

Item 14 cycle IV #14 287-262 PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an D.R. 5.5 zone to an B.L. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

APR 14 1987
DATE 7/10/87
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N 45.655
W 1,020

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, 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.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name) Robert S. Curreri

Signature

Address (Type or Print Name)

City and State

Attorney for Petitioner: 1534 York Road 321-7744
G. Warren Mix Address Phone No.

(Type or Print Name) Lutherville, Maryland 21093
Signature City and State

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

Address Robert S. Curreri
Townson, Maryland 21204 Name 321-7744

City and State

Attorney's Telephone No.: 825-1517 Address Phone No.

1534 York Road

321-7744

Address

Phone No.

1534 York Road

321-7744

Address

Phone No.

1534 York Road

321-7744

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321-7744

Address

Phone No.

1534 York Road

321-7744

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William F. Hackett, Chairman, Appeals Board Date: December 1, 1986

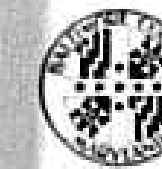
FROM: Charles E. Burnham, Plans Review Chief, Department of Permits & Licenses

SUBJECT: October, 1986 - April, 1987 Zoning Reclassification - Cycle IV

Item #14 Property Owner: Robert S. Curreri
Contract Purchaser: SE/S Bellona Avenue, 95' NE c/l Norman Avenue
Location: SE/S Bellona Avenue, 95' NE c/l Norman Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: B.L.
Acres: 0.5
District: 9th.

Any proposed changes of use and occupancy of existing structures will require a change of use and occupancy permit, along with the necessary plans by a registered in Maryland architect or engineer to upgrade them to the proposed new use. An alteration permit would be required for any such alterations.

CEB/vv



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

PAUL H. REINCKE
CHIEF

October 22, 1986

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

Attention: William Hackett
Chairman, County Board of Appeals

RE: Property Owner: Robert S. Curreri

Location: SE/S Bellona Avenue, 95' NE centerline Norman Avenue

Item No.: 14 Zoning Agenda: Cycle IV

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: [Signature] Kelly 10-22-86
Planning Group
Special Inspection Division

Noted and Approved: [Signature] F. O'Neill
Fire Prevention Bureau

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Hackett, Chairman, County Board of Appeals and Zoning

FROM: [Signature] [Signature]

SUBJECT: Reclassification Petitions - Cycle IV

This office is unable at this time to make comments regarding the seventeen properties listed for zoning reclassification without more detailed information on the attached plats.

If you have any questions concerning this matter, you may contact Mr. Gerard A. Zitnik at 494-2762.

[Signature]
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

JJF:pb

Page Two
Item No. 14, Cycle IV
May 1, 1987

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 494-3391 or the commenting agency.

Very truly yours,

James E. Dyer/KRS
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb (MS018)

Enclosures

cc: Spellman, Larson & Associates, Inc.
Jefferson Building, Suite 107
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1987

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

ofo

Chairman

MEMBER

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

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

RE: Item No. 14 - Cycle No. IV
Case No. R-87-262
Petitioner: Robert S. Curreri
Reclassification Petition

Dear Mr. Mix:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before May 6, 1987. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

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

CYCLE IV - OCT. TO APR. 1986-87

OCTOBER 15, 1986

Re: Zoning Advisory Meeting of OCTOBER 14, 1986
Item # CYCLE IV - #14
Property Owner: ROBERT S. CURRERI
Location: SE/S BELLONA AVE. 95' NE
OF NORMAN AVE.

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.

- (x) There are no site planning factors requiring comment, AT THIS TIME.
- (x) A County Review Group Meeting is required.
- (x) 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.
- (x) A record plat will be required and must be recorded prior to issuance of a building permit.
- (x) The access is not satisfactory.
- (x) The circulation on this site is not satisfactory.
- (x) The parking arrangement is not satisfactory.
- (x) Parking calculations must be shown on the plan.
- (x) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (x) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (x) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (x) The amended Development Plan was approved by the Planning Board on _____
- (x) Landscaping: Must comply with Baltimore County Landscape Man. #1.
- (x) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____
- (x) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

(x) Additional comments:
IF SUBJECT PROPERTY IS REZONED ANY FUTURE DEVELOPMENT OF THE SITE MUST MEET THE REQUIREMENTS OF BILL # 56-87 "THE DEVELOPMENT REGULATIONS"

David Fields, Acting Chief
Current Planning and Development

cc: James Hoswell

16 West Seminary Avenue
Lutherville, Maryland 21093
May 7, 1987

June Holmen, Secretary
County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204

Re: Case No. R-87-262
Robert S. Curreri property
Heard on May 7, 1987

Dear Ms Holmen:

As a Protestant - Appellant party of the proceedings referenced above, I request your office provide a copy of the decision rendered in the matter by the County Board of Appeals of Baltimore County.

