

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
ANC York Rd. & Cross Campus Dr. * ZONING COMMISSIONER
Poulet USA * OF BALTIMORE COUNTY
7900 York Road *
4th Election District *
4th Councilmanic District *
Local Owner: David H. Hillman * Case No. 94-361-A
Lessee: Jonathan Soudry *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for the second time in less than one year, to consider a Petition for Zoning Variance for that property which is the site of the Poulet Chicken Restaurant in Towson. The property is more particularly known as 7900 York Road, situated immediately adjacent to the Towson State University Campus and across from the residential community known as Wiltondale. In the instant case, variance relief is requested from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use, identified as a restaurant/patio, to be located outside of the office building in which the restaurant use is located, in lieu of the requirement that same be located within the building. The Petition is filed by David H. Hillman, owner of the subject property, and Jonathan Soudry, Lessee and proprietor of the Poulet Chicken Restaurant.

Appearing at the public hearing held for this case was the aforementioned Jonathan Soudry who was represented by Julius W. Lichter, Esquire and Kathryn May, Esquire. Also present on behalf of the Petition was Susan Scott, Mr. Hillman's representative and Manager of the subject office building. Also appearing was Mark Willard, the Registered Landscape Architect who prepared the plan and Kenneth Colbert, a Professional Engineer. Michael Sicher, a co-tenant in the subject office building also

appeared and testified in support of the Petition.

Appearing in opposition to the Petition were numerous representatives of the surrounding residential communities. They included Craig W. Parker on behalf of the Wiltondale Improvement Association, Sally Malena on behalf of the Algburth Manor Association of Towson, Inc. and Jean Duval on behalf of Rodgers Forge Community Association. Also present were numerous individuals from these neighborhoods. Collectively, the Protestants were represented by Michael Tanczy, Esquire.

As noted above, this is the second case which has come before me in reference to this restaurant operation. The first case also related to a Petition for Zoning Variance for this site. In that case, (case No. 93-362-A) I issued an opinion on July 9, 1993 granting the requested variances. Specifically, a variance was granted from Section 409.6.A.2 of the B.C.Z.R. to permit 318 parking spaces in lieu of the required 319 spaces. Also approved was a variance from Section 204.3.C.2 to permit an exterior entrance to an accessory commercial use (restaurant) in lieu of the requirement that no exterior entrance be allowed. Several other variances were originally requested in that case but were withdrawn. Among them included a request for outdoor seating. In that the request was withdrawn, no substantive decision was issued in that case on that issue.

A summary of the testimony offered in the present case is helpful in understanding the positions of the parties. Testimony was first received from Kenneth Colbert, a professional engineer. Although Mr. Colbert did not prepare the site plan, he had familiarized himself with the property and proposed plan and testified at length about the subject Petition. He described the subject property which is referenced within the body of my findings dated July 9, 1993. Those findings are specifically referenced herein, as they relate to the history and general characteristics of the

site and surrounding locale. As Mr. Colbert noted, the subject property is zoned O-1 and is approximately 8 acres in net area. It is improved with a 4 story masonry office building which has been in existence since approximately 1960. The balance of the site is improved with several parking areas which support the subject building. As noted by Mr. Colbert in his testimony, the ground floor of the building has now been improved with the Poulet Chicken Restaurant. This occupies a significant portion of the ground floor and, at present, the restaurant use is entirely confined within the interior of the building. In fact, it is clear that the B.C.Z.R. requires that this use be confined to the interior of the building. Specifically, Section 204.3.A.3 of the B.C.Z.R. allows certain accessory establishments use within an office building in an O-1 zone, including eating establishments if located within the office building. Although the word "within" is not defined in Section 101 of the B.C.Z.R., it is defined by Webster's Third New International Dictionary. The B.C.Z.R. requires that Webster's be consulted in determining the meaning of any word used in the regulations when the word is not specifically defined. In Webster's, the word "within" is defined "on the inside or in the inner side". Thus, it is clear that strict adherence to the regulations would require that the restaurant use be contained wholly within the building. Mr. Colbert's comments contrary to that conclusion notwithstanding, I must first conclude that the use of the word "within" mandates that a restaurant may only be interior to the structure.

In any event, Mr. Colbert also described a small terrace area immediately outside of the building envelope on the west side of the building facing York Road. This is an attractively constructed flatstone area which is no larger than 650 sq. ft. The area is clearly shown both on the site plan and within Petitioner's Exhibit No. 2. The parties differed as

to the exact square foot area of the subject terrace but it is clearly a relatively small portion of the overall restaurant.

Within this area, Mr. Colbert testified that the Petitioner proposes placing 8 tables and 32 chairs. It is envisioned that outdoor seating to the restaurant's clientele will be provided during the warm weather months from April through November. Although the Petition was unclear as to the precise time when the proposed outdoor use is envisioned, the testimony offered by the Petitioners collectively is that the outdoor terrace would be utilized each and every year during the warm weather months, basically from April through November.

Also testifying on behalf of the Petition was Michael Sicher. Mr. Sicher is a principal in the Dial America Company, a telemarketing firm which maintains offices in this building. He indicated that he is a regular client of Mr. Soudry's restaurant and has been familiar with this site since at least 1984. In his view, the restaurant is a nice place to enjoy a relaxing lunch and he supports the proposed use. He believes that same would be a benefit to tenants of the building.

Mr. Soudry also testified. He noted that the restaurant opened on August 6, 1993. He also testified that his clients have expressed some demand for outdoor seating. Specifically, he has heard this request from many tenants of the building, who comprise a large portion of the luncheon trade. He described the orientation of the tables and chairs to be placed outside and noted that the terrace would be occupied by no more than 8 tables and 32 chairs. He also noted that no live entertainment or piped music would be provided on the terrace and that there would be no bar facilities on the terrace. That is, only the tables and chairs would be allowed on that part of the premises. He also described the customer mix of his clientele which he described as largely family oriented. He noted

that some Towson State students did patronize his business for eating and/or drinking, however, the predominant clientele were families.

