PETITION FOR ZONING VALIANCE 85-007-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat sitached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 To permit side yard setbacks of 7'6" and 21' and a rear yard setback of 27'6" all in lieu of the required 30'

409.2b (1) To parmit 18 parking spaces in lieu of 43 spaces required and 409.2c(4) Jen Dermil, Butther, John Miller, Speens, In Hem. At A speens, required, 879, 274.

Jen Dermil, Butther, John M. John He Larriest, amounts, line in Hess of the Promine 8° of the Zonega Regulations of Battomer County, to the Zonega Law of Battomer County, for the County Law of Battomer Count

Preparation course.

2. Business in 95% fast-carry out with negligible seating. New addition will allow for faster customer pick-up 6 turnover. (Severage customer turn-around is 4 minutes) Additional parking will not be necessary for this operation. 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 Battimore County adopted purposent to the Zoning Law For Battimore 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 are
Contract Purchaser:	Legal Owner(s):
(Type or Priot Name)	Ted H. Schweitzer (Type or Print Name)
Signature	Signature Chevreships
Address	(Type or Print Name)
City and State	Morton M. Saltz Moderny Salty
Attorney for Petitioner:	
(Type or Print Name)	Address Phone No.
Signature	City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Ted H. Schweitzer Name 10811 Baronet Rd.
Attorney's Telephone No.:	Owings Mills, Md. 21117
GRDERED By The Zoning Commissioner of	Baltimore County, this
out Commore County that property be rested a	e subject matter of this petition be advertised, as y, in two newspapers of general circulation through- nd that the public hearing be had before the Zoning 06, County Office Building in Towson, Baltimore
County on the 25th day of _	February 19.85 , at 10:00 o'clock
X-344	. 0
3 4	Call > 10.
M As	Zoning Commissioner of Baltimore County.
(0	ver)
× ×	
SY ANIMA	

Case No. 85-227-A

RECEIVED FOR FILING

URDER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 22nd day of January 1985.

Petitioner Ted H. Schweitzer, et afleccived by Marie B. Commodari Richolas B. Commodari Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED



February 27, 1985

TED ZALESKI, JA.

Dear Mr. Jahlan Dear Mr. Janion:

Revised

Commeats on Item #130 / Zoning Advisory Committee Meeting are as follows:

Property Owner: Ted H. Schweitner, et al Location: NW/Cor. Liberty Road and Ellen Road Existing Scaing: B.R. Proposed Longry N.P. Variance to permit a side yard setback of 7'6" in lieu of the required 30' and to permit 20 parking spaces in lieu of the required 13 spaces.

The items checked below are applicables

All structures shall conform to the Baltimore County Duilding Code 1981/Council Bill L-82 Diate of Maryland Code for the Hamiltonped and Aged; and other small-

A building/ & other penut shall be required before beginning constru C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Definer seal is/is not required. Mon-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Engineer shall be required to file a permit application. E. In exterior wall series within 60 for General application.

E. In exterior well series within 60 for General uses on 100 for One 6 Yeo Faulty use group-of an adjacent let libe shall be of moh hour fire resistive construction, no openings permitted within 30 of feet lines. A firewall is required if construction is on the let line, use Table 50; line 7, because 1507 and Table 1507, and Table 1507, also Estima 503.2;

F. Requested variance appears to conflict with the Baltimore County Building Code.

8. Defore this office can comment on the above stweeture, please have the connection the services of a Jegistered in Rayland Architect or Engineer certify to this office, that, the structure for which a proposed comply with the bright/area requirements of this 95 and to require described the contract of the 155 and 155 required contractions. Comments - Handicapped rest room facilities shall be required, if not already existing.

Yery truly yours, Marts & Sumba Charles E. Burnham, Chief

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Date ... February, S. 1985 ...

Norman E. Gerber, Director FROM. Office of Planning and Zoning

Ted H. Schweitzer, et al SUBJECT_No. 85-227-A

If this petition is granted, it is requested that a detailed land-scaping plan be required. The subject property is within the boundaries of the Liberty Road revitalization area.

Norman E. Gerber Director Office of Flanning and Zoning

NEG/JOH/er

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 15, 1985

fr. Ted H. Schweitzer 0811 Baronet Road Wings Mills, Maryland 21117

Sicholas B. Com

3

Bureau of Fire Presention Board of Discation

Gentlemen: Obsciences.