Thank you for your kind attention in this regard.

Very truly yours,

[Signature]
Roland A. Rockel

1534 YORK ROAD
TOWSON, MARYLAND 21204
RECEIVED

The Petitioner, Robert S. Curreri, is hereby requesting a re-classification of his property from a D.R. 5.5 to a B.L. Zone. The specific reasons for said request is because of the changes in the immediate vicinity, especially because of the transition in the residential area. In addition, your Petitioner alleges that there is an error in the zoning map, as part of the property is already zoned B.L.-C.N.S., and has additional B.L. zoning adjacent to the property. Said existing D.R. 5.5 zoning is not suitable for the zoned property in question, and your owner could get his best and highest use for the property by having same zoned B.L.

Case No. R-87-262

PUBLIC HEARING: Thursday, May 7, 1987, at 10:00 a.m.

To reclassify the property from a D.R. 5.5 Zone to a B.L. Zone

Beginning for the same on the Southeast side of Bellona Ave. at the distance of 95 feet, more or less, measured Northeasterly along the Southeast side of Bellona Ave. from the centerline of Norman Ave. and running thence and binding on the Southeast side of Bellona Ave. North 73 Degrees 24 Minutes East 20.04 feet and North 41 Degrees 15 Minutes East 30 feet, more or less, to the zoning line dividing that land zoned DR 5.5 and that land zoned BL-CNS thence leaving the Southeast side of Bellona Ave. and binding on said zoning line Southeasterly 125 feet, more or less, Southeasterly 30 feet, more or less, and Northeasterly 30 feet, more or less, and running thence South 18 Degrees 00 Minutes East 70 feet, more or less, South 72 Degrees 00 Seconds West 125.00 feet and North 18 Degrees 00 Minutes West 202.50 feet to the place of beginning.

BY ORDER OF
WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY



G. Warren Mix, Esq.
706 Washington Ave.
Towson, Md. 21204

Dear Mr. Mix:

Re: Case No. R-87-262
Robert S. Curreri

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June W. Holmen
June W. Holmen, Secretary

Encl.
cc: Robert S. Curreri
James E. Kraft
Phyllis C. Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James Dyer
Margaret E. DuBois

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.

Lawrence E. Schmidt
Lawrence E. Schmidt

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

STEPHEN E. COLLINS
DIRECTOR

December 11, 1986

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle IV
Item No. 14
Property Owner: R. Curreri
Location: Bellona Avenue

Dear Mr. Hackett:

The estimated trip generation for the existing zoning is 31 trips/day, and the projected trip generation for the proposed zoning is 250 trips/day.

Very truly yours,

C. Richard Moore
Deputy Director

CRM:GMJ:1t

IN THE MATTER OF : BEFORE
THE APPLICATION OF :
ROBERT S. CURREN : COUNTY BOARD OF APPEALS
FOR ZONING RECLASSIFICATION :
FROM D.R. 5.5 TO B.L. : OF
ON PROPERTY LOCATED ON THE :
SOUTHEAST SIDE OF BELLONA AVE., : BALTIMORE COUNTY
95' NORTHEAST OF C/L OF NORMAN :
AVE. - 9th DISTRICT : No. R-87-262

This case comes before the Board of Appeals on petition for zoning reclassification from DR 5.5 to BL of the major portion of a property located at 1625 Bellona Avenue, one block west of York Road in the 9th Election District of Baltimore County. The subject parcel of .6 of an acre is presently zoned .1 acre B.L., and the remaining .5 as DR 5.f. Petitioner in this case requests the entire parcel be reclassified as B.L. This case was heard this day in its entirety.