Testimony was also received from Susan Scott, the property manager who represents Mr. Hillman. She described the security measures in place at the building which control access to the interior of the building and the Poulet Restaurant. She is anxious to accommodate Mr. Soudry's proposed expansion and believes that same will not be harmful to the other tenants or surrounding locale.

Testimony was also received from a number of the Protestants identified above. I first heard from Craig Parker on behalf of the Wiltondale Improvement Association. Mr. Parker and his association vehemently oppose the Petition. They also raised concerns over a number of other issues which were not entirely related to the proposed variance. Specifically, testimony was offered that the site has been improved with three different outdoor signs advertising the Poulet business. Mr. Parker and the other Protestants object to the erection of these signs. They are particularly objectionable because they were apparently not disclosed during the earlier variance case. In Mr. Parker's view, Mr. Soudry's credibility must be questioned because of these improvements. Therefore, Mr. Parker is unconvinced that the Petitioner will be satisfied only with the 8 tables and 32 chairs proposed. He fears that there will be more requests for variances in the future. These comments were echoed by Sally Malena on behalf of the Algburth Manor Community Association. She also believes that the granting of the variance would be contrary to the purposes of the O-1 zoning classification in that same would allow an over commercialization of the site.

Also testifying was Jean Duval of the Rodgers Forge Community Association. She objects to the exterior changes which are proposed. She be-

lieves that the site will become a magnet to college students and the outdoor tables will increase noise and an adverse visual presence to the surrounding locale. She also questioned Mr. Soudry's motives and credibility and believes that the site has been developed significantly different than what was shown by the Petitioners during the earlier zoning case. Other Protestants who testified included Paul Hartman who resides closely nearby across the street, Robert Schmidt, who has been a Wiltondale resident for over 40 years, Barry Slike and Dr. Robert Parker. All of these witnesses object to the proposed use for the reasons outlined above and as contained in the record.

As with the prior case, the subject variance must be adjudged pursuant to the standards set forth in Section 307 of the B.C.Z.R. Specifically, that section prescribes three tests which the Petitioner must meet in order for a variance to be granted. These are:

- That the Petitioner demonstrate a practical difficulty or unreasonable hardship if strict compliance with the zoning regulations was required; and
- That the relief can be granted only if same will be in strict harmony with the spirit and intent of the regulations; and
- That the relief granted will be without injury to the public health, safety and general welfare of the locale.

In adjudging the Petition for Variance offered in this case, attention is first given to the last test identified above, namely, whether the proposed use will be detrimental to the surrounding locale. Testimony as to this issue formed a large portion of the Protestants' opposition. In fact, the testimony of the Protestants largely confined itself to two areas only; that the proposed outdoor use would be detrimental to the community and an attempt to discredit Mr. Soudry's character and criticize development of this site.

As to the specifics of the former testimony, the Petitioners were largely concerned over noise, light and other effects which they associate with the proposed outdoor use. They are particularly concerned that the outdoor seating arrangement will attract a younger crowd from the neighboring Towson State University. It is feared that these younger patrons will become rowdy and noisy. It is argued that this feared activity on the subject site would detrimentally affect the residential communities which are located nearby. As noted above, testimony about increased noise and a heightened visual presence intruding into the community was offered. Also, issues as to public health and potential rodent infestation relating to the restaurant usage were discussed.

In evaluating these concerns, I have considered the Protestants' testimony carefully and have familiarized myself with the subject site and surrounding community. In fact, following the conclusion of the variance hearing in July of 1993, I patronized Mr. Soudry's restaurant on several occasions. I have been at the restaurant for lunch during the business day, for dinner during the week and on, at least, one Friday evening. Taking all of this into account, I have concluded that Mr. Soudry's operation is a first class family restaurant which is an asset to the Towson community. The predominant clientele at the restaurant, on the occasions when I was there, were families. In fact, the menu is geared towards family groups in that many meals are served homestyle. I saw little evidence of drunkenness or rowdiness and the lounge/bar area when I visited the site was nearly empty. In my opinion, this is one of the few restaurants in the Towson vicinity where families and children can dine for a reasonable price on something other than hamburgers and french fries.

Moreover, based on my observations of the site, the surrounding locale and the testimony offered, I do not believe that any detrimental

effect will occur if the variance is granted. There is no doubt that Wiltondale, Rodgers Forge and Algburth Manor are all in the vicinity. However, the immediate neighbors of the subject restaurant are office complexes and the Towson State University Campus. Moreover, to the east of the site is York Road, a major thoroughfare in Baltimore County which carries a significant volume of traffic. This is not a case where restaurant use is proposed in the middle of a residential community or rural locale, far removed from commercial or office properties. To the contrary, this site is immediately adjacent to one of the busiest roads in Baltimore County, nearly within sight of the Towson business and commercial district and immediately next to office and institutional properties. As such, I conclude that the proposed outdoor seating facilities will not be detrimental to the surrounding locale. Quite simply, the immediate neighboring properties will not be adversely affected and the residential communities nearby are too far away to be adversely affected by the sounds and sights of the proposed small outdoor seating area. In my opinion, the office uses, the Towson State Campus and the traffic on York Road will all dwarf any noise/visual effect created by the outdoor seating area.

Also, I cannot issue this opinion without commenting, in passing, the tenor of the Protestants' testimony which related to Mr. Soudry's character. I found the Protestants' comments about Mr. Soudry's character disturbing and inappropriate. In reviewing the file, I find no evidence that Mr. Soudry has committed any zoning violations or has developed his restaurant business illegally. As to the outdoor advertising signs to which the Protestants vehemently object, there was no evidence offered that they were illegally erected. To the contrary, counsel for Mr. Soudry proffered that they were erected only after the proper permits were issued. Other

outdoor signs of the sandwich type variety have apparently been on the property periodically and were criticized by the Protestants. However, these signs were not the Petitioner's but were placed on the property by other tenants. In my opinion, the Town area will be poorer if Mr. Soudry's restaurant does not succeed.

