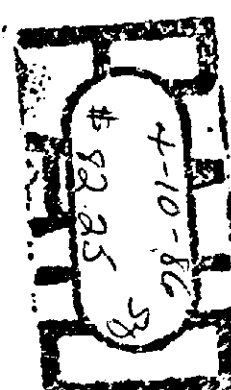


MAP NE-9A
E.D. 9
DATE 1-18-87
200
1000
DP

[File Back
in To Be
Maintained
P.R.]



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 238.1 (303.2) to permit a front setback of 4'-0" (minimum) instead of the required average of 12'-0" to permit a side yard setback of 8'-0" instead of the required 30'-0" and 409.2b. (59) to permit 41 parking spaces in lieu of the required 71 and 409.2c of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(4) to permit a parking space 4' from the right of way line in lieu of the required 8'.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of March, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of April, 1986, at 11:30 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

(over)

MAP NE-9A
E.D. 9
DATE 1-18-87
200
1000
DP

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 14, 1986

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

K. J. Prevas, Esquire
5 Light Street
Baltimore, Maryland 21202

RE: Item No. 224 - Case No. 86-393-A
Petitioners - George Kosmakos, et al
Variance Petition

Dear Mr. Prevas:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nrc

Enclosures

cc: Spellman, Larson & Associates, Inc.
Suite 107 - Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. 224 -2AC-
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of December 24, 1985
George Kosmakos, et al
W/S York Road, 200' N of Burke Avenue
B.R.
Variance to permit a front setback of 4' instead of the required average of 12', to permit a side yard setback of 8' instead of the required 30' and to permit 41 parking spaces in lieu of the required 71 and to permit a parking space 4' from the right of way in lieu of the required 8'.
.54
9th

Acres:
District:

Dear Mr. Jablon:

We have reviewed the submitted plan and have the following comments:

1. The vehicle entrances to this site fails to meet minimum State and County Standards. The entrances must be at least 25 feet wide with an large radius as possible.
2. The requested variance to the front setback will limit the sight distance along York Road. This is a safety problem.
3. The requested parking variance can only add to the shortage of parking that already exists in the area.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/bld

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
DATE: March 27, 1986

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

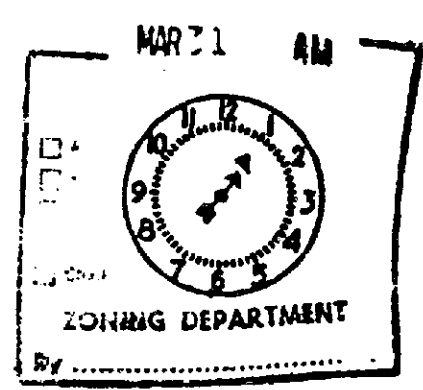
SUBJECT: Zoning Petition No. 86-393-A

This office is opposed to the granting of the subject request for the following reasons:

1. Concern for the granting of parking variance in Towson, an area beset by parking problems.
2. Extreme grade problems along the southernmost and rear portion of the site.
3. A CRC meeting is required and:
 - a. Proposed enclosure of stream may not be permitted; also, grading as proposed may not be done along the stream.
 - b. This would reduce the parking provided to approximately 20 spaces.
4. The adverse comments of the Department of Traffic Engineering's representative on the Zoning Plans Advisory Committee.
5. The adverse comments of the State Highway Administration.
6. The paucity of landscaping along the York Road frontage of the site.

Norman E. Gerber
NORMAN E. GERBER, AICP, Director
Office of Planning and Zoning

NEG/JSH/dai



IN RE: PETITION ZONING VARIANCE
W/S of York Road, 200' N of
Burke Avenue (39 York Road) -
9th Election District
George Kosmakos, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-393-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a front yard setback of 4 feet instead of the required average of 12 feet, a side yard setback of 8 feet instead of the required 30 feet, 41 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Gus Kosmakos, appeared and testified and was represented by Counsel. Cicero Brown, a registered architect, testified on behalf of the Petitioners. Jane Bachtell, a representative of the Burkleigh Square Community Association, testified in opposition.

