

PETITION FOR SPECIAL HEARING

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a use permit for parking in a residential zone or R.O. zone in connection with a commercial use pursuant to Section 409.4 of the Zoning Regulations.

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

I, or we, agree to pay expenses of the 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Dimitrios Makris, et al.

(Type or Print Name)

Signature

Address

City and State

3508 Orbitan Road

Baltimore, Maryland 21234

City and State

Name

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of July, 1985, 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 108, County Office Building in Towson, Baltimore County, on the 19th day of August, 1985, at 10:30 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

We the undersigned as residents of the neighboring community oppose the development of 2047 York Road as a restaurant facility.

8/17

NAME

ADDRESS

Joseph F. Daykin

10 Oakway Rd. 21093

Virginia M. Storer

6 Oakway Rd.

May Howard

12 Oakway Rd.

Carl & Hazel Halland

14 Oakway Rd.

Elizabeth Dracey

16 Oakway Rd.

Thelma Cashman

7 Oakway Rd.

Udland Dracey

16 Oakway Rd.

E. Elizabeth Chapman

3 Oakway

Margaret Bayless

18 Oakway Rd.

M. C. M. Calmont

21 Oakway Rd.

C. D. Zinn

26 Oakway Rd.

Daniel Price

27 Oakway Rd.

Arma S. Riley

28 Oakway

Harlan Albani

30 Oakway

Kathleen Weibel

32 Oakway

Chlori Allen

36 Oakway Rd.

Robert A. Ollender

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Doris Thal

9 Oakway Road

Bill Klottender

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Steve & Davis Babcock

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Wm C. Fanner

22 Northwood Dr.

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12 Northwood Drive

Mrs. M. B. B.

17 Northwood Drive

Alathia K. B.

3 Northwood Dr.

Cynthia C. B.

12 Northwood Dr.

Anna May B. B.

2039 York Road

PROTESTANT'S EXHIBIT 1

Robert C. B. B. 18 Oakway Rd.
Russell E. B. B. 12 Northwood Drive
Doris A. B. B. 29 Oakway Rd.
H. Stephen B. B. 29 Oakway Rd.

PROTESTANT'S EXHIBIT 3

Case No. 86-76-SPH

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 17th day of July, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: Dimitrios Makris, et al.
Attorney: R. Bruce Alderman, Esquire

Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

cc: George W. Stephens, Jr. & Associates, Inc.
303 Allegheny Avenue, Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 388 - Case No. 86-76-SPH
Petitioners - Dimitrios Makris, et al.
Special Hearing Petition

Dear Mr. Alderman:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: George William Stephens, Jr.
& Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL R.E.
DIRECTOR

July 15, 1985

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

Re: Item #388 (1984-1985)
Property Owners: Dimitrios Makris
SE/Cor. York Rd. & Oakway Rd.
District 8th

Dear Mr. Jablon:

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 item.

General Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may 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.

Very truly yours,

James A. Hinkle, P.E., Chief
Bureau of Public Services

JAM:PHO:blp

cc: File



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3311
NORMAN E. GENDER
DIRECTOR

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

JULY 24, 1985

Re: Zoning Advisory Meeting of JUNE 25, 1985
Item # 388
Property Owner: DIMITRIOS MAKRIS, et al.
Location: SE/CORNER YORK ROAD AND OAKWAY ROAD

Dear Mr. Jablon:

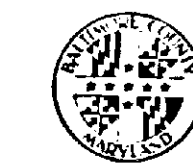
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ 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 forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and 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 Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 6/11/85.
- ☒ Landscaping must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by 811 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is defined by the County Council.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by 811 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

ADDITIONAL INFORMATION NEEDED FOR COMPATIBILITY DETERMINATION, ETC.

cc: James Howell

Eugene A. Boser
Chief, Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

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

Item No. 388
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of June 27, 1985
Dimitrios Makris, et al.
SE/Cor. York Road and Oakway Road
R.O. (CRG)
Special hearing to approve a use permit for parking in a residential zone or R.O. in connection with a commercial use.

Acres: 1.45
District: 8th

Dear Mr. Jablon:

Item No. 388 is a C.R.G. Item.

NSP/cem

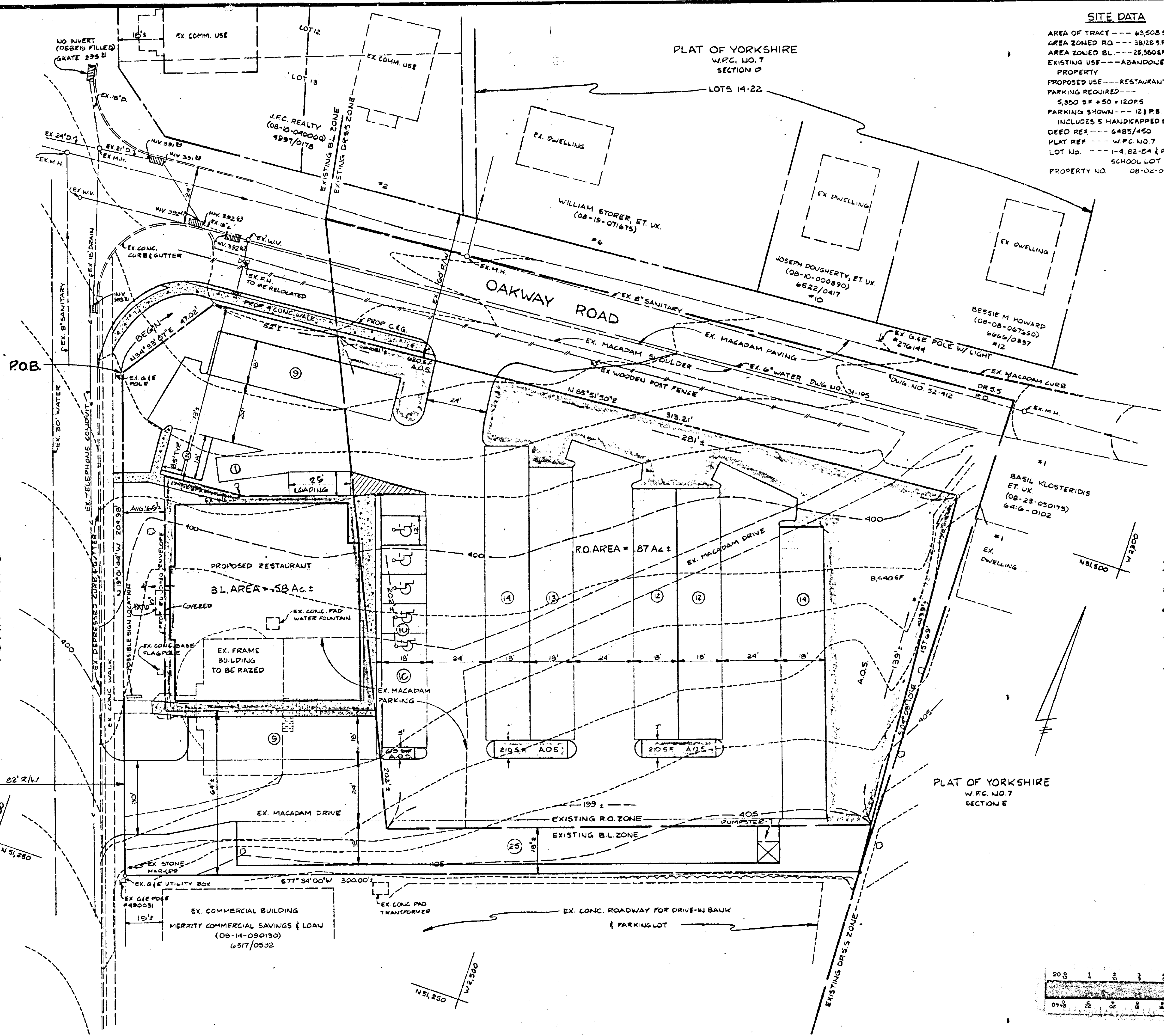
Nicholas B. Commodari
Traffic Engineering Assoc. II

409.4-Subdivision or Industrial Parking in Residential Zone-Open application by zoning Commission may issue a use permit for the use of land in a residential zone for parking areas to meet the requirements of the following schedule, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in line of the provisions in Section 409.2 (c):

- The lot or lots used must adjoin or be across an alley or street from the business or industry involved. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Only passenger vehicles, such as, but not limited to, may use the parking area. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- No loading, service, or any use other than parking shall be permitted. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Screening shall be provided in accordance with the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. (Resolution, November 21, 1956; No. 21, 1964.)
- A sound surface, properly drained, shall be required. (B.C.L.R., 1955, Paragraph 409.4.1; Resolution, November 21, 1956.)
- A satisfactory plan showing parking arrangement and vehicular access must be provided. (Resolution, November 21, 1956.)
- Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required. (B.C.L.R., 1955, Paragraph 409.4.2; Resolution, November 21, 1956.)

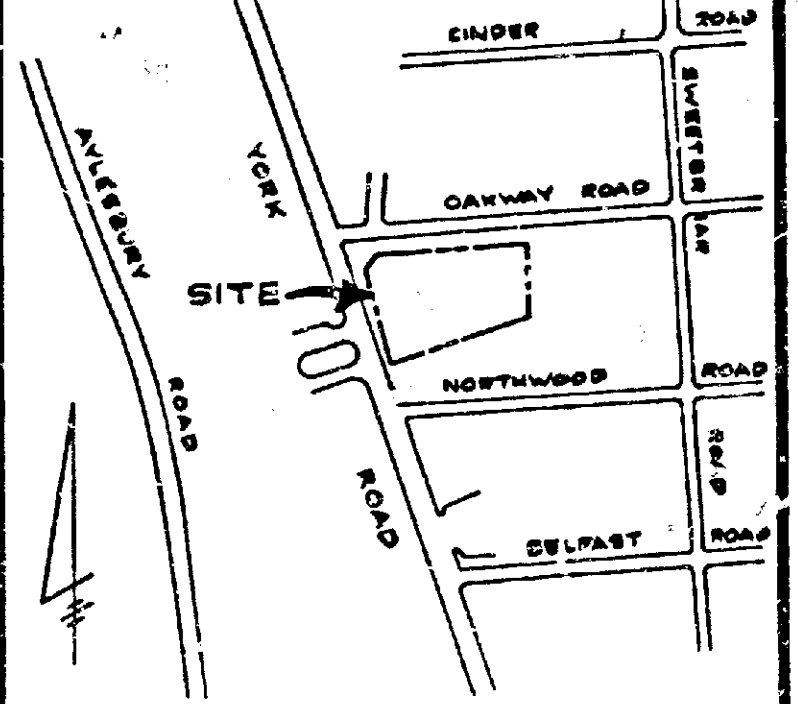
EXISTING COMMERCIAL PROPERTIES

YORK ROAD



SITE DATA

AREA OF TRACT --- 63,508 SF - 1.46 AC ±
 AREA ZONED RQ --- 38,128 SF - .875 AC ±
 AREA ZONED BL --- 25,380 SF - .583 AC ±
 EXISTING USE --- ABANDONED SCHOOL
 PROPERTY
 PROPOSED USE --- RESTAURANT & PARKING
 PARKING REQUIRED ---
 5,300 SF + 50 = 120 PS
 PARKING SHOWN --- 121 PS
 INCLUDES 5 HANDICAPPED SPACES
 DEED REF --- 6485/450
 PLAT REF --- W.P.C. NO. 7
 LOT NO --- 1-4, 82-84 & PUBLIC SCHOOL LOT
 PROPERTY NO --- 08-02-058256



LOCATION MAP

SCALE: 1"=400'

A.O.S. CALCULATIONS

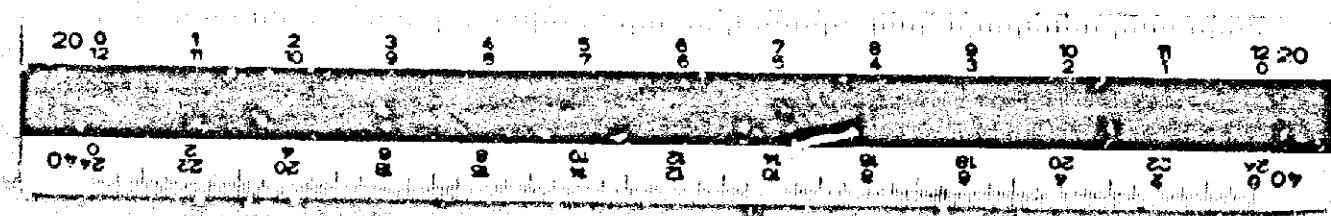
NET R.O. AREA --- .87 AC ±
 GROSS R.O. AREA --- 1.06 AC ±
 A.O.S. REQUIRED --- 0
 A.O.S. PROVIDED --- 9,445 S.F. OR .221 AC ±
 A.O.S. PERCENTAGE --- 20.85% OF GROSS R.O.
 = 25.4% OF NET R.O.

LANDSCAPE REQUIREMENT

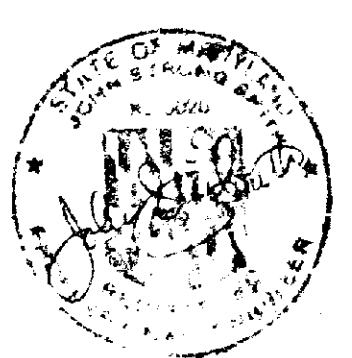
121 PS + 12 = 10.1 OR 11
 ROAD FRONTAGE
 500 L.F. + 40 = 14.15 OR 15
 TOTAL MAJOR TREES REQUIRED = 26
 TOTAL MAJOR TREES SHOWN = 32

GENERAL NOTES

- HOURS OF OPERATION 10 A.M. TO 2 A.M.
- EST. NO. OF EMPLOYEES 20 TO 25 PER SHIFT
- PROPOSED PAVING MACADAM OR TAR & CHIP
- ALL PARKING IS ON THE SAME PREMISES WITH PROPOSED COMMERCIAL USE
- PROPOSED PAVING SHALL BE PROPERLY DRAINED AND MAINTAINED
- LIGHTING SHALL BE SO LOCATED AS TO DIRECT GLARE AWAY FROM RESIDENTIAL AREAS AND NOT INTERFERE WITH TRAFFIC APPROX. 15' HIGH
- SCREENING AS REQUIRED PER U.S. MANUAL.



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 303 ALLEGHEVY AVENUE
 TOWSON, MARYLAND 21204
 (301) 825-8120



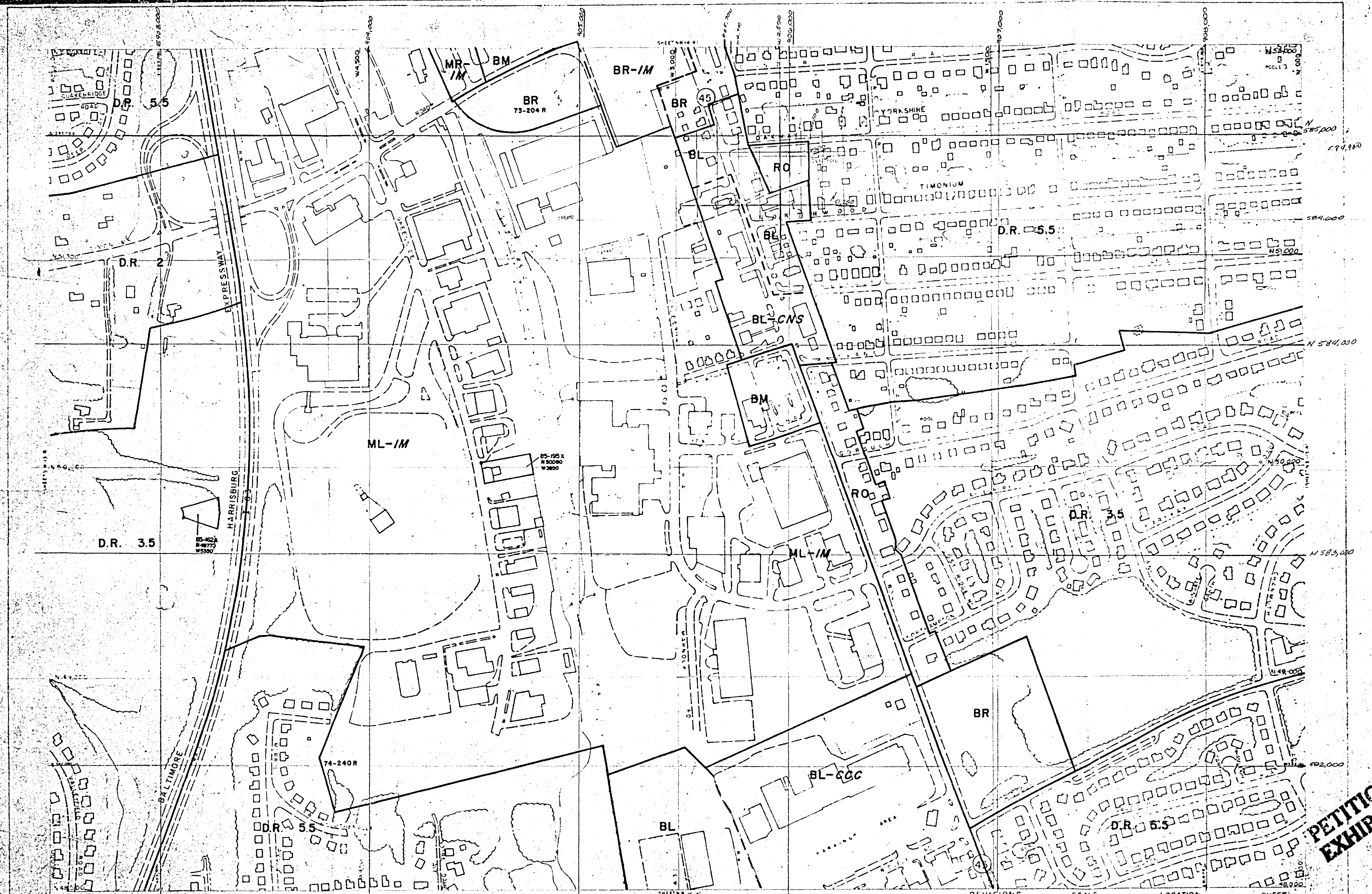
OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD. 21234
661-4352,3

DESIGNED: JSS
 DRAWN: AVT
 CHECKED: JSK
 REVISIONS
 01/5/85 (ADD GEN. NOTES)
 ADDED 9 PARKING SPACES
 REVISED BUILDING &
 ADJUSTED SITE DATA
 A.D.S. CLUB'S LANDSCAPE
 REQUIREMENTS.