Moving along to the second test identified in Section 307, I also find that a granting of the variance will be within the spirit and intent of the regulations. Significant testimony was offered as to the size of the outdoor seating area. Depending on whose figures are utilized (either the Petitioner or the Protestants) the outdoor area will be no greater than 2A (according to the Petitioner) of the total restaurant area or 5A of the total area (according to the Protestants). In either case, the subject area to be utilized is small. Properly restricted and limited only to tables and chairs, I believe the relief can be so fashioned so as to observe the spirit and intent of the ordinance. If the variance were to be granted, I would recommend that the outdoor area be utilized only to support the aforementioned 8 tables and 32 chairs and that no music or bar facilities be permitted outside.

Lastly, turning to the practical difficulty/undue hardship test, the Petitioner must demonstrate that he and his property will suffer from either of those effects if the variance is denied. A reading of Section 307 of the B.C.E.R. discloses that the practical difficulty/undue hardship test is written in the disjunctive. That is, the Petitioner must demonstrate either practical difficulty or undue hardship, but not both. The appellate courts of this State have most often applied the undue hardship test to use variances. The practical difficulty test which is most often applied to area variances. In order to prove practical difficulty, the Petitioner must show the following:

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ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

- 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 the 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.

See McLean v. Soley, 270 Md. 208 (1973) and Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Clearing practical difficulty from the testimony offered by the Petitioner, in this case, is difficult. The Petitioner did not offer testimony that a denial of the variance would cause economic distress to Mr. Soudry and his business. Apparently, the Petitioner recognized the doctrine stated by the Court of Appeals in Eastern v. City of Baltimore, 195 Md. 395 (1950). Therein, the Court held that a variance request could not be supported only if such a grant would make the property more profitable than if the regulations were strictly enforced. I have no doubt that the outdoor seating arrangement might draw more business. However, profitability was not argued as a basis for this variance and even if it were, the Petitioner would be hard pressed to justify such a rationale based on the holding in Eastern.

Mr. Colbert's testimony on this issue was also not persuasive. When asked directly to identify the practical difficulty to be sustained by the Petitioner if the variance was denied, he stated the obvious; that strict adherence to the regulations would prohibit an outdoor restaurant use at this site. This testimony reflected more a desire by the Petitioner for outdoor seating capacity for reasons relating to his convenience and business operation.

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ness operation. In McLean, infra, at pages 213-214, the Court held that a variance could not be sustained for reasons related to the mere convenience of the applicant.

In searching for some basis of practical difficulty, perhaps the most plausible theory relates to a comparison of this use to similar uses in the subject locale. Mr. Sicher, the tenant, and Mr. Soudry testified that there are other restaurants not far from the site which do have outdoor seating capacity. The Casa Mia Restaurant, not far from York Road toward Towson, has outdoor seating, as do certain restaurants near Belvedere Square, south of the restaurant on York Road. In fact, even Mr. Parker's grocery store, in the center of Towson, has outdoor tables for its luncheon/deli business. Clearly, a prohibition on outdoor seating of Mr. Soudry's site does put him at a competitive disadvantage with these restaurants in the nearby area. However, does this constitute practical difficulty? I think not. A close reading of the language in Anderson, supra, discloses that the Court applied the practical difficulty standard in considering whether a grant of the variance would do substantial justice to the owner of the subject property as well as other property owners in the district. A review of the zoning maps shows that Mr. Soudry's premises is on property zoned O-1 whereas the other restaurants identified are in business zones. Thus, a comparison of these various restaurants from a land use standpoint is like comparing apples to oranges, in that they are located on different zones which contain different regulations as they relate to this particular use. Thus, although Mr. Soudry is held to a more rigid regulation, the rationale to support this higher standard relates to the underlying zoning of his property when compared with others. For this reason, Mr. Soudry's argument of competitive disadvantage cannot support a finding of practical difficulty.

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In sum, I have searched the record carefully in an effort to determine whether sufficient testimony and evidence exist to support a finding of practical difficulty. This is particularly relevant in view of my findings as they relate to the other tests announced above regarding possible detriment to the locale and observance to the spirit and intent of the ordinance. I cannot find any practical difficulty here. Thus, I must hold that the Petitioner has failed to meet that standard and the variance 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.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1994 that a variance from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use, identified as a restaurant/patio, to be located outside of the office building in which the restaurant use is located, in lieu of the requirement that same be located within the building, be and is hereby DENIED.

ORDER RECEIVED FOR FILING
Date 3/14/94
By [Signature]

102/ann

[Signature]
LAWRENCE E. SCHWIDT
Zoning Commissioner
for Baltimore County

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 111, Cornerstone
401 Washington Avenue
Towson, MD 21204

May 19, 1994

(410) 887-4386

Julius W. Lichter, Esquire
305 N. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-361-A
Petition for Variance
Property: 1400 York Road
Jonathan Soudry, Petitioner

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-1391.

Very truly yours,

[Signature]
Lawrence E. Schwidt
Zoning Commissioner

cc: Mr. Susan Scott, Southern Management Corp.
Mr. Michael Sicher, Dial American Market, Inc.
Mr. Craig W. Parker, Milkenville Improvement Assoc.
Mr. Sally Malena, Algonquin Manor Assoc.
Mr. Jean Dorelli, Rodgers Forge Community Assoc.
Michael Thompson, Esquire



Petition for Variance

to the Zoning Commissioner of Baltimore County

For the property located at 7800 York Road, which is presently zoned O-1 DR2 and DR16. The Petitioner shall meet with the Office of Zoning Administration & Enforcement Management. The undersigned, legal owner of the property, hereby certifies that the information provided herein is true and correct. I am aware of the provisions of the Zoning Ordinance and the Zoning Regulations of Baltimore County, and I am aware of the consequences of providing false information. I am aware of the consequences of providing false information. I am aware of the consequences of providing false information.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Describe the nature of the proposed use, the nature of the property, and the nature of the surrounding area. Describe the nature of the proposed use, the nature of the property, and the nature of the surrounding area. Describe the nature of the proposed use, the nature of the property, and the nature of the surrounding area.)

