CRDER RECEIVED FOR FILING Date (9/30/95)

IN RE: PETLTION FOR VARIANCE

NE/S Satyr Hill Road, 289.93' NE of Joppa Road (8809 Satyr Hill Road) 9th Election District 6th Councilmanic District

Nick Frank, et ux Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 95-286-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8809 Satyr Hill Road, located in the vicinity of the North Plaza Mall in Carney. The Petition was filed by the owners of the property, Nick and Angeline Frank, through their attorney, Peter A. Prevas, Esquire. The Petitioners seek relief from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking width for two-way aisles for 90 degree parking of 20 feet in lieu of the required 22 feet, and from Section 409.8A.4 of the B.C.Z.R. to permit a parking lot setback of 2 feet in lieu of the required 10 feet for a proposed addition to the existing building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Nick and Angeline Frank, property owners, Cindy Gower, Professional Engineer, and Peter Prevas, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.489 acres, more or less, split zoned B.L. and B.L.-C.S.A., and is located on the northeast corner of Satyr Hill Road at Perring Parkway. The property is improved with a one-story building which is present-



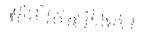
ORDER RECEIVED FOR FILING
Date

3/01/95
By

ly used as a billiard hall. The Petitioners wish to construct a one-story addition of 3,780 sq.ft. to the existing building in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. As indicated on the site plan, the property has been divided into two sites. will consist of the proposed addition which will be used for retail purposes, and Site 2 will contain the existing pool hall. Testimony revealed that the parking provided for Site 2 will be adequate to service the proposed addition on Site 1. As to the variance relief sought, testimony revealed that the subject property narrows toward the southern end of the site, and thus, the Petitioner is unable to provide the required 22-foot wide drive aisle width for parking in this area. Furthermore, parking at this end will be located as close as 2 feet to Satyr Hill Road. Testimony indicated that the requested variance from drive aisle width and setback requirements is only needed for the four (4) parking spaces at the southern end of the property. As the property widens when moving in a northerly direction, the Petitioners are able to meet the required 22-foot drive aisle width and the 10-foot setback from Satyr Hill Road. Testimony and evidence presented indicated that the relief requested is supported by the Baltimore County reviewing agencies and that there was no opposition from any of the adjoining property owners or neighbors.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;



- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are 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 variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements 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 and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20 day of March, 1995 that the Petition for Variance seeking relief from Section 409.4(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking width for two-way aisles

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from feet existing is hereby \sim and of 1, be and 409.8A.4 of the B.C.Z.R. to permit a parking lot setback the 20 feet in lieu of the required 22 feet, ţ Ç addition Exhibit subject to the following restrictions: in lieu of the required 10 feet for a proposed Petitioner's with accordance for 90 degree parking of in building, GRANTED, Section

- ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that prohas expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded. apply for may Petitioners The has
- landscape plan submitted into evidence consissite The Petitioners shall landscape the Page Petitioner's Exhibit 1, thewith tent as
- site of this restrictions plan filed must reference thepermit, thebuilding address ದ and When applying for landscaping and set forth this Order. and plan case

TIMOTHY M. KOTROCO

TIMOTHY M. TOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 20, 1995

Peter A. Prevas, Esquire Prevas & Prevas 5 Light Street, Suite 950 Baltimore, Maryland 21202-1280

RE: PETITION FOR VARIANCE
NE/S Satyr Hill Road, 289.93' NE of Joppa Road
(8809 Satyr Hill Road)
9th Election District - 6th Councilmanic District
Nick Frank, et ux - Petitioners
Case No. 95-286-A

Dear Mr. Prevas:

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

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

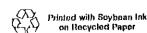
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Nick Frank, CDN Limited Partnership 1001 S. Lakewood Avenue, Baltimore, Md. 21224

Ms. Cindy A. Gower, LPJ, Inc. 16 West 25th Street, Baltimore, Md. 21218

People's Counsel; File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8809 *********** Satyr Hill Road

which is presently zoned

BL & BL-CSA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

409.4 (C) Variance from parking width requirement for two-way aisles for 90° parking from 22' to 20'.

409.8 (A)4 Variance from setback requirement to parking lot from 10' to 2'.

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

Variance applies to an existing parking lot (constructed in 1967) that is being reconfigured. The distance between the existing building and a proposed right of way is not sufficient to provide a 3 foot pedestrian access area adjacent to the building, a standard 58 foot parking bay, and a 10 foot setback to the parking tot. To meet current zoning requirements would require the elimination of parking spaces to the point that existing and proposed developments could not be supported. Requiring a 10 foot setback and 22 foot drive aisle will unduly restrict the use of land due to the above special circumstances. Variance with not adversely affect health, safety or general wolfare of the community.

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.