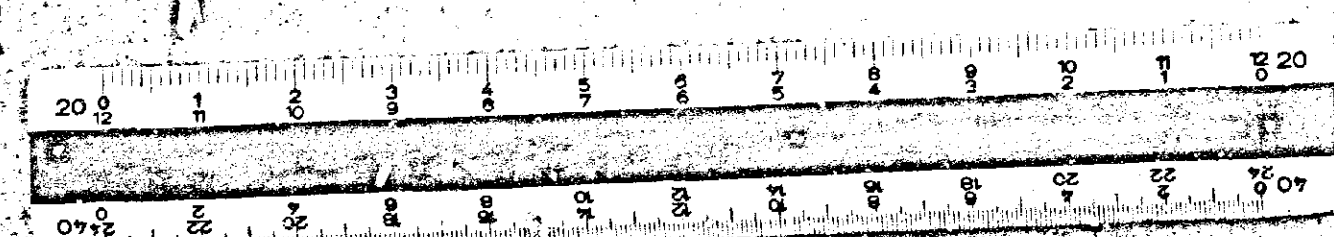
PLAT TO ACCOMPANY A PETITION FOR A
 SPECIAL HEARING TO PERMIT COMMERCIAL
 PARKING IN A RESIDENTIAL ZONE OR R.O. ZONE

BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=20'
 P.N. 5232

ELECTION DISTRICT: 8th
 MAY 28, 1985
 SHEET OF



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA



REVISIONS BY DATE LOCATION SHEET

TIMONIUM N.W.
13-A

PETITIONER'S
EXHIBIT

EXISTING COMMERCIAL PROPERTIES

YORK ROAD

AREA OF TRACT --- 83,508 SF - 1.90 AC
AREA ZONED RO --- 20,128 SF - .457 AC
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PROPOSED USE RESTAURANT & PARKING
PARKING REQUIRED
5,650 SF + 50 = 113 PS
PARKING SHOWN --- 113 PS
INCLUDES 5 HANDICAPPED SPACES

LOCATION MAP
SCALE: 1" = 400'

Ret. Ex 3

1500 SF
RESTAURANT
30 PS
REQUIRED
ST. SHOW

OAKWAY ROAD

3. STORY OFFICE BLDG
8,800 S.F. PER FLOOR

2x 8800 ÷ 300 = 33
8800 ÷ 300 = 35
TOTAL = 65
STOWAN = 67

EXISTING	20	ZONE
EXISTING	BL	ZONE
22 PS		

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD. 21234
661-1352,3

DESIGNED:
DRAWN:
CHECKED:
REVISIONS:

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
P.N. 5232

ELECTION DISTRICT: 8
MAY 28, 1985
SHEET 6 OF 11

STATE PARKING GRAN

86-76-SPH

PETITION FOR SPECIAL HEARING

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Dimitrios Makris, et al.

Signature

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Address

(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

3508 Orbitan Road

(Type or Print Name)

Address Phone No.

Signature

Baltimore, Maryland 21234

Address

City and State

29 W. Susquehanna Avenue

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

Address

Towson, Maryland 21204

City and State

Name

Attorney's Telephone No.

Address Phone No.

828-1052

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of July, 1985, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of August, 1985, at 10:30 o'clock.

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(over)

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2039 York Road

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PROTESTANT'S EXHIBIT 3

Case No. 86-76-SPH

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County Office Building
111 W. Chesapeake Avenue
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Zoning Commissioner

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Chairman, Zoning Plans Advisory Committee

cc: George W. Stephens, Jr. & Associates, Inc.
303 Allegheny Avenue, Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1985

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R. Bruce Alderman, Esquire
29 West Susquehanna Avenue
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Chairman
Nicholas B. Commodari

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

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Health Department

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Industrial Development

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NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

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303 Allegheny Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL R.E.
DIRECTOR

July 15, 1985

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

Re: Item #388 (1984-1985)
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SE/Cor. York Rd. & Oakway Rd.
District 8th

Dear Mr. Jablon:

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General Comments:

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

JAM:PHO:blp

cc: File



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3311

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

JULY 24, 1985

Re: Zoning Advisory Meeting of JUNE 25, 1985
Item # 388
Property Owner: DIMITRIOS MAKRIS, et al.
Location: SE/CORNER YORK ROAD AND OAKWAY ROAD

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ 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 forwarded by the Bureau of Public Services.
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- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 7/15/85.
- ☒ Landscaping must comply with Baltimore County Landscape Manual.
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ADDITIONAL INFORMATION NEEDED FOR COMPATIBILITY DETERMINATION, ETC.

cc: James Howell

Eugene A. B. B. B.
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

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

Item No. 388

Property Owner:

Location:

Existing Zoning:

Proposed Zoning:

Meeting of June 27, 1985

Dimitrios Makris, et al.

SE/Cor. York Road and Oakway Road

R.O. (CRG)

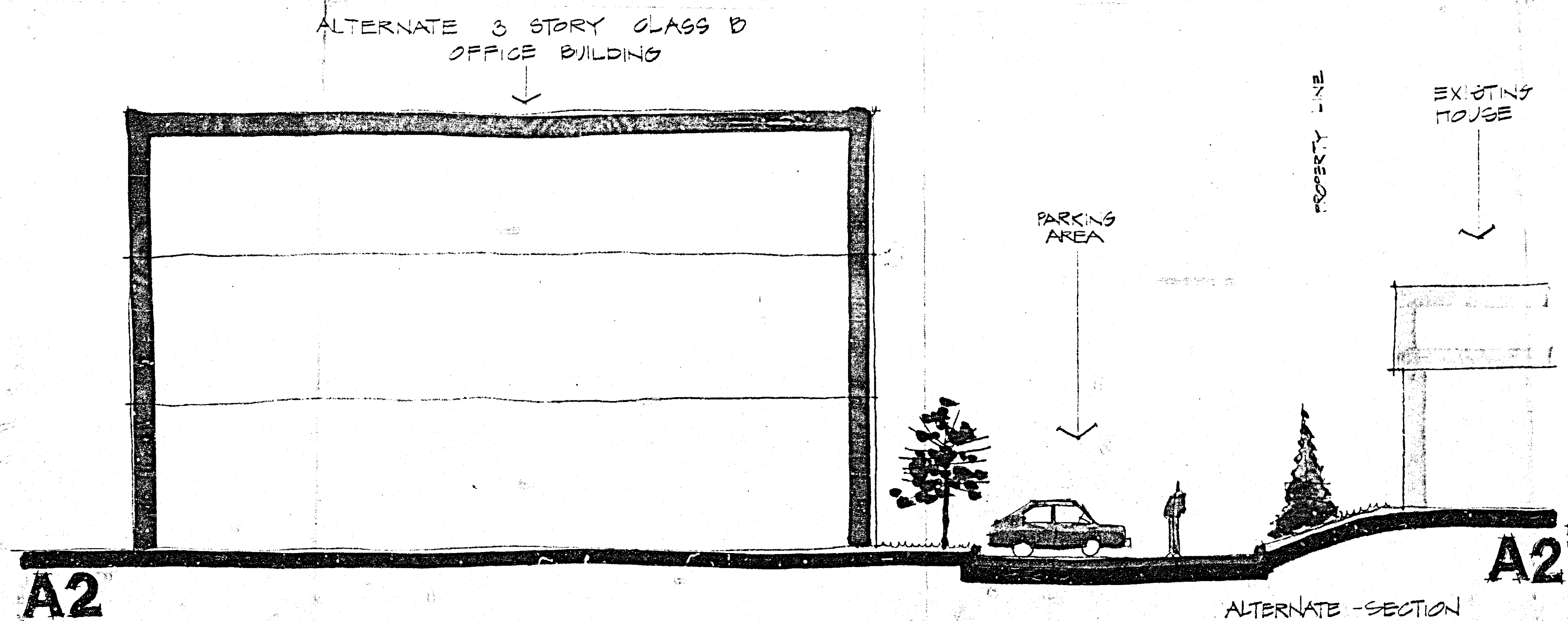
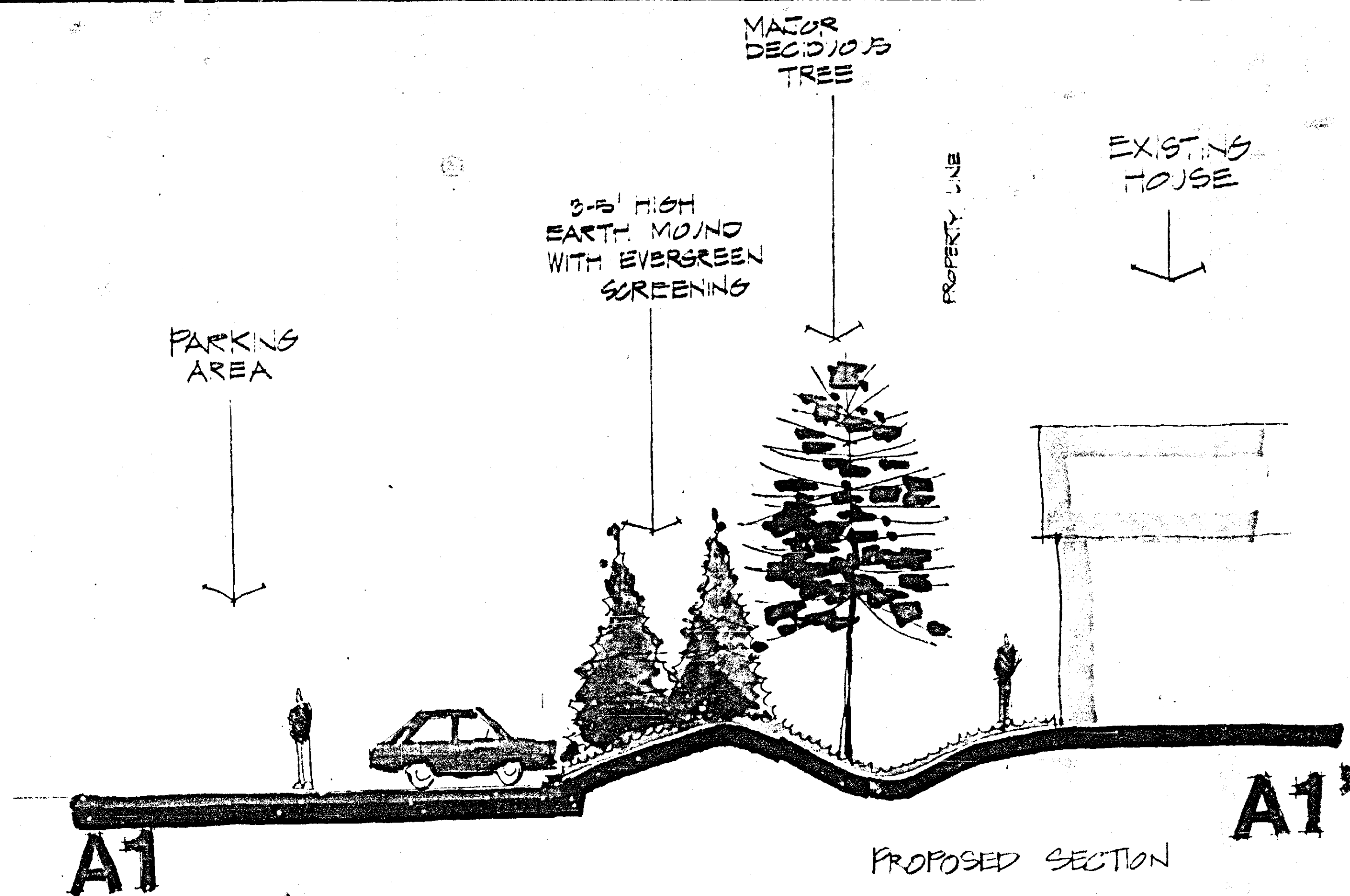
Special hearing to approve a use permit for parking in a residential zone or R.O. in connection with a commercial use.

Dear Mr. Jablon:

Item No. 388 is a C.R.G. Item.

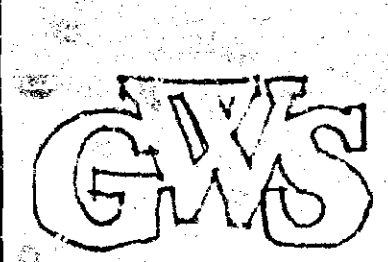
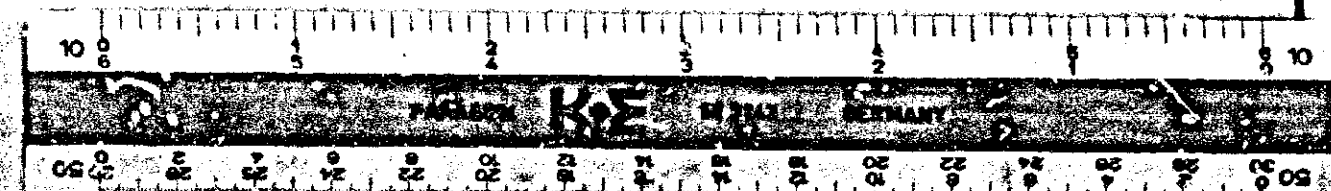
NSP/cem

Nicholas B. Commodari
Nicholas B. Commodari
Traffic Engineering Assoc. II



Pet Et 6

HORIZONTAL SCALE : 1" = 10'
VERTICAL SCALE : 1" = 5'

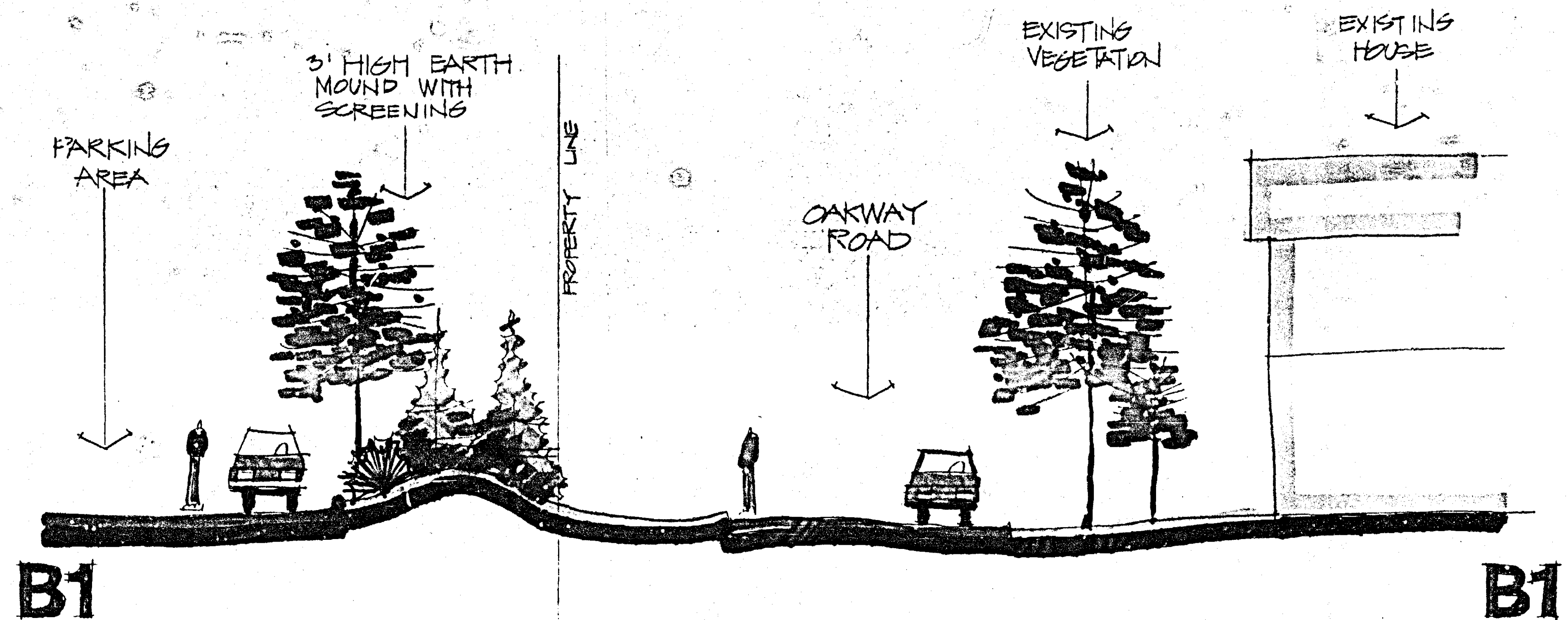


GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
803 ALLEGHENY AVE
TOWSON, MARYLAND 21204
(301) 825-8120

