IN RE: PETITION FOR ZONING VARIANCE SEC Old Harford Road and Putty Hill Avenue 8535 Old Harford Road 9th Election District 6th Councilmanic District Stephen L. Golueke Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-247-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8535 Old Harford Road, in the Parkville section of Baltimore County. The Petition is filed by Stephen L. Golueke, property owner. Variance relief is requested from Sections 232.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 4 ft. 6 inches for an overhang canopy in lieu of the required 7-1/2 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case was Stephen L. Golueke. Also present was Michael McFadden, the proprietor of the business located on the site which is the subject of the variance request. The Petitioner was represented by Michael Paul Smith, Esquire. There were no Protestants or any interested persons present.

The uncontradicted testimony and evidence proffered was that the subject property is located at the intersection of Putty Hill Avenue and Old Harford Road in Parkville. The property is zoned B.L. and is roughly rectangularly shaped. The site is improved with a one story concrete building and attached shed which serves as a liquor store. On the southwest corner of the property is a one story frame building which is the subject of this Petition. This small structure serves as a ribs/beef/chicken stand. The stand does not provide any seating facilities but sells carryout beef and chicken products and similar items.

Previously, the stand featured an awning which intruded into the permissible setback area as shown in the photograph of the site marked as Petitioner's Exhibit No. 2A. Recently, this temporary awning was replaced with a more permanent extension of the roof as shown on Petitioner's Exhibit No. 2B. Due to these improvements, the subject variance is requested, in view of the face that the permanent structure, itself, has been improved as set forth above. The testimony and evidence presented at the hearing was that the awning provides cover from the elements, is entirely appropriate with surrounding uses, and does not cause detriment to the surrounding locale. A number of letters in support of the Petition were submitted at the hearing.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Variance should be granted. I am satisfied that the Petitioner has met the standards set forth in Section 307 of the BCZR as construed by the case law.

It is also to be noted that the subsequent to the hearing, a lengthy Zoning Plans Advisory Committee (ZAC) comment was received regarding this matter from the Office of Planning and Zoning. That plan and comment indicated that an outdoor advertising sign had been approved by Deputy Zoning Commissioner Kotroco under case No. 94-239-XA. The comment further indicated that the plan under consideration in the subject case did not reference that prior case number.

I am appreciative of Planning and Zoning's concerns and concur with their comment that the plan should fully record the zoning history for the property. However, what is significant here is the fact that several uses co-exist on the site. The outdoor advertising sign under consideration in case No. 94-239-XA has no bearing on the proposed Petition for Variance, which relates to a separate and distinct use. The plans submitted for the

ORDER - ... FOR FILING
Date 1/24/96
By

public hearing before me (Petitioner's Exhibit No. 1) is sealed by Gary J. Thurman, Registered Property Line Surveyor. Under the laws which regulate his profession, Mr. Thurman must accurately produce his drawings. For these reasons, I am persuaded to grant the Petition for Variance as set forth above notwithstanding the comments from the Office of Planning and Zoning.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1996 that a variance from Sections 232.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 4 ft. 6 inches for an overhang canopy in lieu of the required 7-1/2 ft., be and is hereby GRANTED, subject to the following restriction:

> 1. The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 1/24/96
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 23, 1996

Michael Paul Smith, Esquire
143 Main Street
Reisterstown, Maryland 21136

RE: Case No. 96-247-A
Petition for Zoning Variance
Location: 8535 Old Harford Road

Dear Mr. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: Mr. Stephen L. Golueke, 8535 Old Harford Road, Balto.Md. 21234

Petition for Variance

96-247-A

to the Zoning Commissioner of Baltimore County

for the property located at 8535 Old Harford Road

which is presently zoned BL

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)

B.C.Z.R. Section 232.1 and Section 301.1a to allow a 4'6" projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Compliance with the strict requirement of the aforementioned sections would cause a practical difficulty in that the appropriate location of the carry-out food facility is where presently placed and because of the uniqueness of the lot in question (a corner lot on Old Harford Road and Putty Hill Road) access and free flow of traffic is necessary in the entrance and exits provided, thus making it a practical difficulty to locate the building and its awning elsewhere.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Stephen L. Golueke

(Type or Print Name)

Stephen L. Golueke

Signature

(Type or Print Name)

Signature

8535 Old Harford Road SEE Below

Address Phone No

Baltimore, MD 21234

City State Zipcode

Name, Address and phone number of representative to be contacted

Michael Paul Smith, Esquire

Name

143 Main St., Reisterstown, MD 21136

Address (833-1221) Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administrator

Development Management

Printed with Soybean Ink on Recycled Paper

MICROFILMED

248

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695

96-247-A

Zoning Description
for
#8535 Old Harford Road
December 8, 1995

Beginning on the east side of Old Harford Road (60 feet wide), 215 feet south of the centerline of Putty Hill Avenue (right-of-way width varies), being the same land which is recorded in the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6977 folio 104 etc., containing 17,676 square feet (0.406 Acre) and known as No. 8535 Old Hardord Road, thence

1.) N 13° 38' 09" E 134.84 feet,

2.) N 54° 23' 49" E 24.88 feet,

3.) a line curving to the right, arc distance 87.76 feet chord bearing and distance S 61° 55' 09" E 87.76 feet,

4.) S 55° 00' 51" E 48.72 feet,

5.) S 34° 54' 09" W 122.39 feet,

6.) N 76° 21' 51" W 102.21 feet to the place of beginning.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
REGISTERED
PROPERTY LINE SURVEYOR

96-247-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 9th Date of Posting 12/29/95

Posted for: Variance

Petitioner: Stephen L. Golubko

Location of property: 8535 Old Harford Rd.