A THE LINE LEGISLE LEGISLE AND A STREET LEGISLE AND A STREET AND A STR	REVIEWED BY: DATE
Printed with Soybean Ink	ALLOTHER
100 April 100 Ap	unavailable for Hearing the following dates Next Two Months
" Ayantu Tink	ESTIMATED LENGTH OF HEARING
	Baltimore MD 21218 Phone No
City State Zipcode	Addinge
Raltimore MD 21202-1280	16 West 25th Street (410) 366-7800
ddress Phone No.	Cindy A. Gower Name LPJ, Inc.
Suite 950 - Ninth Floor 5 Light Street (410) 752~2340	
Prevas & Prevas	
Inaluro	City State Zipcode Name, Address and phone number of representative to be contacted.
Lite a. Preva	Baltimore MD 21224
	Address V Phone No
Peter A. Prevas	100 h S. Lakowood Avana Front January Poly
lioney for Petilloner	CDN Limited Partnership & Nick & Angeline Frank
ny State Zipcorle	Signature
	angeline Frank
Mulipsa	(Type or Print Name)
Address	Angeline Frank
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elgnature	Signature
	C-1P (
Type or Print Name)	(Type or Print Name)
N/A	Nick Frank
ontract Purchaser/Lessee;	Legal Owner(s)
	tive do solemnly declare and aritm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

281 95-286-A

8809 SATYR HILL ZONING VARIANCE DESCRIPTION OF PROPERTY LPJ #1-93048

BEGINNING AT A POINT LOCATED IN THE CENTER OF SATYR HILL ROAD AT A POINT 298.93 FEET MEASURED NORTHERLY ALONG THE CENTER OF SATYR HILL ROAD FROM THE INTERSECTION OF THE CENTER OF SATYR HILL ROAD AND THE CENTER OF JOPPA ROAD AND RUNNING THENCE AND BINDING IN THE CENTER OF SATYR HILL ROAD THE THREE FOLLOWING COURSES AND DISTANCES:

- (1) NORTH 18° 48' 00" WEST, 41.65 FEET;
- (2) NORTH 27° 10′ 00" WEST, 91.08 FEET;
- (3) NORTH 30° 41' 00" WEST, 12.17 FEET;

THENCE LEAVING SAID ROAD AND RUNNING THE FOLLOWING THREE COURSES AND DISTANCES:

- (1) NORTH 73° 15' 00" EAST, 161.92 FEET;
- (2) SOUTH 16" 45' 00" EAST, 143.02 FEET;
- (3) SOUTH 73° 15' 00" WEST, 141.04 FEET;

TO THE POINT OF BEGINNING AS RECORDED IN DEED 9596, FOLIO 72.

SAID PARCEL CONTAINING 0.489 ACRES, MORE OR LESS. ALSO KNOWN AS 8809 SATYR HILL ROAD AND LOCATED IN THE 9th ELECTION DISTRICT.

ANN GOLDEN

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-280-4 Towner, Maryland

	District	Date of Posting 2/24/95
	Posted for: Vortones	
	Petitioner: Mik & Angalino Fro	at + CON Hd, Port
	Location of property: 8209 Safyr	Hill RS, NES
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	Location of Signs: Facing Toad Way	On proporty bring Zone 6
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	Remarks: 2/26 - Chongy Times	on Signi
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(4)	orange can a	,
	Number of Signe:	The state of the s

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NOTICE OF HEARING

The Zoning Commissioner of saltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 198 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

> Case: #95-286-A (Item 281) 8809 Satyr Hill Road NE/S Satyr Hill Road, 289,93' NE of Joppa Road 9th Election District 6th Councilmanic Legal Owner(s): Nick Frank, Angeline Frank and CDN Limited Partnership Hearing: Wednesday, Merch 15, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance for two-way alele width for 90-degree parking from 22 feet to 20 feet; and parking lot setback from 10 feet to 2 feet.

> LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County**

NOTES: (1)Hearings are Handi-capped Accessible; for special ac-commodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391

2/287 February 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

weeks, the first publication appearing on ____

THE JEFFERSONIAN,

2123,1995



E It we of Classic Zoning Administration & Development Management 111 Wast Chesapouke Avenue Towson, Maryland 21204

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Account: R-001-6150

Number 28/

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LOC. 8809 SNTYK WILL RD

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Please Make Checks Payable To: Baltimore County



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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:

- Posting fees will be accessed 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 28
Petitioner: MICK & ANGELINE FRANK
Location: 8809 SATYR HILL ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: CON CIMITED PARTNERSHIP (NICK FRANK)
ADDRESS: 1001 5 LOYCWOOD AUC
BALTIMORE MD 21244
PHONE NUMBER: 132-2785

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY 2/23/95 Issue - Jeffersonian

Please foward billing to:

CDN Limited Partnership 1001 S. Lakewood Avenue Baltimore, MD 21244 410-732-2787

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-286-A (Item 281)