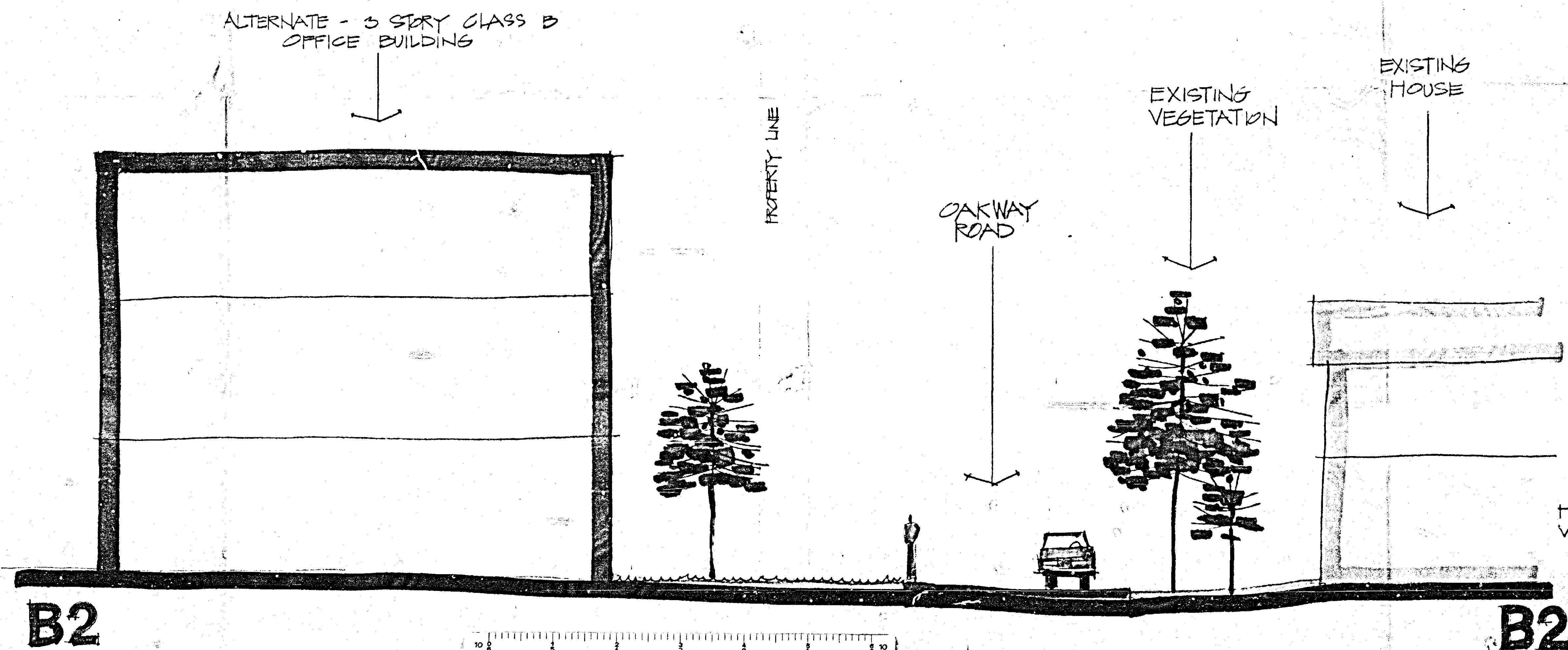
WILLIAM F. KIRWIN INC.
28 E. SWEDESHAW AVE
TOWSON, MD 21204
LANDSCAPE ARCHITECTURE/LAND PLANNING

OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD. 21234
661-4352, 3

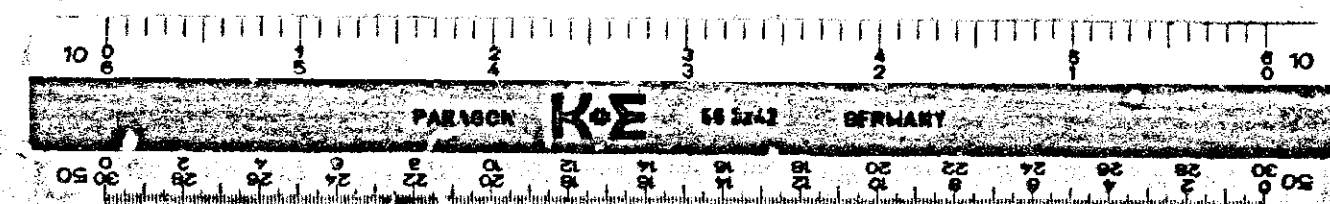
SECTIONS TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE OR RO ZONE
BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 8th



PROPOSED SECTION



HORIZONTAL SCALE = 1" = 10'
VERTICAL SCALE = 1" = 5'



ALTERNATE SECTION

 GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 305 ALLEGHANY AVE. TOWSON, MARYLAND 21204 (301) 825-8120	WILLIAM F. KIRWIN, INC. 23 E. SUSQUEHANNA AVE. TOWSON, MD 21204 LANDSCAPE ARCHITECTURE / LAND PLANNING	OWNER AND DEVELOPER: MAKRIS BROTHERS MILANO'S RESTAURANT 8811 WALTHAM WOODS ROAD BALTIMORE, MD 21234 661-4352, 3		SECTIONS TO ACCOMPANY A PETITION FOR A SPECIAL HEARING TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE OR RO ZONE BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 8th
--	---	---	--	---

[illegible]

AREA OF TRACT ---- 38,505 SF - 146A Z
AREA ZONED RQ ---- 28,505 SF - .875AL
AREA ZONED BL ---- 25,505 SF - .589AL
EXISTING USE ---- ABANDONED SCHOOL
PROPERTY
PROPOSED USE ---- RESTAURANT & PARKING
PARKING REQUIRED ----
5,300 SF + 50 = 120PS
PARKING SHOWN ---- 122PS
INCLUDES 5 WHEELCHAIR SPACES
DEED REF. ---- G485/450
PLAT REF. ---- WPC NO. 7
LOT NO. ---- 1-4, 82-89 & PUBLIC
SCHOOL LOT
PROPERTY NO. ---- 08-02-056256

SCALE : 1" = 400'

AOS CALCULATIONS

NET RO AREA ---- .87 AC ±
GROSS RO AREA ---- 1.06 AC ±
A.O.S. REQUIRED ---- 0
A.O.S. PROVIDED ---- 9,945 S.F. OR .221 AC ±
A.O.S. PERCENTAGE ---- 20.85% OF GROSS RO
= 25.4% OF NET RO

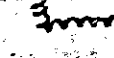
LANDSCAPE REQUIREMENT

122 P.B. + 12 = --- 10.16 OR 11
ROAD FRONTAGE
566 L.F. + 40 = --- 14.15 OR 15
TOTAL MAJOR TREES REQUIRED = 26

PLANTING SHOWN

MAJOR DECIDUOUS	3	28.0
MINOR DECIDUOUS	3	1.5
EVERGREENS	15	7.5
MAJOR DECIDUOUS CREDIT =		37

LEGEND

 MAJOR DECIDUOUS TREE
 MINOR DECIDUOUS TREE
 EVERGREEN TREE
 ~~COMPACT EVERGREEN~~
 GROUND COVER

PLAT OF YORKSHIRE
W.P.C. NO. 7
SECTION E

Pet Et

MAP: NW 19 A
3C
ELECTION
DISTRICT: 8
DATE: 12/18
TYPE
HEARING: SP
BY: CB
FINAL
20

DESIGNED:
DRAWN:
CHECKED:
REVISIONS

PLAT TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE OR RO ZONE

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
P.N. 5252
ELECTION DISTRICT: 8
MAY 28, 1985
SHEET OF

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

28 E. Susquehanna Ave. Suite 2
Towson MD 21204

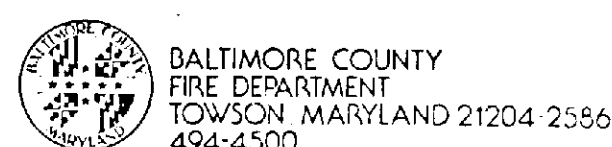
LANDSCAPE ARCHITECTURE/LAND PLANNING

OWNER AND DEVELOPER:

MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD 21234
661-43523

DESIGNED:
DRAWN:
CHECKED:
REVISIONS

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



PAUL H. RENCKE
CHIEF

Mr. Ann J. Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Dimitrios Makris, et al
Location: SE/Cor. York Road and Oakway Road

Item No.: 388 Zoning Agenda: Meeting of June 25, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this 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.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

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

(X) 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", 1976 edition prior to occupancy.

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

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

REVIEWER: *Ch. J. [Signature]* Noted and Approved: *Roy W. Kemmer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

July 2, 1985

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: August 8, 1985

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

SUBJECT: Zoning Petition No. 86-76-SPH

This office is not opposed to the granting of the subject request. The landscaped area along the northern and eastern boundaries of the parking area appear to provide adequate buffering for the adjacent residences. Finally, please note the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee with respect to the need for additional information concerning the issue of compatibility.

NEG:JGH:alm

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



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 18, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 388 Zoning Advisory Committee Meeting are as follows:

Property Owner: Dimitrios Makris, et al
Location: SE/Cor. York Road and Oakway Road
District: 8th.

APPLICABLE STANDARDS ARE CITED:

() 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.D.A. #17-1 - 1980) and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction. (Hazing)

() 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.

() Commercial: 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. Photocopyed seals are not acceptable.

() All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire on party wall. See Table 101, Section 1107, Section 1108.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible heights/areas. Reply 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 101, and 505 and have your Architect/Engineer contact this department.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

() When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Hand-drawn architectural or engineering plans are usually required. The change of Use Groups are from Use _____ to the _____ or to Mixed Use _____ See Section 112 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 1104 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 finished floor levels including basement.

() Comments: Provide handicapped access to walk without passing in back of parked vehicles, provide approved signs, curb cuts, etc., etc.

() These abbreviated comments reflect only on the information provided by the structure submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 317 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. [Signature]
Mark E. [Signature]
Building Plans Review

L/2/2/5

IN RE: PETITION SPECIAL HEARING * BEFORE THE
SE/Corner of York and Oakway * ZONING COMMISSIONER
Roads - 8th Election District *
Dimitrios Makris, et al, * OF BALTIMORE COUNTY
Petitioners * Case No. 86-76-SPH
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a use permit for off-street parking in a R-O Zone that is to be accessory to a commercial use, i.e., a restaurant, proposed to be located on an adjacent B.L.-zoned portion of the site, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Nicholas Makris, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioners were William Kirwin, a registered landscape architect, and John Smith, a registered engineer. Joseph Dougherty and Bill Klosterides, adjacent property owners, appeared and testified in opposition. Other Protestants also appeared and testified. See Protestants' Exhibit 3.

Testimony indicated that the subject property, located at the corner of Oakway and York Roads, contains approximately 1.5 acres consisting of approximately 0.6 acres zoned B.L. and approximately 0.9 acres zoned R-O. The zone line not only bifurcates the property but also leaves an approximately 18-foot-wide strip along the southern property line zoned B.L. The Petitioners propose to construct a 5,980 square foot restaurant on the B.L.-zoned portion, which is permitted as a matter of right, and to provide the requisite 120 parking spaces to be located primarily in the R-O Zone. The property adjacent to the rear of the site and on the opposite side of Oakway Road from the site is zoned D.R.5.5 and contains residences, including Mr. Dougherty's.

Mr. Smith and Mr. Kirwin testified that, in their opinion, there would be no adverse impact to the community and that the spirit and intent of the

Baltimore County Zoning Regulations (BCZR) would be satisfied if the parking were permitted in the R-O Zone. In fact, testimony indicated that there would be sufficient landscaping between the residences and parking area to screen the property from view. Further, no undue problem of noise would be created.

The Protestants testified that they believe the restaurant is not needed and that the resultant traffic will create congestion on Oakway Road which will adversely impact upon their safety. They believe that vehicles egressing from the parking lot may turn east onto Oakway Road to find an alternative route in order to avoid the traffic on York Road and argued that Oakway Road, a narrow street, cannot handle this increased traffic.

The Petitioners seek relief from Section 409.4, pursuant to Sections 500.7 and 502.1, BCZR.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See *Hofmeister v. Frank Realty Co.*, 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

Although Section 409.4 uses the term "residence zones" and the BCZR defines "residential zone" as including only D.R., R.C., and R.A.E. zones, the language employed by Section 203.1 and 2, BCZR, indicates that the Baltimore County Council's intent was to consider the R-O Zone as residential when the use to be located in a R-O Zone is one which is permitted either by right or by special exception in a D.R.5.5 Zone. Section 203, BCZR, must be construed reasonably with reference to the stated purposes of the R-O Zone found in Section 203.1 and 2 and must be considered in its entirety and in the context of the purpose for its enactment. *Giant of Md. v. States Atty.*, 267 Md. 501 (1973). The BCZR should

be construed according to the ordinary and natural import of its language since it is the language of the statute which constitutes the primary source for determining the legislative intent. *Crosvenor v. Supervisor of Assessment*, 271 Md. 232 (1974).

It is therefore obvious that the BCZR permits parking pursuant to Section 409.4 when requested in a R-O Zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed off-street parking. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the use permit should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of September, 1985, that the use permit for off-street parking in a R-O Zone that is to be accessory to a commercial use, i.e., restaurant, proposed to be located on an adjacent B.L.-zoned portion of the site be and, as such, the Petition For Special Hearing is hereby GRANTED, from and after the date of this order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

- County Review Group (CRG) approval shall be obtained and no waiver of its required public meeting shall be granted.
- In addition to the landscaping provided on Petitioners' Exhibit 1, a six-foot-high fence shall be constructed along the property boundaries adjacent to and facing the residential properties.
- The dumpster shown on the site plan shall be moved forward toward York Road and placed on the south property line in the area where the zone line shifts north to Oakway Road.
- The Petitioners shall utilize "low cutoff" lighting to minimize glare and direct such lighting away from the residential properties as much as possible.
- The Petitioners shall be responsible for maintaining and ensuring that the property is kept clean at all times.

[Signature]
Zoning Commissioner of
Baltimore County

R. Bruce Alderman, Esquire
People's Counsel

- 4 -

ORDER RECEIVED FOR FILING
DATE *Sept 11 1985*
BY *[Signature]*

ORDER RECEIVED FOR FILING
DATE *Sept 11 1985*
BY *[Signature]*

ORDER RECEIVED FOR FILING
DATE *Sept 11 1985*
BY *[Signature]*

ORDER RECEIVED FOR FILING
DATE *Sept 11 1985*
BY *[Signature]*

- 3 -

- 2 -

Makris Brothers
Milano, Inc.
8811 Waltham Woods Road
Baltimore, Maryland 21234

PETITIONER'S EXHIBIT 8

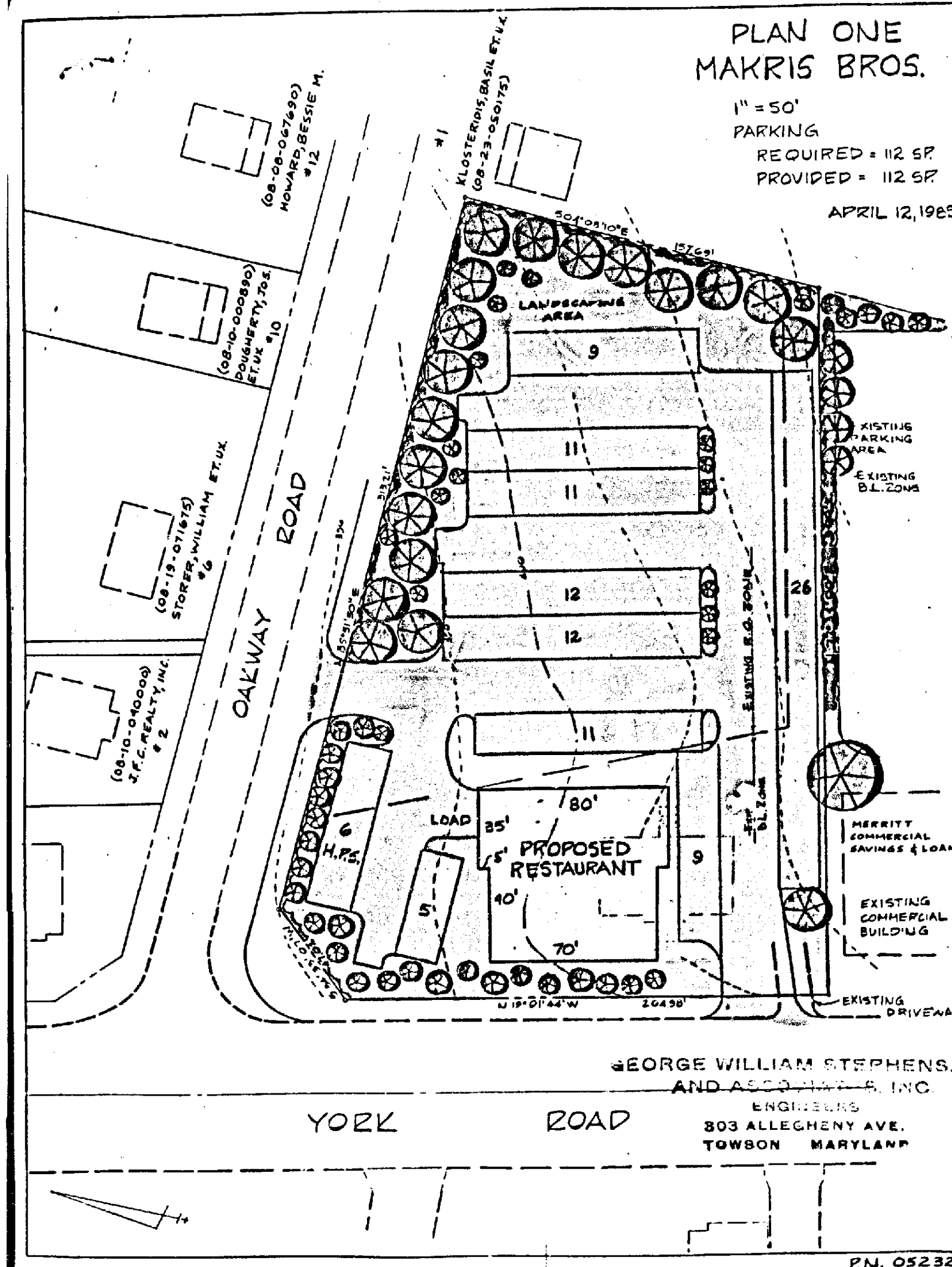
Gentlemen:

We have reviewed the attached plan of your proposed Milano's Restaurant and parking area and believe such a plan, if followed, will be compatible with our surrounding neighborhood. In fact, we prefer a well-screened, well-landscaped, ground-level parking area to a 3-story office building being located on your R-O zoned property.