Testimony indicated that the subject property, located on York Road and May Avenue and zoned B.R., is presently improved with a two-story building with a restaurant on the first floor and an apartment on the second floor. Presently, there are 12 parking spaces. The existing building is in terrible condition, and it is not feasible to repair it. The Petitioners propose to tear the existing building and construct a 9,600 square foot restaurant and office building to replace the present eyesore. There is a moving and storage business to the north and a gas station adjacent to the south.

Business consists primarily of walk-in customers, students from the nearby Towson State University, and parking has not been a problem.

RECEIVED FOR FILING
DATE 3-27-86
BY [Signature]

Case No. 86-393-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 4th day of March, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner
Received by *James E. Dyer*
Chairman, Zoning Plans Advisory Committee

Petitioner: George Kosmakos, et al
Petitioner's Attorney: K. J. Prevas, Esquire

BURKLEIGH SQUARE COMMUNITY ASSOCIATION

P. O. BOX 6713
TOWSON, MARYLAND 21204

Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

July 12, 1986

Dear Mr. Jablon,

The Burkleigh Square Community Association and Towson Manor Village met with Mr. Kosmakos, owner of Pizza Palace, and his architect on May 19, 1986 at 5:30 p.m. Michele Zahorchak, Shannon & Charlie Powers, John Jarboe and Jeffrey Yarchin represented the two communities. The plans presented by the architect showed a multi-level parking garage on the back of the site. The upper level was independent of the lower level, with two separate entrances and exits. This project required a variance request for 4 parking spaces. The Burkleigh Square Community Association does not have difficulty with this project as long as the variance for parking spaces does not exceed the requested four spaces as shown at our meeting. The community objected to the original proposal because of lack of parking. This proposal solves that problem for us.

Sincerely,
Shannon Powers
Shannon Powers
Legislative Chairman
Burkleigh Square Community Association

cc: Konstantine J. Prevas

Mr. Brown testified that, in his opinion, the requested variances would cause no danger to the public health, safety, and welfare of the community. Further, if the variances were not granted, a practical difficulty would exist in that the lot is comparatively small and uniquely shaped, which prevents construction of an adequately sized building to replace the existing dilapidated restaurant. Mr. Kosmakos testified that the proposed restaurant is not intended to bring new business, but to improve the service provided to the existing customers. The proposed offices are necessary in order for the proposed construction to be practical.

Ms. Bachtell testified in opposition to the requested parking variance, citing a general lack of parking in Towson.

The Petitioners request relief from Sections 238.1 (303.2), 238.2, 409.2.B.(3) (6), and 409.2.C.(4), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Based on the evidence and testimony presented, the requested rear and side yard variances, in this Commissioner's opinion, do not present a problem and satisfy the conditions precedent as delineated in Section 307, BCZR. However, the requested variance presented legitimate concerns. The Petitioner was urged to revise the site plan to include additional parking spaces and sharply reduce the needed variance. Such a plan has been submitted and is a vast improvement. The revised plan requires a variance of only 4 spaces instead of the original request for 30 spaces by providing a parking deck in the rear of the property. The parking deck requires two side yard variances, i.e., a one-foot setback to the north property line and a zero-foot setback to the south property line.

By letter dated July 12, 1986, the Burkleigh Square Community Association has withdrawn its opposition, pursuant to the revised plan as submitted. See Petitioners' Exhibit 3. Inasmuch as the community association has been

consulted and has considered the revised plan, the original Petition is hereby amended to include the new variances.

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 24 day of August, 1986, that the Petition for Zoning Variances to permit a front yard setback of 4 feet instead of the required average of 12 feet, a side yard setback of 8 feet instead of the required 30 feet, side yard setbacks of 1 foot and zero feet instead of the required 30 feet for the parking deck, 67 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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.
2. County Review Group approval must be obtained.