8809 Satyr Hill Road

NE/S Satyr Hill Road, 289.93' NE of Joppa Road

9th Election District - 6th Councilmanic

Legal Owner(s): Nick Frank, Angeline Frank and CDN Limited Partnership

HEARING: WEDNESDAY, MARCH 15, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance for two-way aisle width for 90-degree parking from 22 feet to 20 feet; and parking lot setback from 10 feet to 2 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLRASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MUMUFILMEL



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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Arnold Jablon Director

cc: Nick and Angeline Frank/CDN Limited Partnership

A CONTRACTOR OF THE PARTY OF TH

Cindy A. Gower

Peter A. Prevas, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

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111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

FEBRUARY 27, 1995

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-286-A (Item 281)

8809 Satyr Hill Road

NE/S Satyr Hill Road, 289.93' NE of Joppa Road

9th Election District - 6th Councilmanic

Legal Owner(s): Nick Frank, Angeline Frank and CDN Limited Partnership

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HEARING: WEDNESDAY, MARCH 15, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

ARNOLD JABLON

DIRECTOR

cc: Nick and Angeline Frank/CDN LTD. PART.

Cindy A. Gover

Peter A. Prevas, Esq.

AJ:ggs

MCCOFINE





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

March 9, 1995

Peter A. Prevas, Esquire 5 Light Street, Suite 950 Baltimore, Maryland 21202

> Item No.: 281 RE:

> > Case No.: 95-286-A

Petitioner: Nick Frank, et ux

Dear Mr. Prevas:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 9, 1995.

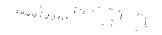
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

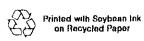
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw Attachment(s)





BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 27, 1995 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Developers Engineering Section

RE: Zoning Advisory Committee Meeting

for February 27, 1995

Item 281

The Developers Engineering Section has reviewed the subject zoning item. The landscape plan has been tentatively approved subject to the zoning order. This office recommends granting the 10-foot to 2-foot request.

RWB: sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Zoning Administration and Development Management DATE: February 27, 1995

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT:

Petitions from Zoning Advisory Committee

San Cens

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 280, (281,)287, and 288

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 887-3480.

Prepared by:

Division Chief:

PK/JL

MCRAFILMEL

Baltimore County Government Fire Department



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

(410) 887-4500

DATE: 08/16/95

Arnold Jahlon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MATE STOP-1105

FeF : u Property Owner: NICE FRANK & ANDELINE FRANK & CDN LIMITED PISHP.

LOCATION: NE/S SOTYR HILL RD., 298.93' NE OF JOPPA RD.

(880) SATYR HILL RU.)

llom No.:

281

Zoning Agenda: VARIANCE

Contlowers

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

- 4. The site shall be made to comply with all applicable parts of the fire Prevention Code prior to occupancy or beginning of operation.
- 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 Safoty Code", 1991 🗻 edition prior to occupancy. FEB 21 1995

THAT THERE IT ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: Fale

Printed on Recycled Paper

MIROFILMAL

RE: PETITION FOR VARIANCE 8809 Satyr Hill Road, NE/S Satyr Hill Rd, 289.93' NE of Joppa Road, 9th Election District, 6th Councilmanic

Nick and Angeline Frank/CDN Ltd. Partnership
Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-286-A

* * * * * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter May Zimmeinan

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Peter A. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, MD 21202, attorney for Petitioners.

PETER MAX ZIMMERMAN

and the second of

Max Timmeiman

IN RE: PETITION FOR VARIANCE NE/S Satyr Hill Road, 289.93' NE of Joppa Road (8809 Satyr Hill Road) 9th Election District 6th Councilmanic District

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

Nick Frank, et ux Petitioners

* Case No. 95-286-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 8809 Satyr Hill Road, located in the vicinity of the North Plaza Mall in Carney. The Petition was filed by the owners of the property, Nick and Angeline Frank, through their attorney, Peter A. Prevas, Esquire. The Petitioners seek relief from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking width for two-way aisles for 90 degree parking of 20 feet in lieu of the required 22 feet, and from Section 409.8A.4 of the B.C.Z.R. to permit a parking lot setback of 2 feet in lieu of the required 10 feet for a proposed addition to the existing building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

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> Baltimore County Government Zoning Commissioner Office of Planning and Zoning

> > March 20, 1995

(410) 887-4386

ly used as a billiard hall. The Petitioners wish to construct a one-story addition of 3,780 sq.ft. to the existing building in accordance with the evidence presented indicated that the relief requested is supported by the Baltimore County reviewing agencies and that there was no opposition from any of the adjoining property owners or neighbors.