NAME

ADDRESS

Margaret Bayless	3 Oakway Rd.
Mrs. H. L. Holland	14 Oakway Rd.
Mrs. Jan Kue	9 Oakway Rd.
William B. Zeman	26 Oakway Rd.
Susan Yida	21 Oakway Rd.
BOB OVERHEAD	27 Oakway Rd.
Sally M. Galloway	28 Oakway Rd.
B. C. Wein	32 Oakway Rd.
Louise Muehlstein	34 Oakway Rd.
John Wilson	36 Oakway Rd.
David P. Hordell	35 Oakway Road
Lawrence Hickman	40 Oakway Rd.
P. B. Horman	39 Oakway Rd.
Bob Scannell	44 Oakway Rd.
John C. Cofell	43 Oakway Rd.
John C. Cofell	47 Oakway Rd.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

August 15, 1985

MAKRIS PROPERTY - SOUTH SIDE OAKWAY ROAD
EAST SIDE YORK ROAD

TRAFFIC FLOWS

- A. 6,000 S.F. "Quality" Restaurant
Ave. Daily Trips = $6 \times 56.3 = 337.8$ SAY 340
- B. 39,000 S.F. Office Building - No Commercial
Ave. Daily Trips = $39 \times 11.69 = 455.9$ SAY 460
- C. 26,400 S.F. Office Building in R.O. Zone Plus 1500 S.F. "Quality" Restaurant
Ave. Daily Trips = $26.4 \times 11.69 = 308.6$
 $+ 1.5 \times 56.3 = 84.5$
TOTAL = 393.1 SAY 390
- D. 26,400 S.F. Office Building in R.O. Zone Plus 1500 S.F. "High Turnover" Sit-Down Restaurant
Ave. Daily Trips = $26.4 \times 11.69 = 308.6$
 $+ 1.5 \times 164.4 = 246.6$
TOTAL = 555.2 SAY 560

SOURCE: Trip Generation published by The American Institute of Traffic Engineers

PETITIONER'S EXHIBIT 4

710-General Office Building

Description: A general office building houses one or more tenants and is the location where the affairs of a business, commercial or industrial organization, professional person or firm are conducted. The building may be limited to one tenant, either the owner or lessee, or it could contain a mixture of tenants including professional services, a bank or savings and loan institution, insurance companies, investment brokers, company headquarters and services for the tenants.

The general office buildings surveyed were all located outside the central city business district and usually in suburban areas. Studies of office building employment density indicate that on the average, 4.4 employees per 1,000 gross square feet of building area will occupy the building. Recently constructed and fully occupied office buildings tend to house a lower density than older buildings with approximately 4.25 employees per 1,000 gross square feet of building area.

Trip Characteristics: An analysis of correlation between average weekday vehicle trip ends and all measured independent variables was made to determine the best variables to use for predicting vehicle trip ends. These are summarized on the table.

* Butte, Carl H., unpublished studies of building employment densities, Portland, Oregon.

The employment and gross building area have a high correlation to vehicle trip making. However, since the number of parking spaces is usually based upon the size of the building, it is believed that parking spaces should not be used as a predictive independent variable.

General office buildings generate 11.7 average weekday vehicle trip ends per 1,000 gross square feet of building area and 3.46 average weekday vehicle trip ends per employee. See the following table for daily and peak hour trip generation rates. Office building-generated trips peak at the same time as adjacent street traffic (7 to 9 A.M. and 4 to 6 P.M.).

The regression equations developed for calculating the average weekday vehicle trip ends (AWDYTE) are:

$$\text{AWDYTE} = 466 + 2.58 \times \text{Number of Employees}$$
$$R = 0.981$$
$$= 653 + 9.63 \times 1,000 \text{ G.S.F.}$$
$$R = 0.980$$

The average automobile occupancy has been measured at 1.2 persons per car, 1.1 to 1.2 persons for work purposes and 1.6 persons for other purposes. The buildings measured for trip generation were either not serviced by public transportation or no information was available concerning such service. A variation in trip generation because of geographic location

Correlation Between Average Weekday Vehicle Trip Ends and the Independent Variables for General Office Buildings.

Independent Variables	Correlation Coefficient (R)
Employees	0.981
1,000 Gross Square Feet	0.980
Parking Spaces	0.988
Acres	0.120

831-Quality Restaurant

Description: This category of restaurants comprises eating establishments of high quality and with turn-over rates generally of at least one hour or longer. Separate categories deal with high-turnover restaurants (Code 832) and drive-in restaurants (Code 833).

Data were collected from three different studies conducted by the California Division of Highways. The restaurants surveyed ranged in size from 4,500 to 10,000 square feet of gross floor area with seating capacities from 161 to 662.

Trip Characteristics: No information was available regarding person trip ends, therefore, all analyses were performed on the basis of vehicle trip ends. Vehicle occupancy rates were given by one study as 2.0 persons per car for an average weekday. In the same study, 2.1 percent of the average weekday trips were trucks.

Trip generation rates were developed on the basis of two variables: per seat and per 1,000 square feet gross floor area. On the basis of available information, quality restaurants can be expected to generate, on an average weekday, 1.2 vehicle trip ends per seat or 56.3 vehicle trip ends per 1,000 square feet gross floor area. Maximum restaurant use occurred on Saturdays at generation rates of 1.87 trip ends per seat or 87.3 trip ends per 1,000 square feet floor area. The observed peak hour for restaurants was found to fall between noon and 2 P.M. except for Saturdays, when the peak hour occurred between 8 and 9 P.M.

SUMMARY OF TRIP GENERATION RATES

Land Use/Building Type Quality Restaurant ITE Land Use Code 831
Independent Variable—Trips per 1,000 Square Feet GFA

		Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable Study
Average Weekday Vehicle Trip Ends							
Peak Hour of Adjacent Street Traffic	A.M.	Enter	0.85			3	7.7
	Between 7 and 9	Exit	0.46			2	6.5
		Total	1.31			2	6.5
	P.M.	Enter	2.77			3	7.7
Peak Hour of Generator	Between 4 and 6	Exit	1.69			2	6.5
		Total	3.44			3	7.7
	A.M.	Enter					
	Exit						
Peak Hour of Generator	Between 4 and 6	Enter	5.08			2	6.5
		Exit	4.87			2	6.5
		Total	7.00			3	7.7
	P.M.	Enter					
	Exit						
Saturday Vehicle Trip Ends	Enter	87.3				3	7.7
	Exit	7.00				2	6.5
		Total	8.39			2	6.5
	Total	13.00				3	7.7
Sunday Vehicle Trip Ends							
Peak Hour of Generator	Enter	45.4				1	10.0
	Exit						
		Total	7.60			1	10.0
	Total						

Source Numbers 13

ITE Technical Committee 6A-6-Trip Generation Rates

Date: July 1975

832-High Turn-Over, Sit-Down Restaurant

Description: This category of restaurants comprises sit-down eating places with turn-over rates of generally less than one hour. Restaurants in this group are usually moderately priced and frequently belong to chains such as Howard Johnson's, Sambo's and others. Typical drive-in restaurants which are primarily take-out oriented are not included in this analysis but are treated separately under Land Use Code 833.

Data were collected from four different sources comprising a total of 22 studies located in various parts of the U.S. The restaurants investigated ranged in size from 1,200 to 17,500 square feet of gross floor area; seating capacities for restaurants for which this information was available were between 100 and 1,000 seats per restaurant.

Trip Characteristics: Since no information was available on person trip ends, only vehicle trip end data could be inventoried. Trip generation rates were computed on the basis of 1,000 square feet gross floor area since this was the only common information available for all studies. Data were not sufficient to develop meaningful trip generation rates based on the number of seats per restaurant.

On the basis of the available information, high turn-over, sit-down restaurants generate an average of 164.4 vehicle trip ends per 1,000 square feet gross floor area on an average weekday. Saturday and Sunday trip volumes were significantly lower at 67.8 and 39.0 vehicle trip ends per 1,000 square feet respectively, as shown in the following summary.

The weekday generator peak hour was between 6 and 7 P.M., followed closely by the noon period. No information was available with respect to the timing of the peak hours on Saturdays and Sundays.

Data Limitations: Although a sizable number of studies was available for analysis, considerable differences existed in the type of data and the time periods for which data were collected. There is a great need for more precise definitions and a more common terminology in trip generation data gathering.

SUMMARY OF TRIP GENERATION RATES								
Land Use/Building Type <u>High Turn-Over, Sit-Down Restaurant</u> ITE Land Use Code <u>832</u>								
Independent Variable—Trips per <u>1,000 Square Feet</u>								
			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study
Average Weekday Vehicle Trip Ends			164.4	551.2	47.9		9	5.7
Peak	A.M.	Enter						
Hour of	Between	Exit						
	7 and 9	Total*	47.5	63.5	24.0		2	3.1
	P.M.	Enter	9.9	17.3	7.6		3	11.7
Adjacent	Between	Exit	4.0	10.3	3.2		3	11.7
Street	4 and 6	Total	10.5	38.7	3.0		11	8.3
Traffic	A.M.	Enter	10.1	11.9	6.6		4	9.6
Hour of Generator	Between	Exit	5.5	20.8	2.4		4	9.6
	12-1 P.M.	Total	15.7	75.0	5.1		19	7.2
	P.M.	Enter	13.0	17.8	11.2		3	8.2
	Between	Exit	9.2	21.2	6.8		3	8.2
	6 and 7	Total	22.2	39.0	18.0		3	8.2
Saturday Vehicle Trip Ends			67.8	105.2	62.4		2	9.7
Peak		Enter						
Hour of Generator		Exit						
		Total	10.0	13.2	7.0		6	10.9
Sunday Vehicle Trip Ends			39.0	40.0	32.4		2	9.7
Peak		Enter						
Hour of Generator		Exit						
		Total	6.9	8.8	4.6		6	10.9
Source Numbers			<u>2, 4, 5, 72</u>					
ITE Technical Committee 6A-6—Trip Generation Rates								
Date: <u>July 1975</u>								
*Represents two restaurants which apparently cater to breakfast patrons.								

833—Drive-In Restaurant

Description: This category includes drive-in and fast-food restaurants that have no or only a limited number of sit-down facilities. Generally, food is ordered and taken out to be consumed outside the restaurant building. Surveyed restaurants included fast-food eating places such as McDonald's, Dunkin' Donuts, Burger Chef and others.

Data were collected from trip generation studies conducted by the New England and Ohio Sections ITE, comprising a total of 12 observations. The restaurants investigated ranged in size from 1,590 to 5,400 square feet of gross floor area with an average of 2,900 square feet per restaurant. Seating capacity data were available for only three observations with an average of about 30 seats per restaurant.

Trip Characteristics: Trip generation rates were computed on the basis of 1,000 square feet of gross floor area. As the summary indicates, drive-in restaurants generated an average of 553 vehicle trip ends per 1,000 square feet of gross floor area on an average weekday. No information was available for Saturday and Sunday trip generation. The generator peak hour occurred generally between noon and 1 P.M. During this hour, an average of 78.8 vehicle trip ends were generated per 1,000 square feet of floor space in both directions.

Data Limitations: Lack of data existed for weekend trip generation rates which conceivably could surpass the weekday rates. Also, the data were limited to fast-food restaurants along major arterial streets, easily accessible by auto. None of the observations included a fast-food restaurant in a downtown or central business district which would rely heavily on walk-in patrons.

SUMMARY OF TRIP GENERATION RATES									
Land Use/Building Type		Drive-In Restaurant				ITE Land Use Code 833			
Independent Variable—Trips per 1,000 Square Feet									
			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study	
Average Weekday Vehicle Trip Ends			55.3	82.8	37.6		6	2.68	
Peak Hour of	A.M. Between 7 and 9	Enter	49.7*				1	1.59	
		Exit	40.2*				1	1.59	
		Total	89.9*				1	1.59	
Adjacent Street Traffic	P.M. Between 4 and 6	Enter	17.0				4	3.57	
		Exit	14.6				4	3.57	
		Total	31.6	73.0	21.1	4	3.57		
Peak Hour of Generator	A.M.	Enter							
		Exit							
		Total							
	P.M. Between 12 and 1	Enter	44.4				4	3.57	
		Exit	41.9				4	3.57	
		Total	78.8	104.7	32.0	11	2.98		
Saturday Vehicle Trip Ends									
Peak Hour of Generator		Enter							
		Exit							
		Total							
Sunday Vehicle Trip Ends									
Peak Hour of Generator		Enter							
		Exit							
		Total							
Source Numbers			4, 5						
ITE Technical Committee 6A-6—Trip Generation Rates									
Date July 1975									
*Represents Dunkin' Donuts Restaurant									

PETITION FOR SPECIAL HEARING 8th Election District

LOCATION: Southeast corner of York and Oakway Roads

DATE AND TIME: Monday, August 19, 1985 at 10:30 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations for approval of a use permit for parking in a residential zone or R.O. zone in connection with a commercial use pursuant to Section 409.4 of the Zoning Regulations.

Being the property of Dimitrios Makris, et al 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 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

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
393 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

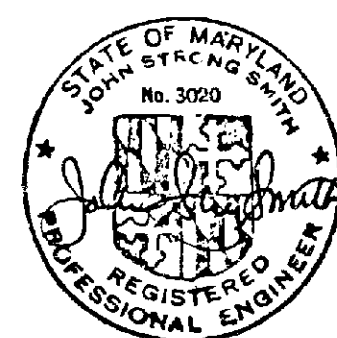
Description To Accompany A
Special Hearing To Permit
Commercial Parking In A Residential
Zone Or R.O. Zone

June 3, 1985

POINT of beginning being located at the point of intersection of southerly right-of-way line of Oakway Road with the EASTERLY side of York Road thence in a clockwise rotation:

- 1) North 34° 33' 07" East 47.02 feet ±
- 2) North 85° 51' 50" East 313.21 feet ± crossing the B.L. & R.O. zone line 52 feet ± from the beginning of said line.
- 3) South 04° 08' 10" East 157.69 feet ± crossing the BL & R.O. zone line 139 feet ± from the beginning of said line.
- 4) South 77° 34' 00" West 300 feet ± paralleling the BL & R.O. zone line for approximately 199 feet ± at a distance of 18 feet ±.
- 5) North 19° 01' 44" West 204.98 feet ± (enclosing 1.45 acres of land more or less) (saving and excepting .58 acres zoned BL)

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE Corner of York and Oakway : OF BALTIMORE COUNTY
Rds., 8th District
DIMITRIOS MAKRIS, et al., : Case No. 86-76-SPH
Petitioners

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 or final Order.

