

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 232.1 and Section 303.2 to allow a front yard setback of 18' in lieu of required average of 32.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
because of the existing building and the proposed addition to the existing building it is impossible to comply with the above sections which would require an undue hardship and practical difficulty.

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

1. 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

Attorney for Petitioner:

G. Warren Mix

(Type or Print Name)

Signature

706 Washington Avenue

Towson, Maryland 21204

City and State

Attorney's Telephone No. 825-1517

Legal Owner(s):

Robert S. Curreri

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

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

Robert S. Curreri

Name

Address

City and State

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

Robert S. Curreri

Name

Address

City and State

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Name

Address

City and State

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

Robert S. Curreri

Name

Address

City and State

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

Robert S. Curreri

Name

Address

City and State

IN THE MATTER OF
THE APPLICATION OF
ROBERT S. CURRERI
FOR A ZONING VARIANCE
ON PROPERTY LOCATED ON THE
WEST SIDE OF YORK RD.,
APPROXIMATELY 705 FT. NORTH-
WEST OF THE CENTER LINE OF
SEMINARY AVE.,
15TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY

OPINION

This case came before the Board on appeal from a decision of the Deputy Zoning Commissioner denying the requested variance.

The request before the Board is for a Variance to reduce the front yard setback from the required 32.5 feet to 18 feet to allow the Petitioner to increase the size of his kitchen, enlarge the existing bar and carry-out preparation area and add a carry-out beef pit.

A registered engineer, Mr. Joseph Darnin, testified and submitted plans showing that the intent of the Petitioner is to expand the front of the building approximately 10 feet towards York Road. This would allow the conversion of the present carry-out section of the building to an expanded kitchen facility. The existing carry-out section, now bar and some storage area would be moved forward. In addition, the Petitioner has requested a carry-out beef pit to be located on York Road.

The owner of the existing restaurant Ocean Breeze, Mr. Robert Curreri, explained the general operation of his business which has operated at this site for 15 years. He further stated that the expansion of his kitchen is essential to allow the continuance of the admitted successful operation of his business. The proposed extension will allow seven (7) additional bar seats, new refrigeration, but no new employees.

Robert S. Curreri
Case No. 87-409-A

Several area residents appeared and testified in opposition to the proposed variance. Their main objection is to the parking problems and to the odors created by the outdoor beef pit. In sum, the community feels the site has been expanded to its maximum potential for a restaurant, bar and carry-out business.

It should be noted that much of the testimony received in this case concerns the well known parking problems that exist both on site and within the surrounding area. Mr. Curreri admitted that parking has been a problem and stated that he has tried to work this out with his employees and the community. The neighboring residents testified that the site cannot accommodate its parking needs presently and that any expansion would exacerbate those concerns.

Although the Board is cognizant of this issue and must consider it as part of the overall picture, it must be noted that a parking variance is not before us. That issue has been considered in prior cases before this Board, (No. 74-174-A and 80-245-A) and we cannot disturb those orders.

A careful examination of the exhibits and the testimony heard by this Board leads us to conclude that the variance should be granted to allow the expansion of the kitchen facilities at the existing restaurant. It must be noted that although the addition would require additional parking spaces, those spaces are shown on the plan and an additional parking variance is not required. In sum, we are satisfied that the requirements of the Baltimore County Zoning Regulations (BCZR) 307 are met, in that the Board feels that the requested variance will not cause any substantial injury to the public health, safety and welfare of the community. Further, the Board feels

Robert S. Curreri
Case No. 87-409-A

that the expansion of the kitchen is necessary for the continuance of a popular and successful Baltimore County business and will not further deny the neighboring community their right to peace and quiet. It should be further noted that all uses surrounding the existing site are commercial in nature. We will therefore grant this expansion, restricting same to an expansion of the kitchen only, so as to provide the petitioner with kitchen he needs but not increase the number of his patrons and aggravate the parking problem.

