

MEMORANDUM

DATE: July 24, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0240-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on July 23, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(15819 Old York Road)		
10 th Election District	*	OFFICE OF
3 rd Council District		
Manor Tavern Real Estate, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0240-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Manor Tavern Real Estate, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to approve a Modified Parking Plan, to permit: (A) 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; (B) Business parking in a residential (RC 2) zone; (C) Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstriped; (D) Overflow parking on an offsite location approximately 1,200 ft. from the subject property; and (E) to permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre. A site plan was marked and admitted as Petitioner's Exhibit 1.

Zachary Wilkins, Terry Lombardi, George Batlas, Jim Franzoni and Bernadette Moskunias appeared in support of the petition. Lawrence E. Schmidt, Esq., represented the Petitioner. Michael McCann, Esq., appeared on behalf of the Manor Conservancy, which opposed certain aspects of the petition. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning ("DOP"), suggesting Petitioner should be required to maintain the existing

ORDER RECEIVED FOR FILING

Date 6/22/18
By Den

trees and vegetative buffer at the front of the site.

Special Hearing

For the most part this case concerns the parking requirements imposed by the BCZR, and the petition seeks relief for certain long-existing deficiencies at the site. The only other issue in the case concerns the “existing dwelling” shown on the site plan. That dwelling was constructed 100+ years ago, and obviously qualifies as a nonconforming structure under BCZR §104.

The dwelling may remain and be used as such, subject of course to the restrictions and limitations imposed by BCZR §104 and the case law concerning nonconforming uses. As discussed at the hearing, the single-family dwelling is not situated on its own “lot,” but is on a separate parcel with its own tax identification number. This means the dwelling cannot be conveyed separately from the overall tract containing the restaurant and other structures. In light of the above, special hearing request “E” will be dismissed as unnecessary.

One other preliminary issue involves the proposed overflow parking at Saint James Church. Under the zoning regulations off-site parking must be located within 500 feet of the use (BCZR §409.7.B.1), although in special hearing request “D” Petitioner requests approval for such parking to be located 1,200 feet from the restaurant. In a 2016 letter, the Church indicated it would permit its property to be used as an “auxiliary parking facility” for the Manor Tavern. Pet. Ex. No. 6. But in a 2018 letter (Prot. Ex. No.1) the Church clarified Petitioner would be able to use “up to four times a year for special events parking” a one acre portion of its site located at the intersection of Old York and Monkton Roads. The important point, for present purposes, is that the area of the Church designated for off-site overflow parking for the restaurant is less than 500 feet walking distance from that use, and as such request “D” is also unnecessary.

ORDER RECEIVED FOR FILING

Date 6/22/18

By Den

Parking Issues

The primary issues in this case concern the location and number of parking spaces provided for the Manor Tavern. The site plan indicates 200 parking spaces are required and according to the calculation (Pet. Ex. No. 1, note 4) this encompasses the restaurant, outdoor tents and bar, office and single-family dwelling. According to the petition and plan 129 spaces are provided, which equates to 35% less than the number of spaces required by the regulations.

Based on a Google Earth photo submitted after the hearing, the Protestant contends that in fact fewer than 129 spaces exist at present. Ms. Moskunas, whose firm prepared the plan, disagreed and noted the parking lot will need to be restriped and reconfigured as shown on the site plan to reflect 8.5' x 18' spaces in compliance with BCZR §409. Ms. Moskunas stated many of the existing spaces shown on the Google photo are of different sizes and that some are "rather large." In any event, I can only consider the Petition as filed, and Petitioner will need to satisfy Baltimore County that 129 spaces are provided on site.

Relief is sought under BCZR §409.12, which permits the Administrative Law Judge to approve a modified parking plan if a petitioner would experience an "undue hardship" if the parking regulations were strictly interpreted. I believe, as discussed at the hearing, this section of the BCZR is an appropriate method by which to rectify this deficiency. Protestant's counsel contends the proper request should be for variance relief under BCZR §307, not BCZR §409.12.

Assuming for sake of argument this was a variance request for the number of parking spaces, I believe Petitioner would still be entitled to relief. The property is unique in a zoning sense since it is an historic and iconic landmark in the Monkton area. In addition, Petitioner would only need to establish a "practical difficulty," not an undue hardship. *Cromwell v. Ward*, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date

6/22/18

By

Pen

In any event, I find Petitioner would experience an undue hardship if relief was not granted, since the only alternative would be to close or reduce the size of the restaurant. The regulations also require an inquiry under BCZR §502.1 when considering a modified parking plan. In this regard, there is no indication whatsoever that the parking situation at the Manor Tavern has had a detrimental impact upon the community, and special hearing request "A" will therefore be granted.

The next request - - for business parking in the RC 2 zone - - appears to be the most problematic for the community. Protestant's counsel noted the RC 2 land surrounding the restaurant has long been considered a buffer between commercial and residential uses. I agree, and this proposition was a pivotal factor considered by the County Board of Appeals (CBA) when it prohibited an "outdoor reception garden" in an "R.C.2 buffering area." Pet. Ex. No. 5, at p. 11. The reception garden at issue in the 1991 CBA case would have been located in the same area now proposed for "overflow parking."

Perhaps more importantly, I do not believe (with one exception noted below) Petitioner would experience an "undue hardship" under BCZR §409.12 if this request was denied. As shown on the plan, Petitioner proposes "overflow parking" on this portion of the site, which would be primarily for staff/employee parking. Petitioner's representatives testified this area has only been used approximately five times per year since it acquired the property in 2011. On those infrequent occasions when additional spaces are required, employees could park off-site at the St. James Church which, as noted earlier, will permit parking on its property four times per year.

While I believe the restaurant's new owners are conscientious and good stewards of their land, the problem is that such relief would "run with the land" and future owners might seek to

ORDER RECEIVED FOR FILING

Date 6/22/18

By Den

intensify their activities in this portion of the site. The land in question is zoned RC 2, which is the most restrictive zoning classification in the BCZR. Commercial activities (at least of a non-agricultural nature) are simply not appropriate in that zone.

I do, however, believe Petitioner should be allowed to continue using the nine (9) paved and striped parking spaces on the northwest corner of the existing parking lot. While these nine spaces are entirely within the RC 2-zoned portion of the property, they are located within the paved portion of the site. In addition, they were shown as existing on the 1991 "Preliminary Site Plan" submitted in CBA No. R-91-115 (Pet. Ex. No. 5). These spaces have been used for customer parking for 25+ years and are not located within the RC 2 "buffering area" referenced by the CBA in the 1991 case.

THEREFORE, IT IS ORDERED this 22nd day of **June, 2018** by this Administrative Law Judge, that the Petition for Special Hearing: (1) to approve a Modified Parking Plan, to permit: (A) 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve: (B) Business parking in a residential (RC 2) zone, be and is hereby GRANTED in part and DENIED in part. Petitioner shall be permitted to continue using the nine paved parking spaces at the northwest corner of the existing lot, but overflow parking shall not be permitted on the unpaved northeastern portion of the site.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve: (C) Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstriped, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit: (D) Overflow

ORDER RECEIVED FOR FILING

5

Date

6/22/18

By

Sen

parking on an offsite location approximately 1,200 ft. from the subject property; and (E) a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre, be and is hereby DISMISSED as unnecessary.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Existing vegetative buffers surrounding the subject property must be maintained in their current location and condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 6/22/18
By Sen



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 15819 Old York Road

which is presently zoned RC2 and BL

Deed References: 31000/00232

10 Digit Tax Account # 1600002086

Property Owner(s) Printed Name(s) Manor Tavern Real Estate, LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

Please see attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

By Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Authorized Representative of:
Manor Tavern Real Estate LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

15819 Old York Road

Monkton

MD

Mailing Address

City

State

21111

410-771-8155

MarkJFischer@themanortavern.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0240-SPH

Filing Date

03/13/18

Do Not Schedule Dates:

Reviewer

AT

SPECIAL HEARING
Manor Tavern

Petition for Special Hearing:

1. To approve a Modified Parking Plan pursuant to BCZR § 409.12. B to permit:
 - A. 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; and
 - B. Business parking in a residential (RC 2) zone pursuant to BCZR § 409.8.B; and
 - C. Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstripped; and
 - D. Overflow parking on an off site location approximately 1,200 feet from the subject property pursuant to BCZR § 409.7; and
 - E. To permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre; and
 - F. For such other and further relief as may be required and determined by the Administrative Law Judge.

2018-0240-SPH

ZONING PROPERTY DESCRIPTION FOR #15819 OLD YORK ROAD

Beginning at a point in the centerline of the northeast intersection of Old York Road and Monkton Road, both 70' right-of-ways; thence the following courses and distances: (1) North 03 degrees 00 minutes 00 seconds West, 370 feet; (2) South 88 degrees 19 minutes 10 seconds East, 350 feet; (3) South 18 degrees 46 minutes 00 seconds East, 250 feet; (4) South 28 degrees 45 minutes 40 seconds East, 272.19 feet; (5) South 55 degrees 42 minutes 00 seconds West, 153.57 feet; (6) South 60 degrees 05 minutes 10 seconds West, 210.61 feet; (7) North 36 degrees 09 minutes 50 seconds West, 135.38 feet; (8) North 37 degrees 50 minutes 50 seconds West, 118.45 feet and (9) North 38 degrees 03 minutes and 00 seconds, 130.65 feet to the point of beginning as recorded in Deed Liber 31000, folio 232, containing 5.64 acres (total of four parcels of land). Located in the 10th Election District and 3rd Council District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

Note: This legal description is for Zoning purposes only.

2018-0240-SPH

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

№ 166123

Date:

03/13/18

PAID RECEIPT

BUSINESS ACTUAL TIME CR
3/13/2018 3/13/2018 11:16:01
RECEIPT # 946590 3/13/2018 DFLI
CASH 5 523 ZONING VERIFICATION
CR # 166123
Receipt Tot \$500.00
\$500.00 CR \$500.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 500

Total:

\$500

Rec
From:

For:

15819 OLD YORK RD
2018-0240-3PH

DISTRIBUTION

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

CASHIER'S
VALIDATION



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5530507

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 03, 2018

NOTICE OF ZONING HEARING
The Administrative Law Judge 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: 2018-0240-SPH
15819 Old York Road
NE/s Old York Road, 335 ft. NW of centerline of Hess Road
10th Election District - 3rd Councilmanic District
Legal Owners: Manor Tavern Real Estate, LLC
Special Hearing 1. To approve a Modified Parking Plan, To permit: A. 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; and B. Business parking in a residential (RC 2) zone; and C. Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstripped; and D. Overflow parking on an off-site location approximately 1,200 ft. from the subject property; and E. To permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre; and F. For such other and further relief as may be required and determined by the Administrative Law Judge.
Hearing: Monday, April 23, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204
/s/ Arnold Jablon Director of Permits, Approvals and Inspections for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.
4/3/2018 #5530507

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

JB 6-14-18
1:30 PM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Wednesday, June 13, 2018 10:18 PM
To: Administrative Hearings
Subject: Corrected Second Cert. Old York Rd. Case # 2018-0240-SPH
Attachments: 2nd Cert. Old York Rd. .jpeg

Hi Sherry,

I just saw that I typed the wrong case # on the Cert. so I am sending you the Corrected one for Case # 2018-0240-SPH @ 15819 Old York Rd.

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 6/13/2018

Case Number: 2018-0240-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.

MARK FISCHER ~ MICHAEL McCANN, ESQ.

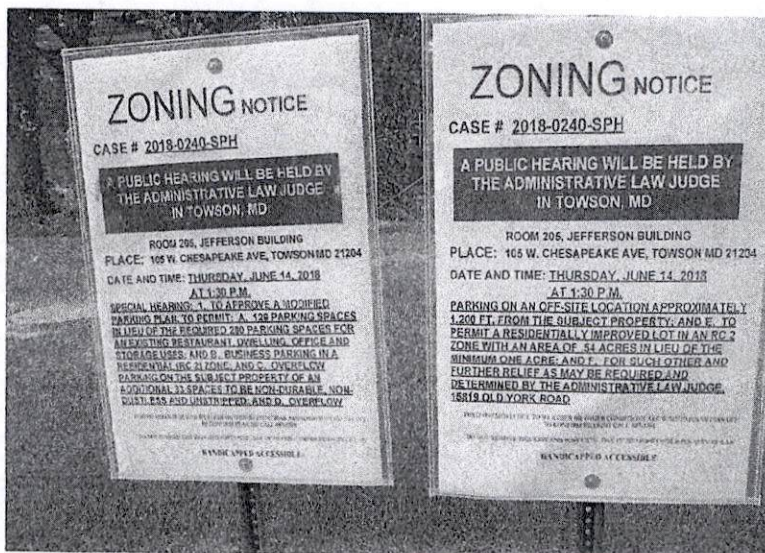
Date of Hearing: JUNE 14, 2018



This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
15819 OLD YORK ROAD AT BOTH ENTRANCES TO MANOR TAVERN

The sign(s) were posted on: MAY 23, 2018

The sign(s) were re-photographed on: JUNE 13, 2018



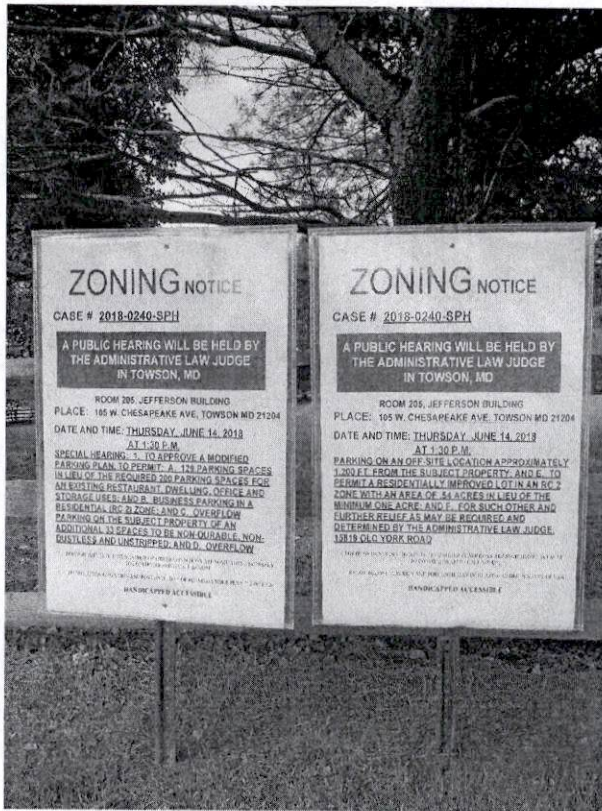
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Second Entrance to Manor Tavern



BACKGROUND PHOTO SECOND ENTRANCE TO MANOR TAVERN
CASE # 2018-0240-SPH re-photographed 6/13/2018 @ 15819 OLD YORK RD.

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Wednesday, June 13, 2018 9:41 PM
To: Administrative Hearings
Subject: Case # 2018-0230-SPH 15819 Old York Rd.
Attachments: 2nd Cert. Old York Rd. .jpeg; photos Case # 2018-0240-SPH.docx

Hi Sherry,

I have attached the Second Certification for Case # 2018-0230-SPH @ 15819 Old York Road The Manor Tavern.

Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

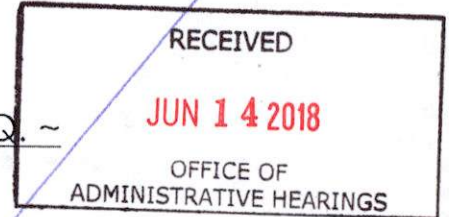
DATE: 6/13/2018

Case Number: 2018-0230-SPH X

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~

MARK FISCHER ~ MICHAEL McCANN, ESQ.

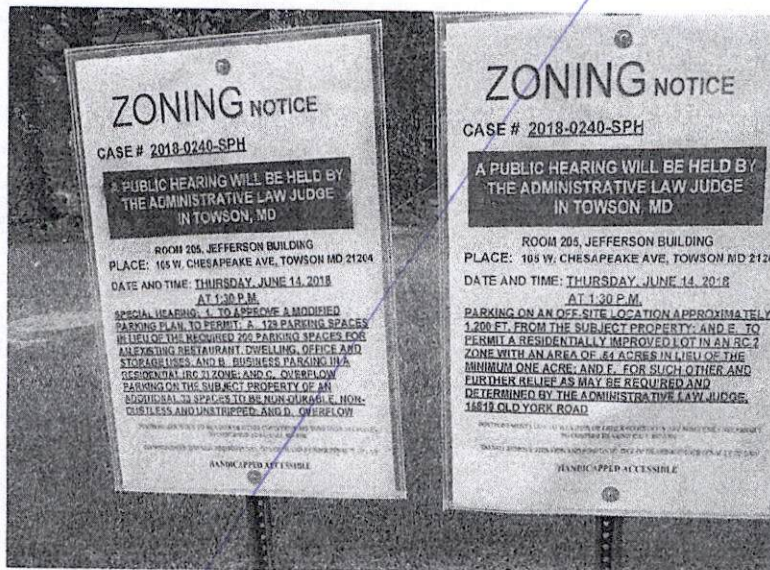
Date of Hearing: JUNE 14, 2018



This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 15819 OLD YORK ROAD AT BOTH ENTRANCES TO MANOR TAVERN

The sign(s) were posted on: MAY 23, 2018

The sign(s) were re-photographed on: JUNE 13, 2018



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/23/2018

Case Number: 2018-0240-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
MARK FISCHER ~ MICHAEL McCANN, ESQ.