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-

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SOU PS

for the property located at 8809 Satyr Hill Road

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

409.8 (A)4 Variance from setback requirement to parking lot from 10' to 2'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

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Nick Frank (Type or Print Name) CDN Limited Partnership & Nick & Angeline Frank Suite 950 - Ninth Floor 16 West 25th Street (410) 366-7800

Petition for Variance to the Zoning Commissioner of Baltimore County

which is presently zoned BL & BL-CSA

409.4 (C) Variance from parking width requirement for two-way aisles for 90° parking

Variance applies to an existing parking lot (constructed in 1967) that is being reconfigured. The distance between the existing building and a proposed right of way is not sufficient to provide a 3 foot pedestrian access area adjacent to the building, a standard 58 foot parking bay, and a 10 foot setback to the parking lot. To meet carrent zoning requirements would require the elimination of

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.

Property is to be posted and advertised as prescribed by Zoning Regulations. VWe do solemnly declare and affirm, under the penalties of purjury, that time are the 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

It is clear from the testimony that if the variances are 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 variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements 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 and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of March, 1995 that the Petition for Variance seeking relief from Section 409.4(c) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking width for two-way aisles

BEGINNING AT A POINT LOCATED IN THE CENTER OF SATYR HILL ROAD AT A POINT 298.93

FEET MEASURED NORTHERLY ALONG THE CENTER OF SATYR HILL ROAD FROM THE

INTERSECTION OF THE CENTER OF SATYR HILL ROAD AND THE CENTER OF JOPPA ROAD

AND RUNNING THENCE AND BINDING IN THE CENTER OF SATYR HILL ROAD THE THREE

THENCE LEAVING SAID ROAD AND RUNNING THE FOLLOWING THREE COURSES AND

SAID PARCEL CONTAINING 0.489 ACRES, MORE OR LESS. ALSO KNOWN AS 8809 SATYR HILL

8809 SATYR HILL

LPJ #1-93048

ZONING VARIANCE

DESCRIPTION OF PROPERTY

FOLLOWING COURSES AND DISTANCES:

(1) NORTH 18° 48' 00" WEST, 41.65 FEET;

(3) NORTH 30° 41' 00" WEST, 12.17 FEET;

NORTH 27° 10' 00" WEST, 91.08 FEET;

NORTH 73" 15' 00" EAST, 161.92 FEET;

SOUTH 16° 45' 00" EAST, 143.02 FEET;

SOUTH 73° 15' 00" WEST, 141.04 FEET;

ROAD AND LOCATED IN THE 9th ELECTION DISTRICT.

TO THE POINT OF BEGINNING AS RECORDED IN DEED 9596, FOLIO 72.

for 90 degree parking of 20 feet in lieu of the required 22 feet, and from Section 409.8A.4 of the B.C.2.R. to permit a parking lot setback of 2 feet in lieu of the required 10 feet for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners shall landscape the site consistent with the landscape plan submitted into evidence as Petitioner's Exhibit 1, Page 3.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

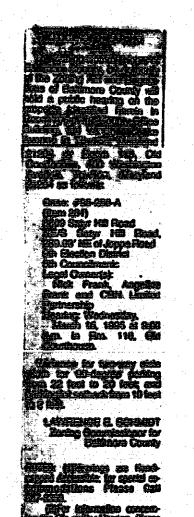
> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

ORDER Date

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-286-4

		A COLUMN DE COMMUNICATION OF THE COLUMN DESCRIPTION OF THE COLUMN DESC			
	District III	Date of Posting 7/24/95			
	Petitioner: Nik & Angline Front & Location of property: 2709 Sctyr Hill				
	property being Zanek				
<u> </u>	Remarks: 7/26 - Chong. Time on Signs: Posted by Mally Date of return: 3/3/45				
W	Signature Signature	DECE OF LEGISTRE.			



CERTIFICATE OF PUBLICATION

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 weeks, the first publication appearing on $2123_{19}95$

THE JEFFERSONIAN.

Peter A. Prevas, Esquire Prevas & Prevas 5 Light Street, Suite 950 Baltimore, Maryland 21202-1280

RE: PETITION FOR VARIANCE NE/S Satyr Hill Road, 289.93' NE of Joppa Road (8809 Satyr Hill Road) 9th Election District - 6th Councilmanic District Nick Frank, et ux - Petitioners Case No. 95-286-A

Dear Mr. Prevas:

Suite 112 Courthouse

Towson, MD 21204

400 Washington Avenue

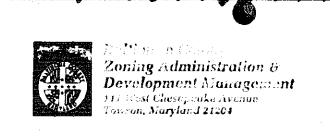
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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

Very truly yours, Deputy Zoning Commissioner for Baltimore County

cc: Mr. & Mrs. Nick Frank, CDN Limited Partnership 1001 S. Lakewood Avenue, Baltimore, Md. 21224

Ms. Cindy A. Gower, LPJ, Inc. 16 West 25th Street, Baltimore, Md. 21218 People's Counsel; File



recelipt 75-286-A Account: R-061-6150

Number 28/

| NON RES VAR FILING CODE 020 250.00 | SIGN PESTING CODE 080 35.00 | TOT = 285.00

OCCUER FRANK LOC 8809 SATYR WILL RD PAID BY P.A. PREVAS

Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

FEBRUARY 27, 1995

■ 11 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-286-A (Item 281) 8809 Satyr Hill Road NE/S Satyr Hill Road, 289.93' NE of Joppa Road

9th Election District - 6th Councilmanic Legal Owner(s): Nick Frank, Angeline Frank and CDN Limited Partnership

Variance for two-way aisle width for 90-degree parking from 22 feet to 20 feet; and parking lot setback from 10 feet to 2 feet.

