FOUR STAR BOND

IN THE MATTER OF THE
THE APPLICATION OF
GUS KOSMAKOS, ET AL
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE WEST SIDE YORK ROAD,
200' NORTHEAST OF CENTERLINE
OF WEST BURKE AVENUE
(39 YORK ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-560-SPHA
*

* * * * * * * * *

OPINION

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner dated November 29, 1990, which denied the Petition for Special Hearing and requested variances. Upon opening the hearing, Petitioner presented a proposal wherein he would amend his original Petition and alter it so that only 44 spaces would be required instead of the 68 spaces, and 38 spaces would be proposed. This was known as Plan A. Copies of Plan A (entitled "Plan to Accompany Board of Appeals Hearing") under the engineering seal of Thomas Hoff have been presented to the Board. This plan shows a total parking requirement of 42 spaces and proposed parking of 36 spaces. This plan also provides the necessary setback so that no variance on setback is required. This subject site is the site of what was known as Spitana's Restaurant which burned in December of 1985. The Board will further note that Plan A was the only plan viewed by the Planning Board, and only this plan was to be considered at the CRG hearing. In conformity with all these agreements, the Board will accept as Plan A the amended drawings dated October 1, 1991, and grant the parking variance from 42 spaces to 36 spaces as shown on this plan.

ORDER

IT IS THEREFORE this 21st day of November, 1991 by the County Board of Appeals of Baltimore County

ORDERED that the amended plan dated October 1, 1991 under the seal of Thomas Hoff identified as "Plan to Accompany Board of Appeals Hearing" be and the same is ACCEPTED; and it is further

ORDERED that the variance from 42 to 36 required parking spaces be and the same is GRANTED; and it is further

ORDERED that this plan is the only plan to be considered by the CRG at its scheduled hearing.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister
Harry E. Buchheister, Jr.

Judson H. Lipowitz
Judson H. Lipowitz

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - W/S of
York Road, 200' NE of the c/l
of West Burke Avenue
(39 York Road)
8th Election District
4th Councilmanic District

Gus Kosmakos, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-560-SPHA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the site plan previously approved in Case No. 86-393-A and variances to permit a front setback of 9 feet in lieu of the required front average of 13 feet and to permit 37 parking spaces in lieu of the required 68 spaces, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Gus Kosmakos, appeared, testified and were represented by Konstantine J. Prevas, Esquire. Also appearing on behalf of the Petitions were Cicero Brown, Architect, and Gene Raphel, Engineer. Appearing as Protestants in the matter were Joyce Routson, Betsy Kahl, and Eugene Kibbe, III. Phyllis Friedman, Esquire, People's Counsel for Baltimore County, also appeared.

Testimony indicated that the subject property, known as 39 York Road, consists of 0.54 acres split zoned B.M and B.M.-C.S.A. and is improved with a two story frame building. Said property was the subject matter of previous Case No. 86-393-A in which Petitioners were granted variances to front and side yard setbacks and parking requirements for a proposed new restaurant and office building on August 5, 1986. Testimony indicated that plan received CRG approval in July, 1986 contingent upon there being access to a proposed rear parking deck from May Avenue. Petitioners were subsequently advised that May Avenue is a private road and

ORDER RECEIVED FOR FILING
Date 11/29/90
By

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that access to the site as proposed could not be provided. Petitioners modified the plan at the hearing and now propose a smaller building as depicted on Petitioner's Exhibit 3. The new building still requires variances to front building setback and parking requirements as Petitioners are no longer proposing a parking deck. Testimony indicated the proposed building will consist of 2800 sq.ft. and contain a restaurant with kitchen and carry-out facilities, a bar and a liquor store on the first floor with the basement level used for bulk storage. Mr. Brown testified the reduction in the size of the building will reduce the number of parking spaces required to 60 and allow Petitioners to have 43 spaces in lieu of the originally proposed 37.

Gus Kosmakos testified that he and his brother purchased the subject property in 1976 and had operated the restaurant known as the Pizza Palace on the site until a fire destroyed the building approximately 4 years ago. He testified he was not aware of any parking problem when there were only 12 spaces and indicated he believed a majority of the customers walked to the restaurant. Mr. Kosmakos testified that many of the customers were Towson State University students. In response to the comments submitted by the Office of Planning dated July 6, 1990, Petitioner testified he is opposed to moving the building further back on the property as it would result in the loss of a number of parking spaces. In response to inquiries by People Counsel as to whether or not Petitioners had considered reducing the building even more, Mr. Kosmakos argued that it would not be cost effective to do so.

The testimony presented by Joyce Routson as President and on behalf of the Towson Manor Association, Betsy Kahl, as President and on behalf of the Burkleigh Square Community Association, and Eugene Kibbe, a

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Date 11/29/90
By

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resident of 12 York Road, expressed concerns about the existing parking problems in the area and concerns of greater problems if the parking variance was granted. Ms. Kahl further raised concerns about landscaping the subject property and possible conversion of the basement level to uses other than storage.

The comments filed by the Office of Planning and the Department of Traffic Engineering both noted that the parking variances, if granted, can be expected to add to the existing parking problems in the area. Further, the Office of Planning is opposed to the front yard setback requested indicating the required setback is necessary to accommodate adequate landscaping of the site.

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).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

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Date 11/29/90
By

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requested variances were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. In the opinion of the Deputy Zoning Commissioner, the proposed building is too large for the site. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of November, 1990 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 86-393-A and the Petition for Zoning Variance to permit a front setback of 9 feet in lieu of the required front average of 13 feet and to permit 37 parking spaces in lieu of the required 68 spaces, in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

A M Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 11/29/90
By

REVISED PLANS
RECEIVED AUG 2 1 1990

90-560-SPHA

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 235-1 to permit a front setback of 9 feet in lieu of the required 13 foot front average and Section 409.6 A-2 to allow 37 parking spaces in lieu of the required 68 spaces. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Size and configuration of the lot preclude the construction of any meaningful building without the requested variances.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Konstantine J. Prevas
(Type or Print Name)
Signature
5 Light Street Suite 950
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 301 752-2340

Legal Owner(s):
Gus Kosmakos
(Type or Print Name)
Signature
Nick Kosmakos
(Type or Print Name)
Nick Kosmakos
Signature
George Kosmakos
George Kosmakos
301 Lord Byron Lane 285-2511
Address Phone No.
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Gus Kosmakos
Name
9811 York Road
Cockeysville, Maryland 21030 666-5235
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9 day of Nov, 1990, at 2 o'clock P. M.

Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 11/29/90
By

405

PETITION FOR SPECIAL HEARING

90-560-SPHA

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an Amendment to Case Number 86-393-A

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

I, or we, agree to pay expenses of the above Special Hearing 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.

MAP [illegible]
E-3
E.D. 8TH
DATE 4-3-92
BY BF
D-2C

Contract Purchaser:
None
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Konstantine J. Prevas
(Type or Print Name)
Signature
5 Light Street, Suite 950
Address
Baltimore, Maryland 21202
City and State
Attorney's Telephone No.: 301-752-2340

Legal Owner(s):
Gus Kosmakos
(Type or Print Name)
Signature
Nick Kosmakos
(Type or Print Name)
Nick Kosmakos
Signature
George Kosmakos
Signature
301 Lord Byron Lane 285-2511
Address Phone No.
Baltimore, Maryland
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Gus Kosmakos
Name
9811 York Road
Cockeysville, Maryland 21030 666-5235
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24 day of Aug, 1990, at 9:30 o'clock A. M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.—No. 1

(over)

ORDER RECEIVED FOR FILING
Date 11/29/90
By

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE OCT 26 1990

Gus Kosmakos, et al
9811 York Road
Cockeysville, Maryland 21030

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District - 4th Councilmanic
Petitioner(s): Gus Kosmakos, et al
HEARING: FRIDAY, NOVEMBER 9, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $ 112.05 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 your 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: Konstantine J. Prevas, Esq.

JRH:gs

$112.65

CERTIFICATE OF PUBLICATION

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
Case number: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Ave.
39 York Road
8th Election District
4th Councilmanic
Petitioner(s):
Gus Kosmakos, et al
Hearing Date: Friday, Aug. 24, 1990 at 9:30 a.m.

Special Hearing: An amendment to case number 86-393-A. Variance: to permit a front setback of 8 feet in lieu of required 12 feet front average and side setbacks of 4 ft. and 36 ft. in lieu of required 30 ft. each; and to allow 38 parking spaces in lieu of required 68 spaces.

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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
T/J/7/159 July 19.

TOWSON, MD., July 23, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 18, 1990.

TOWSON TIMES,

S. Zeke Orlan
Publisher

PO 106177

CERTIFICATE OF PUBLICATION

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
Case number: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Ave.
39 York Road
8th Election District
4th Councilmanic
Petitioner(s):
Gus Kosmakos, et al
Hearing Date: Friday, Aug. 24, 1990 at 9:30 a.m.

Special Hearing: An amendment to case number 86-393-A. Variance: to permit a front setback of 8 feet in lieu of required 12 feet front average and side setbacks of 4 ft. and 36 ft. in lieu of required 30 ft. each; and to allow 38 parking spaces in lieu of required 68 spaces.

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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
July 19.

TOWSON, MD., July 23, 1990

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 July 19, 1990.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number
№ 3853

Date

90-560

11/09/90 M9100405

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$112.05
	TOTAL:	$112.05

LAST NAME OF OWNER: KOSMAKOS

04A04#0038MICHRC $112.05
BA C003:27PM11-26-90
Please make checks payable to: Baltimore CounNEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number
№ 3299 ✓

Date

90-560

8/28/90 M9100160

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$137.65
	TOTAL:	$137.65

LAST NAME OF OWNER: KOSMAKOS

04A04#0037MICHRC $137.65
BA C004:08PM08-28-90
Please make checks payable to: Baltimore CounNEXT BUSINESS DAY

Cashier Validation:

CERTIFICATE OF POSTING

90-560-SPHA

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th
Date of Posting August 3, 1990
Posted for: Special Hearing and Variance
Petitioner: Gus Kosmakos, et al
Location of property: W/S York Road, 200' NE from c/l of West Burke Avenue 39 York Road
Location of Signs: West side of York Road in front of subject property
Remarks:
Posted by S. J. Arata (Signature)
Date of return: August 10, 1990
Number of Signs: 2

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 7/31/90

Gus Kosmakos
9811 York Road
Cockeysville, Maryland 21030

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District - 4th Councilmanic
Petitioner(s): Gus Kosmakos, et al
HEARING: FRIDAY, AUGUST 24, 1990 at 9:30 a.m.

Dear Sir:

Please be advised that $ 137.65 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 your 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

JRH:gs

cc: Konstantine J. Prevas, Esq.

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

September 27, 1990

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District - 4th Councilmanic
Petitioner(s): Gus Kosmakos, et al
HEARING: FRIDAY, NOVEMBER 9, 1990 at 2:00 p.m.

Special Hearing: An Amendment to Case Number 86-393-A.
Variance: To permit a front setback of 9 feet in lieu of the required 13 ft. front average and to allow 37 parking spaces in lieu of the required 68 spaces.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Gus Kosmakos, et al
Konstantine J. Prevas, Esq.
Elizabeth Kahl
The Towson Manor Association, Inc.

CERTIFICATE OF PUBLICATION

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing and Zoning Variance
Case number: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District
4th Councilmanic
Petitioner(s):
Gus Kosmakos, et al
Hearing Date: Friday, Nov. 9, 1990 at 2:00 p.m.

Special Hearing: An Amendment to Case Number 86-393-A. Variance: To permit a front setback of 9 feet in lieu of the required 13 ft. front average and to allow 37 parking spaces in lieu of the required 68 spaces.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
T/J/10/181 Oct. 11.

TOWSON, MD., Oct 15, 1990

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 Oct 11, 1990.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

$87.05

CERTIFICATE OF PUBLICATION

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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing and Zoning Varience
Case number: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District
4th Councilmanic
Petitioner(s):
Gus Kosmakos, et al
Hearing Date: Friday, Nov. 9, 1990 at 2:00 p.m.

Special Hearing: An Amendment to Case Number 86-393-A. Variance: To permit a front setback of 9 feet in lieu of the required 13 ft. front average and to allow 37 parking spaces in lieu of the required 68 spaces.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
T/J/10/181 Oct. 11.

TOWSON, MD., 10-15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-11, 1990.

TOWSON TIMES,

S. Zeke Orlan
Publisher

$87.05

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 27, 1990

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 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

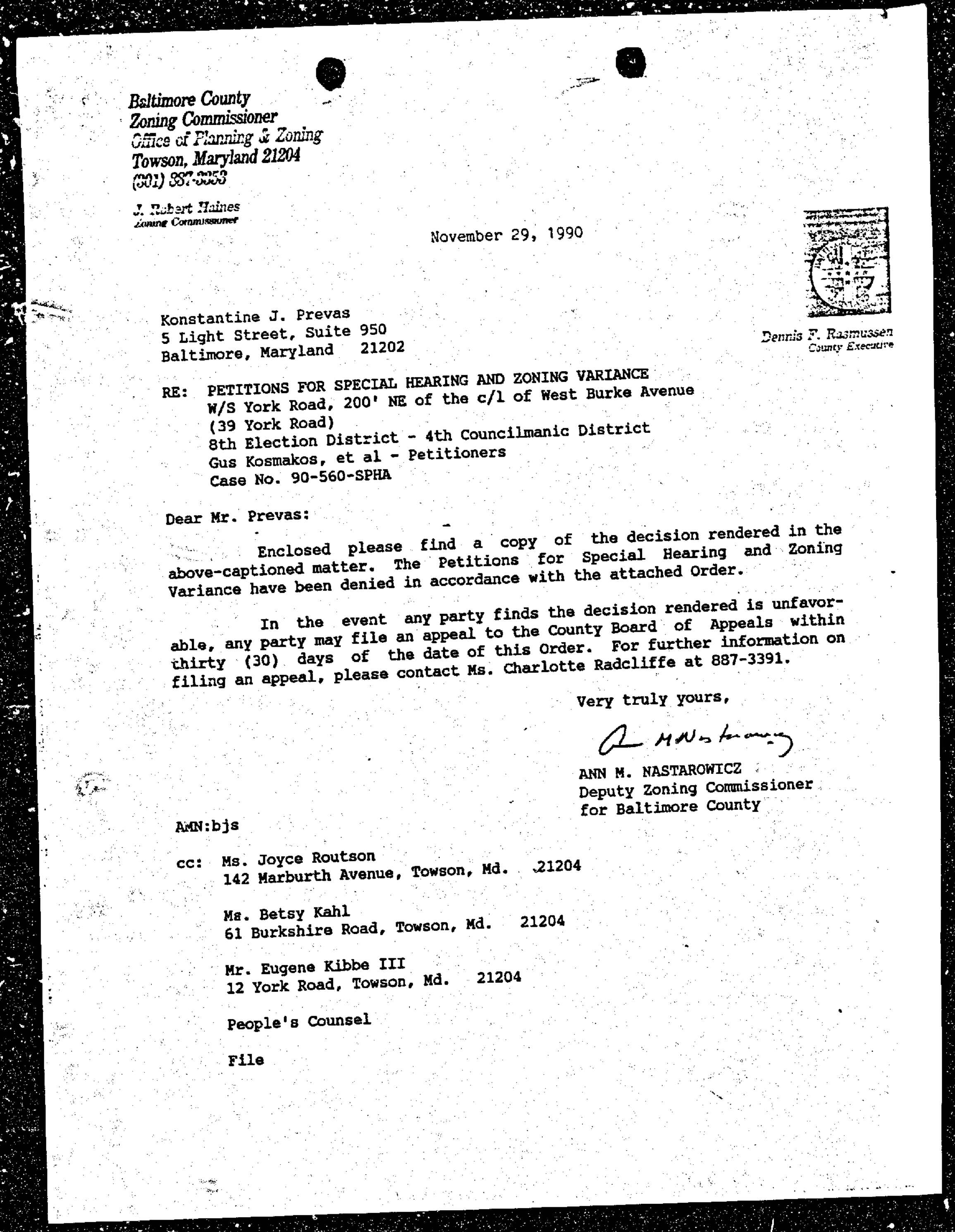
Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-560-SPHA
W/S York Road, 200' NEly from c/l of West Burke Avenue
39 York Road
8th Election District - 4th Councilmanic
Petitioner(s): Gus Kosmakos, et al
HEARING: FRIDAY, AUGUST 24, 1990 at 9:30 a.m.

Special Hearing: An amendment to case number 86-393-A.
Variance to permit a front setback of 8 feet in lieu of required 12 feet front average and side setbacks of 4 ft. and 36 ft. in lieu of required 30 ft. each; and to allow 38 parking spaces in lieu of required 68 spaces.

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 permi 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.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Gus Kosmakos
Konstantine J. Prevas, Esq.
Elizabeth Z. Kahl



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

November 29, 1990

Konstantine J. Prevas
5 Light Street, Suite 950
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
W/S York Road, 200' NE of the c/l of West Burke Avenue
(39 York Road)
8th Election District - 4th Councilmanic District
Gus Kosmakos, et al - Petitioners
Case No. 90-560-SPHA

Dear Mr. Prevas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been denied 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

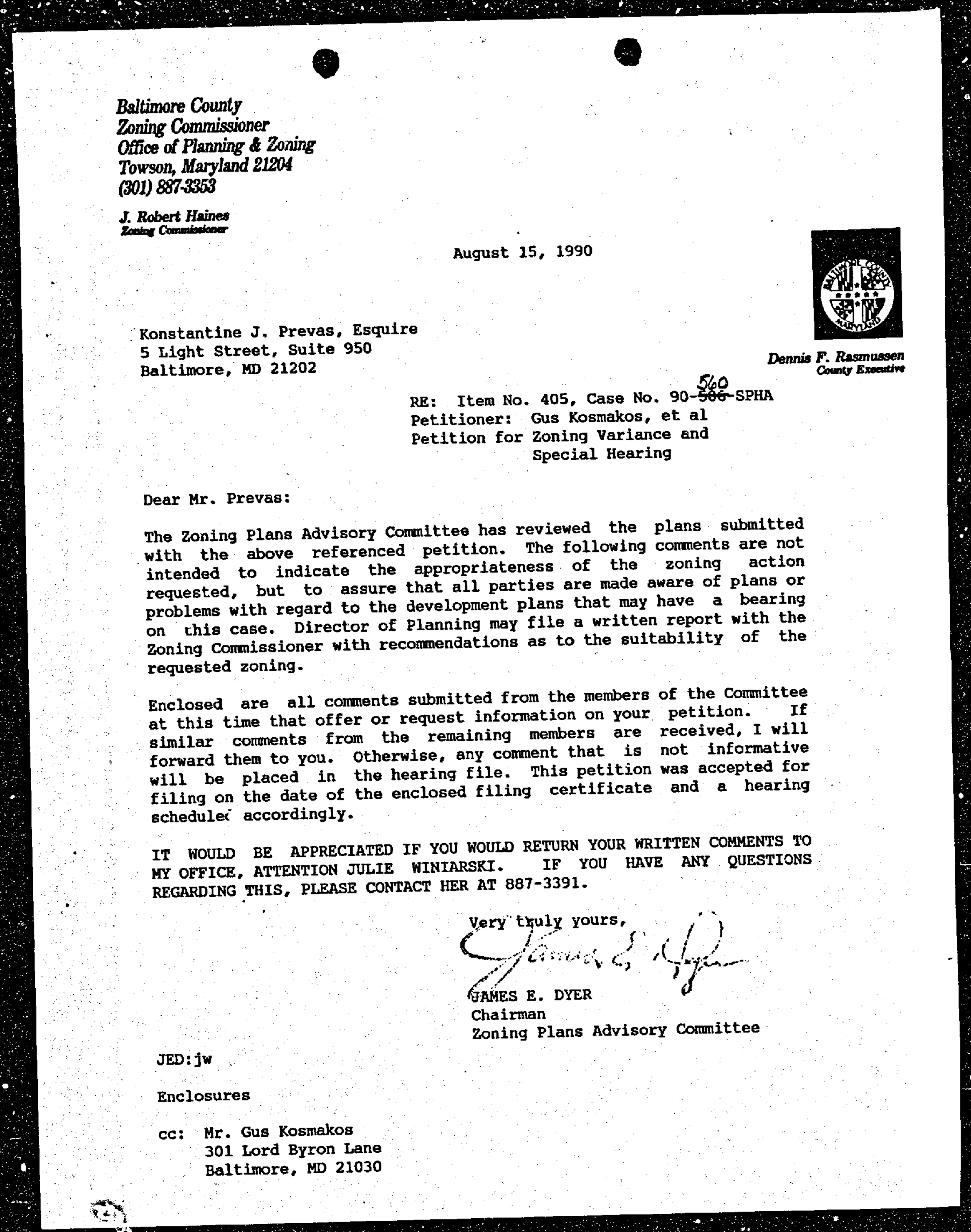
cc: Ms. Joyce Routson
142 Marburth Avenue, Towson, Md. 21204

Ms. Betsy Kahl
61 Burkshire Road, Towson, Md. 21204

Mr. Eugene Kibbe III
12 York Road, Towson, Md. 21204

People's Counsel

File



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

August 15, 1990

Konstantine J. Prevas, Esquire
5 Light Street, Suite 950
Baltimore, MD 21202

RE: Item No. 405, Case No. 90-~~506~~560-SPHA
Petitioner: Gus Kosmakos, et al
Petition for Zoning Variance and
Special Hearing

Dear Mr. Prevas:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. 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 WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

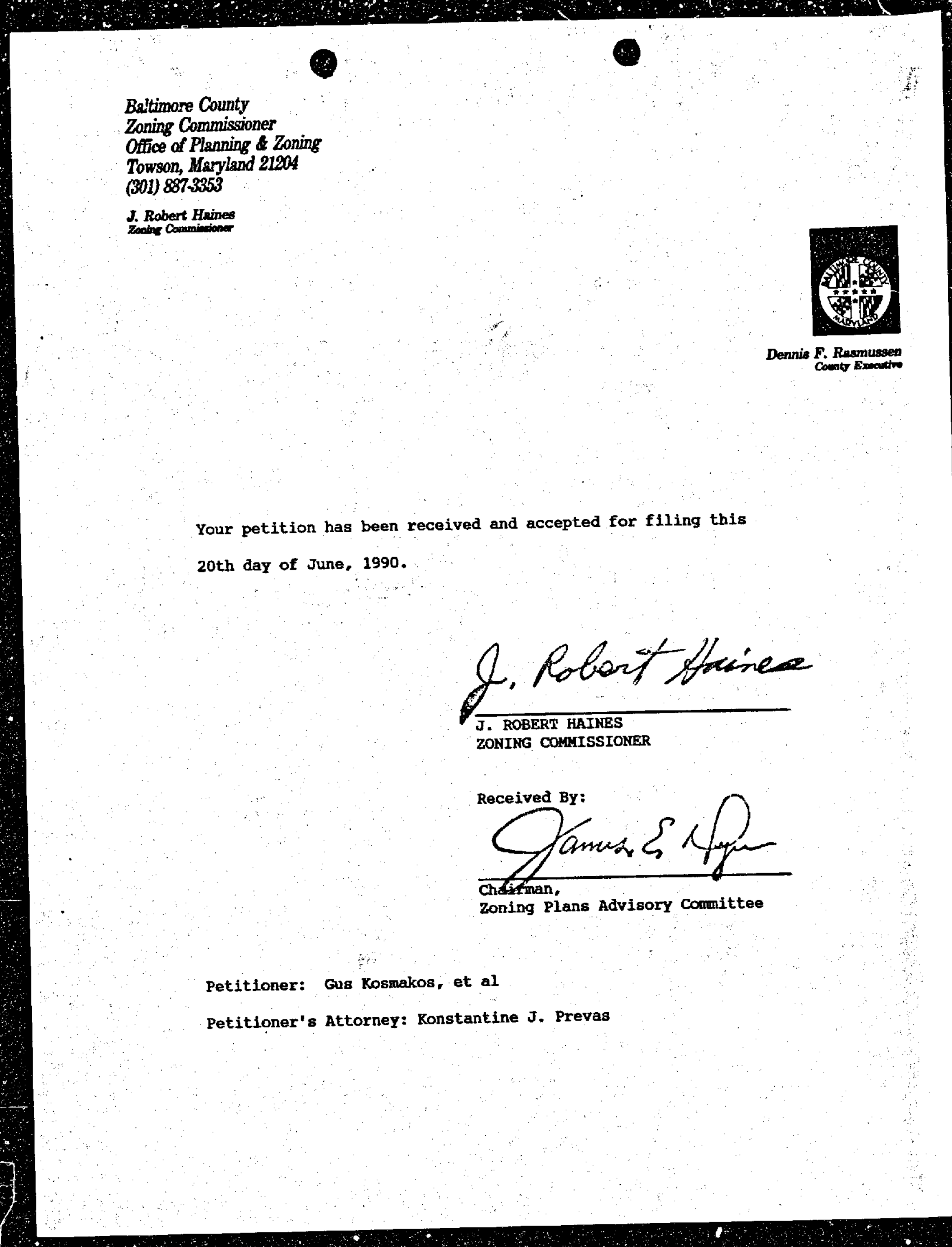
James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Gus Kosmakos
301 Lord Byron Lane
Baltimore, MD 21030



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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

20th day of June, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

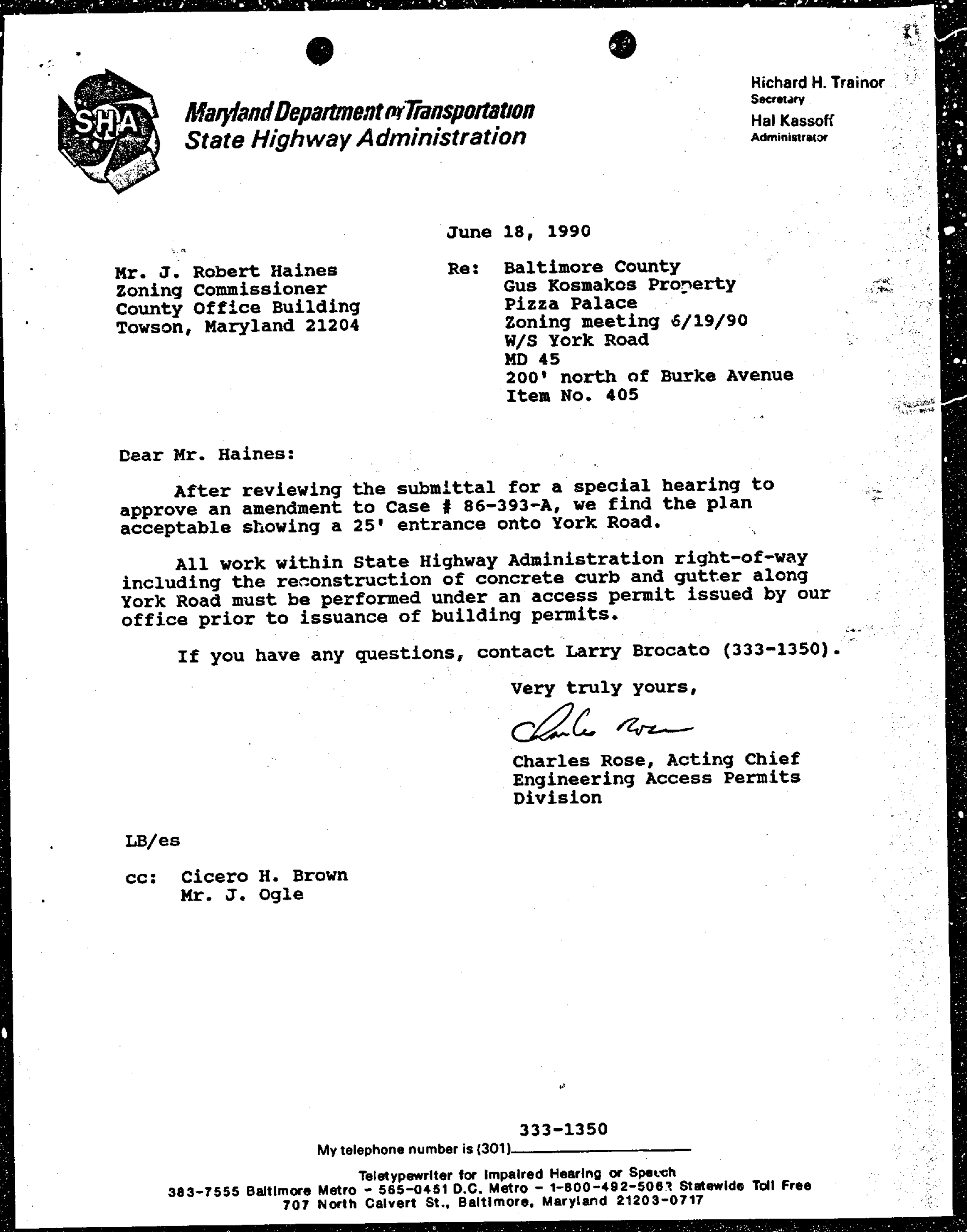
Received By:

James E. Dyer

Chairman,
Zoning Plans Advisory Committee

Petitioner: Gus Kosmakos, et al

Petitioner's Attorney: Konstantine J. Prevas



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

June 18, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Gus Kosmakos Property
Pizza Palace
Zoning meeting 6/19/90
W/S York Road
MD 45
200' north of Burke Avenue
Item No. 405

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve an amendment to Case # 86-393-A, we find the plan acceptable showing a 25' entrance onto York Road.