[Signature]
Zoning Commissioner of
Baltimore County

Attest:
K. J. Prevas, Esquire
Ms. Jane Bachtell
People's Counsel

CICERO H. BROWN, JR.
ARCHITECT

24 July 1986

Baltimore County
Dept. of Zoning
Towson, Maryland 21204
Att: Mr. Arnold Jablon
Zoning Commissioner

Re: Geo. Kosmakos, et al
39 York Road, Towson, Md.
Variance petition
Item No. 224 Case 86-393-A

Dear Mr. Jablon:

I today submitted revised plot plans of the above reference project, to the Zoning Department for the variances requested at our hearing of April 10, 1986.

You will note that we are requesting a parking variance of only four (4) spaces, with the proposed new building located approximately six (6) feet back, to the rear, of the existing building line and the construction of a 7,000 square foot rear parking deck. Should in your zoning opinion, the new building requires a greater setback, additional parking variance (spaces) would be taken into consideration.

I trust you will give this your most considerate attention and should you have any questions or comments, kindly advise.

Very truly yours
[Signature]
Cicero H. Brown

CHB/jb
cc: Mr. Kosmakos
Mr. Prevas

1008 HART ROAD • TOWSON • MARYLAND 21204

PREVAS & PREVAS
ATTORNEYS AT LAW
SUITE 800 - NINTH FLOOR
6 LIGHT STREET
BALTIMORE, MARYLAND 21202-1800
TELEPHONE AREA CODE 301 769-8040

June 30, 1986

Ms. Jane Bachtell
64 Burkleigh Road
Towson, Maryland 21204

RE: Pizza Palace
39 York Road
Zoning Variance

Dear Ms. Bachtell:

It is my understanding that your community groups did meet with the Pizza Palace people concerning their application for a zoning variance. It is also my understanding that at that time certain plans for a deck garage to provide sufficient parking was shown to your people, and that it appeared that the community groups were in favor of what was shown to you.

My purpose in writing to you at this time is to request that in accordance with the understanding between the community group and the Pizza Palace people at your meeting that you would advise Mr. A. Jablon, Zoning Commissioner, in writing, as to what the positions of the community groups are subsequent to the meeting which was held with the Pizza Palace people.

He is awaiting receipt of appropriate letters before making his decision. In effect, the matter is now in your hands, and will not proceed until a response is made by the community groups to Mr. Jablon.

Please see fit to advise Mr. Jablon, in writing, of your position in this matter. Your early response would be appreciated. You are requested to recall that under the present plans a variance is now being requested for only 4 parking spaces.

Thank you for your cooperation.

Yours truly,
[Signature]
Konstantine J. Prevas

KJP:rp
CC: Mr. A. Jablon, Zoning Commissioner
Mr. Cicero Brown
Mr. Gus Kosmakos

BURKLEIGH SQUARE COMMUNITY ASSOCIATION
P. O. BOX 6713
TOWSON, MARYLAND 21204

April 8, 1986

Dear Sir:

The Burkleigh Square Community Association Board of Directors, acting on behalf of its members, takes the following position: we are opposed to all zoning variances requested by the York Road property at 39 York Road (Pizza Palace).

[Signature]
Secretary

[Signature]
President

BURKLEIGH SQUARE COMMUNITY ASSOCIATION
P. O. BOX 6713
TOWSON, MARYLAND 21204

September 17, 1985

THE ANNUAL ZONING AUTHORIZATION

Be it resolved that upon vote taken this date at the annual meeting of the Association, the Board of Directors of the Burkleigh Square Community Association is hereby authorized for the forthcoming year to take full responsibility for review and action on all zoning matters in any way affecting the interests of the Association.

[Signature]
Secretary

[Signature]
President

BURKLEIGH SQUARE COMMUNITY ASSOCIATION
P. O. BOX 6713
TOWSON, MARYLAND 21204

April 8, 1986

Dear Sir:

This is to advise that the following individuals are currently duly elected members of the Board of Directors of this Association, and as such each is authorized to testify on behalf of the Board on all zoning matters affecting the interests of this Association.

