



PETITION FOR ZONING HEARING(S)

W.P.M.

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 City State
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
Mark J. Fischer (cm)
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

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print
Lawrence E. Schmidt
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

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name- Type or Print
Lawrence E. Schmidt
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

SMITH, GILDEA & SCHMIDT LLC



MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

July 7, 2011

Sent via Hand Delivery

W. Carl Richards, Jr.
Zoning Review Supervisor
Department of Permits, Approvals, and Inspections
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Manor Tavern/15819 Old York Road
Zoning Verification Letter**

Dear Mr. Richards:

This is to follow up our recent meeting regarding the above property and uses permitted thereon.

As we discussed, I represent a potential purchaser of the above referenced property. The subject property is approximately 5.64 acres in area, located on the northeast side of Manor Road near the intersection of Old York Road and Monkton Road in the Monkton community of northern Baltimore County. The property is improved with a commercial structure and associated parking which accommodates the restaurant use known as the Manor Tavern. This use has occupied this property for many years.

A significant portion of the property including the building and much of the parking lot, is zoned BL-CR. As you know, a standard restaurant is a use permitted by right in the BL zone pursuant to BCZR Section 230.1.A.4.

The nature of the business of the Manor Tavern is that of a standard restaurant; to wit a facility used primarily for serving meals and beverages to persons seated at tables on the premises of the establishment. In addition to the restaurant use, the Manor Tavern frequently hosts prescheduled banquet type events. These events would fall within the definition of a catering hall, as set forth in BCZR Section 101.1.

In the case of the Manor Tavern, it is important to note that this catering component is clearly accessory to the primary restaurant activity. In terms of percentage of business (on a

W. Carl Richards, Jr.

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monetary basis), as well as, percentage of customers, etc., the primary nature of the Manor Tavern's business is of a standard restaurant. The banquet type events are more typically on the weekends and around the traditional holidays. I believe that the longstanding interpretation by the Zoning Office has been the banquets are permitted as an accessory use within a standard restaurant for so long as they are conducted in an accessory manner and are not the primary focus of the business. The Catering Hall definition is more properly applied to facilities such as Martin's West and other similar business which do not provide daily meals, rather, the primary focus of the business is hosting prescheduled events. The purpose of this letter is to confirm that the Manor Tavern may continue to host banquets and similar events, within the confines of the restaurant building, as has been done in the past for many years. Indeed, I believe that this accessory use is not only permitted as of right under the BCZR and is also nonconforming.

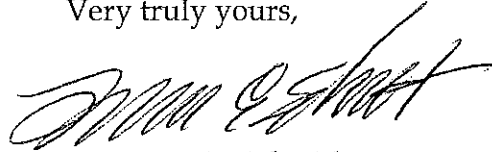
I understand that there is some concern by your Office over the impact of a written decision by the County Board of Appeals in Case No. R-91-115. That case dealt with the Manor Tavern property and came before the Board on a Petition for Reclassification and for associated zoning variances. I have reviewed that decision thoroughly and do not believe that it impacts this request. There are two reasons which distinguish that case from the present request. First, the case clearly dealt with a proposed "wedding garden" which the then owners of the Manor Tavern were requesting. That is, the matter came before the Board on a request by the Manor Tavern for a rezoning of a portion of the acreage *outside* the building. The Board's Opinion makes clear that "the proposed use is a formal garden improved by an open air gazebo, a circular gravel driveway, two small changing rooms and restrooms" (pg. 3). Thus, the request had nothing to do with the activity within the Manor Tavern building and in fact recognized that the restaurant use was an active business at that time. Specially, the owner of the Manor Tavern testified that the restaurant at that time featured 90% standard restaurant business and 10% "banquet trade" (see pg. 5).