Date of Hearing: JUNE 14, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
15819 OLD YORK ROAD AT BOTH ENTRANCES TO MANOR TAVERN

The sign(s) were posted on: MAY 23, 2018



FIRST ENTRANCE TO MANOR TAVERN

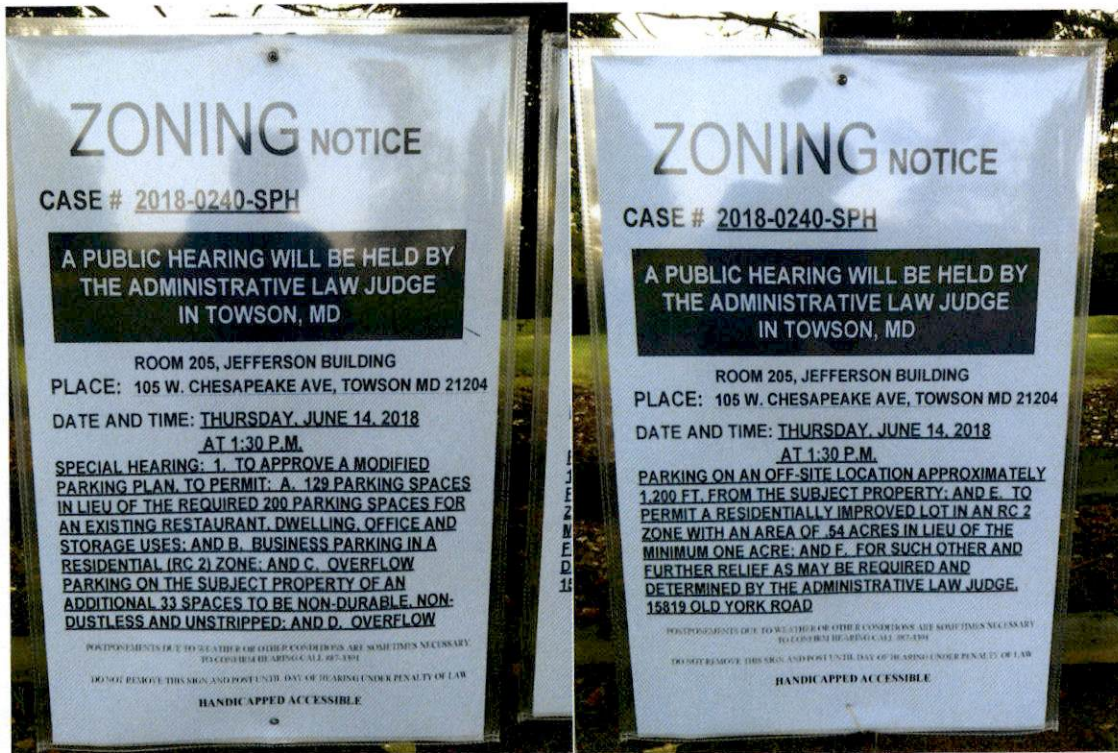
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



CLOSE - UP PHOTOS



BACKGROUND PHOTO SECOND ENTRANCE TO MANOR TAVERN
CASE # 2018-0240-SPH posted 5/23/2018 @ 15819 OLD YORK RD.

FIRST CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/31/2018

Case Number: 2018-0240-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ MARK FISCHER

Date of Hearing: APRIL 23, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
15819 OLD YORK ROAD AT BOTH ENTRANCES TO MANOR TAVERN

The sign(s) were posted on: MARCH 31, 2018



FIRST ENTRANCE TO MANOR TAVERN

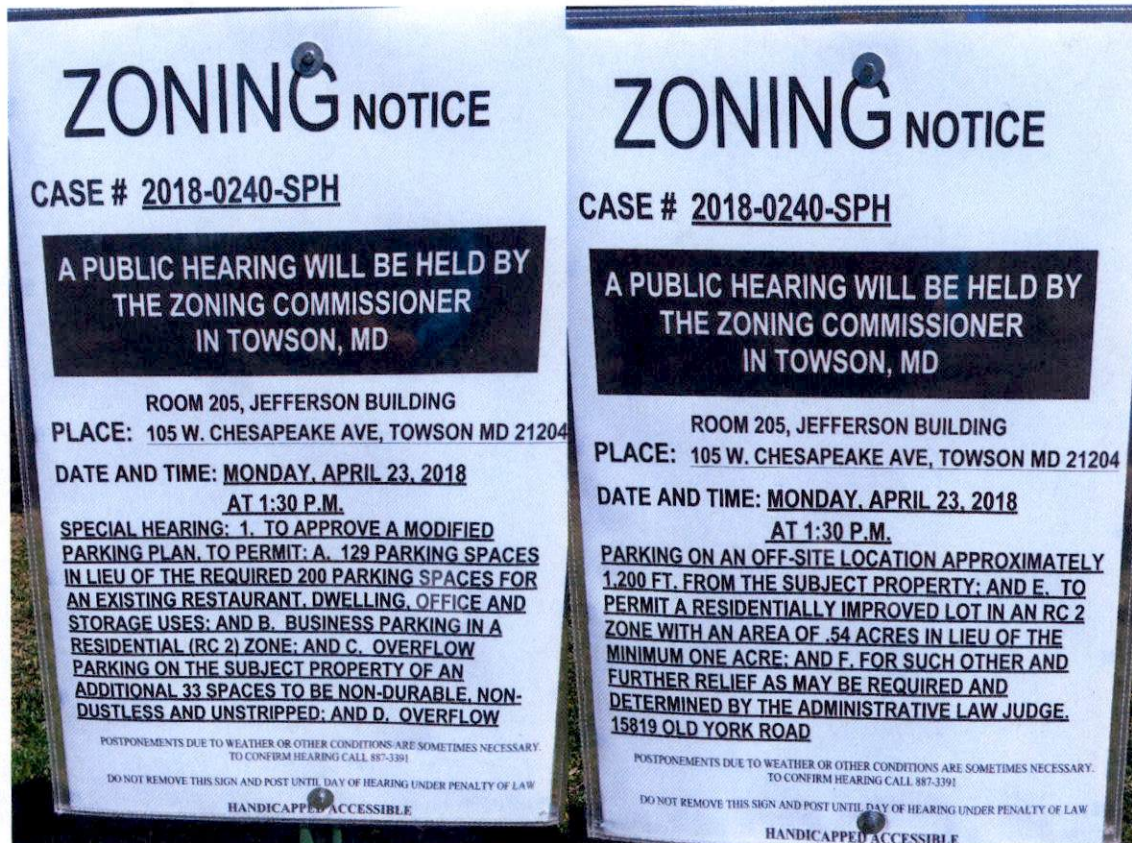
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



CLOSE - UP PHOTOS



BACKGROUND PHOTO FIRST ENTRANCE TO MANOR TAVERN



BACKGROUND PHOTO SECOND ENTRANCE TO MANOR TAVERN



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 15, 2018

NEW NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0240-SPH

15819 Old York Road

NE/s Old York Road, 335 ft. NW of centerline of Hess Road

10th Election District – 3rd Councilmanic District

Legal Owners: Manor Tavern Real Estate, LLC

Special Hearing 1. To approve a Modified Parking Plan, To permit: A. 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; and B. Business parking in a residential (RC 2) zone; and C. Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstripped; and D. Overflow parking on an off-site location approximately 1,200 ft. from the subject property; and E. To permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre; and F. For such other and further relief as may be required and determined by the Administrative Law Judge.

Hearing: Thursday, June 14, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mark Fischer, 15819 Old York Road, Monkton 21111
Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 25, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 26, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0240-SPH

15819 Old York Road
NE/s Old York Road, 335 ft. NW of centerline of Hess Road
10th Election District – 3rd Councilmanic District
Legal Owners: Manor Tavern Real Estate, LLC

Special Hearing 1: To approve a Modified Parking Plan, To permit: A. 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; and B. Business parking in a residential (RC 2) zone; and C. Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstripped; and D. Overflow parking on an off-site location approximately 1,200 ft. from the subject property; and E. To permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre; and F. For such other and further relief as may be required and determined by the Administrative Law Judge.

Hearing: Monday, April 23, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mark Fischer, 15819 Old York Road, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 3, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 3, 2018 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0240-SPH

15819 Old York Road
NE/s Old York Road, 335 ft. NW of centerline of Hess Road
10th Election District – 3rd Councilmanic District
Legal Owners: Manor Tavern Real Estate, LLC

Special Hearing 1. To approve a Modified Parking Plan, To permit: A. 129 parking spaces in lieu of the required 200 parking spaces for an existing restaurant, dwelling, office and storage uses; and B. Business parking in a residential (RC 2) zone; and C. Overflow parking on the subject property of an additional 33 spaces to be non-durable, non-dustless and unstripped; and D. Overflow parking on an off-site location approximately 1,200 ft. from the subject property; and E. To permit a residentially improved lot in an RC 2 zone with an area of .54 acres in lieu of the minimum one acre; and F. For such other and further relief as may be required and determined by the Administrative Law Judge.

Hearing: Monday, April 23, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
15819 Old York Road; NE/S Old York Road, * OF ADMINISTRATIVE
335' NW of c/line of Hess Road * HEARINGS FOR
10th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Manor Tavern Real Estate LLC*
Petitioner(s) * 2018-240-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

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

RECEIVED

MAR 26 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March , 2018, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0240-SPH

Property Address: 15819 Old York Road

Property Description: _____

Legal Owners (Petitioners): Manor Tavern Real Estate, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

April 18, 2018

Manor Tavern Real Estate LLC
15819 Old York Road
Monkton MD 21111

RE: Case Number: 2018-0240 SPH, Address: 15819 Old York Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 13, 2018. 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 3/19/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No.

2018-0240-SPH
Special Hearing
Manor Tavern Real Estate, LLC
15819 Old York Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-240



INFORMATION:

Property Address: 15819 Old York Road
Petitioner: Mark Fisher, Manor Tavern Real Estate, LLC
Zoning: RC 2, BL
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan as described on the attachment submitted in support of the petition and also a residentially improved lot of 0.54 acres in lieu of 1.0 acres

A site visit was conducted on April 10, 2018. The property is located in an Agricultural Priority Preservation Area pursuant to the Baltimore County Master Plan 2020 (MP2020) which seeks to foster a sustainable agricultural industry. Monkton Road is a Baltimore County Scenic Route. MP 2020 states *"The preservation and enhancement of the scenic resources in Baltimore County is an essential component contributing to the quality of life of residents"* (Page 99).

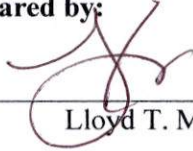
The Department understands all conditions that are the subject of the petition are existing and no new structures or parking is proposed. The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The existing vegetative buffers surrounding the site shall be maintained in their current condition and location.
- A minimum of two parking spaces in support of and to the exclusive use of the residential lot should be delineated and noted as such on the site plan, if approved. Signage signifying same should be installed on-site.

Date: 4/19/2018
Subject: ZAC # 18-240
Page 2

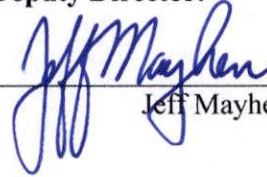
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0240-SPH
Address 15819 Old York Road
(Manor Tavern Real Estate, LLC
Property)

Zoning Advisory Committee Meeting of **March 26, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 4, 2018

FROM: *VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2018
Item No. 2018-0237-A, 0238-A, 0239-A, 0240-SPH, 0242-A, 0243-A, 0244-A, 0245-A and 0247-A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-240

INFORMATION:

Property Address: 15819 Old York Road
Petitioner: Mark Fisher, Manor Tavern Real Estate, LLC
Zoning: RC 2, BL
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan as described on the attachment submitted in support of the petition and also a residentially improved lot of 0.54 acres in lieu of 1.0 acres

A site visit was conducted on April 10, 2018. The property is located in an Agricultural Priority Preservation Area pursuant to the Baltimore County Master Plan 2020 (MP2020) which seeks to foster a sustainable agricultural industry. Monkton Road is a Baltimore County Scenic Route. MP 2020 states *"The preservation and enhancement of the scenic resources in Baltimore County is an essential component contributing to the quality of life of residents"* (Page 99).

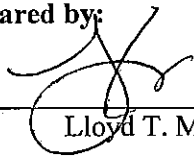
The Department understands all conditions that are the subject of the petition are existing and no new structures or parking is proposed. The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The existing vegetative buffers surrounding the site shall be maintained in their current condition and location.
- A minimum of two parking spaces in support of and to the exclusive use of the residential lot should be delineated and noted as such on the site plan, if approved. Signage signifying same should be installed on-site.

Date: 4/19/2018
Subject: ZAC # 18-240
Page 2

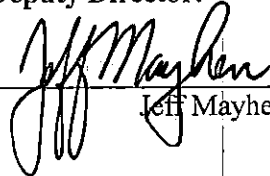
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0240-SPH
Address 15819 Old York Road
(Manor Tavern Real Estate, LLC
Property)

Zoning Advisory Committee Meeting of **March 26, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Case No.: 2018-0240-SPH

Exhibit Sheet

SPH
7/24/18

SPH
6-22-18

Petitioner/Developer

Protestants

No. 1	Site plan	St. James letter dated 4-17-2018
No. 2	Aerial photograph	Opinion in R-91-115
No. 3	Code Violation Notice	Manor Tavern "Preliminary Site Plan"
No. 4	ZAC Comments	ZAC comments Case # R91-115
No. 5	Documents + order No. R-91-115	Key Sheet for Photos
No. 6	7/14/2016 letter St. James Parish	Photos of Site
No. 7	7A-5 Photos of Site	Correction Notice
No. 8	My Neighborhood aerial photo w/ site highlighted	Map of Historic District
No. 9		Manor Conservancy Mission Statement
No. 10		Sketches and photo of "existing" tent
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 5M



PETITIONER'S

EXHIBIT NO. 5 N

PAI # 100267

Pt. Bk./Folio # MP31152

Lot # 2

2200008885

PAI # 100267

PAI # 100267

PAI # 100267

RC 2

1022025051

1998-0163-X
1988-0427-X

OLD YORK RD

Lot # 2

PAI # 100435

2500004446
PAI # 100435

PAI # 100435

Pt. Bk./Folio # MP06041

PAI # 100435

PAI # 100435

3 CD

NE 24-C

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

10 ED 029C2

1013085250

R-1991-0115

BL

1600002086

1800009155

PAI # 100433

Pt. Bk./Folio # MP05134

PAI # 100433

PAI # 100433

2006-0082-SPHX

700005244

PAI # 100433

PAI # 100433

1002020672

15815

2400005789

2400000959

15801

2004-0075-SPHXA

RCC

2400000960

2000005282

1019071820

HESS RD

1019032461

1019032462

3211

2018-0240-SPH

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

10th
Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 18 000 13 Property No. 160000 2086 Zoning: _____
Name(s): Patrick J Russell - Resident Agent
Address: 1445 Corbett Rd Monkton MD 21111
Violation Location: 15819 Old York Rd Monkton MD 21111
Manor Tavern

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Code 2003 Article 35
35-2-301 Permits Required
35-2-304 Penalty for action without permit
Secure all required permits for detached
structure - Building - Electrical - Plumbing

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 1/31/18 DATE ISSUED: 1/11/18

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 1/31/18 DATE ISSUED: 1/11/18
INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



Ref No 4

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 18, 2018

Manor Tavern Real Estate LLC
15819 Old York Road
Monkton MD 21111

RE: Case Number: 2018-0240 SPH, Address: 15819 Old York Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 13, 2018. 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: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 3/19/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

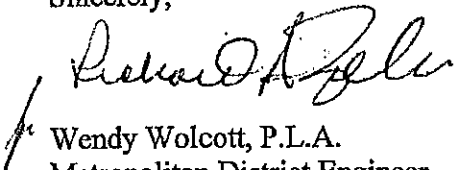
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0240-SRH

*Special Hearing
Mendon Tavern Real Estate, LLC
15819 Old York Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 4, 2018

FROM: *VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 26, 2018
Item No. 2018-0237-A, 0238-A, 0239-A, 0240-SPH, 0242-A, 0243-A, 0244-A, 0245-A and 0247-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0240-SPH
Address 15819 Old York Road
(Manor Tavern Real Estate, LLC
Property)

Zoning Advisory Committee Meeting of March 26, 2018.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-240

INFORMATION:

Property Address: 15819 Old York Road
Petitioner: Mark Fisher, Manor Tavern Real Estate, LLC
Zoning: RC 2, BL
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan as described on the attachment submitted in support of the petition and also a residentially improved lot of 0.54 acres in lieu of 1.0 acres

A site visit was conducted on April 10, 2018. The property is located in an Agricultural Priority Preservation Area pursuant to the Baltimore County Master Plan 2020 (MP2020) which seeks to foster a sustainable agricultural industry. Monkton Road is a Baltimore County Scenic Route. MP 2020 states *"The preservation and enhancement of the scenic resources in Baltimore County is an essential component contributing to the quality of life of residents"* (Page 99).

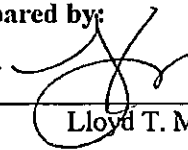
The Department understands all conditions that are the subject of the petition are existing and no new structures or parking is proposed. The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The existing vegetative buffers surrounding the site shall be maintained in their current condition and location.
- A minimum of two parking spaces in support of and to the exclusive use of the residential lot should be delineated and noted as such on the site plan, if approved. Signage signifying same should be installed on-site.

Date: 4/19/2018
Subject: ZAC # 18-240
Page 2

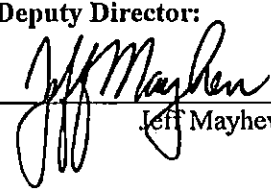
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 887-3180

Red Nos

July 31, 1991

Gary Duvall, Esquire
600 Washington Avenue
Towson, MD 21204

RE: Case No. R-91-115
Mark Greene (Manor Tavern, Inc.)