The current Board of Directors members are:

President	Michele Zahorchak
Vice-president	Gary Bachtell
Treasurer	Jo Anne Bauer
Secretary	Carol Lynch
Committees:	
Hospitality	Helen Smith
Garden	Fete Southard, Bob Lovell
Legislative	Shannon Powers
Playground	Jane Bachtell
Street representatives:	
Burke Ave. 1-25	John Frederick
Burke Ave. 27-69	Steve Foster
Burke Ave. 8-48	Charlie Powers
E. Burkleigh Rd.	Annamarie Mayer
W. Burkleigh Rd.	Betty Allen
E. Burkshire Rd.	Nancy McKee
W. Burkshire Rd.	Joyce Zink
Normal Terrace	Greg Bauer

The current membership is 78.

The community boundaries are: York Road to the west, Maryland Avenue to the east, Burke Avenue to the north, and Algburth Road to the south.

[Signature]
Secretary

[Signature]
President



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
LOUIS A. MARSHALL, P.E.
ALBERT RENTY

DESCRIPTION FOR A VARIANCE TO ZONING, NO. 39 YORK ROAD, TOWSON, MARYLAND 21204

Beginning for the same at a point on the northwest side of York Road at the distance of 200 feet, more or less, measured northeasterly along the northwest side of York Road from the northeast side of Bosley Avenue and running thence and binding on the northwest side of York Road North 24 Degrees 46 Minutes 59 Seconds East 115.24 feet thence leaving the northwest side of York Road and running north 70 Degrees 49 Minutes 02 Seconds West 289.48 feet south 0 Degrees 56 Minutes 35 Seconds East 33.41 feet South 23 Degrees 35 Minutes 35 Seconds East 43.50 feet and South 58 Degrees 35 Minutes 35 Seconds East 242.70 feet to the place of beginning.

Containing 0.54 acres of land, more or less.

12/9/85



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

MEMO-LETTER

KONSTANTINE J. PREVAS
5 LIGHT Attorney at Law
222 EAST BALTIMORE STREET - BALTIMORE, MARYLAND 21202
Telephone 301-752-8004-23 YD

MESSAGE REPLY

TO: MR. A. JABLON
Zoning Commissioner
TOWSON, MARYLAND 21204

DATE: 6/28/86

RE: CASE NO. 86-393-A
VARIANCE PETITION
GEORGE KOSMAKOS, ET AL.

DEAR MR. JABLON:

THIS CASE WAS BEARING UPON 4/4/86 AT WHICH TIME YOU REQUESTED THAT I COULD TO GIVE US AN OPPORTUNITY TO REVIEW THE PARKING WATER. WE MET WITH THE COMMUNITY PEOPLE IN MAY AND ADVISED THEM THAT WE WILL BUILD A PARKING DECK ON THE LOT. THIS DECK WILL BE 100' X 100' X 3' HIGH.

A COPY OF THE DECK PLANS ARE ENCLOSED. YOU ARE REQUESTED TO ADVISE OF YOUR FURTHER REQUIREMENTS, IF ANY, BEFORE YOU CAN SET THE MATTER IN FOR HEARING AT THE EARLIEST SO THAT IT CAN BE CONSIDERED AT THE HEARING.

SIGNED: K. J. Prevas

SIGNED:

FORM AVAILABLE FROM GAYLARD CO., INC.
887 THIRD AVE., BALTIMORE, MD 21202

THIS COPY FOR PERSON ADDRESSED



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

January 10, 1986

PAUL H. REINCKE
CHIEF

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: George Kosmakos, et al

Location: W/S York Road, 200' N of Burke Avenue

Item No.: 224

Zoning Agenda: Meeting of December 24, 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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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: Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

February 6, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 224 Zoning Advisory Committee Meeting are as follows.

Property Owner: George Kosmakos, et al
Location: W/S York Road, 200' N of Burke Avenue
District: 9th.

