

IN RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Road,
264.02 +/- NW of the c/l of
Poles Road
(201 Back River Neck Road)
15th Election District
5th Councilmanic District

John J. Gorman
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 117 parking spaces in lieu of the 174 parking spaces required in accordance with Petitioner's Exhibit 1.

The Petitioner, by his Real Estate Agent, Robert Mueller, of the J. Gordon Mueller Company, and Joseph A. Johnson, Jr., Tenant, appeared, testified and were represented by James D. O'Connor, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 201 Back River Neck Road, consists of 4.155 acres zoned B.L.-C.N.S. and is improved with a strip shopping center known as Middleborough Plaza. The Petitioner has an agreement with Joseph Johnson, Jr. to lease 5,600 sq. ft. for the operation of an All-star Video store. Mr. Johnson is desirous of using approximately 1,056 sq. ft. of his leased space for the operation of an ice cream parlor. The proposed ice cream parlor will have tables and seating for approximately 32 persons and is intended for use by the video store customers who preview tapes on the premises. Because the ice cream parlor will be located within the video store space, the current zoning regulations and interpretation by the Zoning Office required that the Petitioner consider the entire 5,600 sq. ft. to calculate the number of parking spaces required to be devoted to restaurant use. As a result, Petitioners are required to provide more parking spaces than are available, due to the

shape of the lot and the location of existing improvements thereon. Mr. Johnson testified that from his experience, the principal users of the ice cream parlor will be those coming into the video store and as such, would not increase the parking needs for same. Petitioner has agreed that no greater than the 1,056 sq. ft. area designated on Petitioner's Exhibit 2 will be devoted to the ice cream parlor. Further, Petitioner has agreed to limit the sales in the ice cream parlor to the following items: ice cream products, snowballs, non-alcoholic beverages, pre-packaged snack items, and hot items heated in self-contained counter-top appliances, i.e. hot dogs. Testimony indicated that the granting of the variance in this instance will not result in any detriment to the health, safety or general welfare of the community.

An area variance may be granted where strict application of the zoning regulations 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 variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R.

and would not result in substantial detriment 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of March, 1990 that the Petition for Zoning Variance to permit 117 parking spaces in lieu of the required 174 parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 30-day 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) The square footage devoted to the ice cream parlor shall not exceed the 1,056 sq. ft. depicted in Petitioner's Exhibit 2.
- 3) The items to be sold in the ice cream parlor shall be limited to the following: ice cream products, snowballs, non-alcoholic beverages, pre-packaged snack items and pre-prepared hot items which need only to be reheated in counter-top appliances, i.e. hot dogs. There shall be no cooking on the premises and Petitioners are prohibited from making available any made-to-order foods.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

March 21, 1990



Dennis P. Rasmussen
County Executive

RE: PETITION FOR ZONING VARIANCE
NE/S Back River Neck Road, 264.02 +/- NW of the c/l of Poles Road
(201 Back River Neck Road)
15th Election District - 5th Councilmanic District
John J. Gorman - Petitioner
Case No. 90-290-A

Dear Mr. O'Connor:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Edward J. Blanton, Jr., Esquire
Alex Brown Bldg., 501
102 W. Pennsylvania Avenue, Towson, Md. 21204

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 509.6(A)(2), to permit 117 parking spaces in lieu of the 174 parking spaces specified by the regulations.

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

Strict compliance with the parking requirements would unreasonably prevent use of the property for the permitted purpose and would render conformance unnecessarily burdensome. Granting of the relief would permit use of the property in harmony with the spirit and intent of the BCZR without substantial injury to public health, safety and general welfare.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of 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:

John J. Gorman, Jr.
(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

Name

Address

Phone No.

City and State

Attorney's Telephone No.

Address

Phone No.

City and State

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Phone No.

City and State

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City and State

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Phone No.

City and State

STV LYON ASSOCIATES

ENGINEERS ARCHITECTS PLANNERS

21 GOVERNORS COURT
BALTIMORE, MD 21207-2723
301/944-8112 FAX 301/298-2724
Telex 97299

ZONING DESCRIPTION OF

PARCEL 2, MIDDLEBOROUGH PLAZA

NO. 201 BACK RIVER NECK ROAD

ELECTION DISTRICT NO. 15, C-5

BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the northeasterly side of Back River Neck Road (60 feet wide), being distant, as now surveyed, North 34°48'35" West 264.02 feet from the centerline of the existing pavement of Poles Road, thence along said northeasterly side of Back River Neck Road, viz:

1. North 34°48'35" West 241.12 feet to a point, thence leaving Back River Neck Road and running along the southeasterly side of a 20 feet wide alley;

2. North 29°43'31" East 396.68 feet to a point, thence running along the southwesterly side of a 16 feet wide alley;

3. South 33°46'29" East 107.47 feet to a point, thence leaving said 16 feet wide alley, and running for the three following courses and distances;

4. South 56°13'31" West 40.75 feet to a point, thence;

5. South 33°46'29" East 213.87 feet to a point, thence;

6. South 60°16'29" East 44.61 feet to a point along the northwesterly side of a 16 feet wide alley, thence along the northwesterly and southwesterly sides of said alley, the two following courses and distances;

7. South 29°43'31" West 15.89 feet to a point, thence;

8. South 40°49'22" East 145.18 feet to a point on the northwesterly side of Poles Road (60 feet wide), thence along same;

9. South 29°43'31" West 33.00 feet to a point, thence leaving said Poles Road and running for the five following courses and distances;

10. North 40°49'22" West 158.00 feet to a point, thence;

11. North 85°49'22" West 15.35 feet to a point, thence;

12. South 55°11'25" West 127.66 feet to a point, thence;

13. South 29°43'31" West 121.50 feet to a point, thence.

STV/LYON ASSOCIATES

14. South 55°11'25" West 35.00 feet to the point of beginning.

Containing 96,976.5 square feet or 2.2263 acres of land, more or less.