HEARING: WEDNESDAY, MARCH 15, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

cc: Nick and Angeline Frank/CDN LTD. PART. Cindy A. Gover Peter A. Prevas, Esq.

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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:

111 West Chesapeake Avenue

Towson, MD 21204

- 1) Posting fees will be accessed 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.

For newspaper advertising:

Item No.: 281 Petitioner: MICIC & ANGELINE FRANK

Location: 8809 SATYR HILL ROAD

PLEASE FORWARD ADVERTISING BILL TO: NAME: COM CIMITED PARTNORSHIP (MICKETRANIC) ADDRESS: 1001 5 (0)(20000) / NOC BALTIMORE MD 21244

Baltimore County Government Office of Zoning Administration

March 9, 1995

RE: Item No.: 281

The Zoning Advisory Committee (ZAC), which consists of representa-

Any comments submitted thus far from the members of ZAC that offer or

If you need further information or have any questions regarding these

tives from Baltimore County approving agencies, has reviewed the plans

submitted with the above referenced petition. Said petition was accepted

for processing by, the Office of Zoning Administration and Development

request information on your petition are attached. These comments are not

intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not

comments, please do not hesitate to contact the commenting agency or Joyce

Management (ZADM), Development Control Section on February 9, 1995.

Case No.: 95-286-A

Petitioner: Nick Frank, et ux

and Development Management

PHONE NUMBER: 132-2787

(Revised 04/09/93)

(410) 887-3353

TO: PUTUXENT PUBLISHING COMPANY 2/23/95 Issue - Jeffersonian

Please foward billing to:

CDN Limited Partnership 1001 S. Lakewood Avenue Baltimore, MD 21244 410-732-2787

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 berein in Rocm 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, 01d Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-286-A (Item 281) 8809 Satyr Hill Road NE/S Satyr Hill Road, 289.93' NE of Joppa Road

Legal Owner(s): Nick Frank, Angeline Frank and CDM Limited Partnership HEARING: WEDNESDAY, MARCH 15, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance for two-way aisle width for 90-degree parking from 22 feet to 20 feet; and parking lot setback from 10 feet to 2 feet.

LAWRENCE E. SCHMIDT ZONTING COMPLISSIONER FOR BALTIMORE COURTY

9th Election District - 6th Councilmanic

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 27, 1995 Zoning Administration and Development Management

The Developers Engineering Section has reviewed the subject zoning item. The landscape plan has been

tentatively approved subject to the zoning order. This

office recommends granting the 10-foot to 2-foot request.

FROM Robert W. Bowling, P.E., Chief

for February 27, 1995

Item 281

Developers Engineering Section

Zoning Advisory Committee Meeting

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

111 West Chesapeake Avenue

PEBRUARY 16, 1995

Towson, MD 21204

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-286-A (Item 281) 8809 Satyr Hill Road

NE/S Satyr Hill Road, 289.93' NE of Joppa Road 9th Election District - 6th Councilmanic Legal Owner(s): Nick Frank, Angeline Frank and CDN Limited Partnership HEARING: WEDNESDAY, MARCH 15, 1995 at 9:00 a.m. in Rocm 118, Old Courthouse.

Variance for two-way aisle width for 90-degree parking from 22 feet to 20 feet; and parking lot setback

from 10 feet to 2 feet.

cc: Nick and Angeline Frank/CDN Limited Partnership Cindy A. Gower Peter A. Prevas, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: February 27, 1995

FROM: Pat Keller, Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 280, 281, 287, and 288

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 887-3480.

ITEM280/PZONE/TXTJVL

111 West Chesapeake Avenue

Peter A. Prevas, Esquire

5 Light Street, Suite 950

Dear Mr. Prevas:

Baltimore, Maryland 21202

Towson, MD 21204

Attachment(s)

informative will be placed in the permanent case file.

Watson in the zoning office (887-3391).

Printed with Soybean into on Remyoted Paper

Baltimore County Government Fire Department



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

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Davelopment Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: NICK FRANK & ANGELINE FRANK & CDM LIMITED PTSHP.

LOCATION: NE/S SATYR HILL RD., 298.93' NE OF JOPPA RD. (880) SATYR HILL RD.)

