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 attached hereto and made a part hereof, hereby petition for a Variance from Section 232.2b to permit a wide ward or 5: in lieu of of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (inc. ate hardship or practical difficulty) 1. Locating addition at required 10' setback would close entrance to kitchen.

2. Closing entrance would cause hardship in handling and storing deliveries.

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DEPARTMENT OF PERMITS & LICENSES DEPARTMENT OF PERMITS & L TOWSON, MARYLAND 21204 494-3610 June 10, 1985 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204 Arnold Jablon PAUL H. REINCKE CHIEF TO Zoning Commissioner TED ZALESKI, JR. DIRECTOR Norman E. Gerber, Director June 5, 1985 FROM Office of Planning and Zoning Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning JULY 12, 1985 Mr. Arnold Jablan, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204 SUBJECT Zoning Petition No. 86-56-A Baltimore County Office Building Towson, Maryland 21204 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. Jablons Attention: Nick Commodari, Chairman Comments on Item # 361 Zoning Advisory Committee Meeting are me follows: Zoning Plans Advisory Committee Loretzos Halkousis Re: Zoning Advisory Meeting of MAY 28, 1985
Item # 361 N/W corner Satyr Hill Road and Winkler Avenue RE: Property Owner: Loretzos Halkousis Property Owner: LORETZOS HALKOUSIS Districts Location: NW/CORNER SATYR HILL RD Location: N/W corner Satyr Hill Road and Winkler Avenue APPLICABLE ITEMS ARE CIRCLED: + WINKLER AVENUE All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards. The Division of Current Planning and Development has reviewed the subject Item No.: 361 Zoning Agenda: Meeting of May 28, 1985 petition and offers the following comments. The items checked below are of the subject request. (B) A building and ther miscellaneous permits shall be required before the start of any construction · Gentlemen: (X) There are no site planning factors requiring comment.
 (A County Review Group Meeting is required.
 (A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services. Pursuant to your request, the referenced property has been surveyed by this C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data. Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( )A record plat will be required and must be recorded prior Commercials Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. ( ) 1. Fire hydrants for the referenced property are required and shall be to issuance of a building permit. located at intervals or \_\_\_\_\_feet along an approved road in accordance with Baltimore County Standards as published by the E. All Use Groups except E-L Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-O to an interior lot line. E-L Use Groups require a one hour wall if closer than 3'-O to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table LOI, Section 1h.07, Section 1h.06.2 and Table 1h.02. He openings are permitted in an exterior wall within 3'-O of an interior lot line.

Department of Public Works.

( ) 6. Site plans are approved, as drawn.

REVIEWER: Catt Cost Holl, 6-5-85 Approved:

Special Inspection Division

( ) 2. A second means of vehicle access is required for the site.

EXCEEDS the maximum allowed by the Fire Department.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

( ) 4. The site shall be made to comply with all applicable parts of the

(X ) 5. The buildings and structures existing or proposed on the site shall

Fire Prevention Code prior to occupancy or beginning of operation.

comply with all applicable requirements of the National Fire Protection

Fire Prevention Bureau

Association Standard No. 101 "Life Safety Code", 1976 edition prior

( ) 3. The vehicle dead end condition shown at

FOR ZONING VALIANCE

The access is not satisfactory.
The circulation on this site is not satisfactory.

)This property contains soils which are defined as wetlands, and

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Plauning Board

(X)Landscaping: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change

are re-evaluated annually by the County Council.

)Additional comments:

cc: James Hoswell

Capacity Use Certificate has been issued. The deficient service

traffic capacity may become more limited. The Basic Services Areas

Eugene A. Bober

Chief, Current Planning and Development

development on these soils is prohibited.

Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development

The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

F0:3

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to be one story in A-3 Use Group. See Table 501. Rasement storage requires

F. The structure does not appear to comply with Table 505 for permissable height/area. Beply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_, of the Baltimore County Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Livering. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

) Comments: It is assumed the structure is not wood frame or if part wood

sprinkler. Section 1702.14. Show Handicapped Code compliance as per State Law.

Mossilo E dumbo.

By: C. E. Burnham, Chief
Building Plans geview

frame is separated by a 2 hour fire wall as wood frame is only remitted

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desi ad the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Earyland 21204.