Dear Mr. Duvall:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Steven Winter, Esquire
Newton A. Williams, Esquire
Mr. Mark Greene /Manor Tavern, Inc.
Mr. Francis N. Inglehart
Greater Sparks-Glencoe Community Council
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

IN THE MATTER OF THE
THE APPLICATION OF
MARK GREENE (MANOR TAVERN)
FOR A ZONING RECLASSIFICATION
FROM R.C. 2 TO R.C.C.
ON PROPERTY LOCATED ON THE
NORTHWEST SIDE OLD YORK RD.,
OPPOSITE MONKTON ROAD
(15819 OLD YORK ROAD)

10TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD
* OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-91-115
* Item #9, CYCLE IV
* 1990-1991
* (Documented Site Plan)
* * * * *

O P I N I O N

Petitioner, Manor Tavern, Inc., contends that the Baltimore County Council in 1988 erred in imposing R.C. 2 zoning on at least 1.316 acres of the Petitioner's property instead of rezoning the property to the newly created Rural Conservation Commercial (R.C.C.) zone. Second, the Petitioner seeks two variances pursuant to Section 2-58.1(p) Baltimore County Code to permit 168 parking spaces in lieu of the required 224 parking spaces and that a number of these parking spaces be located off of the proposed R.C.C. zone which would otherwise be required to be located within the R.C.C. zone pursuant to Section 1A06.2.C.4 Baltimore County Zoning Regulations (hereinafter "BCZR"). Finally, the Petitioner filed a request for a Special Hearing to determine if the R.C.C. zoning classification permits the proposed use of a seasonal reception garden.

The Manor Tavern property consists of 5.64 acres located on the northeast side of Manor Road, at Manor Road's intersection with Old York Road and Monkton Road, in the Tenth Election District and Third Councilmanic District of Baltimore County. As shown on Petitioner's Exhibit 1, the Monk Site Plan, revised April 3, 1991, the subject property is zoned B.L.-C.R. as to 2.12 acres along the

Manor Road frontage, with the remainder of the total 5.64 acres, that is 3.52 acres of R.C. zoning, located in a belt to the rear of and to the northwest of the B.L.-C.R. zoning along Old York Road.

The Manor Tavern is a long existent, northern Baltimore County institution. At the present time, it contains slightly in excess of 8,000 square feet, with the bulk of its parking located in the rear of, and on both sides of, the tavern/restaurant and a small portion in the R.C. 2 zoning fronting on Old York Road. Apparently a use permit for parking for this small area was obtained in Case Number 91-2.

The testimony before this Board showed that the subject site has been zoned as commercial property long before the earliest zoning maps in Baltimore County (i.e., 1945). The testimony showed that the Manor Tavern property has had a "checkered" past. However, Mr. Mark Greene during his testimony stated that he presently is the active owner and the manager, and is on the premises virtually every day that it is open.

It was beyond dispute that, since Mr. Greene's family acquired the Manor Tavern in 1986, they have greatly improved the property. In fact, Mr. Greene testified that Manor Tavern, Inc., spent over \$400,000 in alterations and improvements to the property, including \$70,000 expended by Mr. Greene for improvements (including mature landscaping and trees) for the proposed reception garden. In the Fall of 1990, he learned for the first time that it was a violation of the BCZR to erect a garden on the rear portion of his property.

To the north of the Manor Tavern, the neighboring uses all zoned R.C. 2 are as follows:

1. Immediately to the north is the 22.5 acre, R.C. 2 horse

farm and residence of Mr. and Mrs. Richard Gebhard, Protestants herein;

2. Immediately adjoining the Gebhard property to the north is the Sehlhorst property of approximately 5 to 6 acres, another Protestant;
3. Immediately to the north of the Sehlhorst property are the Constable and Weller properties which aggregate in excess of 100 acres;
4. Immediately to the north of the Constable properties are the Maher properties, including 34.8 acres owned by Ronald L. Maher, another Protestant herein.

Immediately to the southeast of the Manor Tavern property is a Baltimore County highway yard which, like the tavern property, is zoned in part B.L.-C.R., as to the frontage, and R.C. 2 in the rear. Also, to the east and southeast are the Schapiro and Griswold properties. Several large agricultural properties, also zoned R.C. 2, lie opposite the Manor Tavern property on the southwest side of Manor Road. St. James Church, a historic episcopal church, sits to the west and northwest of the Manor Tavern property. A substantial portion of the church property is farmed.

This entire area, designated as the My Lady's Manor Historic District, nationally recognized, includes a number of historic structures, including the St. James Church and other homes and landmarks.

As the documented site plan shows, the proposed use is a formal garden improved by an open air gazebo, a circular gravel driveway, two small changing rooms, and restrooms. During fair weather seasons, Petitioner proposes to erect a tent over a porous brick area to be utilized for receptions. The proposed development is well within the setback requirements for an R.C.C. zone and more

than adequate sewer and water is provided as was testified to by Mr. Greene and as indicated in the environmental impact statement. Further, as testified to by Mr. Michael Patterson, a longtime resident of the neighborhood and the landscape contractor for Mr. Greene, the brick sidewalks are all set in sand and porous throughout which permits drainage and minimizes storm water runoff. In addition, both Mr. Greene and Mr. Patterson testified that the gravel used for the circular drive in the proposed garden area is dustless as is required by the Baltimore County development regulations. The total impervious area of the proposed site would be approximately 15% as was testified to by Mr. Monk; however, if macadam is used for the circular drive, Mr. Monk clearly testified that the brick sidewalk areas can be reduced in size to meet the 20% impervious surface area limitations set forth for R.C.C. zone uses.

The documented site plan provides several self-imposed restrictions, including a requirement that the reception garden would be utilized only during daylight hours. As Mr. Greene testified, this would be the most reasonable time when the garden would be utilized by his customers. By limiting the operation to daylight hours, Mr. Greene testified that the use of the reception garden would not conflict with the dinner business of the Manor Tavern which usually commences between 7:00 and 7:30 p.m.

Mr. Greene testified that 90% of his business is what is known as "a la carte trade" and 10% is "banquet trade." He contends that the banquet portion of his business is similar to other restaurants in Baltimore County, many of whom he named, including Peerce's Plantation, Friendly Farms, the Milton Inn, and other rural

restaurants. Mr. Greene stated that if the R.C.C. parcel is rezoned, he wishes to move his banquet business to the proposed reception garden.

Mr. Greene testified that his idea for creating the reception garden was in response to the closing of Ladew Gardens to wedding receptions, which hosted many receptions and utilized the same type of arrangement proposed by Mr. Greene. Furthermore, since the clubs in the Monkton area (Hunt Valley Golf Club, Elkridge Hunt Club, etc.) were available only to members and since the St. James Church was available only to Episcopalians, he believes a genuine need exists for this type of facility within the community as evidenced by the bookings he received prior to the zoning violation notice.

As testified to by Mr. Greene, the subject property was stripped of all topsoil by Egypt Farms prior to his acquisition of the property. The Staff comments submitted into evidence also acknowledge that the property has no residential development potential.

People's Counsel offered as a witness Mr. W. Carl Richards, the Zoning Coordinator from the Baltimore County Zoning Office. Mr. Richards testified that counsel for Manor Tavern, Mr. Monk and Mr. Greene met with Mr. Richards on January 30, 1991 to discuss the proposed use. This meeting occurred prior to the amendment of the reclassification petition requesting the R.C.C. zoning. Mr. Richards testified that initially, after Mr. Monk had described the use in detail and his being shown a site plan with the reception garden similar to the documented site plan, he opined that the use was in the nature of a restaurant use which would be permitted in

the R.C.C. zone. Mr. Richards further testified that he took the matter before the Zoning Commissioner who determined that the proposed use constituted "catering" and would require B.M. (Business Major) zoning. Mr. Richards admitted, however, that the BCZR have no definition for either "catering" or "restaurant," nor is the use "catering" delineated in any of the zones imposed upon property in Baltimore County. When explaining which types of facilities had been characterized as catering by either the Zoning Office or the Zoning Commissioner, the answers were obvious: Overlea Hall, Eastwind Hall, Martin's West, Martin's Eudowood, and others. Mr. Richards acknowledged that, to the best of his knowledge, these facilities did not provide any a la carte service, but were strictly 100% set menu contract facilities. He further indicated that many restaurants which provide large party receptions are not located in B.M. zones.

The evidence shows that the Office of Planning & Zoning staff was aware of the creation of the Resource Conservation Commercial zone in 1988, since it prepared the report sent to the Baltimore County Planning Board and ultimately to the County Council for adoption prior to the adoption of the 1988 comprehensive maps.

William Monk, accepted as an expert in land use planning, reviewed the 1988 Final Log of Issues, as well as specific items referenced therein. Mr. Monk testified that in Baltimore County eighteen issues arose where the Council imposed R.C.C. zoning on property which previously had been classified as R.C. 2, R.C. 4 or R.C. 5. In all cases, the Planning staff did not recommend at any time for the R.C.C. zoning classification. In particular, Issues Nos. 3-301 and 3-092 specifically were tavern/restaurant uses. The

existing tavern/restaurant operations were zoned B.L. and the surrounding property had been zoned R.C. 2. The property owners requested additional B.L. zoning. The County Council imposed R.C.C. zoning on the expansion areas. Similarly, a retail and package goods store located on Shawan Road in an R.C. 2 zone was likewise zoned R.C.C. instead of B.L. as requested. Mr. Monk rendered his opinion that the Council erred in not imposing the now requested zoning by not recognizing the trend toward using R.C.C. as a transition or buffer zone around spots of B.L. zoning in rural areas as in Issues Nos. 3-301 and 3-092.

Mr. Greene and Mr. Monk also both admitted that no request for change had been made during the 1988 Zoning Maps for the Manor Tavern property, by Mr. Greene or anyone else on his behalf.

Protestants presented several neighbors as witnesses. Due to the topography of the area, and very likely the strength of the instruments and amplifications involved, the Protestants found previous wedding receptions very disturbing to the peace and quiet enjoyment of their properties. Mrs. Gebhard, Mrs. Sehlhorst, Mr. Constable, Mr. Dandy, and Mr. Maher all testified that the music could be very clearly heard, as well as announcements and other party activities. The continual noise and disturbance means that the music and other sounds carry for more than one-half mile or more in a northward direction, due to their strength and the peculiar acoustics of the area. Several neighbors made unsuccessful requests to Mr. Greene and the Manor Tavern to lower the noise level of the music.

Baltimore County Code, Section 258.1(j) states that in order to grant a reclassification either error by the Council in the

adoption of the most recent zoning maps or changes in the neighborhood since the adoption of the maps must be shown to support the reclassification. Error can be established by showing that at the time of the comprehensive zoning, the County Council failed to take into account then-existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on misapprehension. Boyce v. Sembly, 25 Md App 43 (1975)

Everyone who testified in the case agreed that the area around the Manor Tavern had changed little, if any, over the years, and Mr. Monk, the Petitioner's planner, specifically stated that they were not relying upon change as a justification, and that there had been none. If anything, the area has become more agricultural and residential in nature.

Not relying upon change, the Petitioner must prove that the 1988 Zoning Maps were erroneous, namely, that it was erroneous for the Council to once again adopt R.C. 2 zoning. The testimony showed that only the frontage between Old York Road and Hess Road along Manor Road had been zoned B.L. over the years, and, thus, the County Commissioners and subsequently the County Council on a number of occasions, including the 1971, 1976, 1980, 1984, and 1988 maps, decided each time to surround the B.L. zoning with a protective buffer and transition to the former residential zoning, and subsequently agricultural zoning, when the R.C. 2 zone became available with the 1976 Zoning Maps.

The burden is on the Petitioner to show error. Had an application for change been made to the Council, there is no showing on the merits that the Council should have anticipated the

wedding reception use and granted a rezone to R.C.C., quite the contrary.

As the Regulations show, and as Mr. Walter Lippincott, accepted as an expert in planning, testified, the R.C.C. zone is not designed as a wraparound transitional zone, but rather as a free standing, low intensity, rural commercial zone for the benefit of agricultural uses and tourism.

Such a rezoning from R.C. 2 to R.C.C. would be incompatible with the stated policy of the R.C. 2 zone, to preserve agricultural use. It would be contrary to the Master Plan. The Manor Tavern area is not designated for development as a Rural Village Commercial Center on the Master Plan.

The two cases cited by Mr. Monk regarding taverns and restaurants in his testimony do not persuade us that Petitioner met the test enunciated in Boyce v. Sembly (supra). In the issues cited, the Council chose, on the 1988 maps, rather than to grant an open ended B.L. zone, to grant a more restrictive R.C.C. zone adjacent to, or around in some cases, several rural commercial uses, including, in at least two cases, taverns. In neither issue is it clear that this rezoning was granted to allow an expansion of an indoor tavern or restaurant use into an outdoor use. Rather, one can infer that the R.C.C. zoning in these other cases would allow a gradual stepping down from the B.L. zoning to a less intensive, and more restrictive, zone around these two more rural taverns, not located in historic districts. In any event, every case stands on its own merits, and despite the various arguments given, no persuasive argument exists for allowing an R.C.C. zone for the sole purpose of permitting a new, outdoor wedding reception

use.

Even if the Board found that the Council erred in not granting the R.C.C. zoning despite no request to do so, in order to grant the rezoning requested we must determine that the zoning requested is appropriate. Petitioner suggests R.C.C. would be an appropriate transitional or buffer zone. However, the proposed use would not in fact constitute a transition (assuming the wedding reception use is allowable in R.C.C.) from a heavier to a lesser commercial use. It would not be a transition to a lesser use to permit an outdoor use (a business accommodating 200 or more guests at intermittent times for about 6 months per year) involving noise, traffic, litter, etc., as a separate catering business on a new spot.

The testimony in this case, primarily by Mr. Carl Richards of the Zoning Commissioner's office, is very clear that catering is not allowed in the B.L. or the R.C.C. zone. Mr. Richards testified at length that the long-established administrative practice by the Zoning Commissioner's office classifies catering as a "commercial recreation enterprise," and requires that it be placed in the B.M. or the B.R. zone, which permits such uses as a matter of right, as shown in People's Counsel Exhibit No. 2, Mr. Richards' letter of February 28, 1991, in reply to Mr. Duvall's letter of January 31, 1991. Consideration shows that catering does properly belong only in the heavier commercial zones, namely, B.M. and B.R. Wedding receptions, large parties, catered affairs, by their very nature, attract a large number of persons who primarily arrive at a party and leave a party at approximately the same time. Also, such wedding receptions and parties even when held indoors, usually involve music, and loud talk. The R.C.C. zone is basically a

lighter, lesser zone than B.L. or even B.L.-C.R. It is intended for agricultural and tourist uses, on a free-standing, non-intensive basis. It would be inappropriate to allow the 8,000 square foot Manor Tavern to use the R.C.C. zone to add another 1.32 acres, over 56,000 square feet, outdoors for catering to its already large indoor restaurant use, thus, in effect, having an outdoor catering hall and a large restaurant, with a large parking area in between the two. The R.C.C. zone was never meant to be so used, and we believe it would be wrong to so use it, and contrary to its legislative intent.

Further, Petitioner's Exhibit No. 1, the site plan, shows that the proposal in this case involves the introduction of a large, new principal use on a previously unutilized, R.C. 2 buffering area of the subject property. The proposed outdoor reception garden does not meet the test of accessory uses as contained in Section 101 of the BCZR. First of all, the proposed outdoor reception garden is not "customarily incident" to restaurants in Baltimore County or anywhere in this region. The only example cited by Mr. Greene in his case was the example of Peerce's Plantation, which occasionally, apparently illegally, erects a tent on an R.C. 4 zoned area and holds a Preakness Party, or perhaps a wedding reception. A new outdoor operation in a totally separate area involving up to 200 or more guests can hardly be considered accessory to the restaurant business, particularly when done on a regular basis, advertised as a wedding and party catering business. In like manner, Section 1A06.2.C, relating to accessory uses or structures allowed in the R.C.C. zones, permits only certain accessory use categories. It does not name a proposed outdoor

reception garden or any other like garden of any sort. The listed categories include agriculturally related uses, amusement uses, home occupations and parking. Subsection 1A06.2.C.4 lists parking as a use, restricted to the R.C.C. zone, and, thus, it should not be allowed outside the R.C.C. zone.

The R.C.C. regulations specifically restrict parking to an accessory use. The effect of allowing parking outside the R.C.C. zone, as proposed, allows up to a 2-acre use with associated parking, in effect a much larger use than originally contemplated under the regulations by the Council.

Section 1A06.1A, the legislative statement of findings for the R.C.C. zone, states that the intent of the zone is to "provide small areas of commercial development for a limited range of rural, residential and tourist related needs." This same Subsection, in Part B, goes on to state that the intensity and scale are to be appropriate to the rural area involved.

The R.C.C. regulations specifically require in Section 1A06.3.D that a compatibility finding pursuant to Section 22-104C of the Development Regulations be made by the County Review Group and the Director of Planning as to the proposed use. While the CRG has not had an opportunity to review this wedding garden, since no permits of any kind were applied for, the Director of Planning and the Planning Board have both found the proposed use to be incompatible, and, in fact, have recommended against this zone being granted by the Board.