APPLICABLE TYPES ARE CIRCLED:

1. 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.B.C. #17-85) and other applicable Codes and Standards.
2. A Building and other miscellaneous permits shall be required before the start of any construction.
3. 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.
4. 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. Reproduced seals are not acceptable.
5. All Two Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. All Two 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 or party exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permeable materials. 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.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Accessory 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 use Group and the use of the existing structure, or to Mixed Use. See Section 313.0 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Elevation. 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 finished floor levels including basement.
10. Comments: See Section 313.0 for buildings of mixed use and fire separation of mixed use. The elevator shall meet the Handicapped Code. See Section 1141.0 if there are any openings in the north wall. Show curb cuts, signs, etc. in compliance with the State Handicapped Code.
11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full review of any permit. I request the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: C. E. Burman, Chief
Building Plans Review

L/ZJ/R



Maryland Department of Transportation

State Highway Administration

William K. Hoffmann
Secretary
Hal Kassoff
Administrator

December 27, 1985

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

Attention: Mr. James Dyer

Re: ZAC Meeting of 12-24-85
ITEM: #224.
Property Owner: George Kosmakos, et al
Location: W/S York Road
Route 45, 200' N. of Burke Ave.
Existing Zoning: B.R.
Proposed Zoning: Variance to permit a front setback of 4' instead of the required average of 12', to permit a side yard setback of 8' instead of the required 30' and to permit 41 parking spaces in lieu of the required 71 and to permit a parking space 4' from the right of way in lieu of the required 8'.
Acres: .54
District: 9th Election District

Dear Mr. Jablon:

On review of the revised submittal of 12-10-85 and field inspection, the State Highway Administration recommends the average setback of 12' be required along the York Road frontage.

All deteriorated concrete curb, gutter sidewalks and entrance within the State Highway Administration Right of Way must be improved to meet State Highway Administration requirement under State Highway Administration permit.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon

-2-

December 27, 1985

A variance of parking spaces of this magnitude could cause traffic problems on the State Highway.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. J. Ogle



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3010

KERMAN E. GELMAN
DIRECTOR

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

MARCH 19, 1986

Re: Zoning Advisory Meeting of December 24, 1985
Item # 224
Property Owner: George Kosmakos, et al
Location: W/S York Road, 200' N of Burke Ave.

Dear Mr. Jablon:

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

1. There are no site planning factors requiring comment.
2. A County Review Group Meeting is required.
3. A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
4. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
5. A record plat will be required and must be recorded prior to issuance of a building permit.
6. The access is not satisfactory.
7. The parking arrangement is not satisfactory.
8. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
9. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
10. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
11. The proposed development plan was approved by the Planning Board on _____.
12. Landscaping: Use copy with Baltimore County Landscape Manual, 3111 178-79. The building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service _____.
13. The property is located in a traffic area controlled by a "D" level intersection as defined by 3111 178-79, and its conditions change are re-evaluated annually by the County Council.
14. Additional comments: _____

cc: James Howell

Eugene A. Sober
Chief, Current Planning and Development

PETITION FOR ZONING VARIANCES

9th Election District

LOCATION: West Side of York Road, 200 feet North of Burke Avenue
(39 West York Road)

DATE AND TIME: Thursday, April 10, 1986, at 11:30 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 Zoning Variances to permit a front yard setback of 4 feet in lieu of the required average of 12 feet, to permit a side yard setback of 8 feet in lieu of the required 30 feet, to permit 41 parking spaces in lieu of the required 71 spaces, and to permit a parking space 4 feet from the street property line in lieu of the required 8 feet.

Being the property of _____ George Kosmakos, et al _____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

TOWSON, MD., March 19, 1986

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 March 19, 1986.

TOWSON TIMES,

B. Kentz
Publisher

86-393-A 42.50

PETITION FOR ZONING VARIANCES
9th Election District
LOCATION: West Side of York Road, 200 feet North of Burke Avenue (39 York Rd.)
DATE AND TIME: Thursday, April 10, 1986, at 11:30 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 on the petition for zoning variances to permit a four (4) foot setback of 4 feet in lieu of the required 8 feet, to permit a side yard setback of 4 feet in lieu of the required 8 feet, to permit a parking space of 4 feet in lieu of the required 8 feet, and to permit a parking space of 4 feet in lieu of the required 8 feet.
Being the property of George Kosmakos, et al., as shown on plat plan filed with the Zoning Office.
In the event that the Petitioner(s) 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
Mar. 20.