JAMES A. MARKLE, P.E., Chief Bureau of Public Services The transmission of the second of the second of BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Date\_\_\_\_July 16, 1985 Assuming compliance with the corments of the Zoning Plans Advisory Committee, this office is not opposed to the granting Office of Planning and Zoning NEG:JGH:s1m

July 5, 1985

Avenue

District 9th

Very truly yours,

Re: Item #361 (1984-1985)

Property Owner: Loretzos Halkousis

N/W corner Satyr Hill Rd. & Winkler

Fage 1

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Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltinione County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ——— day of -----, 19---, that the herein Petition for Variance(s) to permit

#### ZONING DESCRIPTION

Begining northwest of the intersection of Satyr Hill Road and Winkler Avenue at a distance of 19 feet north of the centerline of Winkler Avenue and 123 feet southwest of the centerline of Satyr Hill Road, proceed north 86 degree 25 minutes 23 seconds W a distance of 204.70 feet; thence north 51 degree 6 mintues 40 seconds W a distance of 256.47 feet; thence north 12 degree 10 minutes 45 seconds W a distance of 92.07 feet; thence north 87 degree 33 minutes 98 seconds E a distance of 383.45 feet; thence south 7 degree 16 minutes 22 seconds E a distance of 11.22 feet; thence south 7 degree 35 minutes 18 seconds E a distance of 75.35 feet; thence south 17 degree 11 minutes 26 seconds E a distance of 55.00 feet, thence south 6 degree 5 minutes 49 seconds E. a distance of 116.09 feet. Also known as 8712 Satyr Hill Road in the 9th election district.

Petition for Variance 9th Election District

LOCATION:

Northwest corner of Satyr Hill Road and Winkler Avenue (8712 Satyr Hill Road)

DATE AND THE.

Monday, August 5, 1985 at 10:45 a.m.

PUBLIC HEARING:

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

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

Petition for Variance from Section 232.2B to permit a side yard of 4' in lieu of the required 10'.

AJ/srl

should be granted.

cc: Benjamin Bronstein, Esquire

People's Counsel

Being the property of <u>Loretzos Halkousis</u> the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain 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.

> ARNOLD JABLON ZONING COMMISSIONER OF EALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE NW/corner of Satyr Hill Road and Wilker Avenue (8712 Satyr 🔻 Hill Road) - 9th Election District

Loretzos Halkousis,

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 86-56-A Petitioner \*

# . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of four feet instead of the required ten feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner was Christian Hayes, the contractor. There were no Protestants.

Testimony indicated that the subject property, zoned B.L., is improved with an existing restaurant and bar known as the Valley View Inn. It is located on the corner of Wilker Avenue and Satyr Hill Road and fronts Satyr Hill Road. The Petitioner has owned the business for 13 years and wants to expand it by constructing an approximately 20' x 34' addition to the approximately 55'  $\times$  63' existing building to allow for additional seating, kitchen space, and an entrance foyer from the parking lot. The existing building is situated four feet from the side property line and is nonconforming.

It has been a long-standing policy of the Zoning Commissioner to require hat appropriate variances be requested to legalize existing setbacks when major commexicial additions are proposed that are in line with existing deficient sethetks and which also create other deficiencies. The proposed addition will edustructed in line with the existing building and will not create any other definency other than also being four feet from the side property line rather

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RE: PETITION FOR VARIANCE

Rd. & Winkler Ave.

LORETZOS HALKOUSIS,

9th District

Petitioner

or final Order.

(8712 Satyr Hill Rd.)

NW Corner of Satyr Hill

than the ten feet required by law. If the variance were denied, the Petitioner would be forced to relocate the proposed addition which would necessitate total reorganization of the interior of the existing bulding at a tremendous cost in terms of time and money.

A CONTROL OF THE PROPERTY OF T

The Petitioner seeks relief from Section 232.2.b, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict 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 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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 were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result / in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to psecial conditions unique to this particular parcel. In addition, the var ance requested will not be detrimental to the public health, safety, and

> BENJAMIN BRONSTEIN ATTORNEY AT LAW SUITE 200 102 WEST PENNSYLVANIA AVENUE

- 2 -

TOWSON, MARYLAND 21204 (30!) 828-4442

August 5, 1985

Arnold Jabion, Zoning Commissioner for Baltimore County County Office Building Towson, MD 21204

RE: Case No. 86-56-A

ZOHING DEPARTMENT

Dear Mr. Jablon:

general welfare.

