

86204A #89

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard set back of 1 foot instead of the required 30 feet, and from section 102.2 to permit a distance between buildings of 2.5 ft. instead of the required 60 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

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

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

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of 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: Skip Wolfe (Type or Print Name) 391-9090-100 Signature: Skip Wolfe Address: Thomas C. Knoerlein (Type or Print Name) 8359 Pulaski Highway Balto., Md. 21206 City and State: Baltimore, Md. Attorney for Petitioner: Skip Wolfe / Richard Shores (Type or Print Name) 8359 Pulaski Highway Balto., Md. 21206 City and State: Baltimore, Md. Attorney's Telephone No.: 335-4170 W. 563-5585

Stamp: BAP 4/2, DE 3/2, DISTRICT 15, DATE 12/18/85, TYPE HEARING, BY, FINAL

86204A #89

IN RE: PETITION ZONING VARIANCES BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY. Petitioners: Skip Wolfe, et al. Case No. 86-204-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of one foot instead of the required 30 feet and a distance between buildings of 2 1/2 feet instead of the required 60 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Skip Wolfe, appeared and testified. Richard Shores, the owner of the proposed pit-beef stand (stand), also testified on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned M.L.-I.M. and located on Route 40, is improved with a restaurant/lounge. Case No. 69-6-A granted side and rear yard variances to permit an extension of the building to allow the restaurant to be added to the lounge. The Petitioners propose to construct a 9' x 10' stand near the southwestern corner of the existing building. It would actually be setback 3 1/2 feet from the main building and one foot from the southern side property line. The property is bounded on either side by State-owned property, and the State does not object to the placement of the stand where proposed.

The Petitioners seek relief from Section 255.1 (Section 238.2), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

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

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

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of November, 1985, that the Petition for Zoning Variances to permit a side yard setback of one foot instead of the required 30 feet and a distance between buildings of 3 1/2 feet instead of the required 60 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

ORDER RECEIVED FOR FILING DATE November 21, 1985 BY Phyllis Cole Friedman

ORDER RECEIVED FOR FILING DATE November 21, 1985 BY Skip Wolfe

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Signature of Zoning Commissioner of Baltimore County

AD/srl ccc Mr. Skip Wolfe People's Counsel

ORDER RECEIVED FOR FILING DATE November 21, 1985 BY Skip Wolfe

ZONING DESCRIPTION

Beginning on the South Side of Pulaski Highway, at the distance of 830 feet North East of the Centerline of Schaefer's La. Thence the five following courses and distances:

- 1. South 56° 7' East 119.17' thence
2. Northeasterly 77' to a point thence
3. Northeasterly 21' to a point thence
4. North 55° 56' West 59' thence Southwesterly
5. Along Pulaski Highway 108.4' to the beginning.

Also known as 8359 Pulaski Highway in the 15th. election district.

PETITION FOR VARIANCE

15th Election District

LOCATION: East side of Pulaski Highway, 830' North of Schaefer Lane (8359 Pulaski Highway)

DATE AND TIME: Monday, November 18, 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 Variance from Section 255.1 and 238.2 to permit a side yard set back of 1 foot instead of the required 30 feet, and from section 102.2 to permit a distance between buildings of 2.5 feet instead of the required 60 feet.

Being the property of Skip Wolfe, 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

RE: PETITION FOR VARIANCES BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY. Petitioners: SKIP WOLFE, et al., Case No. 86-204-A

ENTRY OF APPEARANCE

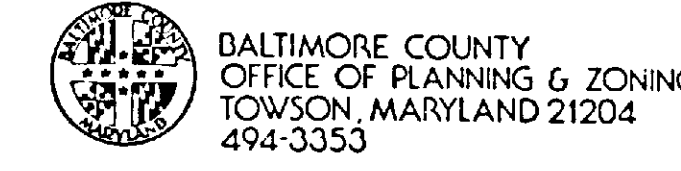
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 22nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Skip Wolfe, Mr. Thomas C. Knoerlein, and Mr. Richard Shores, 8359 Pulaski Highway, Baltimore, MD 21206.