Zoning Agenda: VARIANCE

Gentlemen:

Item No. 4

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.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 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', 1991, edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 897-4881, MS-1102F

cc: File

 \Rightarrow

RE: PETITION FOR VARIANCE *
8809 Satyr Hill Road, NE/S Satyr Hill Rd,
289.93' NE of Joppa Road, 9th Election *
District, 6th Councilmanic

Petitioners

*
Nick and Angeline Frank/CDN Ltd. Partnership

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-286-A

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 final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

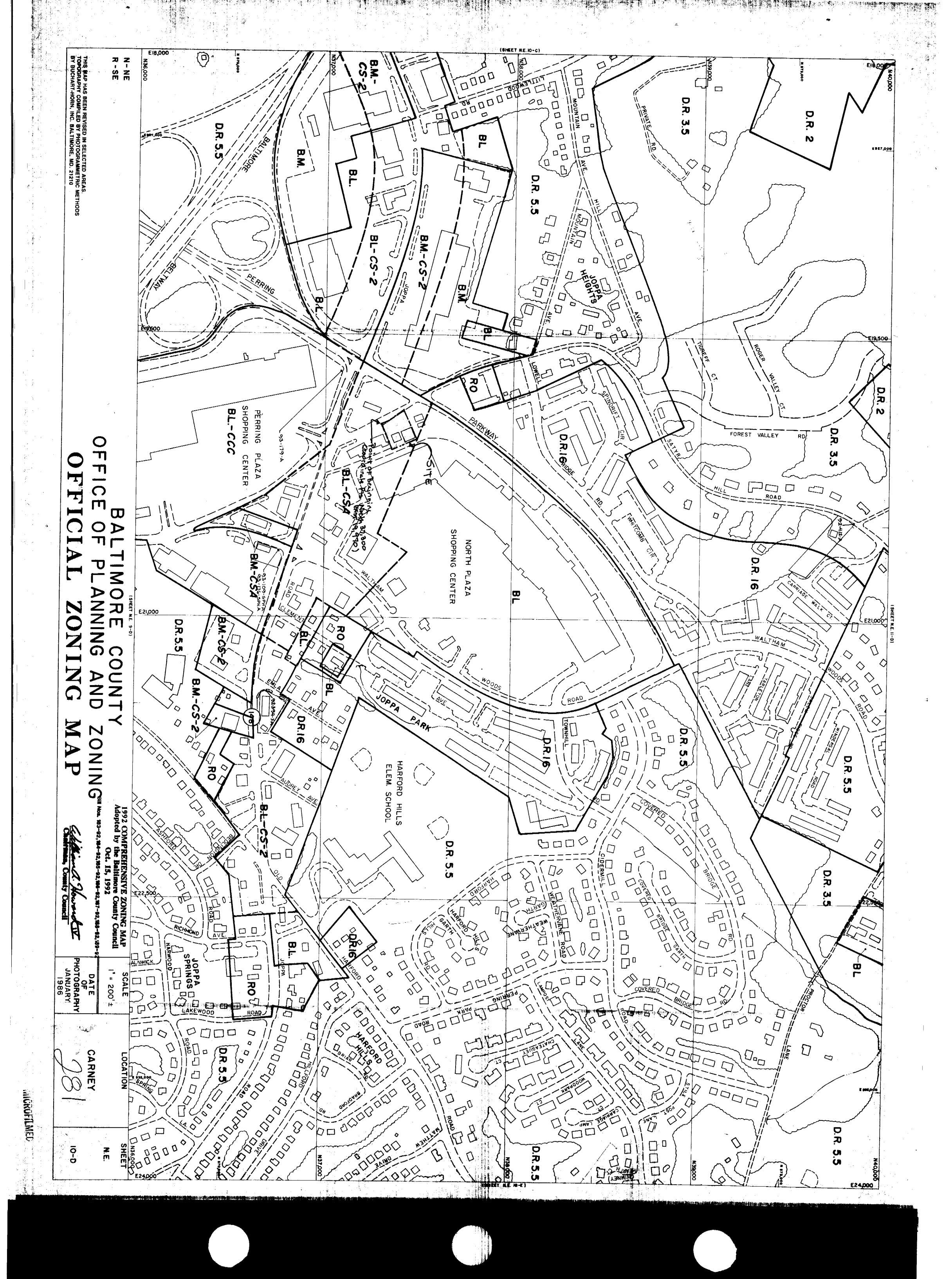
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

