PETITION FOR VARIANCE S/S Liberty Road, 180' W of Chapman Road (9307 Liberty Road) 2nd Election District 2nd Councilmanic District

* DEFORE THE . DEPUTY ZONING COMMISSIONES

* OF BALTIMORE COUNTY . Case No. 94-345-A

Date H. Christ and iteve Trintis - Petitioners

TINDINGS OF FACT AND CONCLUSIONS OF LAW

This watter comes before the Deputy Zoning Commissioner as a Politics for Variance for that property known as 9307 Liberty Road located in the Pandallatown area of northwestern Baltimore County. The Petition was filed by the owners of the property, Pete Christ and Steve Trintis. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 20 feet in lieu of the required 30 feet and from Section 409.6 of the B.C.Z.R. to permit 79 parking spaces in lieu of the required 98 for the proposed expansion of an existing restaurant. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Evhibit 1:

Appearing on behalf of the Petition were Steve Trintis, one of the owners, Steve Annis, Architect, and Manuel M. Nicolaides, Esquire, attorney for the Petitioners. There were no Protestants.

Testimony revealed that the subject property consists of 0.938 scres. more or less, zoned B.R.-C.S.-2 and is the site of Cal Bitner's Restaurant. The property is improved with a two-story brick and frame building of approximately 2,171 sq.ft. The Petitioners are desirous of haking improvements to the existing restaurant in order to increase seating capacity. The proposed improvements include expanding the existing dining room and kitchen facilities, and updating the entrance in accordance with Petitioner's Exhibit 1. As a result of the proposed improvements, the ested variances are necessary to meet parking and setback requirements.

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
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a leasur relaxation than that applied for would give substantial relief; and
- 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 /19741

It is clear from the testimony that if the variance is granted such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions eviet that are peculiar to the land or structurn which is the subject of this variance remost and that the remainsments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of April, 1994 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 20 feet in lieu of the required 30 feet and from Section 409.6 of the B.C.Z.R. to permit 79 spaces in lieu of the required 98 for a proposed addition to an existing restaurant, in accordance with Petitioner's Exhibit 1, be and is hereby GRAMTED, subject to the following restrictions:

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made samer that pro-ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has capired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any building per the Petitioners shall bring the entire property compliance with the Liberty Road Revitalization Plan and accomplish all landscaping requirements clated therewith.

When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

- 3-

Luntly Kotroco

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4384

Manuel M. Nicolaides, Esquire 540 Dundelk Avenue Baltimore, Maryland 21224

PRITION FOR VARIANCE S/S Liberty Road, 180' M of Chapman Road (9307 Liberty Road) 2nd Election District - 2nd Councilmanic District Pete H. Christ and Stave Trintin - Petitioners Case No. 94-345-A

Enclosed please find a copy of the decizion rendered in the cove-captioned matter. The Petition for Variance has been granted in coordance with the attached Order.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

April 19, 1996

In the event any party finds the decision rendered is unfavor-able, any party may file an appeal to the County Moard of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 807-3319.

Very truly yours, Swetly Hotore TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. Steve Annis, Fidelity Architectural Group, Inc. 720 S. Montford Avenue, Baltimore, Md. 21224-3654

Petition for Variance 94-345-A 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 F32.2 For Set Set Sinc Set Care to Lice of 3 + Act is For 14 PARKING FRANCE IN LIEU OF 98 1 407. 8 A.S. TO YERMIT DEADEND WITHOUT

of the Zoning Regulations of Bullmore County, to the Zoning Law of Ballimore County; for the following reason; (indicate heartable or reaction) difficulty)

To BE DETERMINED

Presenty is to be costed and advertised as prescribed by Zoning Regulation I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon tiling of this pecition, and further agree to and are to be bound by the zoning regulations and restrictions of

Haltimore County adopted pursuant to the Zonii	of rea tot paremore county.
	I/We do solennily declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of the brittles.
Contract Purchaser/Leasee:	X Legal Owner(s):
(Type or Pylat Hame)	PETE H. CHRIST
Species	Sete No. Charon
Address	STEVE TRINKS
City and State	100 1100
Attorney for Politioner:	
Marguel M. Nicolaides	9307 LIBERTY RD. 922-4489

Media ne Spirlandes RANDALLSTONN, MC 71133 Home, referent and plans number of legal count, con-tract producer or representative to contential Fidelity Architectural Group, Inc. 720. S. Montford Avenue. Baltimore, Maryland 21224 (410) 633-8100

ore, Maryland 21224-3654 410-276-7128 071E IE 011 NTED LEGITH OF MEASURE -1/200. +100. AVAILABLE FOR MEASURE NOS./TWES./NES. - MEST THE HOSTERS OTHERS