The open pit is another issue. Operation of this use will clearly exacerbate the parking problem by bringing more patrons and their vehicles on site. We see no compelling need within the mandate of the section 307 of the BCZR to allow this use. We will therefore deny that portion of the variance requesting the expansion of the open pit.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of October, 1987, by the County Board of Appeals, ORDERED that the variance from Section 232.1 and Section 303.2 to allow a front yard setback of 18 feet in lieu of the required average of 32.5 feet petitioned for, be GRANTED, with the following restrictions:

1. The expansion of the building on this site and the parking arrangement contiguous thereto will be in conformance with Petitioner's Exhibit No. 1;
2. The expansion of the building will be solely for the purpose of expansion of the kitchen and will not result in any addition to the number of tables or patrons who can be served, with the exception that seven (7) additional bar seats will be allowed, and;

FURTHER, that expansion of the site for the addition of an open beef pit be and is hereby DENIED.



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

October 15, 1987

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

Dear Mr. Mix:

Re: Case No. 87-409-A
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 matter.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Robert S. Curreri
Edward Cockey
Lewis Noetzel
Phyllis C. Friedman, Esq.
Stoney Fraley
Norman E. Gerber
James Hoswell
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Margaret E. duBois



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

June 2, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-409-A

ROBERT S. CURRERI

W/s of York Road, approx. 705' NW of c/l of Seminary Avenue (15th York Road)

8th Election District
4th Councilmanic District

VAR -to permit front yard setback of 18' in lieu of required avg of 32.5'

5/06/87 -D.Z.C. DENIED Variance

TUESDAY, July 28, 1987 at 10:00 a.m.

ASSIGNED FOR:

cc: Robert S. Curreri Petitioner/Appellant
G. Warren Mix, Esquire Counsel for Petitioner
Mr. Edward Cockey Protestant/Appellee
Mr. Lewis Noetzel " "
Phyllis Cole Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. duBois

Kathi Weidenhauser
Administrative Secretary

6/02/87 - Following notified of hearing set for Tuesday, July 28, 1987 at 10 a.m.

Robert S. Curreri
J. Warren Mix, Esquire
Mr. Edward Cockey
Mr. Lewis Noetzel
Phyllis Cole Friedman, Esq.
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. duBois

7/28/87 - Hearing held before Board. People's Counsel requested 10 days to submit Memo. Mr. Mix requested additional 5 days for response to same; granted. Memo due August 7; response due August 12.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 18th day of February, 1987.

Arnold Jablon
Zoning Commissioner

Petitioner
Petitioner's Attorney
Robert S. Curreri
G. Warren Mix, Esquire

Received by: James E. Dyer

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th
Date of Posting: May 26, 1987
Posted for: Appeal
Petitioner: Robert S. Curreri
Location of property: W/s York Rd, approx. 705' NW of Seminary Ave.
Location of Sign: On front of subject property, 1534 York Rd.
Remarks:
Posted by: E.J. Guala
Date of return: May 29, 1987
Number of Signs: 1

* BEFORE THE
COUNTY BOARD
OF APPEALS OF
* BALTIMORE COUNTY

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PETITIONER'S RESPONSE TO PEOPLE'S COUNSEL'S MEMORANDUM

Robert S. Curreri, Petitioner, hereby requests the Board of Appeals to grant his request for a Variance to reduce the front yard setback from 32.5 feet to 18 feet.

197 AUG - 6 - 9 - 304 104

RECEIVED
COUNTY BOARD OF APPEALS

LAW OFFICES
TURNBULL, MIX
& FARMER
706 WASHINGTON AVENUE
TOWSON, MD 21204
(410) 288-0700

16 feet the existing carry-out section which would result in using the current carry-out section as the additional kitchen facility. Naturally, this would require a moving forward of some storage area as well as an existing raw bar area to conform to the general makeup of the front of the building in keeping everything uniform.