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above caferenced petition. The following comments are not intended to repristences of the zoning action requested, but to ascurate a submittee and the above cafe plans that all parties are made aware of plans or problems with that all parties are made aware of plans or problems with this case. The Proposent plans that may have a bearing on this case.

The Proposent plans that may have a bearing on this case. The propose the propose are proposed to the propose that the propose with the proposed to the propose the proposed to the plans the proposed to the proposed to the proposed to the plans the proposed to the proposed to the proposed to the plans the plans the proposed to the plans the plans the proposed to the plans the pla

RE: Item No. 130 - Case No. 85-227-A Petitioner - Ted H. Schweitzer, et al Variance Petition

In view of your proposal to construct additions to the front and side of the existing building, these variance requests to the setback and parking requirements are needed.

As indicated in our previous conversations, the parking calculations were based on restaurant parking even though the building is indicated as a "carryout" use. This was due to the fact that some seating is available in the existing building.

Concerning the comments of Mr. Flanigan from the Department of Traffic Engineering, you indicated that the campy and tables on the west side of the building would be removed, because this ware not included in the parking calculations, changes, as requested, by the office of the control of t

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information pretition. If similar comments from the remaining open that the similar comments from the remaining on the day, of the risks, any comment that it is not the pretition was the first on the date of the enclosed filing certificate and a bearing scheduled accordingly.

NBC:bsc Enclosures

Very truly yours,

Technic E. Cammadar, Lag.
NIGHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee



HARRY J. PISTEL P. E.

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item #130 (1984-1985) Property Owner: Ted H. Schweitzer, et al M/M cot. Liberty Rd. and Ellen Rd. Acres: 0.34 District: 2nd

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

As no public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any mulances or damages to adjacent properties, especially by the concentration of surface waters. Corsection of any problem which say result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

JAMES A. MARKLE, P.E., Chief Bureau of Public Services



November 28, 1984

Mr. A. Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 11-27-84 ITEM: #130. Property Owner: Ted H. Property Owner: Ted H. Schweltzer, et al Location: NW/Cor. Liberty Road, Route 26 & Ellen Road Existing Zening: B.R. Proposed Zoning: Variance to permit a side yard setback of 7' 6" in lieu of the required 30' and to permit 24 parking spaces in lieu of the required 43 spaces. Acres: 0.34

District: 2nd

On review of the submittal of 10-16-84 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,

Charles Lee, Chief Bureau of Engineering Access Permits

By: George Wittman

cc: Mr. J. Ogle

My telephone number is (301) 659-1350 Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro — 545-0451 D.C. Metro — 1,600-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvast St. Basis hat strict compliance with the Raltimore County Zoning Regulations would/would not tical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(a) should /should not be granted.

10 that the basels Battiton for Veriance(s) to normit

Mr. Arnold Jablon Zoning Commissioner County Office Building

12/18/84

Re: Zoning Advisory Meeting of 1/20/f4/
Item 8/30/
Property Compete Ted H. Schwaiter, a fall
Lecation: Nill Con. Liberty Ro. & Ellen Rd.

There are no sits planning factors requiring comment, as courty Period from Period in the Period of the Period of

tions.

pment of this site may constitute a potential conflict with

itimore County Master Plan.

ended Development Plan was approved by the Planning Board

andscaping should be provided on this site and shown on the plan, he property is located in a deficient service area as defined by 11 178-79, boulding permit may be issued until a Reserve apacity Use Certificate has been issued. The officient service The property is located in a traffic area controlled by a "n' level intersection as defined by BIII 178-79, and as condition, y "n' level intersection as defined by BIII 178-79, and as condition change traffic capacity may become one limited. The Basic Services Areas are re-evaluated annually by the County Council.

(X) Additional comments:

The love rape mount standards will apple to the reserved addition the glan about 33 god him years not set. the five your on the sauth side of the site are not accordable as gargased

Eugene & Bolis

Eugene A. Bober

Chief, Current Planning and Develo

DALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550

STEPHEN E. COLLINS

Donnelson 12 1004

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Item No. 130 — PAC- Neeting of November 27, 1984 Property Ocear: Ted In Schmeitzer, et al. New York (November 2014) New York (November 27) New York (November 2014) New Y

Acres: 0.34 District: 2nd

Dear Mr. Jablon:

The site plan should be revised to show the canopy and tables on the west side of the cuilding.