Property is to be used and advertised as presented by Zoning Regulations. I am aware of the consequences of providing false information. I am aware of the consequences of providing false information. I am aware of the consequences of providing false information.

Jonathan Soudry
14 E. Lee Street #1908
Baltimore, MD 21202
Julius W. Lichter
305 N. Chesapeake Ave. 321-0600
Towson, MD 21204

David H. Hillman
David H. Hillman
David H. Hillman

Julius W. Lichter, Esquire
305 N. Chesapeake Ave. 321-0600
Towson, MD 21204

DROP-OFF
No RENEWAL
3-14-94
WCR

347
94-361-A

Zoning Description

Beginning at a point on the west side of York Road, 200 feet from the intersection of centerlines of Cross Campus Drive and York Road and running along the west side of York Road, North 12 degrees 15 minutes 41 seconds East 39 feet, North 77 degrees 44 minutes 19 seconds West 228.23 feet, North 45 degrees 13 minutes 20 seconds West 529.03 feet, North 42 degrees 18 minutes West 454.03 feet, North 42 degrees 47 minutes 45 seconds West 57.38 feet, South 27 degrees 42 minutes West 235.77 feet, South 59 degrees 21 minutes 42 seconds East 188.47 feet, North 30 degrees 38 minutes 18 seconds East 1.80 feet, South 59 degrees 21 minutes 42 seconds East 567.98 feet, Easterly radius of 1062.12 feet, for a distance of 68.85 feet, Easterly radius of 1627.93 feet, for a distance of 386.00 feet, Easterly radius of 88 feet, for a distance of 124.09 feet, North 21 degrees 28 minutes 11 seconds East 162.31 feet, South 45 degrees 13 minutes 20 seconds East 0.67 feet to the place of beginning, containing 7.557 acres of land, more or less.

The improvements shown being now or formerly known as No. 7800 York Road.

NOTE: THIS DESCRIPTION IS PROVIDED FOR ZONING PURPOSES ONLY AND IS NOT TO BE CONSIDERED A PROPERTY LINE.



CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Petition for: Variance
Petitioner: Jonathan Soudry
Location of property: 1400 York Rd., Towson, Maryland
Location of signs: 1400 York Rd., Towson, Maryland
Signed by: [Signature]
Date of return: 4/7/94

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 10, 1994
THIS IS TO CERTIFY, that the second advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ consecutive weeks, the first publication appearing on March 14, 1994.

THE JEFFERSONIAN
LEAH N. JENSEN
LEAH N. JENSEN

receipt
74-361-A

ACCOUNT: R-01-8150
Number: 367 (WCE)
DROP-OFF: NO RETURN

DATE: 3/14/94

PRINT - FAST COPY \$250.00
PRINT - SIGN PRINTING 35.00
TOTAL \$285.00

Legal Owner: David H. Hillman
Contract Purchaser: Jonathan Soudry
7800 York Road - Poulst USA
11th Election Dist.
7,000 sq. ft. approx. net
Zoning: (M) 2, C, P, U, S, & T, P, U, S
Agriculture, Julian W. Lichter

0124280027101000 4285.00
0124280027101000 4285.00

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jan
ARNOLD JANIN, DIRECTOR

For newspaper advertising:
Item No.: _____
Petitioner: Jonathan Soudry
Location: 7800 York Road

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Jonathan Soudry
ADDRESS: 10 E. Lee Street, #1908
Baltimore, MD 21202

PHONE NUMBER: c/o 321-8600 (Julius Lichter)

Assign: _____
(Revised 04/09/93)
1001 23

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

APRIL 15, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 94-361-A
PETITIONER(S): David Hillman/Jonathan Soudry/Poulst USA
LOCATION: 7800 York Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BEARD ON APRIL 21, 1994, HAS BEEN POSTPONED AT THE REQUEST OF MICHAEL P. TANCYNO, ATTORNEY FOR PETITIONERS, WILKONALE IMPROVEMENT ASSOCIATION, ET AL.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl Jan
Arnold Janin
Director

cc: David H. Hillman
Jonathan Soudry
Julius W. Lichter
Michael P. Tancyno
Sally A. Malena/Alphur Manor Association of Towson

Assign: _____

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

APRIL 18, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-361-A (Item 347)
7800 York Road - Poulst USA
9th Election District - 4th Councilmanic
Legal Owner(s): David H. Hillman
Contract Purchaser(s): Jonathan Soudry

Variance to permit part of an accessory use (approved restaurant patio) to be located outside of the office building in line of inside of the building.

HEARING: TUESDAY, APRIL 26, 1994 at 4:00 p.m., Room 110, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Carl Jan
ARNOLD JANIN
DIRECTOR

cc: Jonathan Soudry
Julius W. Lichter, Esq.
David H. Hillman
Michael P. Tancyno, Esq.
Sally A. Malena/Alphur Manor Association of Towson

TO: PETITIONER'S COUNSEL
March 11, 1994 Date - Jeffersonian

Please forward billing to:
Julius W. Lichter, Esq.
305 W. Chesapeake Avenue
Towson, Maryland 21204
410-321-0600

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Re: Case No. 94-361-A, Item 347, 7800 York Road - Poulst USA
9th Election District - 4th Councilmanic
Legal Owner(s): David H. Hillman
Contract Purchaser(s): Jonathan Soudry

HEARING: THURSDAY, APRIL 21, 1994 at 7:00 p.m., Rm. 110, Old Courthouse.

Variance to permit part of an accessory use (approved restaurant patio) to be located outside of the office building in line of inside of the building.

LAURENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING IS UNANNOUNCED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

MARCH 24, 1994

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Re: Case No. 94-361-A, Item 347, 7800 York Road - Poulst USA
9th Election District - 4th Councilmanic
Legal Owner(s): David H. Hillman
Contract Purchaser(s): Jonathan Soudry

HEARING: THURSDAY, APRIL 21, 1994 at 7:00 p.m., Rm. 110, Old Courthouse.

Variance to permit part of an accessory use (approved restaurant patio) to be located outside of the office building in line of inside of the building.

Carl Jan
Arnold Janin
Director

cc: David H. Hillman
Jonathan Soudry
Julius W. Lichter

NOTES: (1) HEARING IS UNANNOUNCED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

April 11, 1994

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-361-A, Item No. 347
Petitioner: David H. Hillman, et al.
Petition for Variance

Dear Mr. Lichter:

The Zoning Planning Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e., zoning commission, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 March 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of Zoning Administration and Development Management has instituted a system whereby assessed zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions with this office without requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

Q. James Lighizer
Secretary
Hal Kassoff
Administrator

3-26-94

Re: Baltimore County
Item No. 347 (WCE)

Ms. Charlotte Minton
Zoning Administration
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office 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.

Very truly yours,
Bob Small
for DAVID H. KANZAK, ACTING CHIEF
John Connersville, Chief
Engineering Access Permit
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/26/94

TO: Mr. Lichter, Esquire
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #347)
Legal Owner: David H. Hillman
7800 York Road
9th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Signature of legal owner is facsimile.
2. Legal owner identified on plan is different from petition.
3. If signage is proposed as indicated, a schematic should be provided.
4. Zone lines should appear on the plan.

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

Very truly yours,
David H. Hillman
David H. Hillman
Planner I

JCH:scj
Enclosure (receipt)
cc: Zoning Commissioner

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 11, 1994

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-361-A, Item No. 347
Petition for Variance

Dear Mr. Lichter:

Enclosed are copies of comments received from the Office of Planning and Zoning on April 11, 1994, for the above-referenced case. If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: March 31, 1994

SUBJECT: 7800 York Road

INFORMATION:

Item Number: 347

Petitioner: Rodney Hillman

Property Size: _____

Zoning: O-1, D.B. 2 and D.B. 16

Requested Action: _____

Hearing Date: 4/1

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff offers the following comments:

This site is located within the area of the Towson Community Plan and is designated as an Urban Center/Development Area. The nearby residential communities to the east and west are designated as Community Conservation Areas.

Several items should be clarified concerning the requested Variance. The plan should be revised to indicate the following:

- 1) Is the request for annual use from April 1 to November 30?
- 2) Will live entertainment or piped music be available for the outdoor seating area?
- 3) A detail of the seating area should be provided to indicate how many tables will be available.
- 4) The hours of operation should be indicated. (Staff recommends a limitation of 11:00 p.m.).

ZAC-347/PSOM/ZAC1

Pg. 1

Provided that community concerns and the issues indicated by staff are addressed, this office continues to support the re-use of the building and restricted outdoor seating.

Prepared by: Jeffrey W. Long

Hearing Chief: Carol Kerner

PK/JSL:lv

ZAC-347/PSOM/ZAC1

Pg. 2

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 25, 1994

Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #347)
Legal Owner: David H. Hillman
7800 York Road
9th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Signature of legal owner is facsimile.
2. Legal owner identified on plan is different from petition.
3. If signage is proposed as indicated, a schematic should be provided.
4. Zone lines should appear on the plan.

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

Very truly yours,
David H. Hillman
David H. Hillman
Planner I

JCH:scj
Enclosure (receipt)
cc: Zoning Commissioner

Printed on Recycled Paper

Baltimore County Government
Office of Law

400 Washington Avenue
Towson, MD 21204

(410) 887-4420
Fax (410) 286-0931

May 5, 1994

VIA FAX 296-8827

Michael P. Tarczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Re: Petition for Poullet USA
7800 York Road
Before the Zoning Commissioner
of Baltimore County
Case No. 94-361-A (Item 347)
Hearing Date: May 5, 1994, 1:00 p.m.

Dear Michael:

This letter will confirm our conversation of yesterday afternoon in which you advised that it will be unnecessary for Jeffrey Long to appear at the above-captioned matter in response to the Subpoena Duces Tecum which was served upon him yesterday morning. As I advised you, Mr. Long has a commitment of long standing to assist in the Pallen Homes' Day Ceremony to be held this Friday at the Baltimore Municipal Gardens.

However, Jeff will provide you with the original files which you requested and will make arrangements to have them delivered to you on the day of the hearing.

Thank you for your cooperation in this matter.

Sincerely yours,
Mary C. West
Assistant County Attorney

MCM:wm
cc: Lawrence E. Schmidt, Zoning Commissioner
Jeffrey Long, Office of Planning & Zoning

Printed on Recycled Paper

IN RE: PETITION FOR

POULETT USA, 7800 York Road
BAC York Road & Cross Campus Drive
9th Election District - 4th Councilmanic
David H. Hillman, Legal Owner
Jonathan Soudry, Contract Purchaser

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 94-361-A (Item 347)

TO: JEFF LONG
Department of Planning
401 Bosley Avenue
Towson, MD 21204

SUBPOENA

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106 of the County Office Building or Room 118 of the Old Courthouse, whichever location is determined, and to bring all files relative Poullet USA, Item No. 347; Case 94-361-A; Case 93-382-A on the 6th day of May 1994 regarding the above captioned case, for the purpose of testifying at the request of Protestants, Witoldas Improvement Association.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 19(c).

Signature of Zoning Commissioner/Deputy Zoning Commissioner for Baltimore County

Issued: _____

The Greater Towson Council of Community Assoc., Inc.

912 STEVENSON LANE, TOWSON MD. 21206

Mr. Lawrence Schmidt
Old Court House
Towson, Md. 21204

April 30, 1994

RE: Poullett

Dear Mr. Schmidt,

I am writing to you on behalf of The Greater Towson Council of Community Associations, Inc. Our organization represents 30 Towson Neighborhoods. We wish to support our member communities of Witoldas and Aigborth Manor in opposing an outdoor deck for the Poullett Restaurant.

