island barrier, which is shaped as a half moon and is more particularly shown on the site plan (Petitioner's Exhibit 1), to the north of the existing tavern along York Road; and (b) along the length of the entrance projection (40 feet) and inside the existing curb, and such landscaping need not extend above the railing as is more particularly shown on photographs (Petitioner's Exhibit 4).

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 6, 2009

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2009-0220-A
Property: 21336 York Road

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

- c: Grace Y. Lambert, 218 Turners Crossing Road, Parkton MD 21220
Donald Warrener, Jr., 21336 York Road, Parkton MD 21220
David Martin, Martin & Phillips Design Associates, Inc., 222 Bosley Avenue, Suite B1, Towson MD 21204
David Flowers, PO Box 20009, Towson MD 21284



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 21336 York Road

which is presently zoned BL

Deed Reference: 8124 / 307 Tax Account # 1700013978

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 Variance from Section(s)

(1) to permit 13' in lieu of the permitted 4' for an entrance projection pursuant to section 301.2, BCZR;

(2) to permit 40' in length in lieu of the permitted 10' pursuant to section 301.2, BCZR

FOR AN ENTRANCE PROJECTION

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 determined at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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:

Donald Warrener Jr.

Name - Type or Print

Signature

21336 York Rd

Address

Telephone No.

Parkton, Maryland 21220

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Md 21204

City

State

Zip Code

Legal Owner(s):

Grace Y. Lambert

Name - Type or Print

Signature

Name - Type or Print

Signature

218 Turners Crossing Road

Address

Telephone No.

Parkton, Maryland 21220

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2009-0220-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 2/20/09

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and/or lease and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 21336 York Road, property we own.

Owner:

Grace Y. Lambert 9/ 2/18/09 (Date)
Grace Y. Lambert
218 Turners Crossing Road, Parkton, Md 21120

Lessee:

Donald Warrener, Jr. 9/2/18/09
Donald Warrener, Jr.
21336 York Rd, Parkton, Md

2009-0220-A

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

FEBRUARY 17, 2009

ZONING DESCRIPTION

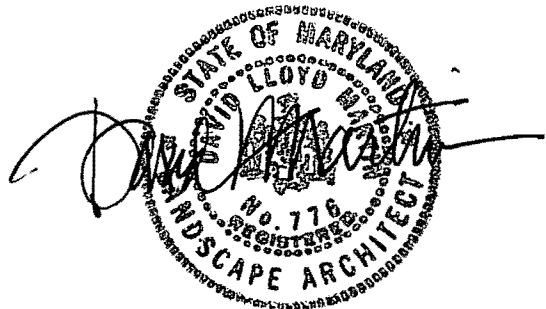
21336 YORK ROAD, PARKTON, MD 21120

BEGINNING FOR THE DESCRIPTION OF A 1.858 ACRE TRACT IDENTIFIED AS PARCEL 66 TAX MAP 47, BALTIMORE COUNTY, MD AT A POINT AT THE CENTERLINE INTERSECTIONS OF YORK ROAD AND TURNERS CROSSING ROAD THENCE S86° 17' 04" W 24.65' FEET MORE OR LESS TO A POINT OF BEGINNING AT THE SOUTHERN MOST CORNER OF THE SUBJECT PROPERTY THENCE THE FOLLOWING COURSES:

- 1) S49° 40'35"W, 252.63' , THENCE
- 2) N26° 13'25"W, 364.78' THENCE
- 3) N63° 46'35"E, 238.66', THENCE
- 4) S27° 25'25"E, 303.3', THENCE
- 5) BACK TO THE POINT OF BEGINNING

CONTAINING 80,934.5 SQUARE FEET OR 1.858 ACRES OF LAND MORE OR LESS.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35584**

Date: **2/23/09**

PAID RECEIPT

BUSINESS DATE: **2/23/2009 11:53 AM**

WEB CODE: **MARKET BOOK 601**

RECEIPT # **473002 2/23/2009**

5 528 2000000000000000

U. 035584

Receipt Tot: **\$325.00**

\$325.00 OK

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		16150				325.00

Total: **325.00**

Rec From: **VENABLE LLP**

For: **2009-0220-A WARRENER**
21336 YORK RD

D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**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: # 2009-0220-A

21336 York Road

N/west corner of Turner Crossing Road and York Road

7th Election District-3rd Councilmanic District

Legal Owners: Grace Lambert

Contract Purchaser: Donald Warrenner, Jr.