Mr. Robert S. Curreri, the Petitioner in this case, was the first witness and testified regarding the establishment and expansion of his seafood carryout business over seventeen years at 1530 York Road to a larger restaurant with a staff of eighty-seven employees. Further testimony produced the following facts:

1. The restaurant is one of a number of business establishments on the west side of the 1500 block of York Road where drive-in parking is limited.
2. Petitioner purchased, in August of 1986, 1625 Bellona Ave., catty-cornered but not contiguous to his business location, for the intended purpose of providing additional parking for his customers.
3. Petitioner was aware at the time of purchase, that 1625 Bellona Ave. was bisected by the zoning demarcation line. (1BL & .5 DR 5.5)

Mr. Fred Klaus, real estate expert, next testified for the Petitioner, and reviewed zoning reclassification in the immediate area, pointing out that the subject property has been a problem site for many years as its building utilization varied. Mr. Klaus also felt that an error was made in

Robert S. Curreri
Case No. R-87-262

classifying the zoning of the property in two categories, DR and BL. Referring to a zoning map of the area, Mr. Klaus pointed to the extension of the continuous demarcation line and the deviated direction it takes at the location of subject property, bisecting the site.

This expert witness further stated that the lot is a derelict site as presently situated, and a B.L. zoning would bring an improvement to the Bellona Avenue thoroughfare as it approaches York Road and the existing and neighboring commercial properties.

People's Counsel entered into the records exhibits picturing various residential and commercial properties in the area of subject property, and exhibits reporting opposition to this reclassification from the Office of Planning.

Among witnesses opposed to the petition were officers of several area improvement associations, notably the Lutherville Community Association. Mr. Louis Noetzel testified to the numerous hearings he has attended protesting petitions that would be an encroachment on residential areas. Other witnesses who live adjacent to the subject property voiced opposition because of traffic problems, noise and litter, and the intrusion a parking lot would bring to a residential environment.

Mr. Roland Rockel, a longtime resident, referred to initial regulations of the 1950's when commercial sites were first developed on York Road, and the restrictions setting the depth of these lots, specifying B.L. 233 feet from the centerline of York Road. He appealed that the existing commercial properties are 200 feet deep and do not encroach on the residential zone of Lutherville, as would the subject property which does not have an orientation to York Road.

Robert S. Curreri
Case No. R-87-262

Mr. James Hoswell, Office of Planning, stated that non-residential uses should not be extended into residential areas. In regards to the bisecting of the subject property by the zoning demarcation line, Mr. Hoswell testified that it is not unusual for such a line to be irregular on zoning maps.

After consideration of the testimony and evidence received, the Board is of the opinion that to grant this reclassification of the .5 parcel of this property to B.L. would be in violation of standards of the Baltimore County Zoning Regulations. The Petitioner was fully cognizant of the zoning of his new property when purchased. As his business expanded, the problem of parking for patrons of his restaurant should have been resolved by means other than plans to annex a residential property.

The fact that the subject parcel of land has a small area classified as BL, is possibly an error that should be re-examined by the County Council in its next comprehensive zoning study.

Furthermore, it is noteworthy that in this case for reclassification of a DR zoning to BL, Petitioner did not choose to present a documented site plan stipulating use of the property for a parking lot, but rather chose to submit an open plat. Without assurances as to the future use of the property, it serves as another reason for the objection of residents. Of special consideration is the report of the Planning Board in opposition to this request as advised by the Director of Planning and Zoning.

O R D E R

For the reasons set forth in the foregoing Opinion, it is this 2nd day of June, 1987, by the County Board of Appeals, ORDERED that the Petitioner's request for a zoning reclassification on the subject property from DR 5.5 to B.L. be and the same is DENIED.

COUNTY BOARD OF APPEALS
1985 DEC 16 P 2:51

Q-87-262

Date of Posting April 21, 1987

TOWSON, MD., April 15, 1987

TOWSON TIMES,

Publisher

54.70

BY ORDER OF
WILLIAM T. HACKETT
CHAIRMAN
COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

TOWSON, MD., April 16 _____, 1987

THE JEFFERSONIAN.

Publisher

38.61

472 APR 26

APR 11 2, 1987

RE: PETITION FOR ZONING RECLASSIFICATION
SE/S Bellona Ave., 95' NE of the c/l of Norman Ave.
(1625 Bellona Ave.)
9th Election District - 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. R-87-262

IN THE MATTER OF THE PETITION : BEFORE THE COUNTY BOARD OF APPEALS
FOR RECLASSIFICATION FROM D.R. :
5.5 TO R.L. ZONE : OF BALTIMORE COUNTY
SE/S Bellona Ave., 95' NE C/L :
of Norman Ave., 9th District :
ROBERT S. CURRERI, Petitioner : Case No. R-87-262 (Item 14, Cycle IV)

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.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
1987 FEB -5 A 10:32

Peter Max Zimmerman
Peter Max Zimmerman

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

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR ZONING RECLASSIFICATION
SE/S Bellona Ave., 95' NE of the c/l of Norman Ave.
(1625 Bellona Ave.)
9th Election District - 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. R-87-262

