

RE: PETITION FOR VARIANCES

To Sec. 232.2, 409.2-b (a) and 253.6 of Zoning Regulations - S/E Side Pulaski Highway 682' S/W Old Philadelphia Road, 15th Dist., Jos. Augustyniak, et al. Petitioners

Before
Zoning Commissioner
of
Baltimore County
No. 69-6-A

The petitioners requested variances to Section 232.2, of the Baltimore County Zoning Regulations, to permit a side yard setback of 2 feet instead of the required 30 feet and a rear yard setback of 5 feet instead of the required 30 feet; also a variance to Section 409.2-b, to permit 13 parking spaces instead of the required 34 parking spaces, and to Section 253.6 to place additions to existing building within 5 feet of a proposed expressway instead of the required 100 feet.

As strict compliance with the Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioners and the variances would give relief without substantial injury to the public health, safety or general welfare of the locality involved, the variances should be granted.

It is this 21st day of August, 1968, by the Zoning Commissioner of Baltimore County ORDERED that the herein petition for variances should be and the same is granted from and after the date of this Order, which permits the following:

1. A side yard setback of 2 feet instead of the required 30 feet.
2. A rear yard setback of 5 feet instead of the required 30 feet.
3. To permit 13 parking spaces instead of the required 34 parking spaces.
4. To place additions to existing building within 5 feet of a proposed expressway instead of the required 100 feet.

The site plan for the development of said property is subject to approval of the State Roads Commission, Bureau of Public Services and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Joseph Augustyniak and I, or we, RITA AUGUSTYNIAK, his wife, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.

hereby petition for a Variance from Section 232.2 to permit a side yard setback of 2 feet instead of the required 30 feet; to permit a rear yard setback of 5 feet instead of the required 30 feet; and from Section 409.2b (3) to permit 13 parking spaces instead of the required 34 parking spaces, and from Section 253.6 to place additions to existing building within 5 feet of a proposed expressway instead of the required 100 feet, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: indicate hardship or practical difficulty.

The Petitioners are not now able to make the highest and best use of their property.

The requested variance will not injure the public health, safety or general welfare.

Recent acquisitions of Petitioner's property by the State of Maryland has shortened the Petitioner's property and brought the rear line closer to the building, and deprived Petitioner of sufficient space to comply with section 409.2b (3) or Section 232.2, or Section 253.6.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

Contract purchaser
Address
Petitioner's Attorney
Protestant's Attorney

Address
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of August, 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of August, 1968, at 10:00 o'clock.

Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 15th
Posted for Hearing, July 21, 1968, at 10:00 A.M.
Petitioner: Joseph Augustyniak
Location of property 5815 S. Pulaski Highway 682' S/W Old Philadelphia Road, 15th Dist.
Location of Sign 5815 S. Pulaski Highway 682' S/W Old Philadelphia Road, 15th Dist.
Remarks: None
Posted by: [Signature]
Date of return: Aug 1, 1968

OFFICE OF THE ESSEX TIMES

THIS IS TO CERTIFY, that the annexed advertisement of Jos. A. Rose, Zoning Commissioner of Baltimore County, was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for 20 days before the 21st day of August, 1968, that is to say, the same was inserted in the issue of June 26, 1968.

STROMBERG PUBLICATIONS, Inc.

By: [Signature]

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

William E. Chamberlain, Esq., 1750 Eastern Blvd., Baltimore, Maryland 21221
SUBJECT: Variance to permit side and rear yard setback for Joseph Augustyniak, et al., located 5815 Pulaski Highway 682' S/W of Old Philadelphia Road (Item 199, May 28, 1968)

Dear Sirs:
The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING:
Water - Existing 30" water in Pulaski Highway.
Sewer - An extension of approximately 400' will be required to serve this property from the existing 8" sanitary sewer in Pulaski Highway.