People's Counsel as well as the protestants who appeared, requested the Board to deny the Variance because they again argue that parking is a problem at Ocean Pride. The Petitioner is not seeking a Parking Variance. The Parking Variances that have been previously granted by the Zoning Commissioner are in full force and effect and are legally binding upon this Board and have been in existence since the two (2) previous cases. (Case No.76-116A and No.82-245A.) It is interesting to note that the complaints raised by the protestants as well as Peoples Counsel were the exact same complaints raised in the hearing in 1982 which can be found in the opinion written by William E. Hammond, then Zoning Commissioner in granting the Parking Variance.

In this particular case, the Memorandum furnished by Peoples Counsel and the testimony given by some of the protestants, had absolutely no bearing on the requested Variance. As a matter of fact, none of the protestants were aware of the intent of the proposed Variance until they attended the hearing before this Board. It is also interesting to note that when cross-examined as to specifics of their complaints, none of the parties testifying could, in fact, verify what they felt to be problems caused by patrons of the establishment. The Petitioner also notes with interest that the

LAW OFFICES
TURNBULL, MIX
& FARMER
704 WASHINGTON STREET
TOWSON, MD 21204
(410) 286-0700

Peoples Counsel in her Memorandum urges the Board to adopt the position taken in the opinion of the Deputy Zoning Commissioner, and yet Peoples Counsel, for reasons known only to Peoples Counsel, saw fit not to attend that hearing and thus has absolutely no knowledge of what testimony was given before Deputy Zoning Commissioner.

Pursuant to Section 307 of the Baltimore County Zoning Regulations, in granting such a Variance, it is only to be granted if in "strict harmony with the spirit and intent of said height, area, off-street parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety and general welfare". The requested Variance in this case is not a requested variance for parking. That Variance has been in full force and effect since 1982. The plans clearly demonstrate that even though there is an addition to the building which would require additional parking spaces, those parking spaces are shown and that requirement has been met and therefore, it was not necessary to seek a Parking Variance. Therefore, all of the complaints registered in this matter are not in accordance with the proposed Variance and there is absolutely no showing whatsoever that the proposed Variance for a setback from 32.5 feet to 18 feet will cause any substantial injury to public health, safety and welfare of the community nor would it violate any of the other provisions to permit such a Variance.

LAW OFFICES
TURNBULL, MIX
& FARMER
FOR WASHINGTON AVENUE
TOWSON, MD 21204
TEL. 278-0700

Therefore, your Petitioner strongly urges this Board to grant the proposed setback Variance so that he can continue to accommodate the people of Baltimore County and the patrons of his fine establishment and not be penalized for being successful.

Respectfully Submitted,

G. Warren Mix

I HEREBY CERTIFY that on this ^{6th} day of AUGUST, 196 ,
a copy of Petitioner's response to People's Counsel's Memorandum
was mailed to Phyllis Cole Friedman, People's Counsel for
Baltimore County; Peter Max Zimmerman, People's Counsel for
Counsel, Room 223, Court House, Towson, MD 21204; Mr. Stoney
Fralely, 1703 Haddington Garth, Lutherville, MD 21093;
Mr. Lester M. Wilbur, 9 Haddington Road, Lutherville, MD
21093; Mr. Edward A. Rockey, 8 Croftley Rd., Lutherville, MD
21093; Mrs. Frances K. Kiber, 8 Croftley Road, Lutherville, MD
21093; and Mr. Louis G. Noetzel, Jr., 1608 Greenspring Drive,
Lutherville, MD 21093.

G. Warren Mix
G. Warren Mix, Esquire
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204
Tel #825-1517

ATTORNEY FOR PETITIONER

APPEAL

Petition for Zoning Variance
W/S of York Road, Approximately 705' NW
of the Centerline of Seminary Avenue (1534 York Road)
8th Election District - 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. 87-400-A

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Case No. 87-409-A

PEOPLE'S COUNSEL'S MEMORANDUM IN OPPOSITION
TO THE PROPOSED VARIANCE

People's Counsel urges this Board to uphold the Deputy Zoning Commissioner's decision to deny the requested variance.

