IN RE:	PETITION FOR SPECIAL HEARING SW/S York Road, between Fox Tail Road and Crowther Avenue (1924 York Road) 8th Election District 3rd Councilmanic District Peter G. Angelos Petitioner	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-183-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 1924 York Road, located in the vicinity of Timonium Road in Timonium. The Petition was filed by the owner of the property, Peter G. Angelos, through his attorney, Julius W. Lichter, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan and variance granted in prior Case No. 5624-XV to permit 123 parking spaces in lieu of the required 194 in a B.M. zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Julius W. Lichter, Esquire, attorney for the Petitioner, Ed Haile and George E. Gavrelis, representatives of Daft-McCune-Walker, Inc., the engineering and architectural firm which prepared the site plan for this project, Wes Guckert, Traffic Engineering expert with The Traffic Group, Roger A. Doumar and Scott Yarrow. There were no Protestants present.

At the onset of the hearing, Mr. Lichter advised this Deputy Zoning Commissioner that due to a last minute request of the Department of Public Works requiring that Crowther Avenue be widened, the proposed building would now come to within 5 feet of Crowther Avenue and the parking

ORDER RECEIVED FOR FILING
Date 12/31/96
By

MICROFILMED

spaces along that road would be setback only 8 feet from that road. In order to comply with the request made by the Department of Public Works, the Petitioner requested that a variance be granted to accommodate this widening. The variance requested was to allow a building setback of 5 feet in lieu of the minimum required 10 feet, and a parking setback of 8 feet in lieu of the required 10 feet for those spaces along Crowther Avenue. The Petition for Special Hearing was amended accordingly and the Petitioner proceeded on the merits of the revised requests.

Testimony and evidence offered revealed that the subject property consists of 2.3 acres, more or less, zoned B.M. and was formerly the site of Shane's Restaurant, which has been closed down for many years. The Petitioner seeks to amend the previously approved site plan and parking variance for that restaurant in order to construct a one-story commercial building of 30,000 sq.ft. with a height of 35 feet. The existing building will be razed to make room for the proposed improvements, which will house a variety of commercial/retail tenants. Mr. Lichter proffered that the previous Case No. 5624-XV granted a parking variance of 151 spaces in lieu of the required 300, or 149 spaces. The proposed use of the property dictates the Petitioner provide a lesser number of parking spaces. Specifically, 194 spaces are required; however, only 123 spaces can be provided. Thus, the Petitioner wishes to carry forward the relief previously granted and seeks approval of a variance to permit 123 spaces in lieu of the required 194, or a variance of 71 spaces, which is a lesser variance than that previously granted. In order to carry forward the previously approved variance, the Petitioner has requested an amendment to the site plan and parking variance granted in prior Case No. 5624-XV.

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Date 12/29/96
By

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted. The proposed amendment to the previously approved site plan and variance will not result in any detriment to the health, safety or general welfare of the surrounding locale and will allow viable improvements to the subject property which has been dormant for many years. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioner.

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Date 12/29/05
By

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of December, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan and variance relief granted in prior Case No. 5624-XV to permit 123 parking spaces in lieu of the required 194, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a building setback of 5 feet in lieu of the minimum required 10 feet and a parking space setback of 8 feet in lieu of the required 10 feet to accommodate the widening of Crowther Avenue, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a revised site plan incorporating the modified relief granted herein.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/29/95
By

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

December 29, 1995

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S York Road, between Fox Tail Road and Crowther Avenue
(1924 York Road)
8th Election District - 3rd Councilmanic District
Peter G. Angelos - Petitioner
Case No. 96-183-SPH

Dear Mr. Lichter:

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

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Peter G. Angelos
5905 Harford Road, Baltimore, Maryland 21214

Messrs. Ed Haile and George E. Gavrelis, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

Case File

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184

Petition for Special Hearing

and Variance for Bldg Setback of 5' in lieu of 10'

to the Zoning Commissioner of Baltimore County

and parking space setback of ≈ 8' in lieu of required 10'

for the property located at 1924 York Road

96-183-SPH

which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the site plan and parking variance granted in Case No. 5624-XV to allow 123 parking spaces in a BM zone in lieu of the required 194 spaces.

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

PETER G. ANGELOS
(Type or Print Name)

Signature

(Type or Print Name)

Signature

5905 Harford Road
Address Phone No.

Baltimore, Maryland 21214
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Attorney for Petitioner:

JULIUS W. LICHTER
(Type or Print Name)

Signature

305 W. CHESAPEAKE AVE., SUITE 113
Address Phone No.

TOWSON, MD 21204
City State Zipcode

Name JULIUS W. LICHTER

305 W. Chesapeake Ave., Suite 113
Towson, Maryland 21204 321-0600
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 12/20/95
By

DROP-OFF
No REVIEW
10/27/95 uCR

184

96-183, SPH

Description

to Accompany Petition for Special Hearing

2.3 Acre Parcel

Peter G. Angelos, et ux., Property

Eighth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same on the southeast side of Crowther Avenue, 150 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said Crowther Avenue with the centerline of York Road, 82 feet wide, (1) Southwesterly along the centerline of Crowther Avenue 67 feet, more or less, thence at a right angle to said Crowther Avenue (2) Southeasterly 25 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the south side of said Crowther Avenue (1) South 66 degrees 58 minutes 41 seconds East 39.29 feet to intersect the west side of York Road, thence running and binding thereon the two following courses and distances,viz: (2) South 19 degrees 44 minutes 45 seconds East 57.43 feet, and thence (3) South 19 degrees 45 minutes 30 seconds East 222.89 feet to intersect the north side of Fox Tail Road, 70 feet wide, thence running and binding thereon the three following courses and distances, viz: (4) South 25 degrees 14 minutes 30 seconds West 42.49 feet, thence (5) South 70 degrees 12 minutes 19 seconds West 183.49 feet, and thence (6) Southwesterly by a curve to the right having a radius of 710.00 feet for a distance of 96.81 feet (the arc of said curve being subtended by a chord bearing South 74 degrees 06 minutes 41 seconds West 96.73 feet), thence leaving the north side of Fox Tail Road and running (7) North 15

96-183-SPH

degrees 11 minutes 28 seconds West 345.87 feet to a point on the south side of Crowther Avenue, thence running and binding thereon (8) North 73 degrees 25 minutes 44 seconds East 254.07 to the point of the beginning; containing 2.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

October 25, 1995

Project No. 85080 (L85080)

STATE OF MARYLAND
MICHAEL T. MATTHEWS
No. 235
REGISTERED
PROPERTY LINE SURVEYOR

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-183

District 8th

Date of Posting 11/17/95

Posted for: Special Hearing

Petitioner: Peter G. Angelos

Location of property: 1924 York Rd, SW/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. Healy
Signature

Date of return: 11/24/95

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-183-SPH
(Item 184)
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District
3rd Councilmanic
Legal Owner(s):
Peter G. Angelos
Hearing: Friday, December 8, 1995 at 2:30 p.m. in Rm. 106, County Office Building.