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by M. Hedge Signature Date of return: 1/5/96

Number of Signs: 1

MICROFILMED

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: #96-247-A
(Item 248)
8535 Old Harford Road
SEC Old Harford Road and Putty Hill Road
9th Election District
6th Councilmanic
Legal Owner(s):
Stephen L. Golueke
Variance: to allow a 4 foot, 6 inch projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.
Hearing: Wednesday, January 17, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

12/193 Dec. 28 C24208

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/28, 1995.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

~~Publisher~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013633

96-247-A

DATE 14 Dec 95 ACCOUNT R-001-6150

item #248 CAM

AMOUNT $ 285.00

RECEIVED FROM: Rodier, Nagle, Dolina, Smith & Hobbs

Check # 2882

FOR: 8535 Old Harford Road

VMUNC U3A91WD324MICHRC
BA C002:24PM 12-14-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

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:

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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 248

Petitioner: Stephen L. Golueke

Location: 8535 Old Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charcoal Grill Parkville, Inc.
C/o John McFadden

ADDRESS: 8325 Tally Ho Road

Lutherville, Maryland 21093

PHONE NUMBER: 617-2727

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
December 28, 1995 Issue - Jeffersonian

Please foward billing to:

Charcoal Grill Parville, Inc.
c/o John McFadden
8325 Tally Ho Road
Lutherville, MD 21093
617-2727

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: 96-247-A (Item 248)
8535 Old Harford Road
SEC Old Harford Road and Putty Hill Road
9th Election District - 6th Councilmanic
Legal Owner(s): Stephen L. Golueke

Variance to allow a 4 foot, 6 inch projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.

HEARING: WEDNESDAY, JANUARY 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 19, 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
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-247-A (Item 248)
8535 Old Harford Road
SEC Old Harford Road and Putty Hill Road
9th Election District - 6th Councilmanic
Legal Owner(s): Stephen L. Golueke

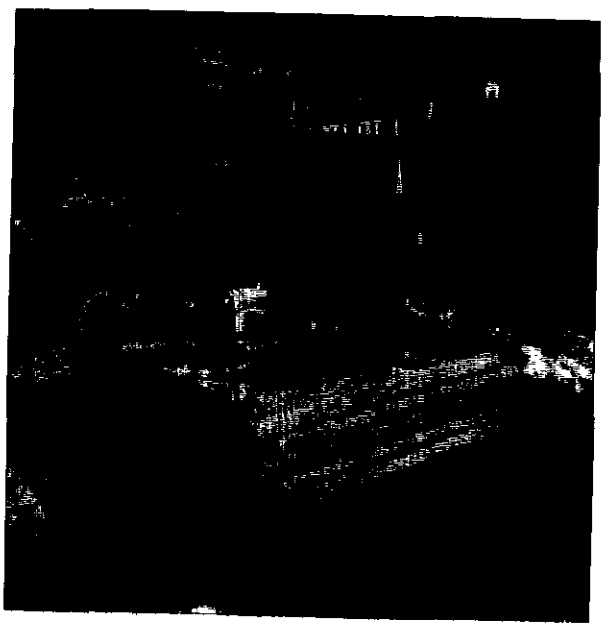
Variance to allow a 4 foot, 6 inch projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.

HEARING: WEDNESDAY, JANUARY 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Stephen L. Golueke
Michael Paul Smith, 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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 11, 1996

Stephen L. Golueke
8535 Old Harford Road
Baltimore, MD 21234

RE: Item No.: 248
Case No.: 96-247-A
Petitioner: S. L. Golueke

Dear Mr. Golueke:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 14, 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 (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).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Joyce

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/29/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 26, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 243, 244, 245, 246, 247, 248 AND 249.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 29, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for January 2, 1996
Items 243, 244, 245, 246, 247, 248 and 249

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-22-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 248 (CAM)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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 Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Hear 1/17 96-247 A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: January 17, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 8535 Old Harford Road

INFORMATION:

Item Number: 248

Petitioner: Stephen L. Golueke

Property Size:

Zoning: BL

Requested Action: Variance

Hearing Date: / /

RECEIVED JAN 22 1996 ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff offers the following comment:

In Case No. 94-239-XA, the Deputy Zoning Commissioner granted a special exception and variance for an outdoor advertising sign. Testimony at the hearing revealed that the subject property was, at that time, improved with a one-story liquor store. A review of the Plat to Accompany Variance and Special Exception Request filed in Case No. 94-239XA reveals no improvements other than the 1-story Liquor Pump Store.

After considering the testimony presented in that case, the Deputy Zoning Commissioner stated in his Order, "... it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted ... 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."

At the time the Deputy Zoning Commissioner granted the Petitioner's request, the property also was improved with a pit beef stand, which stand enjoyed a Food Facility Permit (B-239790). Since neither the record nor the plat reflected this additional use of the property, staff believes that the issue of unreasonable restriction of the land was not examined in full light of the actual site improvements.

Once again, the Petitioner requests relief in the form of yet another variance. While staff does not oppose this latest variance request, issues related to the presentation of incomplete information in the original case should be addressed through a special hearing. This is of particular importance since the instant request is technically an amendment to a previously approved special exception.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

Finally, it is abundantly clear to staff that reviewing agencies, the Zoning Commissioner, the Deputy Zoning Commissioner and the Board of Appeals rely heavily on the accuracy of submitted plans and testimony. Any case demonstrating characteristics of the provision of incomplete information demands examination.

A copy of the Plat to Accompany Variance and Special Exception, and the Order in Case No. 94-239XA is attached.