The testimony clearly demonstrated an existing parking problem of a serious magnitude. Mr. Curreri testified that he has 90 employees all of whom park on the adjacent neighborhood streets. The purpose of the variance sought would be to add additional kitchen space but it would also add a raw bar, add an open beef pit, expand the carry-out and add 14 feet to the existing bar. These changes certainly will add the need for additional parking.

To grant this variance, the Board must find that the requested variance is necessary because otherwise the Petitioner will experience hardship or practical difficulty and the Board must also find that there will not be substantial injury to the public health, safety and general welfare if it is granted. (Section 307 BCZR) The evidence simply will not support either prong of this test.

The Petitioner clearly has a successful business without the requested variance. He testified he serves over 1,000 people in one night. While the addition might improve his profitability, the only limitation imposed by the lot on which it sits is its size.

As far as the impact on the public general welfare is concerned, any expansion clearly will be adverse, since the existing operation is already

a problem. It is interesting to note that Petitioner already expanded the subject property in 1982. At that time, he added 1173 feet while showing only 40 spaces on the property he then owned. (Petitioner's Exhibit 2) However, he introduced into evidence a lease to use the adjoining property owned by Dr. William Anderson for 15 parking spaces (Protestants' Exhibit No. 3 Z. C. Order in #82-245-A); and in consideration of the other parking available the variance was granted.

Mr. Curreri now owns the land of Dr. Anderson which is presented on the present plan as adding 15 new spaces to the 40 required in the prior case. This is simply not so. What Mr. Curreri seeks to do is to use the same 15 spaces he used to obtain the variances necessary for the prior addition, to meet the added parking required for this addition.

While the issue before this Board may not be a request for a parking variance, this Board cannot overlook the reuse of the same 15 spaces which have already failed to accommodate the parking needs of this operation. To quote the Deputy Zoning Commissioner, while Mr. Curreri's success is commendable, "there is a limit to the real capacity for development of a specific piece of property. The site has been expanded to its maximum potential for a restaurant, bar and carry-out business." ... "the protesting residents have rights that are equal to those of the Petitioner. Indeed, these residents have not been able to enjoy their right to peace, quiet, and the privilege of street parking at their homes for themselves as well as their guests, due to the number of vehicles associated with the Ocean Pride business being parked in the area."

For these reasons, therefore, People's Counsel requests this Petition be denied.

Respectfully submitted,

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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of July, 1987,
a copy of the foregoing People's Counsel's Memorandum in Opposition to
the Proposed Variance was mailed to G. Warren Mix, Esquire, 706 Washington
Ave., Towson, MD 21204; Mr. Stoney Fraley, 1703 Haddington Garth, Luther-
ville, MD 21093; Mr. Lester C. Wilbur, 9 Haddington Rd., Lutherville,
MD 21093; Mr. Edward A. Cockey, 8 Croftley Rd., Lutherville, MD 21093;
Mrs. Frances Kiefner, 7 Croftley Rd., Lutherville, MD 21093; and Mr.
Louis C. Noetzel, Jr., 1608 Greenspring Dr., Lutherville, MD 21093.

Phyllis Cole Friedman
Phyllis Cole Friedman

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificates of Publication
Entry of Appearance of People's Counsel
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1 - Plat of Property revised 12/18/86
Deputy Zoning Commissioner's Order dated May 6, 1987
Order for Appeal received May 15, 1987 from G. Warren Mix, Esquire,
Attorney for Petitioner

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

*G. Warren Mix, Esquire, Counsel for Petitioner
Turnbull, Mix & Farmer
706 Washington Avenue, Towson, Maryland 21204

Mr. Edward Cockey, Protestant
8 Croftley Road, Lutherville, Maryland 21093

Mr. Lewis Noetzel, Protestant
1608 Greenspring Drive, Lutherville, Maryland 21093

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

Stoney Fraley
(York Manor Improve. Assn.)
1703 Haddington Garth
Lutherville, Md. 21093

Request Notification: Norman E. Gerber, Director of Planning
Jamer Hoswell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 18, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S of York Road, Approximately 705' NW of the
Centerline of Seminary Avenue (1534 York Road)
8th Election District, 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. 87-409-A