Special Hearing: to approve an amendment to the site plan and parking variance granted in Case #5624-XV to allow 123 parking spaces in lieu of the required 194 spaces.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/180 Nov. 16 C17343

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 1[illegible]32[illegible]

DROP OFF — NO REVIEW
ITEM #184

DATE 10/27/95 ACCOUNT 001-6150

96-183-SPH

AMOUNT $ 285.00 (WCR)

RECEIVED FROM: Peter G. Angelos

#040 - SPECIAL HEARING - $250.00
#080 - SIGN POSTING - $35.00

FOR: 1924 York Road 8c3
[illegible] 2.3 +/- acres gross
03A01#0139MICHRC $285.00
[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PUTUXENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please foward billing to:

Julius W. Lichter, Esq.
305 W. Chesapeake Avenue #113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-183-SPH Item 184
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District - 3rd Concilmanic
Legal Owner: Peter G. Angelos

Special Hearing to approve an amendment to the site plan and parking variance granted in Case #5624-XV to allow 123 parking spaces in lieu of the required 194 spaces.

HEARING: FRIDAY, DECEMBER 8, 1995 at 2:30 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

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

11-7-95

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-183-SPH Item 184
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District - 3rd Concilmanic
Legal Owner: Peter G. Angelos

Special Hearing to approve an amendment to the site plan and parking variance granted in Case #5624-XV to allow 123 parking spaces in lieu of the required 194 spaces.

HEARING: FRIDAY, DECEMBER 8, 1995 at 2:30 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Peter G. Angelos
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

December 1, 1995

Julius W. Lichter
305 W. Chesapeake Ave., Suite 113
Towson, MD 21204

RE: Item No.: 184
Case No.: 96-183-SPH
Petitioner: P. G. Angelos

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 184

The Development Plans Review Division has reviewed the subject zoning item. Crowther Avenue is an existing road, which shall be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the proerty. The paving thickness shall conform with Baltimore County Standards.

The landscape manual requires a 10-foot parking setback from the right-of-way, and 7% of the interior of the parking lot reserved for landscaping.

The proposed one-way points of access shall be 16 feet wide each. Moving the building by approximately 10 feet would provide for approximately 23 additional parking spaces.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: November 13, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 1924 York Road

INFORMATION:

Item Number: 184

Petitioner: Peter G. Angelos

Property Size:

Zoning: BM

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, this office supports the applicant's request conditioned upon the provision of 7% interior landscaping within the existing parking. This improvement to the site would bring the property into compliance with current requirements.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-22-95

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

RE: Baltimore County
Item No. 184 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

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

RE: Property Owner: PETER G. ANGELOS

LOCATION: SW/S YORK RD. BETWEEN FOX TAIL RD. AND CROWTHER AVE.
(1924 YORK RD.)

Item No.: 184 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

MICROFILMED

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

cc: File

RECEIVED
NOV - 8 1995
PDM

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RE: PETITION FOR SPECIAL HEARING 1924 York Road, SW/S York Road between Fox Tail Road and Crowther Avenue 8th Election District, 3rd Concilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Peter G. Angelos Petitioner	*	CASE NO. 96-183-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

JULIUS W. LICHTER

184

October 27, 1995

HAND DELIVERED

Mr. Arnold Jablon, Director
Office of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
1924 York Road

Dear Mr. Jablon:

Attached herewith you will find a Petition for Special Hearing requesting an amendment to the site plan and parking variance granted in Case No. 5624-XV. This property is the property on which the former Shane's Restaurant had operated.

As you may be aware, the property owner has attempted on numerous occasions to prepare and submit plans for the re-adaptive use of the commercial activity on the site for a long time. The plan reflects a re-adaptive use which my client feels is viable and can be financially successful. There are a number of anxious prospective occupants to lease space should the facility be available at an early date.

Therefore, I request that you schedule a hearing date at the most expeditious date possible. Many thanks for your anticipated cooperation.

Sincerely,

Julius W. Lichter

JWL/ch
Enclosures
cc: Peter G. Angelos, Esquire

RECEIVED
OCT 27 1995
PDM

TRANSMITTAL

184

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: JULIUS LICHTER, ESQ
c/o LEVIN & GANN
305 WEST CHES AVE
TOWSON MD 21204

Date: 10/26/95
Job No.: 85080
Attention:
Reference:

We are sending you
☐ Shop drawings
☐ Specifications

☐ attached
☐ Samples
☐

☐ under separate cover:
☑ Plans

☐ via

Copies	Date	Number	Description
12	10/26		SITE PLAN
3			ZONING DESCRIPTION

These are transmitted as checked below:

☐ For approval
☑ For your use
☐ As requested
☐ For review and comment

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐

☐ Resubmit
☑ Submit
☐ Return

____ copies for approval
____ copies for distribution
____ corrected prints

Remarks

cc:

Signed LLOYD T. MOXLEY

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Ed Haile	200 E Pennsylvania Ave. 21286
George E. Gavrelis	" "
Scott Gwinn	1313 York Rd Suite 300 Lutherville 21093
Roger A. Doumar	300 E. Lombard St, 21202
Wes Guckert	40 W. Chesapeake Ave Suite 600 Towson 21204

#5624 RXV
MAP
#9
SEC. 3-C
BL-XV

RE: PETITION FOR RECLASSIFICATION FROM "M-R" ZONE TO "B-L" ZONE S. W. Cor. York Road and Crowthere Ave., 8th District - Kilmarnock ASSOCIATES, Petitioner

BEFORE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

No.5624-XV

: : : : : : : : : : : : : :

Upon hearing on the above petition for reclassification of the property described in the within petition from an "M-R" Zone to a "B-L" Zone, the area under consideration now consists of various light industrial type buildings which have conformed with an excellent plan so that the architectural appearance, the planting and the preservation of existing trees, etc., has resulted in an over-all of superior quality.

The petitioners are well known business men from the Baltimore area and it is their intention to construct a very fine Restaurant. This restaurant will be operated and supervised by one of the finest Maitre d's in the Baltimore area. Only one story will appear above ground and this will contain a restaurant for members only. The lower floor will have banquet and restaurant facilities. This restaurant will sit upon a plot of land of approximately 2½ acres. The grounds will be well landscaped and only one of the existing trees will be removed.

Dr. Walter W. Buell, a former professor at Johns Hopkins University, has studied the traffic over a period of time and has indicated that York Road can handle the maximum of 150 vehicles generated by the proposed restaurant in the restaurant's peak hour.

The petitioners have voluntarily withdrawn their request for business local zoning on property bounded by York Road on the east, Crowther Avenue on the north, Kilmar Road on the south and a line parallel with and 325 feet westerly from York Road. It is believed that the requested use will fit in and become a part of the existing "M-R" Zone uses.

At least seven changes have been made in existing zoning since November 14, 1955 in the immediate area. This would warrant a change in zoning insofar as it is consistent with "M-R" zoning.

PETITIONERS EXHIBIT No. 3

MICROFILMED

#5624 RXV

MAP #9 SEC. 3-C

BL-XV

The variance to Section 409.2-b-3, of the Zoning Regulations of Baltimore County, should also be granted which permits 151 off-street parking spaces instead of the required 300 spaces, which would give relief to the petitioners without substantial injury to the public health, safety and the general welfare of the locality involved.

It is this 6th day of September, 1962, by the Zoning Commissioner of Baltimore County, ORDERED that the herein described property or area should be and the same is hereby reclassified, from an "M-R" Zone to a "B-L" Zone, excepting that portion of the property bounded by the York Road on the east, Crowther Avenue on the north, Kilmar Road on the south, and a line parallel with and 125 feet westerly from York Road.