Prepared by: Jeffrey Long

Division Chief: Carl L. Klein

PK/JL

PETITION PROBLEMS

#248-- CAM

1. No telephone number for legal owner.

#249-- CAM

1. Acreage on folder -- 222.51 what??? (square feet or acres?)
2. Need printed name and title of person signing for Mercantile.
3. Need authorization for person signing for Mercantile.
4. Mercantile is trustee for who?
5. Need telephone number for legal owner

Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

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

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: December 28, 1995

FROM: James H. Thompson - Jim Garland (Building Inspector)
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 248
PETITIONER: Stephen L. Golueke

VIOLATION CASE NO.: B-95-200-09

LOCATION OF VIOLATION: 8535 Old Harford Road
Baltimore, Maryland 21234
9th Election District

DEFENDANTS: Mike McFadden/Charcoal Grill
8535 Old Harford Road
Baltimore, Maryland 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/JG/hek

Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

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

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: January 3, 1996

FROM: James H. Thompson - Jim Garland (Building Inspector)
Jim Shea (Code Enforcement Inspector)
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 248
PETITIONER: Stephen L. Golueke

VIOLATION CASE NO.: B-95-200-09

LOCATION OF VIOLATION: 8535 Old Harford Road
Baltimore, Maryland 21234
9th Election District

DEFENDANTS: Mike McFadden/Charcoal Grill
8535 Old Harford Road
Baltimore, Maryland 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
Bodie, Nagle, Donlina, Smith and Hobbs	21 W. Susquehanna Avenue Towson, Maryland 21204
Jim Shea Code Enforcement Inspector	M.S. 1105

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/JG/JS/hek

RE: PETITION FOR VARIANCE 8535 Old Harford Road, SEC Old Harford Road and Putty Hill Road, 9th Election District - 6th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Stephen L. Golueke Petitioner	*	CASE NO. 96-247-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esquire, 143 Main Street, Reisterstown, MD 21136, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

The Over "Fifties" Club, Inc.

Ref 8

RIDGE GARDEN COMMUNITY HALL - 8417 NUNLEY DRIVE - BALTIMORE, MARYLAND 21234

June 29, 1995

Manager,
Charcoal Grill
8535 Old Harford Rd.
Baltimore, Md. 21234

Dear Mike:

On September 18, 1995, 12:00 noon The Over Fifties Club, Inc. of Ridge Gardens Apartments will sponsor a Dessert-Bingo and Tombola Table. The cost of the Bingo is $2.00 admission - one card, choice of dessert, tea, or coffee, with appropriate fees for additional cards and chances. This will be open to all residents, and/or outsiders, with advance sales, in compliance with capacity.

We are accepting donations of prizes, and would be grateful if you would care to contribute a gift certificate for this event. Many Club members or residents are regular patrons of your excellent Carryout. This would provide good P.R., and introduce new clients to your place of business. We like your new look. It's Pool time at R.G.

Thank you for consideration of this request. What another appeal!

Sincerely,

Margaret Snapp

Secretary &
Publicity Chairperson

OUR NEIGHBORS ARE APPRECIATING OUR NEW LOOK.

M. K. Snapp
8507 A Dempster Ct.
Baltimore, MD 21234
661-0453

CUSTOMER SERVICE

Baltimore Gas and Electric Company
P.O. Box 1475
Baltimore, Maryland 21203-1475

January 4,1996

To Whom It May Concern:

This is a letter in support of the Charcoal Grill petition for a variance for their restaurant at 8535 Old Harford Road, Parkville. The Charcoal Grill has always been a "good neighbor" in keeping a neat, clean and efficient operation. It would be unfair to penalize them or cause them a hardship for trying to remodel and modernize their facade and awning on a structure which has been in place for over ten years. While many retail establishments in the area have been allowed to deteriorate, a restaurant should be encouraged and not discouraged for modernizing. In fact, they should be commended and applauded for good community citizenship and used as a role model for others.

In conclusion, please allow the Charcoal Grill to keep their awning / overhang in wood shake shingles which protect us, their customers, from bad weather and the elements and provides an attractive setting for the neighborhood. The two foot difference near the side of the property line does nothing to detract from the view or cause any safety issues. Thank you very much for your consideration in this matter.

Sincerely,

Mary K Shaulis
Corporate Operator

January 4,1996

To Whom It May Concern:

This is a letter in support of the Charcoal Grill petition for a variance for their restaurant at 8535 Old Harford Road, Parkville. The Charcoal Grill has always been a "good neighbor" in keeping a neat, clean and efficient operation. It would be unfair to penalize them or cause them a hardship for trying to remodel and modernize their facade and awning on a structure which has been in place for over ten years. While many retail establishments in the area have been allowed to deteriorate, a restaurant should be encouraged and not discouraged for modernizing. In fact, they should be commended and applauded for good community citizenship and used as a role model for others.

In conclusion, please allow the Charcoal Grill to keep their awning / overhang in wood shake shingles which protect us, their customers, from bad weather and the elements and provides an attractive setting for the neighborhood. The two foot difference near the side of the property line does nothing to detract from the view or cause any safety issues. Thank you very much for your consideration in this matter.

Sincerely,

(Owner Liquor Pomp)

January 4,1996

To Whom It May Concern:

This is a letter in support of the Charcoal Grill petition for a variance for their restaurant at 8535 Old Harford Road, Parkville. The Charcoal Grill has always been a "good neighbor" in keeping a neat, clean and efficient operation. It would be unfair to penalize them or cause them a hardship for trying to remodel and modernize their facade and awning on a structure which has been in place for over ten years. While many retail establishments in the area have been allowed to deteriorate, a restaurant should be encouraged and not discouraged for modernizing. In fact, they should be commended and applauded for good community citizenship and used as a role model for others.

In conclusion, please allow the Charcoal Grill to keep their awning / overhang in wood shake shingles which protect us, their customers, from bad weather and the elements and provides an attractive setting for the neighborhood. The two foot difference near the side of the property line does nothing to detract from the view or cause any safety issues. Thank you very much for your consideration in this matter.