Dear Board:

Please be advised that on May 15, 1987 an appeal of the decision rendered in the above-referenced case was filed by G. Warren Mix, Esquire, on behalf of Robert S. Curreri, the Petitioner.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjs

cc: G. Warren Mix, Esquire
Turnbull, Mix & Farmer
706 Washington Avenue, Towson, Md. 21204

Mr. Edward Cockey, Protestant
8 Croftley Road, Lutherville, Md. 21093

Mr. Lewis Noetzel, Protestant
1608 Greenspring Drive, Lutherville, Md. 21093

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

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

No. 33136

DATE: May 18, 1987 ACCOUNT: R-01-515-209

AMOUNT: \$ 90.00

RECEIVED FROM: G. Warren Mix, Esquire, Turnbull, Mix & Farmer
(706 Washington Ave., Towson, Md. 21204)

FOR: Appeal Filing & Posting Fee in Case #87-409-A
Robert S. Curreri - Petitioner
\$ 109.00 *****300003 8106F

VALIDATION OR SIGNATURE OF CASHIER

RECEIVED
MAY 15 1987

ZONING OFFICE

IN RE: PETITION FOR ZONING VARIANCE
W/S of York Rd., approx. 705' NW of the c/l of Seminary Ave. (1534 York Road) 8th Election District 4th Councilmanic District
Robert S. Curreri Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE COUNTY

Case #87-409-A

ORDER FOR APPEAL

TO ZONING COMMISSIONER:

Please enter an appeal on behalf of the Petitioner, Robert S. Curreri, 1534 York Road, Lutherville, MD 21093 from the decision of the Deputy Zoning Commissioner, dated May 6, 1987, denying the Petition for Zoning Variance and forward all papers to the County Board of Appeals.

G. Warren Mix
G. WARREN MIX, ESQUIRE
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, MD 21204
Tel #825-1517

CERTIFICATION FOR MAILING

I HEREBY CERTIFY that on this day of May, 1987, a copy of the foregoing ORDER FOR APPEAL was mailed to Mr. Edward Cockey, 8 Croftley Road, Lutherville, MD 21093; Mr. Lewis Noetzel, 1608 Greenspring Drive, Lutherville, MD 21093; People's Counsel, Court House, Towson, MD 21204.

G. Warren Mix
G. WARREN MIX, ESQUIRE
TURNBULL, MIX & FARMER

LAW OFFICES
TURNBULL, MIX & FARMER
706 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

G. WARREN MIX
JAMES R. FARMER
DOUGLAS T. NACHE

JOHN GRANT TURNBULL
1000 HARRIS

May 13, 1987

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

RE: Robert S. Curreri
Petition For Zoning Variance
Case #87-409-A

Gentlemen:

Please enter an Appeal on behalf of the Petitioner in the above captioned matter. I have enclosed my check in the amount of \$75.00 to cover the costs.

Very truly yours,

TURNBULL, MIX & FARMER

G. Warren Mix
G. Warren Mix

GWM/knc
enclosures

RECEIVED
MAY 15 1987

ZONING OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: March 24, 1987

Posted for: Variance

Petitioner: Robert S. Curreri

Location of property: W/S York Rd. approx. 705' NW of the c/l of Seminary Ave. (1534 York Rd.)

Location of Sign: In front of 1534 York Rd.

Remarks:

Posted by: E.J. Grata Date of return: April 3, 1987

Number of Signs: 1

ORDER RECEIVED FOR FILING
Date: 5/18/87
By: [Signature]

identical neighborhood not only frequently occupies all available street parking spaces but also blocks driveways causing an extensive nuisance on many weekends and evenings. These neighbors have seen the business expand through the years beyond the point where, in their opinion, the property is capable of supporting development and expansion.

All parties to the hearing stipulated to a visit by the Deputy Zoning Commissioner to the site and nearby residential neighborhoods.