Please enter my appearance on behalf of the Petitioner in the above entitled case.

Begjamin Bronstein

BB/jaa

I HFREBY CERTIFY that on this 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Loretzos Halkousis, 8712 Satyr Hill Road, Baltimore, MD 21234, Petitioner, & David A. DeVos, 7203 Harford Rd., Baltimore, MD 21234, who requested notification.

494-2188

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

: Case No. 86-56-A

Phyllis Cole Friedman

People's Counsel for Baltimore County

:::::::

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates or

other proceedings in this matter and of the passage of any preliminary

Please enter the appearance of the People's Counsel in the

Phyllis Cole Friedman

Peter Max Zimmerman

Rm. 223, Court House Towson, MD 21204

Deputy People's Counsel

Pursuant to the advertisement, posting of the property, and public hearing

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

day of August, 1985, that the Petition for Zoning Variance to

on this Petition held, and for the reasons given above, the requested variance

permit a side yard setback of four feet instead of the required ten feet be and

is hereby GRANTED, from and after the date of this Order, subject to the follow-

1. The Petitioner may apply for his building permit and te

granted same upon receipt of this Order; however, Peti-

tioner is hereby made aware that proceeding at this

time is at his own risk until such time as the applica-

ble appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Peti-

tioner would be required to return, and be responsible

for returning, said property to its original condition.

- 3 -

Loretzos Halkasis 8712 Satyr Hill Road Baltimore, Maryland 21234

### NOTICE OF HEARING

RE: PETITION FOR VARIANCE NW corner of Satyr Hill Rd. and Winkler Ave. (8712 Satyr Hill Road) 9th Election District Case No. 86-56-A

10:45 a.m.

Monday, August 5, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

Zoning Commissioner of Baltimore County

cc: David A. DeVos 7203 Harford Road Baltimore, Maryland 21234

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

No. 007243

MISCELLANEOUS CASH RECEIPT

RECEIVED DOUD

B 012\*\*\*\*\*10000ta \$218F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

August 1, 1985

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Loretzos Halkousis 8712 Satyr Hill Road Baltimore, Maryland 21234

RE: Petition for Variance
NW corner of Satyr Hill Road and
Winkler Ave. (8712 Satyr Hill Rd.)
9th Election District Case No. 86-56-A

Dear Mr. Halkousis,

This is to advise you that <u>\$ 63.40</u> is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 006880

PROMISED 7715 STATERINGS

FOR allusticing & Posting

VALIDATION OR SIGNATURE OF CASHIER

Zoning Commissioner

Transfer and the second se

CERTIFICATE OF PUBLICATION

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PETITION FOR VARIANCE 9th Election District

LOCATION: Northwest corner of Satvr Hill Road and Winkler Awnus (8712 Satyr Hill Road) DATE AND TIME: Monday, August

5, 1985 at 10:45 a m.
PUBLIC HEARING: Room 106,
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Chesspeake Avenue, Towson,
Maryland

more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 232,28 to permit a side yard of 4' in lieu of the neurism! 107

232.2B to permit a side yard of 4' in lieu of the required 10'.

Being the property of Loretzos Halkouse as shown on the plat filed with the Zoning Office.

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

By Order Of ARNOLD JABLON,

Zoning Commissioner

Zoning Commission of Baltimore County

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 July 18 19 85.

THE JEFFERSONIAN.