All work within State Highway Administration right-of-way including the reconstruction of concrete curb and gutter along York Road must be performed under an access permit issued by our office prior to issuance of building permits.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose

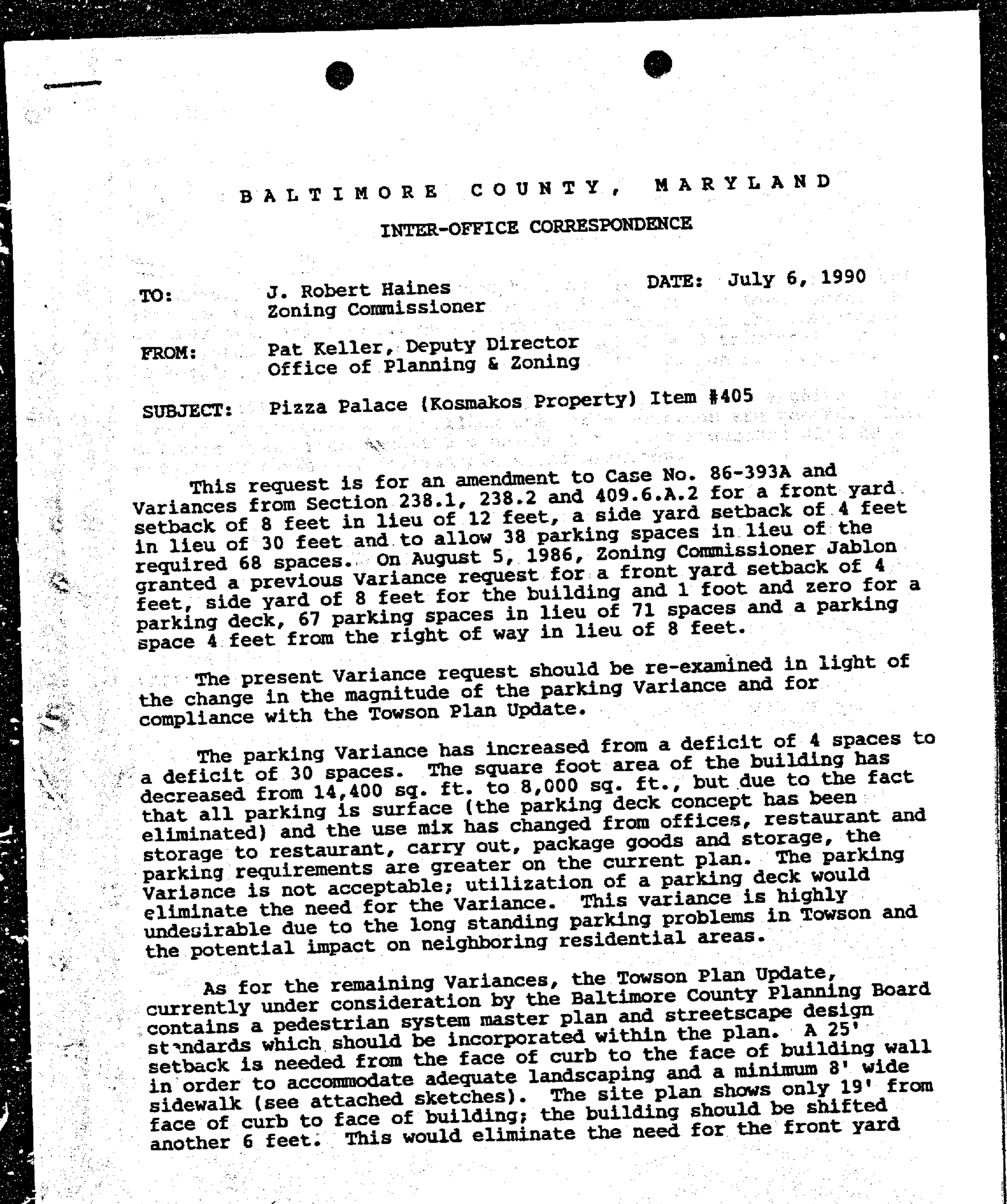
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Cicero H. Brown
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 6, 1990

FROM: Pat Keller, Deputy Director
Office of Planning & Zoning

SUBJECT: Pizza Palace (Kosmakos Property) Item #405

This request is for an amendment to Case No. 86-393A and Variances from Section 238.1, 238.2 and 409.6.A.2 for a front yard setback of 8 feet in lieu of 12 feet, a side yard setback of 4 feet in lieu of 30 feet and to allow 38 parking spaces in lieu of the required 68 spaces. On August 5, 1986, Zoning Commissioner Jablon granted a previous Variance request for a front yard setback of 4 feet, side yard of 8 feet for the building and 1 foot and zero for a parking deck, 67 parking spaces in lieu of 71 spaces and a parking space 4 feet from the right of way in lieu of 8 feet.

The present Variance request should be re-examined in light of the change in the magnitude of the parking Variance and for compliance with the Towson Plan Update.

The parking Variance has increased from a deficit of 4 spaces to a deficit of 30 spaces. The square foot area of the building has decreased from 14,400 sq. ft. to 8,000 sq. ft., but due to the fact that all parking is surface (the parking deck concept has been eliminated) and the use mix has changed from offices, restaurant and storage to restaurant, carry out, package goods and storage, the parking requirements are greater on the current plan. The parking Variance is not acceptable; utilization of a parking deck would eliminate the need for the Variance. This variance is highly undesirable due to the long standing parking problems in Towson and the potential impact on neighboring residential areas.

As for the remaining Variances, the Towson Plan Update, currently under consideration by the Baltimore County Planning Board contains a pedestrian system master plan and streetscape design standards which should be incorporated within the plan. A 25' setback is needed from the face of curb to the face of building wall in order to accommodate adequate landscaping and a minimum 8' wide sidewalk (see attached sketches). The site plan shows only 19' from face of curb to face of building; the building should be shifted another 6 feet. This would eliminate the need for the front yard

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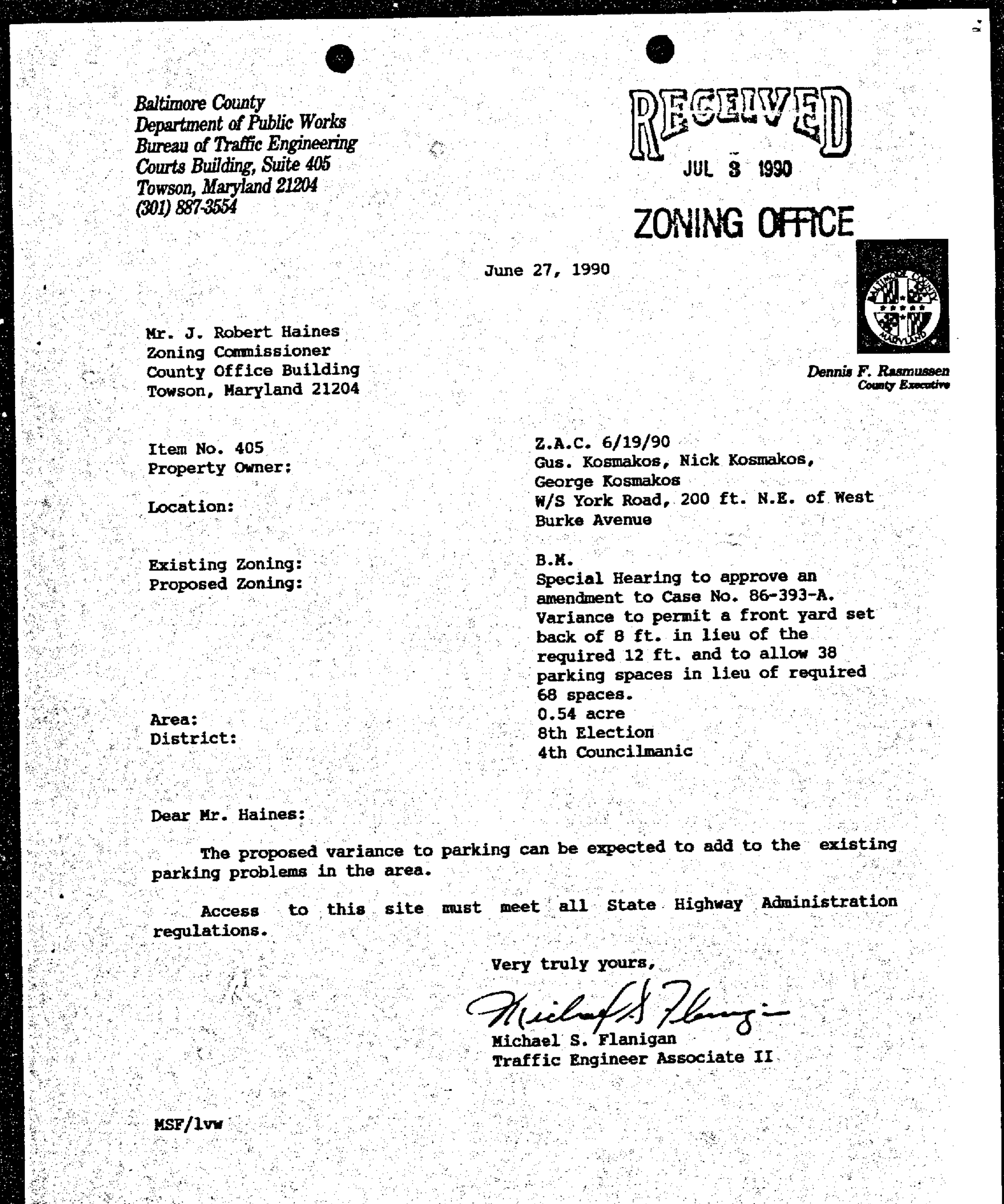


Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

RECEIVED
JUL 3 1990
ZONING OFFICE

June 27, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 405 — Z.A.C. 6/19/90
Property Owner: Gus. Kosmakos, Nick Kosmakos, George Kosmakos
Location: W/S York Road, 200 ft. N.E. of West Burke Avenue
Existing Zoning: B.M.
Proposed Zoning: Special Hearing to approve an amendment to Case No. 86-393-A. Variance to permit a front yard set back of 8 ft. in lieu of the required 12 ft. and to allow 38 parking spaces in lieu of required 68 spaces.
Area: 0.54 acre
District: 8th Election
4th Councilmanic

Dear Mr. Haines:

The proposed variance to parking can be expected to add to the existing parking problems in the area.

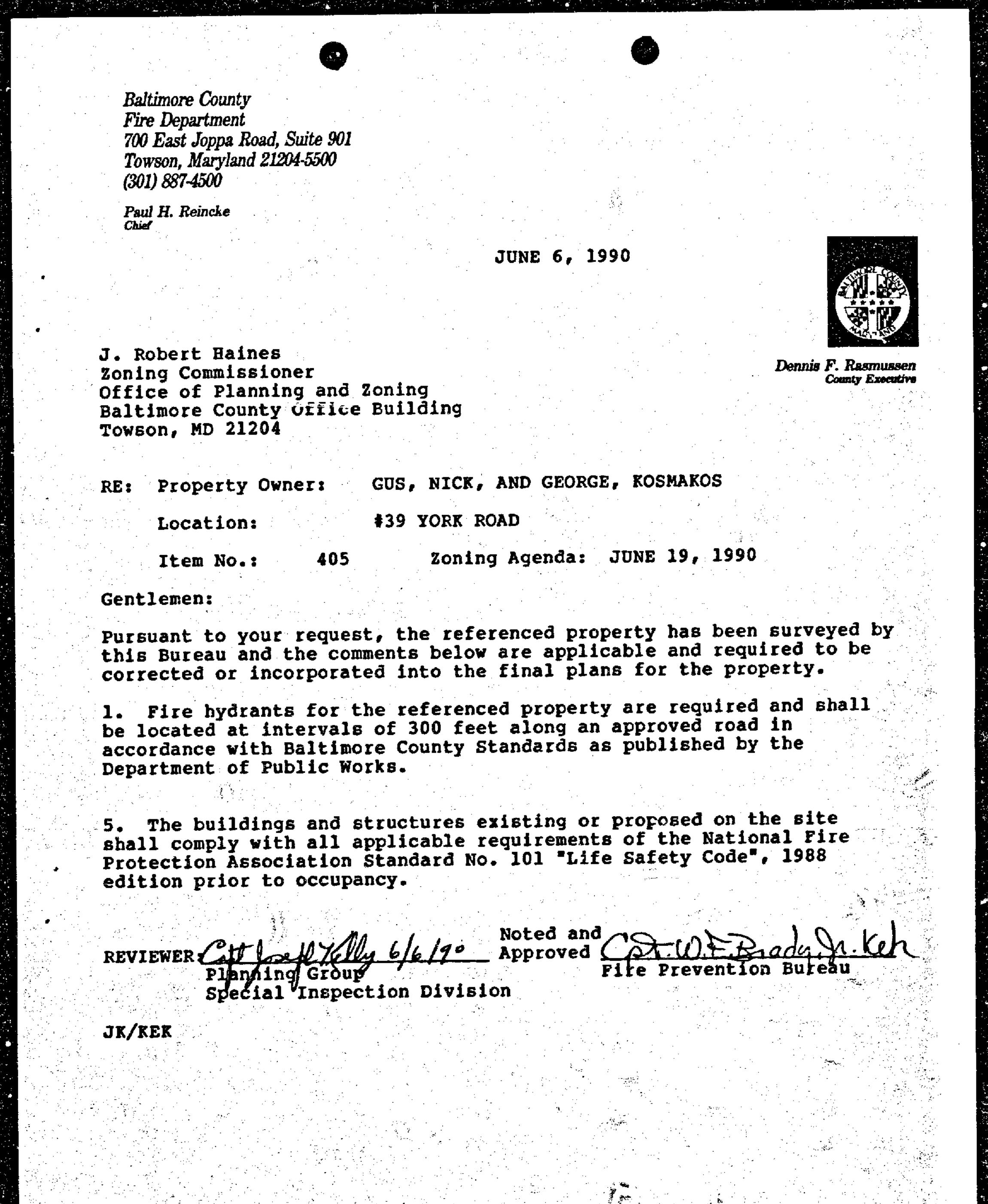
Access to this site must meet all State Highway Administration regulations.

Very truly yours,

Michael S. Flanigan

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw



Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

JUNE 6, 1990

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

RE: Property Owner: GUS, NICK, AND GEORGE, KOSMAKOS

Location: #39 YORK ROAD

Item No.: 405 Zoning Agenda: JUNE 19, 1990

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.

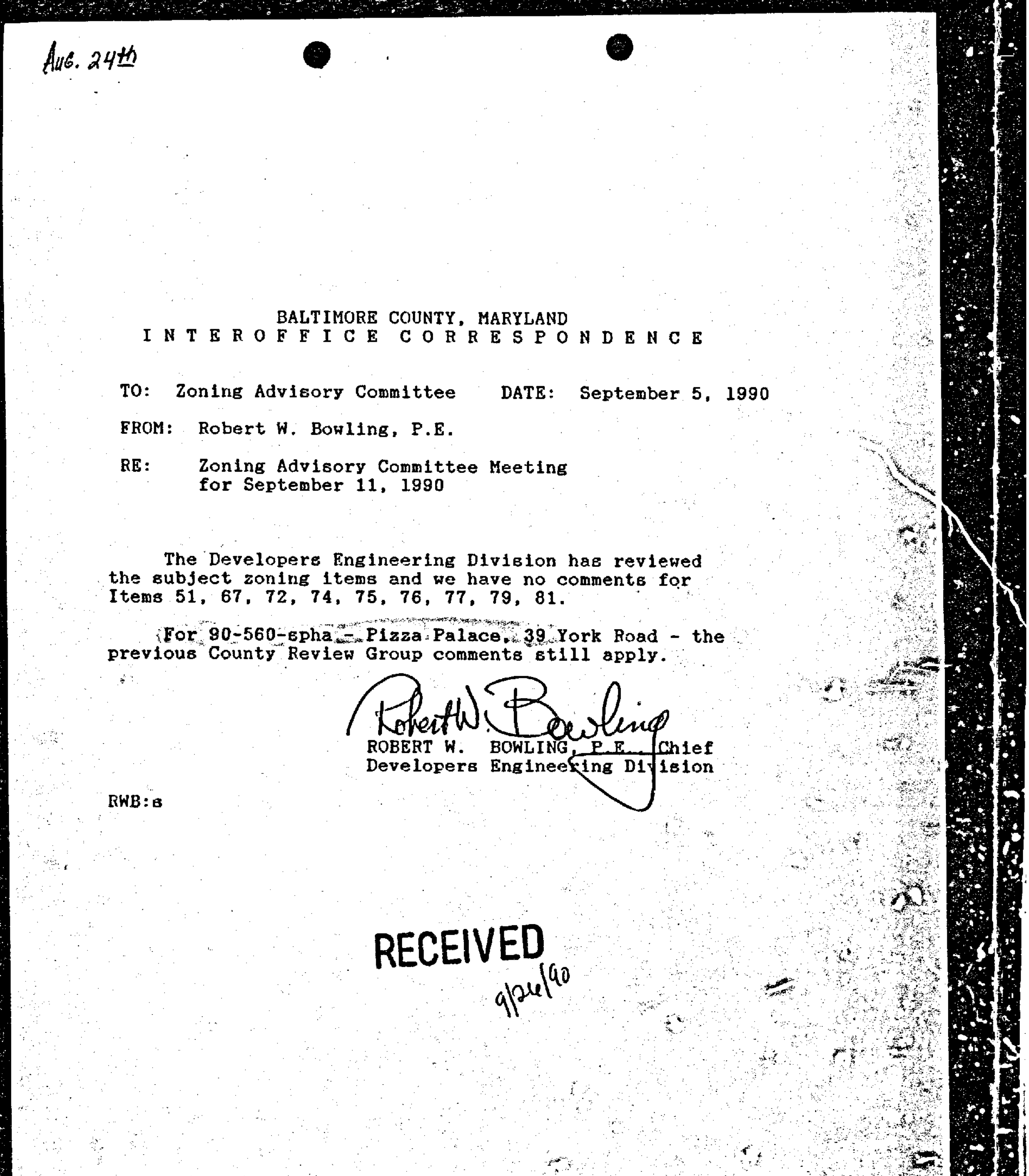
1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

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: Cpt Joseph Kelly 6/6/90
Planning Group
Special Inspection Division

Noted and Approved: Cpt. W. E. Brady Jr. Keh
Fire Prevention Bureau

JK/KEK



Aug. 24th

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 11, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 51, 67, 72, 74, 75, 76, 77, 79, 81.

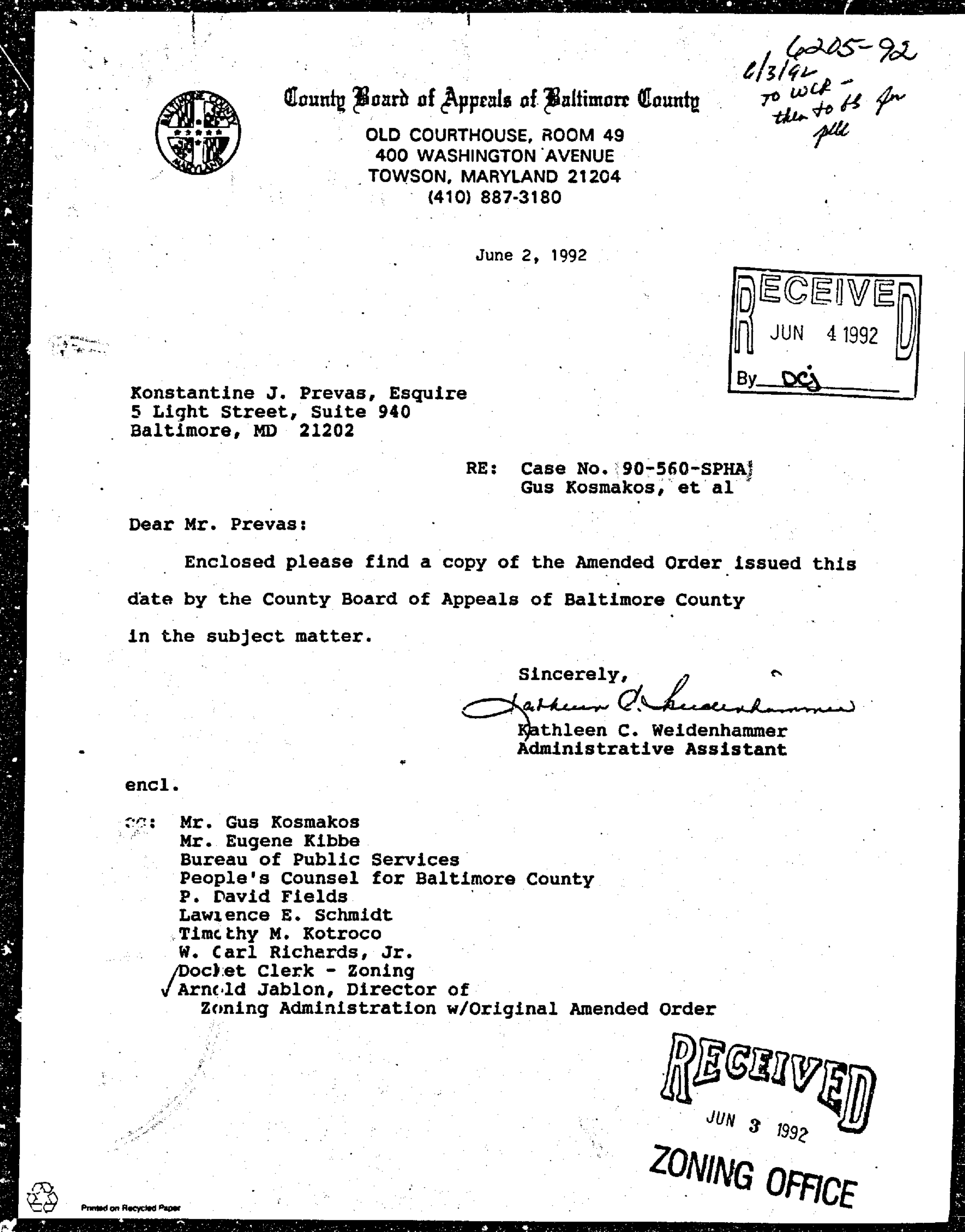
For 90-560-spha - Pizza Palace, 39 York Road - the previous County Review Group comments still apply.

Robert W. Bowling

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

RWB:s

RECEIVED
9/24/90



6205-92
6/3/92
to WCR – then to ES for file

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 2, 1992

RECEIVED
JUN 4 1992
By DCJ

Konstantine J. Prevas, Esquire
5 Light Street, Suite 940
Baltimore, MD 21202

RE: Case No. 90-560-SPHA
Gus Kosmakos, et al

Dear Mr. Prevas:

Enclosed please find a copy of the Amended Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

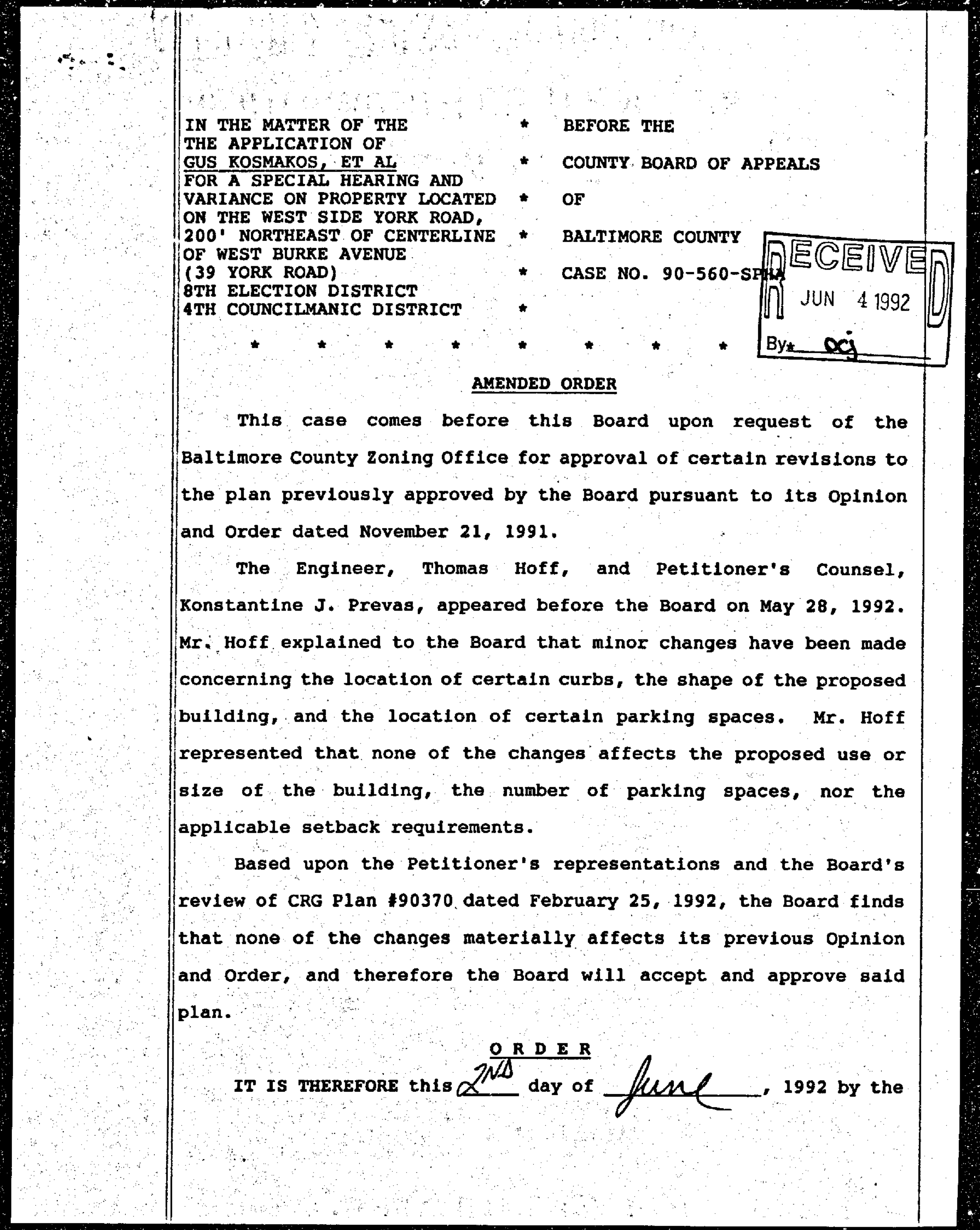
Sincerely,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Gus Kosmakos
Mr. Eugene Kibbe
Bureau of Public Services
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
✓Docket Clerk - Zoning
✓Arnold Jablon, Director of
Zoning Administration w/Original Amended Order

RECEIVED
JUN 3 1992
ZONING OFFICE

Printed on Recycled Paper



IN THE MATTER OF THE THE APPLICATION OF GUS KOSMAKOS, ET AL FOR A SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE YORK ROAD, 200' NORTHEAST OF CENTERLINE OF WEST BURKE AVENUE (39 YORK ROAD) 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-560-SPHA

RECEIVED
JUN 4 1992
By DCJ

* * * * * * * *

AMENDED ORDER

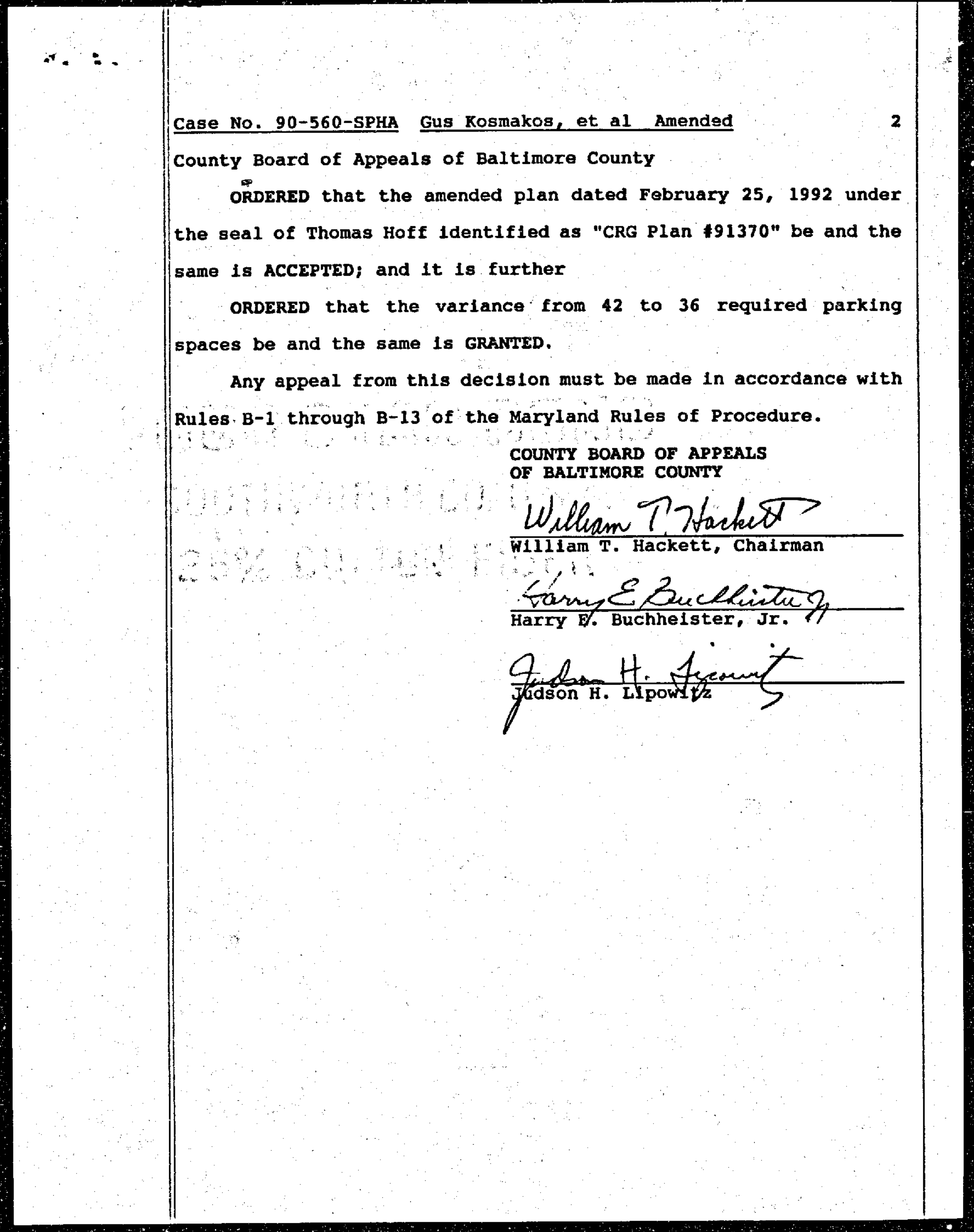
This case comes before this Board upon request of the Baltimore County Zoning Office for approval of certain revisions to the plan previously approved by the Board pursuant to its Opinion and Order dated November 21, 1991.