Variance: to permit 13 feet in lieu of the permitted 4 feet for an entrance projection pursuant to section 301.2. To permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection pursuant to section 301.2.

Hearing: Monday, April 27, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

4/22/1 April 9

198395

CERTIFICATE OF PUBLICATION

4/9/, 2009

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 4/9/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0220-A

Petitioner/Developer: _____

Donald Warrener, Jr.

Date of Hearing/closing April 27, 2009

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

Attn : Kristin Matthews:

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, _____
21336 York Road

The sign(s) were posted on April 11 2009
(Month, Day, Year)

Sincerely,

Robert Black April 14 2009
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0220-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 104, JEFFERSON BUILDING
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, APRIL 27, 2009 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT 13 FEET IN LIEU OF THE PERMIT-
TIED 4 FEET FOR AN ENTRANCE PROJECTION PURSUANT TO SECTION
301.2. TO PERMIT 40 FEET IN LENGTH IN LIEU OF THE PERMIT-
TIED 10 FEET FOR AN ENTRANCE PROJECTION PURSUANT TO SECTION
301.2.

FOR MORE INFORMATION OR TO CONFIRM HEARING CALL 410-339-3392

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 9, 2009 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2009-0220-A

21336 York Road

N/west corner of Turner Crossing Road and York Road

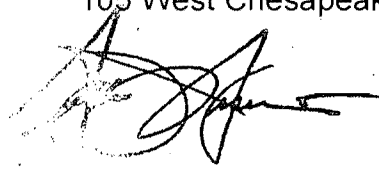
7th Election District – 3rd Councilmanic District

Legal Owners: Grace Lambert

Contract Purchaser: Donald Warrener, Jr.

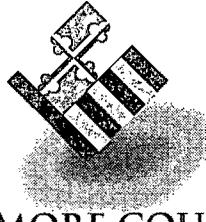
Variance to permit 13 feet in lieu of the permitted 4 feet for an entrance projection pursuant to section 301.2. To permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection pursuant to section 301.2.

Hearing: Monday, April 27, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 16, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NEW 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: 2009-0220-A

21336 York Road
N/west corner of Turner Crossing Road and York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Grace Lambert
Contract Purchaser: Donald Warrener, Jr.

Variance to permit 13 feet in lieu of the permitted 4 feet for an entrance projection pursuant to section 301.2. To permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection pursuant to section 301.2.

Hearing: Monday, April 27, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Donald Warrener, Jr., 21336 York Road, Parkton 21220
Grace Lambert, 218 Turners Crossing Road, Parkton 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 11, 2009.**
- (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, March 24, 2009 Issue - Jeffersonian

Please forward billing to:

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

NOTICE OF ZONING HEARING

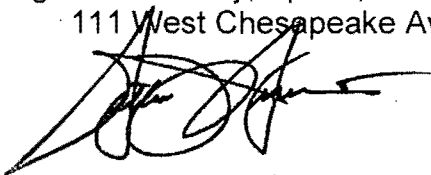
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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21336 York Road
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Legal Owners: Grace Lambert
Contract Purchaser: Donald Warrener, Jr.

Variance to permit 13 feet in lieu of the permitted 4 feet for an entrance projection pursuant to section 301.2. To permit 40 feet in length in lieu of the permitted 10 feet for an entrance projection pursuant to section 301.2.

Hearing: Wednesday, April 8, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
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.

Arnold E. Jablon

t 410-494-6298
f 410.821.0147
aejablon@venable.com

11 March 2009

Timothy M. Kotroco, Director
Attn: Kristen Matthews
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

Re: Case # 09-220A
Hearing Date: 4/8/09

Dear Ms. Matthews:

As we discussed by telephone, on behalf of my client, Warrener Enterprises, LLC, we are requesting that this matter be postponed for the following reason.