Mark A. Riddle
Mark A. Riddle
MD Professional Land Surveyor No. 10899

September 20, 1989

STATE OF MARYLAND
MARK ALAN RIDDLE
REGISTERED
PROFESSIONAL LAND SURVEYOR
NO. 10899

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-SHEET

NAME

ADDRESS

Signature

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O'CONNOR & GRAHAM
ATTORNEYS AT LAW
100 WEST ROAD
SUITE 211
TOWSON, MARYLAND 21204

PHONE (410) 331-0205
FAX (410) 331-0207

March 2, 1990

Ann M. Nastarowicz, Deputy Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Petition No. 90-290-A
201 Back River Neck Road

Dear Ms. Nastarowicz:

The above-referenced matter was heard on Wednesday, January 17, 1990 at 3 p.m. I am writing to provide the additional documentation and information regarding this matter.

First, I enclose a copy of the drawing by the Ottenheimer Equipment Company of All Star Video which shows the floor plan of the subject premises as improved. Also enclosed is a copy of the letter from Mr. Dyer dated November 9, 1989 authorizing improvement installation.

Food sales from the subject premises are presently limited to ice cream products, snowballs and beverages. Any further food sales would be limited to packaged snack items and pre-prepared items such as hot dogs, heated in self contained counter-top appliances. There will not be any cooking or made-to-order foods available. This use will always be ancillary to the primary use of the premises as a video store.

I have conferred with Mr. Flanigan of the Bureau of Traffic Engineering and supplied him with a copy of the floor plan. Mr. Flanigan is in the process of reviewing this matter and I will advise you regarding our final discussions regarding this property.

RECEIVED
MAR 2 1990
ZONING OFFICE

O'CONNOR & GRAHAM

If you require any further information regarding this matter, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Very truly yours,

James D. O'Connor

JOC/kan
89-124
Enc.

cc: Edward L. Blanton, Jr., Esquire
Mr. John J. Geremko
Mr. Al Johnson
J. Gordon Mueller Co., Inc.
Mr. Michael S. Flanigan, Bureau of Traffic Engineering

FEB 27 '90 10:50

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 9, 1989

Edward L. Blanton, Jr., Esquire
Blanton & McCreary
501 Alex Brown Building
102 West Pennsylvania Avenue
Baltimore, MD 21204

RE: All-Star Video, Inc.
Middleborough Plaza Shopping Center
15th Election District

Dear Mr. Blanton:

The Zoning Commissioner has referred your request for the issuance of a building permit prior to the outcome of the variance petition filed by you on October 24, 1989 to me.

The purpose of this letter is to advise you that this office will process and approve your building permit with the understanding as contained in your letter that if your variance request is denied, the stools and other seating will be removed from the premises. This request is granted upon the basis of the information contained in your letter and upon the fact that it will be feasible to remove the seating thereby removing the requirement for the additional parking required by the seating.

A copy of this letter should be attached to the building permit application when presented to this office.

If you have any further questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

James E. Dyer
Zoning Supervisor

JED:cer

O'CONNOR & GRAHAM
ATTORNEYS AT LAW
100 WEST ROAD
SUITE 211
TOWSON, MARYLAND 21204

PHONE (410) 331-0205
FAX (410) 331-0207

March 15, 1990

Ann M. Nastarowicz, Deputy Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Petition No. 90-290-A
201 Back River Neck Road

Dear Ms. Nastarowicz:

Per my letter of March 2, 1990 regarding the above-referenced Petition, I have provided Mr. Flanigan of the Bureau of Traffic Engineering with a copy of the floor plan and the site plan. Mr. Flanigan has advised that he will contact you directly regarding this matter.

If you require anything further from me regarding this Petition, kindly so advise. Thank you for your cooperation in this matter.

Very truly yours,

James D. O'Connor

JOC/kan
89-124

cc: Edward L. Blanton, Jr., Esquire
Mr. John J. Geremko
Mr. Al Johnson
J. Gordon Mueller Co., Inc.
Mr. Michael S. Flanigan, Bureau of Traffic Engineering

RECEIVED
MAR 16 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 1-5-90

Joseph A. Johnson, Jr.
501 Alex Brown Building
Towson, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER 90-290-A
NE/4 Back River Neck Road, 264.02± sq. ft. c/l Poles Road
201 Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner(s): John J. Geremko
Contract Purchaser(s): Joseph A. Johnson, Jr.
HEARING: WEDNESDAY, JANUARY 17, 1990 at 3:00 p.m.

Dear Mr. Johnson:

Please be advised that a \$126.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before the hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: Edward L. Blanton, Jr., Esq.

NOTE: If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 90-290-A
NE/4 Back River Neck Road, 264.02± sq. ft. c/l Poles Road
201 Back River Neck Road
15th Election District - 5th Councilmanic
Legal Owner(s): John J. Geremko
Contract Purchaser(s): Joseph A. Johnson, Jr.
HEARING: WEDNESDAY, JANUARY 17, 1990 at 3:00 p.m.