The Engineer, Thomas Hoff, and Petitioner's Counsel, Konstantine J. Prevas, appeared before the Board on May 28, 1992. Mr. Hoff explained to the Board that minor changes have been made concerning the location of certain curbs, the shape of the proposed building, and the location of certain parking spaces. Mr. Hoff represented that none of the changes affects the proposed use or size of the building, the number of parking spaces, nor the applicable setback requirements.

Based upon the Petitioner's representations and the Board's review of CRG Plan #90370 dated February 25, 1992, the Board finds that none of the changes materially affects its previous Opinion and Order, and therefore the Board will accept and approve said plan.

ORDER

IT IS THEREFORE this 2ND day of June, 1992 by the



County Board of Appeals of Baltimore County

ORDERED that the amended plan dated February 25, 1992 under the seal of Thomas Hoff identified as "CRG Plan #91370" be and the same is ACCEPTED; and it is further

ORDERED that the variance from 42 to 36 required parking spaces be and the same is GRANTED.

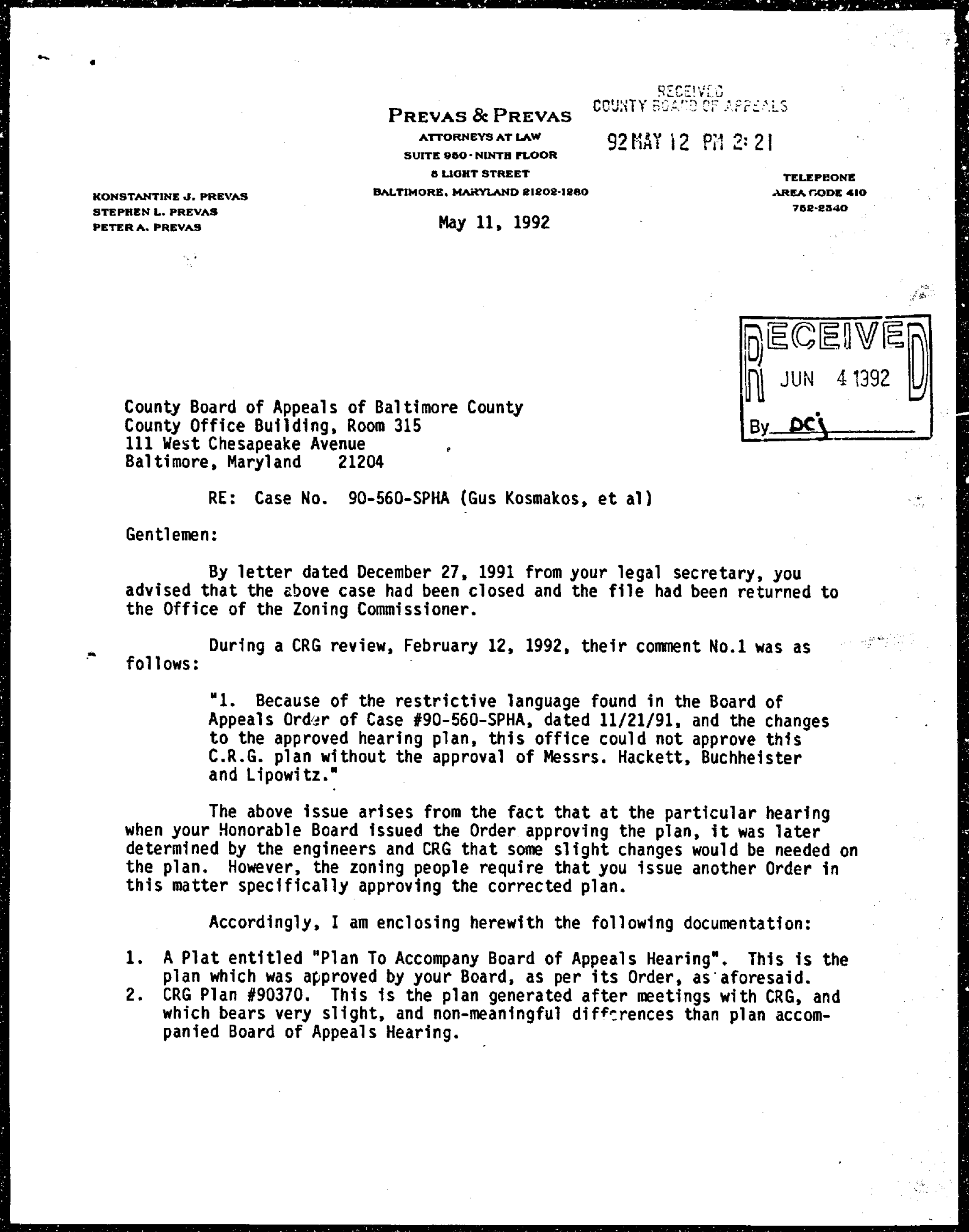
Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Judson H. Lipowitz
Judson H. Lipowitz



PREVAS & PREVAS
ATTORNEYS AT LAW
SUITE 950 - NINTH FLOOR
5 LIGHT STREET
BALTIMORE, MARYLAND 21202-1280

KONSTANTINE J. PREVAS
STEPHEN L. PREVAS
PETER A. PREVAS

TELEPHONE
AREA CODE 410
752-2540

RECEIVED
COUNTY BOARD OF APPEALS
92 MAY 12 PM 2:21

May 11, 1992

RECEIVED
JUN 4 1992
By DCJ

County Board of Appeals of Baltimore County
County Office Building, Room 315
111 West Chesapeake Avenue
Baltimore, Maryland 21204

RE: Case No. 90-560-SPHA (Gus Kosmakos, et al)

Gentlemen:

By letter dated December 27, 1991 from your legal secretary, you advised that the above case had been closed and the file had been returned to the Office of the Zoning Commissioner.

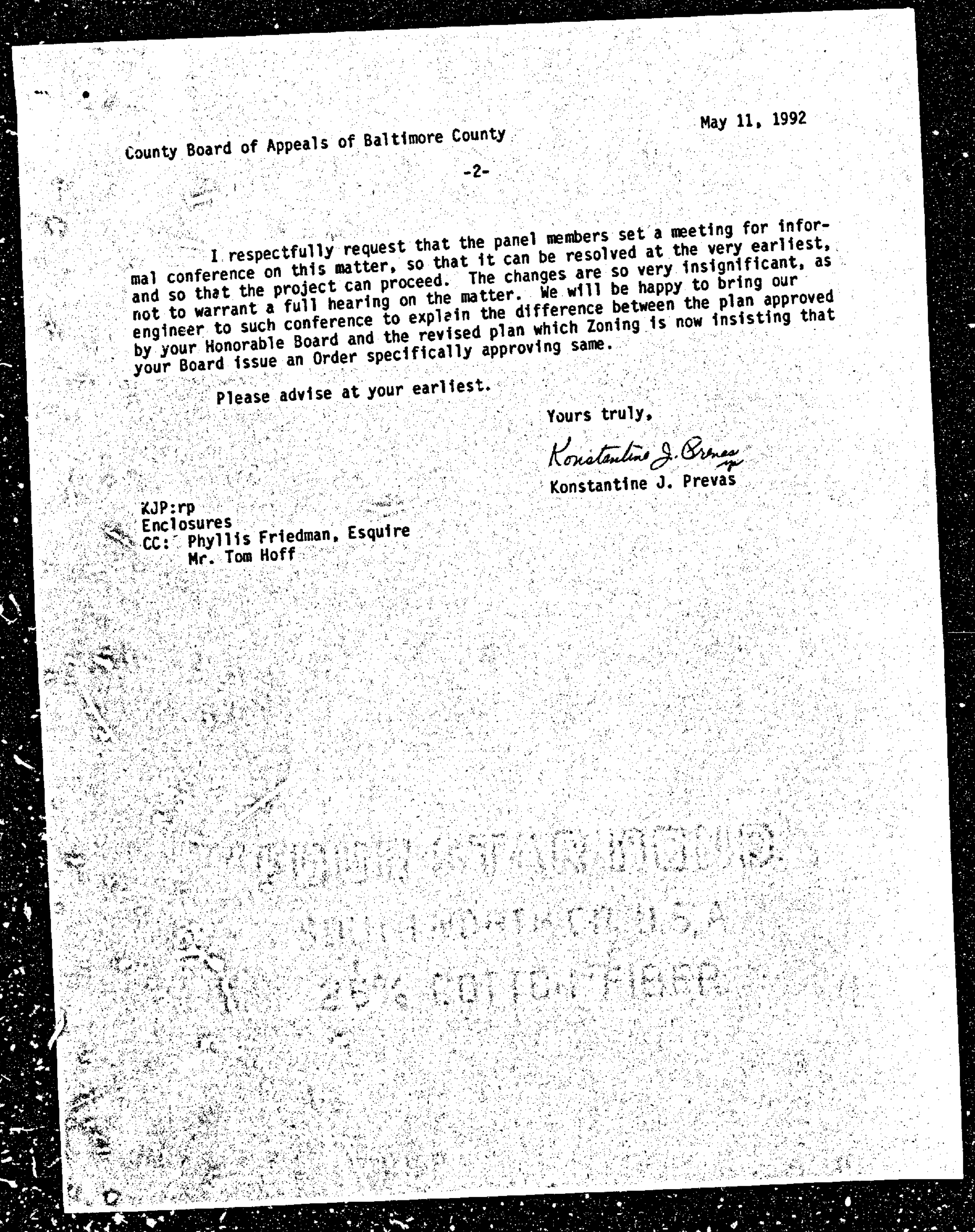
During a CRG review, February 12, 1992, their comment No.1 was as follows:

> "1. Because of the restrictive language found in the Board of Appeals Order of Case #90-560-SPHA, dated 11/21/91, and the changes to the approved hearing plan, this office could not approve this C.R.G. plan without the approval of Messrs. Hackett, Buchheister and Lipowitz."

The above issue arises from the fact that at the particular hearing when your Honorable Board issued the Order approving the plan, it was later determined by the engineers and CRG that some slight changes would be needed on the plan. However, the zoning people require that you issue another Order in this matter specifically approving the corrected plan.

Accordingly, I am enclosing herewith the following documentation:

1. A Plat entitled "Plan To Accompany Board of Appeals Hearing". This is the plan which was approved by your Board, as per its Order, as aforesaid.
2. CRG Plan #90370. This is the plan generated after meetings with CRG, and which bears very slight, and non-meaningful differences than plan accompanied Board of Appeals Hearing.

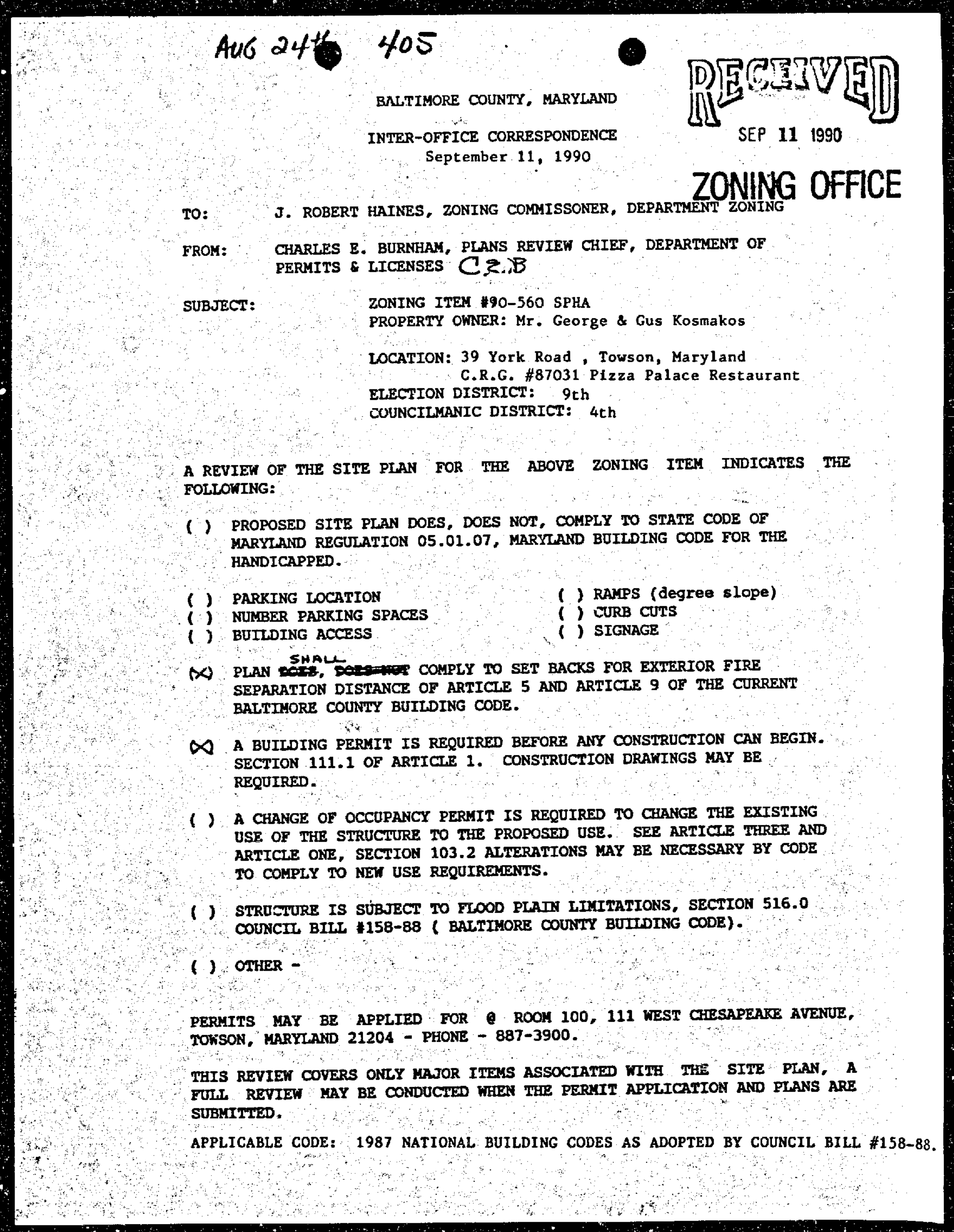


I respectfully request that the panel members set a meeting for informal conference on this matter, so that it can be resolved at the very earliest, and so that the project can proceed. The changes are so very insignificant, as not to warrant a full hearing on the matter. We will be happy to bring our engineer to such conference to explain the difference between the plan approved by your Honorable Board and the revised plan which Zoning is now insisting that your Board issue an Order specifically approving same.

Please advise at your earliest.

Yours truly,
Konstantine J. Prevas
Konstantine J. Prevas

KJP:rp
Enclosures
CC: Phyllis Friedman, Esquire
Mr. Tom Hoff



AUG 24th 405

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
September 11, 1990

RECEIVED
SEP 11 1990
ZONING OFFICE

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

SUBJECT: ZONING ITEM #90-560 SPHA
PROPERTY OWNER: Mr. George & Gus Kosmakos

LOCATION: 39 York Road , Towson, Maryland
C.R.G. #87031 Pizza Palace Restaurant
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION
( ) NUMBER PARKING SPACES
( ) BUILDING ACCESS
( ) RAMPS (degree slope)
( ) CURB CUTS
( ) SIGNAGE

(X) PLAN ~~DOES~~, ~~DOES NOT~~ SHALL COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

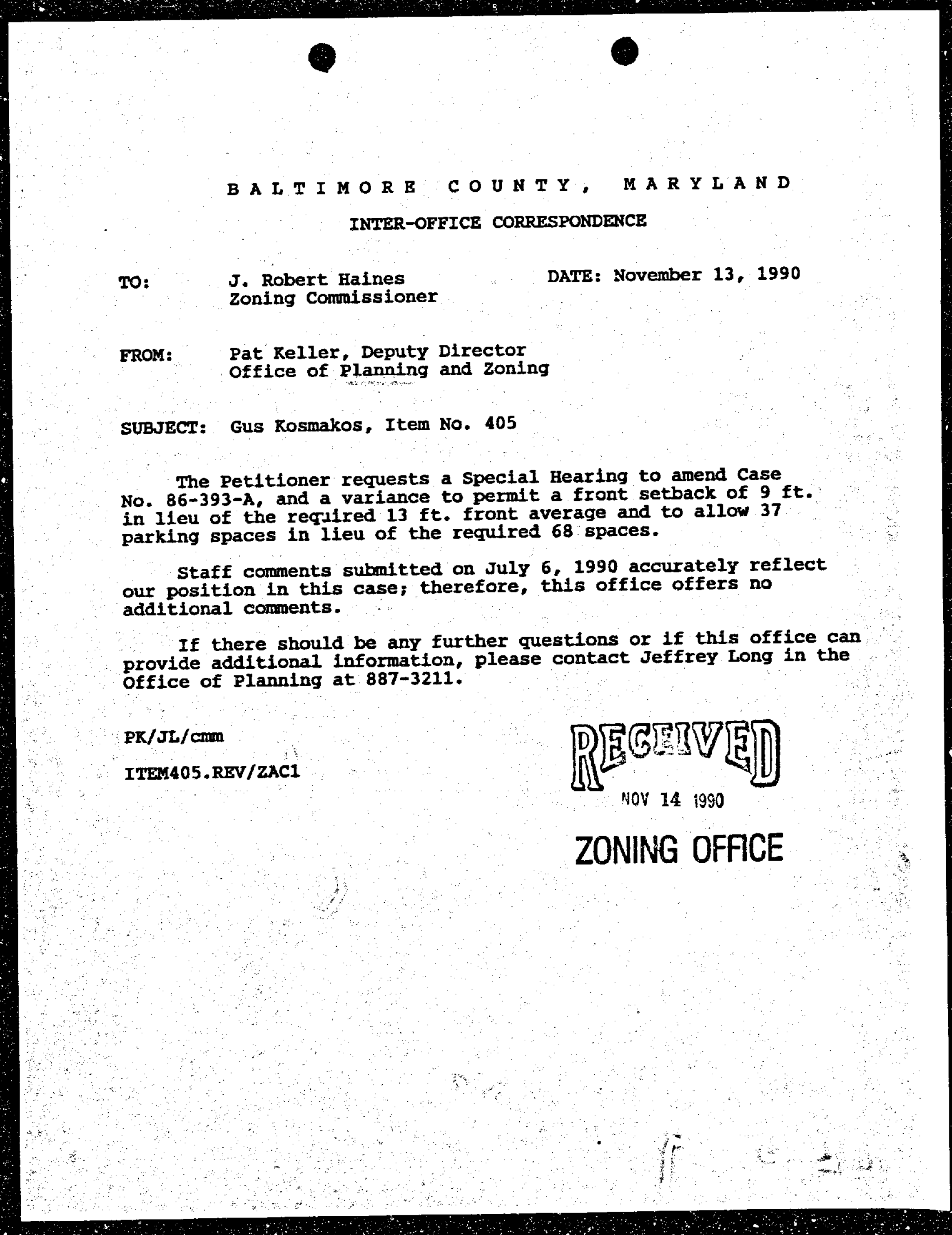
( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: November 13, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Gus Kosmakos, Item No. 405

The Petitioner requests a Special Hearing to amend Case No. 86-393-A, and a variance to permit a front setback of 9 ft. in lieu of the required 13 ft. front average and to allow 37 parking spaces in lieu of the required 68 spaces.

Staff comments submitted on July 6, 1990 accurately reflect our position in this case; therefore, this office offers no additional comments.

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

ITEM405.REV/ZAC1

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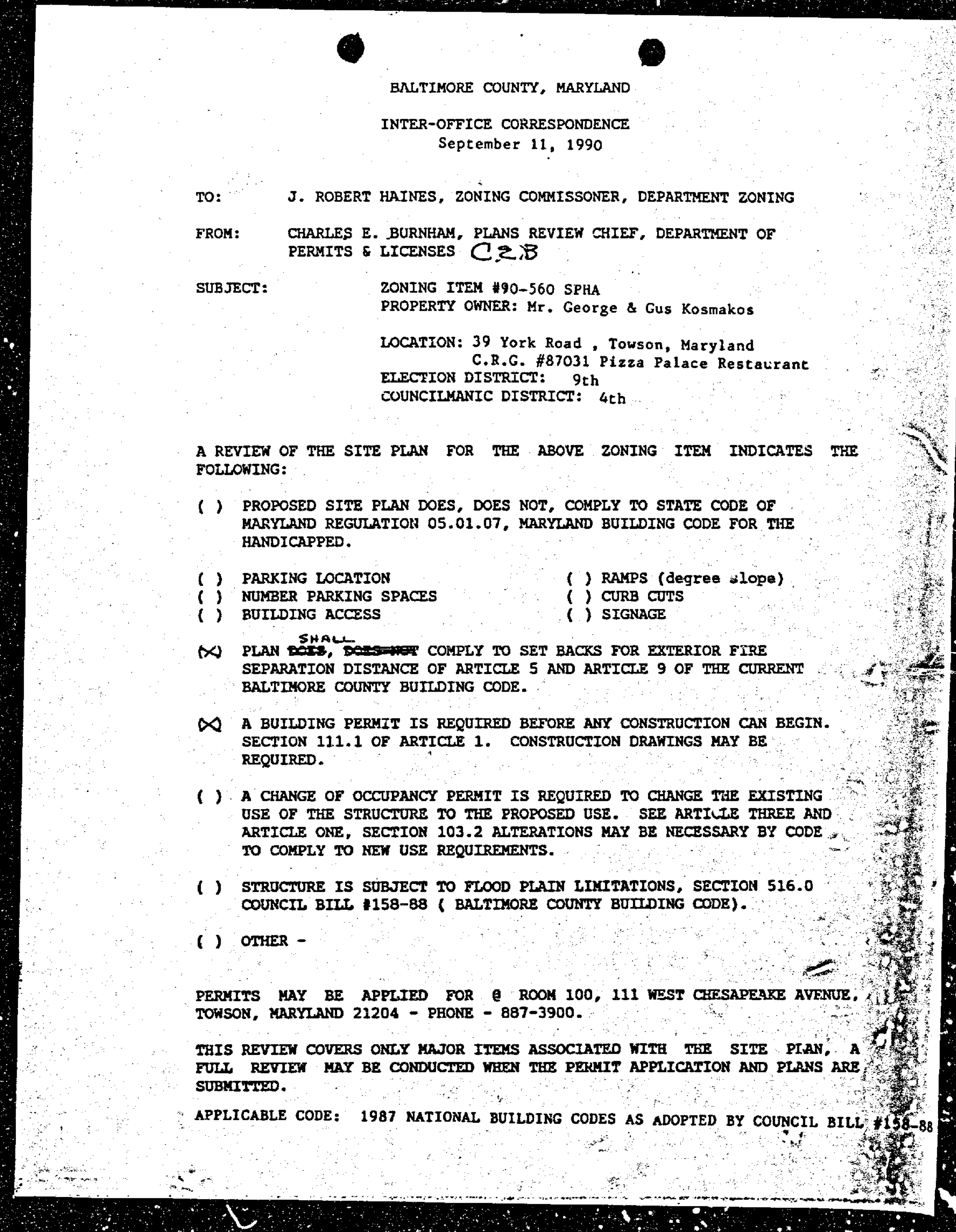
NOV 14 1990
ZONING OFFICE



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
September 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

SUBJECT: ZONING ITEM #90-560 SPHA
PROPERTY OWNER: Mr. George & Gus Kosmakos

LOCATION: 39 York Road , Towson, Maryland
C.R.G. #87031 Pizza Palace Restaurant
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION
( ) NUMBER PARKING SPACES
( ) BUILDING ACCESS
( ) RAMPS (degree slope)
( ) CURB CUTS
( ) SIGNAGE

(X) PLAN ~~DOES~~, ~~DOES NOT~~ SHALL COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

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( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

HOFF & ANTONUCCI, INC.
Landscape Architects
P.O. Box 27402
TOWSON, MARYLAND 21285-7402

(301) 628-9225

LETTER OF TRANSMITTAL

DATE OCT. 2 91 JOB NO 156-01
ATTENTION
RE: PIZZA PALACE
39 YORK RD
CASE # 90-560-SPHA.

TO BOARD OF APPEALS
Baltimore Co
TOWSON, MD.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via __________ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ __________

COPIES	DATE	NO.	DESCRIPTION
3	10/1	S-1	Plan to Accompany Board of Appeals Hearing

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints
☐ For review and comment ☐ __________
☐ FOR BIDS DUE ________ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS __________

RECEIVED
COUNTY BOARD OF APPEALS
91 OCT -2 PM 12:

COPY TO __________

SIGNED:

PRODUCT 240-3 NEBS Inc., Groton, Mass. 01471. If enclosures are not as noted, kindly notify us at once.

The Towson Manor Association, Inc.
P.O. Box 20143 • Towson, Maryland 21284-0143

RECEIVED
AUG 29 1990
ZONING OFFICE

August 27, 1990

Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

To Whom It May Concern:

Please notify me when the Zoning Hearing #90-560FPH, Pizza Palace (Kosmakos Property) is re-scheduled. Our Association would like to make a statement at the hearing. Thank you.

Very truly yours,

Joyce B Routson
Joyce B. Routson
President
Phone: 377-6900

Prevas & Prevas
5 Light St.
Balto., MD. 21202
301 752 2340

RECEIVED
AUG 21 1990
ZONING OFFICE

Ms. Anne Nastarowicz
Deputy Zoning Commissioner
County Office Building
Towson, MD. 21204

Re: Case No. 90-560-SPHA
Pizza Palace

Dear Ms. Nastarowicz:

This is to request a postponement of the zoning hearing in this matter which was previously scheduled for Aug 24, 1990.

Attached hereto please find:

1. Requisite number of site plans (12)
2. One elevation sheet
3. Check in the amount of $75.00 for the filing fee.

Please give this matter your earliest attention. Thank you.

Yours Truly
KJP
K.J. Prevas

8/22/90
Postponement Granted
Put notice on sign
Additional Cost Assessed to Petitioner
AMN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Joyce Routson	142 Marburth Ave. 21204
Betty Kaze	61 Burkshire Rd. 21204
[illegible]	12 York Rd 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Gus Koswakos	9811 York Rd. Luth. 21090
K.J. Prevas	5 Light St. 21202
Cicero Brown	1008 Hart Rd 21204
Gene Raphel	205 Courtland Ave 21204

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

April 8, 1986

Dear Sir:

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

Carol Q. Lynch
Secretary

Michele Zalinchak
President

PROTESTANT'S
EXHIBIT 1

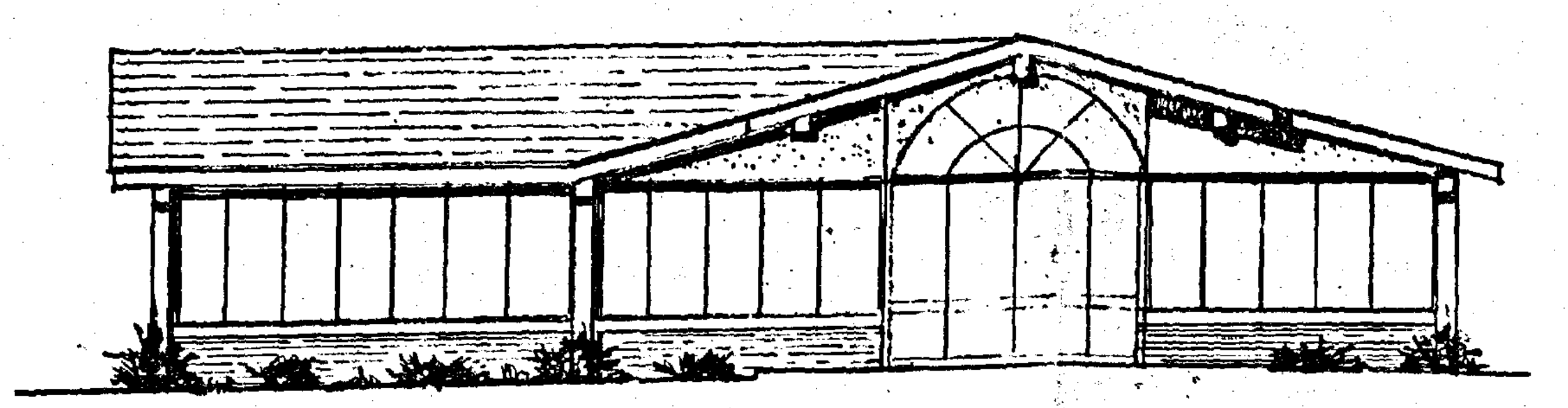
MICROFILMED

CERTIFICATE OF POSTING

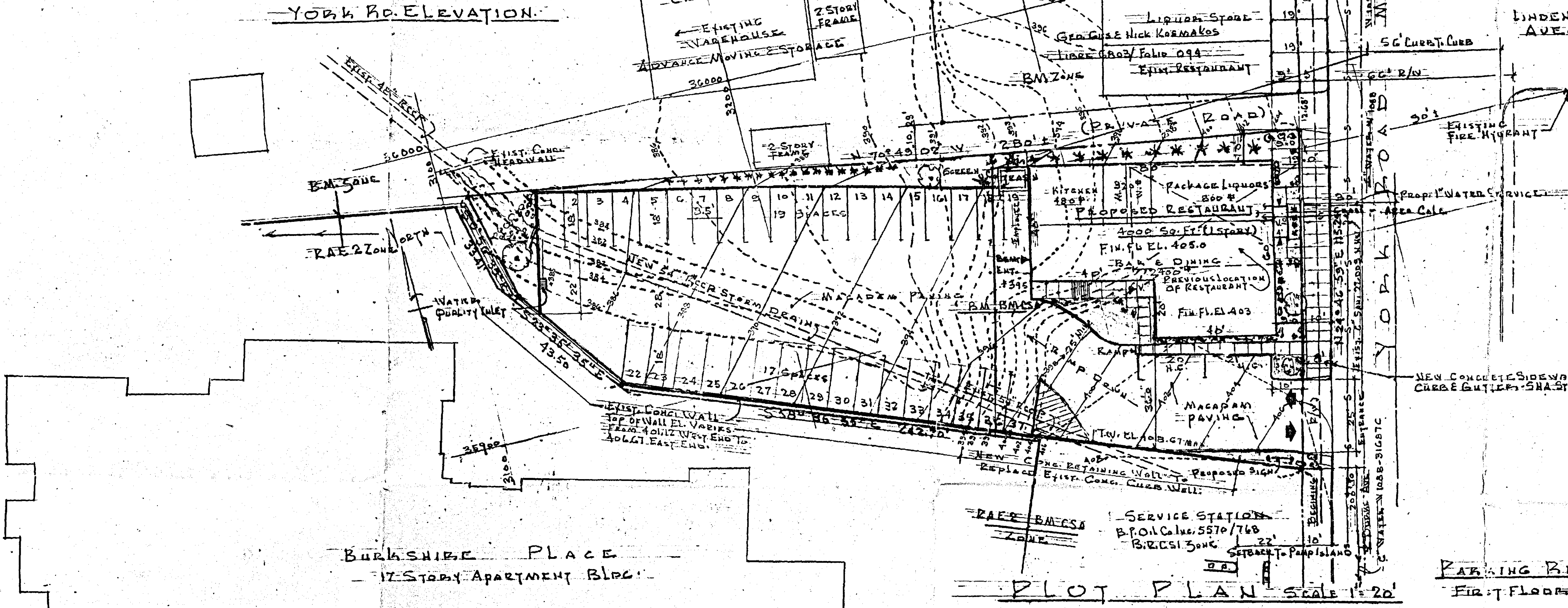
90-560-SPHA

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting February 5, 1991.
Posted for: Appeal
Petitioner: Gus Kosmakos, Et al
Location of property: W/S York Road, 200' NE of c/L of W. Burke Avenue (39 York Road)
Location of Signs: West side of York Road in front of subject property
Remarks:
Posted by S. J. Arata (Signature) Date of return: February 8, 1991.
Number of Signs: 1



YORK RD. ELEVATION



JAMES P. REILY ESQ.
C.W.O. 27-1615-522
EXISTING WAREHOUSE
ADVANCE MOVING & STORAGE
2 STORY FRAME
2 STORY FRAME
36000
3200
LIQUOR STORE
GEO. GUS & NICK KOSMAKOS
LIBRE 6803/ FOLIO 094
EXIST. RESTAURANT
BM ZONE
(PRIVATE ROAD)
N 70°49'02" W 280'±
SCREEN
TRASH
KITCHEN 480#
PACKAGE LIQUORS 800#
PROPOSED RESTAURANT
4000 SQ. FT. (1 STORY)
FIN. FL. EL. 405.0
BAR & DINING 2400#
PREVIOUS LOCATION OF RESTAURANT
FIN. FL. EL. 403
19 SPACES
17 SPACES
NEW 54" RCCP STORM DRAIN
MACADAM PAVING
MACADAM PAVING
BM. BMCSA
RAMP
BM ZONE
RAE 2 ZONE
NORTH
EXIST. 48" RCCP
EXIST. CONC. HEADWALL
WATER QUALITY INLET
EXIST. CONC. WALL TOP OF WALL EL. VARIES FROM 401.12 WEST END TO 406.67 EAST END
S 38° 36' 35" E 242.70'
NEW CONC. RETAINING WALL TO REPLACE EXIST. CONC. CURB WALL
PROPOSED SIGN
SERVICE STATION B.P. OIL CO. INC. 5570/768 B.R. CSI ZONE
RAE 2 BM CSA ZONE
22' 10' SETBACK TO PUMP ISLANDS
BEGINNING
ENTRANCE
N 24° 46' 59" E 115.24'
YORK ROAD
W 108 B-316 B7C
MD. 45
56' CURB TO CURB
66' R/W
EXISTING FIRE HYDRANT
PROP. 1" WATER SERVICE
AREA CALC.
NEW CONCRETE SIDEWALK CURB & GUTTER SHA STD.
LINDEN AVE.
BURKSHIRE PLACE
17 STORY APARTMENT BLDG.