O R D E R

IT IS THEREFORE this 31st day of July, 1991 by the County Board of Appeals of Baltimore County ORDERED that the

Petition for Reclassification from R.C. 2 to R.C.C. be and is hereby DENIED; and

IT IS FURTHER ORDERED that Petitioner's request for Variances and request for Special Hearing are DISMISSED as moot.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

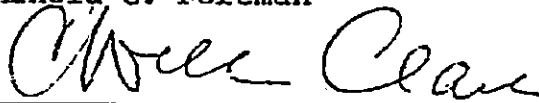
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



William T. Hackett, Chairman



Arnold G. Foreman



C. William Clark

Ref No 6

July 14, 2016

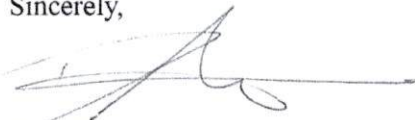
To Whom It May Concern,

I am writing this letter in reference to the Manor Tavern and their parking situation. It has come to our attention, according to the zoning requirements in Baltimore County; the Manor Tavern's parking lot has insufficient parking available for guests.

As a neighbor and friend, we have extended to the Manor Tavern the use of Saint James' property as an auxiliary parking facility. I think you will find that Saint James has more than adequate parking available to accommodate the needs of the Manor Tavern. Furthermore, we hope this can ease the concerns of the zoning commission as we understand Hightopps in Lutherville has a similar arrangement with their neighbor .

If you have any questions or concerns, please feel free to contact me directly and I will be happy to address. Thank you for your attention and time on this matter.

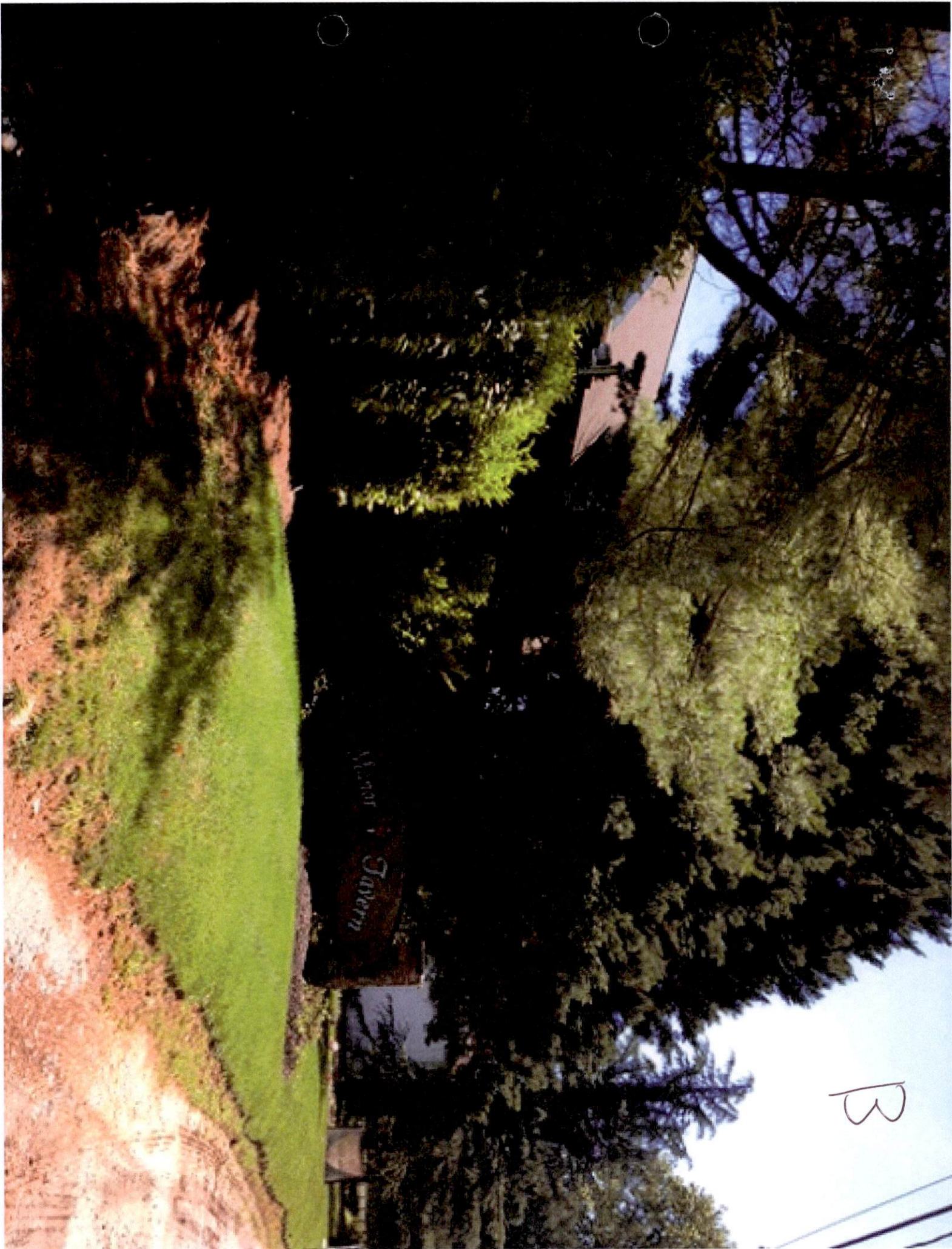
Sincerely,



Don Greenawalt

Warden of Saint James Parish, Monkton MD
don@bayassociates.com





B











G



H









7





N





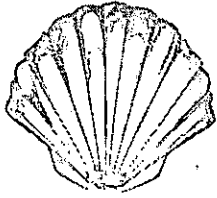




R



PET. Ex. 7



SAINT JAMES

Episcopal Church • Monkton Maryland

The Mission of St. James is to become a thriving community of faith; loving God and our neighbors.

April 17, 2018

Mark Fischer
Manor Tavern
15819 Old York Rd
Monkton, MD 21111

Dear Mark,

I am writing to clarify my earlier letter concerning the temporary use of St James Church property by the Manor Tavern for overflow parking.

The only area to be used by The Manor Tavern for excess parking shall be located at the corner of Old York Rd and Monkton Rd and from the corner shall extend 200 ft. along Monkton Rd. and 200 ft. along Old York Rd. and shall be approximately one acre in size. The area shall not be used during periods of extremely wet conditions and it shall be the responsibility of The Manor Tavern to promptly repair any damage to the turf.

The Manor Tavern may use this area up to four times a year for special events parking only and shall be required to notify St. James Church in writing at least three weeks in advance of each event. In addition, a liability insurance policy naming St. James Church as an additional insured shall be required for each event. It shall hold the Church harmless from any and all accidents or suits that might occur.

Please feel free to contact me if you have any questions.

Sincerely,

Don Greenawalt

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD
MARK GREENE (MANOR TAVERN)	*	OF APPEALS
FOR A ZONING RECLASSIFICATION	*	OF
FROM R.C. 2 TO R.C.C.	*	BALTIMORE COUNTY
ON PROPERTY LOCATED ON THE	*	CASE NO. R-91-115
NORTHWEST SIDE OLD YORK RD.,	*	Item #9, CYCLE IV
OPPOSITE MONKTON ROAD	*	1990-1991
(15819 OLD YORK ROAD)	*	(Documented Site Plan)
10TH ELECTION DISTRICT	*	
3RD COUNCILMANIC DISTRICT	*	
	*	
	*	
	*	
	*	

O P I N I O N

Petitioner, Manor Tavern, Inc., contends that the Baltimore County Council in 1988 erred in imposing R.C. 2 zoning on at least 1.316 acres of the Petitioner's property instead of rezoning the property to the newly created Rural Conservation Commercial (R.C.C.) zone. Second, the Petitioner seeks two variances pursuant to Section 2-58.1(p) Baltimore County Code to permit 168 parking spaces in lieu of the required 224 parking spaces and that a number of these parking spaces be located off of the proposed R.C.C. zone which would otherwise be required to be located within the R.C.C. zone pursuant to Section 1A06.2.C.4 Baltimore County Zoning Regulations (hereinafter "BCZR"). Finally, the Petitioner filed a request for a Special Hearing to determine if the R.C.C. zoning classification permits the proposed use of a seasonal reception garden.

The Manor Tavern property consists of 5.64 acres located on the northeast side of Manor Road, at Manor Road's intersection with Old York Road and Monkton Road, in the Tenth Election District and Third Councilmanic District of Baltimore County. As shown on Petitioner's Exhibit 1, the Monk Site Plan, revised April 3, 1991, the subject property is zoned B.L.-C.R. as to 2.12 acres along the

Prot. 2

Manor Road frontage, with the remainder of the total 5.64 acres, that is 3.52 acres of R.C. zoning, located in a belt to the rear of and to the northwest of the B.L.-C.R. zoning along Old York Road.

The Manor Tavern is a long existent, northern Baltimore County institution. At the present time, it contains slightly in excess of 8,000 square feet, with the bulk of its parking located in the rear of, and on both sides of, the tavern/restaurant and a small portion in the R.C. 2 zoning fronting on Old York Road. Apparently a use permit for parking for this small area was obtained in Case Number 91-2.

The testimony before this Board showed that the subject site has been zoned as commercial property long before the earliest zoning maps in Baltimore County (i.e., 1945). The testimony showed that the Manor Tavern property has had a "checkered" past. However, Mr. Mark Greene during his testimony stated that he presently is the active owner and the manager, and is on the premises virtually every day that it is open.

It was beyond dispute that, since Mr. Greene's family acquired the Manor Tavern in 1986, they have greatly improved the property. In fact, Mr. Greene testified that Manor Tavern, Inc., spent over \$400,000 in alterations and improvements to the property, including \$70,000 expended by Mr. Greene for improvements (including mature landscaping and trees) for the proposed reception garden. In the Fall of 1990, he learned for the first time that it was a violation of the BCZR to erect a garden on the rear portion of his property.

To the north of the Manor Tavern, the neighboring uses all zoned R.C. 2 are as follows:

1. Immediately to the north is the 22.5 acre, R.C. 2 horse

- farm and residence of Mr. and Mrs. Richard Gebhard, Protestants herein;
2. Immediately adjoining the Gebhard property to the north is the Sehlhorst property of approximately 5 to 6 acres, another Protestant;
 3. Immediately to the north of the Sehlhorst property are the Constable and Weller properties which aggregate in excess of 100 acres;
 4. Immediately to the north of the Constable properties are the Maher properties, including 34.8 acres owned by Ronald L. Maher, another Protestant herein.

Immediately to the southeast of the Manor Tavern property is a Baltimore County highway yard which, like the tavern property, is zoned in part B.L.-C.R., as to the frontage, and R.C. 2 in the rear. Also, to the east and southeast are the Schapiro and Griswold properties. Several large agricultural properties, also zoned R.C. 2, lie opposite the Manor Tavern property on the southwest side of Manor Road. St. James Church, a historic episcopal church, sits to the west and northwest of the Manor Tavern property. A substantial portion of the church property is farmed.

This entire area, designated as the My Lady's Manor Historic District, nationally recognized, includes a number of historic structures, including the St. James Church and other homes and landmarks.

As the documented site plan shows, the proposed use is a formal garden improved by an open air gazebo, a circular gravel driveway, two small changing rooms, and restrooms. During fair weather seasons, Petitioner proposes to erect a tent over a porous brick area to be utilized for receptions. The proposed development is well within the setback requirements for an R.C.C. zone and more

than adequate sewer and water is provided as was testified to by Mr. Greene and as indicated in the environmental impact statement. Further, as testified to by Mr. Michael Patterson, a longtime resident of the neighborhood and the landscape contractor for Mr. Greene, the brick sidewalks are all set in sand and porous throughout which permits drainage and minimizes storm water runoff. In addition, both Mr. Greene and Mr. Patterson testified that the gravel used for the circular drive in the proposed garden area is dustless as is required by the Baltimore County development regulations. The total impervious area of the proposed site would be approximately 15% as was testified to by Mr. Monk; however, if macadam is used for the circular drive, Mr. Monk clearly testified that the brick sidewalk areas can be reduced in size to meet the 20% impervious surface area limitations set forth for R.C.C. zone uses.

The documented site plan provides several self-imposed restrictions, including a requirement that the reception garden would be utilized only during daylight hours. As Mr. Greene testified, this would be the most reasonable time when the garden would be utilized by his customers. By limiting the operation to daylight hours, Mr. Greene testified that the use of the reception garden would not conflict with the dinner business of the Manor Tavern which usually commences between 7:00 and 7:30 p.m.

Mr. Greene testified that 90% of his business is what is known as "a la carte trade" and 10% is "banquet trade." He contends that the banquet portion of his business is similar to other restaurants in Baltimore County, many of whom he named, including Peerce's Plantation, Friendly Farms, the Milton Inn, and other rural

restaurants. Mr. Greene stated that if the R.C.C. parcel is rezoned, he wishes to move his banquet business to the proposed reception garden.

Mr. Greene testified that his idea for creating the reception garden was in response to the closing of Ladew Gardens to wedding receptions, which hosted many receptions and utilized the same type of arrangement proposed by Mr. Greene. Furthermore, since the clubs in the Monkton area (Hunt Valley Golf Club, Elkridge Hunt Club, etc.) were available only to members and since the St. James Church was available only to Episcopalians, he believes a genuine need exists for this type of facility within the community as evidenced by the bookings he received prior to the zoning violation notice.

As testified to by Mr. Greene, the subject property was stripped of all topsoil by Egypt Farms prior to his acquisition of the property. The Staff comments submitted into evidence also acknowledge that the property has no residential development potential.

People's Counsel offered as a witness Mr. W. Carl Richards, the Zoning Coordinator from the Baltimore County Zoning Office. Mr. Richards testified that counsel for Manor Tavern, Mr. Monk and Mr. Greene met with Mr. Richards on January 30, 1991 to discuss the proposed use. This meeting occurred prior to the amendment of the reclassification petition requesting the R.C.C. zoning. Mr. Richards testified that initially, after Mr. Monk had described the use in detail and his being shown a site plan with the reception garden similar to the documented site plan, he opined that the use was in the nature of a restaurant use which would be permitted in

the R.C.C. zone. Mr. Richards further testified that he took the matter before the Zoning Commissioner who determined that the proposed use constituted "catering" and would require B.M. (Business Major) zoning. Mr. Richards admitted, however, that the BCZR have no definition for either "catering" or "restaurant," nor is the use "catering" delineated in any of the zones imposed upon property in Baltimore County. When explaining which types of facilities had been characterized as catering by either the Zoning Office or the Zoning Commissioner, the answers were obvious: Overlea Hall, Eastwind Hall, Martin's West, Martin's Eudowood, and others. Mr. Richards acknowledged that, to the best of his knowledge, these facilities did not provide any a la carte service, but were strictly 100% set menu contract facilities. He further indicated that many restaurants which provide large party receptions are not located in B.M. zones.

The evidence shows that the Office of Planning & Zoning staff was aware of the creation of the Resource Conservation Commercial zone in 1988, since it prepared the report sent to the Baltimore County Planning Board and ultimately to the County Council for adoption prior to the adoption of the 1988 comprehensive maps.

William Monk, accepted as an expert in land use planning, reviewed the 1988 Final Log of Issues, as well as specific items referenced therein. Mr. Monk testified that in Baltimore County eighteen issues arose where the Council imposed R.C.C. zoning on property which previously had been classified as R.C. 2, R.C. 4 or R.C. 5. In all cases, the Planning staff did not recommend at any time for the R.C.C. zoning classification. In particular, Issues Nos. 3-301 and 3-092 specifically were tavern/restaurant uses. The

existing tavern/restaurant operations were zoned B.L. and the surrounding property had been zoned R.C. 2. The property owners requested additional B.L. zoning. The County Council imposed R.C.C. zoning on the expansion areas. Similarly, a retail and package goods store located on Shawan Road in an R.C. 2 zone was likewise zoned R.C.C. instead of B.L. as requested. Mr. Monk rendered his opinion that the Council erred in not imposing the now requested zoning by not recognizing the trend toward using R.C.C. as a transition or buffer zone around spots of B.L. zoning in rural areas as in Issues Nos. 3-301 and 3-092.

Mr. Greene and Mr. Monk also both admitted that no request for change had been made during the 1988 Zoning Maps for the Manor Tavern property, by Mr. Greene or anyone else on his behalf.

Protestants presented several neighbors as witnesses. Due to the topography of the area, and very likely the strength of the instruments and amplifications involved, the Protestants found previous wedding receptions very disturbing to the peace and quiet enjoyment of their properties. Mrs. Gebhard, Mrs. Sehlhorst, Mr. Constable, Mr. Dandy, and Mr. Maher all testified that the music could be very clearly heard, as well as announcements and other party activities. The continual noise and disturbance means that the music and other sounds carry for more than one-half mile or more in a northward direction, due to their strength and the peculiar acoustics of the area. Several neighbors made unsuccessful requests to Mr. Greene and the Manor Tavern to lower the noise level of the music.

Baltimore County Code, Section 258.1(j) states that in order to grant a reclassification either error by the Council in the

adoption of the most recent zoning maps or changes in the neighborhood since the adoption of the maps must be shown to support the reclassification. Error can be established by showing that at the time of the comprehensive zoning, the County Council failed to take into account then-existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on misapprehension. Boyce v. Sembly, 25 Md App 43 (1975)

Everyone who testified in the case agreed that the area around the Manor Tavern had changed little, if any, over the years, and Mr. Monk, the Petitioner's planner, specifically stated that they were not relying upon change as a justification, and that there had been none. If anything, the area has become more agricultural and residential in nature.