K. J. Prevas, Esquire
5 Light Street
Baltimore, Maryland 21202

March 7, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
WS/York Rd., 200' N of Burke Ave.
(39 York Rd.)
9th Election District
George Kosmakos, et al - Petitioners
Case No. 86-393-A

TIME: 11:30 a.m.

DATE: Thursday, April 10, 1986

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

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

No. 016054

DATE: 3-18-86 ACCOUNT: 11111111
AMOUNT: \$125.00

RECEIVED FROM: K. J. Prevas
FOR: 0015 ***** 1000010 00000

VALIDATION OR SIGNATURE OF CASHIER



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

ARNOLD JABLON
ZONING COMMISSIONER

April 2, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

K. J. Prevas, Esquire
5 Light Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCES
WS/York Rd., 200' N of Burke Ave.
(39 York Rd.)
9th Election District
George Kosmakos, et al - Petitioners
Case No. 86-393-A

Dear Mr. Prevas:

This is to advise you that \$82.25 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 the County Office Building, Towson, Maryland

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

No. 018580

DATE: 3-18-86 ACCOUNT: 11111111
AMOUNT: \$82.25

RECEIVED FROM: K. J. Prevas
FOR: 0015 ***** 1000010 00000

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
W/S York Rd., 200' N of : OF BALTIMORE COUNTY
Burke Ave. (39 York Rd.) :
9th District :
GEORGE KOSMAKOS, et al., : Case No. 86-393-A
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
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 19th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to K. J. Prevas, Esquire, 5 Light Street, Baltimore, MD 21202, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: March 18, 1986

Posted for: Zoning Variance

Petitioner: George Kosmakos, et al.

Location of property: W/S York Rd. 200' N of Burke Ave. (39 York Rd.)

Location of Sign: In front window of 39 West York Rd.

Remarks:

Posted by: S. J. Arata Date of return: March 31, 1986

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 20, 1986

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 March 20, 1986.