After due consideration of the testimony and evidence presented in this case, as well as a site visit and careful review of prior cases relative to the instant Petition, (Case Nos. 76-116-ASPH and 82-245-A), it is evident to the Deputy Zoning Commissioner that a successful and heavily utilized restaurant and carry-out business currently exists at the site. In her opinion, such success is commendable and is a needed benefit to Baltimore County. On the other hand, there is a limit to the real capacity for development of a specific piece of property. The site has been expanded to its maximum potential for a restaurant, bar and carry-out business. The Deputy Zoning Commissioner regrets that she cannot foster the further expansion of this successful business at this location, but is mindful that the protesting residents have rights that are equal to those of the Petitioner. Indeed, these residents have not been able to enjoy their right to peace, quiet, and the privilege of street parking at their homes for themselves as well as their guests, due to the number of vehicles associated with the Ocean Pride business being parked in the area. For the reasons stated above, it is believed that the variance requested would adversely affect the health, safety, and general welfare of the community and should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 6th day of May, 1987, that the herein Petition for Zoning Variance to permit a front yard setback of 18' be and is hereby DENIED.

Jean M. H. Jung
Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County



SPELLMAN, LARGE
& ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3533

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
LOUIS J. MARCINI, P.E.
ALBERT BENT

DESCRIPTION FOR A VARIANCE TO ZONING 1534 YORK ROAD, EIGHTH DISTRICT,
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the Southwest side of York Road, 66 feet wide, at the distance of 705 feet, more or less, measured Northwest-ly along the Southwest side of York Road from the center line of Seminary Avenue and running thence and binding on the Southwest side of York Road North 18 Degrees 00 Minutes West 175.00 feet thence leaving the Southwest side of York Road and running South 72 Degrees 00 Minutes West 200.00 feet South 18 Degrees 00 Minutes East 175.00 feet and North 72 Degrees 00 Minutes East 200.00 feet to the place of beginning.

Containing 0.80 acres of land, more or less.

11/12/86



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

OFFICE COPY

IN RE: PETITION FOR ZONING VARIANCE
W/S of York Rd., approx. 705' NW of the c/l of Seminary Ave. (1534 York Road) 8th Election District 4th Councilmanic District
Robert S. Curreri Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-409-A

The Petitioner herein requests a variance to permit a front yard setback of 18 feet in lieu of the required average of 32.5 feet.

Testimony by and on behalf of the Petitioner indicated that the subject property is the site of the Ocean Pride Restaurant which the Petitioner has owned, operated, and expanded over the last 17 years. In 1982, the Petitioner purchased the southern portion of the property, which is improved with a two-story frame building used for offices. The Petitioner proposes enlarging the existing bar, carry-out and food preparation areas, and adding a carry-out beef pit with windows opening towards York Road. Currently the busiest hours for the business are from 6 PM to 11 PM on Fridays, 6 PM to 10 PM on Saturdays, and 3 PM to 9 PM on Sundays. Approximately 600 to 700 customers are served every Friday and Saturday night. The largest shift of employees numbers approximately 30 persons who drive approximately 25 cars to this location. The Petitioner testified that he instructs his employees to find parking in the surrounding neighborhood but not to block driveways or offend residents. The owner of the property to the south, a Dr. Smith, is not willing to lease space to provide additional parking. The manager of the Firestone Company to the north has agreed informally that Ocean Pride customers may park on that site after the close of his business at 6 PM. The petitioner has acquired property on Bellona Avenue, zoned BL and DR 5.5, and has filed a Petition for Reclassification to BL to provide additional parking. A hearing on this matter is scheduled for May 7, 1987.