PLOT PLAN SCALE 1" = 20'

GENERAL DATA

AREA OF PROPERTY 0.54 ACRE±	23.522 S.F.
ADJ. R/W (116.24 × 30)	3.457 S.F.
ADJUSTED GROSS	26.979 S.F.
BUILDING AREA (FIRST FL. & BASEMENT	8.000 S.F.
AMENITY OPEN SPACE	3.490 S.F.
FLOOR AREA RATIO 8.000/26979 S.F. =	.296

SOIL TYPE - G UB (SEE CHART BELOW)
ESTIMATED A.D.T. REST. BAR G.A. 2400/1664.1 = 394 TRIPS.
DEED REFERENCE NO. LIBRE 5606 FOLIO 968 & LIBRE 6266 FOLIO 198
TAX ACCOUNT NO. 09-19-511-590-854 (FRONT). 09-15-511-591-862 (REAR)

ELECTION DIST. 9
COUNCILMANIC DIST. 4.
CENSUS TRACT 4907.02
WATERSHED & SUBSEWER SHED 23 55

SOIL SERIES & MAP SYMBOLS.	HOMESITES (3 STORIES OR LESS) WITH BASEMENTS	STREETS & PARKING LOTS
GLENVILLE GUB	SEVERE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE

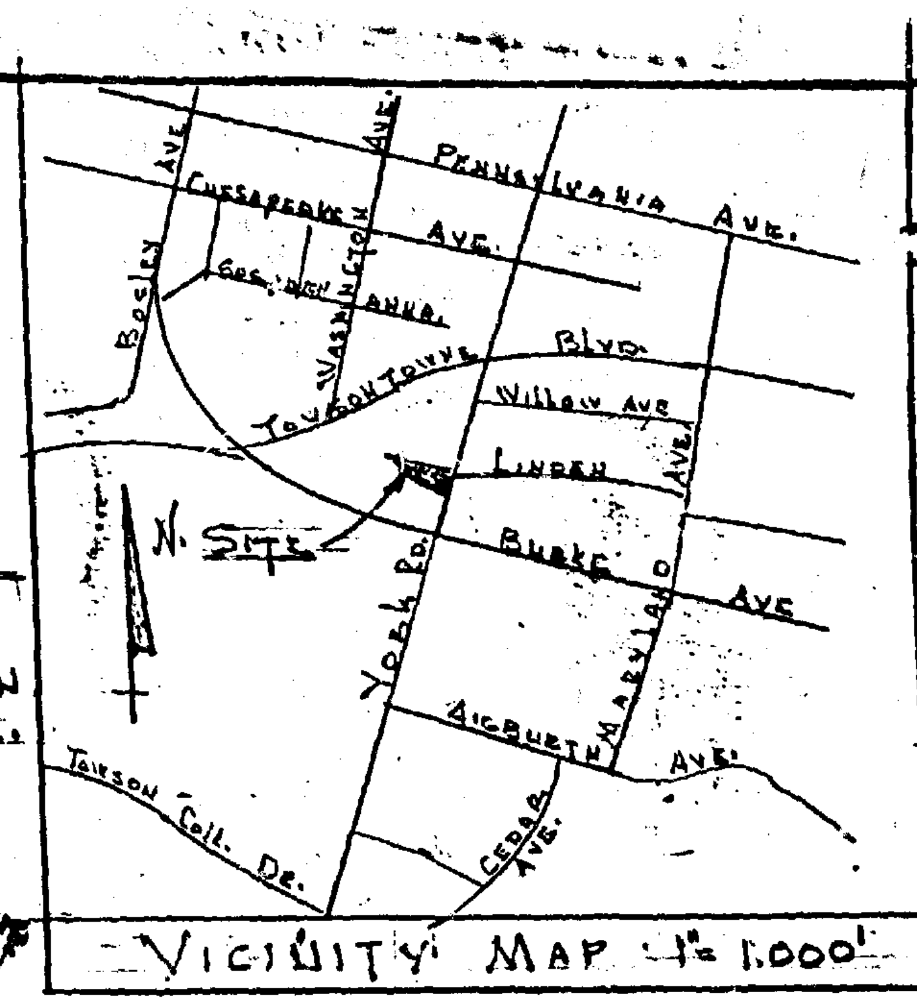
ZONING VARIANCES
CASE NO. 86-393-A

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of August, 1986, that the Petition for Zoning Variances to permit a front yard setback of 4 feet instead of the required average of 12 feet a side yard setback of 2 feet instead of the required 30 feet, side yard setbacks of 1 foot and zero feet instead of the required 30 feet for the parking deck, 67 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

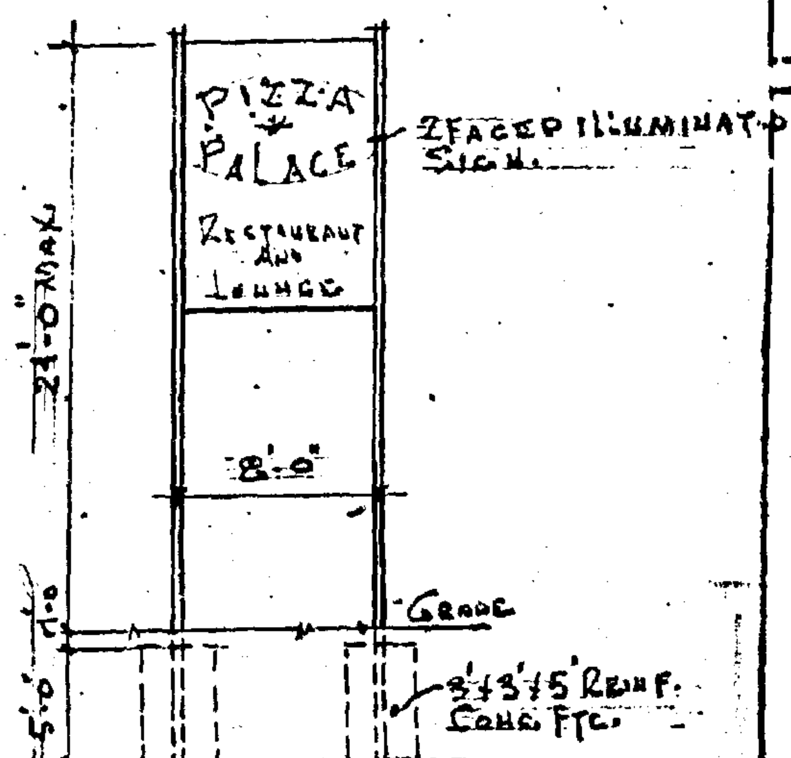
2. County Review Group approval must be obtained.

Zoning Commissioner of
Baltimore County



PENNSYLVANIA AVE.
CHESAPEAKE AVE.
WASHINGTON AVE.
BOSLEY AVE.
TOWSONTOWN BLVD.
WILLOW AVE.
LINDEN
BURKE AVE.
YORK RD.
AIGBURTH AVE.
CEDAR AVE.
TOWSON COLL. DR.
N.
SITE

VICINITY MAP 1" = 1,000'



PIZZA PALACE
RESTAURANT AND LOUNGE
2 FACED ILLUMINATED SIGN
24'-0" MAX.
8'-0"
5'-0"
GRADE
3'×3'×5' REINF. CONC. FTG.

PROPOSED SIGN
SIGN TO BE TWO FACED ILLUMINATED, 100 S.F. MAX. IN SIZE

PARKING REQUIREMENTS.

FIRST FLOOR - PACKAGE LIQUORS
800 SQ. FT./200 = 4 SPACES.
BAR, RESTAURANT, KITCHEN & TOILET RMS: 3200 S.F./50 = 64 SPACES.
BASEMENT - STORAGE. 0 SPACES REQD.
TOTAL SPACES REQD. 68 SPACES.
SPACES PROVIDED. 37 "
VARIANCE REQUIRED 31 SPACES.

PARKING AREA, ENTRANCE & TRAFFIC AISLES ARE TO BE MACADAM PAVED & PERMANENTLY STRIPED FOR PARKING SPACES.

FRONT YARD SETBACK		
LOCATION	CURB LINE	PROPERTY LINE.
CROWN GAS.	32 FEET	22 FEET
PIZZA REST.	19 "	9 "
P.G. LIQUORS	19 "	9 "
AVERAGE	23 "	13 "

CURRENT PLANNING CRG # IX-495

C.R.G. # 87031 PIZZA PALACE RESTAURANT
39 YORK RD. TOWSON, MD.
MR. GEORGE & GUS KOSMAKOS - OWNER 666-5444.

90-560-SPHA

REVISED PLANS
RECEIVED AUG 21 1990

PETITIONER'S EXHIBIT 1

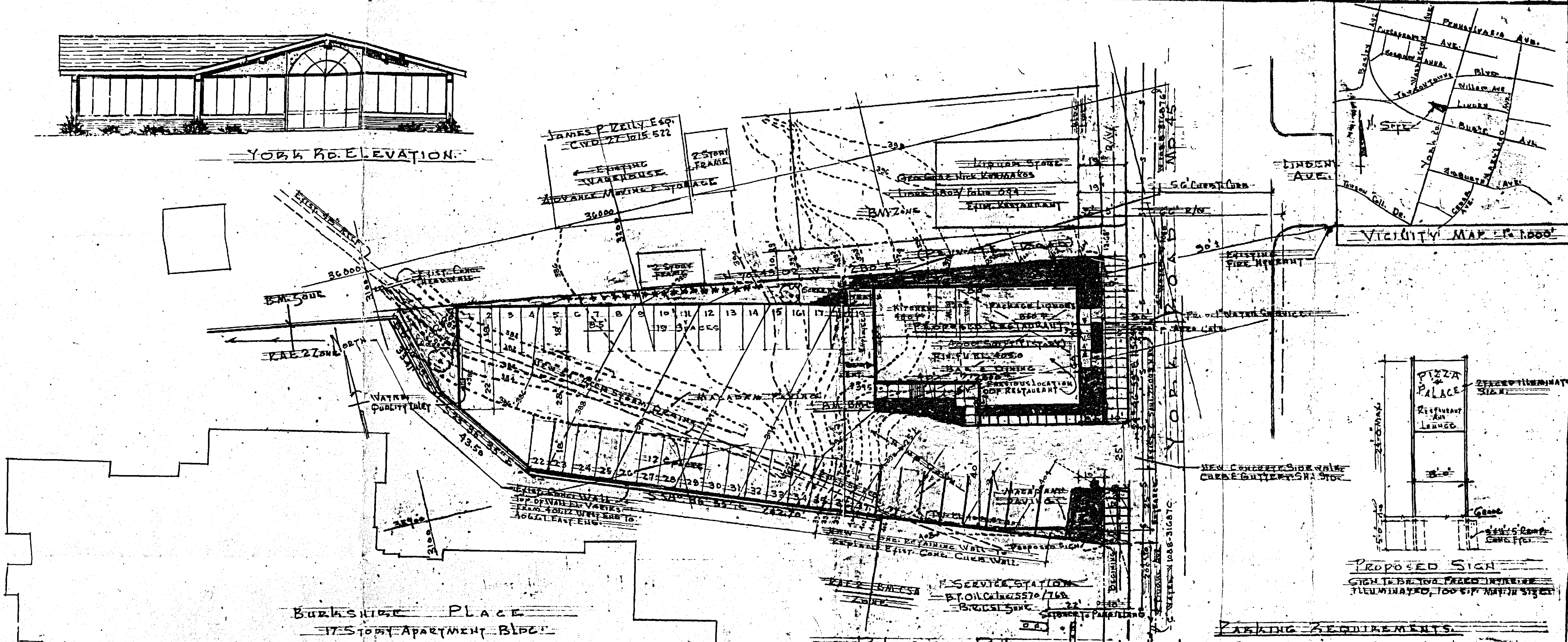
PROTESTANT'S EXHIBIT

PROJ. NO. 8401
DATE - 3-6-90
SCALE - 1" = 20'
LAST REV. 8-20-90
DRAWING
P P-1a
OF 1 SHEET

Cicero H. Brown

CICERO H. BROWN
ARCHITECT
1008 HART RD. TOWSON, MD.
825-1319

PROPOSED
PIZZA PALACE RESTAURANT
39 YORK RD. TOWSON, MD.
MR. GEORGE KOSMAKOS - OWNER
666-5444


York Rd. Elevation.
James P. Reily Esq.
CWD 27-1015-522
Existing Warehouse
Advance Moving & Storage
2 Story Frame
Liquor Store
George & Nick Kosmakos
Libre 6809 / Folio 094
Exist. Restaurant
BM Zone
B.M. Zone
RAE 2 Zone
North
Water Quality Inlet
19 Spaces
12 Spaces
New Storm Drain
Macadam Paving
Kitchen
Package Liquors
Proposed Restaurant
4000 Sq. Ft. (1 Story)
Bar & Dining
Previous Location of Restaurant
Burkshire Place
17 Story Apartment Bldg.
New Conc. Retaining Wall to Replace Exist. Conc. Curb Wall.
Proposed Sign
RAE 2 BM CSA Zone
F. Service Station
B.T. Oil Co. Inc. 5570/768
B.R. CSI Zone
Setback to Parking
Beginning
York Road
MD 45
R/W
56' Curb to Curb
66' R/W
Linden Ave.
Existing Fire Hydrant
New Concrete Sidewalk Curb & Gutter Sha. Std.
Pennsylvania Ave.
Chesapeake Ave.
Washington Ave.
Bosley Ave.
Towsontown Blvd.
Willow Ave.
Linden
Burke Ave.
Maryland Ave.
York Rd.
Towson Cll. Dr.
Cedar Ave.
Allegheny Ave.
N. Site
Vicinity Map 1" = 1000'
Pizza Palace
Restaurant and Lounge
2 Faced Illuminated Sign.
24'-0" Max.
Grade
Proposed Sign
Sign to be two faced interior illuminated, 100 S.F. Max. in Steel

PLOT PLAN SCALE 1" = 20'

ZONING VARIANCES

CASE No. 86-393-A

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of August, 1986, that the Petition for Zoning Variances to permit a front yard setback of 4 feet instead of the required average of 12 feet a side yard setback of 8 feet instead of the required 30 feet, side yard setbacks of 1 foot and zero feet instead of the required 30 feet for the parking deck, 67 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

2. County Review Group approval must be obtained.

Zoning Commissioner of
Baltimore County

GENERAL DATA.

Area of Property 0.54 Acre± — 23,522 S.F.
Adj. R/W (115.24 / 30) — 3,457 S.F.
Adjusted Gross — 26,979 S.F.
Building Area (First Fl. & Basement) — 8,000 S.F.
Amenity Open Space — 3,450 S.F.
Floor Area Ratio 8,000/26,979 S.F. = .296
Soil Type - GnB (See Chart Below)
Estimated A.D.T. Rest. Bar C.D. 2400 / 164.4 = 394 Trips
Deed Reference No. Libre 5606 Folio 968 & Libre 6266 Folio 198
Tax Account No. 09-19-511-590-854 (Front), 09-19-511-591-862 (Rear)
Election Dist. 9
Councilmanic Dist. 4
Census Tract 4907.02
Watershed & Subsewer Shed 23 55

Soil Series & Map Symbols	Homesites (3 Stories or Less) With Basements	Streets & Parking Lots
Glenville GnB	Severe - High Water Table	Severe - High Water Table

PARKING REQUIREMENTS.

First Floor - Package Liquors
800 Sq. Ft. / 200 = 4 Spaces.
Bar, Restaurant, Kitchen & Toilet Rms. 2800 S.F. / 50 = 56 Spaces.
Basement - Storage. 0 Spaces Reqd.
Total Spaces Reqd. 60 Spaces.
Spaces Provided. 43 ".
Variance Required 17 Spaces.

Parking Area, Entrance & Traffic Aisles Are To Be Macadam Paved & Permanently Striped For Parking Spaces.

Variance Reqd 17 Spaces.

Front Yard Setback		
Location	Curb Line	Property Line
Crown Gas	32 Feet	27 Feet
Pizza Rest.	19 "	9 "
Pkg. Liquors	19 "	9 "
Average	23 "	13 "

Current Planning CRG # IX-495

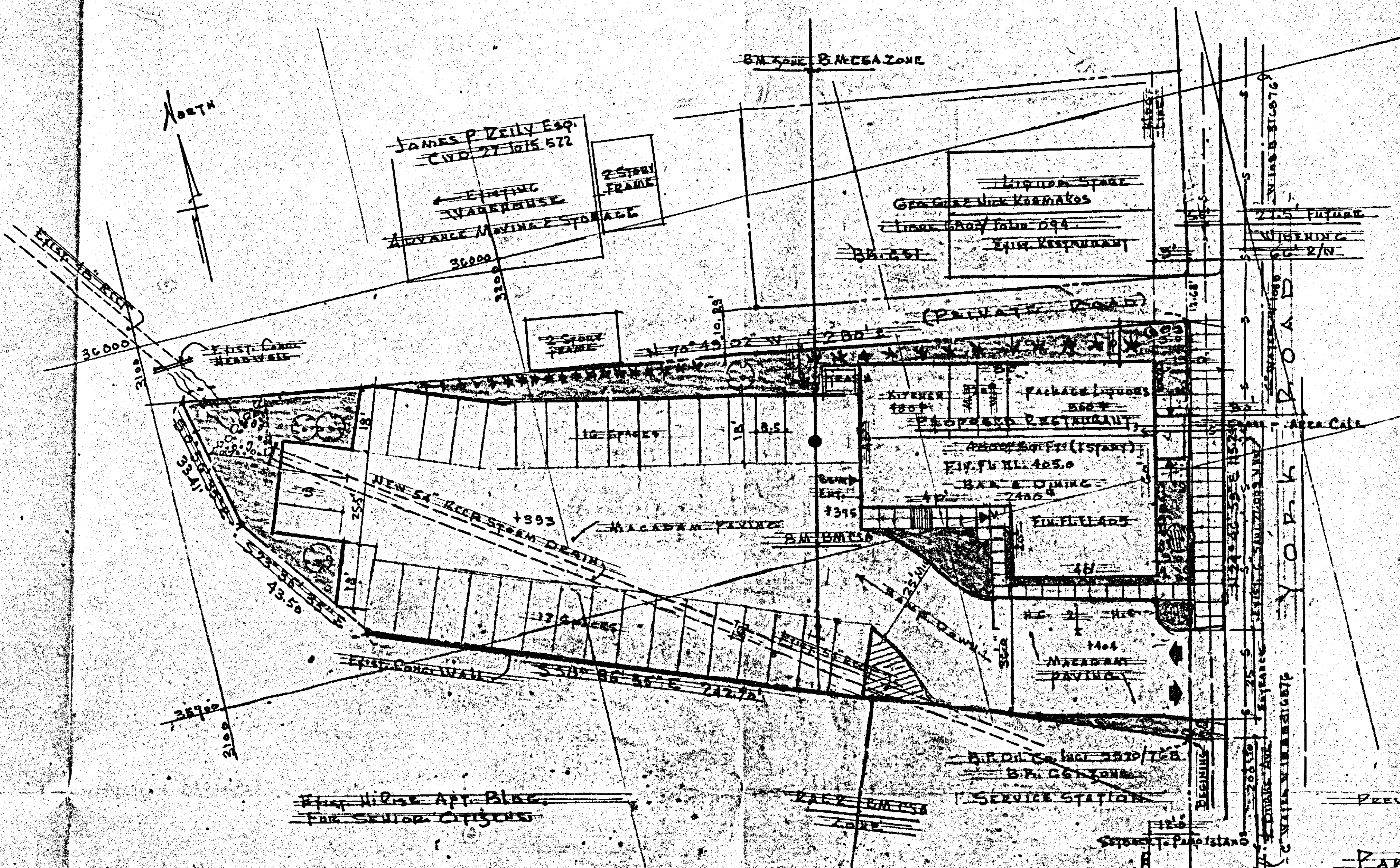
C.R.G. # 87031 Pizza Palace Restaurant
39 York Rd. Towson, Md.
Mr. George & Gus Kosmakos - Owner 666-5493

Cicero H. Brown
Architect
1008 Hart Rd. Towson Md.
825-1319

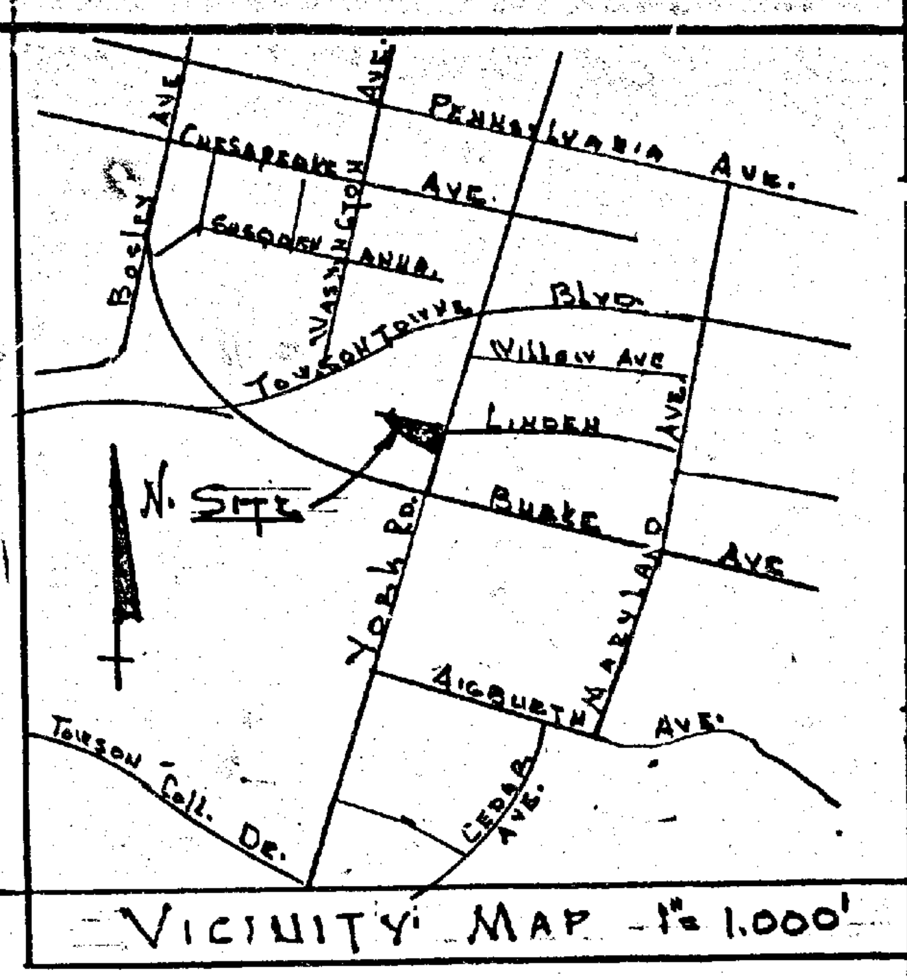
Proposed
Pizza Palace Restaurant
39 York Rd. Towson, Md.
Mr. George & Gus Kosmakos - Owner

Proj. No. 8401
Date - 3-6-90
Scale - 1" = 20'
Last Rev. 8-20-90
Drawing
P.P.-1a
Of 1 Sheet

PETITIONER'S
EXHIBIT 3


North
James P. Reily Esq.
CVD 27 Folio 572
Existing Warehouse
Advance Moving & Storage
2 Story Frame
36000
3100
BM Zone B.M.CSA Zone
Liquor Store
Geo. Gus & Nick Kosmakos
Libre 6804 Folio 094
Exist. Restaurant
B.R.-CSI
27.5' Future Widening
66' R/W
(Private Road)
N 70°43'02" W 280'
Exist. 48" RCCP
Exist. Conc. Headwall
2 Story Frame
16 Spaces
18'
8.5
New 54" RCCP Storm Drain
+393
Macadam Paving
BM BMCSA
Bsmt. Ent.
+395
Kitchen 180
Package Liquors 800
Proposed Restaurant
4000 Sq. Ft. (1 Story)
Fin. Fl. El. 405.0
Bar & Dining 2400
Fin. Fl. El. 405
Ramp Down
H.C. 2 H.C.
+404
Macadam Paving
12 Spaces
Exist. Conc. Wall
S 70°36'56" E 242.70'
35900
3100
Area Calc.
York Road
B.P. Oil Co. Inc. 5570/768
B.R. CSI Zone
Service Station
Rail 2 BMCSA Zone
Beginning
Setback to Pump Island
Exist. Hi-Rise Apt. Bldg. For Senior Citizens

PLOT PLAN SCALE 1"=20'


Pennsylvania Ave.
Chesapeake Ave.
Washington Ave.
Bosley Ave.
Susquehanna Ave.
Towsontowne Blvd.
Willow Ave
Linden Ave.
N.
Site
Burke Ave.
York Rd.
Maryland Ave.
Aigburth Ave.
Towson Coll. Dr.
Cedar Ave.

VICINITY MAP 1"=1,000'

CICERO H. BROWN, JR.
ARCHITECT
1006 HART ROAD
TOWSON, MARYLAND 21204

PROPOSED
PIZZA PALACE RESTAURANT
39 York Rd. Towson, MD.
Mr. George Kosmakos: Owner

PREVIOUS ZONING HEARING - CASE No. 86-393-A

PARKING REQUIREMENTS.

FIRST FLOOR - PACKAGE LIQUORS
800 SQ. FT./200 = 4 SPACES.
BAR, RESTAURANT, KITCHEN & TOILET RMS. 3200 S.F./50 = 64 SPACES.
BASEMENT - STORAGE. 0 SPACES REQD.
TOTAL SPACES REQD. 68 SPACES.
SPACES PROVIDED. 38 "
VARIANCE REQUIRED 30 SPACES.

GENERAL DATA.

AREA OF PROPERTY 0.54 ACRES±	23,522 S.F.
ADJ. R/W (116.24 × 30)	3,457 S.F.
ADJUSTED GROSS	26,979 S.F.
BUILDING AREA (FIRST FL. & BASEMENT)	8,000 S.F.
AMENITY OPEN SPACE	3,490 S.F.
FLOOR AREA RATIO 8,000/26979 S.F. =	.296

SOIL TYPE - E UB
ESTIMATED A.D.T. REST. BAR G.A. 2400 × 164.4 = 394 TRIPS±
DEED REFERENCE No. LIBRE 5606 FOLIO 968 & LIBRE 6266 FOLIO 198
TAX ACCOUNT No. 09-19-511-590-854 (FRONT). 09-15-511-591-882 (REAR)
ELECTION DIST. 9
COUNCILMANIC DIST. 4.
CENSUS TRACT 4907.02
WATERSHED & SUBSEWER SHED 23 55

ZONING VARIANCES:

CASE No. 86-393-A

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of August, 1986, that the Petition for Zoning Variances to permit a front yard setback of [illegible] feet instead of the required average of 12 feet a side yard setback of 8 feet instead of the required 30 feet, side yard setbacks of 1 foot and zero feet instead of the required 30 feet for the parking deck, 67 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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2. County Review Group approval must be obtained.