Cost of Advertising

0

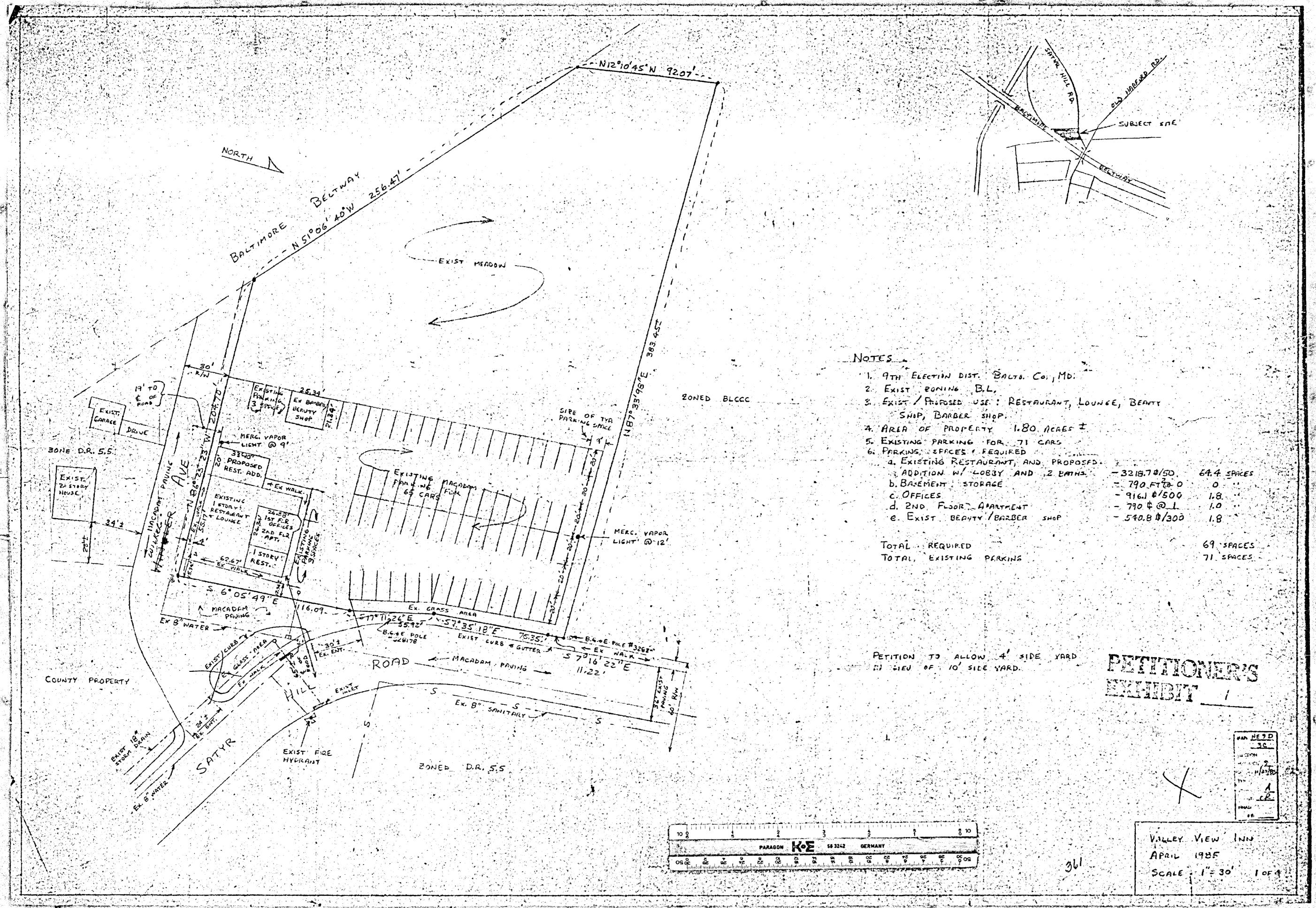
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: NW LOV. OF SATUR HIIRL & Winkler Are, 8712 Satyr KILRS. Location of Signe: [25/24 59 44x Hill Bi, Approx, 6 Fr. 109 d. Nou

Number of Signa:

1

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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 attached hereto and made a part hereof, hereby petition for a Variance from Section 232.2b to permit a wide ward or 5: in lieu of of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (inc. ate hardship or practical difficulty) 1. Locating addition at required 10' setback would close entrance to kitchen.

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OFFICE OF PLANNING AND ZONING
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comply with all applicable requirements of the National Fire Protection

Fire Prevention Bureau

Association Standard No. 101 "Life Safety Code", 1976 edition prior

( ) 3. The vehicle dead end condition shown at

FOR ZONING VALIANCE

The access is not satisfactory.
The circulation on this site is not satisfactory.

)This property contains soils which are defined as wetlands, and

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Plauning Board

(X)Landscaping: Must comply with Baltimore County Landscape Manual.
The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change

are re-evaluated annually by the County Council.

)Additional comments:

cc: James Hoswell

Capacity Use Certificate has been issued. The deficient service

traffic capacity may become more limited. The Basic Services Areas

Eugene A. Bober

Chief, Current Planning and Development

development on these soils is prohibited.

Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development

The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

F0:3

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to be one story in A-3 Use Group. See Table 501. Rasement storage requires

F. The structure does not appear to comply with Table 505 for permissable height/area. Beply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_, of the Baltimore County Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Livering. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

) Comments: It is assumed the structure is not wood frame or if part wood

sprinkler. Section 1702.14. Show Handicapped Code compliance as per State Law.

Mossilo E dumbo.

By: C. E. Burnham, Chief
Building Plans geview

frame is separated by a 2 hour fire wall as wood frame is only remitted

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desi ad the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Earyland 21204.

JAMES A. MARKLE, P.E., Chief Bureau of Public Services The transmission of the second of the second of BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Date\_\_\_\_July 16, 1985 Assuming compliance with the corments of the Zoning Plans Advisory Committee, this office is not opposed to the granting Office of Planning and Zoning NEG:JGH:s1m

July 5, 1985

Avenue

District 9th

Very truly yours,

Re: Item #361 (1984-1985)

Property Owner: Loretzos Halkousis

N/W corner Satyr Hill Rd. & Winkler

Fage 1

1

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltinione County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ——— day of -----, 19---, that the herein Petition for Variance(s) to permit

#### ZONING DESCRIPTION

Begining northwest of the intersection of Satyr Hill Road and Winkler Avenue at a distance of 19 feet north of the centerline of Winkler Avenue and 123 feet southwest of the centerline of Satyr Hill Road, proceed north 86 degree 25 minutes 23 seconds W a distance of 204.70 feet; thence north 51 degree 6 mintues 40 seconds W a distance of 256.47 feet; thence north 12 degree 10 minutes 45 seconds W a distance of 92.07 feet; thence north 87 degree 33 minutes 98 seconds E a distance of 383.45 feet; thence south 7 degree 16 minutes 22 seconds E a distance of 11.22 feet; thence south 7 degree 35 minutes 18 seconds E a distance of 75.35 feet; thence south 17 degree 11 minutes 26 seconds E a distance of 55.00 feet, thence south 6 degree 5 minutes 49 seconds E. a distance of 116.09 feet. Also known as 8712 Satyr Hill Road in the 9th election district.

Petition for Variance 9th Election District

LOCATION:

Northwest corner of Satyr Hill Road and Winkler Avenue (8712 Satyr Hill Road)

DATE AND THE.

Monday, August 5, 1985 at 10:45 a.m.

PUBLIC HEARING:

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

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

Petition for Variance from Section 232.2B to permit a side yard of 4' in lieu of the required 10'.

AJ/srl

should be granted.

cc: Benjamin Bronstein, Esquire

People's Counsel

Being the property of <u>Loretzos Halkousis</u> the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain 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.

> ARNOLD JABLON ZONING COMMISSIONER OF EALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE NW/corner of Satyr Hill Road and Wilker Avenue (8712 Satyr 🔻 Hill Road) - 9th Election District

Loretzos Halkousis,

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 86-56-A Petitioner \*

# . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of four feet instead of the required ten feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also appearing on behalf of the Petitioner was Christian Hayes, the contractor. There were no Protestants.

Testimony indicated that the subject property, zoned B.L., is improved with an existing restaurant and bar known as the Valley View Inn. It is located on the corner of Wilker Avenue and Satyr Hill Road and fronts Satyr Hill Road. The Petitioner has owned the business for 13 years and wants to expand it by constructing an approximately 20' x 34' addition to the approximately 55'  $\times$  63' existing building to allow for additional seating, kitchen space, and an entrance foyer from the parking lot. The existing building is situated four feet from the side property line and is nonconforming.

It has been a long-standing policy of the Zoning Commissioner to require hat appropriate variances be requested to legalize existing setbacks when major commexicial additions are proposed that are in line with existing deficient sethetks and which also create other deficiencies. The proposed addition will edustructed in line with the existing building and will not create any other definency other than also being four feet from the side property line rather

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RE: PETITION FOR VARIANCE

Rd. & Winkler Ave.

LORETZOS HALKOUSIS,

9th District

Petitioner

or final Order.

(8712 Satyr Hill Rd.)

NW Corner of Satyr Hill

than the ten feet required by law. If the variance were denied, the Petitioner would be forced to relocate the proposed addition which would necessitate total reorganization of the interior of the existing bulding at a tremendous cost in terms of time and money.