Dear Mr. Mix:

This is to advise you that \$298.89 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 RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

A1: yes

No. 35832

DATE 5/7/87 ACCOUNT R-01-615-000

1 SIGN & POST RETURNED	AMOUNT \$	298.39
---------------------------	-----------	--------

Ocean Pride Seafood, Inc., 1534 York Road,
Lutherville, Md. 21093

RECEIVED
FROM: ADVERTISING AND POSTING COSTS RE CASE PR-87-262

THE UNIVERSITY OF CHICAGO PRESS

FOR _____

VALIDATION OR SIGNATURE OF CASHIER

DATE 8/29/76 ACCOUNT 01-615-000

AMOUNT \$ 100.00
AMOUNT \$ 100.00

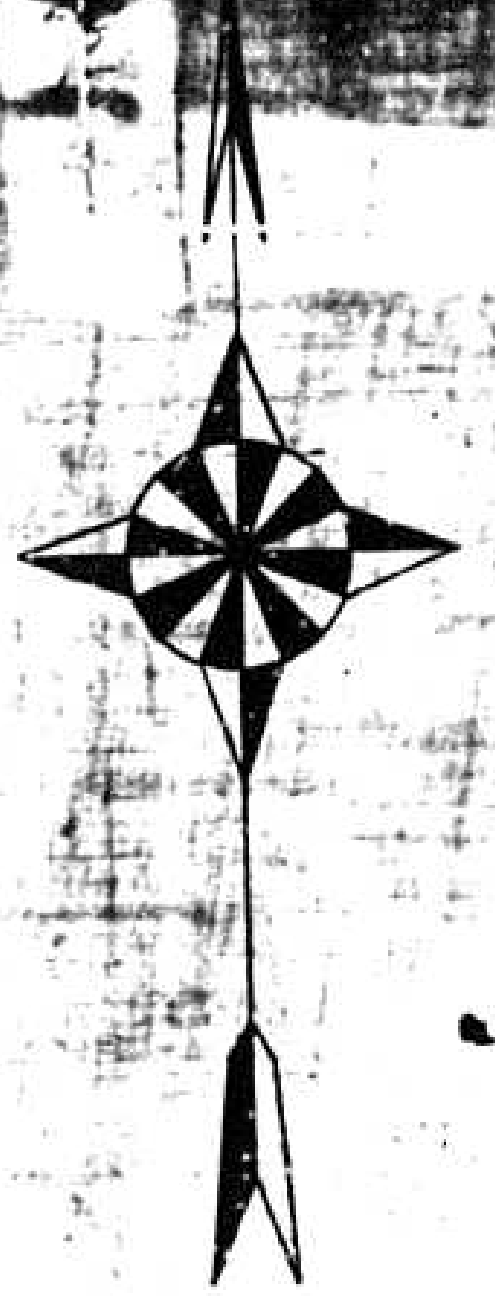
RECEIVED FROM G. Whelan, MTR

FOR: Perloss (1625 Bellvue St)