Sincerely,

Tanya Denise Thompson

January 4,1996

To Whom It May Concern:

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Sincerely,

Deborah M. Dickert

January 4,1996

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Sincerely,

Debbie Kisamore
Unit Support Clerk/
Literature Coordinator

January 4,1996

To Whom It May Concern:

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Sincerely,

Marjorie J. Baguchy
Sr. Customer Program Rep
BGE

January 4,1996

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Sincerely,

Jeanita P. Peters,
Conservation Services Specialist

January 4,1996

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Sincerely,

Chris Edwards

January 4,1996

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Sincerely,

Barbara Barnes
Sr Customer Rep.

January 4,1996

To Whom It May Concern:

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Sincerely,

Carol Duvall
Administrative Assistant

January 4,1996

To Whom It May Concern:

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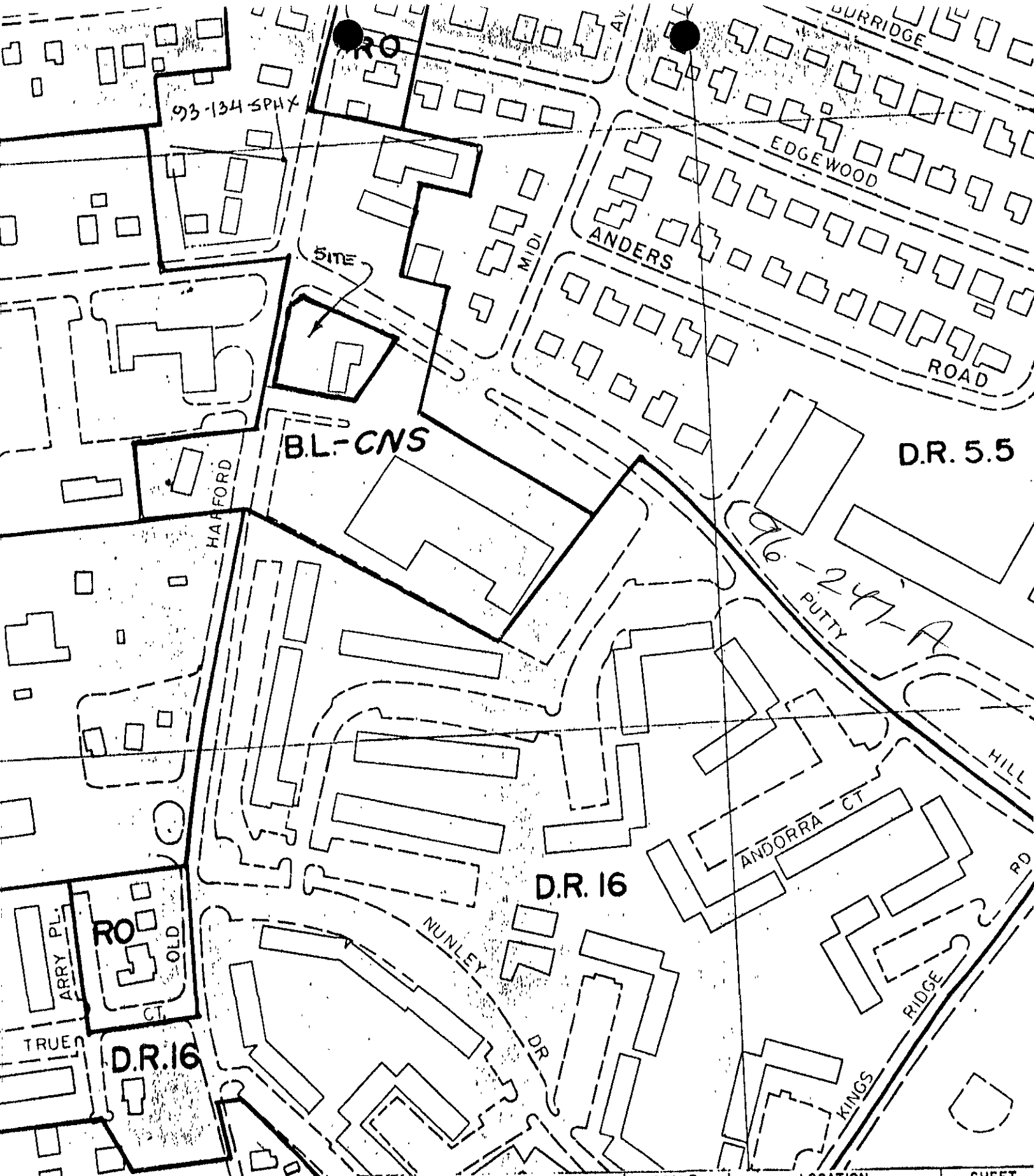
Sincerely,