Variance to permit 117 parking spaces in lieu of the 174 parking spaces specified by the regulations.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE: If "Phase II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John J. Geremko
Joseph A. Johnson, Jr.
Edward L. Blanton, Jr., Esq.

BLANTON & MCCREARY
ATTORNEYS AT LAW
501 ALEX BROWN BUILDING
102 WEST PENNSYLVANIA AVENUE
BALTIMORE, MARYLAND 21204

TELEPHONE 887-3310
TELEFAX 887-3311

October 6, 1989

The Honorable Robert Haines
Zoning Commissioner
Baltimore County, Room 113
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: All-Star Video, Inc.

Dear Mr. Haines:

We represent Mr. Joseph A. Johnson, Jr., who is the President of All-Star Video, Inc. This Company owns a series of video cassette rental stores in Baltimore County.

Our client is currently pursuing the lease of 5,600 square feet of space in the Middleborough Plaza Shopping Center, which is owned by the County. He wants to devote approximately 1,200 square feet of the store to an ice cream bar, for the convenience of the customers who preview tapes on the premises. As we understand the current zoning regulations, this would require his landlord to provide 112 parking spaces based on the assumption that the entire 5,600 feet is devoted to restaurant use.

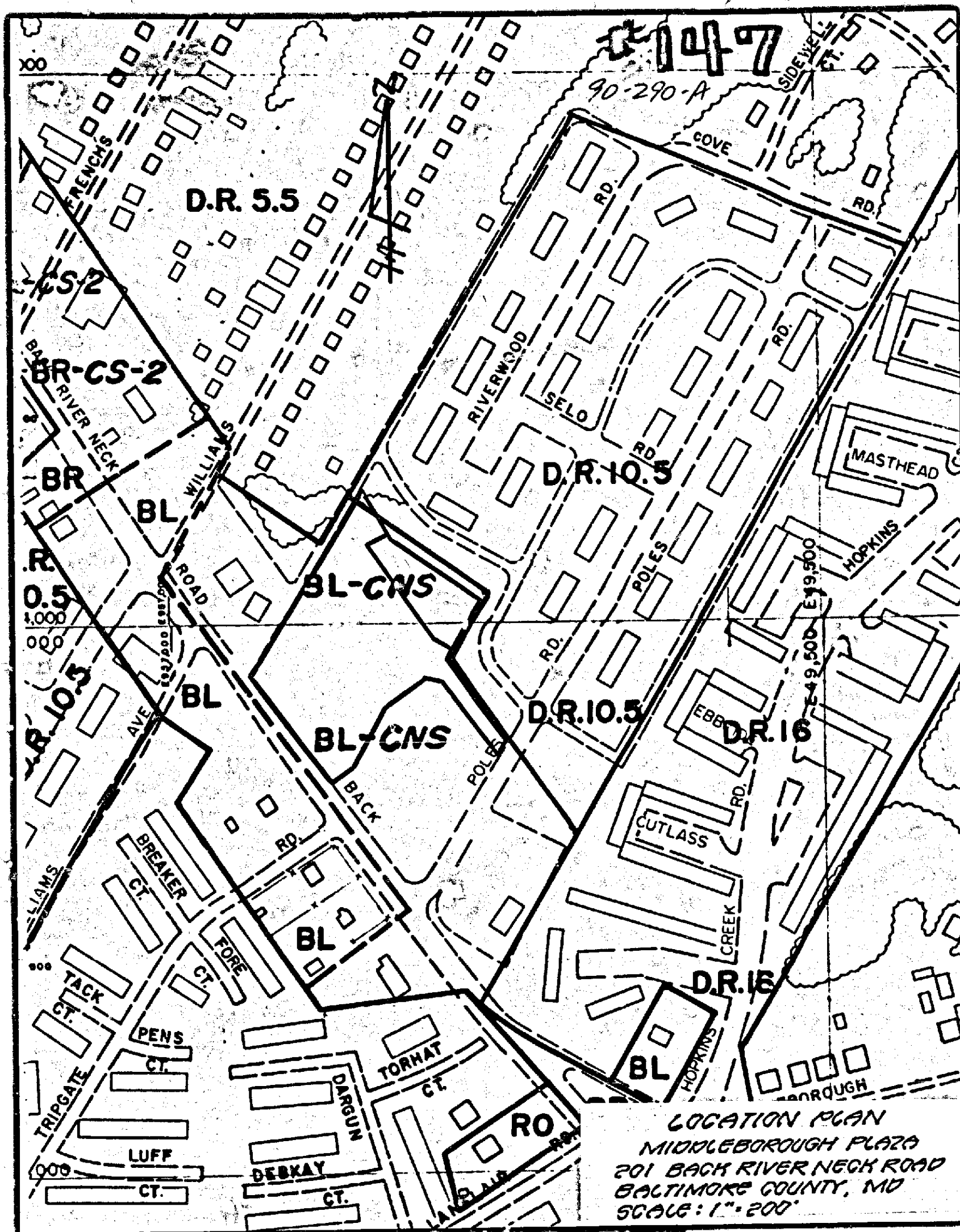
We have prepared, and intend to file, a request for variance for the 1,200 feet of the premises actually devoted to that purpose, and to provide parking based on retail use, for the request for 4,400 square feet. Since it is unlikely that our client's request for variance will be acted upon for some time, an undue hardship is imposed upon our client, as well as the owner of the shopping center.