David Flowers, my client's expert, will be out of town on the scheduled date. The property has not as yet been posted.

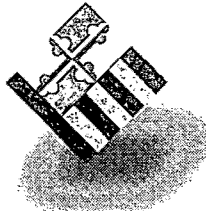
Any date in April would be fine except for April 17th and April 22nd.

Thank you for your consideration.

Sincerely,



Arnold Jablon



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 6, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Donald Warrener, Jr., 21336 York Road, Parkton 21220
Grace Lambert, 218 Turners Crossing Road, Parkton 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 24, 2009.**
- (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.

**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: 2009-0220-A

Petitioner: HOWARD WARREN, JR

Address or Location: 21336 YORK RD, PARKTON

PLEASE FORWARD ADVERTISING BILL TO:

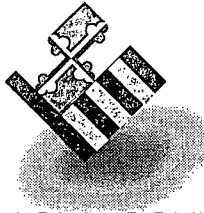
Name: ANDREW JABLON

Address: 210 ALDERBURY AVE

TOWSON, MD 21204

Telephone Number: 410 494 6298

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 22, 2009

Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0220-A, 21336 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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,

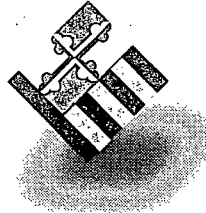
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Grace Y. Lambert; 218 Turners Crossing Rd.; Parkton, MD 21220
Donald Warrener Jr.; 21336 York Rd.; Parkton, MD 21220



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 2, 2009

Item Numbers 0212, 0214, 0215, 0216, 0217, 0218 and 0220

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P. Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2009

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

SUBJECT: 21336 York Road

INFORMATION:

Item Number: 9-220

Petitioner: Grace Y. Lambert

Zoning: BL and BM-CR

Requested Action: Variance

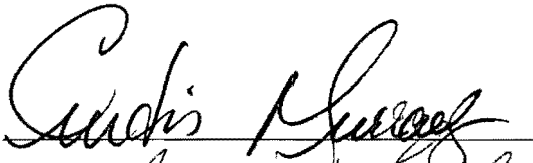
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the variance request. However the necessity for the subject variance is in response to a code violation. Should the petitioner's request be granted place the following condition on the request:

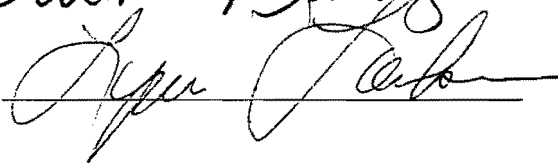
Add landscaping north of the existing tavern along York Road where there is currently a large parking lot with minimal landscaping.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



TB
4-27-09**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence****RECEIVED****APR 22 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 22, 2009
SUBJECT: Zoning Item # 09-220-A
Address 21336 York Road
(Lambert Property)

Zoning Advisory Committee Meeting of March 2, 2009

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWJ

Date: 4/22/09



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway
Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

March 10, 2009

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

RE: Baltimore County
Item No. 2009-0220-A
MD 45 (York Road)
N/w corner of Turner Crossing Road
Maryland Line Inn
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 2009-0220-A on the subject of the above captioned, which was received on March 3rd. The plan illustrates proposal to permit 13 feet in lieu of permitted 4 feet entrance projection pursuant to section 301.2 and, to permit 40 feet in length of the permitted 10 feet for an entrance projection pursuant to section 301.2.

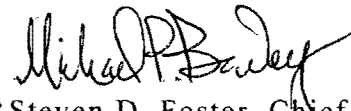
We have completed a cursory review of the site plan as well as existing field conditions. The following comments are offered for your consideration:

- The subject property is located on the east side of MD 45 (York Road). Our State Highway Location reference indicates that MD 45 is two lane scenic road. The Annual Average Daily Traffic volume on this section of MD 45 is 9,930 vehicle trips per day.
- Based on internal review, we find the existing access and use as shown on the plan consistent with State Highway Access Manual Guidelines.