B 8174*****10000AN 802BF

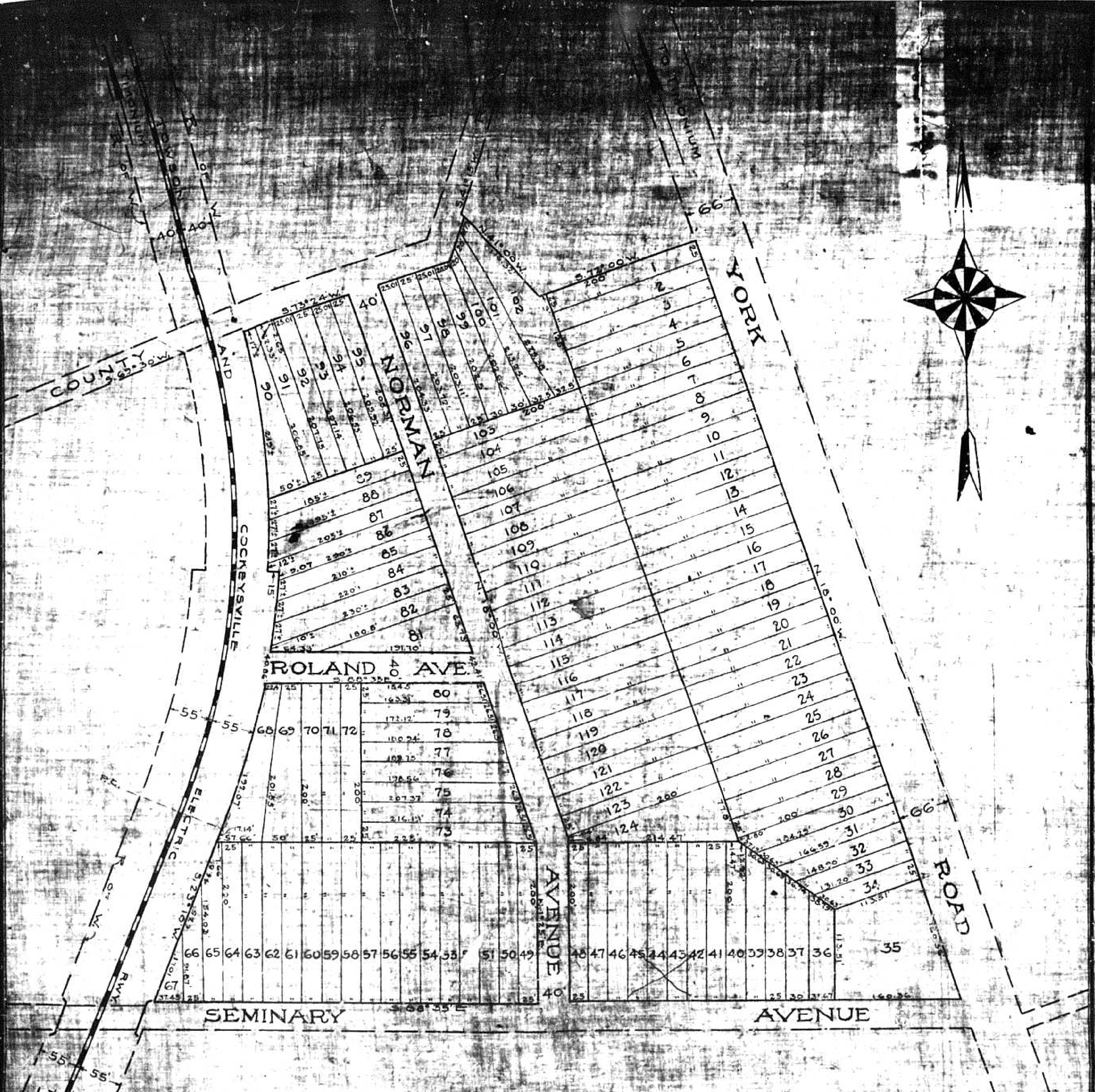
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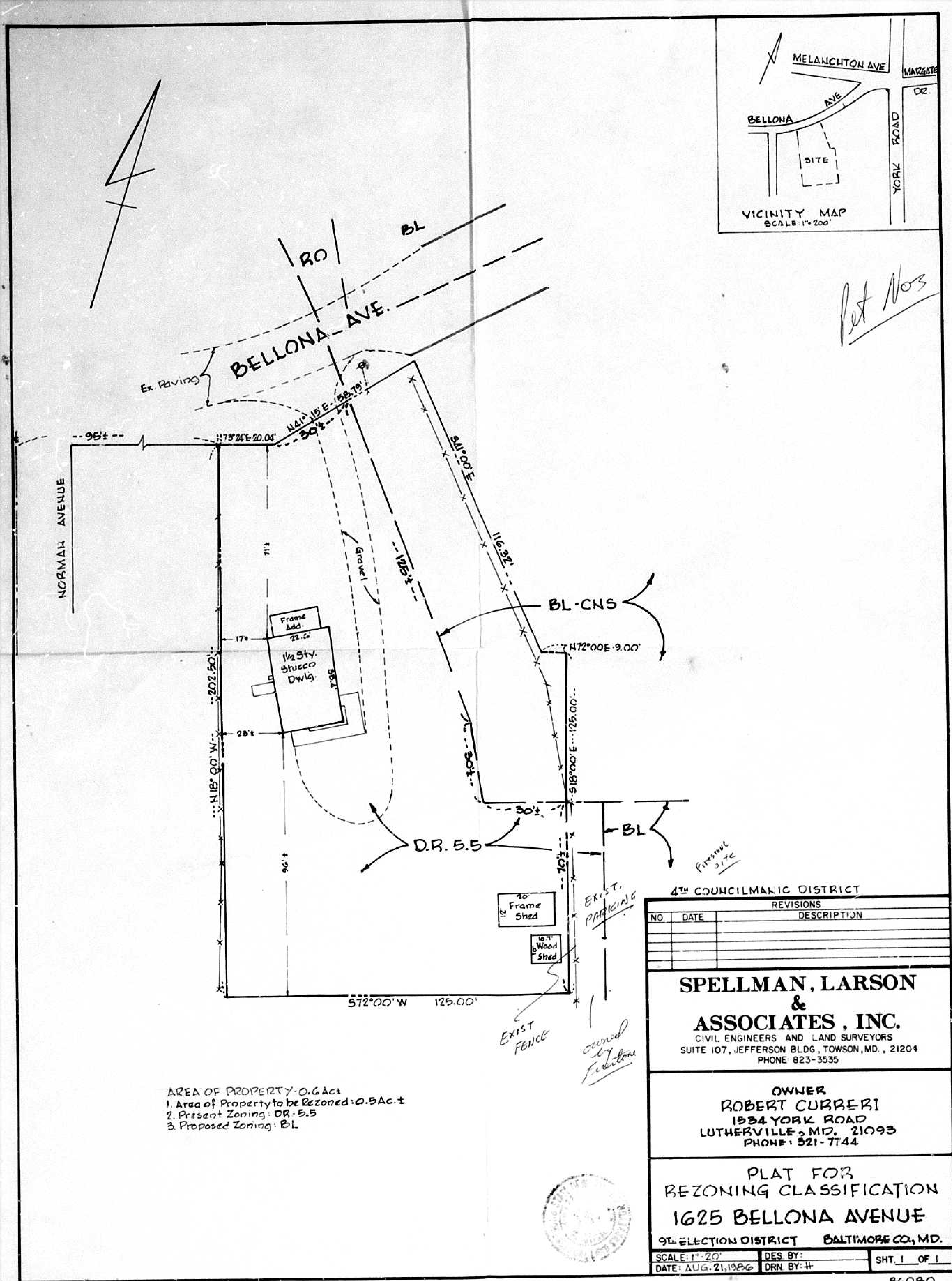
VALIDATION OR SIGNATURE OF CASHIER