Zoning Commissioner of
Baltimore County

90-560-SPHA

PLOT PLAN
ZONING & C.R.G. PROCESS.
Proj. No. 8401
Date - 3-6-90
Scale - 1" = 20'
Last Rev. 3-9-90
DRAWING
P-1a
OF 1 SHEET

405

231-94
WCR

1/12/94

8 To: JLL
Looks good
- check calculations
WCR 1/12/94

RICHARD J. TRUELOVE P.E., INC.
CIVIL ENGINEER
28 EAST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21286
(410) 494-4914
FAX (410)-823-3627

January 6,1994

Mr. Arnold Jablon, Director
Baltimore County Office of Zoning
Administration and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

re: Pizza Palace
39 York Road

Dear Mr. Jablon:

We are sending this letter on behalf of our client and owner of the subject project, the Kosmakos brothers. The Kosmakos's have been faced with one obstacle after another in their efforts to rebuild the restaurant after it burned some years ago. In March 1993 an Amended CRG Plan was approved. On September 25,1993 the Baltimore County Council passed Bill #110-93 which effected the parking on the subject site.

In November 1993, Gus Kosmakos, Cicero H. Brown, the architect for the new building, and Lea Petr, from the County Executive's Office, met with Carl Richards and John Lewis from the Zoning Office to determine the best way to apply the new parking regulations to the approved plan. This letter is a result of that meeting.

Attached is a copy of the plan which was approved by the Board of Appeals on November 21, 1991 as an amended plan for case #90-650-SPHA, and which approved a request for a reduction of six parking spaces from the required number of parking spaces.. The plan is red lined to indicate a new parking plan which provides 38 spaces on site, and meets the parking requirements for a restaurant with 2700 square feet of gross floor area minus the 6 space reduction granted by the Board of Appeals. The site is now entirely used as a restaurant, rather than part retail, and meets the parking requirements as previously varianced.

RECEIVED
JAN 12 1994
ZADM

recycled paper

January 6, 1994

Arnold Jablon
Pizza Palace

Page 2

On behalf of the Kosmakos's we request that your office determine that this red lined plan is within the spirit and intent of the Board of Appeals ruling and grant an Administrative Approval of this minor admendment. If you have any questions please do not hesitate to call us.

Very Truly Yours,

Richard J. Truelove

Richard Truelove P.E., President

\letters\rtaj0106

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to call or write.
Thank you for your interest.

Staff has reviewed your letter dated January 6, 1994 and the provided red lined zoning public hearing plan (as approved) in case number 90-560-SPHA and has determined that the proposed changes are within the spirit and intent of the order and approved plan. This red lined plan is being included in the case file and is marked as approved by this office. (Please be aware that the case number as referenced in your letter should be 90-560-SPHA not 90-650-SPHA)

JOHN L. LEWIS
Planner II

c: Case file 90-560-SPHA

90-564
83-219XSPH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:
Mr. Wirth / SWM
Mr. Powell / EIRD
Mr. Pilson / W&S
Mr. Flowers / CBCA
Mr. Fisher / Planning
Mr. Richards / Zoning
Mr. Bowling / DED
Mr. Famili / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec.&Parks
Mr. Brocato / SHA
Mr. Butcher / C&P

DATE: March 12, 1991

to JLL
3/12/91

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 9C6
Project Name: Parkville Body and Fender
Project No. : 90277
Engineer : Paul Lee Engineering
Phone No.: 821-5941

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :XX W-90-214
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review:
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :

Please review the attached plan for compliance with current regulations and return comments to our office by 4/2/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here _______ .

Thank you for your attention to our request.

SDW:mmm
cc: File

PARKVILLE BODY AND FENDER
W-90-214

Plan Date: 3/6/91
Comments Due: 4/2/91
Comments Date: 4/1/91
Comments Typed: 4/5/91

1. Show front building orientations on the plan. Breakdown gross and net areas by zone on the plan and correct calculations accordingly.

2. Due to the extensive restrictions imposed by zoning hearings #83-219-XSPH and #90-564-SPH, a complete list of all applicable zoning restrictions must be included on the plan and show how compliance is maintained. Show in bold outline and label the restriction #2 area in zoning hearing #83-219-XSPH.

3. The parking layout showing blocked employee and repair bay parking is in conflict with Section 409.4B (B.C.Z.R.), which states all parking spaces shall adjoin and have direct access to an aisle. Confirm compliance of this situation or any prior zoning approvals on the plan.

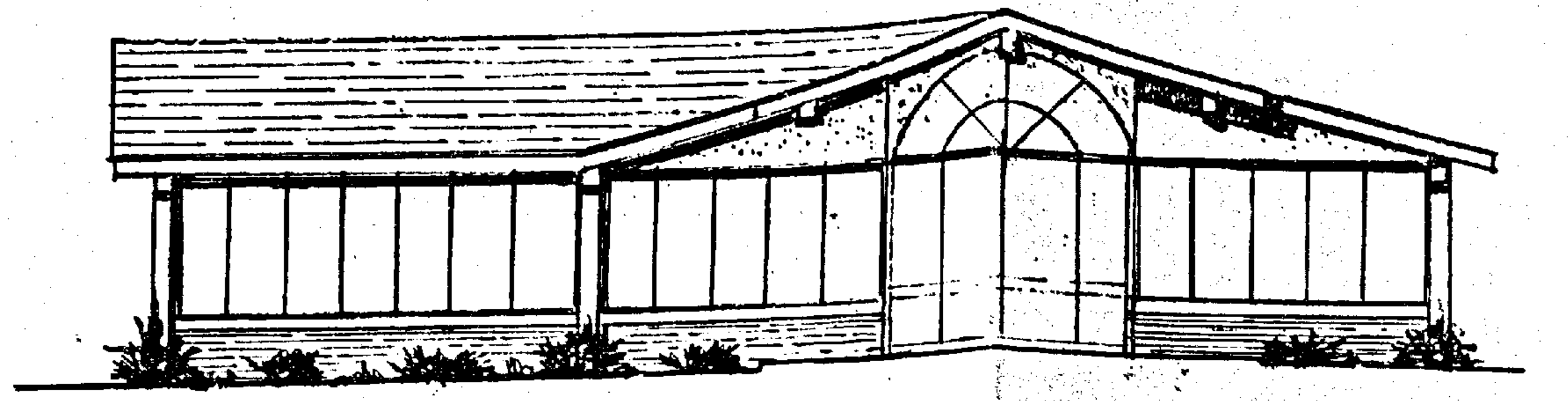
4. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Any requests for further information from the Zoning Office must include a reference to the waiver file #W-90-214 and written correspondence or revised plans must be accompanied by a copy of these comments.

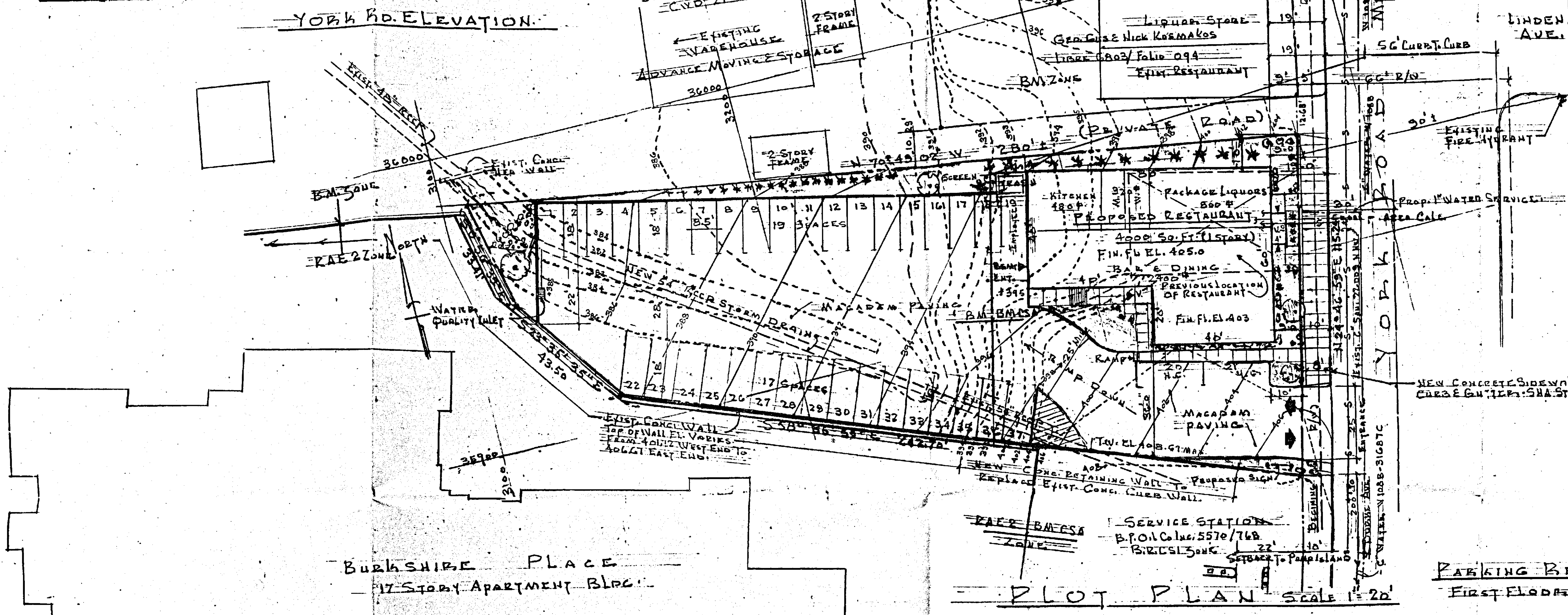
JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
~~Zoning Files #83-219-XSPH &~~ #90-564-SPH
Waiver File



YORK RD. ELEVATION.


James P. Reily Esq.
CWD 27 1015 522
Existing Warehouse
Advance Moving & Storage
2 Story Frame
36000
3200
Exist. 48" RCCP
Exist. Conc. Wall
B.M. Zone
RAE 2 Zone
North
Water Quality Inlet
S 23° 35' 35" E
43.50
New 54" RCCP Storm Drain
Macadam Paving
19 Spaces
17 Spaces
Exist. Conc. Wall
Top of Wall El. Varies from 401.12 West End to 406.67 East End.
S 38° 86' 58" E
Burkshire Place
17 Story Apartment Bldg.
Liquor Store
Geo. Gus & Nick Kosmakos
Libre 6803/ Folio 094
Exist. Restaurant
BM Zone
(Private Road)
N 70° 49' 02" W
280'±
Screen
Kitchen 480#
Package Liquors 800#
Proposed Restaurant
4000 Sq. Ft. (1 Story)
Fin. Fl. El. 405.0
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Previous Location of Restaurant
Fin. Fl. El. 403
BM BMCSA
Ramp
Macadam Paving
Tru. El. 408.67 Max.
New Conc. Retaining Wall to Replace Exist. Conc. Curb Wall.
Proposed Sign
RAE 2 BMCSA Zone
Service Station
B.P. Oil Co. Inc. 5570/768
B.R. CSI Zone
Setback to Pump Island
56' Curb to Curb
66' R/W
York Road
MD 45
Existing Fire Hydrant
Prop. 1" Water Service
New Concrete Sidewalk Curb & Gutter: SHA Std.
Linden Ave.

PLOT PLAN SCALE 1"=20'

ZONING VARIANCES + CASE No. 86-393-A

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of August, 1986, that the Petition for Zoning Variances to permit a front yard setback of 4 feet instead of the required average of 12 feet a side yard setback of 8 feet instead of the required 30 feet, side yard setbacks of 1 foot and zero feet instead of the required 30 feet for the parking deck, 67 parking spaces instead of the required 71 spaces, and a parking space 4 feet from the right of way line instead of the required 8 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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Zoning Commissioner of
Baltimore County

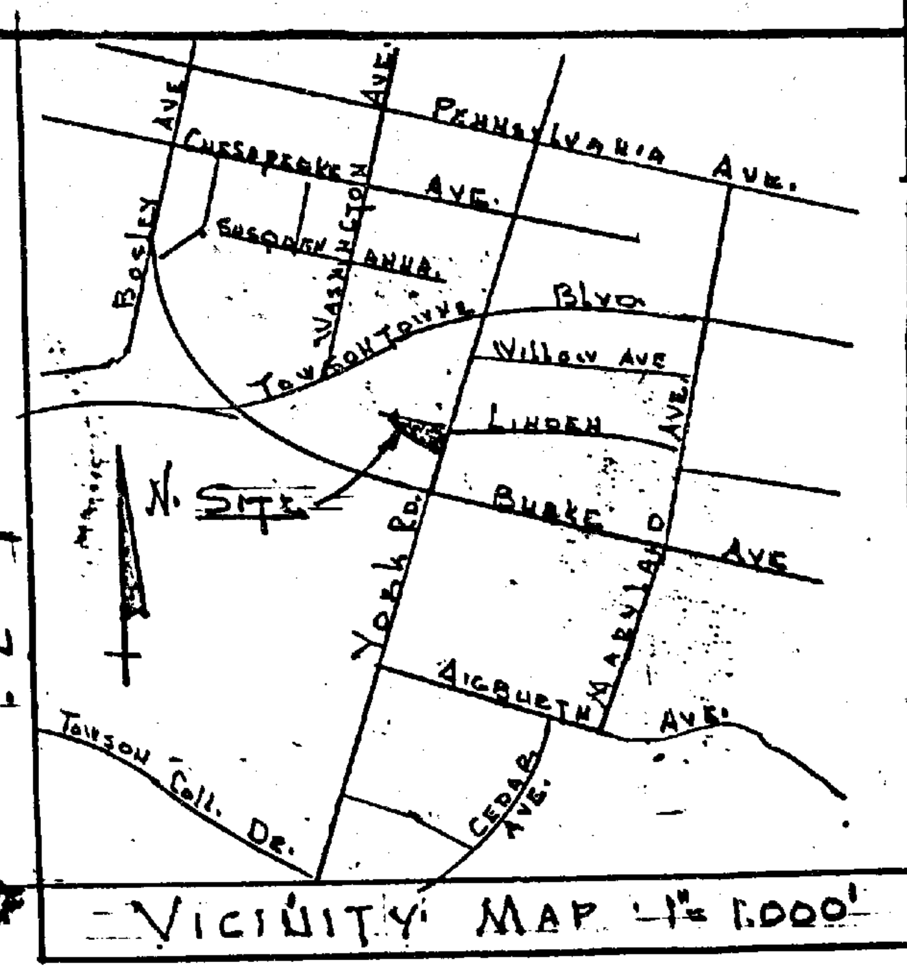
GENERAL DATA:

AREA OF PROPERTY 0.54 ACRE±	23,522 S.F.
ADJ. R/W (116.24 × 30)	3,457 S.F.
ADJUSTED GROSS	26,979 S.F.
BUILDING AREA (FIRST FL. & BASEMENT	8,000 S.F.
AMENITY OPEN SPACE	3,490 S.F.
FLOOR AREA RATIO 8,000/26979 S.F. =	.296

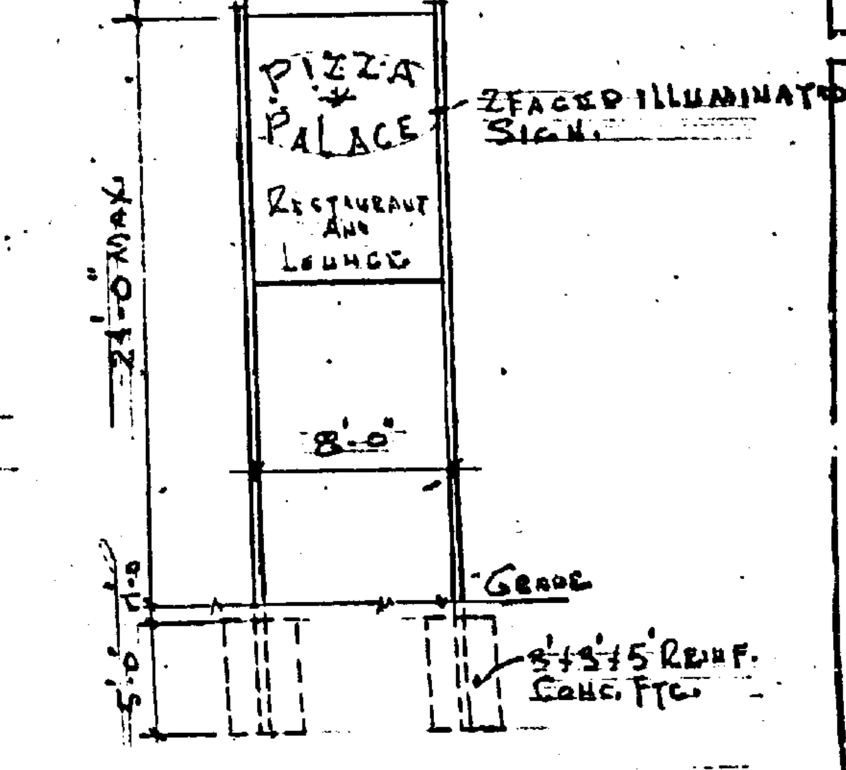
SOIL TYPE - G UB (SEE CHART BELOW)
ESTIMATED A.D.T. REST. BAR C.D. 2400 × 164.4 = 394 TRIPS.
DEED REFERENCE No. LIBRE 5606 FOLIO 968 & LIBRE 6266 FOLIO 198
TAX ACCOUNT No. 09-19-511-590-854 (FRONT). 09-15-511-591-862 (REAR)

ELECTION DIST. 9
COUNCILMANIC DIST. 4.
CENSUS TRACT 4907.02
WATERSHED & SUBSEWER SHED 23 55

SOIL SERIES & MAP SYMBOLS.	HOMESITES (3 STORIES OR LESS) WITH BASEMENTS	STREETS & PARKING LOTS
GLENVILLE GnB	SEVERE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE


Pennsylvania Ave.
Chesapeake Ave.
Susquehanna Ave.
Bosley Ave.
Washington Ave.
Towsontowne Blvd.
Willow Ave.
Linden
Burke Ave.
Maryland Ave.
Aigburth Ave.
York Rd.
Towson Coll. Dr.
Cedar Ave.
N.
Site

VICINITY MAP 1"=1,000'


PIZZA PALACE
Restaurant and Lounge
2 Faced Illuminated Sign.
21'-0" Max.
8'-0"
Grade
5'-0"
3'×3'×5' Reinf. Conc. Ftg.

PROPOSED SIGN
SIGN TO BE TWO FACED INTERIOR ILLUMINATED, 100 S.F. MAX. IN SIZE.

PARKING REQUIREMENTS.

FIRST FLOOR - PACKAGE LIQUORS
800 SQ. FT. / 200 = 4 SPACES.
BAR, RESTAURANT, KITCHEN & TOILET RMS. 3200 S.F. / 50 = 64 SPACES.

BASEMENT - STORAGE. 0 SPACES REQD.
TOTAL SPACES REQD. 68 SPACES.
SPACES PROVIDED. 37 "
VARIANCE REQUIRED 31 SPACES.

PARKING AREA, ENTRANCE & TRAFFIC AISLES ARE TO BE MACADAM PAVED & PERMANENTLY STRIPED FOR PARKING SPACES.

FRONT YARD SETBACK		
LOCATION	CURB LINE	PROPERTY LINE
CROWN GAS.	32 FEET	22 FEET
PIZZA REST.	19 "	9 "
P.G. LIQUORS	19 "	9 "
AVERAGE	23 "	13 "

CURRENT PLANNING CRG # IX-495

C.R.G. # 87031 PIZZA PALACE RESTAURANT
39 YORK RD. TOWSON, MD.
MR. GEORGE & GUS KOSMAKOS - OWNER. 666-5444.

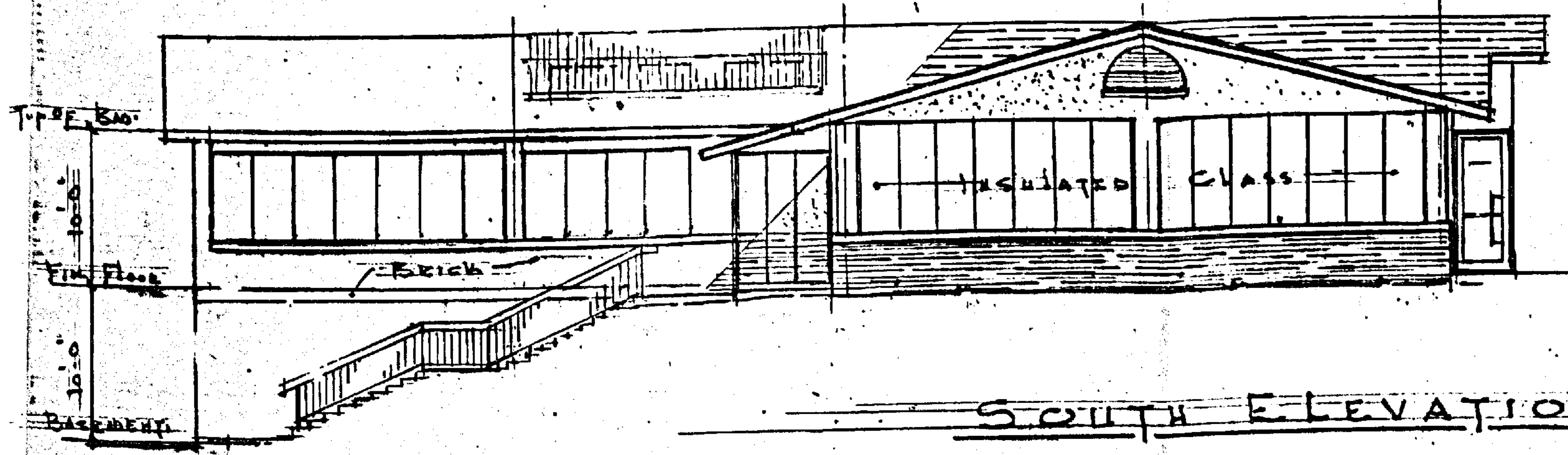
90-560-SPHA
REVISED PLANS
RECEIVED AUG 21 1990

PROJ. No. 8401
DATE - 3-6-90
SCALE - 1" = 20'
LAST REV. 8-20-90
DRAWING
P P-1a
OF 1 SHEET

Cicero H. Brown

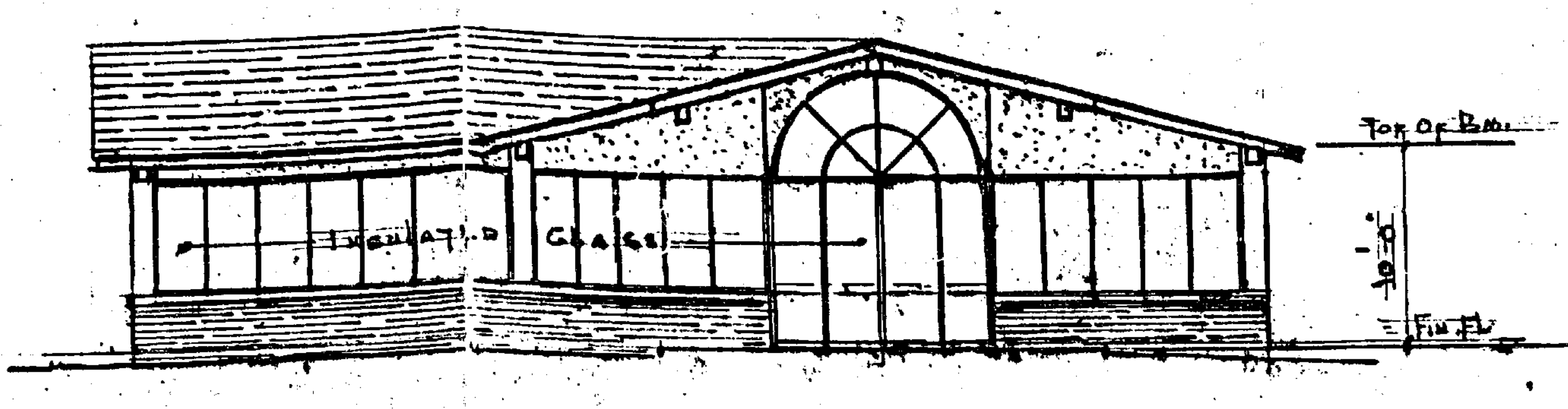
CICERO H. BROWN
ARCHITECT
1008 HART RD. TOWSON MD.
825-1319

PROPOSED
PIZZA PALACE RESTAURANT
39 YORK RD. TOWSON, MD.
MR. GEORGE E KOSMAKOS - OWNER 666-5444



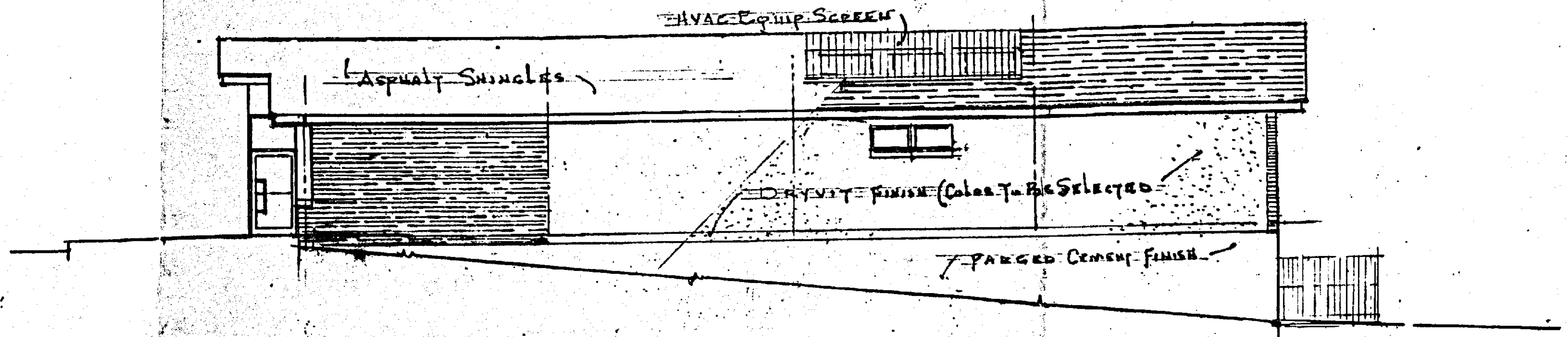
TOP OF BLD.
10'-0"
FIN. FLOOR
BRICK
10'-0"
BASEMENT
INSULATED GLASS

SOUTH ELEVATION



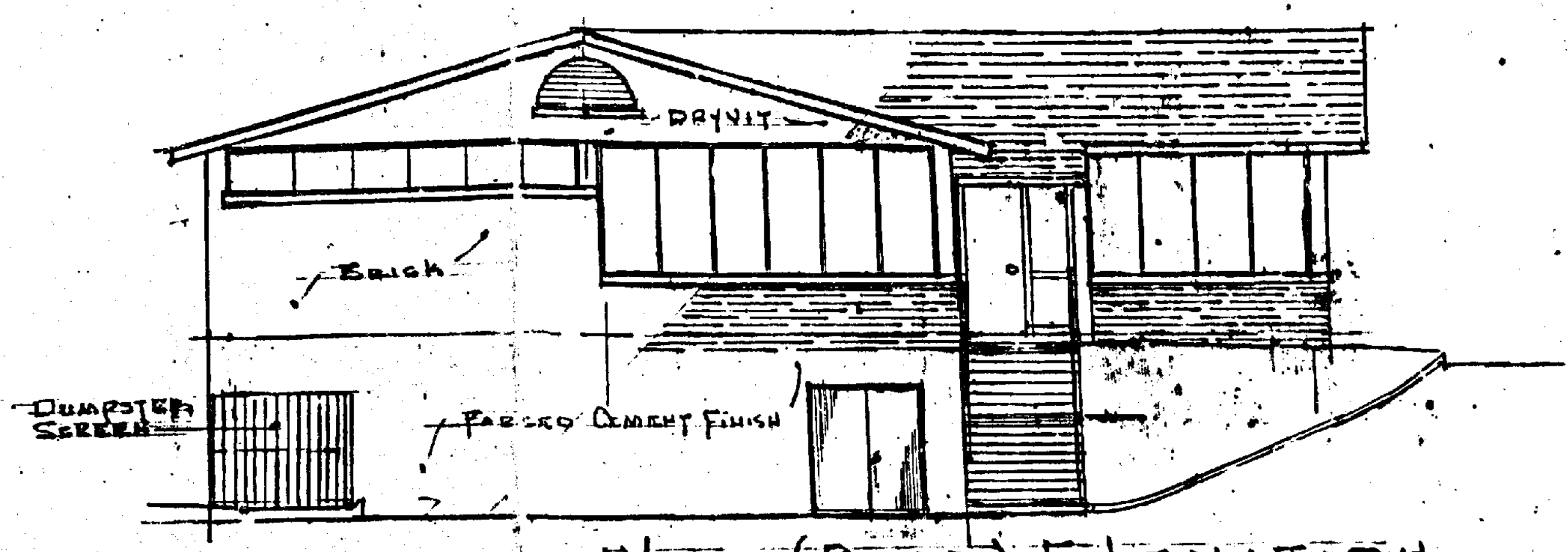
INSULATED GLASS
TOP OF BLD.
10'-0"
FIN. FL.