331 94-345-A

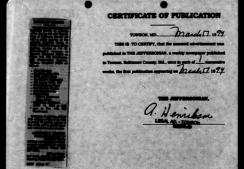
ZONING DESCRIPTION

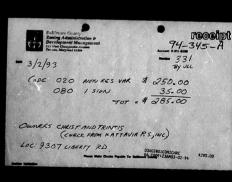
ing at a point on the northest side of Liberty Road on which the Beginning at a point on the northest side of Liberty Road on which the property fronts, which is 70 feet of right-of-way wide, at a distance of 180 feet from the centerline of the nearest improved intersecting stret, Chapman Road, which which is 50 feet right-of-way. Thence the following courses and distances:

Typical metes and bounds: N54°37'W 100'; S49°30'W 311.4'; S54°37'E 170.1'; and N36°30E 300' to the place of beglinning as recorded









(410) 887-3353 March 29, 1994

RE: Case No. 94-345-A, Item No. 331
Petition for Variance
Petitioner: Peter H. Christ, et al

111 West Chesapeake Avenue Towson, MD, 21204

28-----

used user nr. BLOGALOMES:
The show-referenced pritties and accompanying plans were accepted
for filling on Basch 2, 1998 and a basering was scheduled accordingly.
Beginning the Coning Plans Advisory Committee (2004) has reveal
those plans. Enclosed are copies of the comments from the revised
comments are no foreign or researching information on the particle soning
comments are no character to ensure that all parties; i.e., soning
commissioner, activates to ensure that all parties; i.e., soning
commissioner, activates, and/or petitioner, are searce of any issues that
may have a bearing on this case. Should we receive our immediately,
informative comments, they are placed in the case film; you will
not receive a copy.

The following comments are related only to the filing of future goning petitions and are sized at expediting the petition filing process with this office.

The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petitions with this office without the necessity of a preliminary wavder by

/4100 007-2383

CONTING MEARING ADVERTISING AND P.STING REQUIREMENTS & PROCEDURES

Baltimore County Scaling Resolutions require that notice be given to the questal public/naighboring property connects relative to property which requires a public hearing, this notice is accomplished by porti a sign on the property and placement of a notice in at least com-mencempor of general circulation in the County.

This office will ensure that the legal requirements for poeting and advertising are estified. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE NADE AS FOLLOWS:

Poeting fees will be accessed and paid to this office at the time of filing.

 Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
 OH-PATHENT OF ADVENTISING FEES WILL STAY ISSUANCE OF ZONING ORDER BULLA ADMICIO STATICO

For neversper advertising: Ita No.: 331 Potitioner: MR. CHRIST & TRINTIS LOCATION: 9301 LIBERTY RO.

ME: UR CHRIST ADDRESS: 9307 LIBERTY RA RANDAUSTONN NO. 2013 * PHONE HUMBER: 922-4489

MUST BE SUPPLIED

1 -1 14/35/931

The Emiling Commissioner of Smithners Courty, by sotherity of the Emiling Set and Repulsations of Smithners Courty, will belied spekific bearing on the property identified Sevela in Seminor Office Smithners (11). Its Companies Seminors in Seminor, Seminor 2020 or Seminors (11), and the Court of Seminors (12) or Smithners (12), and the Court of Smithners (12), a

CASE SMRHR: 94-96-8 (Item 331) 5977 Liberty Band CA Billone's Banderment 478 Liberty Band, 150° W of Chapman Band PAR Liberty Band, 150° W of Chapman Band PAR Liberty Band, 150° W of Chapman Band PARLISH SMRHR, 1982 11, 1599 at 2700 p.s., No. 118 Old Courthonson.

Variance to permit a 20 foot cids sethed: in line of 30 fast; to parmit 74 parking spaces in line of 90; and to permit dead-and without how-around ar-

NOTES: (1) MERCHANI DAN MARKICAPPED ROTHERINAS POR SPECIAL ROCHEMBETTOM PLANE CALL REP-3353.

(2) POR INFORMATION CHEMBERS WAS PLUE MIN/ON MERCHAN, PLANE CALL REP-3391.

Berch 8, 1994

(410) 887-3353

HOTICE OF HEARING

The States Conductors of Baltimore County, by orthority of the States but and Equilations of Baltimore County, will half a public insering on the property identified herein in Beam 165 of the County Office Baltimore 110. Companies Stress in Stress, Reprinted 2206 or States 110, County Cou

Baltimore County Go Office of Zoning Adr

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rimons to permit a 20 feet wide methods in lieu of 30 feet; to parmit 74 purking apaces in lieu of 90; 8 to parmit dead-and without turn-around area.