STATE ROADS COMMISSION:
The frontage of the site must be curbed with 3" x 12" concrete curb, and the entrance must be paved in accordance with State Roads Commission specifications. All work is subject to State Roads Commission approval and permit.

HEALTH & SPATIALITY:
Approval will not be granted for this addition until such time as it is connected to public sewer.

BUILDING ENGINEER:
Openings are permitted within 5 ft. of the property line. Openings from 5 to 12 ft. from the property line must be fire resistant as per the Baltimore County Building Code. This office will also submit other comments at a later date.

FIRE PREVENTION:
This office will submit comments at a later date.

DEPARTMENT OF TRAFFIC ENGINEERING:
This office will submit comments at a later date.

ADMINISTRATIVE REVIEW:
If the petition is granted no occupancy may be made until such time as plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Bureau of Education
Industrial Development
Mr. Carlisle Brown-Bur. of Engr.
John Meyers-State Roads Comm.
Mr. Grooms-Hall Dept.
Elmer L. Housner-Bldg. Engr.
Capt. Chas. Morris-Fire Bureau
C. Richard Moore-Traffic Engr.
Very truly yours,
JOSEPH E. ROSE, Zoning Supervisor

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

William E. Chamberlain, Esq., 1750 Eastern Blvd., Baltimore, Maryland 21221
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 21st day of August, 1968.

JOHN G. ROSE, Zoning Commissioner
Petitioner: Joseph Augustyniak
Petitioner's Attorney: William E. Chamberlain, Esq.
Reviewed by: James E. Dwyer, Chairman of Advisory Committee

THE ESSEX TIMES

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STROMBERG PUBLICATIONS, Inc.

By: [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: August 9, 1968
FROM: George E. Gavelly, Director of Planning

SUBJECT: Petition #69-6-A, Southeast side of Pulaski Highway 682 feet Southwest of Old Philadelphia Road. Petition for Variance to permit a side yard of 2 feet instead of the required 30 feet and to permit a rear yard of 5 feet of the required 30 feet and to permit 13 parking spaces instead of the required 34 spaces; and to permit additions to existing building within 5 feet of a proposed expressway instead of the required 100 feet.
Joseph Augustyniak - Petitioner

15th District
HEARING: Wednesday, August 21, 1968 (10:00 A.M.)

The file submitted to us does not contain revised plans showing a reduction of the additional floor area proposed so as to comply with the 25-percent limit prescribed by the zoning regulations for expansion of a non-conforming use. Further, it does not appear that variances from the 50-foot side and rear yard requirements of the zoning regulations have been correctly petitioned for. Thus we still suggest that the proposed construction would be in violation of the use regulations, and still question, as we did earlier, that the petition has been properly advertised.

Our earlier comment with respect to the variance to the parking regulations is not changed.

INTER-OFFICE CORRESPONDENCE

BUREAU OF TRAFFIC ENGINEERING

Baltimore County, Maryland
Towson, Maryland 21204

TO: Mr. James E. Dyer
FROM: Eugene J. Clifford
SUBJECT: Item 199 ZAC May 28, 1968
Southeast side Pulaski Highway
682' SW of Old Philadelphia Road

Review of the subject site results in the following comments:
Two of the 13 parking spaces are not acceptable.

This Bureau considers the Baltimore County Zoning regulations, parking requirements to be minimum and any variance to these regulations is undesirable and will create parking on Pulaski Highway.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 28, 1968
FROM: George E. Gavelly, Director of Planning

SUBJECT: Petition #69-6-A, Southeast side of Pulaski Highway 682 feet Southwest of Old Philadelphia Road. Petition for Variance to permit a side yard of 2 feet instead of the required 30 feet and to permit a rear yard of 5 feet instead of the required 30 feet; and to permit 13 parking spaces instead of the required 34 spaces.
Joseph Augustyniak - Petitioner.