Sarah Woodridge



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	PARKVILLE	N.E. 9-D
DATE OF PHOTOGRAPHY JANUARY 1986		248

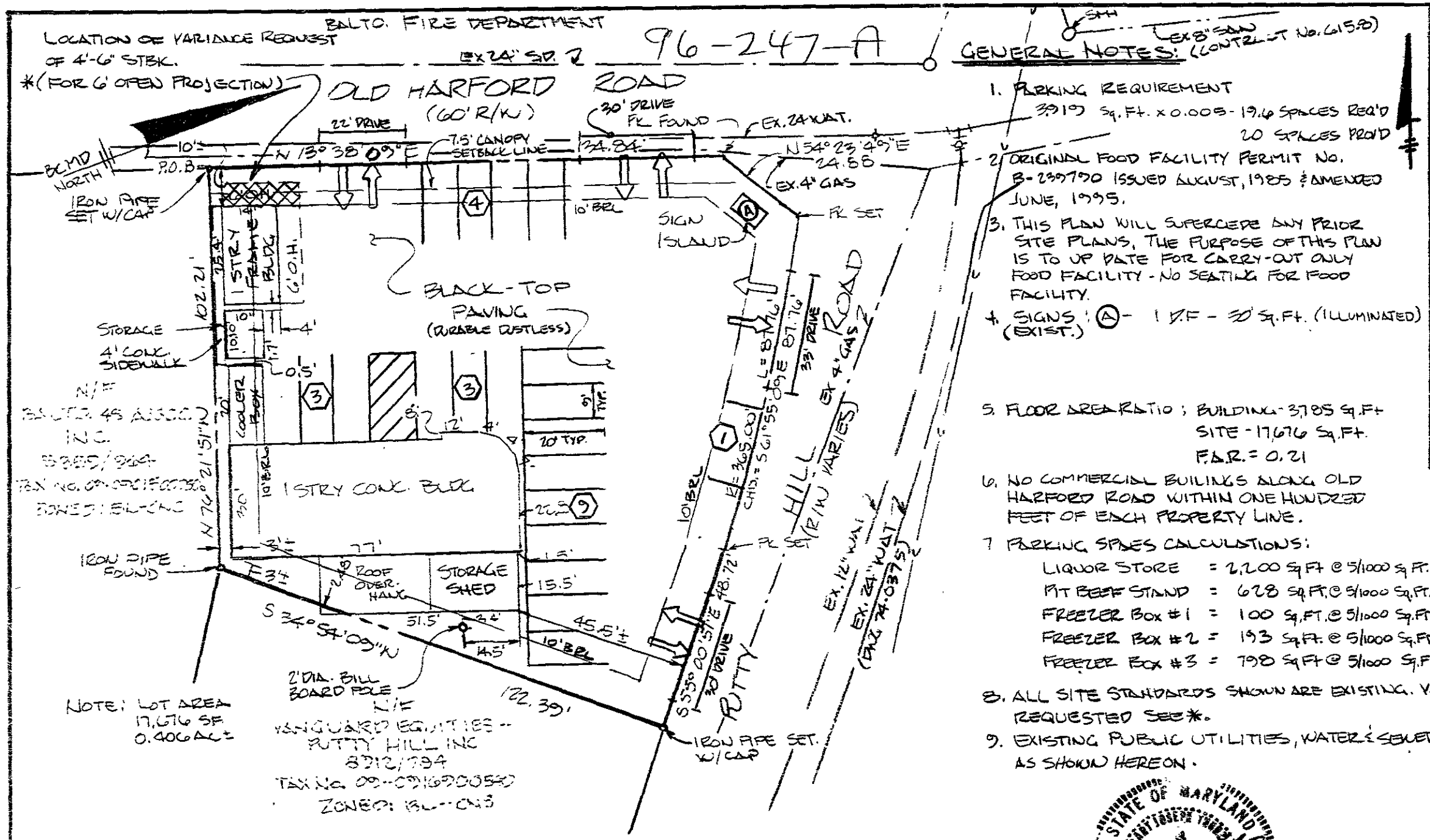

PORK BBQ
Charcoal


GARDENS
OPEN ALL YEAR ROUND
Charcoal Grill
FREE RAFFLE TICKETS
RIBS BEEF CHICKEN

LOCATION OF VARIANCE REQUEST
OF 4'-6" STBK.
*(FOR 6' OPEN PROJECTION)

BALTO. FIRE DEPARTMENT

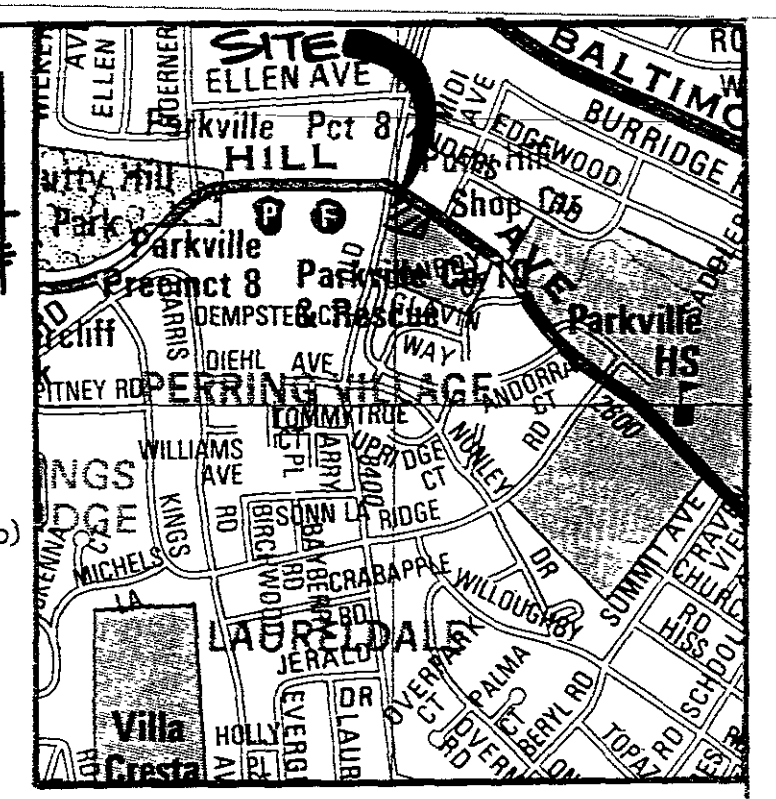
96-247-A



PLAN
SCALE: 1" = 30'

GENERAL NOTES:

1. PARKING REQUIREMENT
   3919 Sq. Ft. x 0.005 - 19.6 SPACES REQ'D
   20 SPACES PROV'D
2. ORIGINAL FOOD FACILITY PERMIT NO. B-239790 ISSUED AUGUST, 1985 & AMENDED JUNE, 1995.
3. THIS PLAN WILL SUPERCEDE ANY PRIOR SITE PLANS. THE PURPOSE OF THIS PLAN IS TO UP DATE FOR CARRY-OUT ONLY FOOD FACILITY - NO SEATING FOR FOOD FACILITY.
4. SIGNS (EXIST.): (A) - 1 S/F - 50 Sq. Ft. (ILLUMINATED)
5. FLOOR AREA RATIO: BUILDING - 3,785 Sq. Ft.
   SITE - 17,676 Sq. Ft.
   F.A.R. = 0.21
6. NO COMMERCIAL BUILDINGS ALONG OLD HARFORD ROAD WITHIN ONE HUNDRED FEET OF EACH PROPERTY LINE.
7. PARKING SPACES CALCULATIONS:
   LIQUOR STORE = 2,200 Sq. Ft. @ 5/1000 Sq. Ft. = 11 SPACES
   PIT BEEF STAND = 628 Sq. Ft. @ 5/1000 Sq. Ft. = 3.1 SPACES
   FREEZER BOX #1 = 100 Sq. Ft. @ 5/1000 Sq. Ft. = .25 SPACES
   FREEZER BOX #2 = 193 Sq. Ft. @ 5/1000 Sq. Ft. = 1 SPACES
   FREEZER BOX #3 = 798 Sq. Ft. @ 5/1000 Sq. Ft. 4 SPACES
8. ALL SITE STANDARDS SHOWN ARE EXISTING. VARIANCE REQUESTED SEE *.
9. EXISTING PUBLIC UTILITIES, WATER & SEWER IN ROADWAYS AS SHOWN HEREON.



VICINITY MAP
SCALE: 1" = 1,000'

MICROFILMED

STATE OF MARYLAND
BALTIMORE COUNTY
No. 322
REGISTERED
PROPERTY LINE SURVEYOR

OWNER: STEPHEN L. GOLVEKE
8535 OLD HARFORD RD
BALTO., MD 21234
6977/104
TAX. NO. 09-0902207520
ZONED: BL-CNS
COUNCIL DISTRICT 6th

VARIANCE PLAN & PLAN
TO ACCOMPANY
BUILDING PERMIT #B-239790
FOR
8535 OLD HARFORD ROAD
9th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

GARY J. THURMAN
REGISTERED PROPERTY LINE SURVEYOR
5 HARVEL COURT BALTIMORE, MD 21220
(410) 335-7644

REV. 11/14/95 PER COUNTY COMMENTS J.G.

IN RE: PETITION FOR ZONING VARIANCE SEC Old Harford Road and Putty Hill Avenue 8535 Old Harford Road 9th Election District 6th Councilmanic District Stephen L. Golueke Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-247-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8535 Old Harford Road, in the Parkville section of Baltimore County. The Petition is filed by Stephen L. Golueke, property owner. Variance relief is requested from Sections 232.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 4 ft. 6 inches for an overhang canopy in lieu of the required 7-1/2 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case was Stephen L. Golueke. Also present was Michael McFadden, the proprietor of the business located on the site which is the subject of the variance request. The Petitioner was represented by Michael Paul Smith, Esquire. There were no Protestants or any interested persons present.

The uncontradicted testimony and evidence proffered was that the subject property is located at the intersection of Putty Hill Avenue and Old Harford Road in Parkville. The property is zoned B.L. and is roughly rectangularly shaped. The site is improved with a one story concrete building and attached shed which serves as a liquor store. On the southwest corner of the property is a one story frame building which is the subject of this Petition. This small structure serves as a ribs/beef/chicken stand. The stand does not provide any seating facilities but sells carryout beef and chicken products and similar items.

ORDER RECEIVED FOR FILING
Date 1/24/96
By

Previously, the stand featured an awning which intruded into the permissible setback area as shown in the photograph of the site marked as Petitioner's Exhibit No. 2A. Recently, this temporary awning was replaced with a more permanent extension of the roof as shown on Petitioner's Exhibit No. 2B. Due to these improvements, the subject variance is requested, in view of the face that the permanent structure, itself, has been improved as set forth above. The testimony and evidence presented at the hearing was that the awning provides cover from the elements, is entirely appropriate with surrounding uses, and does not cause detriment to the surrounding locale. A number of letters in support of the Petition were submitted at the hearing.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Variance should be granted. I am satisfied that the Petitioner has met the standards set forth in Section 307 of the BCZR as construed by the case law.

It is also to be noted that the subsequent to the hearing, a lengthy Zoning Plans Advisory Committee (ZAC) comment was received regarding this matter from the Office of Planning and Zoning. That plan and comment indicated that an outdoor advertising sign had been approved by Deputy Zoning Commissioner Kotroco under case No. 94-239-XA. The comment further indicated that the plan under consideration in the subject case did not reference that prior case number.