Peter Max Zimmerman, Peter Max Zimmerman



ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

November 12, 1985

Mr. Skip Wolfe, 8359 Pulaski Highway, Baltimore, Maryland 21206

Re: Petition for Variance E/S Pulaski Hwy., 830' N/Schaefer Lane (8359 Pulaski Highway) Skip Wolfe, et al - Petitioners Case No. 86-204-A

Dear Mr. Wolfe: This is to advise you that \$57.00 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Building, Towson, Maryland

Baltimore County, Maryland Office of Finance - Revenue Division Miscellaneous Cash Receipt No. 012399 DATE 11-17-85 ACCOUNT 2-01-615-000 AMOUNT \$57.00 RECEIVED FROM Peter Max Zimmerman FOR 86204A-8

October 15, 1985

Mr. Skip Wolfe
8359 Pulaski Highway
Baltimore, Maryland 21206

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
E/S Pulaski Hwy., 830' N/Schaefer Lane
(8359 Pulaski Highway)
Skip Wolfe, et al - Petitioner
Case No. 86-204-A

TIME: 10:30 a.m.

DATE: Monday, November 18, 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. 012576

DATE: 8/30/85 ACCOUNT: 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM: Richard Stearns

FOR: Variance # 89

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer Date: September 4, 1985

FROM: James D. Knorr
Item #89
SUBJECT: Thomas C. Knoerlein (Skip Wolfe)
Dianna M. Knoerlein, Et al

Please note that the above referenced matter is the subject of an active violation case, C-85-1209.

When this Petition is scheduled for a hearing, notify: Michael DeCarlo
8014 Pulaski Highway
Baltimore, MD 21237

JT/adr

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 23, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21286

Mr. Skip Wolfe
Mr. Thomas C. Knoerlein
8359 Pulaski Highway
Baltimore, Maryland 21206

RE: Item No. 89 - Case No. 86-204-A
Petitioners - Skip Wolfe, et al
Variance Petition

Dear Sirs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Inc.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures



Maryland Department of Transportation

State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

September 20, 1985

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

Attn: Mr. James Dyer

RE: Baltimore County
Item No. 89
Property Owner: Skip Wolfe, et al
Location: SE/S Pulaski Highway, Route 40-E
830' NE of centerline of Schaefer's Lane
Existing Zoning: M.L. - I.M.
Proposed Zoning: Variance to permit a
side yard setback of one foot instead of
the 2.5 feet instead of the require
60 feet.
Acres:
District: 15th Election District

Dear Mr. Jablon:

On review of the submittal for the proposed Beef Pit, the State Highway Administration finds the proposed generally acceptable.

All business conducted at the proposed beef pit site must be conducted outside the State Highway Administration Right of Way.

Very truly yours,

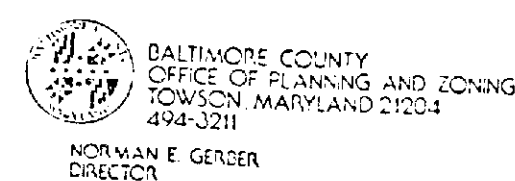
Charles Lee, Chief
Bureau of Engr. Access Permits

By: George Wittman

CL/GW/rab

CC: J. Ogle

My telephone number is 301-659-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 865-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



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

OCTOBER 31, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 10, 1985
Item # 89
Property Owner: SKIP WOLFE, et al
Location: SE/S PULASKI HWY., 830' NE
OF S OF SCHAEFER'S LN.

Dear Mr. Jablon:

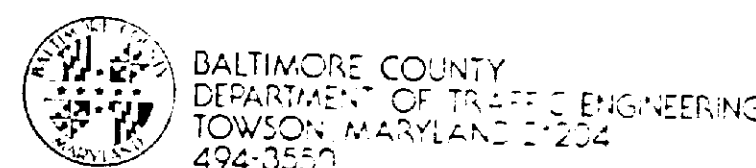
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- 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 _____.
- Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve is established and a Certificate has been issued. The deficient service is _____.
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and its conditions change are reviewed annually by the County Council.