Not relying upon change, the Petitioner must prove that the 1988 Zoning Maps were erroneous, namely, that it was erroneous for the Council to once again adopt R.C. 2 zoning. The testimony showed that only the frontage between Old York Road and Hess Road along Manor Road had been zoned B.L. over the years, and, thus, the County Commissioners and subsequently the County Council on a number of occasions, including the 1971, 1976, 1980, 1984, and 1988 maps, decided each time to surround the B.L. zoning with a protective buffer and transition to the former residential zoning, and subsequently agricultural zoning, when the R.C. 2 zone became available with the 1976 Zoning Maps.

The burden is on the Petitioner to show error. Had an application for change been made to the Council, there is no showing on the merits that the Council should have anticipated the

wedding reception use and granted a rezone to R.C.C., quite the contrary.

As the Regulations show, and as Mr. Walter Lippincott, accepted as an expert in planning, testified, the R.C.C. zone is not designed as a wraparound transitional zone, but rather as a free standing, low intensity, rural commercial zone for the benefit of agricultural uses and tourism.

Such a rezoning from R.C. 2 to R.C.C. would be incompatible with the stated policy of the R.C. 2 zone, to preserve agricultural use. It would be contrary to the Master Plan. The Manor Tavern area is not designated for development as a Rural Village Commercial Center on the Master Plan.

The two cases cited by Mr. Monk regarding taverns and restaurants in his testimony do not persuade us that Petitioner met the test enunciated in Boyce v. Sembly (supra). In the issues cited, the Council chose, on the 1988 maps, rather than to grant an open ended B.L. zone, to grant a more restrictive R.C.C. zone adjacent to, or around in some cases, several rural commercial uses, including, in at least two cases, taverns. In neither issue is it clear that this rezoning was granted to allow an expansion of an indoor tavern or restaurant use into an outdoor use. Rather, one can infer that the R.C.C. zoning in these other cases would allow a gradual stepping down from the B.L. zoning to a less intensive, and more restrictive, zone around these two more rural taverns, not located in historic districts. In any event, every case stands on its own merits, and despite the various arguments given, no persuasive argument exists for allowing an R.C.C. zone for the sole purpose of permitting a new, outdoor wedding reception

use.

Even if the Board found that the Council erred in not granting the R.C.C. zoning despite no request to do so, in order to grant the rezoning requested we must determine that the zoning requested is appropriate. Petitioner suggests R.C.C. would be an appropriate transitional or buffer zone. However, the proposed use would not in fact constitute a transition (assuming the wedding reception use is allowable in R.C.C.) from a heavier to a lesser commercial use. It would not be a transition to a lesser use to permit an outdoor use (a business accommodating 200 or more guests at intermittent times for about 6 months per year) involving noise, traffic, litter, etc., as a separate catering business on a new spot.

The testimony in this case, primarily by Mr. Carl Richards of the Zoning Commissioner's office, is very clear that catering is not allowed in the B.L. or the R.C.C. zone. Mr. Richards testified at length that the long-established administrative practice by the Zoning Commissioner's office classifies catering as a "commercial recreation enterprise," and requires that it be placed in the B.M. or the B.R. zone, which permits such uses as a matter of right, as shown in People's Counsel Exhibit No. 2, Mr. Richards' letter of February 28, 1991, in reply to Mr. Duvall's letter of January 31, 1991. Consideration shows that catering does properly belong only in the heavier commercial zones, namely, B.M. and B.R. Wedding receptions, large parties, catered affairs, by their very nature, attract a large number of persons who primarily arrive at a party and leave a party at approximately the same time. Also, such wedding receptions and parties even when held indoors, usually involve music, and loud talk. The R.C.C. zone is basically a

lighter, lesser zone than B.L. or even B.L.-C.R. It is intended for agricultural and tourist uses, on a free-standing, non-intensive basis. It would be inappropriate to allow the 8,000 square foot Manor Tavern to use the R.C.C. zone to add another 1.32 acres, over 56,000 square feet, outdoors for catering to its already large indoor restaurant use, thus, in effect, having an outdoor catering hall and a large restaurant, with a large parking area in between the two. The R.C.C. zone was never meant to be so used, and we believe it would be wrong to so use it, and contrary to its legislative intent.

Further, Petitioner's Exhibit No. 1, the site plan, shows that the proposal in this case involves the introduction of a large, new principal use on a previously unutilized, R.C. 2 buffering area of the subject property. The proposed outdoor reception garden does not meet the test of accessory uses as contained in Section 101 of the BCZR. First of all, the proposed outdoor reception garden is not "customarily incident" to restaurants in Baltimore County or anywhere in this region. The only example cited by Mr. Greene in his case was the example of Peerce's Plantation, which occasionally, apparently illegally, erects a tent on an R.C. 4 zoned area and holds a Preakness Party, or perhaps a wedding reception. A new outdoor operation in a totally separate area involving up to 200 or more guests can hardly be considered accessory to the restaurant business, particularly when done on a regular basis, advertised as a wedding and party catering business. In like manner, Section 1A06.2.C, relating to accessory uses or structures allowed in the R.C.C. zones, permits only certain accessory use categories. It does not name a proposed outdoor

reception garden or any other like garden of any sort. The listed categories include agriculturally related uses, amusement uses, home occupations and parking. Subsection 1A06.2.C.4 lists parking as a use, restricted to the R.C.C. zone, and, thus, it should not be allowed outside the R.C.C. zone.

The R.C.C. regulations specifically restrict parking to an accessory use. The effect of allowing parking outside the R.C.C. zone, as proposed, allows up to a 2-acre use with associated parking, in effect a much larger use than originally contemplated under the regulations by the Council.

Section 1A06.1A, the legislative statement of findings for the R.C.C. zone, states that the intent of the zone is to "provide small areas of commercial development for a limited range of rural, residential and tourist related needs." This same Subsection, in Part B, goes on to state that the intensity and scale are to be appropriate to the rural area involved.

The R.C.C. regulations specifically require in Section 1A06.3.D that a compatibility finding pursuant to Section 22-104C of the Development Regulations be made by the County Review Group and the Director of Planning as to the proposed use. While the CRG has not had an opportunity to review this wedding garden, since no permits of any kind were applied for, the Director of Planning and the Planning Board have both found the proposed use to be incompatible, and, in fact, have recommended against this zone being granted by the Board.

O R D E R

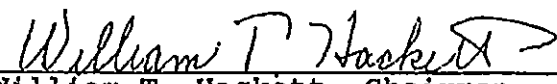
IT IS THEREFORE this 31st day of July, 1991 by the County Board of Appeals of Baltimore County ORDERED that the

Petition for Reclassification from R.C. 2 to R.C.C. be and is hereby DENIED; and

IT IS FURTHER ORDERED that Petitioner's request for Variances and request for Special Hearing are DISMISSED as moot.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

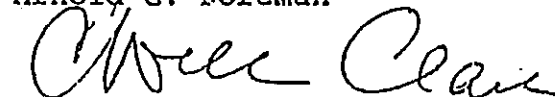
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



William T. Hackett, Chairman



Arnold G. Foreman



C. William Clark

PETITIONER:

Mark Green

CASE NO. R91-115

REQUESTED ACTION:

Reclassification to R.C.C. (Resource Conservation-Commercial)

EXISTING ZONING:

R.C.2 (Rural Conservation)

LOCATION:

15819 Old York Road - NW/S Old York Road, opposite Monkton Road.

AREA OF SITE:

2.8 acres

ZONING OF ADJACENT PROPERTY/USE:

North - R.C.2, Agricultural
South - B.L.-C.R., Commercial - Manor Tavern
East - R.C.2, Agricultural
West - R.C.2, Agricultural

SITE DESCRIPTION:

The site is a relatively flat field, that slopes very slightly. The property has been landscaped and has a paved turnaround. A tent has been erected on the site. The Petitioner has advertised this property as a "wedding garden," intending it to be used for large parties.

PROPERTIES IN THE VICINITY:

The property is located behind the parking lot for the existing Manor Tavern. All other properties in the area are in agricultural use.

WATER AND SEWERAGE:

The Petitioner's property is not served by public water and sewer. Private well water and a septic system would have to be provided on the site.

PROT 4

TRAFFIC AND ROADS:

This property lies at the intersection of four roads: Old York Road; Hess Road; Manor Road; and Monkton Road, with direct access from Old York Road.

ZONING HISTORY:

In 1971, subject property was zoned R.P.D., and the Manor Tavern area zoned B.L.-C.R. In 1976, the subject property was zoned R.C.2, and the Manor Tavern area zoned B.L.-C.R. It has remained the same since 1976.

A zoning violation correction notice was sent to the petitioner on October 1, 1990, requiring that the tent in the R.C.2 zone be removed and all commercial activities in the R.C.2 zone must cease and desist.

MASTER PLAN/COMMUNITY PLANS:

This property lies within the area designated as Agricultural Preservation by the Master Plan. The Master Plan states, "The proposed Land Use Map in this Master Plan designates several very large portions of the Northern Sector as Agricultural Preservation areas for the specific purpose of assuring these areas will be preserved for continuing use now and as a legacy for the future."

Also, the Master Plan says, "It is important to reassert the policy discouraging 'strip' commercial zoning in rural areas,..."

The Master Plan states furthermore that, "...the Northern Sector identifies two locations, Hereford and Jacksonville, for implementing the concept of rural centers, and ten other existing rural villages to serve as smaller scale nodes for commercial services." This property is not located within any of these areas.

PROPOSED VS. EXISTING ZONING:

The regulations for R.C.C. zones may be found in Section 1A06.1 of the Baltimore County Zoning Regulations. Section 1A06.2 outlines the limited range of commercial, rural residential and tourist-related uses permitted in the R.C.C. zone. In the R.C.C. zone gross floor area of all buildings on the lot shall not exceed 3000 sq. ft. Building height is limited to 30 ft. Setbacks include front yards not less than 15 ft. from right-of-way lines and not more than the setback of adjacent lots. The rear and side yard setbacks shall not be less than 15 ft.

The R.C.2 zone was created to prevent land uses incompatible to agricultural use. Subdivision of R.C.2 zoned land for

residential purposes is restricted so that a tract having a gross area of between two and 100 acres, may be divided into no more than two lots, and lots over 100 acres may be divided at a rate of one lot per 50 acres of gross area. A minimum lot size of one acre is required. Because this lot was one of three lots created from a 20 acre tract, it has no remaining residential density available.

OFFICE OF PLANNING AND ZONING AND PLANNING BOARD RECOMMENDATIONS:

The documented site plan reveals a significantly smaller area subject to the reclassification request. Originally, the requested action involved 2.8 acres. The latest plan requests rezoning on a 1.316 acre tract. The documented site plan itself indicates a 3000 sq. ft. reception tent area, gazebo, landscaped entrance court, and rest room facilities. In combination with an existing restaurant, the proposed use requires 224 parking spaces. The plan reveals only 164 spaces will be provided, which necessitates a variance from Section 409.6.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). The site is extensively landscaped, and the applicant proposes additional landscaping. The plan further indicates that the outdoor reception garden will be limited to daytime functions. The elevation plan depicts a canvas canopy reception tent and associated brick patio. Dressing rooms, restrooms and a gazebo, to be constructed of wood, are also indicated on the plan.

The Manor Tavern has existed at this location for a long time. In its past history, it has not been an asset to the community. Area residents remember unpleasant uses such as cockfighting. More recently, the tavern specialized in Country and Western Music on the weekends. Residents remember loud music, large crowds, heavy traffic, unruly patrons, and parking along the rural roads. Under the current ownership, the building has been upgraded and the business has been more compatible with the neighborhood.

However, the extension of commercial use to the adjacent R.C.2 zoned property is not appropriate. Several area residents wrote letters to the zoning commissioner objecting to the expansion of the commercial business of a "wedding garden" into this R.C.2 zoned parcel. More residents signed a petition objecting to this use. These letters and the petition led to the current violation correction notice.

The existing commercial business has been part of the community for many years and under its current ownership has been a benefit to the community. However, extension of this use into the adjacent R.C.2 zoned property is inappropriate. This area has been designated as part of the agricultural preservation district. It is not within one of the rural village areas planned to provide services for the rural area. The large amounts of traffic, noise, lights,

Mark Green
Case No: R91-115
Page 4

etc. that would be generated by catering for large groups would be detrimental to the agricultural nature of the surrounding community.

Therefore, based on the comments above, this office recommends "DENIAL" of the request.

CYC2NR91-115/CYCLE

Plot.5

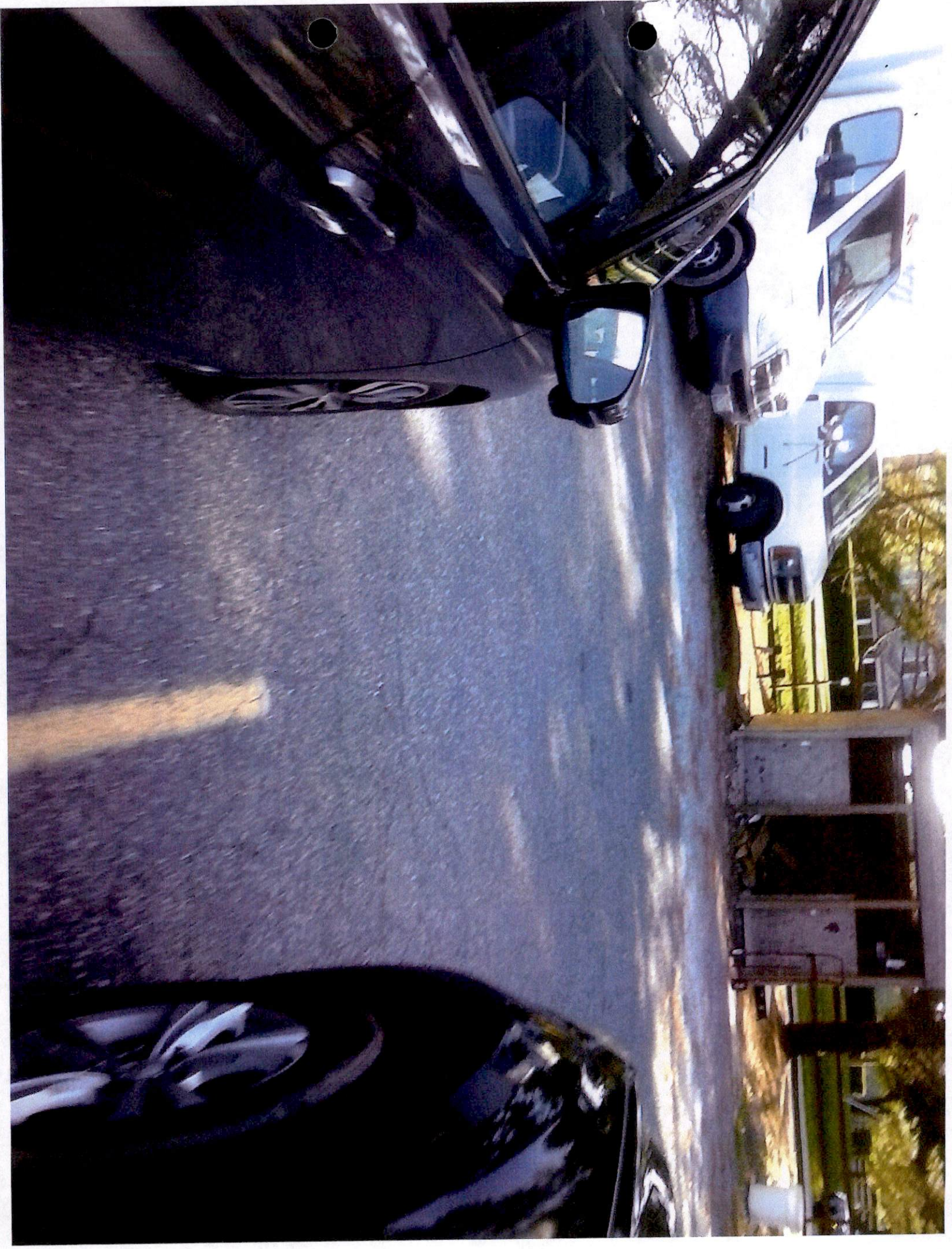


MD MAP, MDP, SDAT Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, S, OpenStreetMap contributors, and the GIS User Community, MD MAP, ESRI, DOTT, MD MAP



Page 6





















OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

10th

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. _____ Property No. 1600 002 086 Zoning: _____

Name(s): Manor Tavern Real Estate LLC

Address: 15819 Old York Rd
Monkton MD 21111

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNT LAWS:

Baltimore County Code 2003 Article 35
35-2-301 Permits required
35-2-304 Penalty for action without permits
Building detached structure
① Secure all required permits
Building Electrical Plumbing
② Call for all required inspections
③ Secure approvals for all inspections