LUTHERVILLE HEIGHTS

SUBDIVIDED BY
THE HUB REALTY CO. INC.
BALTIMORE, MARYLAND





ROBERT S. CURRERI #R- 87-262
 SE/S Bellona Avenue, 95' NE
 c/1 Norman Avenue
 D.R. 5.5 to B.L.
 September 2, 1986 Petition Filed

G. Warren Mix, Esquire
 706 Washington Avenue
 Towson, MD 21204
 Counsel for Petitioner ✓

Robert S. Curreri
 1534 York Road
 Lutherville, MD 21093
 Petitioner

James Earl Kraft
 Baltimore County Board of Education
 940 York Road 21204
 People's Counsel ✓

Phyllis Cole Friedman, Esquire
 Norman E. Gerber
 James G. Hoswell
 Arnold Jablon
 Jean M. H. Jung
 James E. Dyer
 Margaret E. du Bois
 Requested Order:
 Roland A. Rockel
 16 W. Seninary Avenue
 Lutherville, MD 21093

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 J. PASECH, P.E.
 ALBERT REHY

DESCRIPTION FOR RE-ZONING 1625 BELLONA AVE., 9TH DISTRICT, BALTIMORE COUNTY
 MARYLAND

Beginning for the same on the Southeast side of Bellona Ave. at the distance of 95 feet, more or less, measured Northeasterly along the Southeast side of Bellona Ave. from the centerline of Norman Ave. and running thence and binding on the Southeast side of Bellona Ave. North 73 Degrees 24 Minutes East 20.04 feet and North 41 Degrees 15 Minutes East 30 feet, more or less, to the zoning line dividing that land zoned DR 5.5 and that land zoned BL-CNS thence leaving the Southeast side of Bellona Ave. and binding on said zoning line Southeasterly 125 feet, more or less, Southeasterly 30 feet, more or less, and Northeasterly 30 feet, more or less, and running thence South 18 Degrees 00 Minutes East 70 feet, more or less, South 72 Degrees 00 Seconds West 125.00 feet and North 18 Degrees 00 Minutes West 202.50 feet to the place of beginning.

Containing 0.5 acres of land, more or less.

8/27/86

STATE OF MARYLAND
 ROBERT E. SPELLMAN, P.L.S.
 JOSEPH L. LARSON
 LOUIS J. PASECH, P.E.
 ALBERT REHY