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

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

I HEREBY CERTIFY that on this 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

R. Bruce Alderman, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SE corner of York & Oakway Roads
8th Election District
Dimitrios Makris, et al - Petitioners
Case No. 86-76-SPH

Dear Mr. Alderman,

This is to advise you that \$ 70.22 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. 012393	ly.
DATE: 8-21-85	ACCOUNT: R-01-612-300	
RECEIVED FROM: R. Bruce Alderman, Esq.	AMOUNT: \$ 70.22	
FOR: Advertising & Posting Case 86-76-SPH		
VALIDATION OR SIGNATURE OF CASHIER		

R. Bruce Alderman, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

July 19, 1985

NOTICE OF HEARING

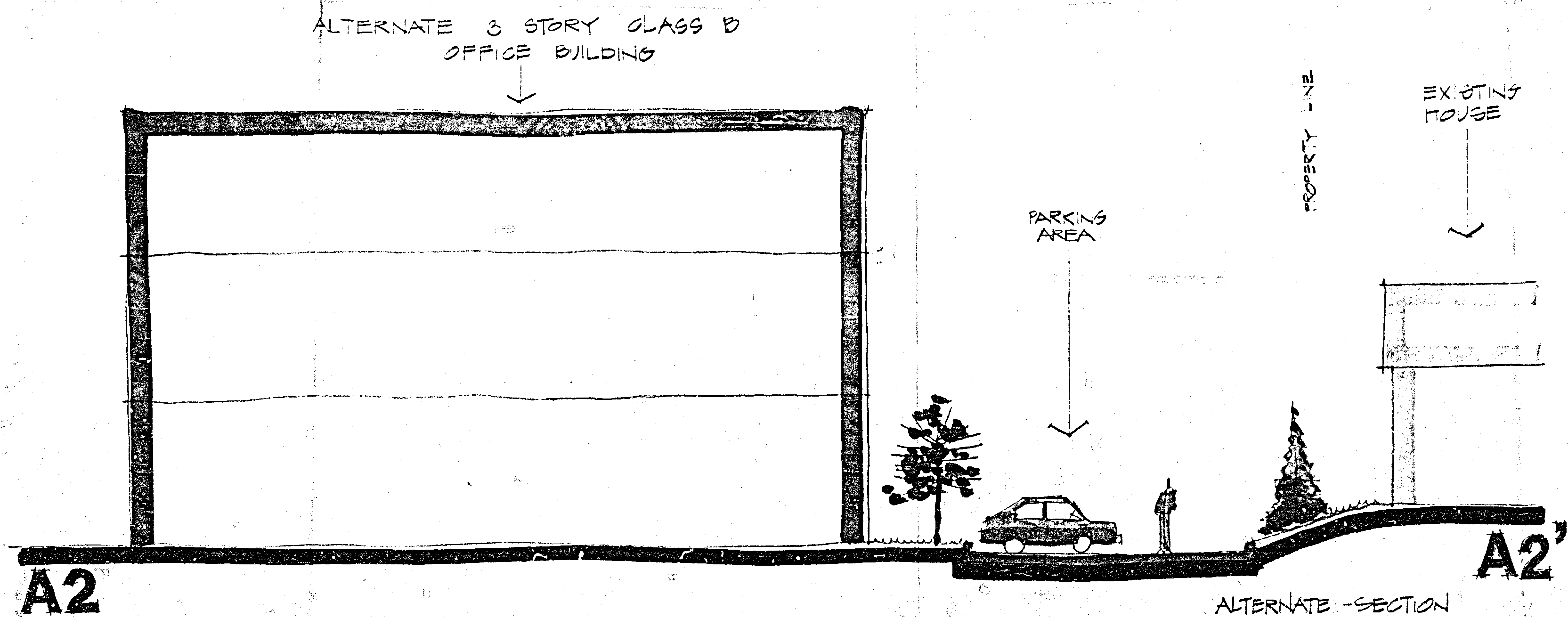
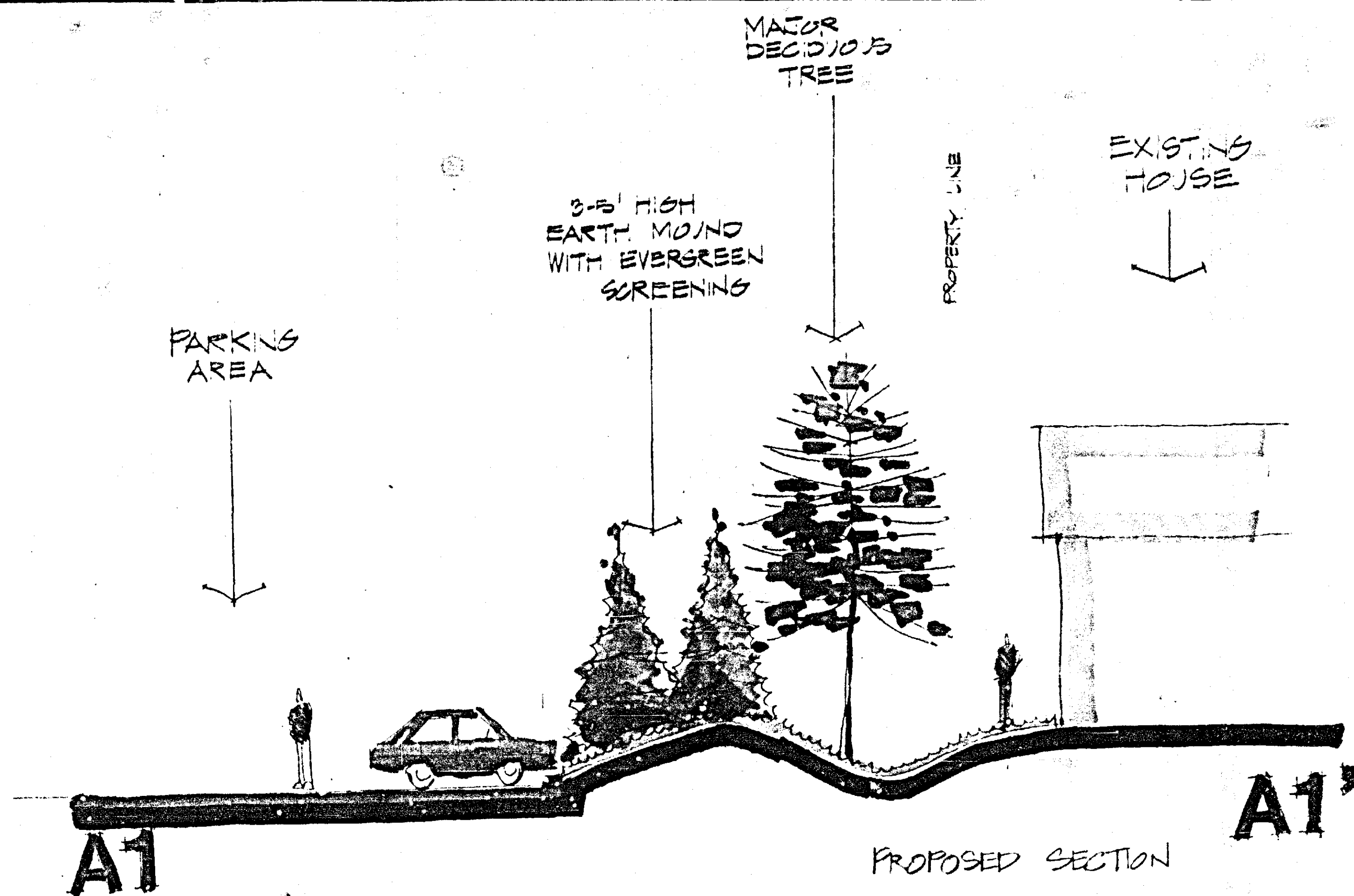
RE: PETITION FOR SPECIAL HEARING
SE corner of York & Oakway Roads
8th Election District
Dimitrios Makris, et al - Petitioners
Case No. 86-76-SPH

TIME: 10:30 a.m.

DATE: Monday, August 19, 1985

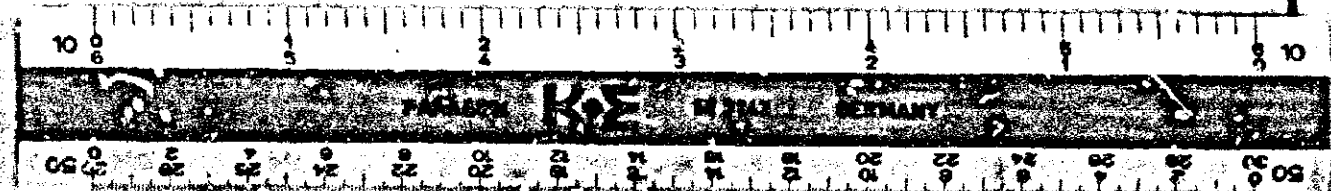
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 007295	Commissioner of County
DATE: 8/19/85	ACCOUNT: R-01-612-300	
RECEIVED FROM: R. Bruce Alderman	AMOUNT: \$ 100.00	
FOR: 4th Floor to 2nd Floor #388		
VALIDATION OR SIGNATURE OF CASHIER		



Pet Et 6

HORIZONTAL SCALE : 1" = 10'
VERTICAL SCALE : 1" = 5'



GWS GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 803 ALLEGHENY AVE TOWSON, MARYLAND 21204 (301) 825-8120	WILLIAM F. KIRWIN INC. 28 E. SWEDEMAN AVE TOWSON, MD 21204 LANDSCAPE ARCHITECTURE/LAND PLANNING	OWNER AND DEVELOPER: MAKRIS BROTHERS MILANO'S RESTAURANT 8811 WALTHAM WOODS ROAD BALTIMORE, MD. 21234 661-4352, 3		SECTIONS TO ACCOMPANY A PETITION FOR A SPECIAL HEARING TO PERMIT COMMERCIAL PARKING IN A RESIDENTIAL ZONE OR RO ZONE BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 8th
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86-76-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 31, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 31, 1985

TOWSON TIMES,

J. Venetorli

Publisher

PETITION FOR
SPECIAL HEARING
8th Election DistrictLOCATION: Southeast corner of
York and Oakway RoadsDATE AND TIME: Monday, August
19, 1985 at 10:30 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 Special Hearing
under Section 500.7 of the Baltimore
County Zoning Regulations for approval
of a use permit for parking in a residential
zone or R.O. zone in connection with a
commercial use pursuant to Section 409.4
of the Zoning Regulations.Being the property of Dimitrios Makris,
et al 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
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

67758-L73281, 7/31

PETITION FOR SPECIAL
HEARING
8th Election DistrictLOCATION: Southeast corner of
York and Oakway RoadsDATE AND TIME: Monday, August
19, 1985 at 10:30 a.m.PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
MarylandThe Zoning Commissioner of Baltimore
County, by authority of the Zoning
Act and Regulations of Baltimore
County, will hold a public hearing:Petition for Special Hearing under
Section 500.7 of the Baltimore County
Zoning Regulations for approval of a
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409.4 of the Zoning Regulations.Being the property of Dimitrios
Makris, et al 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
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
Aug. 1.

86-76-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1985

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 August 1, 1985

THE JEFFERSONIAN,

J. Venetorli

Publisher

Cost of Advertising

22.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-76-SPH

District: 8th

Posted for: Special Hearing

Date of Posting: 8/2/85

Petitioner: Dimitrios Makris, et al

Location of property: SE corner York & Oakway Rds.

Location of Signs: Facing cor. of York Rd & Oakway, approx. 20' from
roadway on property of petitioner.

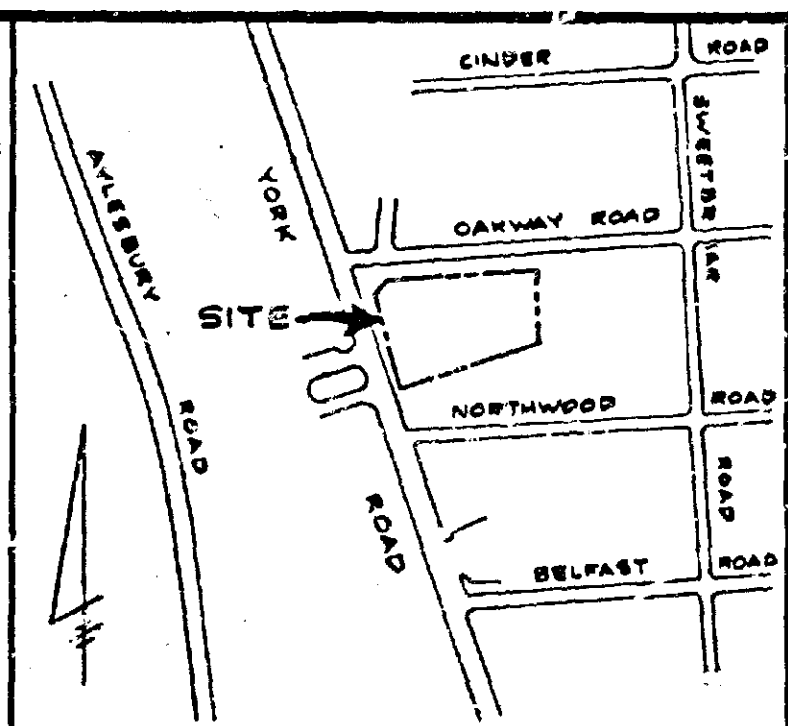
Remarks:

Posted by: J. Venetorli

Signature

Date of return: 8/2/85

Number of Signs: 1



MAJOR DECIDUOUS TREE

MINOR DECIDUOUS TREES

EVERGREEN TREES

COMPACT EVERGREEN SCREENING

GROUND COVER



**PETITIONER'S
EXHIBIT 5**

PLAT TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE OR RO ZONE

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
P.N. 5232
ELECTION DISTRICT: 8th
MAY 28, 1985
SHEET ____ OF ____

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

LAND PLANNING

MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD. 21234
661-4352,3

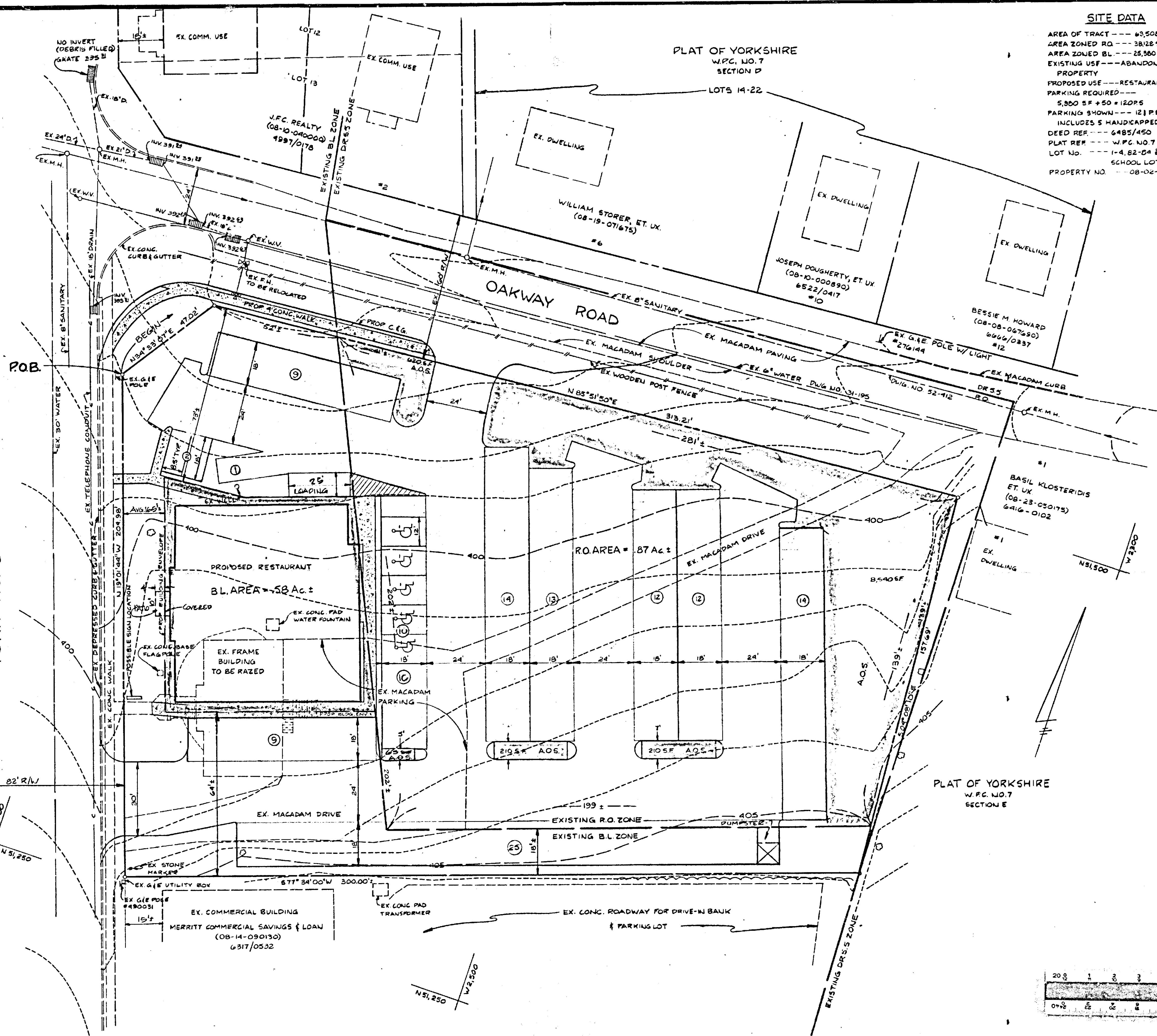
DESIGNED:
DRAWN:
CHECKED:
REVISION

409.4-Subdivision or Industrial Parking in Residential Zone-Open application by zoning Commission may issue a use permit for the use of land in a residential zone for parking areas to meet the requirements of the zoning ordinance, subject to the following conditions. If granted, such use permit shall be conditioned as follows, in lieu of the provisions in Section 409.2 (c):

- The lot or lots used must adjoin or be across an alley or street from the business or industry involved. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Only passenger vehicles, such as taxicabs, may use the parking area. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- No loading, service, or any use other than parking shall be permitted. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required. (B.C.L.R., 1955 Resolution, November 21, 1956.)
- Screening shall be provided in accordance with the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. (Resolution, November 21, 1956; No. 21, 1964.)
- A sound surface, properly drained, shall be required. (B.C.L.R., 1955, Paragraph 409.4.1; Resolution, November 21, 1956.)
- A satisfactory plan showing parking arrangement and vehicular access must be provided. (Resolution, November 21, 1956.)
- Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required. (B.C.L.R., 1955, Paragraph 409.4.2; Resolution, November 21, 1956.)