I am appreciative of Planning and Zoning's concerns and concur with their comment that the plan should fully record the zoning history for the property. However, what is significant here is the fact that several uses co-exist on the site. The outdoor advertising sign under consideration in case No. 94-239-XA has no bearing on the proposed Petition for Variance, which relates to a separate and distinct use. The plans submitted for the

ORDER RECEIVED FOR FILING
Date 1/24/96
By

public hearing before me (Petitioner's Exhibit No. 1) is sealed by Gary J. Thurman, Registered Property Line Surveyor. Under the laws which regulate his profession, Mr. Thurman must accurately produce his drawings. For these reasons, I am persuaded to grant the Petition for Variance as set forth above notwithstanding the comments from the Office of Planning and Zoning.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1996 that a variance from Sections 232.1 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 4 ft. 6 inches for an overhang canopy in lieu of the required 7-1/2 ft., be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING
Date 1/24/96
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 23, 1996

Michael Paul Smith, Esquire
143 Main Street
Reisterstown, Maryland 21136

RE: Case No. 96-247-A
Petition for Zoning Variance
Location: 8535 Old Harford Road

Dear Mr. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: Mr. Stephen L. Golueke, 8535 Old Harford Road, Balto.Md. 21234

Petition for Variance

96-247-A

to the Zoning Commissioner of Baltimore County

for the property located at 8535 Old Harford Road

which is presently zoned BL

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)

B.C.Z.R. Section 232.1 and Section 301.1a to allow a 4'6" projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection.setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Compliance with the strict requirement of the aforementioned sections would cause a practical difficulty in that the appropriate location of the carry-out food facility is where presently placed and because of the uniqueness of the lot in question (a corner lot on Old Harford Road and Putty Hill Road) access and free flow of traffic is necessary in the entrance and exits provided, thus making it a practical difficulty to locate the building and its awning elsewhere.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Stephen L. Golueke
(Type or Print Name)
Stephen L. Golueke
Signature

(Type or Print Name)

Signature

8535 Old Harford Road SEE ABOVE
Address Phone No.

Baltimore, MD 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

Michael Paul Smith, Esquire
Name
143 Main St., Reisterstown, MD 21136
Address (833-1221) Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
Reviewed by
Next Two Months
All
OTHER
REVIEWED BY DATE

Printed with Soybean Ink on Recycled Paper

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

96-247-A

(410) 239-7744 (410) 374-9695

Zoning Description
for
#8535 Old Harford Road
December 8, 1995

Beginning on the east side of Old Harford Road (60 feet wide), 215 feet south of the centerline of Putty Hill Avenue (right-of-way width varies), being the same land which is recorded in the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6977 folio 104 etc., containing 17,676 square feet (0.406 Acre) and known as No. 8535 Old Hardord Road, thence

1.) N 13° 38' 09" E 134.84 feet,

2.) N 54° 23' 49" E 24.88 feet,

3.) a line curving to the right, arc distance 87.76 feet chord bearing and distance S 61° 55' 09" E 87.76 feet,

4.) S 55° 00' 51" E 48.72 feet,

5.) S 34° 54' 09" W 122.39 feet,

6.) N 76° 21' 51" W 102.21 feet to the place of beginning.

STATE OF MARYLAND
GARY LEROY THURMAN
No. 7-8
PROPERTY LINE SURVEYOR

248

CERTIFICATE OF POSTING 96-247-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 12/21/95
Posted for: Variance
Petitioner: Stephen L. Golueke
Location of property: 8535 Old Harford Rd.
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by [signature] Date of return: 1/5/96
Signature
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013623

DATE 14 Dec 95 ACCOUNT 96-247-A R-001-6150
item #248 CM
AMOUNT $ 285.00
RECEIVED FROM: Posie, Nagle, Dolan, Smith & Hobbs
Check #2882
FOR: 8535 Old Harford Road
Variance 03A01N0324MICHRC
BA C002:24PM12-14-95 Stephen L. Golueke

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

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:

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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 248

Petitioner: Stephen L. Golueke

Location: 8535 Old Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charcoal Grill Parkville, Inc.
C/o John McFadden
ADDRESS: 8325 Tally Ho Road

Lutherville, Maryland 21093

PHONE NUMBER: 617-2727

AJ:ggs

(Revised 04/09/93)

248 13

TO: TUTOXENT PUBLISHING COMPANY
December 28, 1995 Issue - Jeffersonian

Please foward billing to:

Charcoal Grill Parville, Inc.
c/o John McFadden
6325 Tally Ho Road
Lutherville, MD 21093
617-2727

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: 96-247-A (Item 248)
8535 Old Harford Road
SEC Old Harford Road and Putty Hill Road
9th Election District - 6th Councilmanic
Legal Owner(s): Stephen L. Golueke

Variance to allow a 4 foot, 6 inch projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.

HEARING: WEDNESDAY, JANUARY 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 19, 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
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-247-A (Item 248)
8535 Old Harford Road
SEC Old Harford Road and Putty Hill Road
9th Election District - 6th Councilmanic
Legal Owner(s): Stephen L. Golueke

Variance to allow a 4 foot, 6 inch projection setback (overhang/canopy) in lieu of the allowed 7.5 foot projection setback.

HEARING: WEDNESDAY, JANUARY 17, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Stephen L. Golueke
Michael Paul Smith, 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 CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 11, 1996

Stephen L. Golueke
8535 Old Harford Road
Baltimore, MD 21234

RE: Item No.: 248
Case No.: 96-247-A
Petitioner: S. L. Golueke

Dear Mr. Golueke:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 14, 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 (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).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 12/29/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 26, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 243, 244, 245, 246, 247, 248 AND 249.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED JAN - 4 1996

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 29, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for January 2, 1996
Items 243, 244, 245, 246, 247, 248 and 249

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-22-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 248 (CAH)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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 Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

Item 1/17
96-247-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: January 17, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 8535 Old Harford Road

INFORMATION:

Item Number: 248

Petitioner: Stephen L. Golueke

Property Size:

Zoning: BL

Requested Action: Variance

Hearing Date: / /

RECEIVED JAN 22 1996 ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and analysis conducted, staff offers the following comment:

In Case No. 94-239-XA, the Deputy Zoning Commissioner granted a special exception and variance for an outdoor advertising sign. Testimony at the hearing revealed that the subject property was, at that time, improved with a one-story liquor store. A review of the Plat to Accompany Variance and Special Exception Request filed in Case No. 94-239XA reveals no improvements other than the 1-story Liquor Pump Store.