EAST (YORK RD.) ELEVATION



HVAC EQUIP. SCREEN
ASPHALT SHINGLES
DRYVIT FINISH (COLOR TO BE SELECTED)
PARGED CEMENT FINISH

NORTH ELEVATION



DRYVIT
BRICK
DUMPSTER SCREEN
PARGED CEMENT FINISH

WEST (REAR) ELEVATION

90-560-SPHA

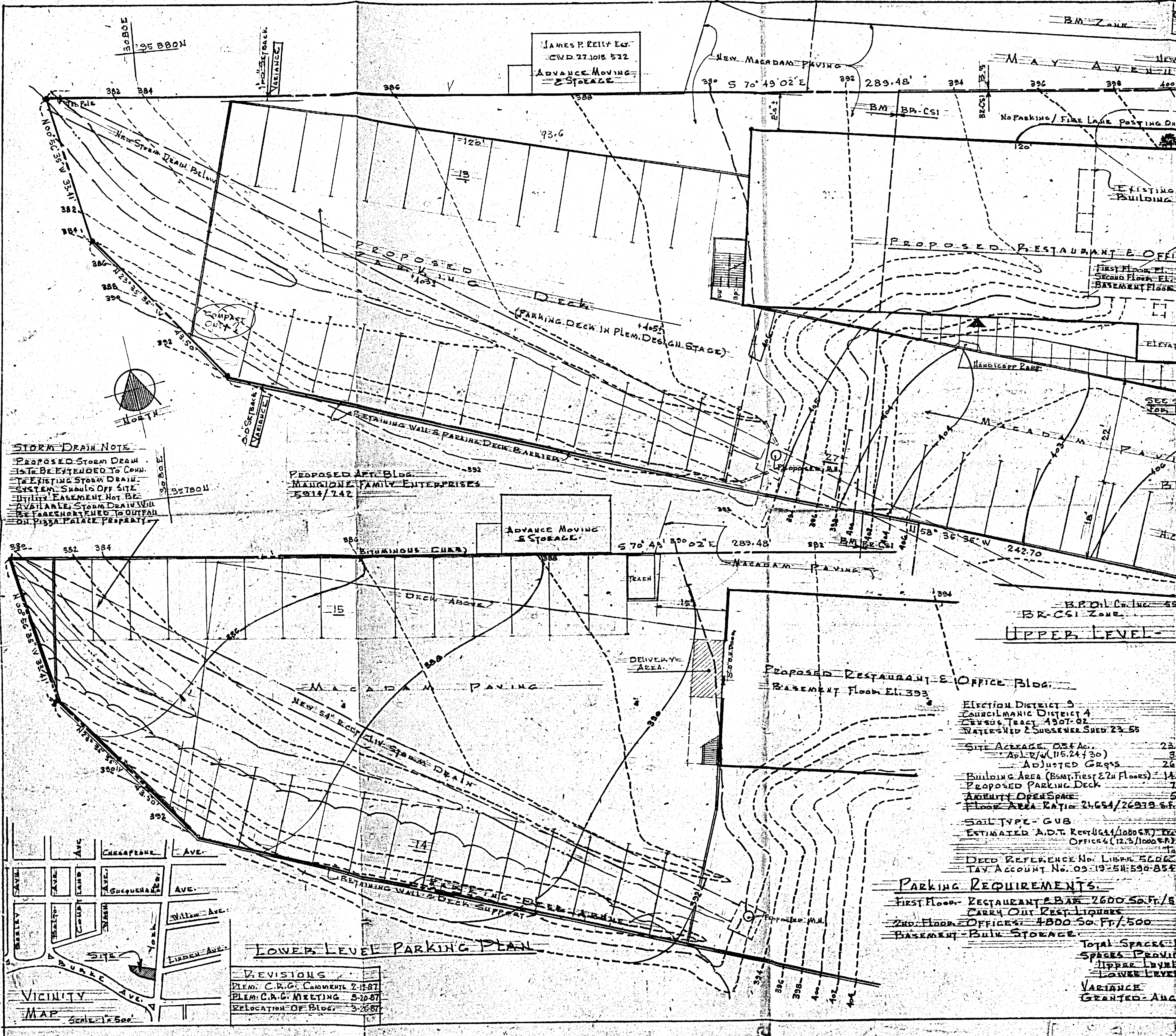
REVISED PLANS

RECEIVED AUG 21 1990

EXTERIOR
ELEVATIONS

PROJ. NO. 8491
DATE 8-9-90
SCALE 1/8" = 1'-0"
LAST REV.

DRAWING
PP-2
OF 2 SHEETS



Existg. Restaurant
Geo. Gus & Nick Kosmakos
Deed Ref.
Libre 6803 Fol. 094
BM Zone
James P. Reilly Est.
CWD 27 1015 522
Advance Moving & Storage
New Macadam Paving
May Avenue (Private)
S 70° 49' 02" E 289.48'
BM BR-CSI
No Parking / Fire Lane Posting On May Ave.
Existing 2 Story Frame Building To Be Razed
Proposed Restaurant & Office Bldg.
First Floor El. 405
Second Floor El. 417
Basement Floor El. 393
Variance
Elevator & Stairs
Handicapp Ramp
Conc. Sidewalk
See Seperate Landscape Plan For Planting
Proposed Parking Deck
(Parking Deck In Plem. Design Stage)
Compact Only
New Storm Drain Below
Retaining Wall & Parking Deck Barrier
0-0 Setback Variance
North
Macadam Paving
BR-CSI Zone
H.C.
S 58° 36' 36" W 242.70
B.P. Oil Co. Inc. 5515/768
BR-CSI Zone
30.0 (Gross Area Calculations)
York Road
66' R/W
35'
115.24'
S 24° 46' 53" W
Conc. Sidewalk
New Conc. Curb & Gutter
Existg. 15' Entrance
New 20' Entrance
New 25' Entrance
Note! Fire Hydrant Located Across York Rd. Cor. Linden Ave.
6" Water
Existg. San.
Proposed M.H.
Upper Level - First Floor
Scale 1" = 10'-0"
To Pump Island
Proposed Apt. Bldg.
Mangione Family Enterprises
5914/242
30.80 E
357800 N
95 880 N
Advance Moving & Storage
S 70° 49' 02" E 289.48'
Bituminous Curb
Macadam Paving
Deck Above
Delivery Area
Trash
Proposed Restaurant & Office Bldg.
Basement Floor El. 393
New 54" RCCP Storm Drain
Retaining Wall & Deck Support
Parking Deck Above
Proposed M.H.
15
14
13
Lower Level Parking Plan
Chesapeake Ave.
Susquehanna Ave.
Willow Ave.
Linden Ave.
Burke Ave.
York
Bosley Ave.
Balto. Ave.
Courtland Ave.
Wash. Ave.
Site
Vicinity Map
Scale 1" = 500'

STORM DRAIN NOTE

Proposed Storm Drain Is To Be Extended To Conn. To Existing Storm Drain System. Should Off Site Utility Easement Not Be Available, Storm Drain Will Be Foreshortened To Outfall On Pizza Palace Property.

Revisions
Plem. C.R.G. Comments 2-19-87
Plem. C.R.G. Meeting 3-20-87
Relocation Of Bldg. 3-26-87

Election District 9
Councilmanic District 4
Census Tract 4907-02
Watershed & Subsewer Shed 23 55

Site Acreage 0.54 Ac.	23,522 S.F.
Add. R/W (115.24 × 30)	3,457 S.F.
Adjusted Gross	26,979 S.F.
Building Area (Bsmt. First & 2nd Floors)	14,400 S.F.
Proposed Parking Deck	7,254 S.F.
Amenity Open Space	5,325 S.F.

Floor Area Ratio 21,654/26,979 S.F. = .80

Public Services CRG No. 97031
Planning No.

Soil Type - GUB
Estimated A.D.T. Rest. (164.4/1000 S.F.) Rest. & Bar 2450 S.F. × 164.4 = 403
Offices (12.3/1000 S.F.) Offices 4800 S.F. × 12.3 = 59
Total Average Daily Trips = 462
Deed Reference No. Libre 5606 Folio 368 & Libre 6266 Folio 198.
Tax Account No. 09-19-511-590-854 (Front), 09-19-511-591-852 (Rear)

Parking Requirements.

First Floor -	Restaurant & Bar 2600 Sq. Ft./50		52 Spaces
	Carry Out Rest. Liquors	220 Sq. Ft./200	11 "
2nd Floor -	Offices 4800 Sq. Ft./500		10 "
Basement -	Bulk Storage		
	Total Spaces Required		73 Spaces
	Spaces Provided (Inc. 2 Handicapp)		69 "
	Upper Level 41		
	Lower Level 28		
	Variance		4 Spaces

Granted - Aug 5, 1986 - Case No. 86-393-A

CICERO H. BROWN, JR.
ARCHITECT

SUBMITTED AT CRG MTG
URA

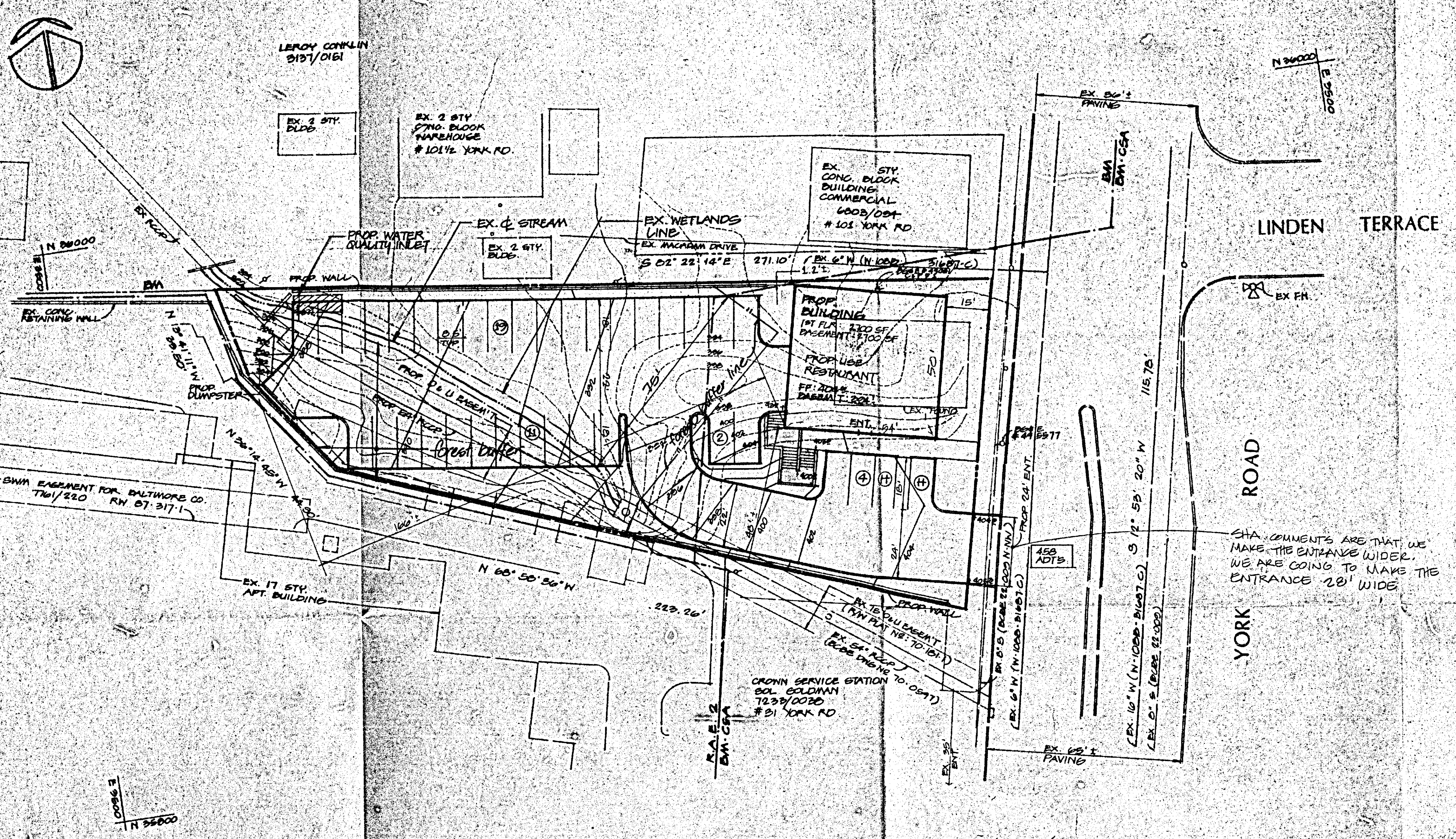
PROPOSED PIZZA PALACE RESTAURANT AND OFFICE BUILDING

Mr. George Kosmakos - Owner
39 York Rd. Towson, Md.

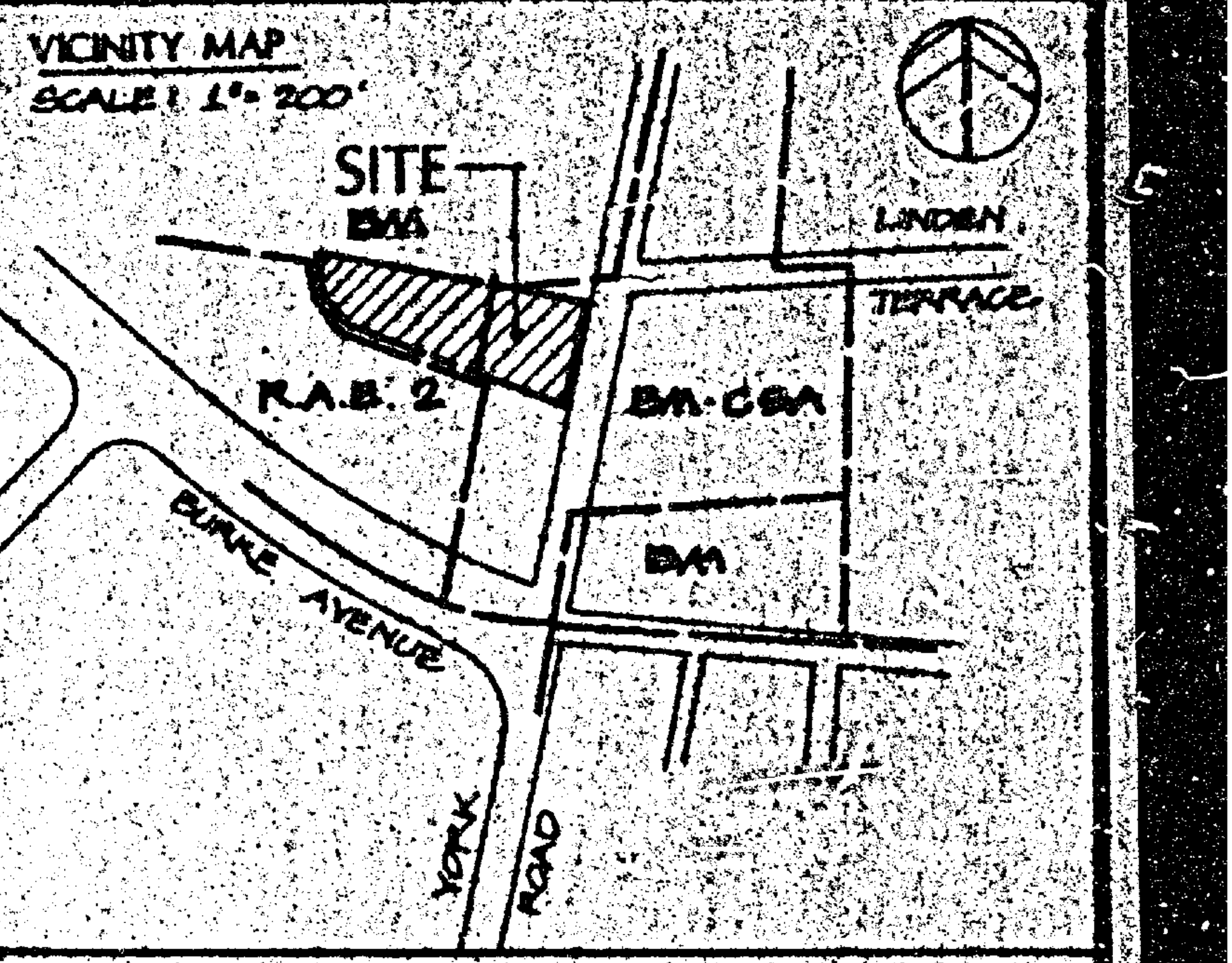
REVISED PLOT PLAN
CRG PROCESS

Proj. No. 8401
Date 15 May 86
Scale 1" = 10'
Last Rev. 27 Jan 87
Drawing No. P.P.1
Of 1 Sheets

Zoning 6/16


LEROY CONKLIN 3137/0161
EX. 2 STY. BLDG.
EX. 2 STY CONC. BLOCK WAREHOUSE #101½ YORK RD.
EX. STY. CONC. BLOCK BUILDING COMMERCIAL 6803/094 #101 YORK RD.
N 36000
E 2550
EX. 86'± PAVING
BM
BM-CSA
LINDEN TERRACE
EX. F.H.
EX. RCCP
N 36000
PROP. WATER QUALITY INLET
EX. ℄ STREAM
EX. WETLANDS LINE
EX. 2 STY. BLDG.
EX. MACADAM DRIVE
S 02° 22' 14" E 271.10'
EX. 6" W (W-1082-31687-C)
PROP. WALL
BM
EX. CONC. RETAINING WALL
N 13° 41' 11" W 30.50'
PROP. DUMPSTER
PROP. D & U EASEM'T
PROP. EX. RCCP
forest buffer
forest buffer line
8.5' TYP.
39
11
2
4
H
H
75'
PROP. BUILDING 1ST FLR. 2700 SF BASEMENT: 2700 SF
PROP. USE RESTAURANT
FF: 404±
BASEM'T: 394
EX. FOUND.
ENT. 54'
15'
50'
18'
24'
PROP. 24' ENT.
458 ADTS
N 36° 14' 45" W 44.90'
SWM EASEMENT FOR BALTIMORE CO. 7161/220 RW 87-317-1
166'±
EX. 17 STY. APT. BUILDING
N 68° 58' 36" W 223.26'
EX. TE D & U EASEM'T (R/W PLAT NO. 70-181-1)
EX. 54" RCCP (BCBE DWG NO. 70-0597)
PROP. WALL
CROWN SERVICE STATION SOL GOLDMAN 7233/0038 #31 YORK RD
R.A.E. 2
BM-CSA
EX. 35' ENT.
EX. 6" W (W-1088-31687-C)
EX. 8" S (BCBE 22-009 N-NW)
EX. 16" W (W-1088-31687-C)
EX. 8" S (BCBE 22-009)
S 12° 53' 20" W 115.78'
EX. 65'± PAVING
YORK ROAD
N 35800
E 2300

SHA COMMENTS ARE THAT WE MAKE THE ENTRANCE WIDER. WE ARE GOING TO MAKE THE ENTRANCE 28' WIDE


VICINITY MAP
SCALE: 1" = 200'
SITE
BM
LINDEN TERRACE
R.A.E. 2
BM-CSA
BM
BURKE AVENUE
YORK ROAD

SITE DATA

1. EXISTING ZONING: BM, BM-CSA
2. GROSS SITE ACREAGE: 0.498 AC. (21,692.88 SF)
3. EXISTING USE: VACANT
   PROPOSED USE: RESTAURANT
4. PROPOSED BUILDING CALCULATIONS:
   FLOOR AREA :
      FIRST FLOOR: 2700 SF
      BASEMENT (STORAGE): 2700 SF
      TOTAL SF: 5400 SF
   HEIGHT: 23' +/-
   NUMBER OF STORIES: 1
5. FLOOR AREA RATIO:
   $\frac{\text{TOTAL GROSS FLOOR AREA = 2700 SF}}{\text{GROSS SITE AREA = 21,692.88 SF}}$
   FLOOR AREA RATIO PROPOSED = 0.124
   FLOOR AREA RATIO PERMITTED = 4.0
6. PARKING CALCULATIONS:
   PARKING REQUIRED:
   RETAIL: 800 SF @ 1/200 SF............4 SP.
   RESTAURANT: 1900 SF @ 1/50 SF.......38 SP.
   TOTAL PARKING REQUIRED...............42 SP.
   PARKING PROPOSED (INCL. 2 H/C)......36 SP.
   NUMBER OF PARKING SPACES VARIANCED...6 SP.
7. LOCAL OPEN SPACE ....NONE REQUIRED
8. LANDSCAPE REQUIREMENT
   SEE SCHEMATIC LANDSCAPE PLAN, SHT. SLP-1, FOR SCHEMATIC PLANTING LAYOUT.
9. ADT'S
   800 SF RETAIL @ 95/1000 SF..............76
   1900 SF RESTAURANT @ 201/1000 SF 382
   TOTAL ADT.............................458

CRG NOTES

1. There are no critical areas, archeological sites, endangered species habitat, hazardous materials or historic buildings on this site.
2. This development will be served by public water and sewer.
3. Proposed grades are schematic and are not intended for construction purposes.
4. There are no existing well or septic areas on site.
5. There are no 25% or greater slopes on site.
6. Topography and property outline information taken from survey prepared by APR, Assoc., dated 9/15/91.
7. On site lighting shall be so arranged and shielded as to confine all direct light rays entirely within the boundary line of the site and to prevent reflected light rays from shining or glaring onto any portion of any adjacent motorway or into the path of oncoming vehicles.
8. This site has been granted a waiver from stormwater management, quantity control by Baltimore County. Water quality inlets are proposed to provide site quality control.
9. There are no existing structures on site. Existing foundation to be removed.
10. All spaces shall be 8 1/2' x 18'; handicapped spaces shall be 13' x 18'. All parking, loading, maneuvering and aisle areas to be paved with a durable and dustless surface of bituminous concrete and spaces are to permanently striped.

SOIL TYPE & LIMITATIONS

HYDRO SOIL GR.	TYPE	BLDGS W/ BASEM'TS	BLDGS W/OUT BASEM'TS	PARKING
C	GUB	SEVERE: HIGH WATER TABLE	MODERATE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE

ZONING HISTORY:

CASE #5497
SPECIAL EXCEPTION FOR A SIGN 12'x 25'.
GRANTED 3/19/62

CASE #86-393-A
FRONT YARD, SIDE YARD AND PARKING VARIANCES
GRANTED 8/05/86

CASE #90-560-SPHA
PARKING VARIANCE
DENIED 11/29/90
GRANTED BY BOARD OF APPEALS: 11/21/91
PARKING VARIANCE GRANTED FROM 42 TO 36 SPACES

OWNER/DEVELOPER

GUS, GEORGE & NICK KOSMAKOS
9611 YORK RD.
COCKEYSVILLE, MD. 21030
301-666-5544
DEED REFERENCE: 6266/196
5606/260

CRG PLAN #91370

PIZZA PALACE RESTAURANT

39 YORK ROAD
REGIONAL PLANNING DIST: 315 B
WATERSHED: 23 SUBSEWERSHED: 55
COUNCILMANIC DIST: 4 CENSUS TRACT: 4907.02
ELECTION DISTRICT NO: 9
BALTIMORE COUNTY, MD.

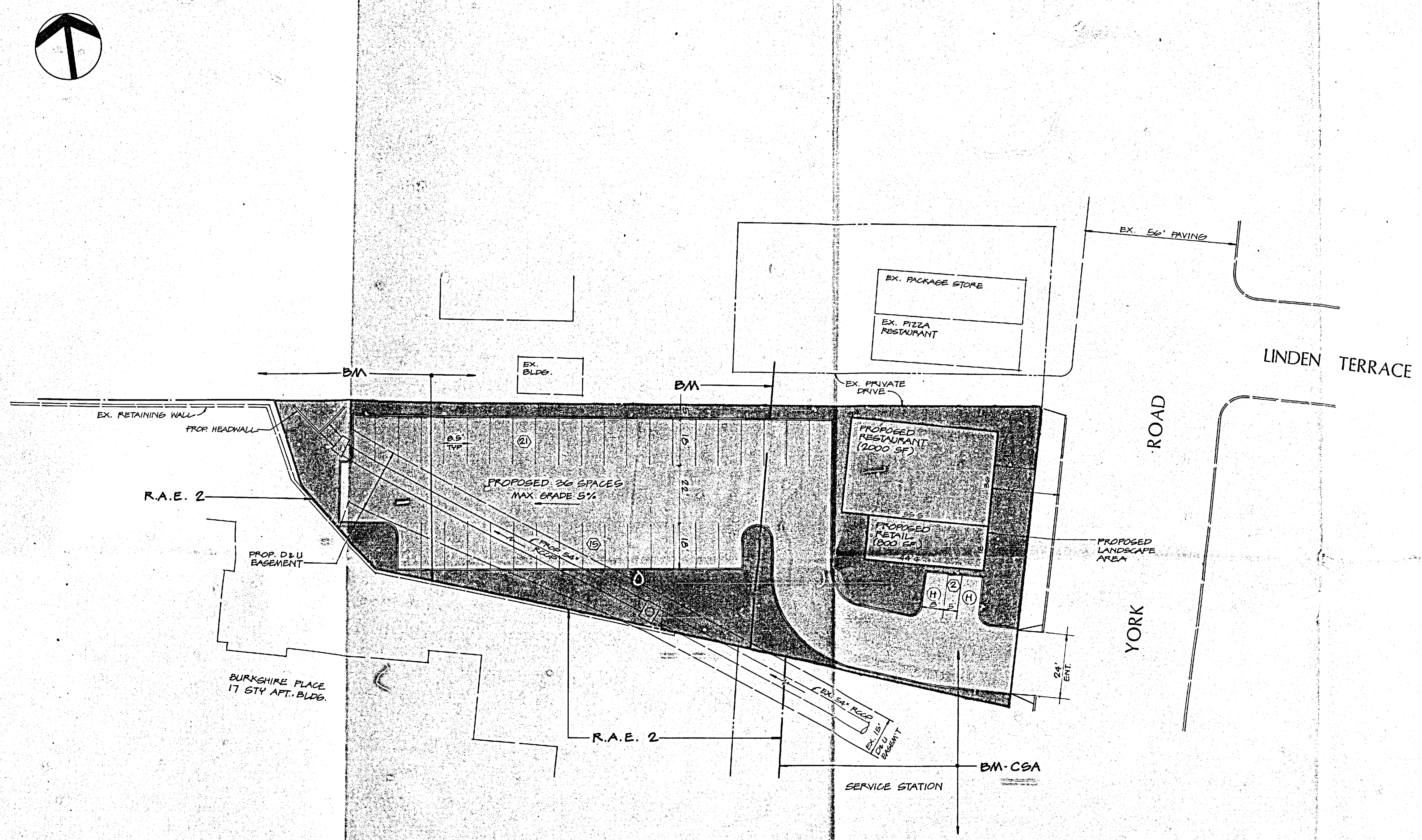
RECEIVED
JUN 4 1992
By DCJ

REVISIONS:
2/12/92 PER CO. COMMENTS JAJ

SCALE: 1" = 20'
DATE: 2-25-92
JOB NO.: 158/01
DESIGNED: TJH
DRAWN: JAJ
CHECKED: TJH
DRAWING NUMBER: CRG-1
SHEET 1 OF 1

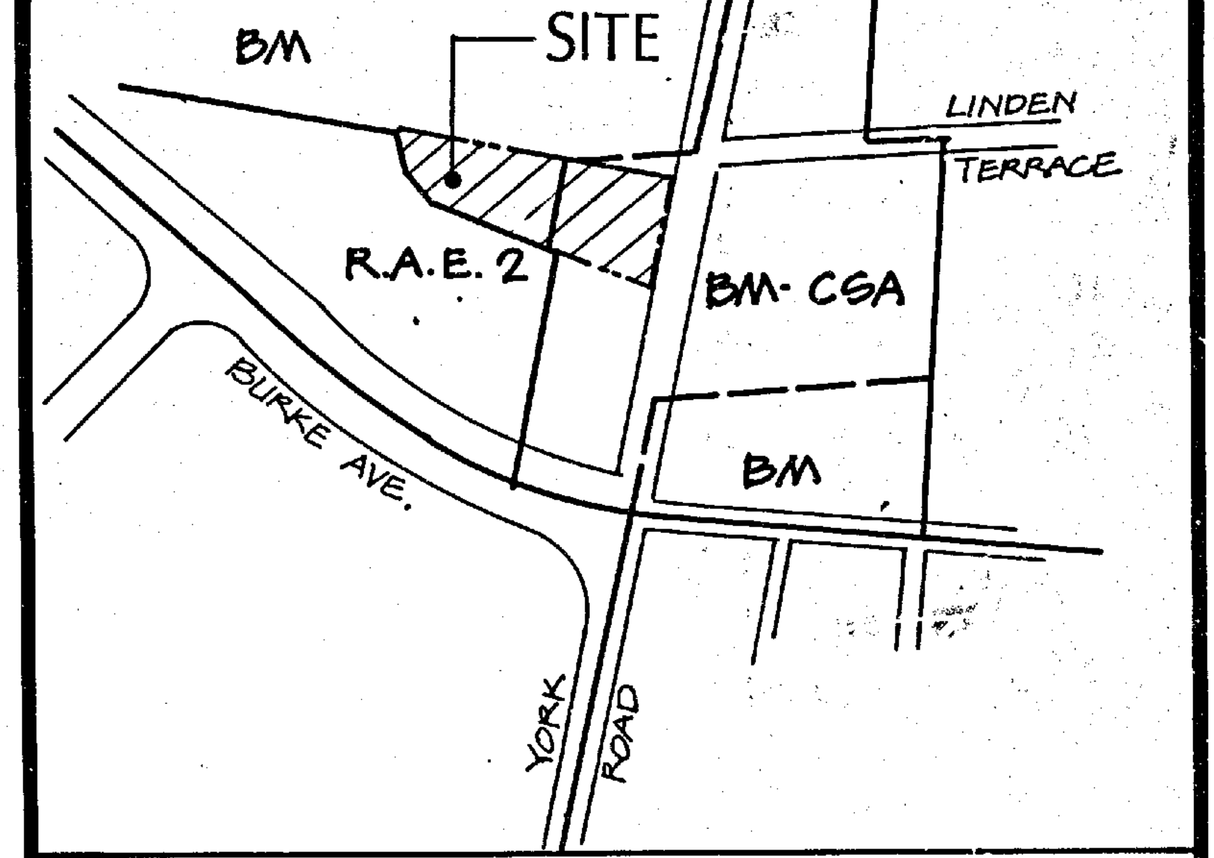
HOFF & ANTONUCCI INC.
Land Development Consultants and Landscape Architects
1717 York Road • Suite 16 • Lutherville, MD 21093
301-628-9226 • Fax 301-628-9229

Petitioner Ex. 2



BM
EX. BLDG.
BM
EX. PACKAGE STORE
EX. PIZZA RESTAURANT
EX. 56' PAVING
EX. PRIVATE DRIVE
LINDEN TERRACE
YORK ROAD
EX. RETAINING WALL
PROP. HEADWALL
8.5' TYP.
21
PROPOSED 36 SPACES
MAX. GRADE 5%
15
18'
22'
18'
PROP. 54" RCCP
PROPOSED RESTAURANT (2000 SF)
55.5
36
PROPOSED RETAIL (800 SF)
44.4
18
2
H
H
8
5
PROPOSED LANDSCAPE AREA
24' ENT.
R.A.E. 2
PROP. D&U EASEMENT
BURKSHIRE PLACE
17 STY APT. BLDG.
EX. 54" RCCP
EX. 15' D&U EASEM'T
R.A.E. 2
BM-CSA
SERVICE STATION

VICINITY MAP
SCALE: 1" = 200'



BM
SITE
LINDEN TERRACE
R.A.E. 2
BM-CSA
BURKE AVE.
BM
YORK ROAD

SITE DATA

PARKING REQUIRED:

RESTAURANT	40
RETAIL	4
TOTAL REQUIRED	44
PARKING SHOWN	38 SP. (INCL. 2 H/C)
VARIANCE REQUESTED	6 SP.