In conclusion- The SHA has no objection to approval for Item No. 2009-0220-A Maryland Line Inn-Lambert Property located at 21336 York Road. Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).
Thank you for your attention.

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David L. Martin, Engineer, Martin & Phillips Design Associates, Inc.
Mr. David Malkowski, District Engineer, SHA
Mr. Don Warrenner, Owner

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR VARIANCE	*	BEFORE THE
21336 York Road; NW corner of Turner		
Crossing Road & York Road	*	ZONING COMMISSIONER
7 th Election & 3 rd Councilmanic Districts		
Legal Owner(s): Grace Lambert	*	FOR
Contract Purchaser(s): Donald Warrener, Jr.		
Petitioner(s)	*	BALTIMORE COUNTY
	*	09-220-A

* * * * *

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 sent and all documentation filed in the case.

RECEIVED

MAR 11 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME ~~99-220 A~~
CASE NUMBER 09-220 A
DATE 8/27/09

[illegible]

003B3

PDM # 070398

2400007591

MARYLAND LINE
POST OFFICE

BM CR

0702085978

YORK RD

1700001563

0719072106

0723051001

OLD YORK RD

YORK RD

RC 5

21330

0704000150

Flood Zone X

NW 38-B

3 CD 7 ED

0725000025

BL

007B1

RC 5

21336

PDM Permits Hold Layer (See Doug Swam)

1700013978

21336

19970444

210000849

YORK RD

0707047125

0702085982

RC 2

0712000271

212

TURNER CROSSING RD

0712000281

2009-0220-A

Case No.:

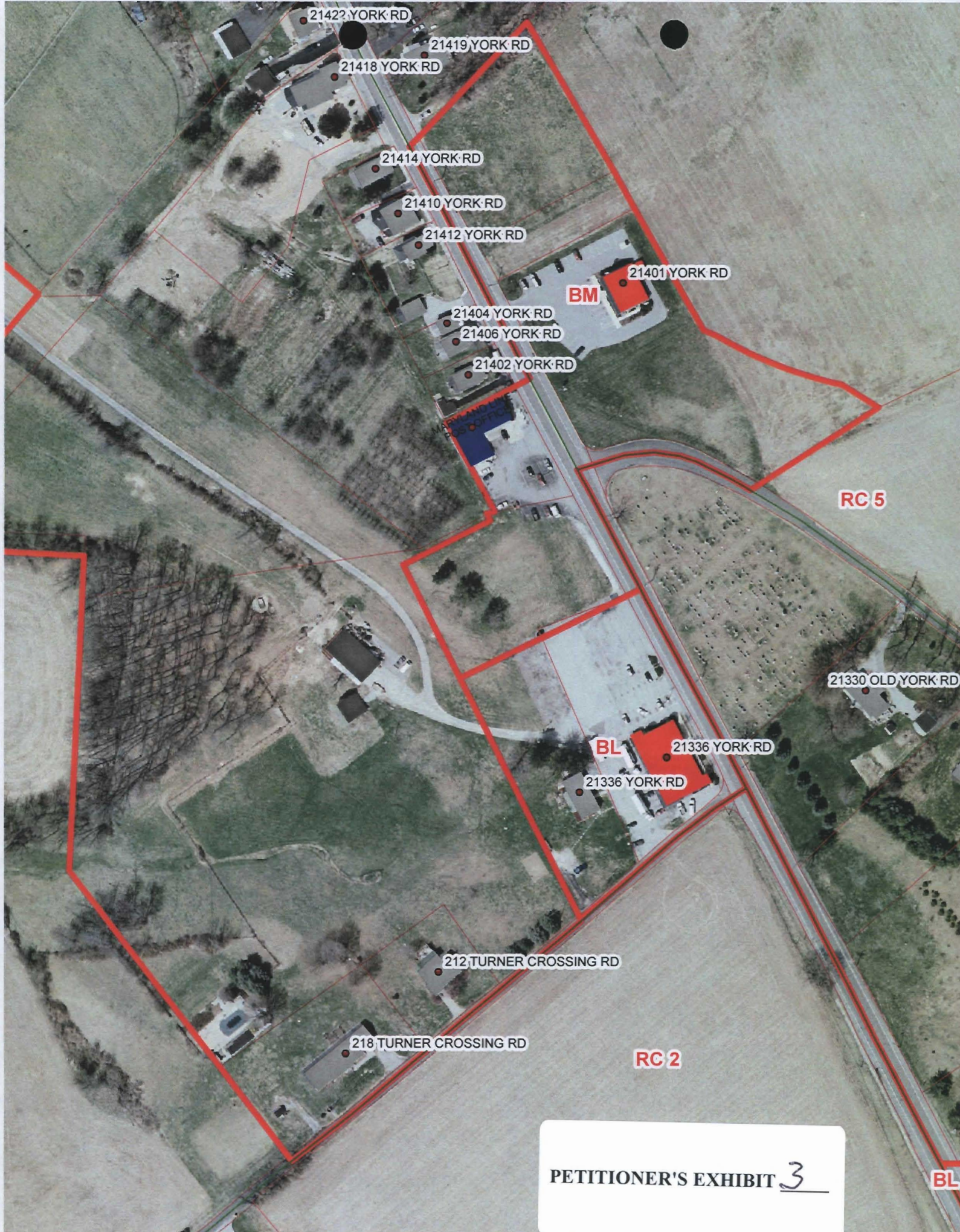
2009-0720-A

Exhibit Sheet

Petitioner/Developer