You may be aware that this shopping center is in a part of the Essex area which the County is encouraging renewal of activities. It is our belief, and that of the landlord, that our client's facility will contribute greatly to the County's goals for that area, and that it will be a stable influence in the renewal now under way. We would like to obtain your consent with the understanding that, if the request for variance is denied for any reason, we would agree to promptly remove the stools and/or other seating arrangements which would result in

CERTIFICATE OF PUBLICATION
THE AVENUE NEWS
 442 Eastern Blvd.
 Baltimore, MD 21221
 December 28, 1989

THIS IS TO CERTIFY, that the enclosed advertisement of
Joseph A. Johnson, Jr., in the matter of
Petition for Zoning Variance on 201 Back
River Neck Road, Baltimore County, Maryland
was inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for
successive weeks (1) before the 20 day of Dec 1989
It is to wit, the same was inserted in the issue of Dec 28, 1989.

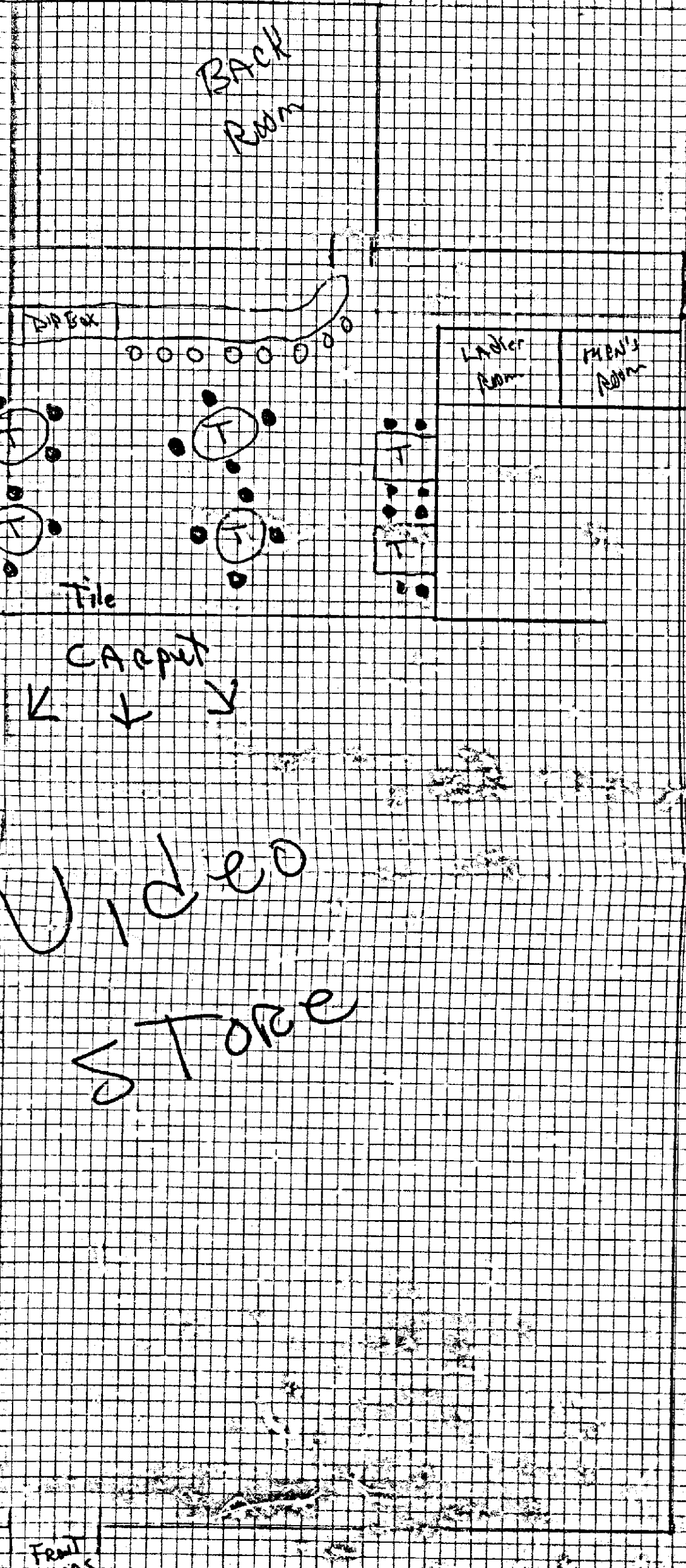
The Avenue Inc.
 per publisher
David Stollman



Ice Cream Parlor
 44x24
 1056 sq ft
 Seats 32

Entire Store
 5600 square ft.

Video
 Store



NOTICE OF HEARING
 The Zoning Commission of Baltimore County, Maryland, is holding a public hearing on the proposed zoning variance for the property located at 201 Back River Neck Road, Baltimore County, Maryland. The hearing will be held on December 28, 1989, at 10:00 AM in the County Office Building, 442 Eastern Boulevard, Baltimore, Maryland 21221. The proposed variance is for the use of the property as a video store. The Commission will consider the variance and make a decision on whether to grant or deny the variance. The public is invited to attend the hearing and provide input on the proposed variance. For more information, contact the Zoning Commission at (410) 326-1234.

CERTIFICATE OF PUBLICATION

TOWSON, MD, Dec 28, 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 28 1989.