NOTE:

EXISTING CONDITIONS SHOWN TAKEN FROM PLANS PROVIDED BY THE OWNER. OUTLINE & TOPOGRAPHY ARE NOT FIELD RUN.

OWNER/DEVELOPER
GUS, GEORGE & NICK KOSMAKOS
9811 YORK RD.
COCKEYSVILLE, MD. 21030
301·666·5544
DEED REFERENCE: 6266/198
5606/968

SCHEME "A"

PIZZA PALACE RESTAURANT
39 YORK ROAD

ELECTION DISTRICT Nº 9
BALTIMORE COUNTY, MARYLAND

REVISIONS:

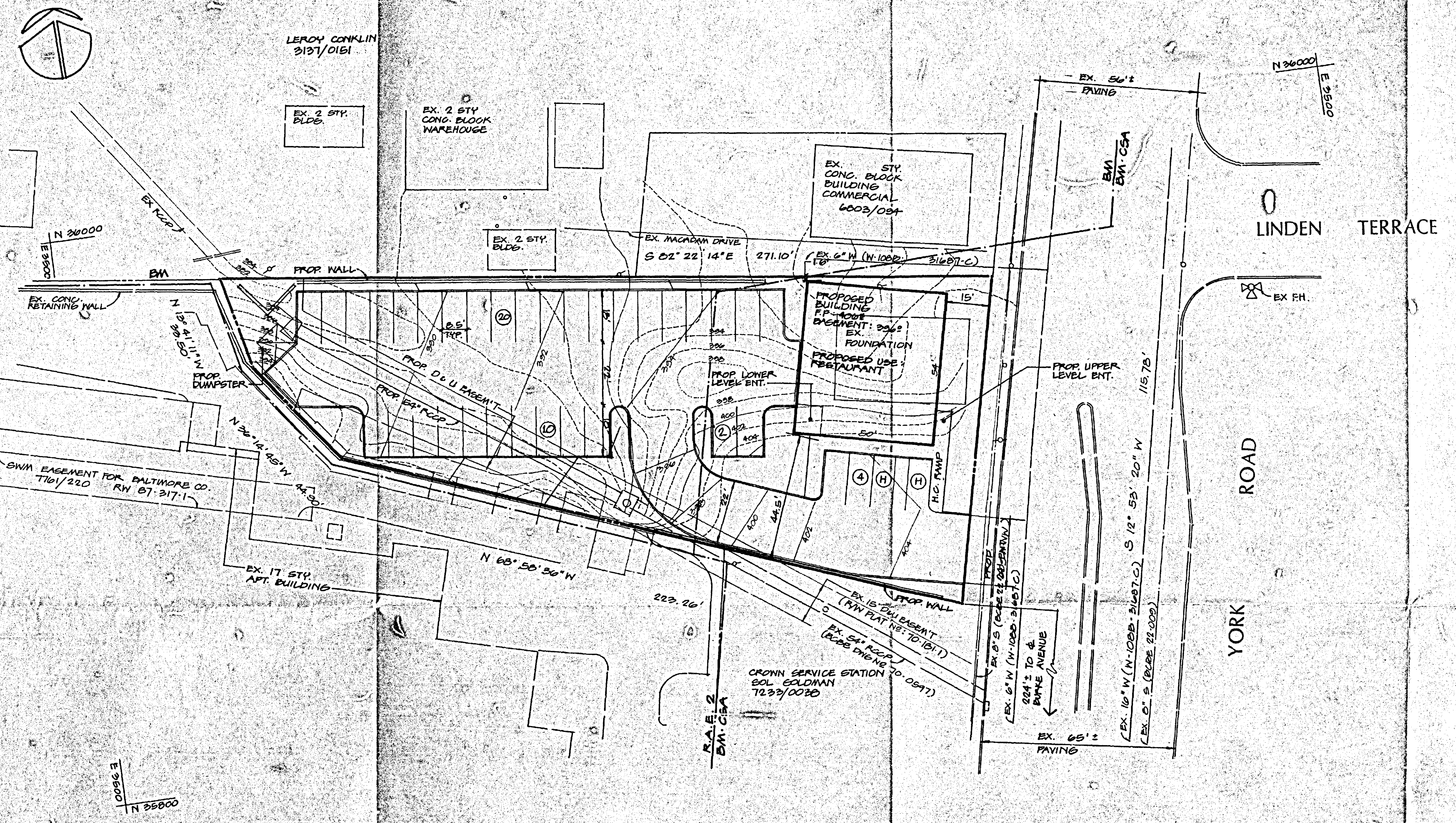
SCALE: 1" = 20'
DATE: 9/4/91
JOB NO.: 156/01
DESIGNED: TJH
DRAWN: JAJ
CHECKED: TJH

HOFF & ANTONUCCI INC.
Land Development Consultants and Landscape Architects
1717 York Road • Suite 1B • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229

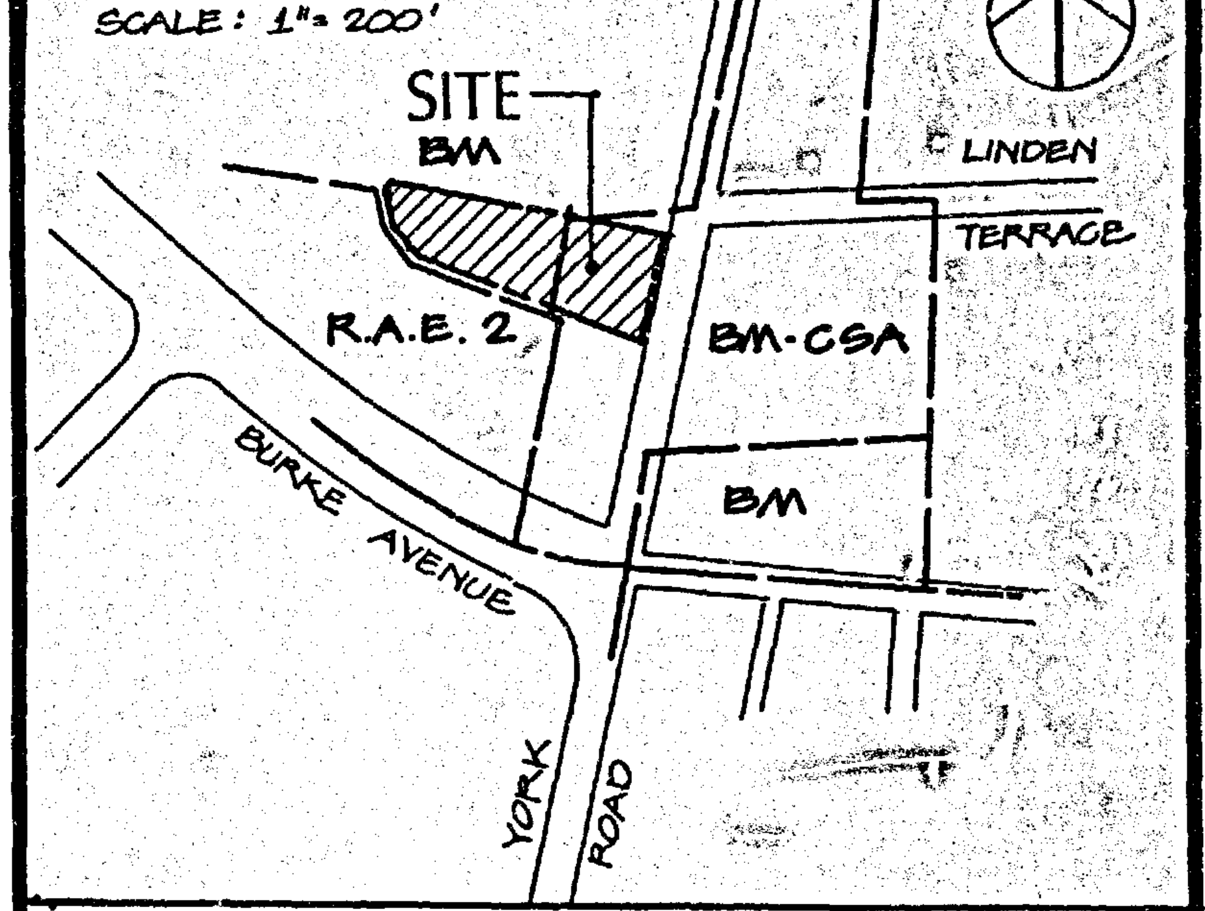
DRAWING NUMBER:
SDP-1

SHEET 1 OF 2

REV: 1/91


LEROY CONKLIN
3137/0151
EX. 2 STY. BLDG.
EX. 2 STY CONC. BLOCK WAREHOUSE
EX. STY. CONC. BLOCK BUILDING COMMERCIAL 6803/094
EX. 2 STY. BLDG.
EX. RCCP
N 36000
E 35600
BM
PROP. WALL
EX. CONC. RETAINING WALL
EX. MACADAM DRIVE
S 82° 22' 14" E 271.10'
EX. 6" W (W-108B-31687-C)
1.6'
PROPOSED BUILDING F.P. 406.0 BASEMENT: 396.0
EX. FOUNDATION
PROPOSED USE: RESTAURANT
15'
54'
50'
PROP. LOWER LEVEL ENT.
PROP. UPPER LEVEL ENT.
8.5' TYP.
20
10
2
4
H
H
H.C. RAMP
22'
44.5'
N 13° 41' 11" W 39.50'
PROP. DUMPSTER
PROP. D & U EASEM'T
PROP. 54" RCCP
N 36° 14' 45" W 44.90'
SWM EASEMENT FOR BALTIMORE CO. 7761/220 RW 87-317-1
EX. 17 STY. APT. BUILDING
N 68° 58' 36" W
223.26'
EX. 15' D&U EASEM'T (R/W PLAT No: 70-181-1)
EX. 54" RCCP (BCBE DWG No 70-0597)
PROP. WALL
CROWN SERVICE STATION
SOL GOLDMAN
7233/0038
R.A.E. 2
BM-CSA
BM
BM-CSA
EX. 56'± PAVING
N 36000
E 35600
LINDEN TERRACE
EX. F.H.
YORK ROAD
S 12° 53' 20" W 115.78'
EX. 8" S (BCBE 22-003-...)
EX. 6" W (W-108B-31687-C)
224'± TO ℄ BURKE AVENUE
EX. 16" W (W-108B-31687-C)
EX. 8" S (BCBE 22-009)
EX. 65'± PAVING
E 35600
N 35800

VICINITY MAP
SCALE: 1"= 200'


SITE
BM
R.A.E. 2
BM-CSA
BM
LINDEN TERRACE
BURKE AVENUE
YORK ROAD

SITE DATA

1. EXISTING ZONING: BM, BM-CSA
2. GROSS SITE ACREAGE: 0.498 AC. (21,692.88 SF)
3. EXISTING USE: VACANT
   PROPOSED USE: RESTAURANT
4. PROPOSED BUILDING CALCULATIONS:
   FLOOR AREA :
   FIRST FLOOR: 2700 SF
   BASEMENT (STORAGE): 2700 SF
   TOTAL SF: 5400 SF
   HEIGHT: 23' +/-
   NUMBER OF STORIES: 1
5. FLOOR AREA RATIO:
   TOTAL GROSS FLOOR AREA = 2700 SF
   GROSS SITE AREA = 21,692.88 SF

   FLOOR AREA RATIO PROPOSED = 0.124
   FLOOR AREA RATIO PERMITTED = 4.0
6. PARKING CALCULATIONS:
   PARKING REQUIRED:
   RETAIL: 800 SF @ 1/200 SF............4 SP.
   RESTAURANT: 1900 SF @ 1/50 SF.......38 SP.

   TOTAL PARKING REQUIRED..............42 SP.
   PARKING PROPOSED (INCL. 2 H/C)......36 SP.
   NUMBER OF PARKING SPACES VARIANCED...6 SP.

ZONING HISTORY

CASE #5497
SPECIAL EXCEPTION FOR A SIGN 12'x 25'.
GRANTED 3/19/62

CASE #86-393-A
FRONT YARD, SIDE YARD AND PARKING VARIANCES
GRANTED 8/05/86

CASE #90-560-SPHA
PARKING VARIANCE
DENIED 11/29/90

OWNER/DEVELOPER

GUS, GEORGE & NICK KOSMAKOS
9811 YORK RD.
COCKEYSVILLE, MD. 21030
301-666-5544
DEED REFERENCE: 6266/198
5606/268

PLAN TO ACCOMPANY BOARD OF APPEALS HEARING

PIZZA PALACE RESTAURANT

39 YORK ROAD

COUNTY COUNCIL DISTRICT No: 4
ELECTION DISTRICT No: 9
BALTIMORE COUNTY, MD.

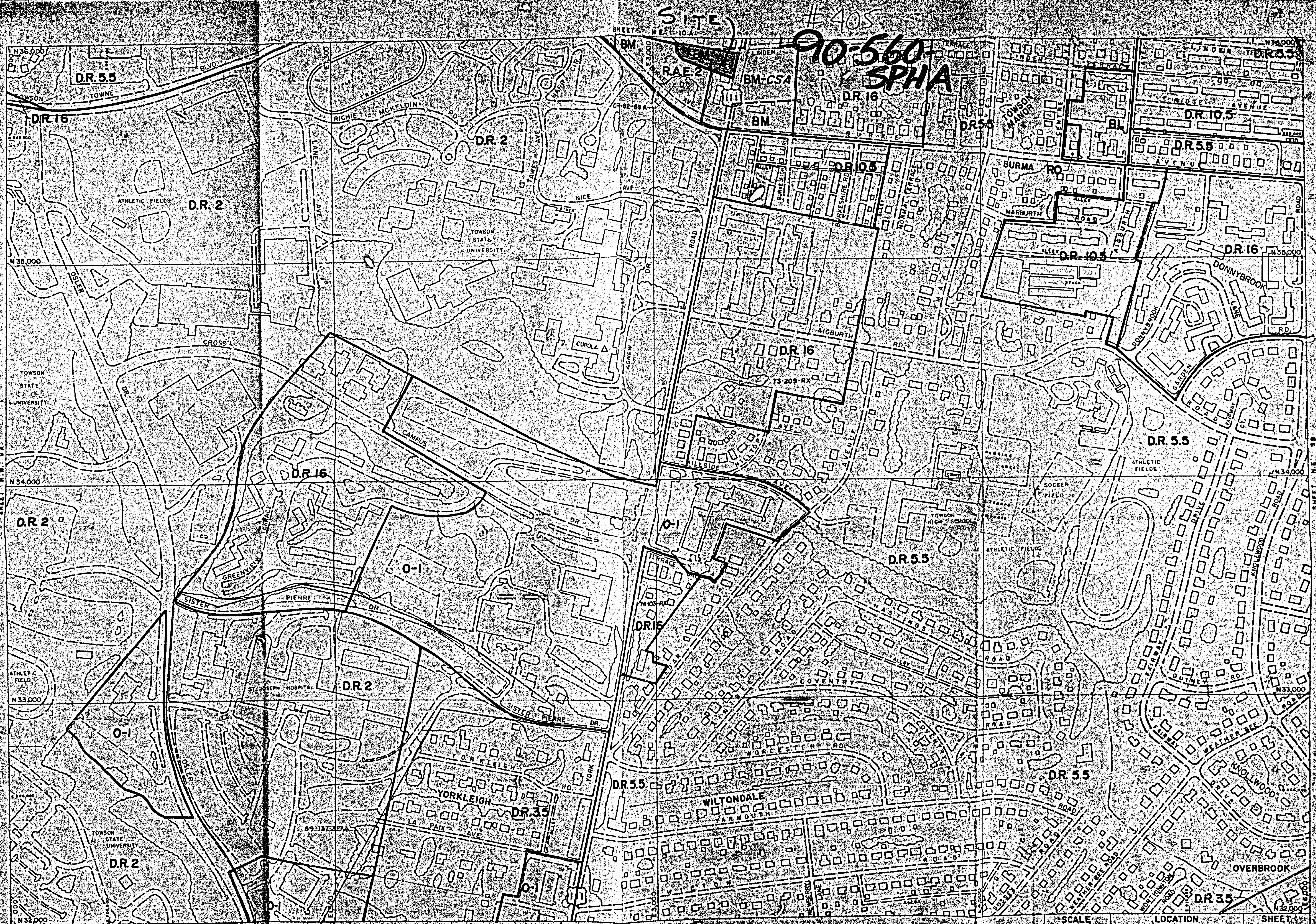
REVISIONS:

SCALE: 1"=20'
DATE: 10/1/91
JOB NO.: 156/01
DESIGNED: TJH
DRAWN: JAJ
CHECKED: TJH
DRAWING NUMBER: S-1
SHEET 1 OF 1

Land Development Consultants and Landscape Architects
HOFF & ANTONUCCI INC.
1717 York Road • Suite 18 • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229

#405

90-560-SPHA


SITE
SHEET NE 10 A
BM
R.A.E. 2
BM-CSA
BM
LINDEN TERRACE
D.R. 16
D.R. 5.5
TOWSON MANOR
BL
D.R. 10.5
D.R. 5.5
D.R. 5.5
TOWSON TOWNE BLVD
D.R. 16
RICHIE MCKELDIN RD
D.R. 2
TAWES AVE
NICE AVE
ATHLETIC FIELDS
D.R. 2
TOWSON STATE UNIVERSITY
CR-82-69 A
D.R. 10.5
BURKE RD
BERKSHIRE RD
NORMAL TERRACE
BURMA RD
MARBURTH ROAD
AIGBURTH RD
D.R. 10.5
D.R. 16
DONNYBROOK LANE
OSLER DR
CROSS
CUPOLA
AGNEW DR
D.R. 16
73-209-RX
HILLSIDE AVE
CAMPUS
D.R. 16
D.R. 5.5
ATHLETIC FIELDS
SOCCER FIELD
TOWSON HIGH SCHOOL
D.R. 2
GREENVIEW TERRACE
O-1
O-1
TERRACE
74-103-RX
D.R. 16
D.R. 5.5
HASTINGS ROAD
KNOLLWOOD ROAD
SISTER PIERRE DR
ST. JOSEPH HOSPITAL
D.R. 2
ATHLETIC FIELD
O-1
COVENTRY ROAD
QUINCY RD
YORKLEIGH RD
YORK RD
WORCESTER RD
D.R. 5.5
YORKLEIGH
D.R. 3.5
D.R. 5.5
WILTONDALE ROAD
YARMOUTH ROAD
KNOLLWOOD DRIVE
WEATHER BEE ROAD
LA PAIX AVE
89-157-SPHA
TOWSON STATE UNIVERSITY
D.R. 2
O-1
O-1
WILTON
NEWBERRY LANE
SUSSEX RD
WORTHINGTON ROAD
OVERBROOK
D.R. 3.5
N 35,000
N 34,000
N 33,000
N 32,000
SHEET N.W. 9 A
SHEET N.E. 9 B

O-1E N-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

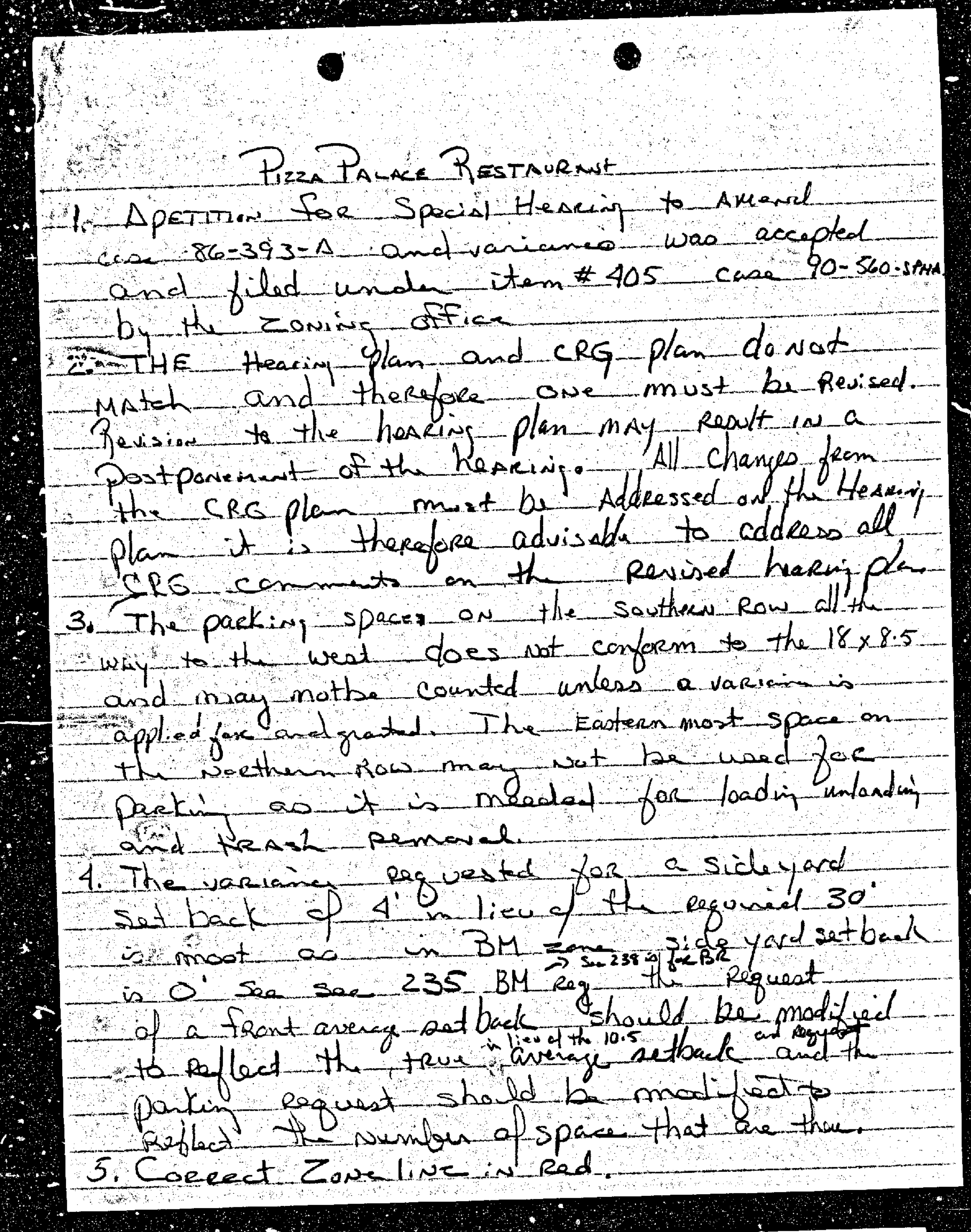
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SHEET N.E.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	WILTONDALE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	TOWSON	9-A



PIZZA PALACE RESTAURANT

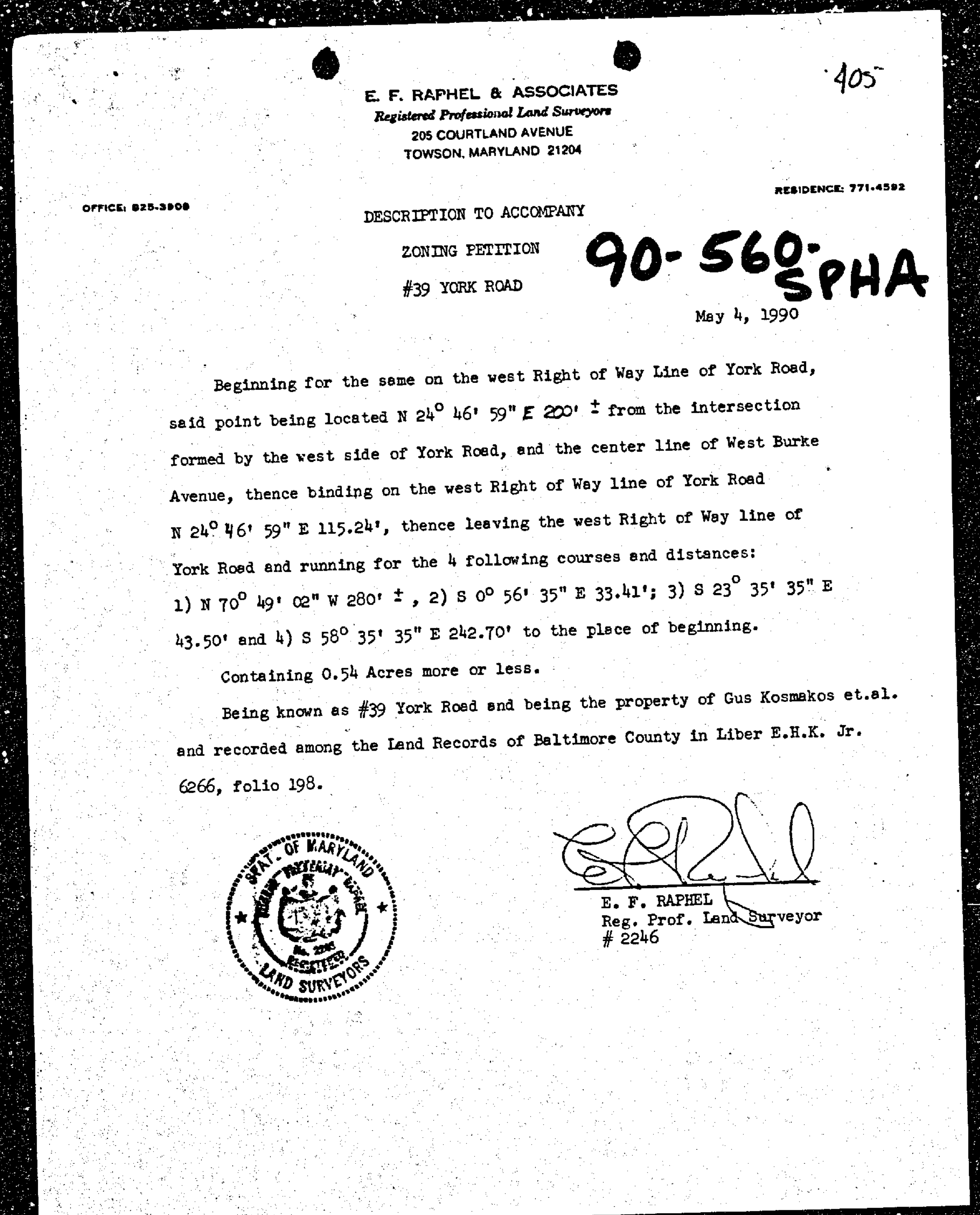
1. A PETITION FOR Special Hearing to Amend case 86-393-A and variance was accepted and filed under item # 405 case 90-560-SPHA by the ZONING office

2. THE Hearing plan and CRG plan do not MATCH and therefore ONE must be Revised. Revision to the hearing plan MAY Result in a postponement of the hearing. All changes from the CRG plan must be Addressed on the Hearing plan it is therefore advisable to address all CRG comments on the Revised hearing plan

3. The parking spaces ON the Southern Row all the way to the west does not conform to the 18 x 8.5 and may not be counted unless a variance is applied for and granted. The Eastern most space on the Northern Row may not be used for parking as it is needed for loading unloading and trash removal.

4. The variance requested for a sideyard set back of 4' in lieu of the required 30' is moot as in BM zone side yard set back is 0' See sec 235 BM Reg → Sec 238 is for BR the Request of a front average set back should be modified to reflect the true average setback in lieu of the 10.5 and request and the parking request should be modified to reflect the number of space that are there.