EXISTING COMMERCIAL PROPERTIES

YORK ROAD



SITE DATA

AREA OF TRACT --- 63,508 SF - 1.46 AC ±
 AREA ZONED RQ --- 38,128 SF - .875 AC ±
 AREA ZONED BL --- 25,380 SF - .583 AC ±
 EXISTING USE --- ABANDONED SCHOOL
 PROPERTY
 PROPOSED USE --- RESTAURANT & PARKING
 PARKING REQUIRED ---
 5,300 SF + 50 = 120 PS
 PARKING SHOWN --- 121 PS
 INCLUDES 5 HANDICAPPED SPACES
 DEED REF --- 6485/450
 PLAT REF --- W.P.C. NO. 7
 LOT NO --- 1-4, 82-84 & PUBLIC SCHOOL LOT
 PROPERTY NO --- 08-02-058256

LOCATION MAP

SCALE: 1"=400'

A.O.S. CALCULATIONS

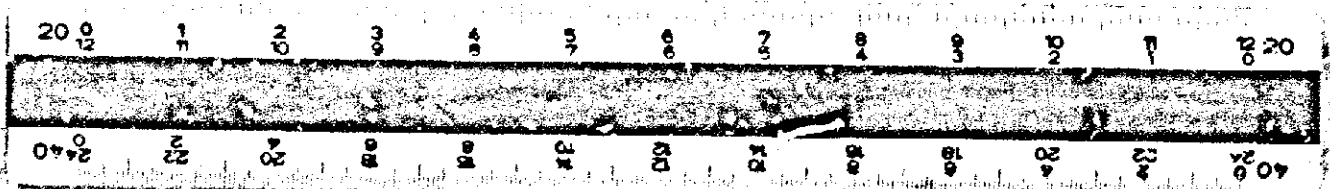
NET R.O. AREA --- .87 AC ±
 GROSS R.O. AREA --- 1.06 AC ±
 A.O.S. REQUIRED --- 0
 A.O.S. PROVIDED --- 9,445 S.F. OR .221 AC ±
 A.O.S. PERCENTAGE --- 20.85% OF GROSS R.O.
 = 25.4% OF NET R.O.

LANDSCAPE REQUIREMENT

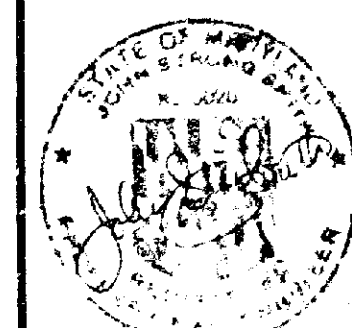
121 PS + 12 = 10.1 OR 11
 ROAD FRONTAGE
 500 L.F. + 40 = 14.15 OR 15
 TOTAL MAJOR TREES REQUIRED = 26
 TOTAL MAJOR TREES SHOWN = 32

GENERAL NOTES

- HOURS OF OPERATION 10 A.M. TO 2 A.M.
- EST. NO. OF EMPLOYEES 20 TO 25 PER SHIFT
- PROPOSED PAVING MACADAM OR TAR & CHIP
- ALL PARKING IS ON THE SAME PREMISES WITH PROPOSED COMMERCIAL USE
- PROPOSED PAVING SHALL BE PROPERLY DRAINED AND MAINTAINED
- LIGHTING SHALL BE SO LOCATED AS TO DIRECT GLARE AWAY FROM RESIDENTIAL AREAS AND NOT INTERFERE WITH TRAFFIC APPROX. 15' HIGH
- SCREENING AS REQUIRED PER U.S. MANUAL.



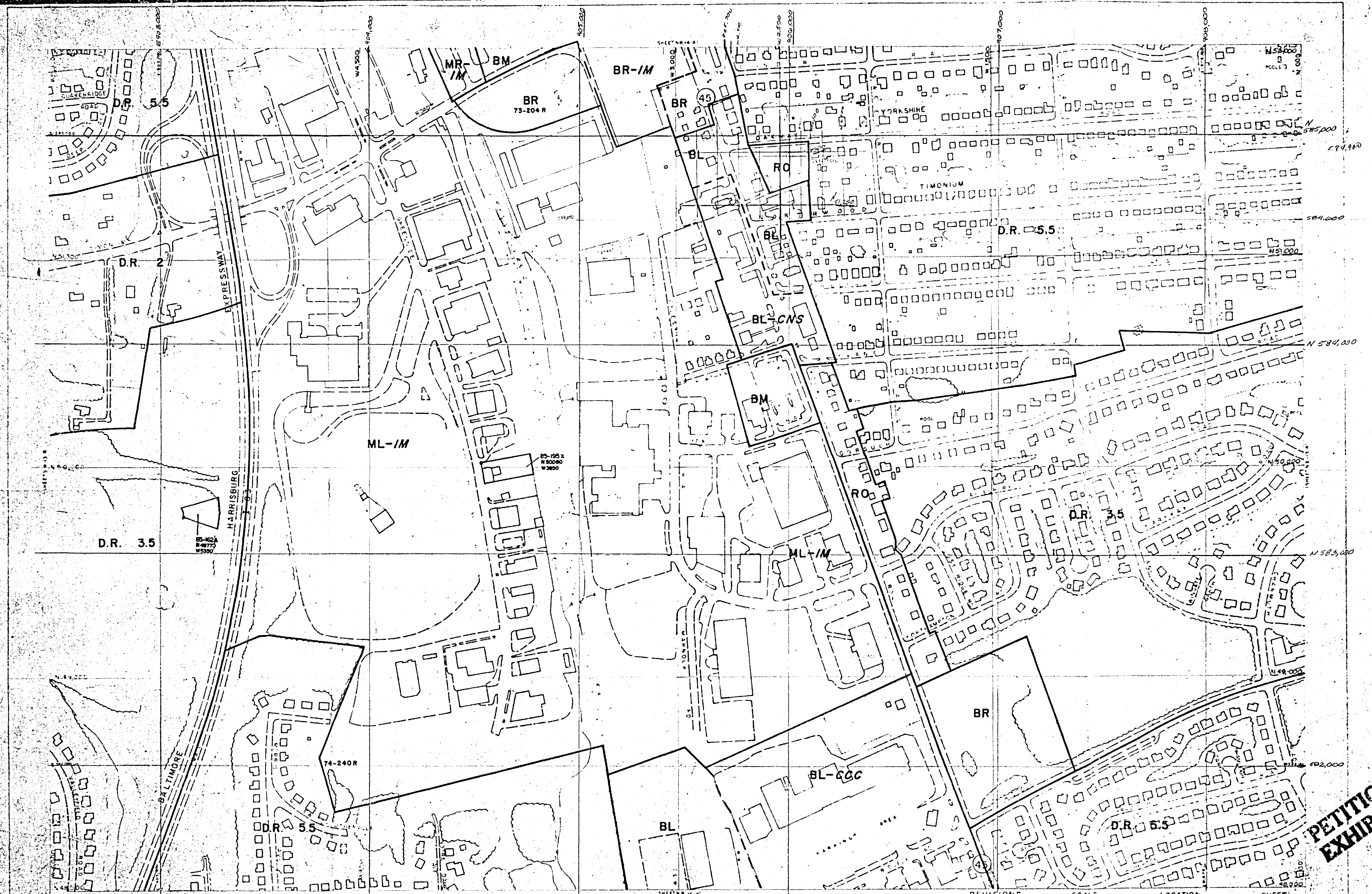
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 303 ALLEGHEE AVENUE
 TOWSON, MARYLAND 21204
 (301) 825-8120



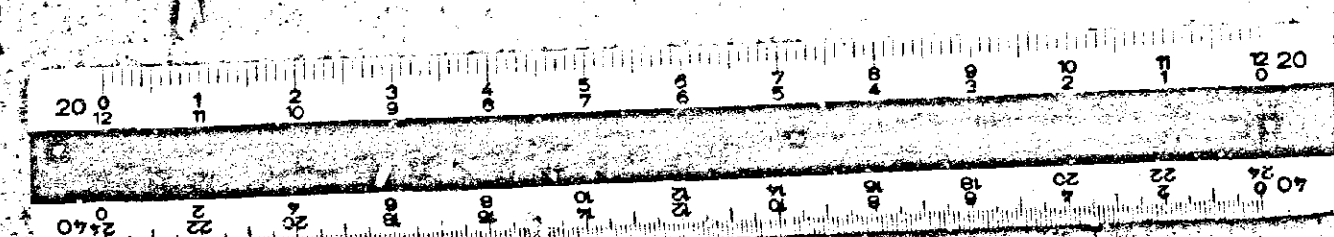
OWNER AND DEVELOPER:
MAKRIS BROTHERS
 MILANO'S RESTAURANT
 8811 WALTHAM WOODS ROAD
 BALTIMORE, MD. 21234
 661-4352,3

DESIGNED: JSS
 DRAWN: AVT
 CHECKED: JSS
 REVISIONS
 1/5/65 (ADD GEN. NOTES)
 ADDED 5 PARKING SPACES
 REVISED BUILDING &
 ADJUSTED SITE DATA
 A.D.S. CUL'S & LANDSCAPE
 REQUIREMENTS.

PLAT TO ACCOMPANY A PETITION FOR A
 SPECIAL HEARING TO PERMIT COMMERCIAL
 PARKING IN A RESIDENTIAL ZONE OR R.O. ZONE
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=20'
 P.N. 5232
 ELECTION DISTRICT: 8th
 MAY 28, 1965
 SHEET OF



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA



REVISIONS BY DATE LOCATION SHEET

TIMONIUM

N.W.
13-A

PETITIONER'S
EXHIBIT

EXISTING COMMERCIAL PROPERTIES

YORK ROAD

AREA OF TRACT --- 63,508 SF ~ 1.46 AC.
AREA ZONED RO --- 3012BSF ~ .875 AC ~
AREA ZONED BL --- 25,260 SF ~ .583 AC ~
EXIST US USE --- ABANDONED SCHOOL
PROPERTY
PROPOSED USE --- 252-2 PLANT & PARKING
PARKING REQUIRED
5,650 SF + 50 = 113 FS
PARKING SHOWN --- 113 PS
INCLUDES 5 HANDICAPPED SPACES

LOCATION MAP
SCALE: 1" = 400'

Ret. Ex 3

1500 SF
RESTAURANT
30 PS
REQUIRED
SI SHOULD

3. Story Office Bldg
8,800 S.F. per floor

$2 \times 8800 \div 300 = 30$
 $2 \times 8800 \div 500 = 35$
 TOTAL = 65
 Simon = 67

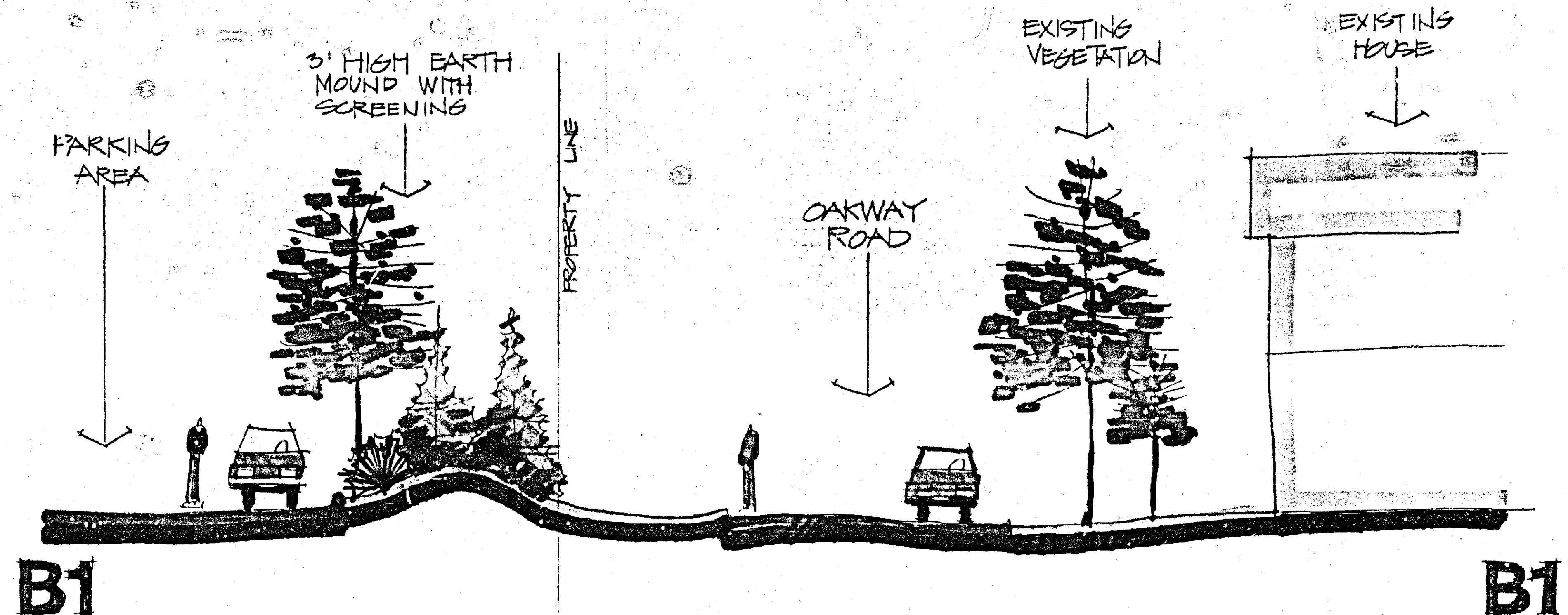
EXISTING	RO ZONE
EXISTING	BL ZONE
22 PS	

OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD 21234
661-13523

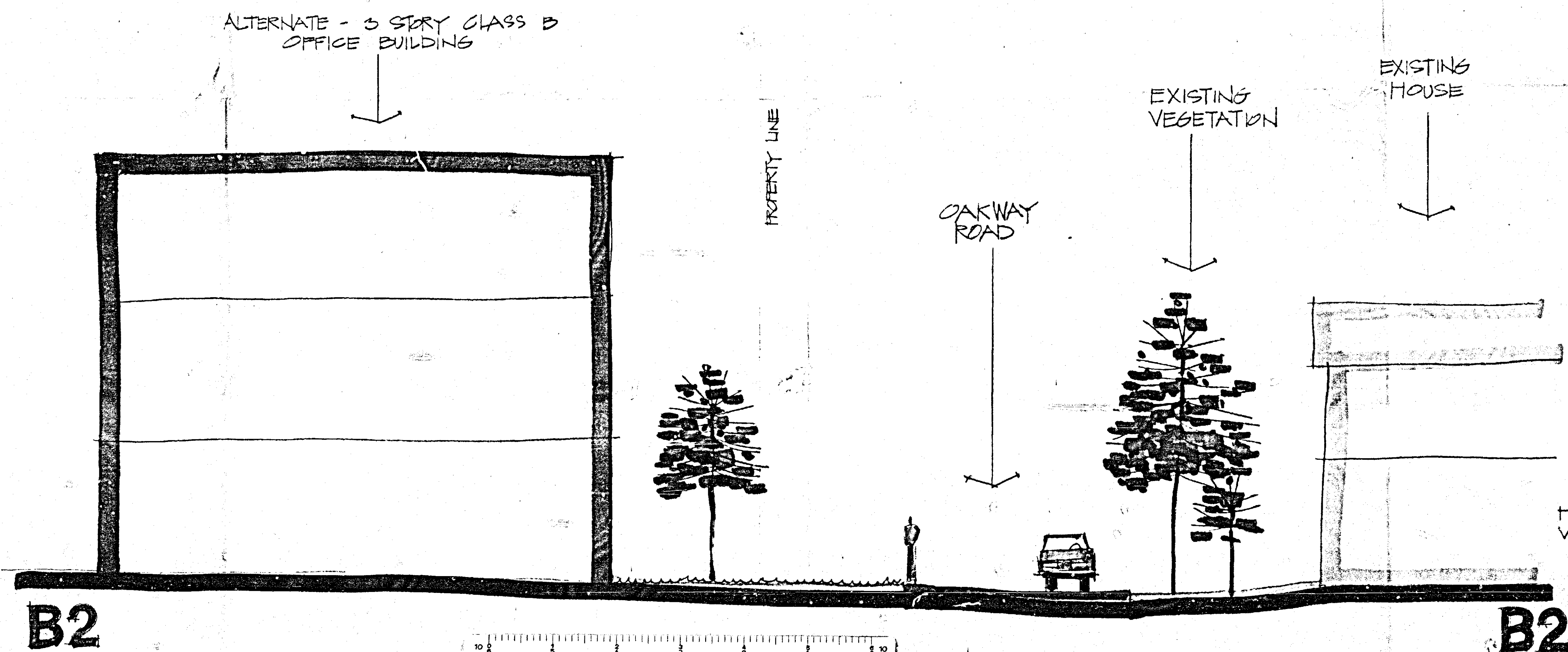
DESIGNED:	
DRAWN:	
CHECKED:	
REVISIONS	

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
P.N. 5232

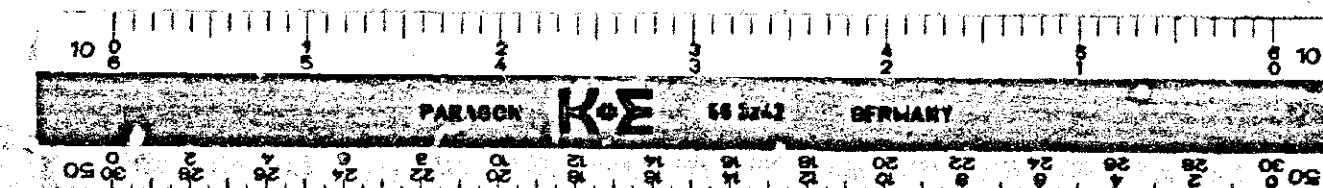
ELECTION DISTRICT: 8th
MAY 28, 1985
SHEET 1 OF 1



PROPOSED SECTION



HORIZONTAL SCALE = 1" = 10'
VERTICAL SCALE = 1" = 5'