Additional comments:

cc: James Hoswell

Eugene A. Baber
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

September 23, 1985

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

Item No. -ZAC- Meeting of September 10, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

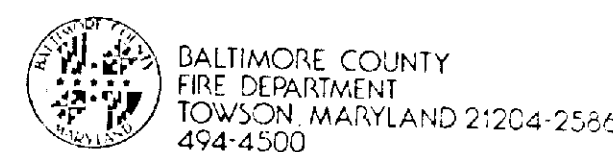
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items 82, 86, 87, (89) & 90.

Michael S. Flanigan
Traffic Engineer Assoc II

MSP/blid



PAUL H. REINCKE
CHIEF

September 26, 1985

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Skip Wolfe, et al

Location: SE/S Pulaski Hwy. 830' NE of centerline of Schaefer's Lane

Item No.: 89 Zoning Agenda: Meeting of 9/10/85

Gentlemen:

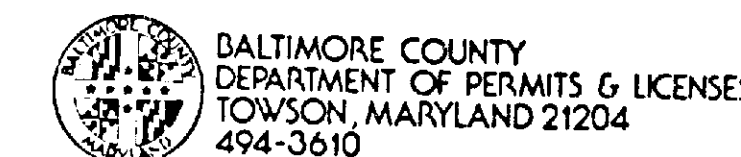
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 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: [Signature]
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

/ms



TED ZALESKI, JR.
DIRECTOR

October 24, 1985

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

Dear Mr. Jablon:

Comments on Item # 89 Zoning Advisory Committee Meeting are as follows:

Property Owner: Skip Wolfe, et al
Location: SE/S Pulaski Highway, 830' NE of S of Schaefer's Lane
District: 15th.

- APPLICABLE ITEMS ARE CIRCLED:
- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill # 7-85, the Maryland Code for the Handicapped and Aged (A.N.S.I., #117-1 - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer 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. Approval seals are not acceptable.
- () All the Group except Bul Single Family Detached Buildings require a minimum of 1 hour fire rating for their 7'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 7'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/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 401 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 Occupancy 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. Maryland Architectural or Engineer seals are usually required. The change of the Group use from the _____ to the _____ is to be filed with _____.
- () The proposed project appears to be located in a Flood Plain, Erial/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- () Comments: Facing Walls of both buildings shall be of at least one hour fire rated construction without any openings, Table 101.
- () Three abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Building Plans Review

L27774

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
FROM: Norman E. Gerber, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-191-A, 86-192-A, 86-193-A, 86-196-A, 86-201-A, 86-203-A, 86-204-A, 86-207-A, 86-208-A, 86-209-A, 86-211-A and 86-217-A
Date: November 4, 1985

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, AICP, Director

NEG:JGH:slm

PETITION FOR VARIANCE
15th Election District
LOCATION: East side of Pulaski Highway, 830' North of Schaefer Lane (8359 Pulaski Highway)
DATE AND TIME: Monday, November 18, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance from Section 255.1 and 238.2 to permit a side yard set back of 1 foot instead of the required 30 feet, and from section 102.2 to permit a distance between buildings of 2.5 feet instead of the required 60 feet.
Being the property of Skip Wolfe, 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

CERTIFICATE OF PUBLICATION

86-204-A

OFFICE OF Dundalk Eagle

38 N. Dundalk Ave. Dundalk, Md. 21222
October 31, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Zoning office of Baltimore County was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week before the 1st day of November 1985; that is to say, the same was inserted in the issues of

October 31, 1985

Kimbel Publication, Inc. per Publisher.
By Kimbel C. [Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-204-A

District: 15-24 Date of Posting: 10/29/85
Posted for: Variance
Petitioner: Skip Wolfe, et al
Location of property: E/S Pulaski Hwy, 830' N/S Schaefer Lane, 8359 Pulaski Hwy.
Location of Signs: Facing Pulaski Hwy, across 18' Fr. Roadway, on property at lot corner.
Remarks:
Posted by: [Signature] Date of return: 11/1/85
Number of Signs: 1

CERTIFICATE OF PUBLICATION

86-204-A

TOWSON, MD., October 31, 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 October 31, 1985

THE JEFFERSONIAN, [Signature] Publisher

Cost of Advertising 22.00

PETITION FOR VARIANCE
15th Election District
LOCATION: East side of Pulaski Highway, 830' North of Schaefer Lane (8359 Pulaski Highway)
DATE AND TIME: Monday, November 18, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
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Being the property of Skip Wolfe, et al as shown on the plat filed with the Zoning Office.
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By Order Of ARNOLD JABLON, Zoning Commissioner of Baltimore County
Oct. 31.