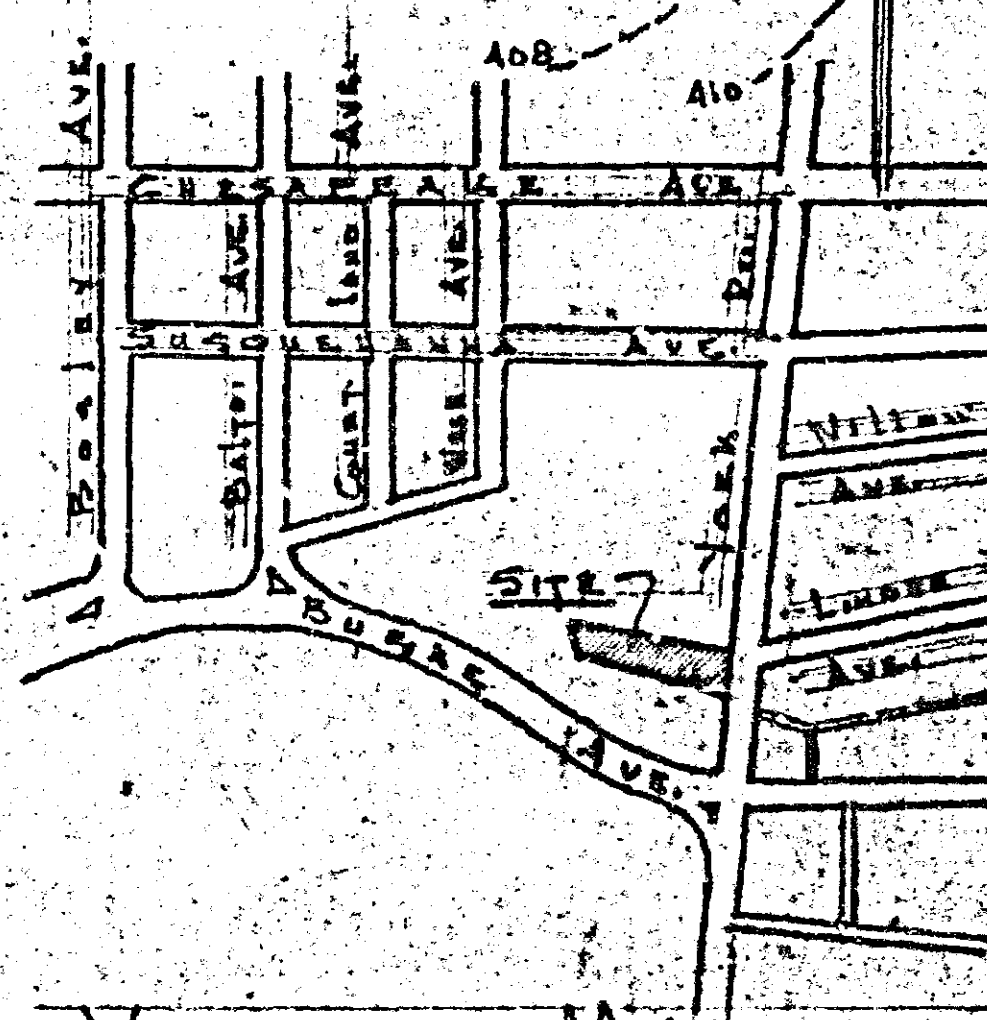
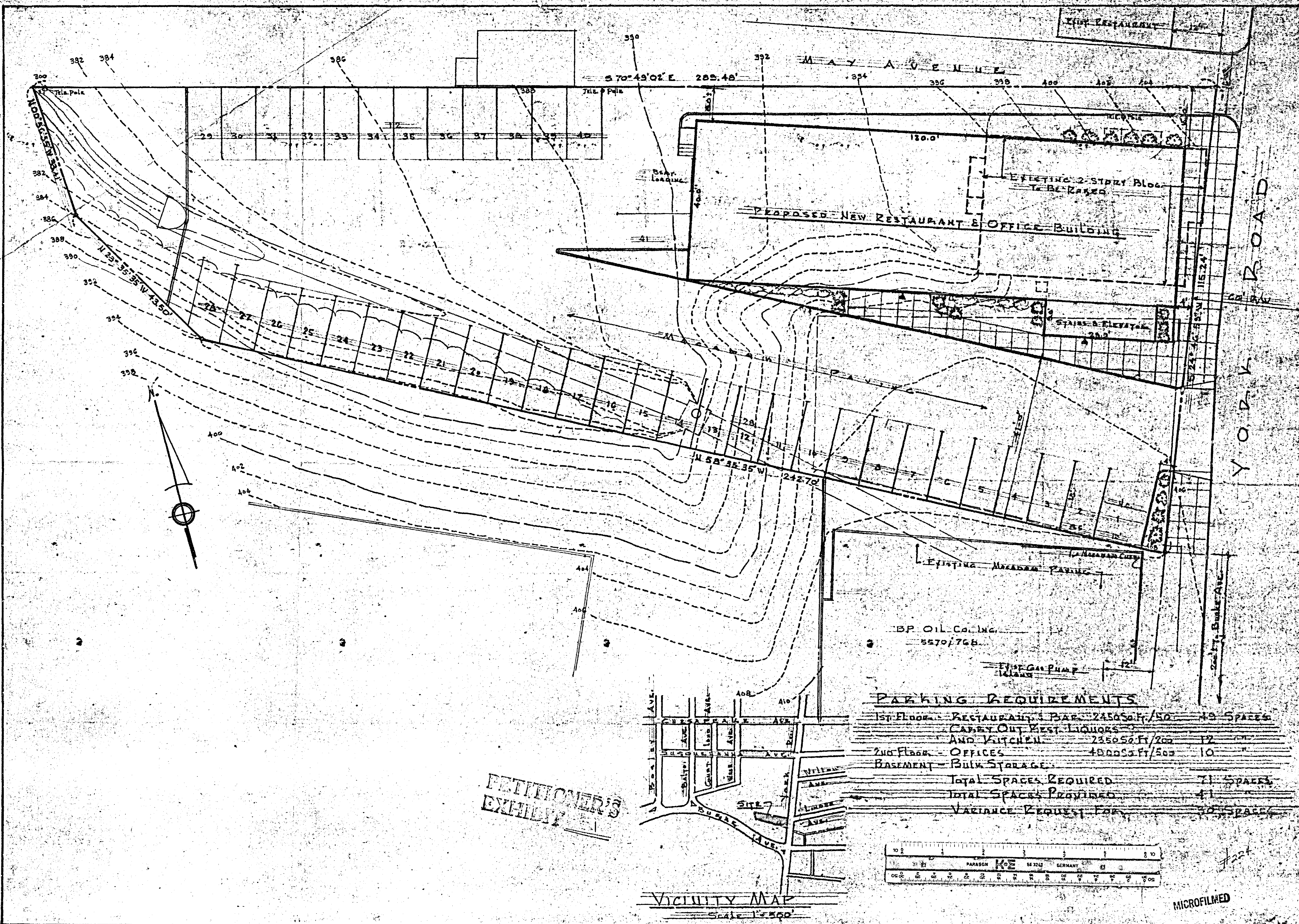
THE JEFFERSONIAN,