The parking variance will mean the overflow vehicles will park in the area south of the site.

Michael S. Flanifan Traffic Engineering Assoc. II

MSP/com

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIEF November 23, 1984

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore Gounty Office Building Towson, ND 21204

Attention: Mick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Ted H. Schweitzer, et al

Location: NW/Cor. Liberty Road and Ellen Road

zoning Agenda: Meeting of 11/27/84

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

- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at ____

EXCERDS the maximum allowed by the Fire Department.

- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation
- The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Matienal Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to account.
- () 6. Site plans are approved, as drawn.

neview of the self-of- bureau has no coments, at this time.

REVIEW OF STATES AND STATES OF SELECTION OF SELE

Comments on Item # 130 Zoning Advisory Committee Meeting are as follows:

The flees encourse reason are egy to the latitacre County Building Code 1961/Council
all structures shall conform to the Baltimore County Building Code 1961/Council
all 1-62 date of Maryland Code for the Handloupped and Aged; and other appli-

Residential: Three sets of construction drawings are required to file a permit application. Architect/Engines: seal is/is not required. Hon-reproduced seals and signatures are required on Plans and Technical Data.

in exterior wall erected within 6'O for Commercial uses or 3'O for One & Two Family use group of an adjacent let line shall be of one hour fire resistive construction, no copanings persisted within 3'O of let lines. A firewall is required if construction is on the let line, see Table 101, line 7, Section 1007 and Table 1007, also Section 503.2.

NOTE: O communis - Parking bumpers shall be located so the autos parked there will not block the exit doors from opening to a full open position. Compliance to the State Emailcapped Gods inside the structure is also required.

Much & Lumb

November 27, 1984

RE: PETITION FOR VARIANCE SW Corner of Liberty and Ellen Rds. (8121 Liberty Rd., 2nd District

...

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

TED II SCHAFTTZER of al Case No. 85-227-5

> ENTRY OF APPEARANCE

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

> Phyllis Cole Friedman Phyllis Cole Priedman People's Counsel for Baltimore County

Peter Max Zermen Peter Max Zimmerman Deputy People's Counsel Pm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 13 day of February, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Ted H. Schweitzer and Mr. Morton M. Saltz, 10811 Baronet Road, Owings Mills,

> Peter Max Zumen Peter Max Zimmerman

January 25, 1985

Mr. Ted H. Schweitzer 10811 Baronet Road Owings Mills, MD 21117

NOTICE OF HEARING
RE: Petition for Variances
SM/cor. of Liberty and Ellen Rds.
(8121 lib.rty Road)
Ted H. Schweitzer, et al - Petitioners
Case No. 85-227-A

TIME: 10:00 a.m. DATE: Monday, February 25, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

No. 134398 P-01-615-000 TAPIANCE C 025----- 100pota 2134F VALIDATION OR SIGNATURE OF CASHIER

P5-227-A FOCATION SOuthwest comes & Lines CELTIFICATE OF PUBLICATION 62065 Public relating from the County Office Sandry, 111 West Champing Street Fikesville, Md., Feb. 6 19 85 The Zawing Commissioner of Battering Co 17, by authority of the Zawing Act and Read 17, by authority of the Zawing Act and Read 18, by authority of the Zawing Act and 2 per TO CENTIFY, that the annexed advertisment blished in the NORTHWEST STAR, a weekly er published in Pikesville, Baltimore Suring the property of Tad II. Schweitzer, of all as shown in the past thad with the Zoning Co. __19__85 rst publication appearing on the _oay of Feb. ,19 85 cend publication appearing on the _day of___ ird publication appearing on the _day of______.19__

THE NORTHWEST STAR

\$24.00 Cost of Advertisement



85-227-4 CERTIFICATE OF PUBLICATION

February 7 19 85 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 7 19 85

> THE JEFFERSONIAN, 18 Venetarli

Cost of Advertising

20.00

CERTIFICATE OF POSTING PARTMENT OF BALTIMORE COUNT Towsen, Maryland

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6

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 85-227-A

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er of Liberty and

Petitioners

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

feet and 21 feet instead of the required 30 feet, a rear yard setback of 27%

fee tinstead of the required 30 feet, 18 parking spaces instead of the required

43 spaces, and parking within 5 feet of the street property line instead of the

The Petitioners appeared and were represented by Counsel. Morris H. Stein-

Testimony indicated that the subject property, zoned B.R., is presently im-

Evidence was conclusive that if the addition were placed elsewhere, it

Although the site presently has 23 parking spaces, those located to that of the building will be removed. Testimony indicated that approximately

still require variances and would be severely limited in size, the

horn, the Petitioners' architect, also appeared and testified. There were no

proved with a carry-out restaurant. The existing building has a very small and

required 8 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners herein request variances to permit side yard setbacks of 74

Road) - 2nd Election Dist

Ted H. Schweitzer, et al.