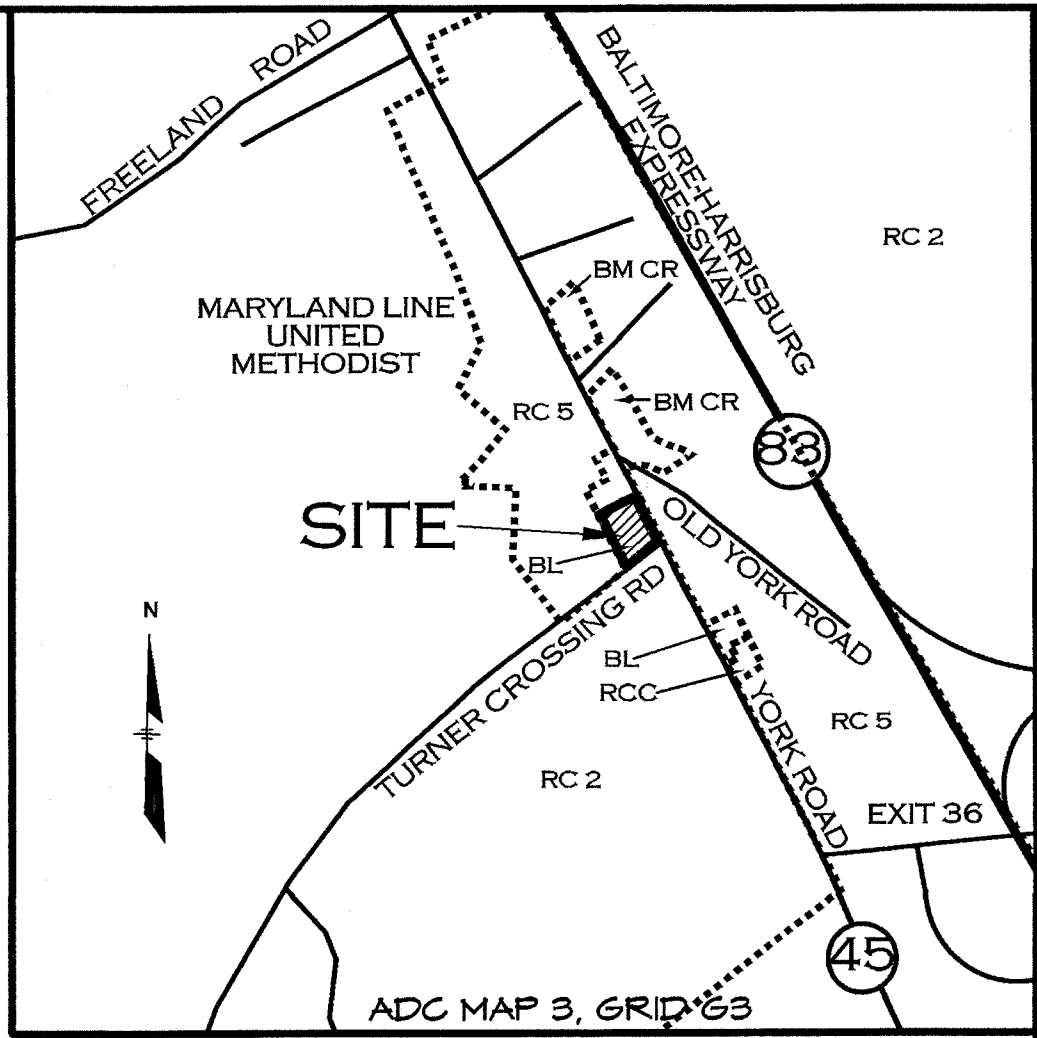
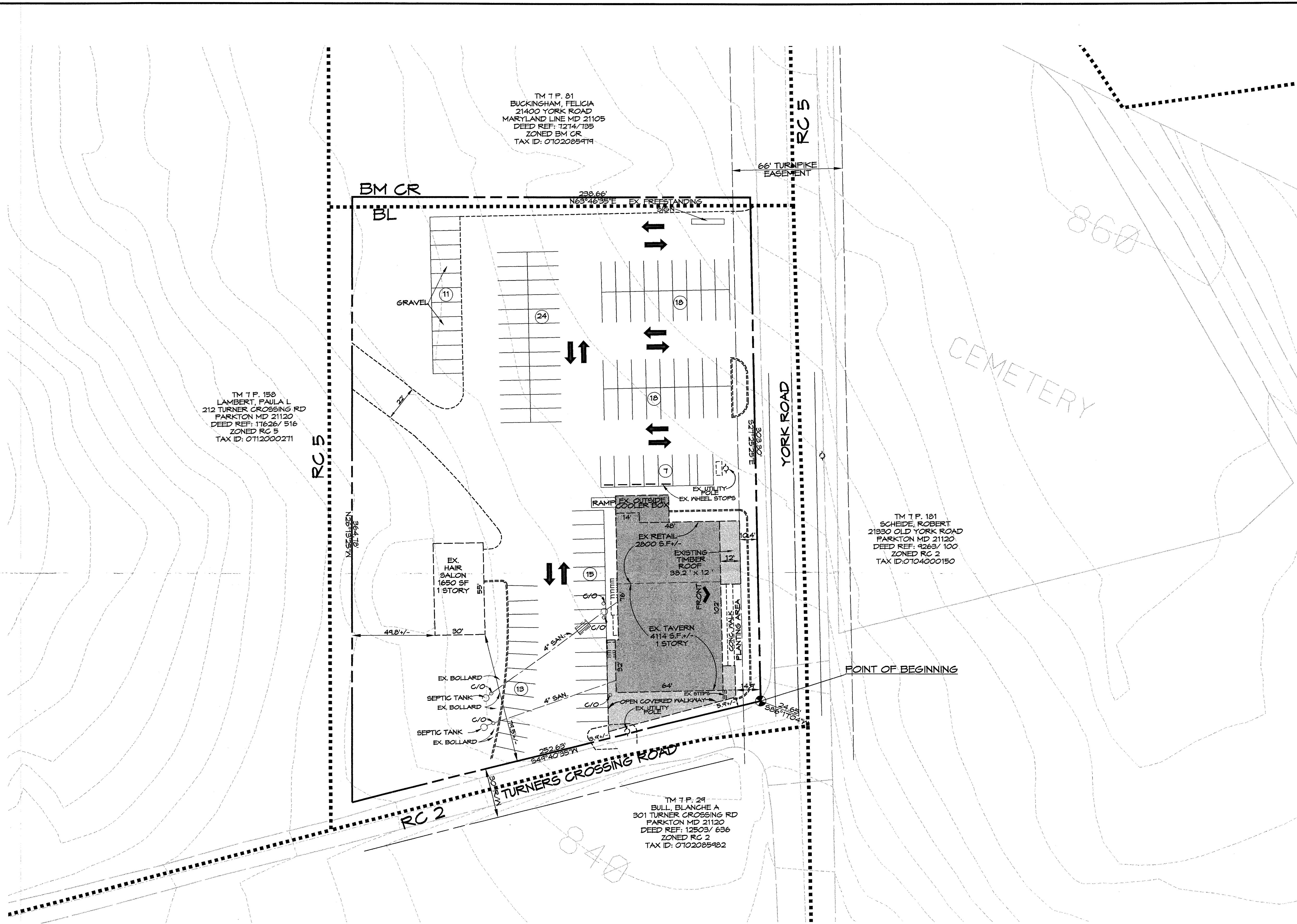
Protestant