5. Correct Zone line in Red.



405

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3908

RESIDENCE: 771-4592

DESCRIPTION TO ACCOMPANY

ZONING PETITION

#39 YORK ROAD

90-560-SPHA

May 4, 1990

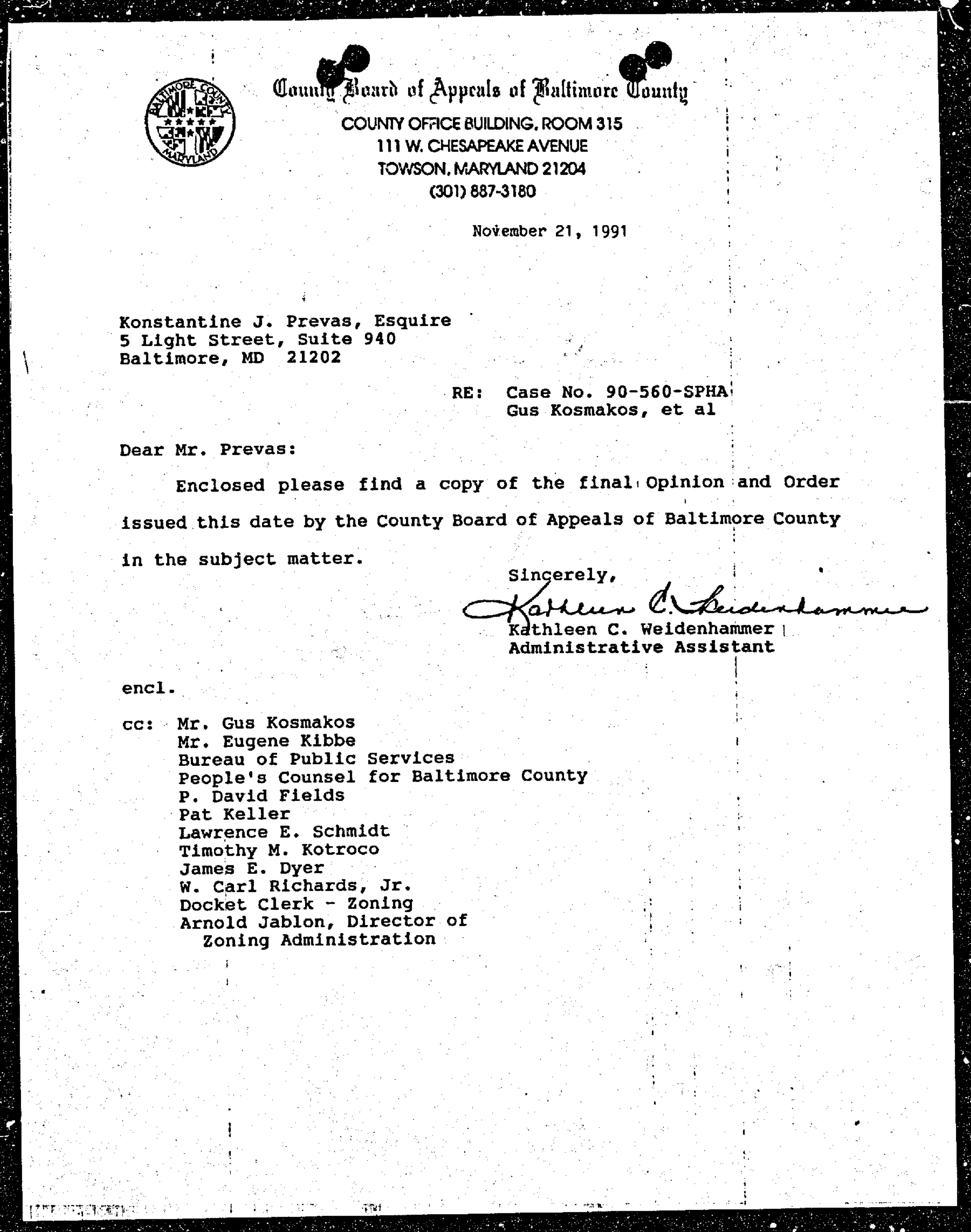
Beginning for the same on the west Right of Way Line of York Road, said point being located N 24° 46' 59" E 200' ± from the intersection formed by the west side of York Road, and the center line of West Burke Avenue, thence binding on the west Right of Way line of York Road N 24° 46' 59" E 115.24', thence leaving the west Right of Way line of York Road and running for the 4 following courses and distances: 1) N 70° 49' 02" W 280' ± , 2) S 0° 56' 35" E 33.41'; 3) S 23° 35' 35" E 43.50' and 4) S 58° 35' 35" E 242.70' to the place of beginning.

Containing 0.54 Acres more or less.

Being known as #39 York Road and being the property of Gus Kosmakos et.al. and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6266, folio 198.

No. 2246

E. F. RAPHEL
Reg. Prof. Land Surveyor
2246



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

November 21, 1991

Konstantine J. Prevas, Esquire
5 Light Street, Suite 940
Baltimore, MD 21202

RE: Case No. 90-560-SPHA
Gus Kosmakos, et al

Dear Mr. Prevas:

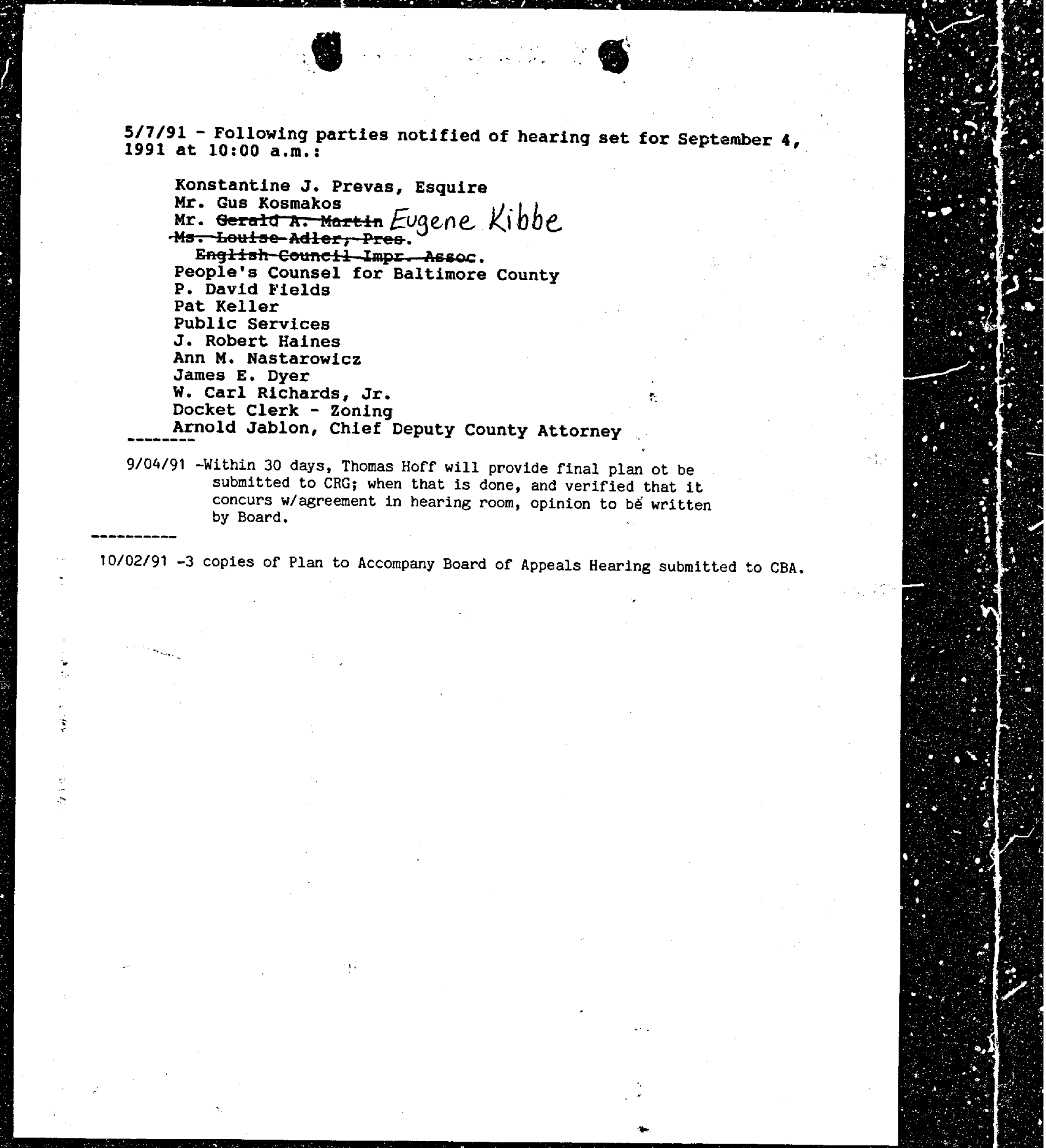
Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Gus Kosmakos
Mr. Eugene Kibbe
Bureau of Public Services
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

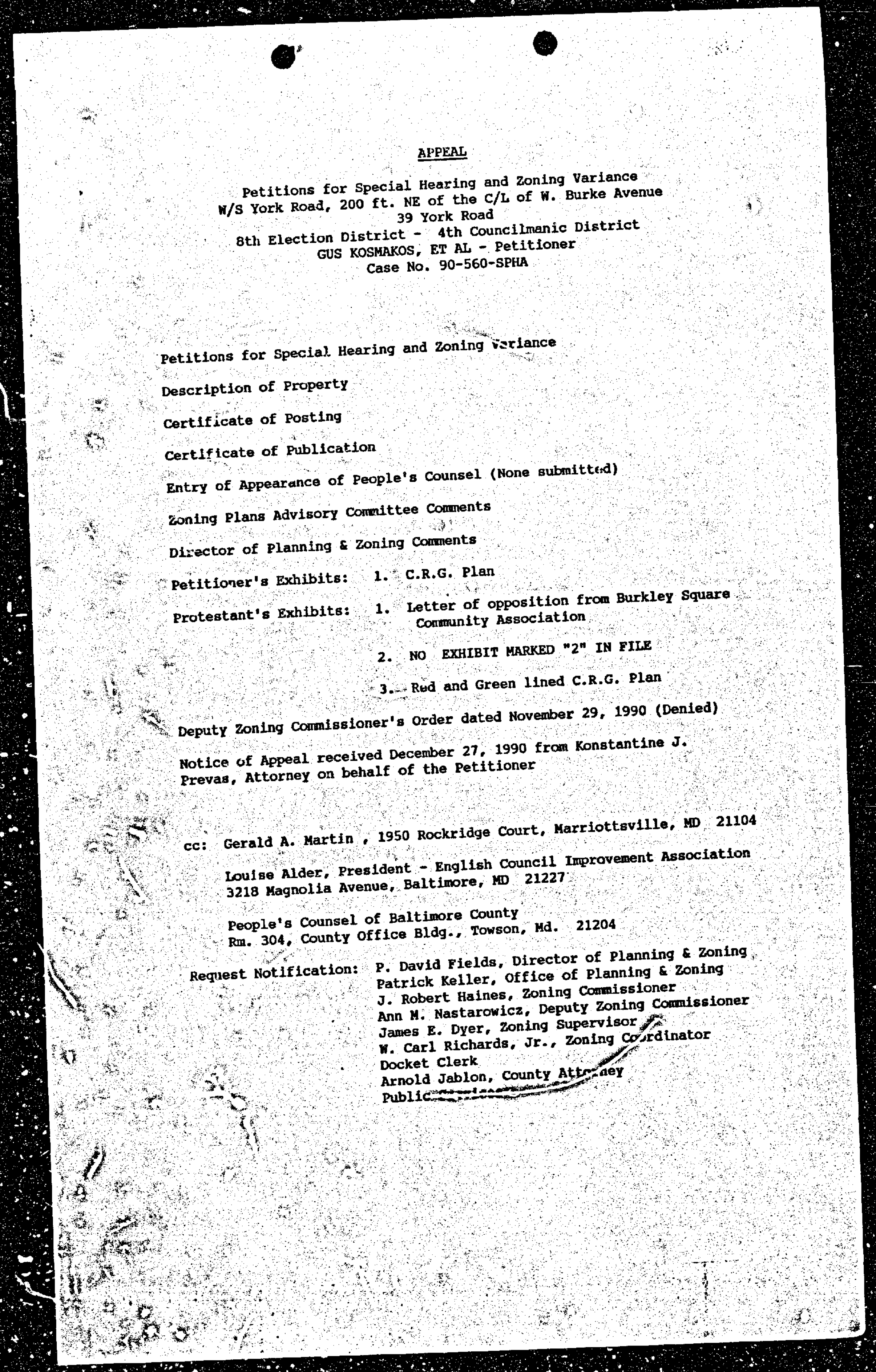


5/7/91 - Following parties notified of hearing set for September 4, 1991 at 10:00 a.m.:

Konstantine J. Prevas, Esquire
Mr. Gus Kosmakos
Mr. ~~Gerald A. Martin~~ Eugene Kibbe
~~Ms. Louise Adler, Pres.~~
~~English Council Impr. Assoc.~~
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

9/04/91 -Within 30 days, Thomas Hoff will provide final plan ot be submitted to CRG; when that is done, and verified that it concurs w/agreement in hearing room, opinion to be written by Board.

10/02/91 -3 copies of Plan to Accompany Board of Appeals Hearing submitted to CBA.



APPEAL

Petitions for Special Hearing and Zoning Variance
W/S York Road, 200 ft. NE of the C/L of W. Burke Avenue
39 York Road
8th Election District - 4th Councilmanic District
GUS KOSMAKOS, ET AL - Petitioner
Case No. 90-560-SPHA

Petitions for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. C.R.G. Plan

Protestant's Exhibits: 1. Letter of opposition from Burkley Square Community Association

2. NO EXHIBIT MARKED "2" IN FILE

3. Red and Green lined C.R.G. Plan

Deputy Zoning Commissioner's Order dated November 29, 1990 (Denied)

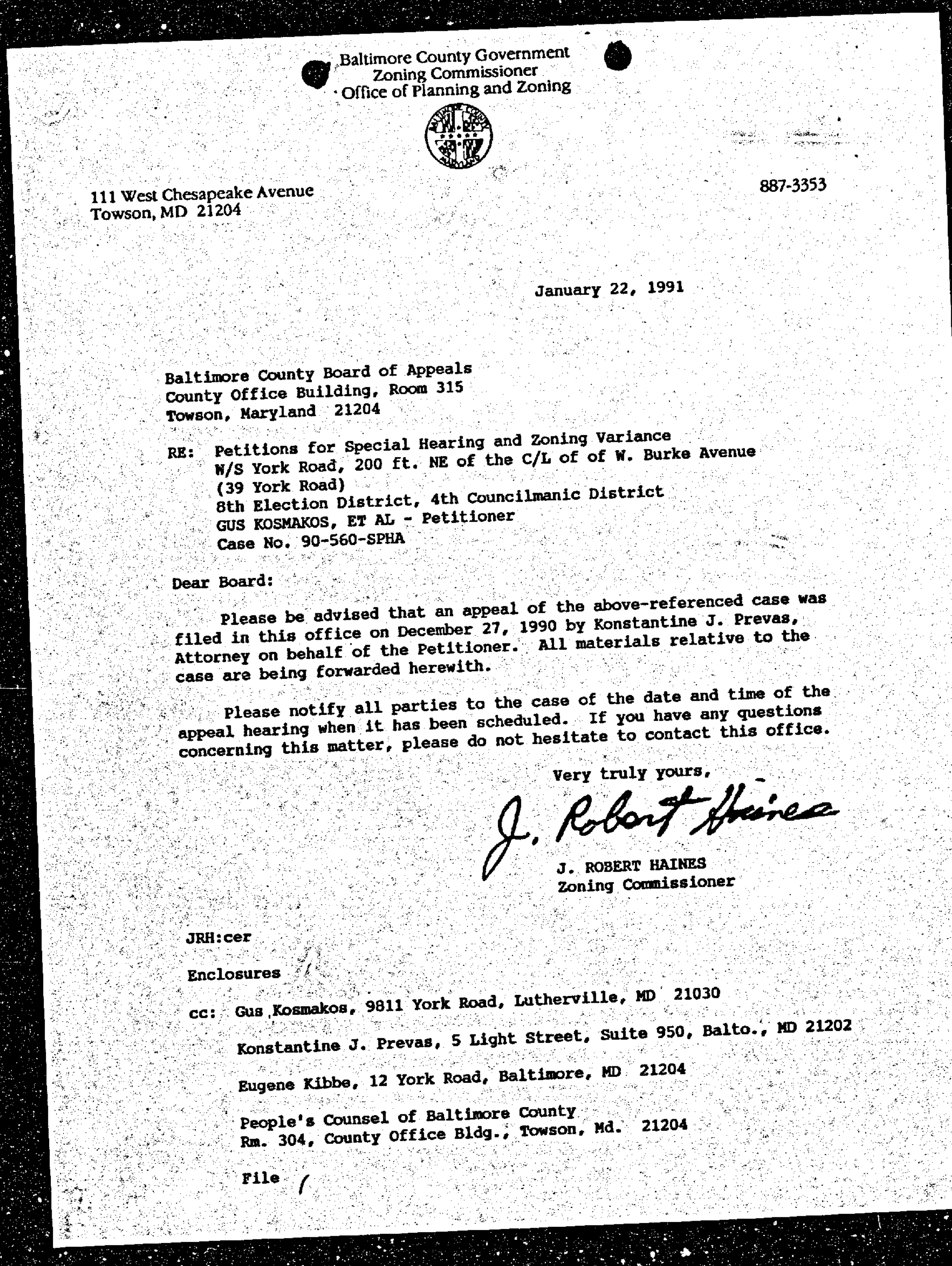
Notice of Appeal received December 27, 1990 from Konstantine J. Prevas, Attorney on behalf of the Petitioner

cc: Gerald A. Martin , 1950 Rockridge Court, Marriottsville, MD 21104

Louise Alder, President - English Council Improvement Association
3218 Magnolia Avenue, Baltimore, MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public [illegible]



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 22, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
W/S York Road, 200 ft. NE of the C/L of of W. Burke Avenue
(39 York Road)
8th Election District, 4th Councilmanic District
GUS KOSMAKOS, ET AL - Petitioner
Case No. 90-560-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 27, 1990 by Konstantine J. Prevas, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

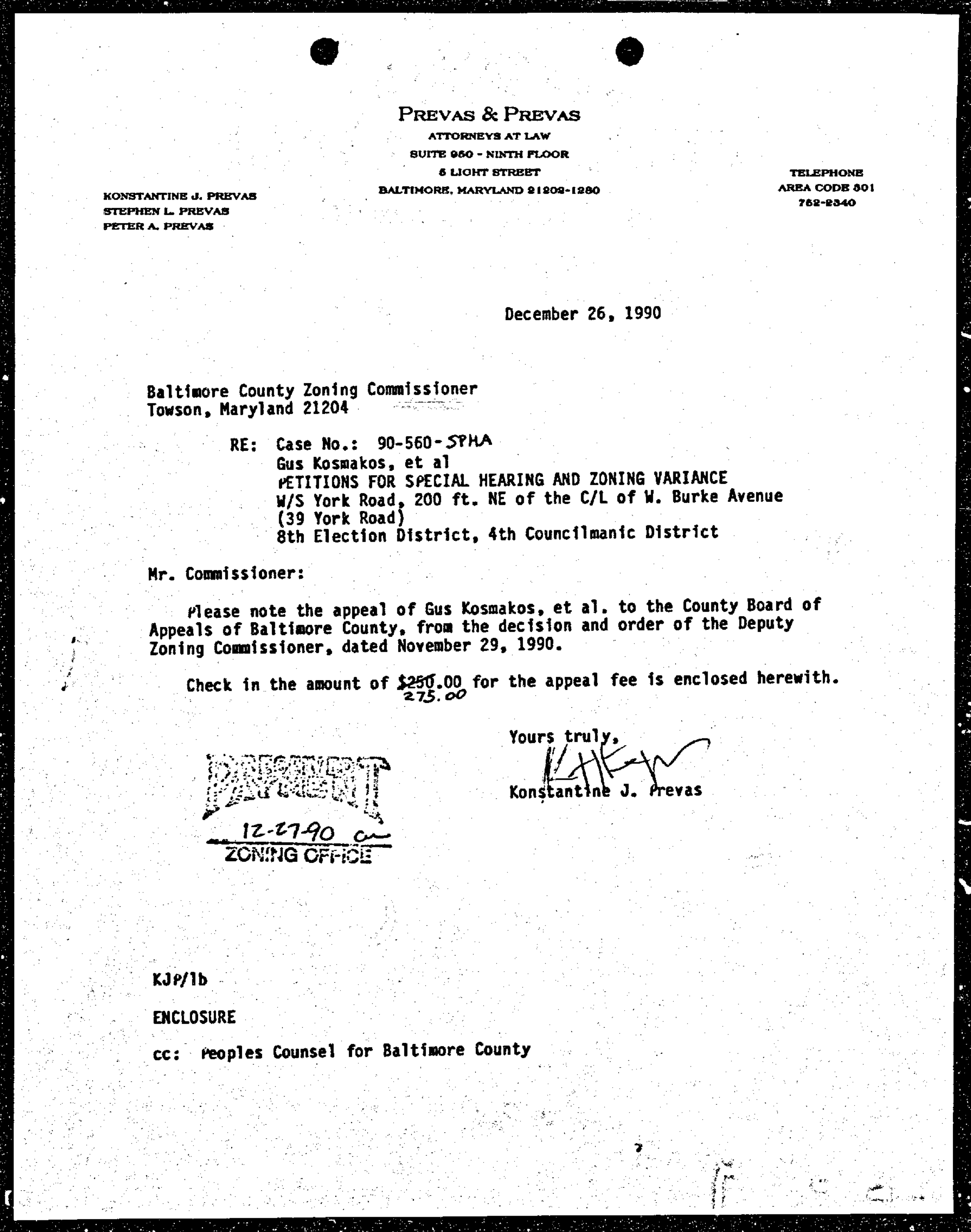
cc: Gus Kosmakos, 9811 York Road, Lutherville, MD 21030

Konstantine J. Prevas, 5 Light Street, Suite 950, Balto., MD 21202

Eugene Kibbe, 12 York Road, Baltimore, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File



PREVAS & PREVAS
ATTORNEYS AT LAW
SUITE 950 - NINTH FLOOR
5 LIGHT STREET
BALTIMORE, MARYLAND 21202-1280

KONSTANTINE J. PREVAS
STEPHEN L. PREVAS
PETER A. PREVAS

TELEPHONE
AREA CODE 301
752-2340

December 26, 1990

Baltimore County Zoning Commissioner
Towson, Maryland 21204

RE: Case No.: 90-560-SPHA
Gus Kosmakos, et al
PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
W/S York Road, 200 ft. NE of the C/L of W. Burke Avenue
(39 York Road)
8th Election District, 4th Councilmanic District

Mr. Commissioner:

Please note the appeal of Gus Kosmakos, et al. to the County Board of Appeals of Baltimore County, from the decision and order of the Deputy Zoning Commissioner, dated November 29, 1990.

Check in the amount of ~~$250.00~~ 275.00 for the appeal fee is enclosed herewith.

Yours truly,

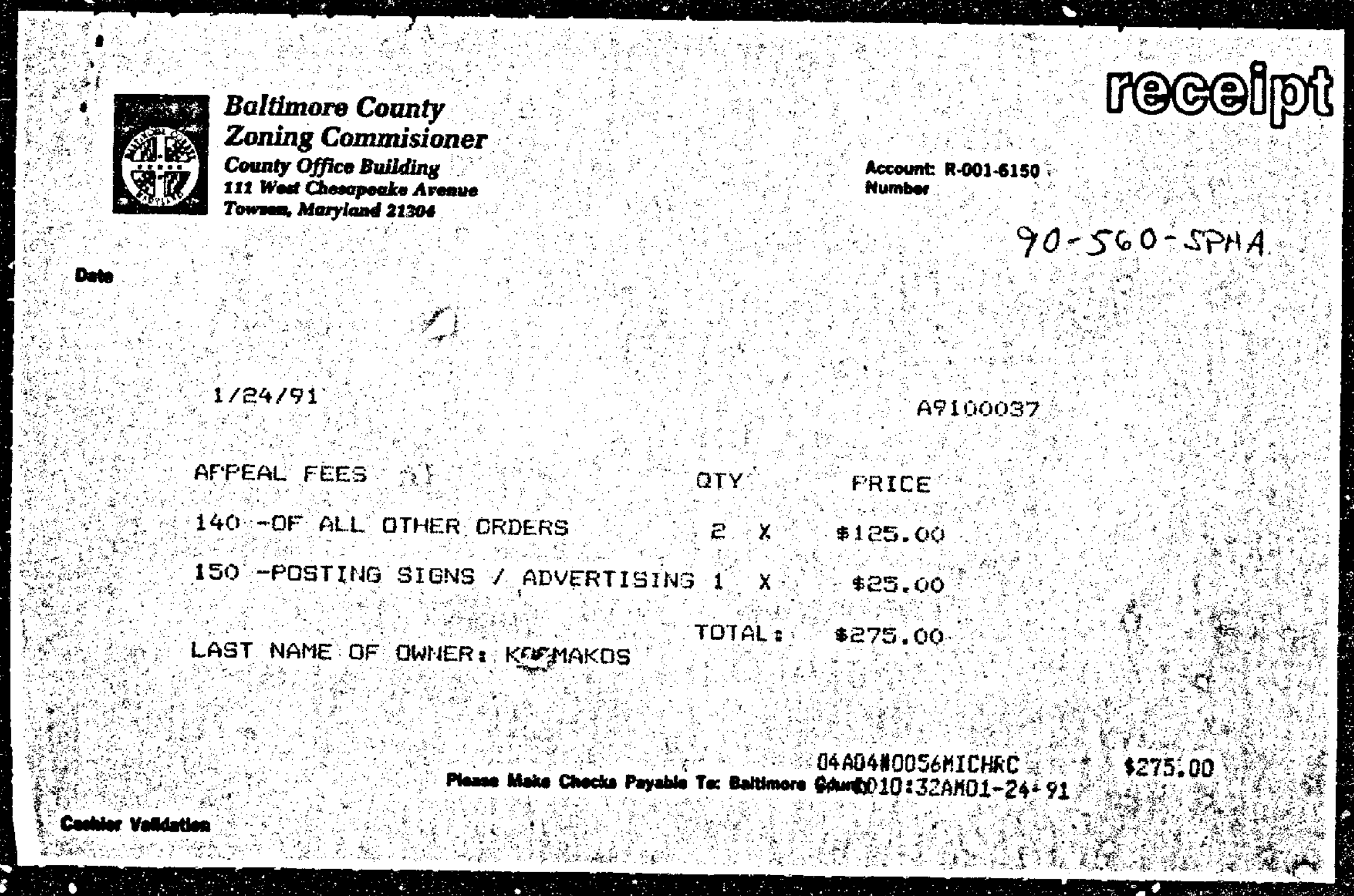
Konstantine J. Prevas

PAYMENT
12-27-90
ZONING OFFICE

KJP/lb

ENCLOSURE

cc: Peoples Counsel for Baltimore County



Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21304

receipt

Account: R-001-6150
Number

90-560-SPHA

Date

1/24/91

A9100037

APPEAL FEES	QTY		PRICE
140 -OF ALL OTHER ORDERS	2	X	$125.00
150 -POSTING SIGNS / ADVERTISING	1	X	$25.00
	TOTAL:		$275.00

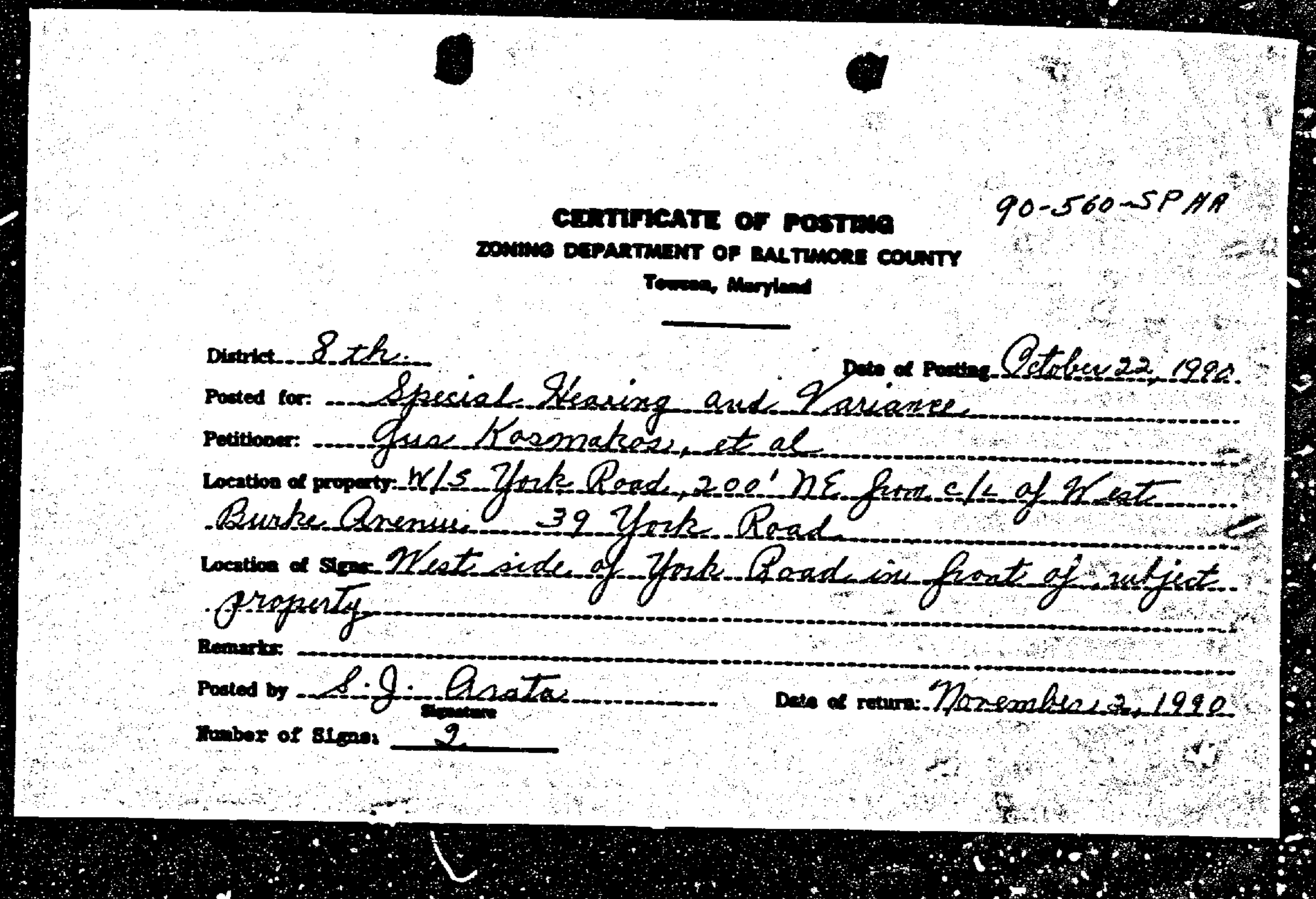
LAST NAME OF OWNER: KOSMAKOS

04A04#0056MICHRC $275.00

Please Make Checks Payable To: Baltimore County

010:32AM01-24-91

Cashier Validation



90-560-SPHA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th

Date of Posting October 22, 1990

Posted for: Special Hearing and Variance

Petitioner: Gus Kosmakos, et al

Location of property: W/S York Road, 200' NE from c/L of West Burke Avenue 39 York Road

Location of Signs: West side of York Road in front of subject property

Remarks:

Posted by S. J. Asata
Signature

Date of return: November 2, 1990

Number of Signs: 2