THE JEFFERSONIAN
 S. Zeke Olson
 Publisher

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 1524 Date of Posting 1/10/90
 Posted for Variance
 Petitioner John J. Germaine Jr.
 Location of property NE 1/2 Back River Neck Rd., 244.014 NW 1/4 Bk. Rd.
 201 Back River Neck Rd.
 Location of Sign 201 Back River Neck Rd., 244.014 NW 1/4 Bk. Rd.
 Remarks: 1. 1/10/90
 Posted by [Signature] Date of return 1/10/90
 Number of Signs: 1

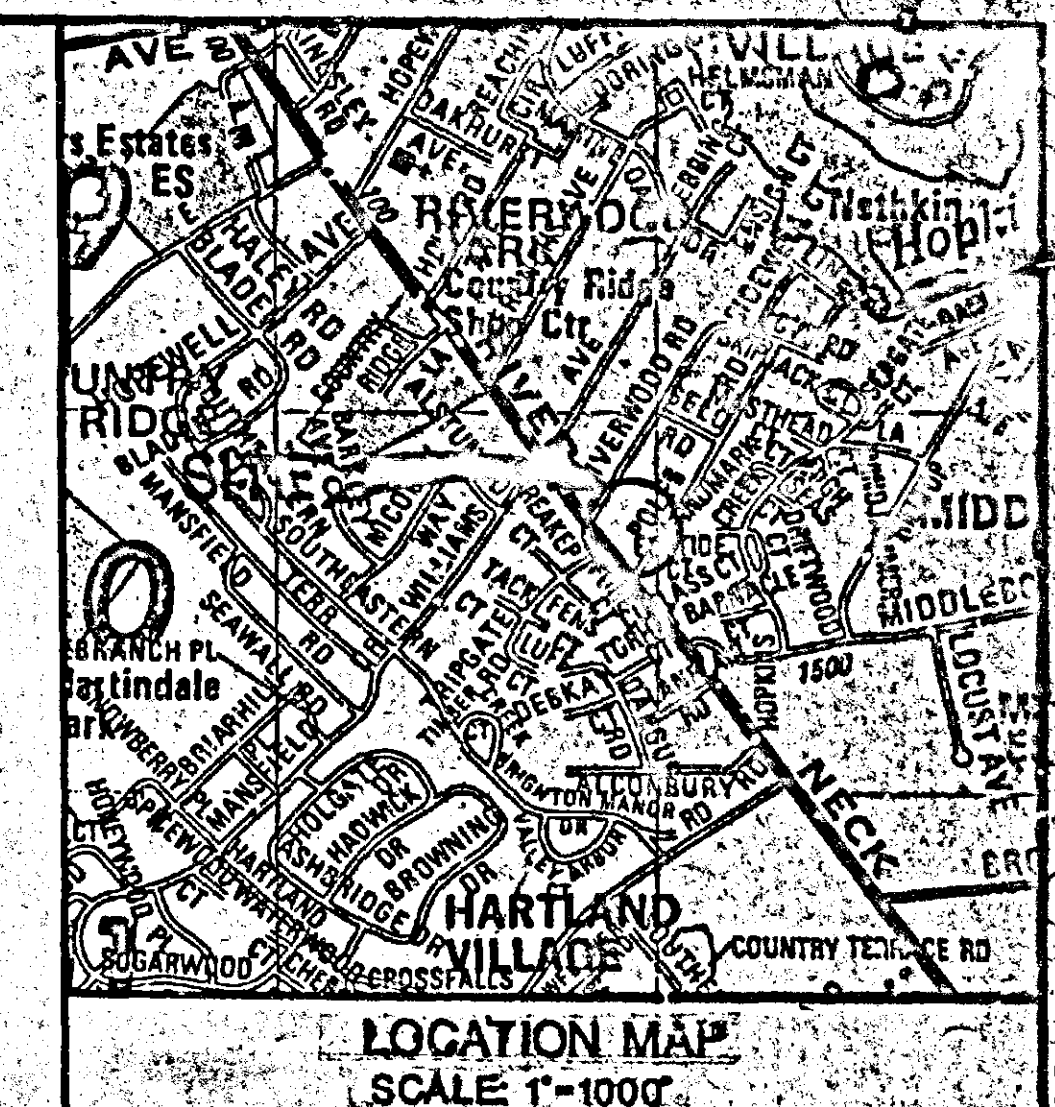
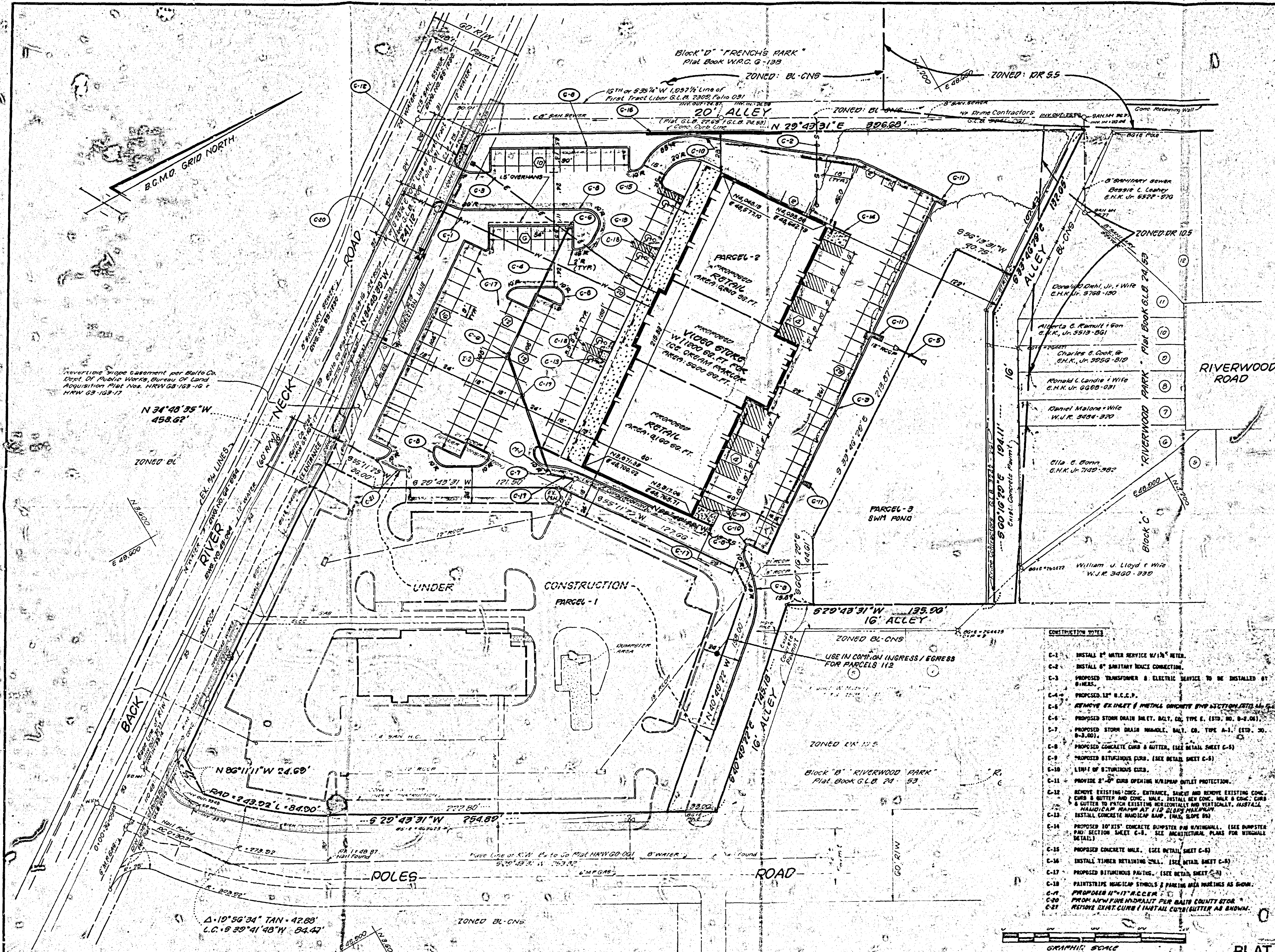
Baltimore County
 Zoning Commission
 County Office Building
 442 Eastern Blvd.
 Towson, Maryland 21204