B. Kentz
Publisher

Cost of Advertising

86-393-A 24.75

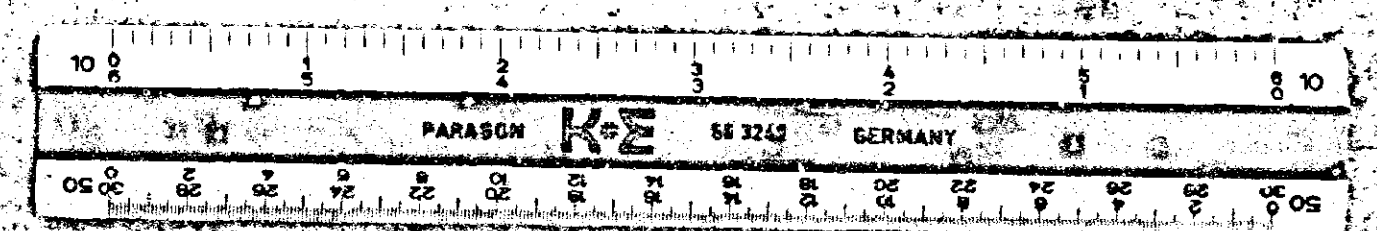
PETITION FOR ZONING VARIANCES
9th Election District
LOCATION: West Side of York Road, 200 feet North of Burke Avenue (39 York Rd.)
DATE AND TIME: Thursday, April 10, 1986, at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
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By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
Mar. 20.



VICINITY MAP
Scale 1"=500'

PARKING REQUIREMENTS

1st Floor - RESTAURANT, BAR, CARRY OUT, REST. LIQUORS AND KITCHEN	2450 Sq. Ft./500	49 SPACES
2nd Floor - OFFICES	2350 Sq. Ft./200	12
BASMENT - Bulk Storage	4000 Sq. Ft./500	10
Total Spaces Required		71 SPACES
Total Spaces Provided		41
Variance Request For		30 SPACES



MICROFILMED

PETITIONER'S
EXHIBIT



CICERO H. BROWN, JR.
ARCHITECT
1008 MARYLAND
TOWSON, MARYLAND 21204

PROPOSED
PIZZA PALACE RESTAURANT
AND OFFICE BUILDING
35 YORK RD. TOWSON, MARYLAND

PLOT PLAN
VARIANCE
REQUEST

FILE NO. 8401
DATE 2 Dec 85
SERIES 1-1-1
BY 2210 DBC/BS
DRAWING NO.
17-1
OFF. SETS