It would seem that the owner would not want to pursue an idea that is offensive to the neighbors that he is trying to serve. We also feel the indoor seating is adequately meeting the current needs.

Sincerely,
Jo Ann Holback
Jo Ann Holback, President

RECEIVED
MAY 3 1994
ZONING COMMISSIONER

7400
94-361-A
7000 York Rd.

- 8 Tables -
- 4 Seats -

IMPORTANT MESSAGE

TO: *John* DATE: *4/14/94* TIME: *4:20* AM/PM: *PM*

FROM: *Barry West*

PHONE: *410-296-8824*

FAX: *410-296-8827*

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	RETURNED YOUR CALL
WANTS TO SEE YOU	WILL CALL AGAIN
WILL FAX YOU	URGENT

Message: *Summing a*
Paul H. Schmitt
Barry West
Jeffrey

Signed: *Jeffrey*

Hearing:
4-26-94
at 4 p.m.



COUNTY COUNCIL OF BALTIMORE COUNTY
COUNT HOUSE, TOWSON, MARYLAND 21204

DOUGLAS B. RILEY
COUNCILMAN, FOURTH DISTRICT

COUNCIL OFFICE: 887-2389
887-2394

March 10, 1994

94-361-A

Sally A. Malena, President
Aigburth Manor Association of Towson
Post Office Box 20143
Towson, Maryland 21284-0143

Re: Poulet Restaurant

Dear Sally:

Thank you for sending me a copy of your letter to Arnold Jablon, reiterating your association's concerns about any zoning variance for outdoor seating and live music at Poulet Restaurant. I am sure the members of your association, I am convinced that any such variance would be intrusive to the nearby communities and should be denied.

Sincerely,

John P. Riley
Councilman, Fourth District

DE:rlad

cc: Arnold Jablon, Director
Zoning Administration and Development Management Office
MALENA, J/P/22ND

RECEIVED
MAR 14 1994
ZADM

Law Offices
Michael P. Tanczyn, P.A.

Suite 106, 600 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

April 11, 1994

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

Re: Case No. 94-361-A (Item 347)
7800 York Road - Poulet USA
NWC York Road & Cross Campus Drive
9th Election District - 4th Councilmanic
David H. Hillman - Legal Owner
Jonathan Soudry, Contract Purchaser
April 21, 1994 at 2:00 p.m. Hearing

Dear Mr. Schmidt:

Please enter our appearance on behalf of the Protestants, Willondale Improvement Association and Craig W. Parker, in the above matter.

We would request that the scheduled hearing date of April 21, 1994 at 2:00 p.m. be postponed to another date and time since we have previously been scheduled on that date to be in the Circuit Court for Baltimore County in the matter of *Menzies v. Bellington* for a Motions Hearing at 9:30 a.m. and a Pretrial Settlement Conference at 2:30 p.m.

Your anticipated cooperation with this request is appreciated.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

RECEIVED
APR 12 1994
ZADM

The Aigburth Manor Association of Towson, Inc.

P.O. Box 20143 • Towson, Maryland 21284-0143

February 9, 1994

Mr. Arnold Jablon, Director
Department of Zoning Administration
and Development Management
Baltimore County
111 S. Chesapeake Avenue
Towson, MD 21204

RE: Poulet Restaurant at 7800 York Road

Dear Mr. Jablon:

The President of the Aigburth Manor Association of Towson, I am writing to you concerning the Poulet Restaurant at 7800 York Road.

Mr. Jonathan Soudry, the restaurant owner, called me recently with the request that the community support him in his pursuit to have outdoor seating in front of his establishment - sans lawyers.

In July of 1993 Mr. Soudry requested several zoning variances for this site including variances for outdoor seating and live music. At the public hearings the communities of Aigburth Manor and Willondale strongly contested these variances. Mr. Soudry withdrew his request for these two variances and amended his site plan accordingly. (Case No. 93-362-A)

It is my understanding that if Mr. Soudry wishes to add the outdoor seating he would have to amend his site plan and another public hearing would be required.

The Aigburth Manor Association of Towson would like to reiterate our opposition to outdoor seating at this location. It is too close to our neighborhood.

Sincerely,

Sally A. Malena
Sally A. Malena
President
Aigburth Manor Association of Towson

cc: Dave Hunter - President, Willondale Improvement Association
Doug Riley - Councilman, Fourth District
John Holback - President, Greater Towson Council of Community Associations

RECEIVED
MAR 24 1994
ZADM

1/14/94
to 6/5/94
to 6/5/94

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0000
TELEFAX: 410-321-0000

May 5, 1994

REED W. LICHTER

HAND-DELIVERED

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance
7800 York Road
Hillman/Soudry, Petitioners

Dear Commissioner Schmidt:

As you know, I represent the Petitioners in the above referenced matter. It has come to my attention that the Petition should be amended to more accurately reflect both the legal owner of the property and the lessee.

The legal owner is York At Cross Campus Limited Partnership. The Petition, as submitted, was signed by David Hillman. Mr. Hillman is the general partner of York At Cross Campus Limited Partnership, and has the authority to sign the Petition on behalf of the owner.

The lessee is Poulet Town, LLC, t/a Poulet U.S.A. The Petition, as submitted, was signed by Jonathan Soudry. Mr. Soudry is a member of Poulet Town, LLC, as well as its manager, and has the authority to sign the Petition on behalf of the lessee.

Please accept this letter as a formal amendment of the Petition.

Sincerely,

Julius W. Lichter
Julius W. Lichter

c.c. Michael Tanczyn, Esquire

RECEIVED
MAY 5 1994
ZONING COMMISSIONER

Mr. & Mrs. Burton E. Greenwood
640 Wilton Road
Towson, Maryland 21286-7414

April 26, 1994

Mr. Lawrence Schmidt
Zoning Commissioner, Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case Number: 94-361-A (Item 347)
7800 York Road - Poulet USA
Hearing for variance outside of building

Dear Mr. Schmidt,

Having been a resident (homeowner) of the Willondale Community for over thirty years, your kind consideration of my concerns would be greatly appreciated.