15th District
HEARING: Tuesday, July 9, 1968 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. The petitioner's plan indicates that the present building on the subject property lies within 100 feet of the right-of-way of the proposed expressway. It appears now that a non-conforming use, since permitted uses in an M.L. Zone within 100 feet of the right-of-way of an existing or proposed freeway are only those permitted in an M.R. Zone, and a tavern is not a permitted use in an M.R. Zone. (See Subsection 253.6 of the Zoning Regulations, as amended by Bill No. 85, 1967.) It would appear that the expansion of floor area proposed by the petitioner would be considerably in excess of the 25-percent expansion permitted under Section 104 of the Zoning Regulations, and that the proposed construction would thus be in violation of use regulations.
2. Because of its proximity to the freeway, right-of-way, the area regulations applicable in M.R. Zones - rather than those for B.R. Zones - would apply here. Thus, the degree of the variances requested is greater than indicated either on the petition or in the hearing announcement. Has the petition been properly advertised?
3. We agree with the Bureau of Traffic Engineering that any variance to the parking regulations in this instance is undesirable. We believe that the public interest would be especially damaged by a parking requirement variance for a use as intensive as a "bar and restaurant."

PETITION FOR VARIANCE 13th DISTRICT

BOARDING: Petition for Variance for
Side and Rear Yards, Parking
and Location of Buildings.
LOCATION: Southeast side of
Pulaski Highway 100 feet south
of Old Philadelphia Road
DATE & TIME: Wednesday, August
21, 1968 at 10:00 A.M.
PUBLIC HEARING: Room 108, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Boarding Commission of Baltimore County, by authority of the Boarding Act and Regulations of Baltimore County, will hold a public hearing on the following petition for variance from the Zoning Regulations of Baltimore County to permit a side yard setback of 1 foot instead of the required 3 feet, and to permit the building to be located within 5 feet of a proposed driveway instead of the required 10 feet.

The Zoning Regulation to be requested is as follows: Side and Rear Yards - 10 feet.
Section 202.2 b (1) - Off-street parking - 1 for each 1 square foot of total floor area.
Section 202.2 b (2) - Off-street parking - 1 for each 1 square foot of total floor area.
Section 202.2 b (3) - Off-street parking - 1 for each 1 square foot of total floor area.

BEARING: For the same on the southeast side of Pulaski Highway at a point 100 feet measured southwesterly along said highway from the center line of Old Philadelphia Road, thence leaving said place of beginning and running and binding thereon the two following courses and distances, viz: Northeast 77 feet, more or less, thence leaving said northwest side of Potapoco Freeway North 55 degrees 50 minutes East 59 feet, more or less, to the place of beginning.

Being the property of Joseph Augustyniak and Rita Augustyniak, as shown on plat filed with the zoning department.
Hearing Date: Wednesday, August 21, 1968 at 10:00 A.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, MD.
By order of the Boarding Commission of Baltimore County
Aug 1, 1968

CERTIFICATE OF PUBLICATION

TOWSON, MD. AUG 1 1968 19...

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time successive weeks before the 21st day of August, 1968, the first publication appearing on the 1st day of August, 1968.

THE JEFFERSONIAN,

Jeffersonian
Manager.

Cost of Advertisement: \$

TELEPHONE 823-3000 EXT. 287		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 54426 DATE: Aug 19, 1968
TO: William E. Gumbert, Esq. 1700 Eastern Blvd. Baltimore, Md. 21201		BILL TO: Zoning Dept. of Balto. Co.	
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	
QUANTITY 1	Description of Article Petition for Variance for Joseph Augustyniak 859-6-A	TOTAL AMOUNT \$55.00	COST 25.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND			

TELEPHONE 823-3000 EXT. 287		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 54456 DATE: July 9, 1968
TO: Augie's Sports Bar 8350 Pulaski Highway Baltimore, Md. 21206		BILL TO: Zoning Dept. of Balto. Co.	
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	
QUANTITY 1	Description of Article Advertising and posting of property 859-6-A	TOTAL AMOUNT \$53.00	COST 53.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND			