Account R-601-4150
 Number 1014

90-290-A

receipt
 PUBLIC HEARING FEES
 POSTING SIGNS / ADVERTISING 1 x \$106.18
 TOTAL \$106.18
 LAST NAME OF OFFICER: [Signature]
 P 138 *****126387a 5161F
 Please make checks payable to: Baltimore County

PE EXI
 RS



- GENERAL NOTES**
1. BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID SYSTEM, AS REFERENCED FROM TRAVELER STATIONS.
 2. ELEVATIONS AS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY TRAVELER STATION NO. 1-775. THERE IS A GALVANIZED SPIRE LOCATED AT THE INTERSECTION OF BACK RIVER ROAD, 34.28 FEET.
 3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS. HOWEVER, THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO THE START OF CONSTRUCTION.
 4. LOCATION OF INDIVIDUAL ELECTRIC, TELEPHONE, GAS, WATER AND SANITARY SERVICE CONNECTIONS AS SHOWN HEREON ARE UNCERTAIN. THE LOCATION OF SAID CONNECTIONS HAS BEEN FIELD LOCATED WHERE POSSIBLE, BUT IN CASES WHERE THE LINES HAVE BEEN CONSTRUCTED AND PAVED OVER, THE CONNECTIONS SHOWN ARE BASED ON PROPOSED SITE PUMPING AND SATURATION OF POSSIBLE LOCATION. SHOULD EXCAVATION BECOME NECESSARY, THE CONTRACTOR SHOULD BE RESPONSIBLE FOR THE LOCATION OF THESE LINES BEFORE COMMENCING WORK.
 5. OWNER: JOHN J. GEMENOS, 6000 BALTIMORE NATIONAL PIKE, BALTIMORE, MARYLAND 21228.
 6. FIELD REFERENCE: 7501-471.
 7. TAX ACCOUNT NO.: 20-00-014186.
 8. TOTAL SITE AREA: 120,591 S.F. OR 2.756 AC. PARCEL 2 AREA: 101,659 S.F. OR 2.33 AC.
 9. PARKING: REQUIRED: 174 SPACES. PROVIDED: 117 SPACES. 57 SPACES HANDICAP SPACES. PUBLIC SERVICES CRD NO. 87121, APPROVED 10/14/87. PLANNING NO.: XV-409.
 10. ELECTION DISTRICT: 15 C5.
 11. EXISTING USE: VACANT.
 12. PROPOSED USE: RESTAURANT, RETAIL.
 13. EXISTING ZONING CLASSIFICATION: BL-CNS.
 14. BUILDING RESTRICTION REQUIREMENTS: 8' SIDE YARD, 8' REAR YARD.
 15. FLOOR AREA RATIO: 1.841.
 16. ALL SIGNS SHALL COMPLY WITH SECTION 413.02 OF THE BALTIMORE CITY CODE.