Appx 34 X 24

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: _____ DATE ISSUED: _____

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: _____ PRINT NAME: _____

STOP WORK NOTICE

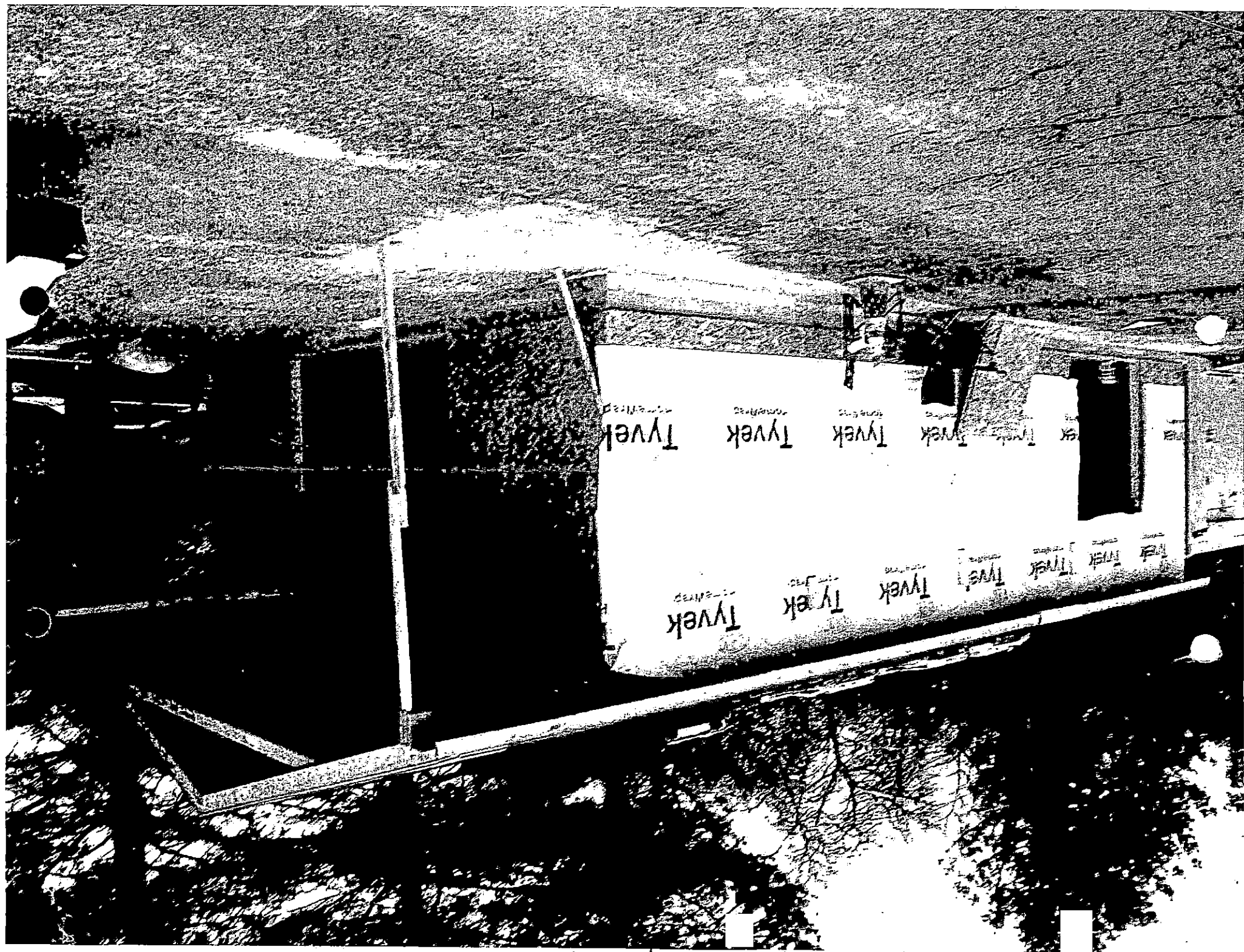
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE
CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 5/6/16 DATE ISSUED: 4/22/16

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

Prot: 7



The Manor Conservancy

September 1, 2017

- MALPF Easement
- Rural Legacy
- Open Space
- County Easement
- Federal Farm and Ranch Protection
- Manor Rural Legacy Area
- Local Land Trust; MET
- Water
- National Register Historic District



Prepared by
Baltimore County Department of Planning
September 1, 2017

OUR MISSION

The Manor Conservancy works to preserve the predominantly rural character of Northern Baltimore and Harford Counties, to resist the spread of development and sprawl, to guard the water and air quality, and to support and encourage groups and activities intent on improving the environment.

We support preservation and protection and these conservation values:

- ***Sustainable economies:*** Agriculture, forestry, recreation
- ***Scenic beauty:*** Open space and rural landscapes
- ***Clean water:*** Streams and Chesapeake watersheds
- ***Natural habitat:*** Native plants, trees, and wildlife
- ***Historic heritage:*** Historically and culturally significant areas

The Rural Legacy Program describes the area as "well known for its scenic beauty and historic structures, including the National Register Historic District of My Lady's Manor, comprising the land given by the 3rd Lord Baltimore to his wife in 1713. The area includes many productive horse and cattle farms and the Little Gunpowder Falls, a Class 3 trout stream and important Chesapeake tributary."

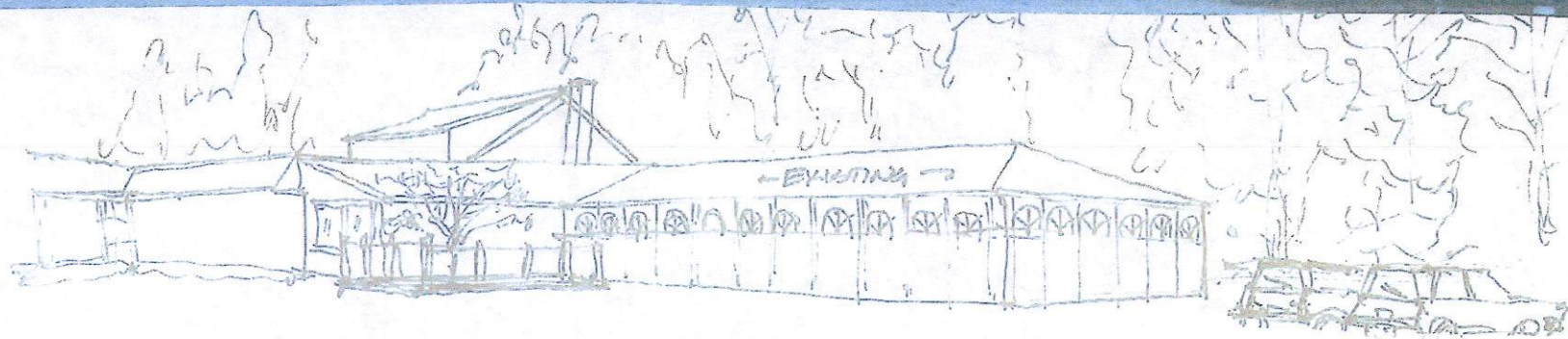
The "Manor Area" conservation territory is located in northeast Baltimore and northwest Harford Counties. The area encompasses the boundaries of My Lady's Manor National Historic District and includes areas of White Hall, Clynmalira, Corbett, Glencoe, and portions of Deer Creek.

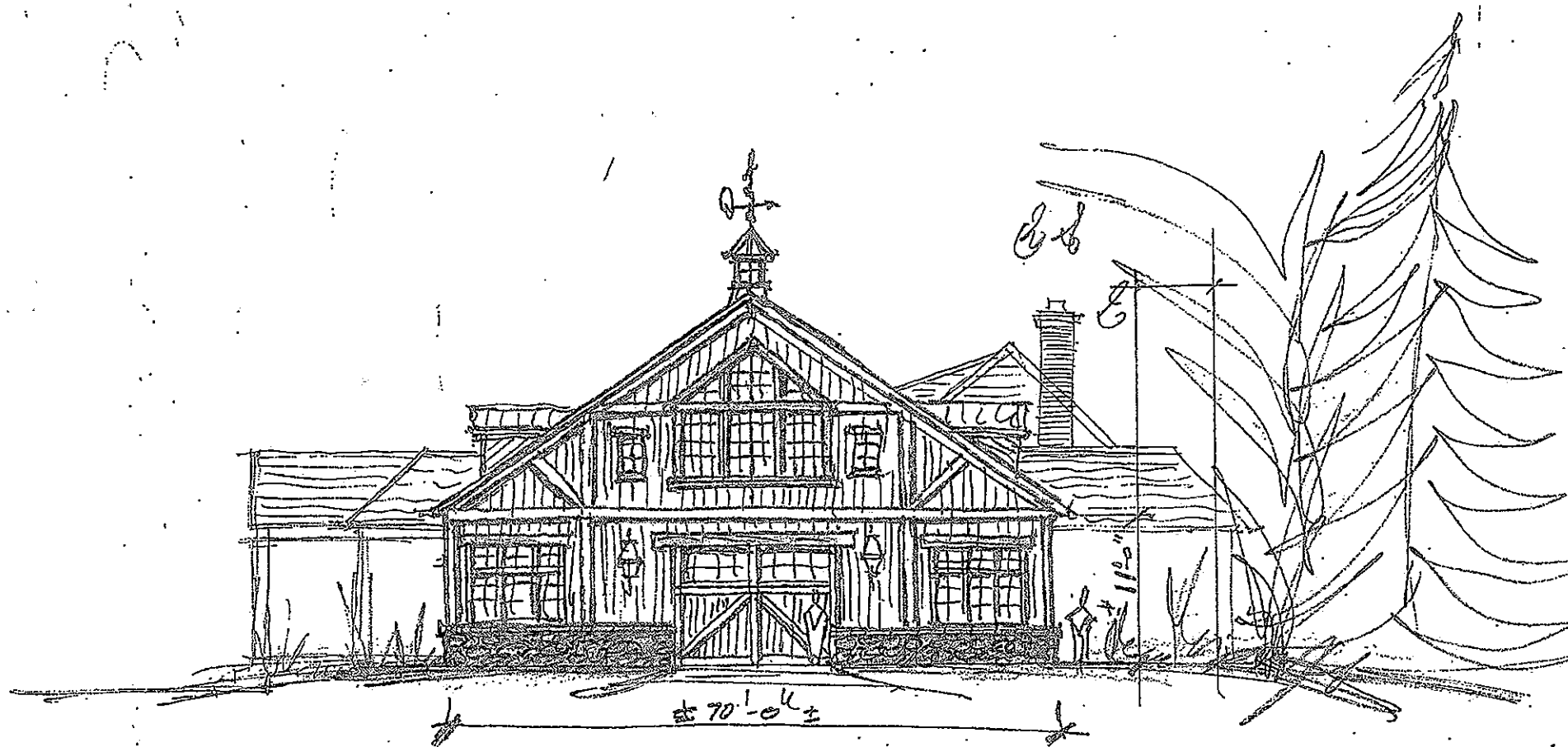
The National Register of Historic Places recognizes districts, buildings, structures, objects, and sites for their significance in American history, archeology, architecture, engineering, or culture, and identifies them as worthy of preservation. The National Register is a program of the U. S. Department of the Interior, National Park Service, and is administered at the State level by the Maryland Historical Trust.

The National Register currently comprises over 1500 listings in Maryland, including some 200 historic districts. Listed properties span a wide variety of types and periods, ranging from prehistoric archeological sites to buildings of the recent past, and include rural landscapes, urban and suburban neighborhoods, bridges, sailing vessels, and more.

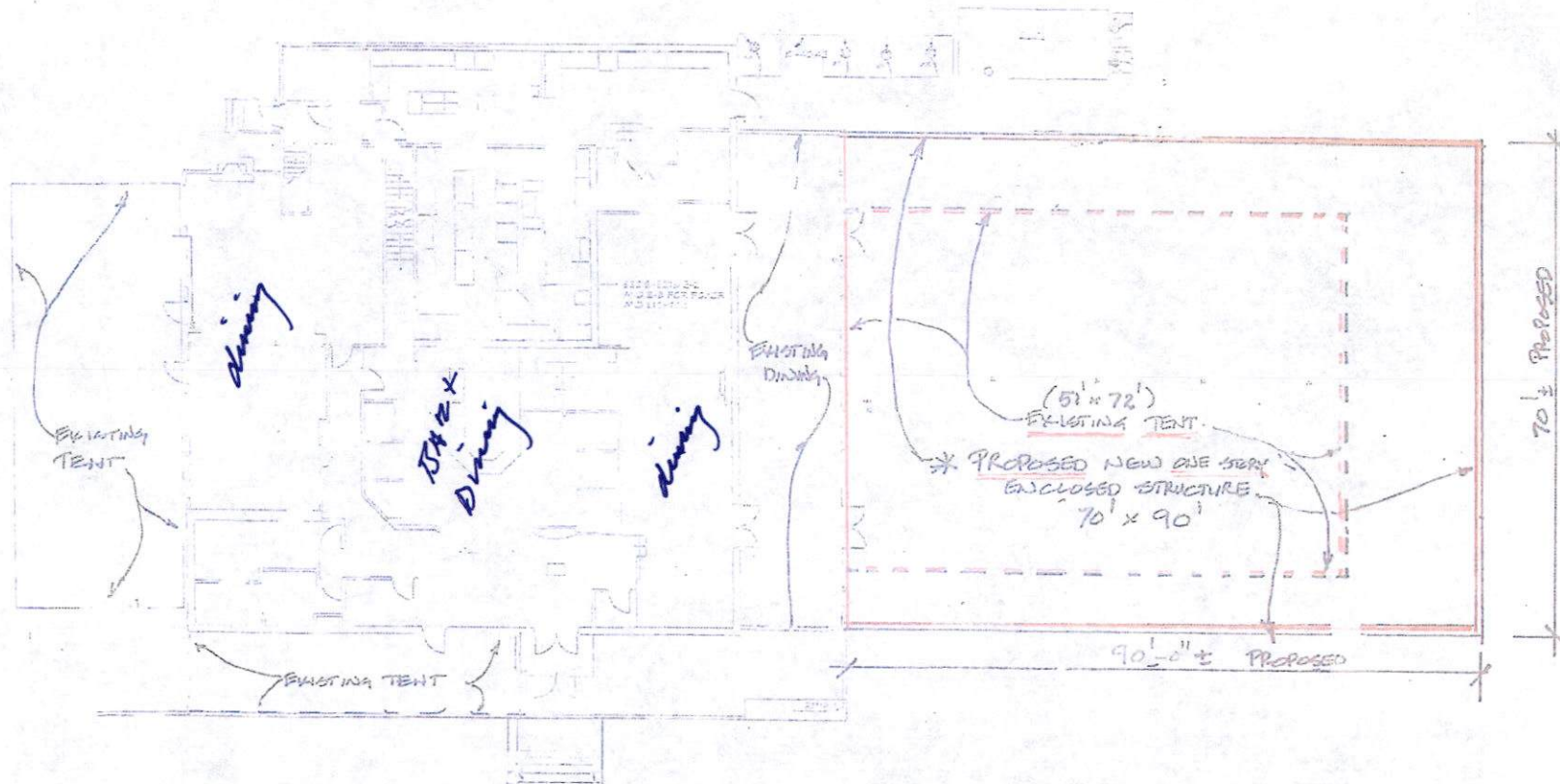
Description: My Lady's Manor is, and always has been, a rural or agricultural area, with one village, Monkton. Monkton first developed around a water-powered grist mill; it continued to thrive because of that available source of power and later in the 19th century it became a station on the Baltimore and Susquehanna, later the North Central, Railroad. The 10,000-acre manor itself was established in 1713. Throughout the region, population growth has been very slow through the past two centuries; while houses exist, representing almost every decade in those two centuries, their density seems remarkably unchanged, and remarkably unlike all other regions so close to a metropolitan center, Baltimore. The architecture of this region has always been very traditional, with few attempts at conscious style; indeed, those few attempts are quite conservative. The region abounds in good building stone, so stone has always been a common building material. Clay deposits have allowed brick to be a readily available alternate, frequently employed when a greater degree of sophistication was desired. Of course, the once-boundless forests have made log and frame structures commonplace. Over 60 principal structures, plus numerous important outbuildings associated with them, are included in the district.

Significance: My Lady's Manor is an important area in northern Baltimore and western Harford County whose historical origin dates to 1713 and which has, through the years, remained a relatively isolated agricultural area in which one can see the development of architectural styles from pre-1800 to the present day. This area, because it has been segregated from the influence of industrial development and relatively free of great sociologic change until recently, has not been subjected to the gross intrusions which have destroyed the character of so much of our countryside. In its present state, My Lady's Manor is an area which represents Colonial life, the antebellum years, the Victorian era, and adaptation to modern times without losing all of the color or artifacts of its past.





(PROPOSED ADDITION) TO MAIN BUILDING. PER L.S. 3/12.
(END ELEVATION)



MANOR TAVERN ~ FIRST FLOOR PLAN ~
15819 OLD YORK RD. MONROE, MO

CASE NAME Manor Tavern 15819 Old York
CASE NUMBER 2018-0240 SPH Pond
DATE 14 June 2018.

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

CASE NAME

CASE NUMBER

DATE _____

Manos Tavera

2018-0240-SPH

June 14, 2018

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Renee Hamidi	8 Sparks Station Rd	Sparks MD 21152	reneehamidi@gmail.com
RALPH RIGGER	3318 HESS RD.	MONKTON, MD, 21111	rrrigger@gmail.com
DOUGLAS BEHRENS	16235 HUTCHINS MILL RD	MONKTON, MD 21111	dougbehrens3@gmail.com
HENRY PITTS	15757 IRISH AVE	Monkton, MD 21111	hcpitts47@gmail.com
Wendy McIver	23 Manor Brook Rd.	Monkton, MD 21111	wmciver23@hotmail.com

John E. Beverungen

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, June 19, 2018 11:12 AM
To: John E. Beverungen; reneehamidi@gmail.com
Cc: Alyssa Moyers
Subject: FW: The Manor Tavern , 2018-0240-SPH

Judge Beverungen: Please find below the email response that I received from Bernadette Moskunas at Site Rite regarding the above.

Thank you.