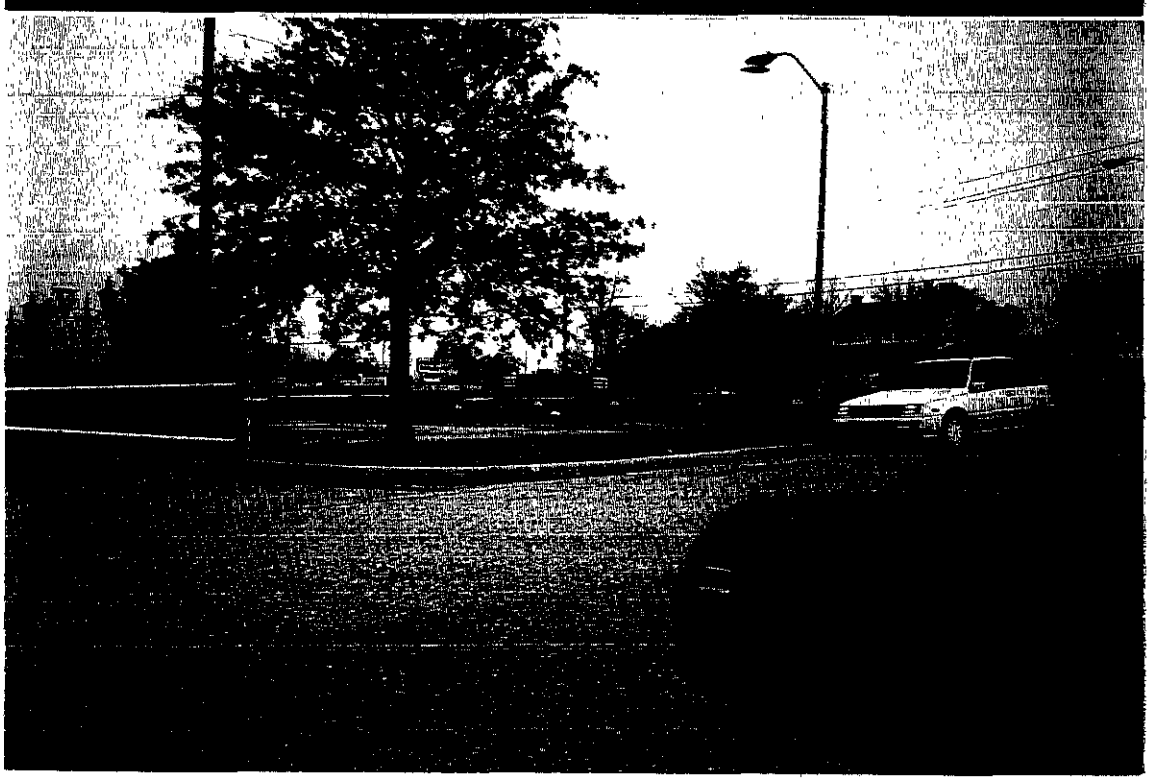
The variance requested to permit 151 offstreet parking spaces instead of the required 300 spaces is granted.

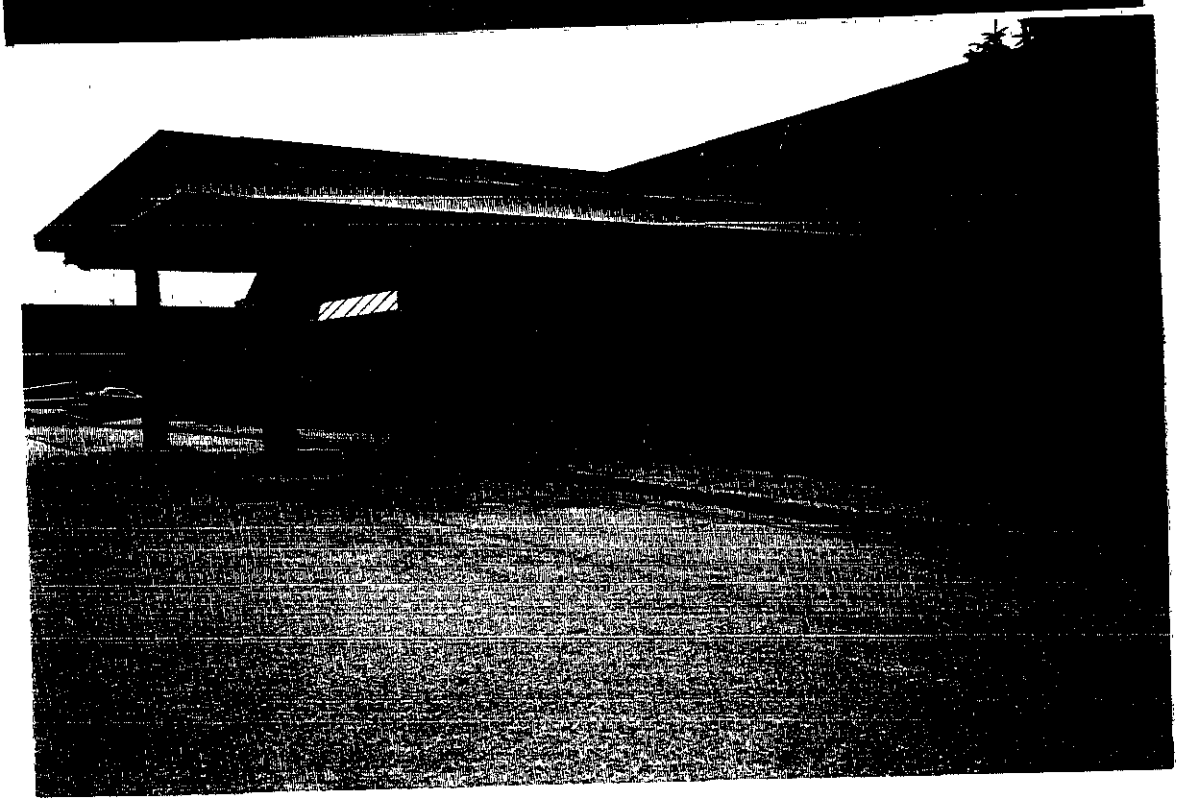
The granting of the reclassification and variance are subject to approval of the site plan by the State Roads Commission, Division of Land Development and the Office of Planning and Zoning.