No. 1	Site Plan	
No. 2	2008 Zoning Map	
No. 3	Aerial Photograph	
No. 4	Photographs of site	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PETITIONER'S EXHIBIT 4



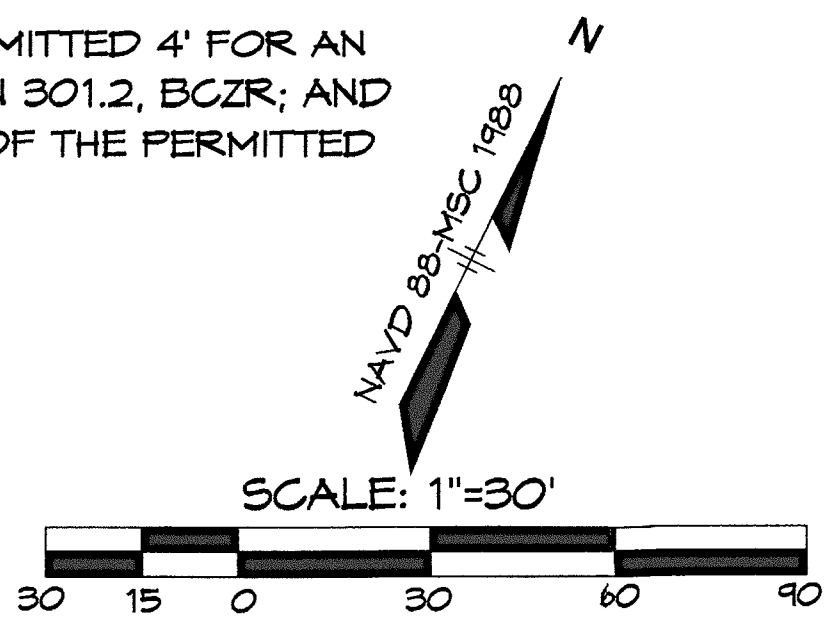
- | | |
|---|--|
| 1. PETITIONER | DON WARRENER |
| | 21336 YORK ROAD |
| | PARKTON, MD 21120 |
| | PHONE: 410-357-5911 |
| 2. OWNER: | GRACE LAMBERT |
| | 218 TURNERS CROSSING ROAD |
| | PARKTON, MD 21120 |
| 3. ENGINEER: | MARTIN & PHILLIPS DESIGN ASSOCIATES, INC. |
| | 222 BOSLEY AVENUE, SUITE B1 |
| | TOWSON, MD 21204 |
| | 410-321-8444 |
| 4. TAX MAP: | 7 |
| 5. PARCEL NUMBER: | 66 |
| 6. GROSS TACT AREA: | 2.098 AC. +/- OR (91,409 S.F. +/-) |
| | NET TRACT AREA: |
| | 1.858 AC. +/- OR (80,934.5 S.F. +/-) |
| 7. DEED REFERENCE: | 8124/307 |
| 8. ELECTION DISTRICT: | 7TH DISTRICT |
| 9. COUNCILMATIC DISTRICT: | 3RD DISTRICT |
| 10. CENSUS TRACT: | 4071 |
| 11. EXISTING ZONING: | BL(1.828 AC. +/-) & BR-54 (0.03 +/-) |
| 12. THE ZONING OFFICE HAS CONFIRMED THAT THERE IS NO ZONING HISTORY ON THIS SITE. | |
| 13. ZONING MAP: | NW 38B |
| 14. FLOOD ZONE X (FEMA MAP 2400100035F). THIS PROPERTY IS NOT IN A 100 YEAR FLOODPLAIN. | |
| 15. EXISTING F.A.R.: 8564 S.F. +/- (BUILDINGS) / 91,409.5 S.F. +/- GROSS AREA = 0.09 | |
| 16. PARKING REQUIREMENTS: 106 SPACES | |
| | RETAIL (HAIR SALON) 1650 SF / 1000 = 1.65 x 5 SPACES = 9 SPACES |
| | RETAIL (PACKAGE STORE) 2800 SF / 1000 = 2.8 x 5 SPACES = 14 SPACES |
| | TAVERN 4114 SF / 1000 = 4.1 x 20 SPACES = 83 SPACES |
| | EXISTING PARKING: 106 SPACES |
| | RETAIL (HAIR SALON) 9 SPACES |
| | RETAIL (PACKAGE STORE) 14 SPACES |
| | TAVERN 85 SPACES |
| 17. THERE ARE NO DEFICIENCIES SHOWN ON THE BASIC SERVICE MAPS. | |
| 18. ALL EXISTING BUILDINGS ARE ONE STORY AND LESS THAN 40 FT. IN HEIGHT | |