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Bernadette L. Moskunas [mailto:siteriteinc@aol.com]
Sent: Tuesday, June 19, 2018 11:01 AM
To: Lawrence Schmidt
Cc: Alyssa Moyers
Subject: Re: The Manor Tavern , 2018-0240-SPH

Larry,
The aerial shows what maybe an "existing" condition and it is difficult to see the spaces while physically on site; therefore, not sure if the google map date is accurate.
However, our plan has always been a proposed layout in compliance with Section 409 (8.5'x18' space and 22' drive aisles). Since 2016 this has been the plan, there is a need to re-stripe the lot.
You can also see by the Google map that not all the spaces appear to be the same size (some are rather large). So where her email may represent the drawing she provided, the proposed condition is 129 spaces.
Hope this helps. If not let me know.
Bernadette

John E. Beverungen

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, June 19, 2018 11:24 AM
To: John E. Beverungen
Cc: reneehamidi@gmail.com; Michael McCann
Subject: RE: The Manor Tavern , 2018-0240-SPH

My apologies. Although Mr. McCann is indeed an unforgettable individual, I forgot that he did appear for the Manor Conservancy. My mistake. I think I was confused because the submittal did not come to you from him; which would normally be the expected protocol for a post trial submission. Nor was he on that email. Perhaps Mr. McCann concluded as did I, that submittal after the hearing was inappropriate.

In any event, I apologize for my error. I see he was just added to this email chain, and I am copying him. I will also forward to him the email I just sent to you (and Ms. Hamidi) from Bernadette Moskunus.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Tuesday, June 19, 2018 11:18 AM
To: Lawrence Schmidt
Cc: reneehamidi@gmail.com; Michael McCann
Subject: RE: The Manor Tavern , 2018-0240-SPH

I am confused; wasn't Manor Conservancy represented by Mr. McCann?

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Tuesday, June 19, 2018 10:35 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: reneehamidi@gmail.com
Subject: RE: The Manor Tavern , 2018-0240-SPH

Judge Beverungen: Thank you for forwarding this email. First of all, I should say that submittal of this additional "evidence" after the hearing is inappropriate. I appreciate that this is not a court of law and that the Manor Conservancy was not represented by counsel but the same rules of fundamental fairness and propriety apply as if a court proceeding. I did not have the opportunity to cross examine Ms. Hamidi and determine the trustworthiness of the information presented. Submittal of this information at this time is simply improper.

In any event, I will forward this email to Ms. Moskunas at Site Right who prepared the plan. I do note that the photo is well over a year old so whether additional spaces have been added or there is another explanation, I simply don't know. But I will get back to you with some type of response after I reach Ms. Moskunas.

Thank you again for sharing this information.

Larry Schmidt

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: John E. Beverungen [<mailto:jbeverungen@baltimorecountymd.gov>]
Sent: Tuesday, June 19, 2018 10:26 AM
To: Lawrence Schmidt
Cc: reenehamidi@gmail.com
Subject: FW: The Manor Tavern , 2018-0240-SPH

Mr. Schmidt,

I am forwarding to your attention a copy of an email with attachment in connection with the above case.

John Beverungen
ALJ

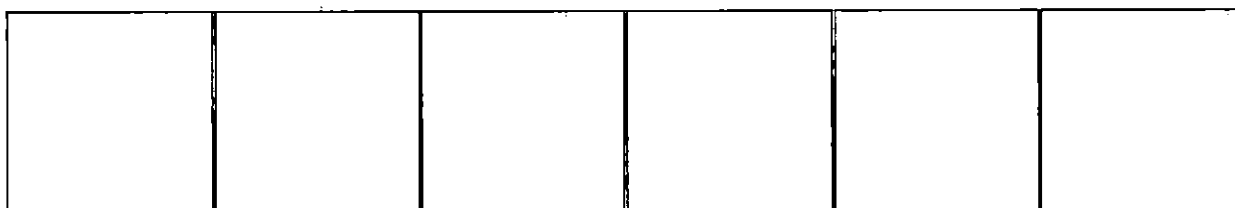
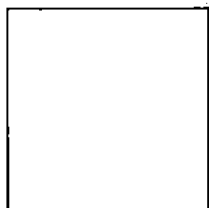
From: Renee Hamidi [<mailto:reenehamidi@gmail.com>]
Sent: Monday, June 18, 2018 1:50 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: The Manor Tavern , 2018-0240-SPH

Good afternoon - I believe The Manor Tavern has fewer parking spaces than the drawing they submitted shows.

I am attaching an aerial view from Google Earth taken 2/17/2017. It shows closer to 108 spaces than 129; notice particularly the parking areas to the west and north of the patio/tent. Parking goes right up to the fence on the west side of the tent; there is certainly not a 22 foot driveway there. The area due north of the tent includes 18 spaces, not 37. There are a few more spaces than the drawing shows immediately to the north of the restaurant where the handicapped parking is, and I count fewer than 48 spaces along the northeast edge of the lot.

Regards,
Renee Hamidi
administrative director
The Manor Conservancy

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

John E. Beverungen

From: Renee Hamidi <reneehamidi@gmail.com>
Sent: Monday, June 18, 2018 1:50 PM
To: John E. Beverungen
Subject: The Manor Tavern , 2018-0240-SPH
Attachments: The Manor Tavern google earth 2.17.2017.jpg

Good afternoon - I believe The Manor Tavern has fewer parking spaces than the drawing they submitted shows.

I am attaching an aerial view from Google Earth taken 2/17/2017. It shows closer to 108 spaces than 129; notice particularly the parking areas to the west and north of the patio/tent. Parking goes right up to the fence on the west side of the tent; there is certainly not a 22 foot driveway there. The area due north of the tent includes 18 spaces, not 37. There are a few more spaces than the drawing shows immediately to the north of the restaurant where the handicapped parking is, and I count fewer than 48 spaces along the northeast edge of the lot.

Regards,
Renee Hamidi
administrative director
The Manor Conservancy

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
4/4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent <u> </u>)	<u>NO COMMENTS</u>
3/27	DEPS (if not received, date e-mail sent <u> </u>)	<u>NO COMMENT</u>
	FIRE DEPARTMENT	
4/20	PLANNING (if not received, date e-mail sent <u> </u>)	<u>NO Obj w/ Conditions</u>
3/19/18	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. <u> </u>)	
PRIOR ZONING	(Case No. <u> </u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>4/3/18</u>	
SIGN POSTING (1 st)	Date: <u>5/23/18</u>	by <u>O'Keefe</u>
SIGN POSTING (2 nd)	Date: <u>6/13/18</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 10 Account Number - 1600002086							
Owner Information									
Owner Name:		MANOR TAVERN REAL ESTATE LLC			Use:		COMMERCIAL		
Mailing Address:		15819 OLD YORK RD MONKTON MD 21111			Principal Residence:		NO		
					Deed Reference:		/31000/ 00232		
Location & Structure Information									
Premises Address:		15819 OLD YORK RD 0-0000			Legal Description:		.786 AC NES OLD YORK RD 600FT NW HESS RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0029	0017	0056		0000				2016	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1960		7597				34,230 SF		23	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		RESTAURANT					2002		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2016		07/01/2017		07/01/2018	
Land:		223,500		223,500					
Improvements		434,300		446,000					
Total:		657,800		669,500		665,600		669,500	
Preferential Land:		0						0	
Transfer Information									
Seller: MANOR TAVERN INC				Date: 07/13/2011		Price: \$1,800,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /31000/ 00232		Deed2:			
Seller: WAREHEIM GEORGE S,JR				Date: 06/01/1989		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /08188/ 00652		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Kristen L Lewis

From: Michael McCann <michael@mmccannlaw.net>
Sent: Thursday, May 10, 2018 6:33 AM
To: Alyssa Moyers
Cc: Lawrence Schmidt; Kristen L Lewis
Subject: Re: Petition for Special Hearing (Case no. 2018-0240-SPH) - postponement request

Hi Kristen. Do we have a new date for this hearing? Thanks.

Sent from my iPhone

On Apr 27, 2018, at 12:21 PM, Alyssa Moyers <amoyers@sgs-law.com> wrote:

Kristen –

In accordance with our conversation yesterday, I understand the ALJ's June calendar is still not available. I am sure it will come in one day next week while I am out on vacation ☺ As such, please keep this matter in mind for re-scheduling on one of the following days: June 6th, 7th, 13th or 14th. These dates have been confirmed by both sides on this matter.

Thank you so much in assisting getting this matter rescheduled.

Alyssa Fiore Moyers | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
amoyers@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.



Please consider the environment before printing this email.

From: Michael McCann [<mailto:michael@mmccannlaw.net>]
Sent: Friday, April 20, 2018 11:36 AM
To: Lawrence Schmidt; Arnold Jablon
Cc: Kristen L Lewis; Alyssa Moyers
Subject: RE: Petition for Special Hearing (Case no. 2018-0240-SPH) - postponement request

Thanks Larry. Have a nice weekend.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

TO KL
see my email
OK

RECEIVED

APR 10 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

April 10, 2018

Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue, Ste. 205
Towson, Maryland 21204

Via Email and Hand-Delivery

Re: Petition for Special Hearing
15819 Old York Road (Manor Tavern)
Case no.: 2018-0240-SPH

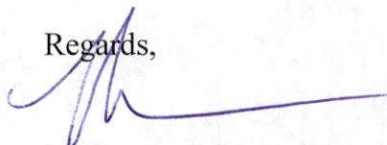
Dear Mr. Jablon:

I represent the Manor Conservancy in the above-referenced matter. I write to request a postponement of the hearing in the case, which is presently scheduled for April 23, 2018. I am scheduled to travel with my son to his college for admitted students day. This trip has been planned for several months.

I have spoken to Larry Schmidt, who represents the Petitioner. He indicated that he is not opposed to the postponement request and is amenable to me and him working with Ms. Lewis to find a new date for the hearing.

Thank you for your consideration. Please contact me if you have any questions.

Regards,



Michael R. McCann

cc: Larry Schmidt (via email and US Mail)

Kristen L Lewis

From: Arnold Jablon
Sent: Tuesday, April 10, 2018 12:17 PM
To: Michael McCann
Cc: Lawrence Schmidt; Kristen L Lewis
Subject: RE: Petition for Special Hearing (Case no. 2018-0240-SPH) - postponement request

No problem. Why don't you and Larry come up with some alternative dates and run them by Kristin and she'll schedule. If the property has been posted, Michael, you will have to put a note on the sign indicating the pp. You will need then to repost but not readvertise.

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, April 10, 2018 11:37 AM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>
Subject: Petition for Special Hearing (Case no. 2018-0240-SPH) - postponement request

Please see attached.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.:
Legal Owner/Petitioner:
Contract Purchaser:
Property Address:
Location Description:

VIIOLATION INFORMATION:

Case No.

Defendants:

CB

18000 13

Mayor Tavern Real Estate LLC

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME

ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☐ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/

C: Code Enforcement Officer

DATE: 1 / 10 / 18 INTAKE BY: RL CASE#: 1800013 INSPEC: RL

COMPLAINT

LOCATION: 15819 Old York Rd

Monkton MD

ZIP CODE: 21111 DIST: 10

COMPLAINT

NAME: Building Inspection PHONE#:(H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Detached structure built (no permits)

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION _____

TAX ACCOUNT #: 16 0000 2086

ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 04/21/2016

STANDARD ASSESSMENT INQUIRY

TIME: 15:09:45

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16 00 002086	10	1-0	23-00	N	NO		04/04/16

MANOR TAVERN REAL ESTATE LLC

DESC-1.. .786 AC

DESC-2.. 600FT NW HESS RD

15819 OLD YORK RD

PREMISE. 15819 OLD YORK

RD

00000-0000

MONKTON

MD 21111-0000 FORMER OWNER: MANOR TAVERN INC

----- FCV -----			----- PHASED IN -----		
	PRIOR	PROPOSED		CURR	PRIOR
LAND:	223,500	223,500		FCV	ASSESS
IMPV:	434,300	446,000	TOTAL..	661,700	657,800
TOTL:	657,800	669,500	PREF...	0	0
PREF:	0	0	CURT...	0	0
CURT:	0	0	EXEMPT.	0	0
DATE:	01/13	01/16			

---- TAXABLE BASIS ----		FM DATE
ASSESS:	661,700	11/05/15
ASSESS:	657,800	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Larry Schmidt 5/16/16

10th

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. _____ Property No. 1600 002 086 Zoning: _____

Name(s): Manor Tavern Real Estate LLC

Address: 15819 Old York Rd
Monkton MD 21111

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNT LAWS:

Baltimore County Code 2003 Article 35
35-2-301 Permits required
35-2-304 Penalty for action without permits
Building detached structure
① Secure all required permits
Building Electrical Plumbing
② Call for all required inspections
③ Secure approvals for all inspections

Approx 34 X 24

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: _____ DATE ISSUED: _____

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: _____ PRINT NAME: _____

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE
CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 5/6/16 DATE ISSUED: 4/22/16

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 18 000 13 Property No. 160000 2086 Zoning: _____
Name(s): Patrick J Russell - Resident Agent
Address: 1445 Corbett Rd Monkton MD 21111
Violation Location: 15819 Old York Rd Monkton MD 21111
Manor Tavern

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Code 2003 Article 35
35-2-301 Permits Required
35-2-304 Penalty for action without permit
Secure all required permits for detached
structure - Building - Electrical - Plumbing

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 1/31/18 DATE ISSUED: 1/11/18

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 1/31/18 DATE ISSUED: 1/11/18
INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

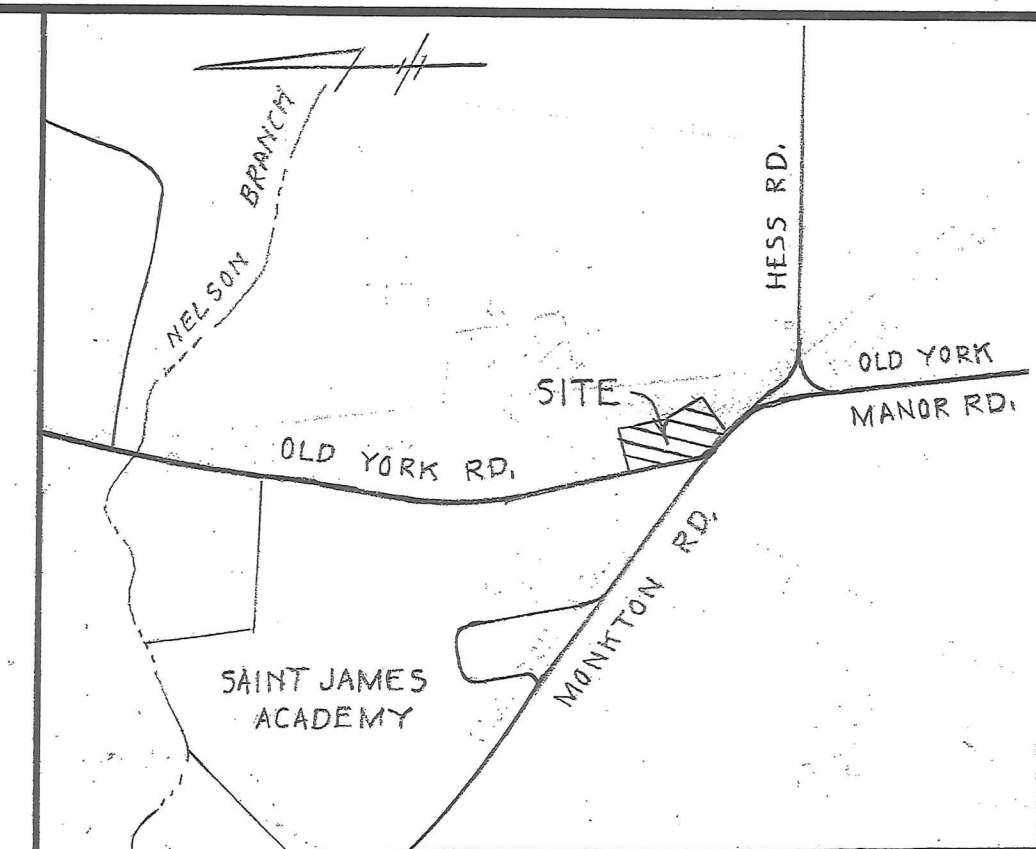
COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

"RESIDENTIAL"
ROBERT & SARAH SCOTT
#15923 OLD YORK ROAD
10462/141
2200008885
12 AC±
LOT 2

3.31 AC±
PARCEL 3
1013085250

"RESIDENTIAL"
LOT 2
GLS III, LLC
2500004448
MSP # 06041M
3302 HESS ROAD
27123/618-

1.0 AC±
PARCEL 4
1800009155



VICINITY MAP
SCALE: 1"=1000'

- General Notes:
- Existing Zoning: BL/RC2 (per map 029C2)
 - Lot Area: Overall four parcels 5.64 acres +/-/245,843.6 sq. ft. +/-
Parcel 1: 0.786 acre/34,230 sq. ft. +/-
Parcel 2: 0.548 acre/23,870 sq. ft. +/-
Parcel 3: 3.31 acres/144,183.6 sq. ft. +/-
Parcel 4: 1.0 acre/43,560 sq. ft. +/-
 - Ex. Use: Restaurant/Office Space/Outer Tents/Warehouse-Storage Shed
Proposed Use to remain the same
 - Parking Required:
Restaurant=8,035 sq. ft.
Large outdoor tent=1,670 sq. ft.
Small outdoor tent and adjacent area=1,620 sq. ft.
Covered outdoor bar=852 sq. ft.
Total "Restaurant" area=12,177 sq. ft. x 16/1000=195 spaces
Office Space: 390 sq. ft. x 3.3/1000=2 spaces
Existing Dwelling (vacant): 2 spaces
Existing storage/refrigerator container=1 space (warehouse, one per employee)
Total Required Parking Spaces = 200 spaces
 - Parking provided (durable, dustless surface) =129 spaces (including 5 HC spaces)
Parking spaces to be striped per modified parking plan. Regular spaces to be 8.5' x 18' and HC spaces ADA compliant.
 - This property is not located in the Chesapeake Bay Critical Area, 100 Year Flood Plain Area or Historic District.
 - Property has private septic system and public water service from off-site source.
 - Existing tents and covered outdoor bar areas are only open on a seasonal basis.
 - Prior Zoning History: Case R-1991-115 Denied requested Reclassification and other approvals sought were dismissed as moot.
 - There are no deficiencies shown for water, sewer or transportation on the 2017 Basic Service Maps. The property is outside the URDL.
 - The Floor Area Ratio: 0.054 (includes all buildings/tents and accessory structures)
 - All proposed signage shall be in compliance with Section 450, BCZR.