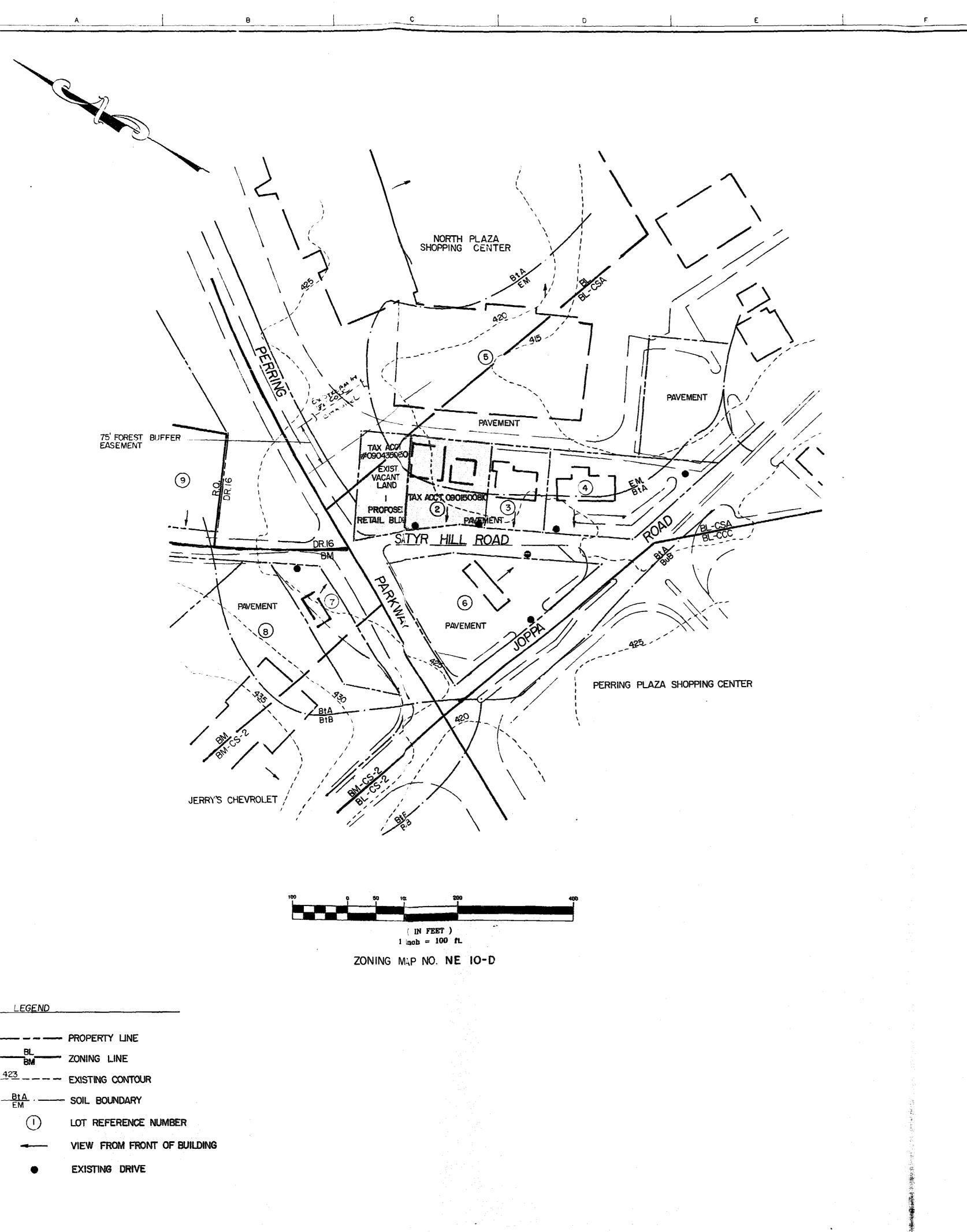
I HEREBY CERTIFY that on this day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Peter A. Prevas, Esquire, 5 Light Street, Suite 950, Baltimore, MD 21202, attorney for Petitioners.

DETER MAY TIMMERMAN

Vax Ummainan



75-286-A



CERTIFICATION AS TO DELINQUENT ACCOUNTS

"There shall be no clearing, grading, construction or disturbance of

"Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore

County and which rest ict disturbance and use of these areas."

vegetation in the Forest Buffer Fasement or other forest retention areas,

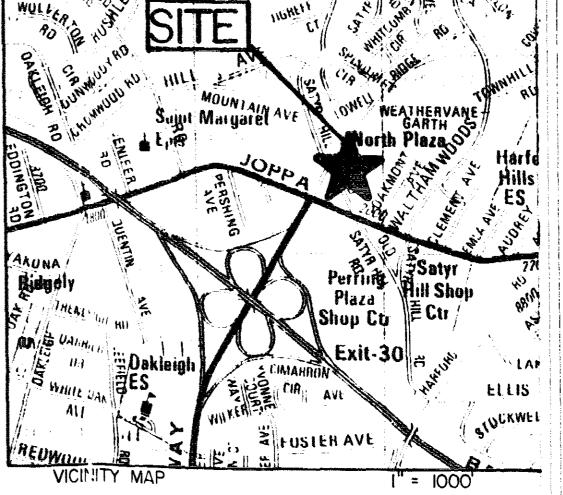
except as permitted by the Baltimore County Department of Environmental

FOREST BUFFER NOTE

Protection & Resource Management."

now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.