A number of neighbors, who have lived in the area for many years, appeared and testified in protest. Parking by Ocean Pride employees in their res-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

May 6, 1987

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

RE: Petition for Zoning Variance
W/S of York Road, approx. 705' NW of the c/l of Seminary Avenue (1534 York Road) 8th Election District 4th Councilmanic District
Robert S. Curreri
Case No. 87-409-A

Dear Mr. Mix:

Pursuant to the hearing recently held on the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Denied in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: Mr. Edward Cockey
8 Croftley Road, Lutherville, 21093

Mr. Lewis Noetzel
1608 Greenspring Drive, Lutherville, 21093

People's Counsel

RE: PETITION FOR VARIANCE
W/S of York Rd., approx. 705'
NW of C/L of Seminary Ave.
(1534 York Rd.), 8th District
ROBERT S. CURRERI, Petitioner
Case No. 87-409-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of March, 1987, a copy of the foregoing Entry of Appearance was mailed to G. Warren Mix, Esquire, 706 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD., Mar. 26, 1987

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 Mar. 26, 1987.

THE JEFFERSONIAN,

Publisher

3217

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 25, 1987

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 25, 1987.

TOWSON TIMES,

Publisher

4476

PETITION FOR ZONING VARIANCE

8th Election District - 4th Councilmanic District

Case No. 87-409-A

LOCATION: West Side York Road, approximately 705 feet Northwest of the Centerline of Seminary Avenue (1534 York Road)
DATE AND TIME: Wednesday, April 15, 1987, at 9:30 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 Variance to permit a front yard setback of 18 feet in lieu of the required average of 32.5 feet

Being the property of Robert S. Curreri, 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

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3550

ARNOLD JABLON
ZONING COMMISSIONER

April 8, 1987

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

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR ZONING VARIANCE
W/S York Rd., approx. 705' NW of the c/l of Seminary Ave. (1534 York Rd.)
8th Election District - 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. 87-409-A

Dear Mr. Mix:

This is to advise you that \$91.93 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 Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

Attest:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 35802
DATE 4/15/87 ACCOUNT 801-615-100
SIGN & POST
RETURNED G. Warren Mix, Esq., 706 Washington Avenue, Towson, Maryland 21204
RECEIVED FROM ADVERTISING & POSTING - COSTS RE CASE #87-409-A
FOR 6 BC13*****910302 21047
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: April 8, 1987

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

SUBJECT: Zoning Petition No. 87-409-A

This office is not concerned with the proposed small addition and setback variance; however, if this reduces the existing parking available that would be a concern.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 8, 1987

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

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

RE: Item No. 297 - Case No. 87-409-A
Petitioner: Robert S. Curreri
Petition for Zoning Variance

Dear Mr. Mix:

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:kbb

Enclosures

cc: Mr. Robert S. Curreri
1534 York Road
Lutherville, Maryland 21093

Spellman, Larson & Assoc., Inc.
105W Chesapeake Avenue
Towson, Maryland 21204

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

February 26, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
W/S York Rd., approx. 705' NW of the c/l of Seminary Ave. (1534 York Rd.)
8th Election District - 4th Councilmanic District
Robert S. Curreri - Petitioner
Case No. 87-409-A

TIME: 9:30 a.m.

DATE: Wednesday, April 15, 1987

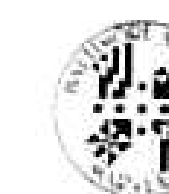
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

Attest:

cc: Mr. Robert S. Curreri
1534 York Road
Lutherville, Maryland 21093

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 30466
DATE 4-9-86 ACCOUNT 800-615-100
SIGN & POST
RETURNED G. Warren Mix, Esq., 706 Washington Avenue, Towson, Maryland 21204
RECEIVED FROM ADVERTISING & POSTING - COSTS RE CASE #87-409-A
FOR 6 BC13*****910302 21047
VALIDATION OR SIGNATURE OF CASHIER



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

STEPHEN E. COLLINS
DIRECTOR

January 30, 1987

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

Item No. 297 -ZAC- Meeting of January 20, 1987
Property Owner: Robert S. Curreri
Location: SW/S York Road, 705 feet + from centerline of Seminary Avenue
Existing Zoning: B.L. and D.R. 5.5
Proposed Zoning: Variance to allow a front yard setback of 18 feet in lieu of the required average of 32.5 feet
Acres: .80 acres
District: 8th Election District

Dear Mr. Jablon:

This site should have only one access and that should meet the State Highway Administration's standards.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