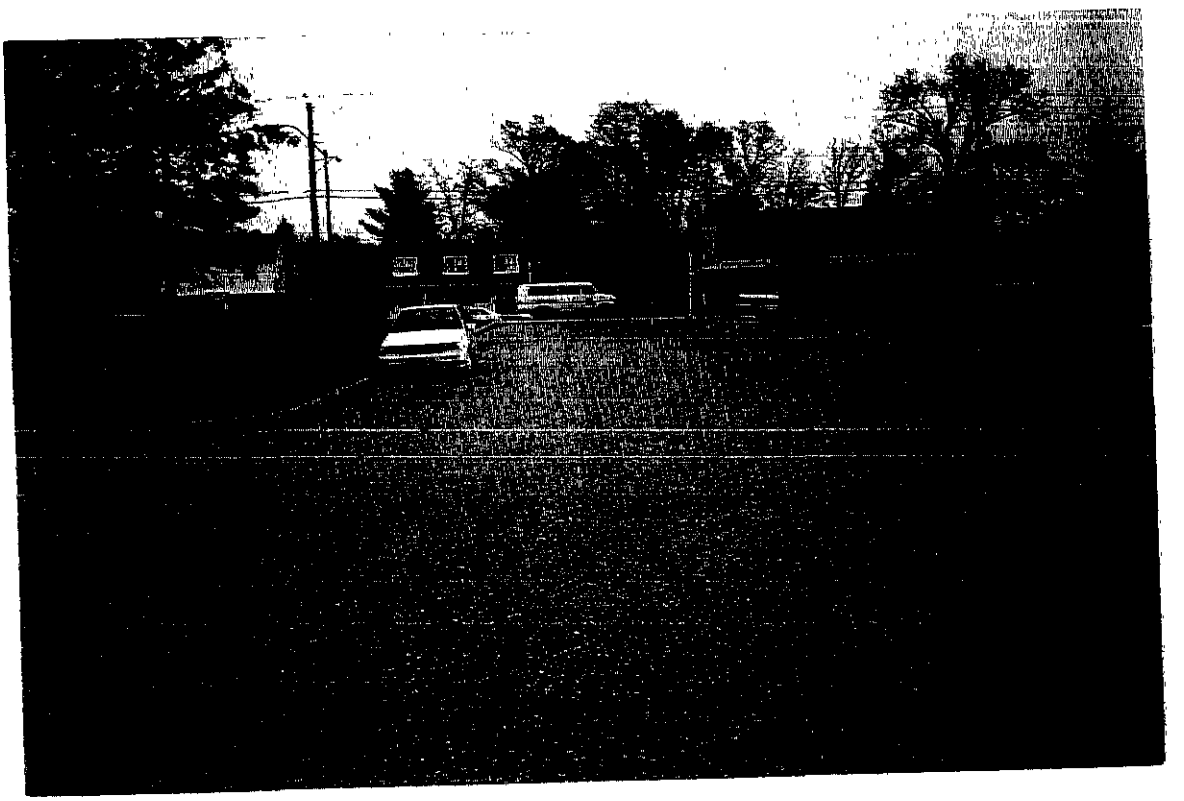
Zoning Commissioner
of Baltimore County

photographs

Case 96-183-A







IN RE: PETITION FOR SPECIAL HEARING
SW/S York Road, between Fox Tail Road and Crowther Avenue
(1924 York Road)
8th Election District
3rd Councilmanic District

Peter G. Angelos
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-183-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 1924 York Road, located in the vicinity of Timonium Road in Timonium. The Petition was filed by the owner of the property, Peter G. Angelos, through his attorney, Julius W. Lichter, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan and variance granted in prior Case No. 5624-XV to permit 123 parking spaces in lieu of the required 194 in a B.M. zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Julius W. Lichter, Esquire, attorney for the Petitioner, Ed Haile and George E. Gavrelis, representatives of Daft-McCune-Walker, Inc., the engineering and architectural firm which prepared the site plan for this project, Wes Guckert, Traffic Engineering expert with The Traffic Group, Roger A. Doumar and Scott Yarrow. There were no Protestants present.

At the onset of the hearing, Mr. Lichter advised this Deputy Zoning Commissioner that due to a last minute request of the Department of Public Works requiring that Crowther Avenue be widened, the proposed building would now come to within 5 feet of Crowther Avenue and the parking

ORDER RECEIVED FOR FILING
Date 12/29/95
By

spaces along that road would be setback only 8 feet from that road. In order to comply with the request made by the Department of Public Works, the Petitioner requested that a variance be granted to accommodate this widening. The variance requested was to allow a building setback of 5 feet in lieu of the minimum required 10 feet, and a parking setback of 8 feet in lieu of the required 10 feet for those spaces along Crowther Avenue. The Petition for Special Hearing was amended accordingly and the Petitioner proceeded on the merits of the revised requests.

Testimony and evidence offered revealed that the subject property consists of 2.3 acres, more or less, zoned B.M. and was formerly the site of Shane's Restaurant, which has been closed down for many years. The Petitioner seeks to amend the previously approved site plan and parking variance for that restaurant in order to construct a one-story commercial building of 30,000 sq.ft. with a height of 35 feet. The existing building will be razed to make room for the proposed improvements, which will house a variety of commercial/retail tenants. Mr. Lichter proffered that the previous Case No. 5624-XV granted a parking variance of 151 spaces in lieu of the required 300, or 149 spaces. The proposed use of the property dictates the Petitioner provide a lesser number of parking spaces. Specifically, 194 spaces are required; however, only 123 spaces can be provided. Thus, the Petitioner wishes to carry forward the relief previously granted and seeks approval of a variance to permit 123 spaces in lieu of the required 194, or a variance of 71 spaces, which is a lesser variance than that previously granted. In order to carry forward the previously approved variance, the Petitioner has requested an amendment to the site plan and parking variance granted in prior Case No. 5624-XV.

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Date 12/29/95
By

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted. The proposed amendment to the previously approved site plan and variance will not result in any detriment to the health, safety or general welfare of the surrounding locale and will allow viable improvements to the subject property which has been dormant for many years. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioner.

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Date 12/29/95
By

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of December, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan and variance relief granted in prior Case No. 5624-XV to permit 123 parking spaces in lieu of the required 194, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a building setback of 5 feet in lieu of the minimum required 10 feet and a parking space setback of 8 feet in lieu of the required 10 feet to accommodate the widening of Crowther Avenue, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a revised site plan incorporating the modified relief granted herein.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/29/95
By

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

December 29, 1995

Julius W. Lichter, Esquire
Levin and Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S York Road, between Fox Tail Road and Crowther Avenue
(1924 York Road)
8th Election District - 3rd Councilmanic District
Peter G. Angelos - Petitioner
Case No. 96-183-SPH

Dear Mr. Lichter:

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

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

Very truly yours,

Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Peter G. Angelos
5905 Harford Road, Baltimore, Maryland 21214

Messrs. Ed Haile and George E. Gavrelis, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

Case File

Printed with Soybean Ink on Recycled Paper

184

Petition for Special Hearing
and Variance for Bldg Setback of 5' in lieu of 10'
to the Zoning Commissioner of Baltimore County
and parking space setback of 8' in lieu of required 10'
for the property located at 1924 York Road
96-183-SPH
which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the site plan and parking variance granted in Case No. 5624-XV to allow 123 parking spaces in a BM zone in lieu of the required 194 spaces.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
PETER G. ANGELOS
(Type or Print Name)
Signature
(Type or Print Name)
Signature
5905 Harford Road
Address Phone No.
Baltimore, Maryland 21214
City State Zipcode

Attorney for Petitioner:
JULIUS W. LICHTER
(Type or Print Name)
Signature
305 W. CHESAPEAKE AVE, SUITE 113
Address Phone No.
TOWSON, MD 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
JULIUS W. LICHTER
Name
305 W. Chesapeake Ave., Suite 113
Towson, Maryland 21204 321-0600
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE

DROP-OFF
No REVIEW
10/27/95 ACR

ORDER RECEIVED FOR FILING
Date 12/29/95
By

184

Description 96-183-SPH

to Accompany Petition for Special Hearing

2.3 Acre Parcel

Peter G. Angelos, et ux., Property

Eighth Election District, Baltimore County, Maryland

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same on the southeast side of Crowther Avenue, 150 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said Crowther Avenue with the centerline of York Road, 82 feet wide, (1) Southwesterly along the centerline of Crowther Avenue 67 feet, more or less, thence at a right angle to said Crowther Avenue (2) Southeasterly 25 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the south side of said Crowther Avenue (1) South 66 degrees 58 minutes 41 seconds East 39.29 feet to intersect the west side of York Road, thence running and binding thereon the two following courses and distances,viz: (2) South 19 degrees 44 minutes 45 seconds East 57.43 feet, and thence (3) South 19 degrees 45 minutes 30 seconds East 222.89 feet to intersect the north side of Fox Tail Road, 70 feet wide, thence running and binding thereon the three following courses and distances, viz: (4) South 25 degrees 14 minutes 30 seconds West 42.49 feet, thence (5) South 70 degrees 12 minutes 19 seconds West 183.49 feet, and thence (6) Southwesterly by a curve to the right having a radius of 710.00 feet for a distance of 96.81 feet (the arc of said curve being subtended by a chord bearing South 74 degrees 06 minutes 41 seconds West 96.73 feet), thence leaving the north side of Fox Tail Road and running (7) North 15

96-183-SPH

degrees 11 minutes 28 seconds West 345.87 feet to a point on the south side of Crowther Avenue, thence running and binding thereon (8) North 73 degrees 25 minutes 44 seconds East 254.07 to the point of the beginning; containing 2.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

October 25, 1995

Project No. 85080 (L85080)

STATE OF MARYLAND
PROPERTY LINE SURVEYOR
REGISTERED

CERTIFICATE OF POSTING 96-183
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 11/17/95
Posted for: Special Hearing
Petitioner: Peter G. Angelos
Location of property: 1924 York Rd. S/S
Location of Signs: Facing roadway on property being posted
Remarks:
Posted by [signature] Signature Date of return: 11/24/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 1[illegible]324
DROP OFF — NO REVIEW
ITEM #184

DATE 10/27/95 ACCOUNT 001-6150
96-183-SPH
AMOUNT $285.00 (WCR)

RECEIVED FROM: Peter G. Angelos
#040 - SPECIAL HEARING - $250.00
#080 - SIGN POSTING - $35.00
FOR: 1924 York Road 8c3
B.M.
2.3 +/- acres gross
03A01#0135MICHRC $285.00
-- 10-30-95 10:20

VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

TO: PATUXENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please foward billing to:

Julius W. Lichter, Esq.
305 W. Chesapeake Avenue #113
Towson, MD 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-183-SPH Item 184
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District - 3rd Councilmanic
Legal Owner: Peter G. Angelos

Special Hearing to approve an amendment to the site plan and parking variance granted in Case #5624-IV to allow 123 parking spaces in lieu of the required 194 spaces.

HEARING: FRIDAY, DECEMBER 8, 1995 at 2:30 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

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

11-7-95

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-183-SPH Item 184
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District - 3rd Councilmanic
Legal Owner: Peter G. Angelos

Special Hearing to approve an amendment to the site plan and parking variance granted in Case #5624-IV to allow 123 parking spaces in lieu of the required 194 spaces.

HEARING: FRIDAY, DECEMBER 8, 1995 at 2:30 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Peter G. Angelos
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-183-SPH
(Item 184)
1924 York Road
SW/S York Road between Fox Tail Road and Crowther Avenue
8th Election District
3rd Councilmanic
Legal Owner(s):
Peter G. Angelos
Hearing: Friday, December 8, 1995 at 2:30 p.m. in Rm. 106, County Office Building.

Special Hearing: to approve an amendment to the site plan and parking variance granted in Case #5624-IV to allow 123 parking spaces in lieu of the required 194 spaces.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/180 Nov. 16 C17243

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1995.

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

Baltimore County
Department of Permits and
Development Management

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

December 1, 1995

Julius W. Lichter
305 W. Chesapeake Ave., Suite 113
Towson, MD 21204

RE: Item No.: 184
Case No.: 96-183-SPH
Petitioner: P. G. Angelos

Dear Mr. Lichter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 184

The Development Plans Review Division has reviewed the subject zoning item. Crowther Avenue is an existing road, which shall be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the proerty. The paving thickness shall conform with Baltimore County Standards.

The landscape manual requires a 10-foot parking setback from the right-of-way, and 7% of the interior of the parking lot reserved for landscaping.

The proposed one-way points of access shall be 16 feet wide each. Moving the building by approximately 19 feet would provide for approximately 23 additional parking spaces.

RWB:SW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: November 13, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 1924 York Road

INFORMATION:

Item Number: 184

Petitioner: Peter G. Angelos

Property Size:

Zoning: BM

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, this office supports the applicant's request conditioned upon the provision of 7% interior landscaping within the existing parking. This improvement to the site would bring the property into compliance with current requirements.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kelner

PK/JL

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-22-95

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

RE: Baltimore County
Item No. 184 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

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

RE: Property Owner: PETER G. ANGELOS

LOCATION: SW/S YORK RD. BETWEEN FOX TAIL RD. AND CROWTHER AVE.
(1924 YORK RD.)

Item No.: 184 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

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

cc: File

RECEIVED NOV 1995 PDM

Printed on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
1924 York Road, SW/S York Road between
Fox Tail Road and Crowther Avenue
8th Election District, 3rd Concilmanic

Peter G. Angelos
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-183-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE OFFICE:
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

184

JULIUS W. LICHTER

October 27, 1995

HAND DELIVERED

Mr. Arnold Jablon, Director
Office of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
1924 York Road

Dear Mr. Jablon:

Attached herewith you will find a Petition for Special Hearing requesting an amendment to the site plan and parking variance granted in Case No. 5624-XV. This property is the property on which the former Shane's Restaurant had operated.

As you may be aware, the property owner has attempted on numerous occasions to prepare and submit plans for the re-adaptive use of the commercial activity on the site for a long time. The plan reflects a re-adaptive use which my client feels is viable and can be financially successful. There are a number of anxious prospective occupants to lease space should the facility be available at an early date.

Therefore, I request that you schedule a hearing date at the most expeditious date possible. Many thanks for your anticipated cooperation.

Sincerely,

Julius W. Lichter

JWL/ch
Enclosures
cc: Peter G. Angelos, Esquire

RECEIVED OCT 27 1995 PDM

TRANSMITTAL

184

DMW
Daft-McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

To: JULIUS LICHTER, ESQ
c/o LEVIN & GANN
305 WEST CHES AVE
TOWSON MD 21204

Date: 10/26/95
Job No.: 850080
Attention:
Reference:

We are sending you ☐ Shop drawings ☐ Specifications
☐ attached ☐ Samples
☐ under separate cover: ☑ Plans
☐ via

Copies	Date	Number	Description
12	10/26		SITE PLAN
3			ZONING DESCRIPTION

These are transmitted as checked below:
☐ For approval
☑ For your use
☐ As requested
☐ For review and comment
☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☐ Resubmit
☑ Submit
☐ Return
____ copies for approval
____ copies for distribution
____ corrected prints

Remarks

cc:

Signed LLOYD T. MOXLEY

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Ed Haile	320 E Pennsylvania Ave. 21286
George E. Gavrelis	" "
Scott Quinn	318 W. Pennsylvania Ave Towson 21093
Roger A. Doumar	300 E. Lombard St. 21202
Wes Guckert	400 W. Pennsylvania Ave Ste. 300 Towson 21204

RE: PETITION FOR RECLASSIFICATION
FROM "M-R" ZONE TO "B-L" ZONE
S. W. Cor. York Road and Crowthere Ave., 8th District -
Kilmarnock ASSOCIATES,
Petitioner

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No.5624-XV

#5624-RXV
MAP #9
SEC. 3-C
BL-XV

Upon hearing on the above petition for reclassification of the property described in the within petition from an "M-R" Zone to a "B-L" Zone, the area under consideration now consists of various light industrial type buildings which have conformed with an excellent plan so that the architectural appearance, the planting and the preservation of existing trees, etc., has resulted in an over-all of superior quality.