OWNER DEVELOPER

NICK & ANGELINE FRANK (LOT 2)

NICK FRANK CDN LIMITED PARTNERSHIP

1001 LAKEWOOD AVENUE

BALTIMORE, MARYLAND 21244

(410) 732-2787

ELECTION DISTRICT: 9
COUNCILMAC DISTRICT: 6
CENCUS TRACT: 4917.01
WATERSHED: GUNPOWDER FALLS TRIBUTARY
SUBSEWERSHED: 50, HERRING RUN EAST

- NO PORTION OF THE SUBJECT SITE OR ADJACENT ENVIRONS (200 FEET FROM SITE) LIES WITHIN A DEFINED 100 YEAR FLOODPLAIN.
- 2. BASED ON BALTIMORE COUNTY SOILS SURVEY, ALL SOILS WITHIN 200 PEET OF THE SUBJECT SITE ARE ELECTOR LOAM AND BELTSVILLE SILT LOAM.
- 3. THERE ARE NO THE SITE BOUNDARIES. SPRINGS, PONDS, OR OTHER WATER BODIES ON THIS SUBJECT SITE OR WITHIN 200 FEET OF THE SITE BOUNDARIES.
- THERE ARE NO WEILANDS ON THE SUBJECT STIE.
- 5. THERE IS NO SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES ON THE SUBJECT SITE.
- 6. THERE ARE NO EXISTING WELLS OR SEWAGE DISPOSAL SYSTEMS ON THE DEVELOPMENT SITE OR WITHIN 100 FEET OF THE SITE BOUNDARIES.
- SANITARY SEWAGE SERVICES WILL BE CONNECTED TO THE BALTIMORE COUNTY SYSTEM.
- THERE ARE NO UNDERGROUND : TORAGE TANKS ON THE SITE.
- THERE ARE NO DESIGNATED HIS ORIC STRUCTURES OR SITES AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY OR DESIGNATED SITES AS PER THE MARYLAND ARCHEOLOGICAL SULVEY WITHIN THE IMMEDIATE SITE VICINITY.
- THE SITE RECENTLY WAS A RESIDENCE AT PRESENT THE SITE IS BARE. THERE ARE NO SIGNIFICANT SITE PEATURES.
- 11. THIS COMMERCIAL SITE DEVELOPMENT IS CONSISTENT WITH THE BALTIMORE COUNTY MASTER PLAN.
 THERE ARE NO CONFLICTS WITH ANY COMMUNITY OF REVITALIZATION PLANS, RECREATION AND PARKS
 PLAN, STREETSCAPE PLAN OR GREENWAYS PLAN.

ZONING HISTORY

PETITION TO CHANGE ZONING FROM B/C TO ML IN ORDER TO OPERATE A SHEET METAL SHOP.
GRANTED BY THE ZONING COMMISSIONER ON DECEMBER 5, 1961.

PETITION FOR SPECIAL EXCEPTION TO ALLOW A LIVING QUARTERS IN A COMMERCIAL BUILDING.
GRANTED BY THE ZONING COMMISSIONER ON JULY 19, 1963.

NOTE THERE IS AN EXISTING STREAM WITHIN 200FT OF THE SITE BOUNDARY. (SEE NOTE 3 ON SHEET C-2)

A SECOND REVISED LIMITED EXEMPTION PLAN WAS APPROVED FOR THIS SITE ON 10-3-94. (ZADM # 1x-616) A REVISION TO THIS PLAN WILL BE REQUESTED ONCE THE ZONING VARIANCES ARE APPROVED.

NOTE: SEE SHEET C-2 FOR AREA OF ZONING VARIANCES.

ADJACENT PROPERTY DATA

				:
LOT REFERENCE	OWNER	DEED REFERENCE	Land use	
1	CDN LIMITED PARTNERSHIP	9649/599	VACANT	
2	FRANK, NICK & ANGELINE	9596/72	POOL HALL	
3	BENNETT, RICHARD S & ANNE	4283/459	RETAIL	
4	MICELI, PHILIP V & DORIS N	3968/277	MERCANTILE S	
5	LEONARD STULMAN	4560/603	RETAIL	
6	ANTONIOU, STEVE & CHRISTOS	5062/445	ROY ROGERS	
7	ANTONIOU, STEVE & CERISTOS	5062/445	PISSA	
8	Stautherg, Gerald J	5004/694	retail	
9	8813 SATYR BILL LTD. PARTNERS	6877/98 _	OFFICE	

95-286

PETITIONER'S
EXHIBIT

11 SATYR HILL ROL 9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND PLAN TO ACCOMPANY ZONING VARIANCE HEARING FOR 8809 SATYR HILL RD.

PROJECT HO.: 1—9

ZADM # IX-616