ALTERNATE SECTION



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
305 ALLEGHANY AVE.
TOWSON, MARYLAND 21204
(301) 825-8120

WILLIAM F. KIRWIN, INC.
23 E. SUSQUEHANNA AVE.
TOWSON, MD 21204
LANDSCAPE ARCHITECTURE / LAND PLANNING

OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD 21234
661-4352, 3

SECTIONS TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE OR RO ZONE
BALTIMORE COUNTY, MARYLAND ELECTORAL DISTRICT 8th

[illegible]

AREA OF TRACT ---- 38,505 SF - 146A Z
AREA ZONED RQ ---- 28,505 SF - .875 AL
AREA ZONED BL ---- 25,505 SF - .583 AL
EXISTING USE ---- ABANDONED SCHOOL
PROPERTY
PROPOSED USE ---- RESTAURANT & PARKING
PARKING REQUIRED ----
5,300 SF + 50 = 120PS
PARKING SHOWN ---- 122PS
INCLUDES 5 WHEELCHAIR SPACES
DEED REF. ---- G485/450
PLAT REF. ---- WPC NO. 7
LOT NO. ---- 1-4, 82-89 & PUBLIC
SCHOOL LOT
PROPERTY NO. ---- 08-02-056256

SCALE : 1" = 400'

AOS CALCULATIONS

NET RO AREA ---- .87 AC ±
GROSS RO AREA ---- 1.06 AC ±
A.O.S. REQUIRED ---- 0
A.O.S. PROVIDED ---- 9,945 S.F. OR .221 AC ±
A.O.S. PERCENTAGE ---- 20.85% OF GROSS RO
= 25.4% OF NET RO

LANDSCAPE REQUIREMENT

122 PS + 12 = ----- 10.16 OR 11
ROAD FRONTAGE
566 LF + 40 = ----- 14.15 OR 15
TOTAL MAJOR TREES REQUIRED = 20

PLANTING GROWN

MAJOR DECIDUOUS	1	28.0
MINOR DECIDUOUS	3	1.5
EVERGREENS	15	7.5
MAJOR DECIDUOUS CREDIT =		37

LEGEND

 MAJOR DECIDUOUS TREE
 MINOR DECIDUOUS TREE
 EVERGREEN TREE
 COMPACT EVERGREEN SCREENING
 GROUND COVER

PLAT OF YORKSHIRE
W.P.C. NO. 7
SECTION E

Pet Et

MAP: NW 19 A
3C
ELECTION
DISTRICT: 8
DATE: 12/18
TYPE
HEARING: SP
BY: CB
FINAL
20

DESIGNED:
DRAWN:
CHECKED:
REVISIONS

PLAT TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING TO PERMIT COMMERCIAL
PARKING IN A RESIDENTIAL ZONE OR RO ZONE

BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20'
P.N. 5252
ELECTION DISTRICT: 8
MAY 28, 1985
SHEET OF

CIVIL ENGINEERS & LAND SURVEYORS

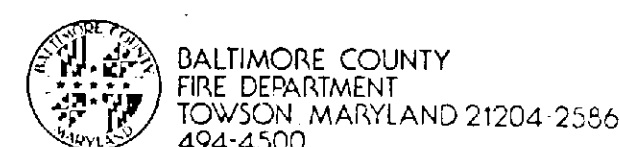
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

28 E. Susquehanna Ave. Suite 2
Towson MD 21204
LANDSCAPE ARCHITECTURE/LAND PLANNING

OWNER AND DEVELOPER:
MAKRIS BROTHERS
MILANO'S RESTAURANT
8811 WALTHAM WOODS ROAD
BALTIMORE, MD. 21234
661-4352.3

4150 4151 4152 4153 4154 4155 4156 4157 4158 4159 4160 4161 4162 4163 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173 4174 4175 4176 4177 4178 4179 4180 4181 4182 4183 4184 4185 4186 4187 4188 4189 4190 4191 4192 4193 4194 4195 4196 4197 4198 4199 4200 4201 4202 4203 4204 4205 4206 4207 4208 4209 4210 4211 4212 4213 4214 4215 4216 4217 4218 4219 4220 4221 4222 4223 4224 4225 4226 4227 4228 4229 4230 4231 4232 4233 4234 4235 4236 4237 4238 4239 4240 4241 4242 4243 4244 4245 4246 4247 4248 4249 4250 4251 4252 4253 4254 4255 4256 4257 4258 4259 4260 4261 4262 4263 4264 4265 4266 4267 4268 4269 4270 4271 4272 4273 4274 4275 4276 4277 4278 4279 4280 4281 4282 4283 4284 4285 4286 4287 4288 4289 4290 4291 4292 4293 4294 4295 4296 4297 4298 4299 4300 4301 4302 4303 4304 4305 4306 4307 4308 4309 4310 4311 4312 4313 4314 4315 4316 4317 4318 4319 4320 4321 4322 4323 4324 4325 4326 4327 4328 4329 4330 4331 4332 4333 4334 4335 4336 4337 4338 4339 4340 4341 4342 4343 4344 4345 4346 4347 4348 4349 4350 4351 4352 4353 4354 4355 4356 4357 4358 4359 4360 4361 4362 4363 4364 4365 4366 4367 4368 4369 4370 4371 4372 4373 4374 4375 4376 4377 4378 4379 4380 4381 4382 4383 4384 4385 4386 4387 4388 4389 4390 4391 4392 4393 4394 4395 4396 4397 4398 4399 4400 4401 4402 4403 4404 4405 4406 4407 4408 4409 4410 4411 4412 4413 4414 4415 4416 4417 4418 4419 4420 4421 4422 4423 4424 4425 4426 4427 4428 4429 4430 4431 4432 4433 4434 4435 4436 4437 4438 4439 4440 4441 4442 4443 4444 4445 4446 4447 4448 4449 4450 4451 4452 4453 4454 4455 4456 4457 4458 4459 4460 4461 4462 4463 4464 4465 4466 4467 4468 4469 4470 4471 4472 4473 4474 4475 4476 4477 4478 4479 4480 4481 4482 4483 4484 4485 4486 4487 4488 4489 4490 4491 4492 4493 4494 4495 4496 4497 4498 4499 4500 4501 4502 4503 4504 4505 4506 4507 4508 4509 4510 4511 4512 4513 4514 4515 4516 4517 4518 4519 4520 4521 4522 4523 4524 4525 4526 4527 4528 4529 4530 4531 4532 4533 4534 4535 4536 4537 4538 4539 4540 4541 4542 4543 4544 4545 4546 4547 4548 4549 4550 4551 4552 4553 4554 4555 4556 4557 4558 4559 4560 4561 4562 4563 4564 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4588 4589 4590 4591 4592 4593 4594 4595 4596 4597 4598 4599 4600 4601 4602 46
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Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



PAUL H. RENCKE
CHIEF

Mr. Ann J. Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Dimitrios Makris, et al
Location: SE/Cor. York Road and Oakway Road

Item No.: 388 Zoning Agenda: Meeting of June 25, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this 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.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

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

(X) 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", 1976 edition prior to occupancy.

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

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

REVIEWER: CH. J. J. 7.3.85 Noted and Approved: Roy W. Kemmer
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

July 2, 1985

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: August 8, 1985

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

SUBJECT: Zoning Petition No. 86-76-SPH

This office is not opposed to the granting of the subject request. The landscaped area along the northern and eastern boundaries of the parking area appear to provide adequate buffering for the adjacent residences. Finally, please note the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee with respect to the need for additional information concerning the issue of compatibility.

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

NEG:JGH:alm



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 18, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 388 Zoning Advisory Committee Meeting are as follows:

Property Owner: Dimitrios Makris, et al
Location: SE/Cor. York Road and Oakway Road
District: 8th.

APPLICABLE STANDARDS ARE CITED:

() 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.D.A. #17-1 - 1980) and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction. (Hazing)

() 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.

() Commercial: 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. Photocopyed seals are not acceptable.

() All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire on party wall. See Table 101, Section 1107, Section 1108.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible heights/area. Reply 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 101, and 505 and have your Architect/Engineer contact this department.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

() When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Hand-drawn architectural or mechanical plans are usually required. The change of Use Groups are from Use _____ to the _____ or to Mixed Use _____ See Section 112 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 1104 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 finished floor levels including basement.

() Comments: Provide handicapped access to walk without passing in back of parked vehicles, provide approved signs, curb cuts, etc., etc.

() These abbreviated comments reflect only on the information provided by the structure submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 317 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Schuman
Mark E. Schuman, Chief
Building Plans Review

L/2/2/85

IN RE: PETITION SPECIAL HEARING * BEFORE THE
SE/Corner of York and Oakway * ZONING COMMISSIONER
Roads - 8th Election District *
Dimitrios Makris, et al, * OF BALTIMORE COUNTY
Petitioners * Case No. 86-76-SPH
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a use permit for off-street parking in a R-O Zone that is to be accessory to a commercial use, i.e., a restaurant, proposed to be located on an adjacent B.L.-zoned portion of the site, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Nicholas Makris, appeared and testified and was represented by Counsel. Testifying on behalf of the Petitioners were William Kirwin, a registered landscape architect, and John Smith, a registered engineer. Joseph Dougherty and Bill Klosterides, adjacent property owners, appeared and testified in opposition. Other Protestants also appeared and testified. See Protestants' Exhibit 3.

Testimony indicated that the subject property, located at the corner of Oakway and York Roads, contains approximately 1.5 acres consisting of approximately 0.6 acres zoned B.L. and approximately 0.9 acres zoned R-O. The zone line not only bifurcates the property but also leaves an approximately 18-foot-wide strip along the southern property line zoned B.L. The Petitioners propose to construct a 5,980 square foot restaurant on the B.L.-zoned portion, which is permitted as a matter of right, and to provide the requisite 120 parking spaces to be located primarily in the R-O Zone. The property adjacent to the rear of the site and on the opposite side of Oakway Road from the site is zoned D.R.5.5 and contains residences, including Mr. Dougherty's.

Mr. Smith and Mr. Kirwin testified that, in their opinion, there would be no adverse impact to the community and that the spirit and intent of the

Baltimore County Zoning Regulations (BCZR) would be satisfied if the parking were permitted in the R-O Zone. In fact, testimony indicated that there would be sufficient landscaping between the residences and parking area to screen the property from view. Further, no undue problem of noise would be created.

The Protestants testified that they believe the restaurant is not needed and that the resultant traffic will create congestion on Oakway Road which will adversely impact upon their safety. They believe that vehicles egressing from the parking lot may turn east onto Oakway Road to find an alternative route in order to avoid the traffic on York Road and argued that Oakway Road, a narrow street, cannot handle this increased traffic.

The Petitioners seek relief from Section 409.4, pursuant to Sections 500.7 and 502.1, BCZR.

It is clear that the use of the terms "use permit" and "special exception" are intended to be interchangeable and that the import of either is the same. See Hofmeister v. Frank Realty Co., 373 A.2d 273 (1977). The request for a use permit under Section 409.4 is in reality a request for a special exception. Therefore, in order for a use permit to be approved, the property owner must satisfy the burden of proof required by Section 502.1.

Although Section 409.4 uses the term "residence zones" and the BCZR defines "residential zone" as including only D.R., R.C., and R.A.E. zones, the language employed by Section 203.1 and 2, BCZR, indicates that the Baltimore County Council's intent was to consider the R-O Zone as residential when the use to be located in a R-O Zone is one which is permitted either by right or by special exception in a D.R.5.5 Zone. Section 203, BCZR, must be construed reasonably with reference to the stated purposes of the R-O Zone found in Section 203.1 and 2 and must be considered in its entirety and in the context of the purpose for its enactment. Giant of Md. v. States Atty., 267 Md. 501 (1973). The BCZR should

be construed according to the ordinary and natural import of its language since it is the language of the statute which constitutes the primary source for determining the legislative intent. Crosvenor v. Supervisor of Assessment, 271 Md. 232 (1974).

It is therefore obvious that the BCZR permits parking pursuant to Section 409.4 when requested in a R-O Zone by special permission. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed off-street parking. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the use permit should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of September, 1985, that the use permit for off-street parking in a R-O Zone that is to be accessory to a commercial use, i.e., restaurant, proposed to be located on an adjacent B.L.-zoned portion of the site be and, as such, the Petition For Special Hearing is hereby GRANTED, from and after the date of this order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

- County Review Group (CRG) approval shall be obtained and no waiver of its required public meeting shall be granted.
- In addition to the landscaping provided on Petitioners' Exhibit 1, a six-foot-high fence shall be constructed along the property boundaries adjacent to and facing the residential properties.
- The dumpster shown on the site plan shall be moved forward toward York Road and placed on the south property line in the area where the zone line shifts north to Oakway Road.
- The Petitioners shall utilize "low cutoff" lighting to minimize glare and direct such lighting away from the residential properties as much as possible.
- The Petitioners shall be responsible for maintaining and ensuring that the property is kept clean at all times.

R. Bruce Alderman
R. Bruce Alderman, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE September 11, 1985
BY John P. H. H. H.

ORDER RECEIVED FOR FILING
DATE September 11, 1985
BY John P. H. H. H.

ORDER RECEIVED FOR FILING
DATE September 11, 1985
BY John P. H. H. H.

ORDER RECEIVED FOR FILING
DATE September 11, 1985
BY John P. H. H. H.

Makris Brothers
Milano, Inc.
8811 Waltham Woods Road
Baltimore, Maryland 21234

PETITIONER'S EXHIBIT 8

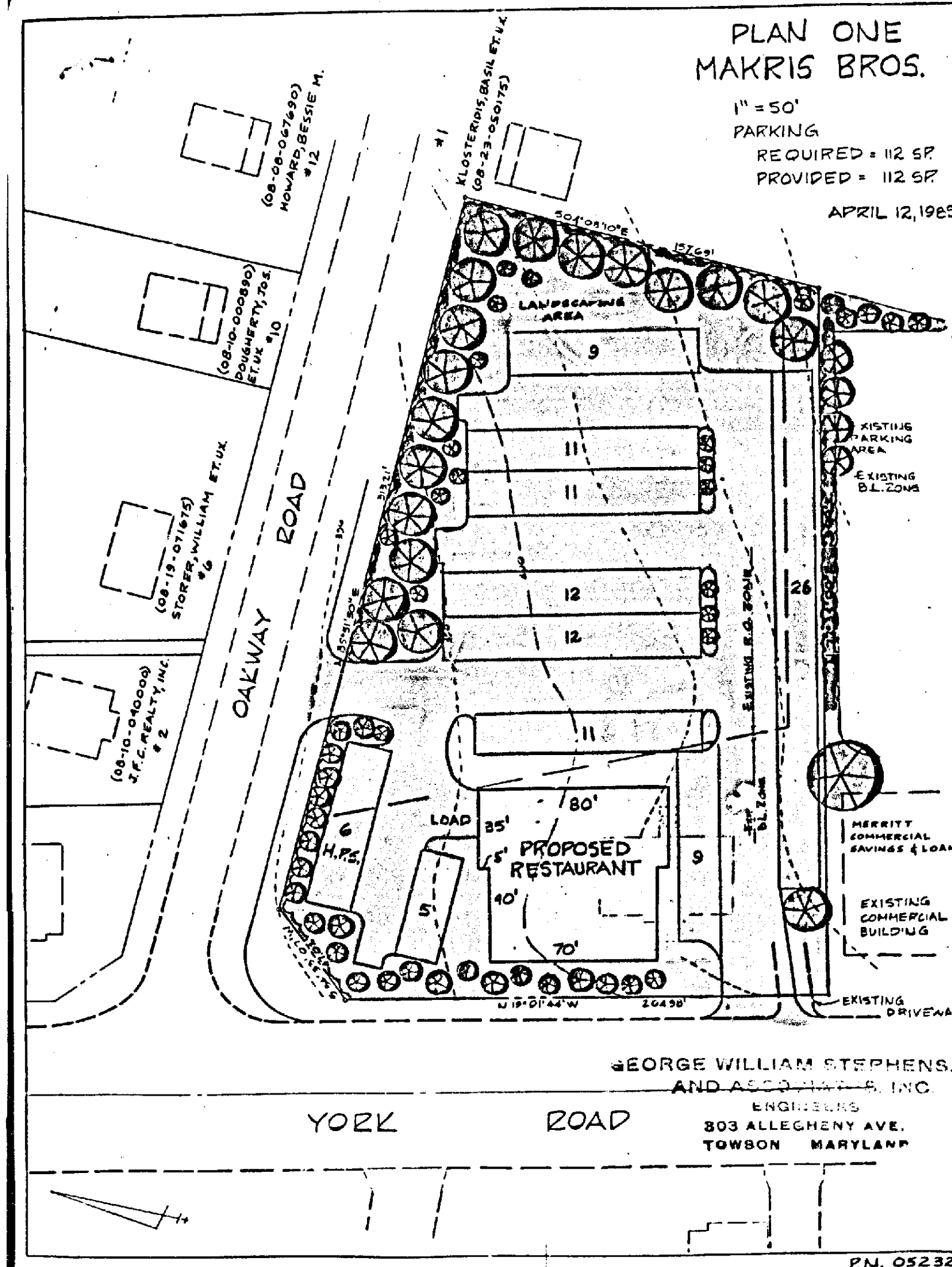
Gentlemen:

We have reviewed the attached plan of your proposed Milano's Restaurant and parking area and believe such a plan, if followed, will be compatible with our surrounding neighborhood. In fact, we prefer a well-screened, well-landscaped, ground-level parking area to a 3-story office building being located on your R-O zoned property.