The petitioners are well known business men from the Baltimore area and it is their intention to construct a very fine Restaurant. This restaurant will be operated and supervised by one of the finest Maitre d's in the Baltimore area. Only one story will appear above ground and this will contain a restaurant for members only. The lower floor will contain restaurant facilities. This restaurant will sit upon a plot of land of approximately 2½ acres. The grounds will be well landscaped and only one of the existing trees will be removed.

Dr. Walter W. Emell, a former professor at Johns Hopkins University, has studied the traffic over a period of time and has indicated that York Road can handle the maximum of 150 vehicles generated by the proposed restaurant in the restaurant's peak hour.

The petitioners have voluntarily withdrawn their request for business local zoning on property bounded by York Road on the east, Crowther Avenue on the north, Kilmar Road on the south and a line parallel with and 125 feet westerly from York Road. It is believed that the requested use will fit in and become a part of the existing "M-R" Zone uses.

At least seven changes have been made in existing zoning since November 14, 1955 in the immediate area. This would warrant a change in zoning inasmuch as it is consistent with "M-R" zoning.

PETITIONERS EXHIBIT NO. 3

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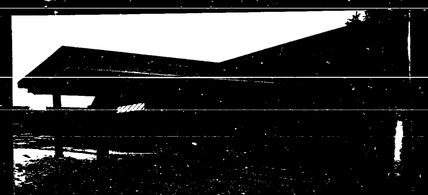
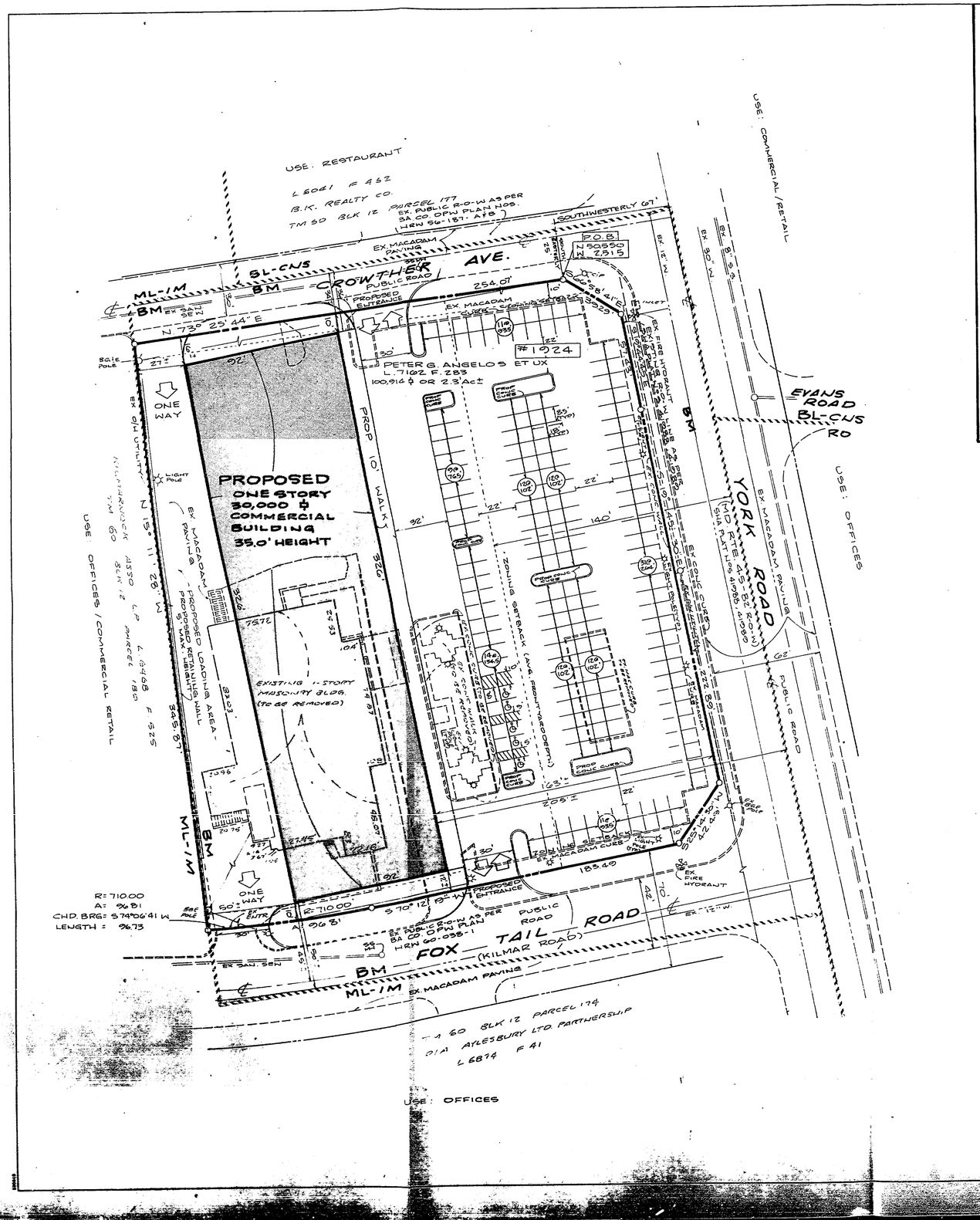
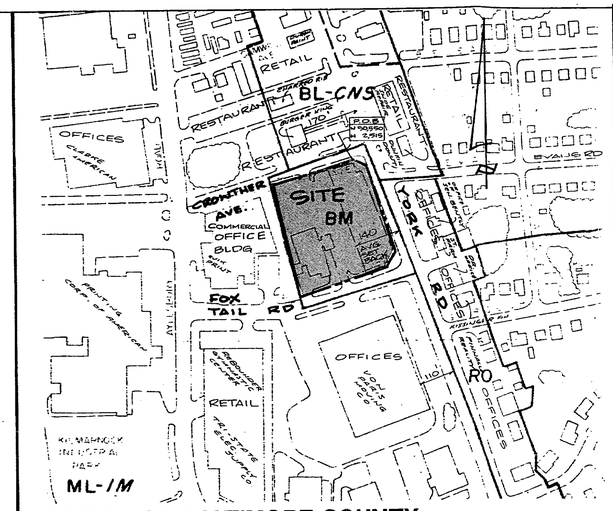
photograph