As importantly, the BCZR has been amended in this respect since that time. At the time the matter came before the Board there was no definition of catering hall. This definition was added through Bill No. 110-1993, several years later. For all of these reasons, I do not believe that the Board's prior Opinion which dealt was a proposed outdoor use at the time prior to the current adoption of the law, impacts the Manor Tavern activities within the building. I would appreciate confirmation that this banquet use within the building, for so long as it remains accessory in character may continue. I have confirmed with the Division of Code Inspection and Enforcement that there are no current or outstanding code violations on the subject property as it is currently used at the present. If the accessory/nonconforming status of the banquet use is challenged by any interested neighbor in the future, the then owners will address this issue through public hearing before the Office of the Administrative Hearings.

W. Carl Richards, Jr.
July 7, 2011
Page 3

Your signature confirming the contents of this letter is appreciated.

Very truly yours,

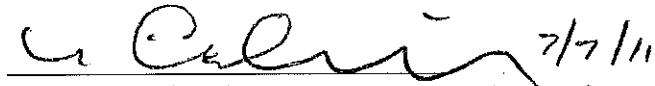


Lawrence E. Schmidt

LES: jkl

CC: David S. Sellman, Esquire
Ronald Drescher, Esquire

ACCEPTED & APPROVED



W. Carl Richards, Zoning Review Supervisor
Department of Permits, Approvals, and Inspections

SELLMAN HOFF, LLC

201 NORTH CHARLES STREET, SUITE 1331, BALTIMORE, MARYLAND 21201, PHONE: (410) 332-4151

FAX: (410) 332-1746

June 27, 2011

Arnold Jablon, Director
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Zoning Certificate
15819 Old York Road
Property Tax I.D. # 1600002086

Dear Mr. Jablon:

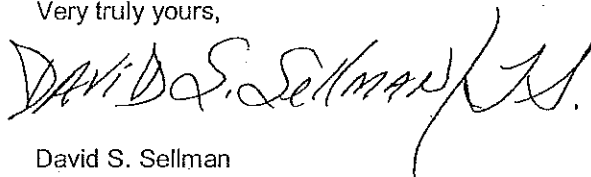
Our office represents the contract purchaser of the above referenced property. Currently, the property trades as "The Manor Tavern" and operates as a restaurant and catering facility. In addition, there is a separate building that is used as a residence. Our client intends to utilize the property for the same purpose.

Please prepare and forward a zoning certificate to our office indicating that the property is zoned properly to do the business that it is doing and if there are any current/open violations against the property. A check for this request is enclosed in the amount of \$50.00 payable to Baltimore County, Maryland.

As we are planning to close upon this purchase at the end of this week, we would appreciate your expedited consideration of this request. If possible, please let us know when the letter is available, and we will have it picked up.

Thank you in advance for your courtesies.