- CONSTRUCTION NOTES**
- C-1. INSTALL 8" WATER SERVICE 60' IN. METER.
 - C-2. INSTALL 6" SANITARY INLET CONNECTION.
 - C-3. PROPOSED TRANSFORMER & ELECTRIC SERVICE TO BE INSTALLED BY OTHERS.
 - C-4. PROPOSED 12" W.C.S.P.
 - C-5. REMOVE EXISTING 8" METAL CONCRETE PIPE SECTION (SEE DETAIL SHEET C-5).
 - C-6. PROPOSED STORM DRAIN INLET, BALT. CO. TYPE 6, (STD. NO. 8-3.00).
 - C-7. PROPOSED STORM DRAIN MANHOLE, BALT. CO. TYPE A-1, (STD. NO. 8-3.00).
 - C-8. PROPOSED CONCRETE CURB & GUTTER, (SEE DETAIL SHEET C-8).
 - C-9. PROPOSED BITUMINOUS CURB, (SEE DETAIL SHEET C-8).
 - C-10. LIMIT OF BITUMINOUS CURB.
 - C-11. PROVIDE 2" 40' CURB OPERATING HANDRAIL OUTLET PROTECTION.
 - C-12. REMOVE EXISTING CONC. ENTRANCE, SANDST. AND REMOVE EXISTING CONC. CURB & GUTTER AND CONC. WALK. INSTALL NEW CONC. WALK & CONC. CURB & GUTTER TO MATCH EXISTING NON-CONCRETE AND VERTICALLY. INSTALL HANDICAP RAMP AT 1:12 SLOPE MAXIMUM. INSTALL CONCRETE HANDICAP RAMP, (WALK, SLOPE 8%).
 - C-13. PROPOSED 10'x15' CONCRETE DUMPMER PAD WITH RAILING, (SEE DUMPMER PAD SECTION SHEET C-13). SEE ARCHITECTURAL PLANS FOR RAILING DETAILS.
 - C-14. PROPOSED CONCRETE WALK, (SEE DETAIL SHEET C-14).
 - C-15. INSTALL BITUMINOUS RETAINING WALL, (SEE DETAIL SHEET C-15).
 - C-16. PROPOSED BITUMINOUS PAVING, (SEE DETAIL SHEET C-16).
 - C-17. PAINTSTRIPED HANDICAP SYMBOLS & PARKING AREA MARKINGS AS SHOWN.
 - C-18. PROPOSED 12" 11'x11' CONC. PAD FOR NEW FIRE HYDRANT PER BALTIMORE COUNTY SPEC.
 - C-19. REMOVE EXISTING CURB & GUTTER & INSTALL EXISTING CURB & GUTTER.

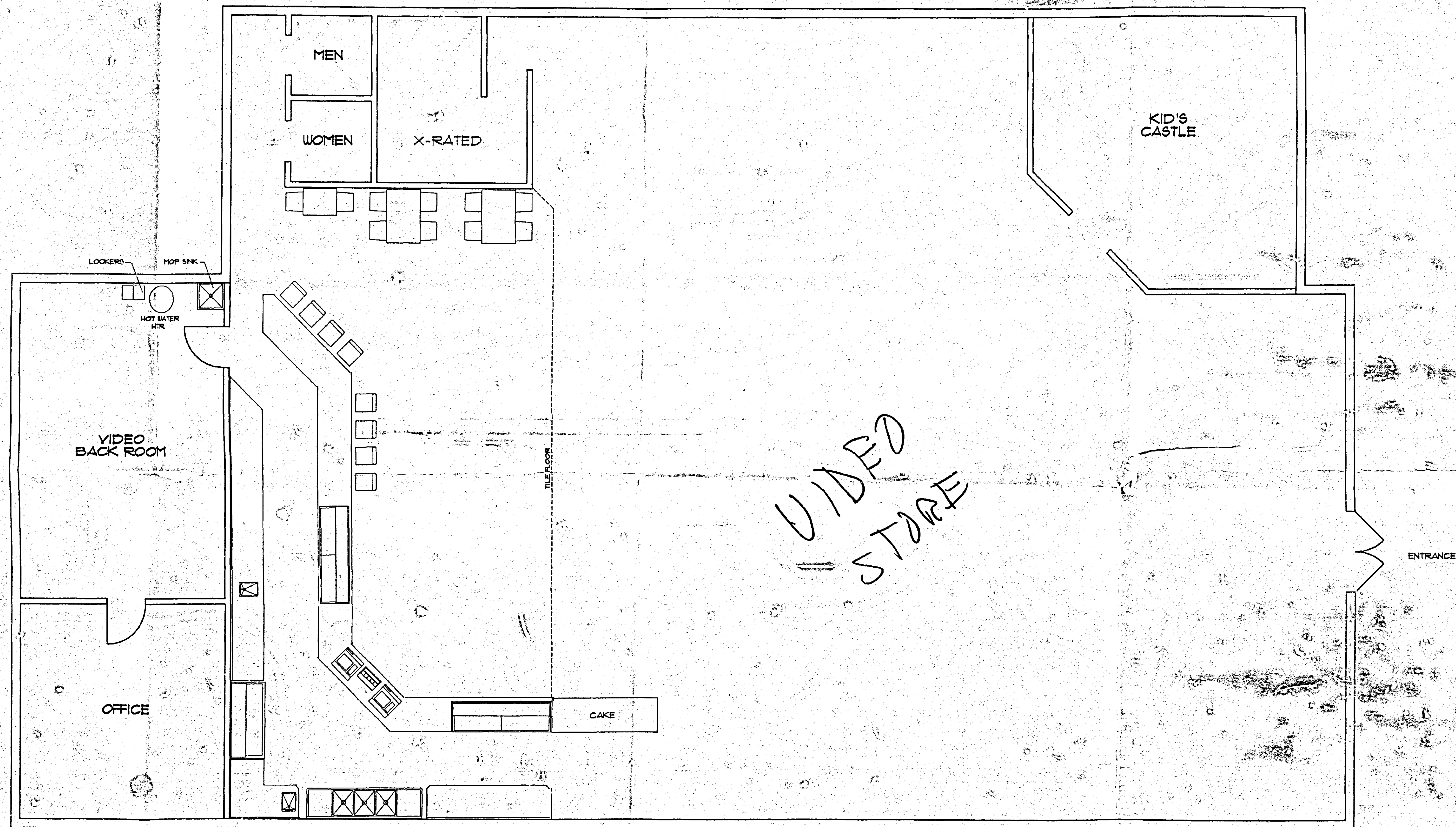
90-290-A
#147
STATE OF MARYLAND
JUDICIAL BRANCH
BALTIMORE COUNTY
PROFESSIONAL ENGINEER
PETITIONER'S EXHIBIT
1 of 1

STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY: FLB	DATE: 9/21/89
DESIGNED BY: SVM	SCALE: 1"=30'
CHECKED BY:	JOB NO: 81-7958

PETITION FOR ZONING VARIANCE		DRAWING NO.
MIDDLEBOROUGH PLAZA 201 BACK RIVER NECK ROAD ELECTION DISTRICT 15 C5 BALTIMORE COUNTY, MARYLAND		V-0
SHEET NO.		1 of 1



NOTE:
THIS DRAWING IS CONCEPTUAL ONLY AND HAS NOT BEEN
APPROVED FOR CONSTRUCTION. DO NOT SCALE THIS DRAWING.
OTTENHEIMER EQUIPMENT CO. DOES NOT ACCEPT ANY
RESPONSIBILITY FOR ANY INCORRECT INFORMATION OBTAINED
FROM THIS DRAWING.



OTTENHEIMER EQUIPMENT COMPANY

CONSULTANTS, DESIGNERS, & ENGINEERS TO THE FOOD SERVICE INDUSTRY

2807 NORTH ROLLING ROAD

BALTIMORE, MARYLAND 21207

(301) 597-9700

ALL-STAR VIDEO

REVISIONS		JOB NO:
NO.	DATE	

DATE:
SCALE:

SHEET of

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

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

Edward L. Blanton, Esquire
501 Alex Brown Building
102 West Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 147, Case No. 90-290-A
Petitioner: John J. Gerzenko
Petition for Zoning Variance

Dear Mr. Blanton:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

cc: Mr. John J. Gerzenko
Mr. Joseph A. Johnson, Jr.

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Raussen
County Executive

Your petition has been received and accepted for filing this
3th day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: John J. Gerzenko

Petitioner's Attorney: Edward L. Blanton

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: John J. Gerzenko, Item 147
Zoning Petition No. 90-290

DATE: December 15, 1989

The Petitioner requests a variance to permit 117 parking spaces in lieu of the 174 parking spaces specified by the regulations.

In reference to this request, staff provides the following comments:

- This site received CRG approval on October 14, 1987.
(See File No. XV-460)

- The plat submitted by the Petitioner indicates that 1,200 sq. ft. will be devoted to the proposed ice cream parlor. The parlor will be located within a video store. Provided that the use of the ice cream parlor is limited to the 1,200 sq. ft. indicated on the plan, staff has no objection to the Petitioner's request; however, the limited size of the use should be specifically addressed as a condition, should the Petitioner's request be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DEC 15 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 9, 1989



Dennis F. Raussen
County Executive

Item: 147
Property Owner:
Contract Purchaser:
Location:
Existing Zoning:
Proposed Zoning:

Area:
District:

Z.A.C. November 7, 1989
John J. Gerzenko
Joseph A. Johnson, Jr.
NE/S of Back River Neck Road
264' NW of Poles Road
B.L./C.N.S.
Variance to permit 117 parking spaces in lieu of the required 174 parking spaces.
2.33 acres
15th Election District

Dear Mr. Haines:

The requested variance to parking can be expected to cause parking problems in the area.

Very truly yours,

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

MSP/lab

RECEIVED
NOV 15 1989
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

11/6/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 147, Zoning Advisory Committee Meeting of November 7, 1989

Property Owner: John J. Gerzenko District: 15
Location: NE side of Back River Neck Rd
Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For complete information, contact the Division of Maternal and Child Health.
- Lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- Prior to removal of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed handler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- Soil percolation tests, have been conducted, must be conducted.
- Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit applications.
- Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the regulations, please contact the Land Development Section at 887-2762.

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2535
(301) 887-4500
Paul H. Reiche
Chief

NOVEMBER 6, 1989



Dennis F. Raussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

PE: Property Owner: JOHN J. GERZENKO
Location: NE/S OF BACK RIVER NECK ROAD
Item No.: 147 Zoning Agenda: NOVEMBER 7, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: *Jeffrey Long* 11/6/89
Planning Group
Special Inspection Division

Noted and Approved
Jeffrey Long
Fire Prevention Bureau

JK/KEK

NOV 07 1989

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for November 7, 1989

The Developers Engineering Division has reviewed the subject zoning items and re have no comments for Items 145, 146, 147, 148 and 149.

For Case No. 89-406-XA the creation of the lot for the station leaves residence #8807 without frontage.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DEC 27 1989