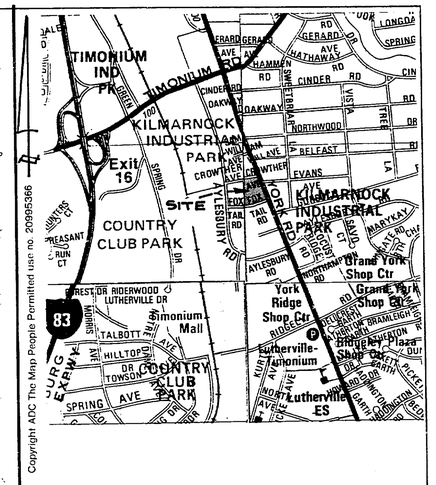
Case 96-183-A







PORTION OF BALTIMORE COUNTY ZONING MAP NW 13A·SCALE 1"=200'



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VICINITY MAP SCALE·1"=1000'

96-183-SPH

NOTES:

1. Current owner and street address: Peter G. Angelos Et Ux, 5905 Harford Road, Baltimore ,MD.
2. Site area: 2.3 Ac± (gross)
3. Existing use: building, (vacant)
4. Street Address: 1924 York Road
5. Site data: Tax map 60 block 12, parcel 612; Deed reference: 7162 / 283; Tax Account No.: 08-20-001020; Zoning: BM; Election District: 8; Councilmanic District: 3
6. The information and boundary location shown hereon have been compiled from information found in Liber 7162 at Folio 283, Liber 5270 at Folio 989, and State Highway Administration R-O-W Plat Nos. 41988, 41989, sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
7. Zoning History: BM zoning created by Comprehensive Zoning Map. On September 6,1962 the Zoning Commissioner for Baltimore County ordered that the Petition for Reclassification and Variance in Case No. 5624-XV to permit 151 offstreet parking spaces in lieu of the required 300 spaces be GRANTED, subject to the approval of the Site Plan by the State Roads Commission, Division of Land Development and the Office of Planning and Zoning.
8. Setbacks:

	Required to prop. commercial building	Provided to prop. commercial building
*Front:	15'/40'from CL	153' ±
Side:(west)	10'	10'
Side:(east)	10'	10'
Rear:	0'	27' ±

* Required front averaged setback shown on plan

9. Amenity open space: N/A
10. Parking:

	REQUIRED	PROVIDED
4,000 SQ.FT. Restaurant @ 16 per 1000 SQ.FT.	64	64
26,000 SQ.FT. Retail @ 5 per 1000 SQ.FT.	130	75
TOTAL PARKING	194	123

11. Floor Area Ratio: maximum allowed =4.0 Proposed =0.3
12. Prior permit history:
    - Permit no. 1428-76 alteration
    - Permit no. 137-77 alteration
    - Permit no. 167-77 alteration
    - Permit no. 737-77 alteration
13. There are no prior CRG plans on file for this property.

Attorney: Julius W. Lichter, Esq., c/o Levin & Gann, P.A., 305 W. Chesapeake Ave., Towson, MD. 21204, (410) 321-0600

Requested Zoning Action

Request for Special Hearing to amend the Site Plan and Variance approved in Case No. 5624-XV by permitting 123 parking spaces in lieu of the required 194 parking spaces.

PETITIONER'S EXHIBIT NO. 1

PRINTED
OCT 26 1995
DAFT-McCUNE-WALKER, INC.

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

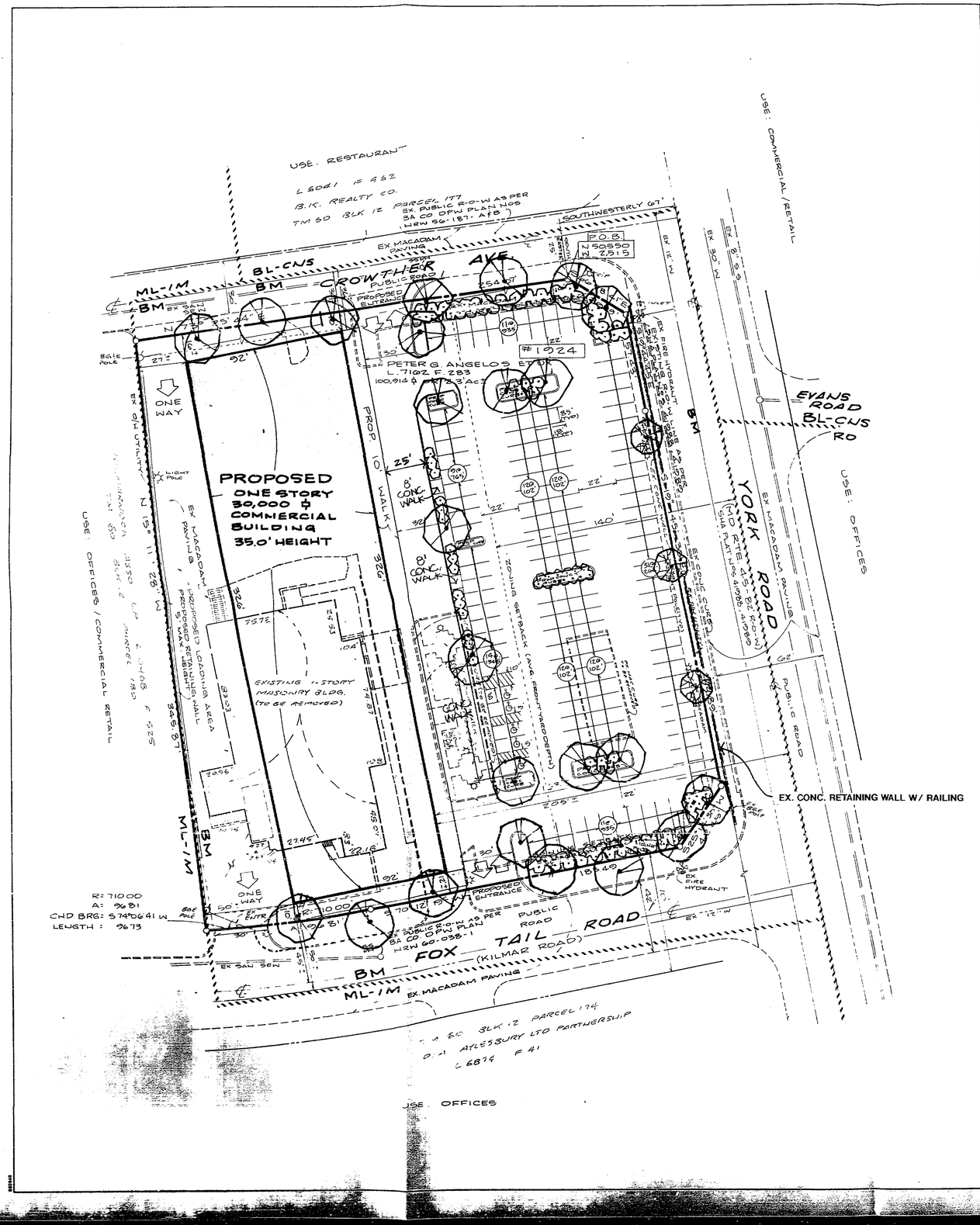
PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING

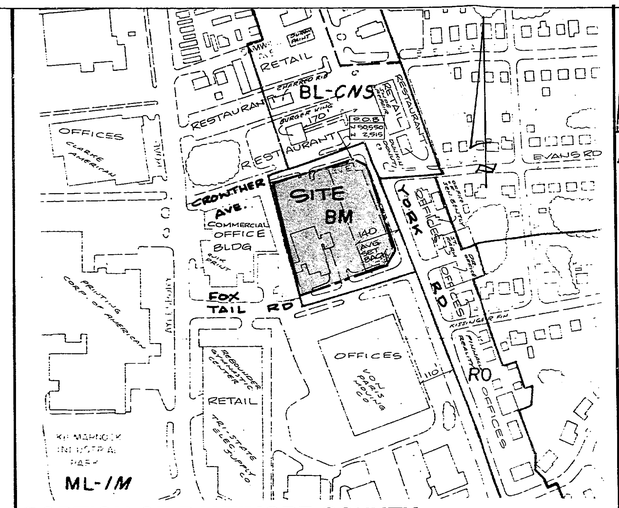
1924 YORK ROAD

EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS
		184

ISSUE DATES		BASE:
REVIEW:		DRAWN: 10/25/95
BID:		DESIGNED:
PERMIT:		CHECKED BY:
CONSTRUCTION:		DATE CHECKED:
SCALE: 1" = 30'		DRAWING:
PROJECT NO.: 85080		





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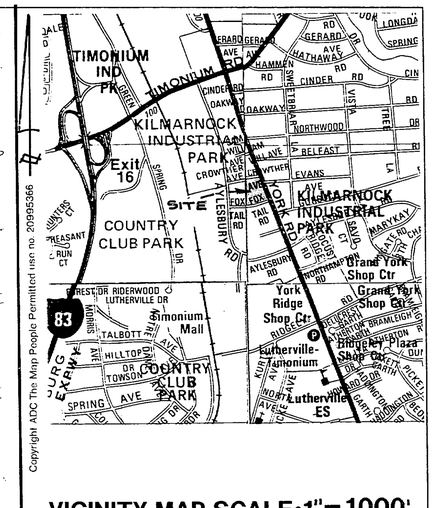

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Towson, MD. 21204
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Planting Units Required (Planting Unit = PU)		Planting Units Provided
742 LF of Adjacent Rd. ÷ 40	= 18 PU	18 Major Trees Provided
123 Parking Sp. ÷ 12	= 10 PU	8 Major Trees Provided 10 Shrubs Provided
210 LF of Parking Adj. to R.O.W ÷ 15 = 14 PU		76 Shrubs Provided
Total Required PU		42 PU
Actual PU		45 PU

LEGEND

- Major Tree
- Shrubs
- MINOR TREE

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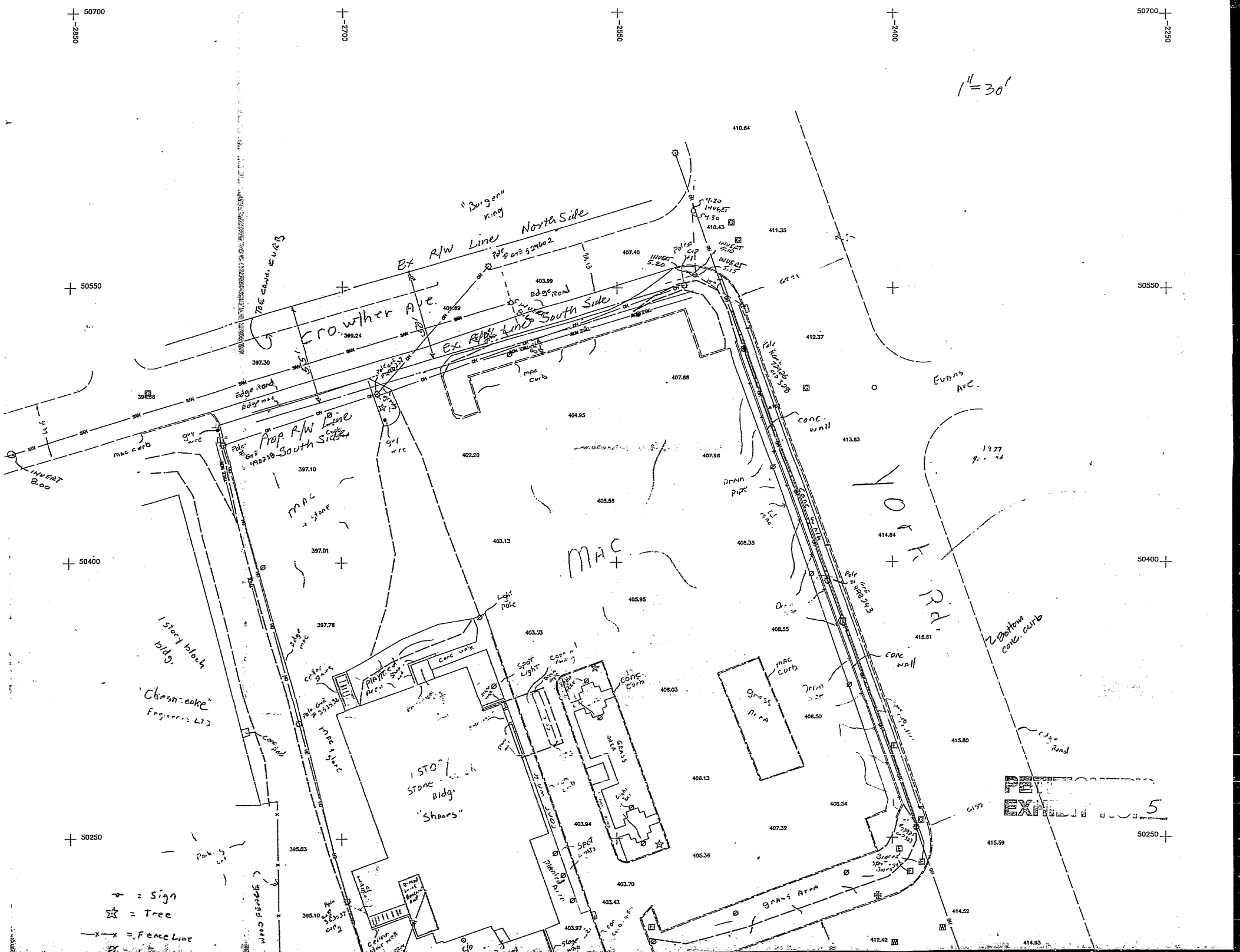
PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
1924 YORK ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS
12-7-95	DAM	ADD LANDSCAPE & ISLAND

ISSUE DATES			
REVIEW:		BASE:	DAM
BID:		DRAWN:	12/8/95
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE: 1" = 30'		DATE CHECKED:	
PROJECT NO.: 85080		DRAWING:	


1" = 30'
Crowther Ave.
Ex R/W Line North Side
Ex R/W Line South Side
Prop R/W Line South Side
Edge Road
Edge mac
mac curb
"Burger King"
1 story block bldg.
"Cheesecake" Engineers Ltd
1 STORY stone bldg.
"Shaars"
mac & stone
MAC
Light pole
Spot Light
conc walk
conc curb
Planted Area
Grass Area
Parking Area
conc. wall
Drain Pipe
Evans Ave.
York Rd.
2 bottom conc. curb
Edge Road
Pole Hydro
Pole Gas
Pole Cap
INVERT 5.20
INVERT 5.15
INVERT 8.00
= Sign
= Tree
= Fence Line
50700
50550
50400
50250
-2850
-2700
-2550
-2400
-2250