NAME

ADDRESS

Margaret Bayless	3 Oakway Rd.
Mrs. H. L. Holland	14 Oakway Rd.
Mrs. Jan Kue	9 Oakway Rd.
William B. Zeman	26 Oakway Rd.
Susan Yida	21 Oakway Rd.
BOB OVERHEAD	27 Oakway Rd.
Sally M. Galloway	28 Oakway Rd.
B. C. Wein	32 Oakway Rd.
Louise Muehlstein	34 Oakway Rd.
John Wilson	36 Oakway Rd.
David P. Hordell	35 Oakway Road
Lawrence Hickman	40 Oakway Rd.
P. B. Horman	39 Oakway Rd.
Bob Scannell	44 Oakway Rd.
John C. Cofell	43 Oakway Rd.
John G. G.	47 Oakway Rd.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

August 15, 1985

MAKRIS PROPERTY - SOUTH SIDE OAKWAY ROAD
EAST SIDE YORK ROAD

TRAFFIC FLOWS

- A. 6,000 S.F. "Quality" Restaurant
Ave. Daily Trips = $6 \times 56.3 = 337.8$ SAY 340
- B. 39,000 S.F. Office Building - No Commercial
Ave. Daily Trips = $39 \times 11.69 = 455.9$ SAY 460
- C. 26,400 S.F. Office Building in R.O. Zone Plus 1500 S.F. "Quality" Restaurant
Ave. Daily Trips = $26.4 \times 11.69 = 308.6$
 $+ 1.5 \times 56.3 = 84.5$
TOTAL = 393.1 SAY 390
- D. 26,400 S.F. Office Building in R.O. Zone Plus 1500 S.F. "High Turnover" Sit-Down Restaurant
Ave. Daily Trips = $26.4 \times 11.69 = 308.6$
 $+ 1.5 \times 164.4 = 246.6$
TOTAL = 555.2 SAY 560

SOURCE: Trip Generation published by The American Institute of Traffic Engineers

PETITIONER'S EXHIBIT 4

710-General Office Building

Description: A general office building houses one or more tenants and is the location where the affairs of a business, commercial or industrial organization, professional person or firm are conducted. The building may be limited to one tenant, either the owner or lessee, or it could contain a mixture of tenants including professional services, a bank or savings and loan institution, insurance companies, investment brokers, company headquarters and services for the tenants.

The general office buildings surveyed were all located outside the central city business district and usually in suburban areas. Studies of office building employment density indicate that on the average, 4.4 employees per 1,000 gross square feet of building area will occupy the building. Recently constructed and fully occupied office buildings tend to house a lower density than older buildings with approximately 4.25 employees per 1,000 gross square feet of building area.

Trip Characteristics: An analysis of correlation between average weekday vehicle trip ends and all measured independent variables was made to determine the best variables to use for predicting vehicle trip ends. These are summarized on the table.

* Butte, Carl H., unpublished studies of building employment densities, Portland, Oregon.

The employment and gross building area have a high correlation to vehicle trip making. However, since the number of parking spaces is usually based upon the size of the building, it is believed that parking spaces should not be used as a predictive independent variable.

General office buildings generate 11.7 average weekday vehicle trip ends per 1,000 gross square feet of building area and 3.46 average weekday vehicle trip ends per employee. See the following table for daily and peak hour trip generation rates. Office building-generated trips peak at the same time as adjacent street traffic (7 to 9 A.M. and 4 to 6 P.M.).

The regression equations developed for calculating the average weekday vehicle trip ends (AWDYTE) are:

$$\begin{aligned} \text{AWDYTE} &= 466 + 2.58 \times \text{Number of Employees} \quad R = 0.981 \\ &= 653 + 9.63 \times 1,000 \text{ G.S.F.} \quad R = 0.980 \end{aligned}$$

The average automobile occupancy has been measured at 1.2 persons per car, 1.1 to 1.2 persons for work purposes and 1.6 persons for other purposes. The buildings measured for trip generation were either not serviced by public transportation or no information was available concerning such service. A variation in trip generation because of geographic location

Correlation Between Average Weekday Vehicle Trip Ends and the Independent Variables for General Office Buildings.

Independent Variables	Correlation Coefficient (R)
Employees	0.981
1,000 Gross Square Feet	0.980
Parking Spaces	0.988
Acres	0.120

831-Quality Restaurant

Description: This category of restaurants comprises eating establishments of high quality and with turn-over rates generally of at least one hour or longer. Separate categories deal with high-turnover restaurants (Code 832) and drive-in restaurants (Code 833).

Data were collected from three different studies conducted by the California Division of Highways. The restaurants surveyed ranged in size from 4,500 to 10,000 square feet of gross floor area with seating capacities from 161 to 662.

Trip Characteristics: No information was available regarding person trip ends, therefore, all analyses were performed on the basis of vehicle trip ends. Vehicle occupancy rates were given by one study as 2.0 persons per car for an average weekday. In the same study, 2.1 percent of the average weekday trips were trucks.

Trip generation rates were developed on the basis of two variables: per seat and per 1,000 square feet gross floor area. On the basis of available information, quality restaurants can be expected to generate, on an average weekday, 1.2 vehicle trip ends per seat or 56.3 vehicle trip ends per 1,000 square feet gross floor area. Maximum restaurant use occurred on Saturdays at generation rates of 1.87 trip ends per seat or 87.3 trip ends per 1,000 square feet floor area. The observed peak hour for restaurants was found to fall between noon and 2 P.M. except for Saturdays, when the peak hour occurred between 8 and 9 P.M.

SUMMARY OF TRIP GENERATION RATES

Land Use/Building Type: Quality Restaurant ITE Land Use Code: 831
Independent Variable—Trips per: 1,000 Square Feet GFA

		Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable Study
Average Weekday Vehicle Trip Ends							
Peak Hour of Adjacent Street Traffic	A.M.	Enter	0.85			3	7.7
	Between 7 and 9	Exit	0.46			2	6.5
		Total	1.31			2	6.5
	P.M.	Enter	2.77			3	7.7
Peak Hour of Generator	Between 4 and 6	Exit	1.69			2	6.5
		Total	3.44			3	7.7
	A.M.	Enter					
	Exit						
Peak Hour of Generator	Between 4 and 6	Enter	5.08			2	6.5
		Exit	4.87			2	6.5
		Total	9.95			3	7.7
	P.M.	Enter					
	Exit						
Saturday Vehicle Trip Ends	Enter	87.3				3	7.7
	Exit	7.00				2	6.5
		Total	94.3			2	6.5
		Total	13.00			3	7.7
Sunday Vehicle Trip Ends							
Peak Hour of Generator	Enter	45.4				1	10.0
	Exit						
		Total	7.60			1	10.0
		Total					

Source Numbers: 13

ITE Technical Committee 6A-6—Trip Generation Rates

Date: July 1975

832-High Turn-Over, Sit-Down Restaurant

Description: This category of restaurants comprises sit-down eating places with turn-over rates of generally less than one hour. Restaurants in this group are usually moderately priced and frequently belong to chains such as Howard Johnson's, Sambo's and others. Typical drive-in restaurants which are primarily take-out oriented are not included in this analysis but are treated separately under Land Use Code 833.

Data were collected from four different sources comprising a total of 22 studies located in various parts of the U.S. The restaurants investigated ranged in size from 1,200 to 17,500 square feet of gross floor area; seating capacities for restaurants for which this information was available were between 100 and 1,000 seats per restaurant.

Trip Characteristics: Since no information was available on person trip ends, only vehicle trip end data could be inventoried. Trip generation rates were computed on the basis of 1,000 square feet gross floor area since this was the only common information available for all studies. Data were not sufficient to develop meaningful trip generation rates based on the number of seats per restaurant.

On the basis of the available information, high turn-over, sit-down restaurants generate an average of 164.4 vehicle trip ends per 1,000 square feet gross floor area on an average weekday. Saturday and Sunday trip volumes were significantly lower at 67.8 and 39.0 vehicle trip ends per 1,000 square feet respectively, as shown in the following summary.

The weekday generator peak hour was between 6 and 7 P.M., followed closely by the noon period. No information was available with respect to the timing of the peak hours on Saturdays and Sundays.

Data Limitations: Although a sizable number of studies was available for analysis, considerable differences existed in the type of data and the time periods for which data were collected. There is a great need for more precise definitions and a more common terminology in trip generation data gathering.

SUMMARY OF TRIP GENERATION RATES								
Land Use/Building Type <u>High Turn-Over, Sit-Down Restaurant</u> ITE Land Use Code <u>832</u>								
Independent Variable—Trips per <u>1,000 Square Feet</u>								
			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study
Average Weekday Vehicle Trip Ends			164.4	551.2	47.9		9	5.7
Peak Hour of	A.M. Between 7 and 9	Enter						
		Exit						
		Total*	47.5	63.5	24.0		2	3.1
Adjacent Street Traffic	P.M. Between 4 and 6	Enter	9.9	17.3	7.6		3	11.7
		Exit	4.0	10.3	3.2		3	11.7
		Total	10.5	38.7	3.0		11	8.3
Peak Hour of Generator	A.M. Between 12-1 P.M.	Enter	10.1	11.9	6.6		4	9.6
		Exit	5.5	20.8	2.4		4	9.6
		Total	15.7	75.0	5.1		19	7.2
	P.M. Between 6 and 7	Enter	13.0	17.8	11.2		3	8.2
		Exit	9.2	21.2	6.8		3	8.2
		Total	22.2	39.0	18.0		3	8.2
Saturday Vehicle Trip Ends			67.8	105.2	62.4		2	9.7
Peak Hour of Generator		Enter						
		Exit						
		Total	10.0	13.2	7.0		6	10.9
Sunday Vehicle Trip Ends			39.0	40.0	32.4		2	9.7
Peak Hour of Generator		Enter						
		Exit						
		Total	6.9	8.8	4.6		6	10.9
Source Numbers			<u>2, 4, 5, 72</u>					
ITE Technical Committee 6A-6—Trip Generation Rates								
Date: <u>July 1975</u>								
*Represents two restaurants which apparently cater to breakfast patrons								

833—Drive-In Restaurant

Description: This category includes drive-in and fast-food restaurants that have no or only a limited number of sit-down facilities. Generally, food is ordered and taken out to be consumed outside the restaurant building. Surveyed restaurants included fast-food eating places such as McDonald's, Dunkin' Donuts, Burger Chef and others.

Data were collected from trip generation studies conducted by the New England and Ohio Sections ITE, comprising a total of 12 observations. The restaurants investigated ranged in size from 1,590 to 5,400 square feet of gross floor area with an average of 2,900 square feet per restaurant. Seating capacity data were available for only three observations with an average of about 30 seats per restaurant.

Trip Characteristics: Trip generation rates were computed on the basis of 1,000 square feet of gross floor area. As the summary indicates, drive-in restaurants generated an average of 553 vehicle trip ends per 1,000 square feet of gross floor area on an average weekday. No information was available for Saturday and Sunday trip generation. The generator peak hour occurred generally between noon and 1 P.M. During this hour, an average of 78.8 vehicle trip ends were generated per 1,000 square feet floor space in both directions.

Data Limitations: Lack of data existed for weekend trip generation rates which conceivably could surpass the weekday rates. Also, the data were limited to fast-food restaurants along major arterial streets, easily accessible by auto. None of the observations included a fast-food restaurant in a downtown or central business district which would rely heavily on walk-in patrons.

SUMMARY OF TRIP GENERATION RATES									
Land Use/Building Type <u>Drive-In Restaurant</u> ITE Land Use Code <u>833</u>									
Independent Variable—Trips per <u>1,000 Square Feet</u>									
			Average Trip Rate	Maximum Rate	Minimum Rate	Correlation Coefficient	Number of Studies	Average Size of Independent Variable/Study	
Average Weekday Vehicle Trip Ends			55.3	82.8	37.6		6	2.68	
Peak Hour of	A.M. Between 7 and 9	Enter	49.7*				1	1.59	
		Exit	40.2*				1	1.59	
		Total	89.9*				1	1.59	
Adjacent Street Traffic	P.M. Between 4 and 6	Enter	17.0				4	3.57	
		Exit	14.6				4	3.57	
		Total	31.6	73.0	21.1		4	3.57	
Peak Hour of Generator	A.M. Between 12 and 1	Enter							
		Exit							
		Total							
	P.M. Between 12 and 1	Enter	44.4				4	3.57	
		Exit	41.9				4	3.57	
		Total	78.8	104.7	37.0		11	2.98	
Saturday Vehicle Trip Ends									
Peak Hour of Generator		Enter							
		Exit							
		Total							
Sunday Vehicle Trip Ends									
Peak Hour of Generator		Enter							
		Exit							
		Total							
Source Numbers			4, 5						
ITE Technical Committee 6A-6—Trip Generation Rates									
Date: <u>July 1975</u>									
*Represents Dunkin' Donuts Restaurant									

PETITION FOR SPECIAL HEARING 8th Election District

LOCATION: Southeast corner of York and Oakway Roads

DATE AND TIME: Monday, August 19, 1985 at 10:30 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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations for approval of a use permit for parking in a residential zone or R.O. zone in connection with a commercial use pursuant to Section 409.4 of the Zoning Regulations.

Being the property of Dimitrios Makris, et al 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 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

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
393 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

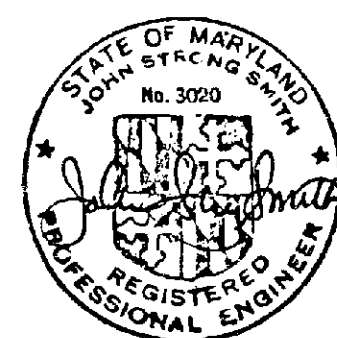
Description To Accompany A
Special Hearing To Permit
Commercial Parking In A Residential
Zone Or R.O. Zone

June 3, 1985

POINT of beginning being located at the point of intersection of southerly right-of-way line of Oakway Road with the EASTERLY side of York Road thence in a clockwise rotation:

- 1) North 34° 33' 07" East 47.02 feet ±
- 2) North 85° 51' 50" East 313.21 feet ± crossing the B.L. & R.O. zone line 52 feet ± from the beginning of said line.
- 3) South 04° 08' 10" East 157.69 feet ± crossing the BL & R.O. zone line 139 feet ± from the beginning of said line.
- 4) South 77° 34' 00" West 300 feet ± paralleling the BL & R.O. zone line for approximately 199 feet ± at a distance of 18 feet ±.
- 5) North 19° 01' 44" West 204.98 feet ± (enclosing 1.45 acres of land more or less) (saving and excepting .58 acres zoned BL)

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE Corner of York and Oakway : OF BALTIMORE COUNTY
Rds., 8th District
DIMITRIOS MAKRIS, et al., : Case No. 86-76-SPH
Petitioners

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 or final Order.

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

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

I HEREBY CERTIFY that on this 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

R. Bruce Alderman, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
SE corner of York & Oakway Roads
8th Election District
Dimitrios Makris, et al - Petitioners
Case No. 86-76-SPH

Dear Mr. Alderman,

This is to advise you that \$ 70.22 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. 012393	1y.
DATE: 8-21-85	ACCOUNT: 8-01-612-300	
RECEIVED FROM: R. Bruce Alderman, Esq.	AMOUNT: \$ 70.22	
FOR: Advertising & Posting Case 86-76-SPH		
VALIDATION OR SIGNATURE OF CASHIER		

R. Bruce Alderman, Esquire
29 W. Susquehanna Avenue
Towson, Maryland 21204

July 19, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
SE corner of York & Oakway Roads
8th Election District
Dimitrios Makris, et al - Petitioners
Case No. 86-76-SPH

TIME: 10:30 a.m.

DATE: Monday, August 19, 1985

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

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 007295	Commissioner of County
DATE: 8/19/85	ACCOUNT: 8-01-612-300	
RECEIVED FROM: R. Bruce Alderman	AMOUNT: \$ 100.00	
FOR: 4th Floor to 2nd Floor 388		
VALIDATION OR SIGNATURE OF CASHIER		

86-76-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 31, 19 85

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 31, 19 85

TOWSON TIMES,

J. Venetorli

Publisher

PETITION FOR
SPECIAL HEARING
8th Election DistrictLOCATION: Southeast corner of
York and Oakway RoadsDATE AND TIME: Monday, August
19, 1985 at 10:30 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 Special Hearing
under Section 500.7 of the Baltimore
County Zoning Regulations for approval
of a use permit for parking in a residential
zone or R.O. zone in connection with a
commercial use pursuant to
Section 409.4 of the Zoning Regulations.Being the property of Dimitrios Makris,
et al as shown on the plat filed
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ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

67758-L73281, 7/31

PETITION FOR SPECIAL
HEARING
8th Election DistrictLOCATION: Southeast corner of
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DATE AND TIME: Monday, August
19, 1985 at 10:30 a.m.
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County Office Building, 111 W.
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the hearing set above or made at the hearing.By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Aug. 1.

86-76-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 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 August 1, 19 85

THE JEFFERSONIAN,

J. Venetorli

Publisher

Cost of Advertising

22.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-76-SPH

District: 8th

Posted for:

Special Hearing

Date of Posting:

8/2/85

Petitioner:

Dimitrios Makris, et al

Location of property:

SE corner York & Oakway Rds.

Location of Signs:

Facing cor. of York Rd & Oakway, approx. 20' from
roadway on property of petitioner.

Remarks:

Posted by:

J. Venetorli

Signature

Date of return:

8/2/85

Number of Signs:

1



DESIGNED:
DRAWN:
CHECKED:
REVISIONS