REFERENCE:
1. PROPERTY OUTLINE WAS CREATED VIA DEED PLOT LIBER 8124 FOLIO 310. THE INFORMATION AS SHOWN HEREON HAS BEEN TAKEN FROM A SITE PLAN DATED OCTOBER 1991 PREPARED BY TAMARACK CONSTRUCTION AND REFERENCED BY THE 1-16-04 SITE PLAN BY SPIELMAN LARSON & ASSOCIATES, 222 BOSLEY AVE, SUITE B3 TOWSON, AND IS THE BASIS OF THE EXISTING PROPERTY INFORMATION SHOWN HEREON. MARTIN AND PHILLIPS DESIGN ASSOCIATES, INC. DOES NOT WARRANT THE ACCURACY OF SAID PLANS.

MARTIN
&
PHILLIPS

DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TEL: (410) 321-8444 / FAX: (410) 321-1175

- Zoning Relief Requests:
- A VARIANCE TO PERMIT 13' IN LIEU OF THE PERMITTED 4' FOR AN ENTRANCE PROJECTION PURSUANT TO SECTION 301.2, BCZR; AND
 - A VARIANCE TO PERMIT 40' IN LENGTH IN LIEU OF THE PERMITTED 10' PURSUANT TO SECTION 301.2, BCZR



PREPARER OF THE PLAN
MARTIN AND PHILLIPS DESIGN ASSOC.
222 BOSLEY AVE, SUITE B1
TOWSON, MD 21204
410-321-8444

PETITIONER:
DON WARRENER
21336 YORK ROAD
PARKTON, MD 21120
PHONE: 410-357-5911

A PLAN TO ACCOMPANY
A VARIANCE REQUEST

MARYLAND LINE INN LAMBERT PROPERTY 21336 YORK ROAD

PETITIONER'S
EXHIBIT NO. _____
OWNER:
GRACE LAMBERT
218 TURNERS CROSSING ROAD
PARKTON, MD 21120

FEBRUARY 18, 2009



Plan Sheet: 007B1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | | | | |
|--|-----------|--|---------|--|------------|
| | Buildings | | Streams | | Vegetation |
| | Zoning | | Roads | | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

002C3	003A3	003B3	003C3	004A3
006C1	007A1	007B1	007C1	008A1
006C2	007A2	007B2	007C2	008A2

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning and Zoning
1:2400, 2008