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cc: Poto Christ and Stove Trintis Moment M. Microlaides Pidelity Architectural Group, Inc.

NUMBER: (1) SOURCE SING A FOUR MAST DE SETUMENT DE SEL 104, 111 S. CHEMPARIS AFRINC ON THE MEMORY DETE.

(2) SEMENTAN ANN MEMORISHEM ACCESSIBLE; FOR SPECIAL ACCESSIONITION FLAME CALL 607-1555.

(3) FOR DEPOSITATION CONSISTE WAS FILE AMBRICADE SELECTION SPECIAL SELECTION FLAME SELECTION SELECTION

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700 East Joppa Road Suite 901 Towson MD 21286-5500

DATE: 03/11/96

Director
Zoning Administration and
Development Hanagement
Baltimore County Office Building
Towson, ND 21204
MAIL STOP-1105 RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW Item No.: SEE RELOW

Arnold Jablon

Zoning Agenda:

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.

The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 331, 332 AND 333.

PECHVE MR 15 994 ZADM

REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-6881, MS-1102F

2. Any attorney choosing to file without praintenance present standard computations. Any partition(s) filed in this same will for occurred and computation of points personal prior to previewed and commented not by noning personal prior to be increased. The property of the previewed and commented not by noning personal prior to be increased, but the possibility that another hearing will be required or that the noning commandour will deep will be required or that the noning commandour will deep the property of the prope

3. Attorneys, engineers, and applicants sho make appointment to fills petitions on a regular basis and all to be the appointment without street of the st

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 21, 1994 Zoning Administration and Development Management

The Developer Engineries Section has covined the subject soming item. This site is subject to Sec. V.2. of the Landscape Manual. A 10-foot setback from the right-lay mat be precised on the east side of the entrance of the contract of the

FROM Bobert W. Bowling, P.E., Chiet Developers Engineering Section

RR.

Zoning Advisory Committee Meeting for March 21, 1994 Item No. 331

Maryland Department of Transportation State Highway Administration

O. James Light Secretary Hal Kassoff 3-11-94

Re: Baltimore County
[Item No.: + 301 (524)

111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Minton:

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building

This office has reviewed the referenced item and we have no objection to Instruction has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions

Thank you for the opportunity to review this item.

John Contestable, Chief
Engineering Access Permits
Division 3th Anall

ty telephone number is Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

331

lippeleant advised of possible down regulation or requirements at filling.

Aff Sad Jut on the AM to DRC. Aff. 3/2/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration &



M+1 M-3-1-H

Cal Bitrer

B.R.-C.S.-2

SURMARY OF RECOMMENDATIONS:

Petitioner

Based upon a review of the information provided and a site inspection, staff offers the following comments:

The subject property is located in the Liberty Road Revitalization Plan area. The 1990 Liberty Action Plan Update, which was adopted by the County Council on October 7, 1997, encourages redevelopment and retention of businesses on Liberty Road. A review of the plat accompanying this request reveals it is not in compliance with the Liberty Road Evitalization Area Plan.

The Liberty Road Revitalization Area Plan contains landscape recommendations for commercial development. Plantings in scale with the site, treatment along sides of development, and adequate buffering of adjoining properties are identified as specific landscape recommendations.

PETITIONER(S) SIGN-IN SHEET

720 S. MONTEDED AUG.

SING CANNIE LA

540 DOWNOCK BOX 2424

ZAC.331/PZONE/ZAC1

PLEASE PRINT CLEARLY

Parent on September

STEVE TRINTIL

MANUEL M. NICOLAIDES

Pa. 1

ZAC.331/PZONE/ZAC1

Staff cannot support the applicant's request unless the site is brought into full compilance with the Plan. In addition, staff recommends that four parking spaces along the front of the building be designated for carry-out parking.

(9307 Liberty Road)

OF BALTIMORE COUNTY PETITIONER : CASE NO: 94-345-A

PETER H. CHRIST, et al

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

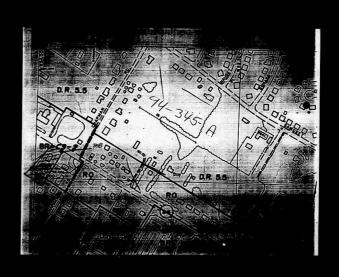
Poler Mar Sem

Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Weshington Avenue Townon, Maryland 21204 (410) 887-2188

I HEREBY CERTIFY THAT on this R day of Apr. / ___, 1994, а сору of the foregoing Entry of Appearance was mailed to Manuel M. Nicolaides. 540 Dundalk Avenue, Baltimore, MD 21224.



Veler mex Zan



Pg. 2