Case No. 86-204-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

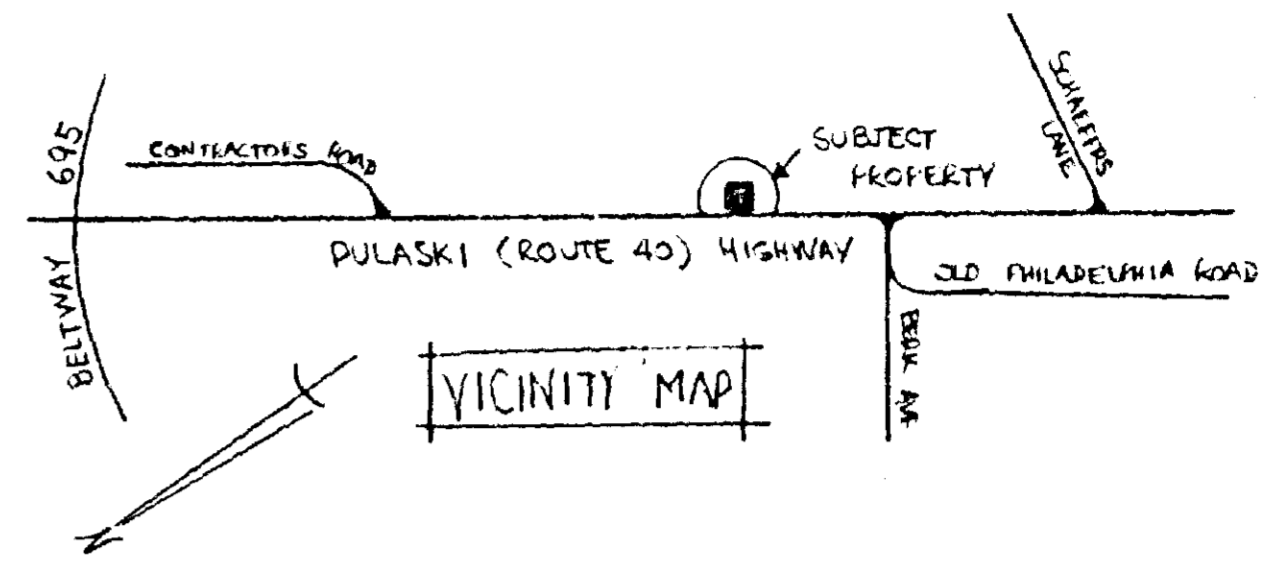
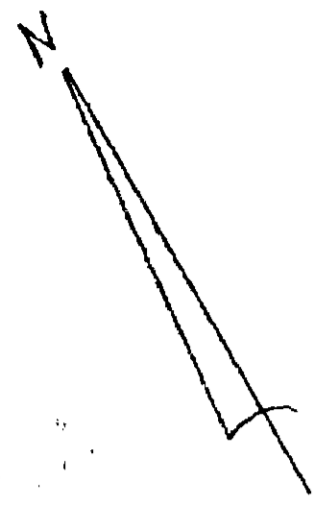
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of October, 1985.