A CONTROL OF THE PROPERTY OF T

The Petitioner seeks relief from Section 232.2.b, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict 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 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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 were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result / in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to psecial conditions unique to this particular parcel. In addition, the var ance requested will not be detrimental to the public health, safety, and

> BENJAMIN BRONSTEIN ATTORNEY AT LAW SUITE 200 102 WEST PENNSYLVANIA AVENUE

- 2 -

TOWSON, MARYLAND 21204 (30!) 828-4442

August 5, 1985

Arnold Jabion, Zoning Commissioner for Baltimore County County Office Building Towson, MD 21204

RE: Case No. 86-56-A

ZOHING DEPARTMENT

Dear Mr. Jablon:

general welfare.

Please enter my appearance on behalf of the Petitioner in the above entitled case.

Begjamin Bronstein

BB/jaa

I HFREBY CERTIFY that on this 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Loretzos Halkousis, 8712 Satyr Hill Road, Baltimore, MD 21234, Petitioner, & David A. DeVos, 7203 Harford Rd., Baltimore, MD 21234, who requested notification.

494-2188

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

: Case No. 86-56-A

Phyllis Cole Friedman

People's Counsel for Baltimore County

:::::::

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates or

other proceedings in this matter and of the passage of any preliminary

Please enter the appearance of the People's Counsel in the

Phyllis Cole Friedman

Peter Max Zimmerman

Rm. 223, Court House Towson, MD 21204

Deputy People's Counsel

Pursuant to the advertisement, posting of the property, and public hearing

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

day of August, 1985, that the Petition for Zoning Variance to

on this Petition held, and for the reasons given above, the requested variance

permit a side yard setback of four feet instead of the required ten feet be and

is hereby GRANTED, from and after the date of this Order, subject to the follow-

1. The Petitioner may apply for his building permit and te

granted same upon receipt of this Order; however, Peti-

tioner is hereby made aware that proceeding at this

time is at his own risk until such time as the applica-

ble appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Peti-

tioner would be required to return, and be responsible

for returning, said property to its original condition.

- 3 -

Loretzos Halkasis 8712 Satyr Hill Road Baltimore, Maryland 21234

# NOTICE OF HEARING

RE: PETITION FOR VARIANCE NW corner of Satyr Hill Rd. and Winkler Ave. (8712 Satyr Hill Road) 9th Election District Case No. 86-56-A

10:45 a.m.

Monday, August 5, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

Zoning Commissioner of Baltimore County

cc: David A. DeVos 7203 Harford Road Baltimore, Maryland 21234

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

No. 007243

MISCELLANEOUS CASH RECEIPT

RECEIVED DOUD

B 012\*\*\*\*\*10000ta \$218F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

August 1, 1985

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Loretzos Halkousis 8712 Satyr Hill Road Baltimore, Maryland 21234

RE: Petition for Variance
NW corner of Satyr Hill Road and
Winkler Ave. (8712 Satyr Hill Rd.)
9th Election District Case No. 86-56-A

Dear Mr. Halkousis,

This is to advise you that <u>\$ 63.40</u> is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 006880

PROMISED 7715 STATERINGS

FOR allusticing & Posting

VALIDATION OR SIGNATURE OF CASHIER

Zoning Commissioner

Transfer and the second se

CERTIFICATE OF PUBLICATION

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PETITION FOR VARIANCE 9th Election District

LOCATION: Northwest corner of Satvr Hill Road and Winkler Awnus (8712 Satyr Hill Road) DATE AND TIME: Monday, August

5, 1985 at 10:45 a m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesspeake Avenue, Towson,
Maryland

more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 232,28 to permit a side yard of 4' in lieu of the neurism! 107

232.2B to permit a side yard of 4' in lieu of the required 10'.

Being the property of Loretzos Halkouse as shown on the plat filed with the Zoning Office.

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

By Order Of ARNOLD JABLON,

Zoning Commissioner

Zoning Commission of Baltimore County

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 July 18 19 85.

THE JEFFERSONIAN.

Cost of Advertising

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: NW LOV. OF SATUR HIIRL & Winkler Are, 8712 Satyr KILRS. Location of Signe: [25/24 59 44x Hill Bi, Approx, 6 Fr. 109 d. Nou Number of Signa:

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