IN RE: FETITION ZONING VARIANCES

Emizing its usefulness.

DATE

BY

85-227-A

Date of Posting 2-6-85 Posted for Variances Petitioner Ted H Admentin et al Location of property SW/ come of Telesty and Clan Rode (8/21 Lety Bond) Location of Signe 5 W/ Corner of Liberty and Ellen Ronde Remarks of respective disease the leader survey law Collins of the law to the Number of Signes



ARNOLD JABLON ZONING COMMISSIONER

Pebruary 12, 1985

Hr. Ted H. Schweitzer 10811 Baronet Road Owings Mills. Maryland 21117

RE: Petition for Variances SW/cor. Liberty & Ellen Rds. (8121 Liberty Rosd) Case No. 85-227-A

Dear Mr. Schwitzer:

This is to advise you that \$49.00 is due for advertising and posting

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January. Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

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

Beginning on the southwest corner of Liberty Road and Ellen Road and thence running along Liberty Road N 65 43' 00" W 102.88, thence S 29 55' 50" W 135.20'. thence S 65 16' 09" E 98.69' thence N 39 41' 15" E 120.83 and thence N 13 29" 41" W 23.83' to the place of beginning.

Also known as 8121 Liberty Road

No. 005252 Sall LDJABLON g Commissioner

95% of the business is carry out and that the average time a customer is on the site is about 5 minutes. The Petitioners suggest that 18 spaces would more than

The Petitioners seek relief from Sections 238.2, 409.2.b.(3), and 409.2.c.(4), pursuant to Section 307, Baltimore County Zoning Regulations

An area variance may be granted where atrict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to ap-plicant as well as other property owners in the dis-trict or whether a lesser relaxation than that applied for would give substantial relief; and
- 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 variances were granted, such use oposed would not be contrary to the spirit of the BCZR and would not result stantial detrieent to the public good.

After due consideration of the testimony and evidence presented, it is that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirefrom which the Petitioners seek relief would unduly restrict the use of the

addition, the variances requested will not be detrimental to the public health. safety, and general welfare,

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _ 27 day of February, 1985, that the Petition for Zoning Variances to permit side yard setbacks of 7% feet and 21 feet instead of the required 30 feet, a rear yard setback of 27% feet instead of the required 30 feet, 18 parking spaces instead of the required 43 spaces, and parking within 5 feet of the street property line instead of the required 8 feet be and the same is hereby GRANTED, from and after the date of this Order, subject, however, to the follow-

- A detailed landscaping plan, pursuant to the Baltimore County Landscape Mormal, shall be submitted for approval to the Current Planning and Development Division, Office of Planning and Zoning.
- Upon approval of the landscaping plan, the Fetilionera may apply for their building permit and he prunted ame may payly for their building permit and he prunted ame payle for their permits and their own permits which was their own risk until must time as the applicable appearance of their permits with the permits and the permits with the permit

lius W. Lichter, Esquire

Conipe Comissioner o Waltimore County

DATE

OR

PETITION FOR VARIANCES 2nd Election District

Southwest corner of Liberty and Ellen Roads (8121 Liberty Road)

DATE AND TIME PUBLIC HEARING:

LOCATION:

Monday, February 25, 1985 at 10:00 a.m. Room 106, County Office Building, 111 West Chesapeake

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 7 feet 6 inches and 21 feet and a rear yard setback of 27 feet 6 inches all in lieu of the required 30 feet, and to permit la parking spaces in lieu of 43 spaces required and to permit parking within 5 feet of the street property line in lieu of the required 8 feet.

Being the property of Ted H. Schweitzer, et al the plat filed with the Zoning Office. as shown on

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Comissioner will, however, entergian, any.request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing, set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

DATE

AUG 1 4 1985