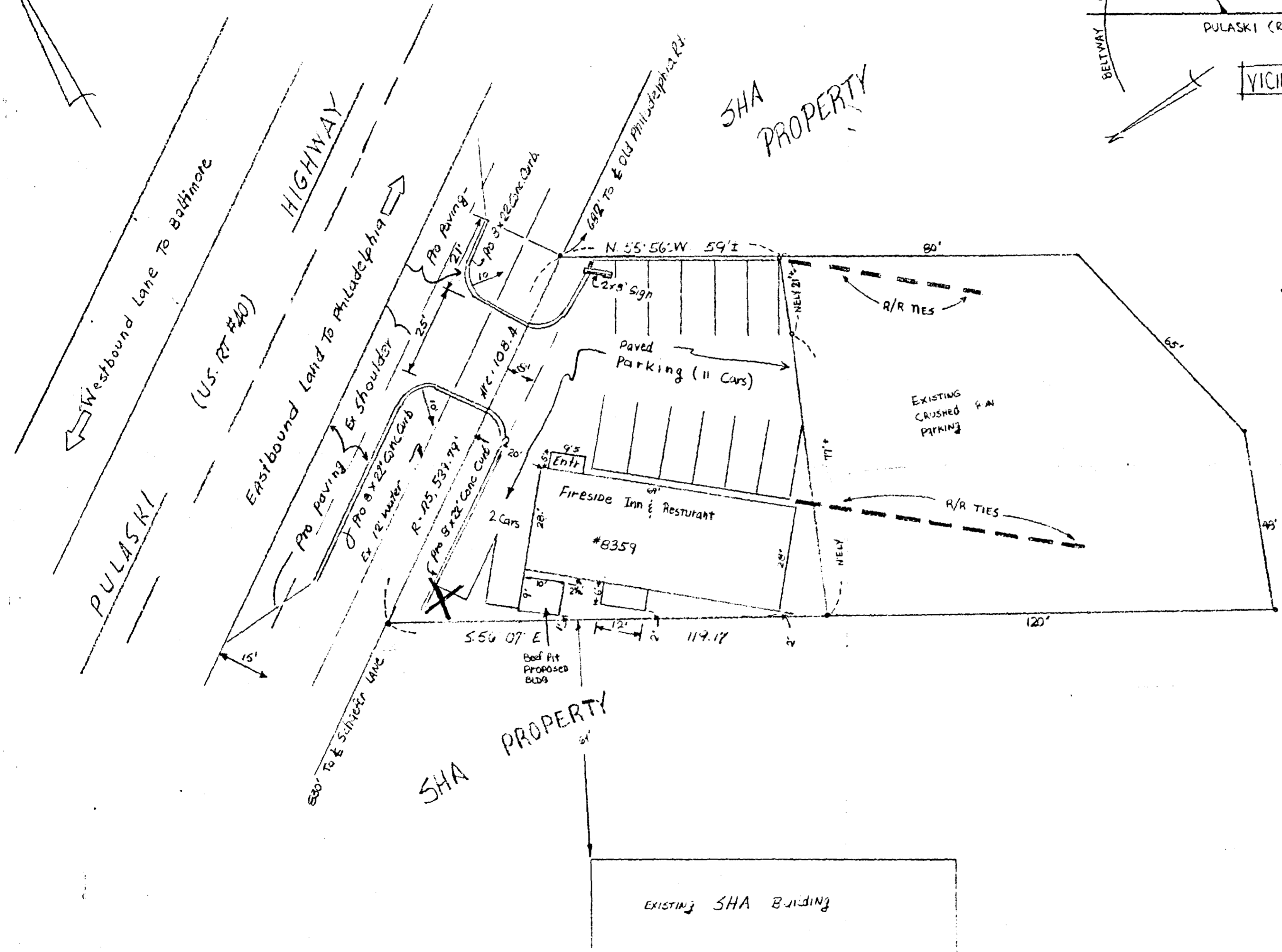
[Signature] ARNOLD JABLON, Zoning Commissioner

Petitioner Skip Wolfe, et al
Petitioner's Attorney

Received by: [Signature] Chairman, Zoning Plans Advisory Committee



PETITIONER'S EXHIBIT 1



PLAT FOR ZONING VARIANCE
 OWNER - SKIP WOLFE
 LOCATION - ELECTION DISTRICT 15, BALTO, CO.
 8359 PULASKI HWY.
 PRESENT ZONING - ML - IM
 PRESENT USE - BAR & RESTAURANT
 AREA OF BLDG - 2139 SQ. FT.
 SCALE - 1" = 20'
 PARKING - 9' x 20'
 VARIANCE - *G-6-A GRANTED P168, FOR
 PARKING, SIDE & REAR YARDS

#89



MAP	418
SECTION	NE 2E
DISTRICT	15
DATE	7/20/11
TYPE	
HEARING	A
BY	
FINAL	