Our Community Association and virtually all of our 365 homeowners of Willondale (I have served on the Board of Directors of our Association for over 23 years) vehemently oppose the variances requested. Any compromise regarding the permit of an accessory use to be located outside of this office building in front of inside of the building is a threat to the character of our community. We have worked very diligently for many, many years to preserve the integrity of our community as we have our adjoining community neighbors. Allowing any variance per the capitol will invite the advent of what has resulted in the commercialism that has occurred on York Road in Timonium and Cockeysville, Liberty Road in Randallstown and Rockdale and other similar encroachments in our county.

Please assist us in preserving our property values and the character of our community.

Your kind assistance and cooperation is appreciated.

Respectfully yours,

Burton E. Greenwood
Burton E. Greenwood

RECEIVED
APR 26 1994
ZONING COMMISSIONER

12 Aigburth Manor
Towson, Maryland 21206

April 26, 1994

Mr. Lawrence Schmidt
Zoning Commissioner
Towson, Maryland 21204

Dear Mr. Schmidt:

Re case number 94-361-A, item 347

I am strongly opposed to permitting outdoor dining at the Poulet U.S.A. restaurant at 7800 York Road.

The county seat of Baltimore County is fortunate to be surrounded by neighborhoods, schools, and colleges of high quality. They have remained strong community anchors inside the beltway and are vital to the well-being of the whole county. Nothing must be permitted to weaken these neighborhoods.

There is no question in my mind that the zoning variance request for outdoor dining at Poulet U.S.A. would do just that by providing detrimental to the quality of life in Willondale and other adjacent communities. Consider this: Not long ago Poulet U.S.A. hung a sign on York Road advertising buffalo wings and cheap beer. Given its location next to a university of sacred the street from a Frederick, it's clear what audience the business was aiming at. Outdoor dining--will result in noise and will detract from the residential character of this area. And it will, you may be certain, project a highly undesirable image for the whole greater Towson area.

To protect the integrity not only of the adjacent neighborhoods but of the county seat itself, please do not permit this inappropriate and undesirable addition.

Yours sincerely,
Carl Behn III
Carl Behn III

RECEIVED
APR 26 1994
ZONING COMMISSIONER

JOHN G. SCHISLER
625 COUNTRY ROAD
TOWSON, MARYLAND 21286

April 26, 1994

Mr. Lawrence Schmidt,
Zoning Commissioner
Old Court House,
Baltimore Avenue
Towson, Md. 21204

Dear Commissioner Schmidt:

My wife and I have resided at 625 Country Road, in Willondale, since May, 1986.

We bought our home because of the fine, quiet, well-kept neighborhood. It is a beautiful area, and we are 65 and on years old respectively.

We are anxiously opposed to granting a zoning variance to Poulet U.S.A. to allow outdoor dining at 7800 York Road, Case Number 94-361-A.

We are opposed because of the noise and food odors dining would surely generate. The variance would weaken the character of the York Road neighborhood, and it would detract from the high quality of life, and all would because the value of our property.

Ann E. Schisler
Ann E. Schisler

Ellen Orr Riley
625 Wilton Road
Towson, Maryland 21286

April 25, 1994

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
Old Court House
Towson, Md. 21204

Dear Larry,

I am writing to express my strong opposition to Poulet USA's new attempt to acquire a zoning variance for outdoor dining. Just as we argued last year when they first sought outdoor dining, the noise from an outdoor establishment will surely affect the residence just across York Road, including those on Cedar Avenue.

I am perhaps more irked that

RECEIVED
APR 26 1994
ZONING COMMISSIONER

Attn: Craig Poulet
The Greater Towson Council of Community Assoc., Inc.
912 STEVENSON LANE, TOWSON MD. 21206

Mr. Lawrence Schmidt
Old Court House
Towson, Md. 21204

April 30, 1994

RE: Poulett

Dear Mr. Schmidt,

I am writing to you on behalf of The Greater Towson Council of Community Associations, Inc. Our organization represents 30 Towson Neighborhoods. We wish to support our member committee of Millendale and Alsbury Manor in opposing an outdoor deck for the Poulett Restaurant.

It would seem that the owner would not want to pursue an idea that is offensive to the neighbors that he is trying to serve. We also feel the indoor seating is adequately meeting the current needs.

Sincerely,
Go Ann Halback
Go Ann Halback, President

Pact NO
8

The Rodgers Forge Community, Inc.
AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE MD. 21212

May 3, 1994

It is to encourage Sam Buel
to sign on with off of the Rodgers
Forge Community Assoc. concerning opinion
to the Poulett U.S.A. outdoor deck

4 Rodger
President

Protestants
NO 9

SPECIAL INTRODUCTORY
OFFER IN OUR BAR &
LOUNGE ONLY

7800 York Road
Just south of Towson State
Phone (410) 828-0202

95¢ DRAFT BEER
95¢ BUFFALO WINGS

POULET
U.S.A.