"COMMERCIAL"
MANOR EQUINE VET
HOSPITAL
CASE 2004-0075-SPHX
#15801
TWO HORSEMEN LLC
19857/581
2400005789
2400000959
2400000960

VESTRY OF ST. JAMES
CHURCH
1022025081
10.9 AC±

70' PW
MONKTON ROAD

P.O.B.
E OF INTERSECTION OF OLD YORK ROAD
& MONKTON ROAD

PLAN TO ACCOMPANY SPECIAL HEARING
AND MODIFIED PARKING PLAN

#15819 OLD YORK ROAD

"MANOR TAVERN"

TAX I.D. #1600002086, 1002020672, 1013085250 & 1800009155
TAX MAP: 0029 PARCEL: 56, 28, 159 & 260 RESPECTIVELY
10TH ELECTION DISTRICT 3C
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'	Date: 03/05/2018	JOB #10474
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: GIS PORTAL

OWNER: MANOR TAVERN PEAL
ESTATE LLC
C/O MARK FISCHER, GM
410 771-8155
15819 OLD YORK ROAD
MONKTON, MD 21111
DEED: 31000/232



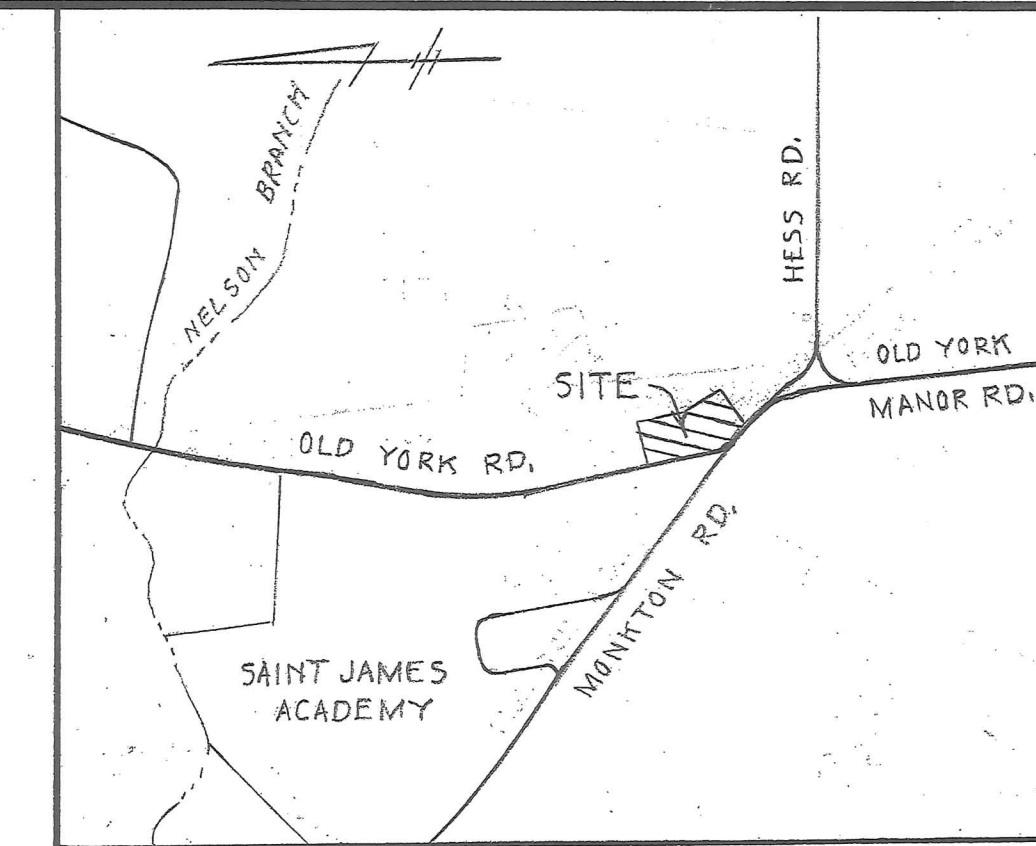
SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

"RESIDENTIAL"
ROBERT & SARAH SCOTT
#15923 OLD YORK ROAD
10462/141
2200008885
12 AC±
LOT 2

3.31 AC±
PARCEL 3
1013085250

"RESIDENTIAL"
LOT 2
GLS III, LLC
2500004448
MSP # 06041M
#3302 HESS ROAD
27123/618-

1.0 AC±
PARCEL 4
1800009155



VICINITY MAP
SCALE: 1"=1000'

- General Notes:
- Existing Zoning: BL/RC2 (per map 029C2)
 - Lot Area: Overall four parcels 5.44 acres +/-/245,843.6 sq. ft. +/-
Parcel 1: 0.786 acre/34,230 sq. ft. +/-
Parcel 2: 0.548 acre/23,870 sq. ft. +/-
Parcel 3: 3.31 acres/144,183.6 sq. ft. +/-
Parcel 4: 1.0 acres/43,560 sq. ft. +/-
 - Ex. Use: Restaurant/Office Space/Outer Tents/Warehouse-Storage Shed
Proposed Use to remain the same
 - Parking Required:
Restaurant=8,035 sq. ft.
Large outdoor tent=1,670 sq. ft.
Small outdoor tent and adjacent area=1,620 sq. ft.
Covered outdoor bar=852 sq. ft.
Total "Restaurant" area=12,177 sq. ft. x 16/1000=195 spaces
Office Space: 390 sq. ft. x 3.3/1000=2 spaces
Existing Dwelling (vacant): 2 spaces
Existing storage/refrigerator container=1 space (warehouse, one per employee)
Total Required Parking Spaces = 200 spaces
 - Parking provided (durable, dustless surface) = 129 spaces (including 5 HC spaces)
Parking spaces to be striped per modified parking plan. Regular spaces to be 8.5' x 18' and HC spaces ADA compliant.
 - This property is not located in the Chesapeake Bay Critical Area, 100 Year Flood Plain Area or Historic District.
 - Property has private septic system and public water service from off-site source.
 - Existing tents and covered outdoor bar areas are only open on a seasonal basis.
 - Prior Zoning History: Case R-1991-115 Denied requested Reclassification and other approvals sought were dismissed as moot.
 - There are no deficiencies shown for water, sewer or transportation on the 2017 Basic Service Maps. The property is outside the URDL.
 - The Floor Area Ratio: 0.054 (includes all buildings/tents and accessory structures)
 - All proposed signage shall be in compliance with Section 450, BCZR.

"COMMERCIAL"
MANOR EQUINE VET
HOSPITAL
CASE 2004-0075-SPHXA
#15801
TWO HORSEMEN LLC
19857/581
2400005789
2400000959
2400000960

Petitioner
No 1

2018-0240-SPH

PLAN TO ACCOMPANY SPECIAL HEARING

AND MODIFIED PARKING PLAN

#15819 OLD YORK ROAD

"MANOR TAVERN"

TAX I.D. # 1600002086, 1002020672, 1013085250 & 1800009155

TAX MAP: 0029 PARCEL: 56,28,159 & 260 RESPECTIVELY

10TH ELECTION DISTRICT 3C

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'

Date: 03/05/2018

JOB #10474

Drawn: M.V.M.

Checked: B.L.M.

SURVEY'D: GIS PORTAL

OWNER: MANOR TAVERN PEAL
ESTATE LLC
C/O MARK FISCHER, GM
410 771-8155
15819 OLD YORK ROAD
MONKTON, MD 21111
DEED: 31009/232

SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060



Ref
No 5

Baltimore County - My Neighborhood



Legend

- Zoning
- Property
- County Boundary

1:9,028

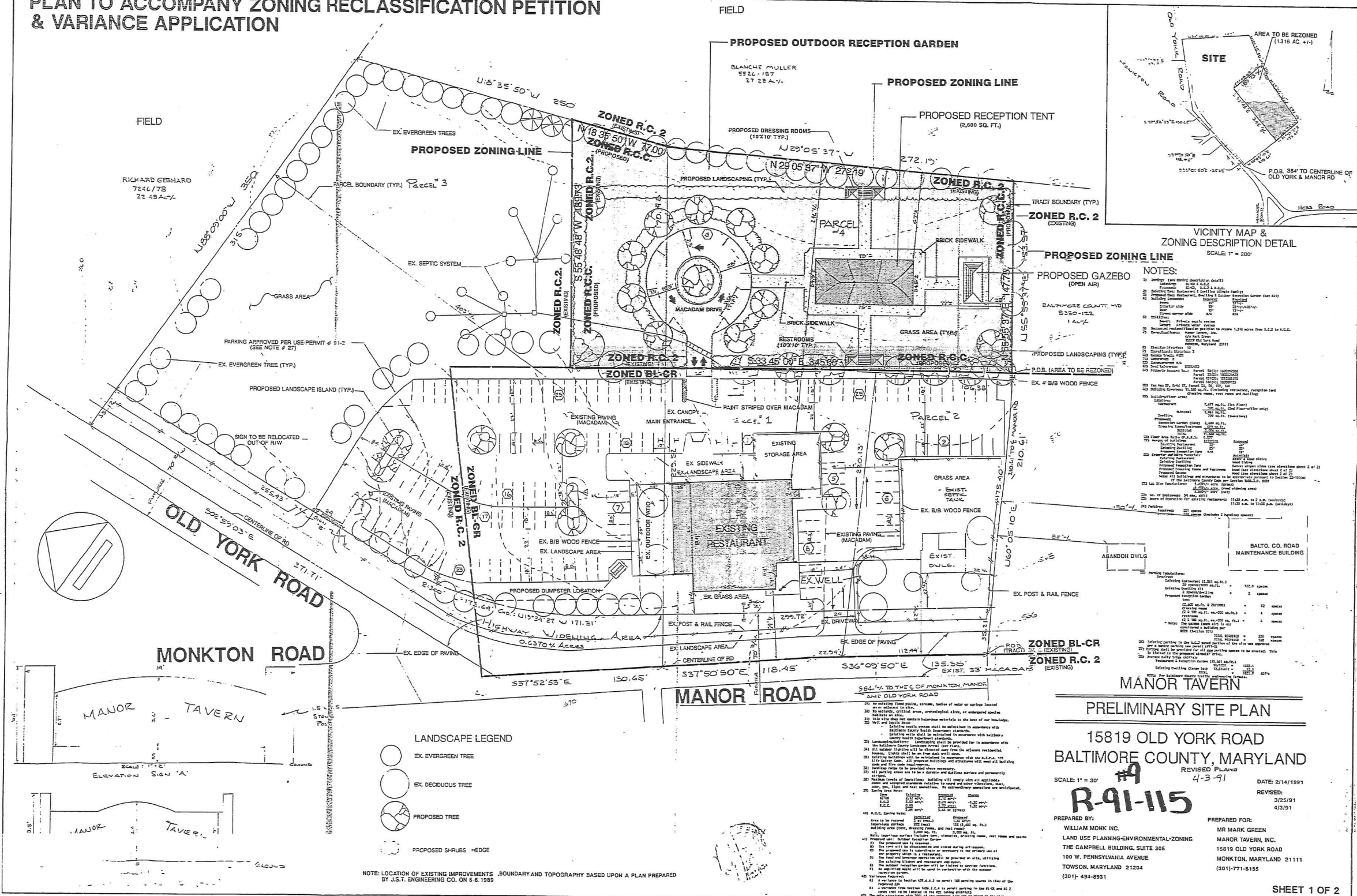
0 487.5 975 1,950 Feet

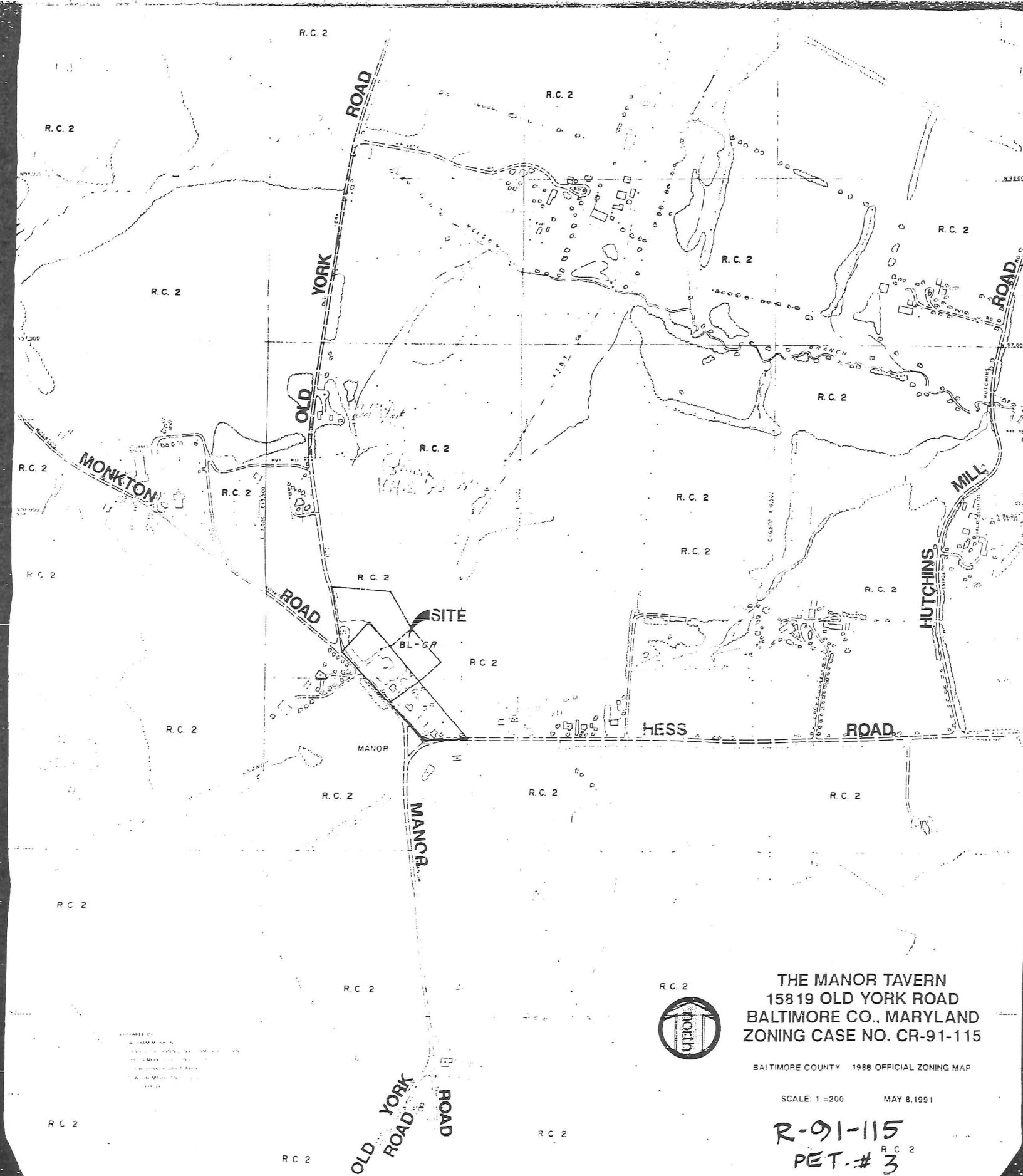
0 0.075 0.15 0.3 Miles

June 12, 2018

Pet No 2

PLAN TO ACCOMPANY ZONING RECLASSIFICATION PETITION & VARIANCE APPLICATION





THE MANOR TAVERN
15819 OLD YORK ROAD
BALTIMORE CO., MARYLAND
ZONING CASE NO. CR-91-115

BALTIMORE COUNTY 1988 OFFICIAL ZONING MAP

SCALE: 1"=200' MAY 8, 1991

R-91-115
PET.# 3

FIELD

— PROPOSED ZONING LINE

— PROPOSED RECEPTION TENT
(3,000 SQ. FT.)

BLANCHE MULLER
EE 26 - 187
27 28 A-/-

PROPOSED DRESSING ROOMS

N 29° 05' 37" W

MANOR ROAD

MANOR TAVERN

PRELIMINARY SITE PLAN

15819 OLD YORK ROAD
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 2/14/1991

PREPARED BY:
WILLIAM MONK INC.
LAND USE PLANNING-ENVIRONMENTAL-ZONING
THE CAMPBELL BUILDING, SUITE 305
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301)- 494-8931

PREPARED FOR:
MR MARK GREEN
MANOR TAVERN, INC.
15819 OLD YORK ROAD
MONKTON, MARYLAND 21111
(301)-771-8155

SHEET 1 OF 2

NOTES:

[illegible][illegible]

LANDSCAPE LEGEND

EX. EVERGREEN TREE

EX. DECIDUOUS TREE

PROPOSED TREE

PROPOSED SHRUBS - HEDGE

NOTE: LOCATION OF EXISTING IMPROVEMENTS, BOUNDARY AND TOPOGRAPHY BASED UPON A PLAN PREPARED BY J.S.T. ENGINEERING CO. ON 6/6/1989

[illegible]