TELEPHONE 823-3000 EXT. 287		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204	No. 56238 DATE: Aug 21, 1968
TO: Augie's Sports Bar 8350 Pulaski Highway Baltimore, Md. 21206		BILL TO: Zoning Dept. of Balto. Co.	
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	
QUANTITY 1	Description of Article Advertising and posting of property 859-6-A	TOTAL AMOUNT \$62.75	COST 62.75
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204			

ORIGINAL

OFFICE OF

THE ESSEX TIMES

ESSEX, MD. 21221 AUGUST 5, 1968

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE ESSEX TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One XXXXXX

week before the 5th day of August, 1968 (that is to say, the same was inserted in the issue of August 1, 1968).

STRONBERG PUBLICATIONS, Inc.

John G. Rose

September 1 1967.

DESCRIPTION OF AUGIE'S SPORTS BAR FOR VARIANCES
TO PULASKI HIGWAY, MD.

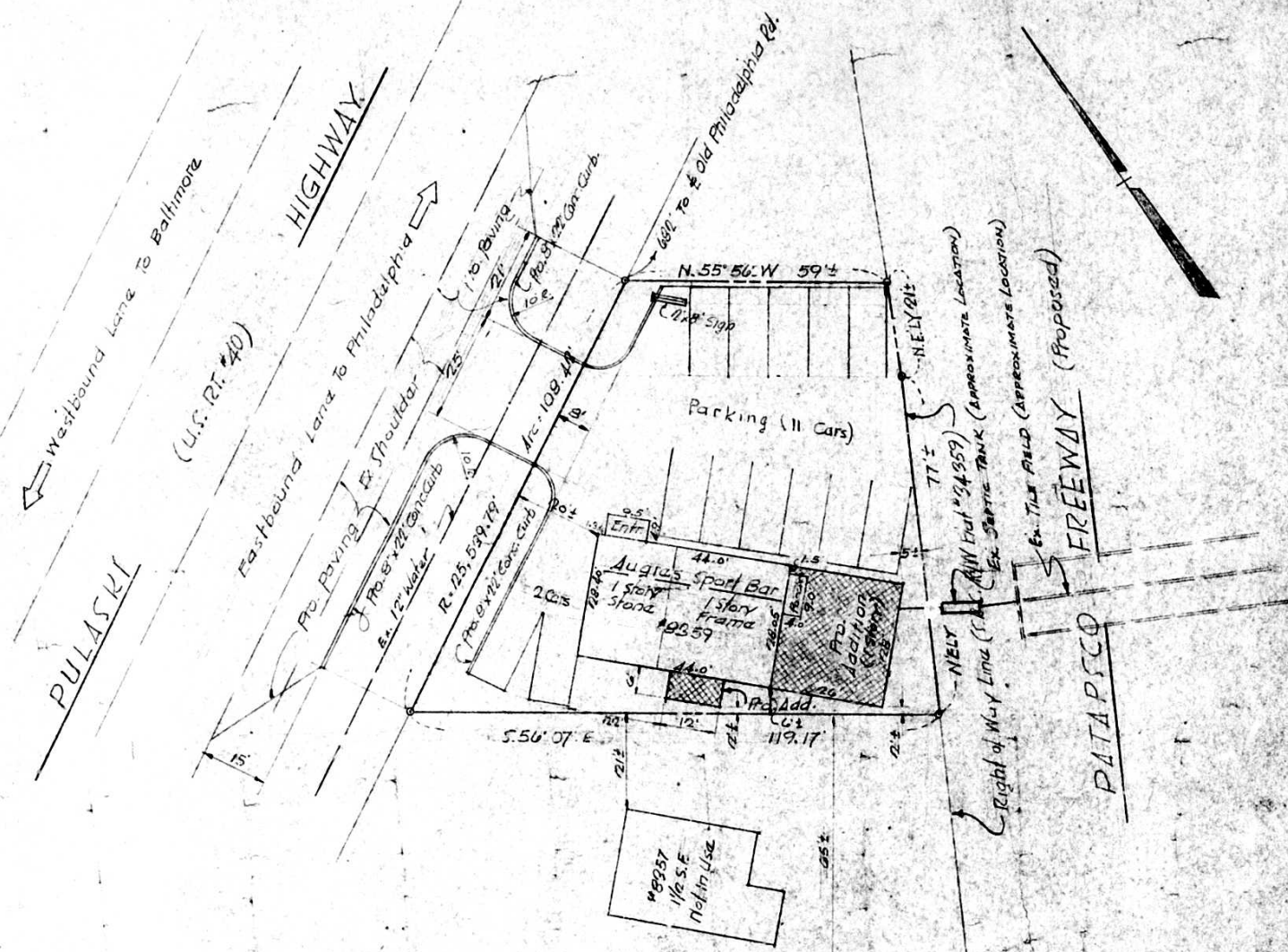
BEARING: For the same on the southeast side of Pulaski Highway at a point situated 800 feet measured southwesterly along said southeast side of Pulaski Highway from the center line of Old Philadelphia Road, thence leaving said place of beginning and running and binding on said southeast side of Pulaski Highway by a curve to the right in a southeasterly direction with the radius of 25,539.79 feet for a distance of 160.42 feet thence leaving said southeast side of Pulaski Highway South 54 degrees 47 minutes East 119.17 feet to intersect the northwest side of Potapoco Freeway as proposed, thence running and binding thereon the two following courses and distances, viz: Northeast 77 feet, more or less, and northwesterly 21 feet, more or less, thence leaving said northwest side of Potapoco Freeway North 55 degrees 50 minutes East 59 feet, more or less, to the place of beginning.