ONE COUPON PER PERSON

PHONE
ORDER
828-0202

BRING IN ANY ONE OF THESE COUPONS AND
RECEIVE DISCOUNTS ON CARRY-OUT

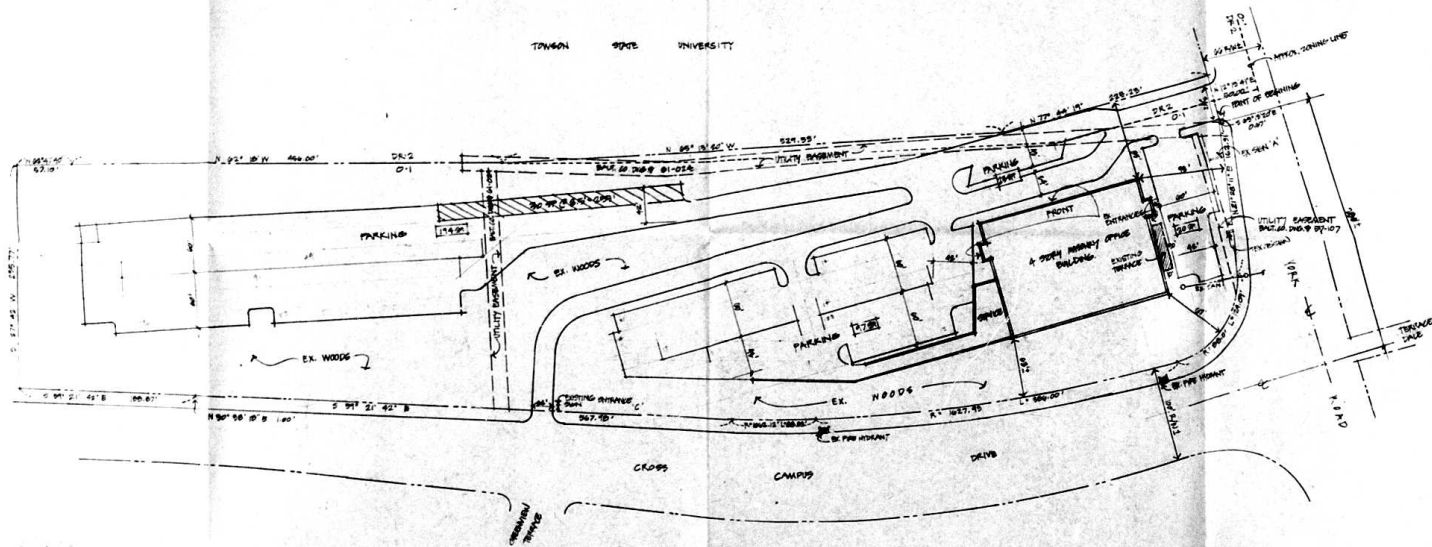
\$ 2.00 OFF WHOLE CHICKEN CARRY-OUT	\$ 2.00 OFF OUR FAMOUS LARGE CHICKEN PIZZA	\$ 1.00 OFF ANY OF OUR GRILLED CHICKEN BREASTS
EXPIRES 11/1/93	EXPIRES 11/1/93	EXPIRES 11/1/93

September 22, 1993 The Towson Times 25

Pact
NO 4



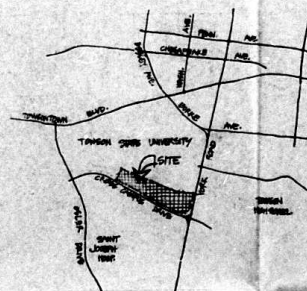
7000 YORK ROAD
DUXEN MD 21204



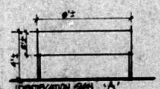
PLOT PLAN 1"=50'



PORTION OF 1"-200' ZONING MAP NE9A



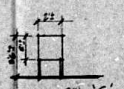
VICINITY MAP



IDENTIFICATION SAN 'A'
1/2 S.F. / PAGE. UNARMED



100-443881-100



DIRECTIONAL SWN 'C'

ELIMINATED FROM WITHIN.
 89 F. MAX. TOTAL
 NO LENS OR ADJUSTMENT

GENERAL NOTES

- [illegible]

7. AVENUE OPEN AREA (A.O.A.): 7.94 AC (NO.) 1.97 AC. REFORESTED AREA
6.96 AC. PROVIDED.
8. PARKING: (APPROX. IN 30 TO MAY 25, 1980)
- | VEHICLE TYPE | 1970-79 | 1980-89 | 1990-99 |
|--------------|---------|---------|---------|
| SEDAN | 21 | 21 | 21 |
| TRUCK | 21 | 21 | 21 |
| SUV | 21 | 21 | 21 |
| PICKUP | 21 | 21 | 21 |
| MINI VAN | 21 | 21 | 21 |
| TOTAL | 21 | 21 | 21 |
- TOTAL NEED: 826.5 (SAY 827 CARS)
- | STANDARD | UNSTANDARD | TOTAL |
|-----------|------------|-------|
| BEST LOT | 6 | 20 |
| NOV. LOT | 4 | 17 |
| W/OUT LOT | 4 | 17 |
| TOTAL | 14 | 54 |
- STILL REQUIRED: 820 14 534 CARS
9. ALL PARKING AREAS ARE BEYOND A JAW OF A DIAMOND & OUTSIDE BARRIER AND PERMANENTLY
ENCLOSED
10. CARS & VEHICLES MUST BE TURNED ON AS TO NOT ALLOW INTERFERENCE
BEFORE APPROVED BY THE BOARD.
11. OWNER: DAVIS HILLMAN
20 SOUTHERN AVENUE
RAIL COMPANY (INCL. 270)
12. ANNUAL REQUESTED:
- SECTION 201.2.A.3 - TO PERMIT LIMITED USE OF ACCESSORY USE
(APPROVED FOR PRIVATE USE) TO BE LOCATED OUTSIDE OF THE
PRIVATE BUILDING & BEYOND THE BARRIER

**PETITIONER'S
EXHIBIT No. 2**



SOURCE NOTES

1. FLAT PLAN BOUNDARY, PROPOSED BUILDING & GOOD LOCATIONS ARE TAKEN FROM SURVEY REPORTED BY SGT. WILLIAM WALKER-III, 8/28/10.
2. PROPOSED DATA IS PROVIDED BY THE OWNER/ MANAGER, SOUTHERN MANAGEMENT CO.
3. ALL QUANTITIES SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGES.

[illegible]

PLAN TO
ACCOMPANY PETITION
FOR VARIANCE

4/598	4-26-99
-------	---------

PLANT NO:	95-100
PLANT NO:	

1st 1