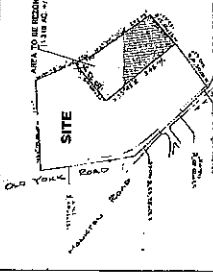
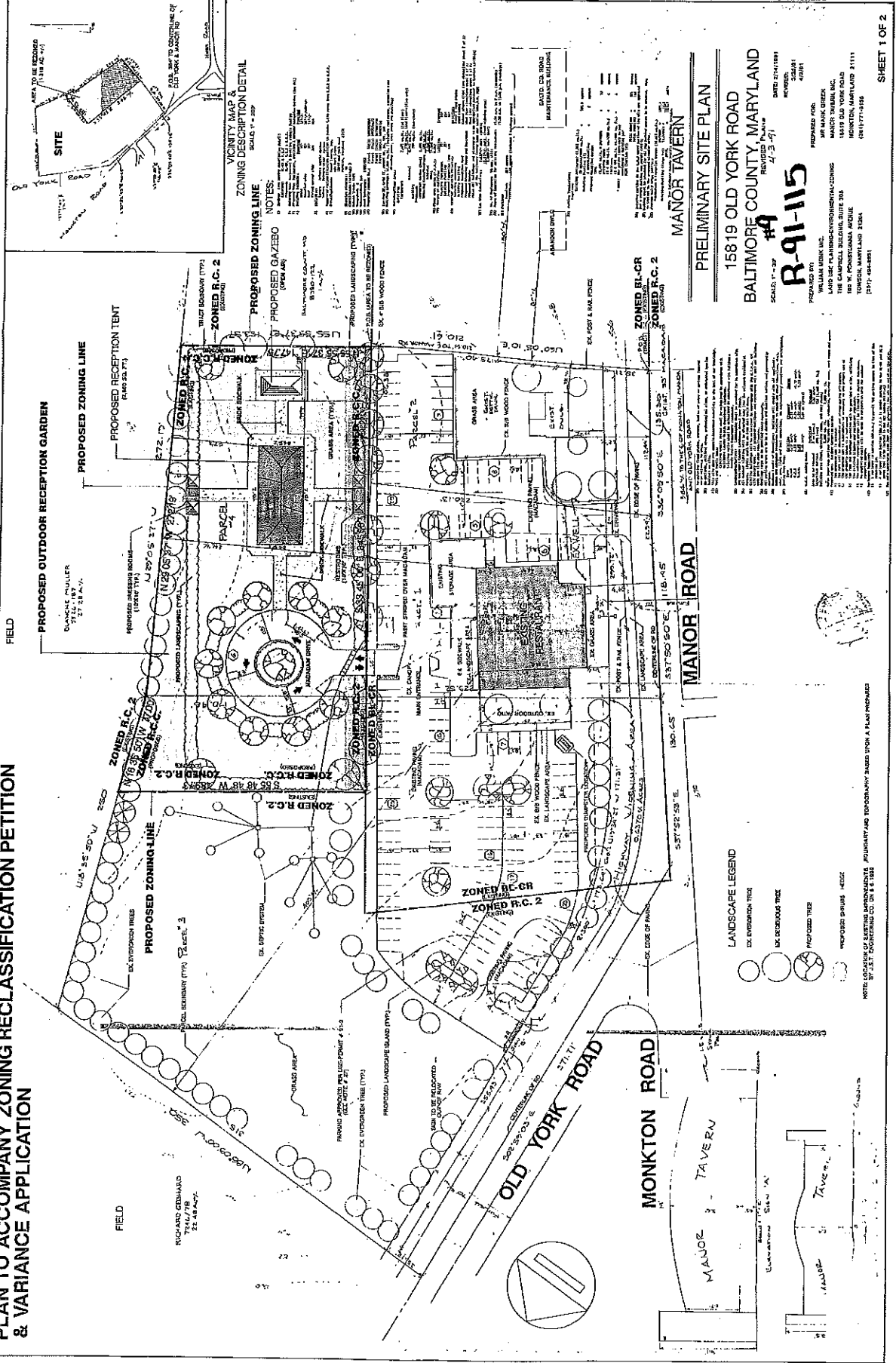
Very truly yours,



David S. Sellman

Enclosure

**PLAN TO ACCOMPANY ZONING RECLASSIFICATION PETITION
& VARIANCE APPLICATION**



NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPERTY UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BLOCK UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DISTRICT UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE COUNTY UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STATE UNLESS OTHERWISE NOTED.

PROPOSED ZONING LINE
PROPOSED GAZEBO
PROPOSED WOOD FENCE
PROPOSED LANDSCAPING PLAN

LANDSCAPE LEGEND

- EX. EXISTING TREE
- EX. EXISTING SHRUB
- PROPOSED TREE
- PROPOSED SHRUB

MANOR TAVERN
PRELIMINARY SITE PLAN
 15819 OLD YORK ROAD
 BALTIMORE COUNTY, MARYLAND
#4 R-91-115
 SCALE: 1" = 20'

DATE: 2/14/1981
 PREPARED FOR:
 LAND SEC. PLANNING & DEVELOPMENT DIVISION
 THE CAMPBELL BUILDING, SUITE 208
 805 N. FORT LINDSEY AVENUE
 HORTON, MARYLAND 21111
 (301) 771-1155