Containing 0.20 acres of land more or less.

Note: This description has been prepared for zoning purposes only, and is not intended to be used for conveyance.



J. Carroll Hagan



NOTES

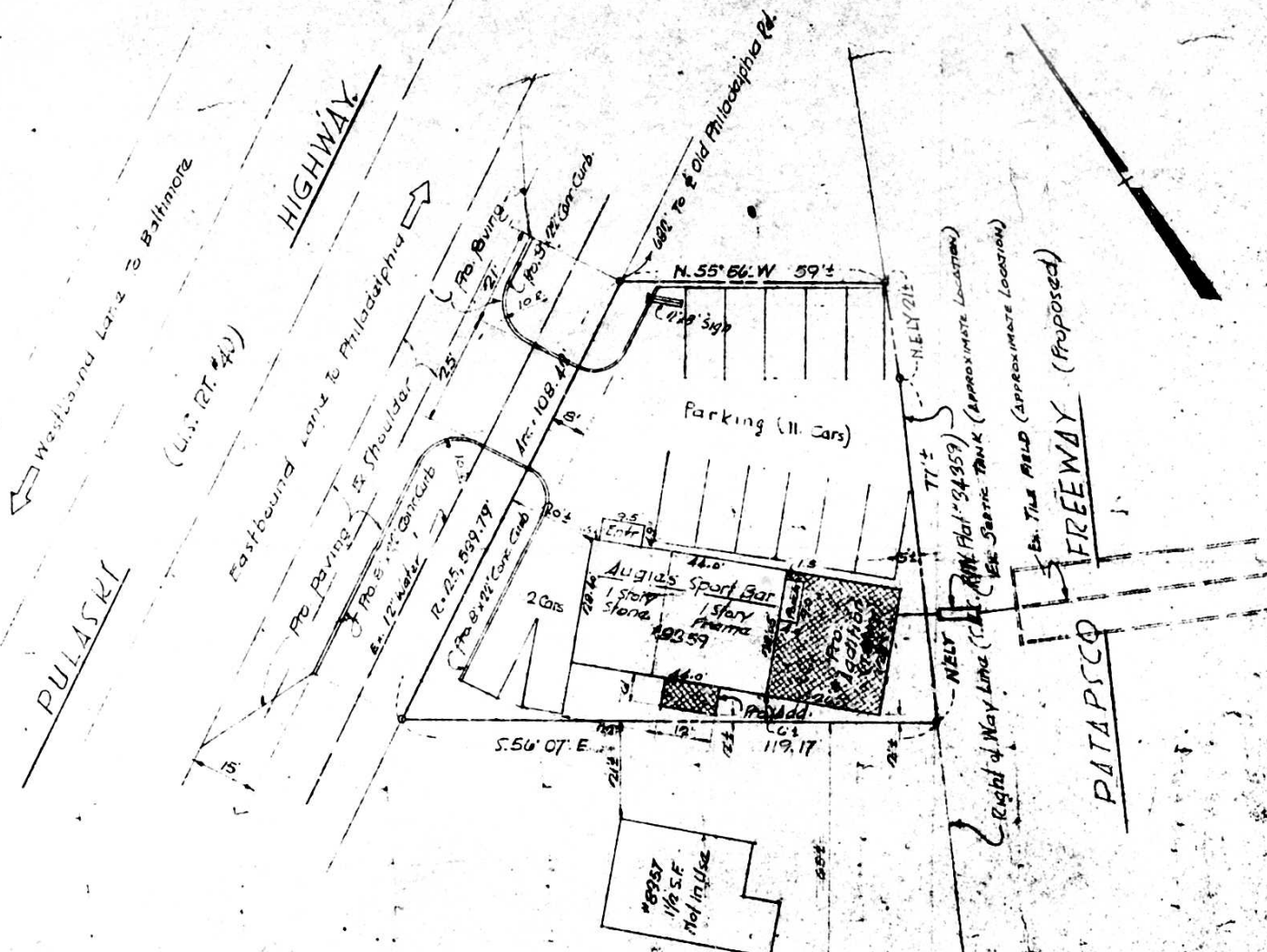
Location: Election Dist. 15, Balto. Co. Md.
 Area: 0.720 Acs.
 Present Zoning: M.L.
 Present Use: Bar
 Prop. Zoning: M.L. WITH Variance for Parking, Sign & Bar with
 Prop. Use: Bar & Restaurant
 Area of Bldg.: 2634 Sq. Ft.
 Bldg. Coverage: 23.4%
 Area Bldg. (Excl. Kitchen): 1690 Sq. Ft.
 Parking Spaces Req'd: 24 (1 for 96 sq. ft. floor space)
 Spaces Proposed: 13
 Size of Parking Spaces: 9' x 20' = 180 Sq. Ft.

#89257
 1 1/2 S.E.
 Not in Use

State Saw Co.
 1st Br. & C.B.

EVANS, HAGAN & ASSOCIATES		
DATE	DESIGNED BY	IN
SERVING & CIVIL ENGINEERING		
1115 E. BROAD ST. BALTIMORE, MD. 21201		
REVIEWED BY DATE APPROVED BY DATE DRWG. NO. 022		





NOTES

Location: Election Dist. 15, Baltimore
 Area: 0.70 Acre
 Present Zoning: M.L.
 Present Use: Bar
 Pro. Zoning: M.L. with Variance for parking, bldg. & structure
 Pro. Use: Bar & Restaurant
 Area of Bldg.: 2032 Sq. Ft.
 Bldg. Coverage: 22.4%
 Area Bldg. (Excl. Walkway): 1600 Sq. Ft.
 Parking Spaces Bldg.: 24 (1 for 50 Sq. Ft. floor space)
 Spaces Proposed: 13
 Size of Parking Spaces 9' x 20' = 180 Sq. Ft.

174-69
 (5673)

PLANS APPROVED
 OFFICE OF PLANNING & ZONING
 BY: [Signature]
 DATE: 7/16/75
 Zoning File 69-6A

State Saw
 154 DEC 1975