After considering the testimony presented in that case, the Deputy Zoning Commissioner stated in his Order, "... it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted ... 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."

At the time the Deputy Zoning Commissioner granted the Petitioner's request, the property also was improved with a pit beef stand, which stand enjoyed a Food Facility Permit (B-239730). Since neither the record nor the plat reflected this additional use of the property, staff believes that the issue of unreasonable restriction of the land was not examined in full light of the actual site improvements.

Once again, the Petitioner requests relief in the form of yet another variance. While staff does not oppose this latest variance request, issues related to the presentation of incomplete information in the original case should be addressed through a special hearing. This is of particular importance since the instant request is technically an amendment to a previously approved special exception.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

Finally, it is abundantly clear to staff that reviewing agencies, the Zoning Commissioner, the Deputy Zoning Commissioner and the Board of Appeals rely heavily on the accuracy of submitted plans and testimony. Any case demonstrating characteristics of the provision of incomplete information demands examination.

A copy of the Plat to Accompany Variance and Special Exception, and the Order in Case No. 94-239XA is attached.

Prepared by: Jeffrey Long

Division Chief: Carl L. Richards

PK/JL

ITEM248/PZONE/ZAC1

PETITION PROBLEMS

#248-- CAM

1. No telephone number for legal owner.

#249-- CAM

1. Acreage on folder – 222.51 what??? (square feet or acres?)
2. Need printed name and title of person signing for Mercantile.
3. Need authorization for person signing for Mercantile.
4. Mercantile is trustee for who?
5. Need telephone number for legal owner

Code **Enforcement**

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt — DATE: December 28, 1995
Zoning Commissioner

FROM: James H. Thompson - Jim Garland (Building Inspector)
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 248
PETITIONER: Stephen L. Golueke

VIOLATION CASE NO.: B-95-200-09

LOCATION OF VIOLATION: 8535 Old Harford Road
Baltimore, Maryland 21234
9th Election District

DEFENDANTS: Mike McFadden/Charcoal Grill
8535 Old Harford Road
Baltimore, Maryland 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME — ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/JG/hek

Code **Enforcement**

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt — DATE: January 3, 1996
Zoning Commissioner

FROM: James H. Thompson - Jim Garland (Building Inspector)
Jim Shea (Code Enforcement Inspector)
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 248
PETITIONER: Stephen L. Golueke

VIOLATION CASE NO.: B-95-200-09

LOCATION OF VIOLATION: 8535 Old Harford Road
Baltimore, Maryland 21234
9th Election District

DEFENDANTS: Mike McFadden/Charcoal Grill
8535 Old Harford Road
Baltimore, Maryland 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
Bodie, Nagle, Donlina, Smith and Hobbs	21 W. Susquehanna Avenue Towson, Maryland 21204
Jim Shea Code Enforcement Inspector	M.S. 1105

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/JG/JS/hek

RE: PETITION FOR VARIANCE
8535 Old Harford Road, SEC Old Harford Road and Putty Hill Road, 9th Election District - 6th Councilmanic
Stephen L. Golueke
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-247-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esquire, 143 Main Street, Reisterstown, MD 21136, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

The Over "Fifties" Club, Inc. Ref 8

RIDGE GARDEN COMMUNITY HALL - 8417 NUNLEY DRIVE - BALTIMORE, MARYLAND 21234

June 29, 1995

Manager,
Charcoal Grill
8535 Old Harford Rd.
Baltimore, Md. 21234

Dear Mike:

On September 18, 1995, 12:00 noon The Over Fifties Club, Inc. of Ridge Gardens Apartments will sponsor a Dessert-Bingo and Tombola Table. The cost of the Bingo is $2.00 admission - one card, choice of dessert, tea, or coffee, with appropriate fees for additional cards and chances. This will be open to all residents, and/or outsiders, with advance sales, in compliance with capacity.

We are accepting donations of prizes, and would be grateful if you would care to contribute a gift certificate for this event. Many Club members or residents are regular patrons of your excellent Carryout. This would provide good P.R., and introduce new clients to your place of business. We like your new look. It's Pool time at R.G.

Thank you for consideration of this request. What another appeal!

Sincerely,
Margaret Snapp
Secretary &
Publicity Chairperson

OUR NEIGHBORS ARE APPRECIATING OUR NEW LOOK.

M. K. Snapp
8507 A Dunquin Ct.
Baltimore, MD 21234
661-6453

Sep 13'95 11:32 No.003 P.14 TEL:410-617-5130 SV TOYOTA-CORPORATE/INFO

CUSTOMER SERVICE

Baltimore Gas and Electric Company
P.O. Box 1475
Baltimore, Maryland 21203-1475

January 4,1996

To Whom It May Concern:

BGE

This is a letter in support of the Charcoal Grill petition for a variance for their restaurant at 8535 Old Harford Road, Parkville. The Charcoal Grill has always been a "good neighbor" in keeping a neat, clean and efficient operation. It would be unfair to penalize them or cause them a hardship for trying to remodel and modernize their facade and awning on a structure which has been in place for over ten years. While many retail establishments in the area have been allowed to deteriorate, a restaurant should be encouraged and not discouraged for modernizing. In fact, they should be commended and applauded for good community citizenship and used as a role model for others.

In conclusion, please allow the Charcoal Grill to keep their awning / overhang in wood shake shingles which protect us, their customers, from bad weather and the elements and provides an attractive setting for the neighborhood. The two foot difference near the side of the property line does nothing to detract from the view or cause any safety issues. Thank you very much for your consideration in this matter.

Sincerely,

Mary Shaulis
Corporate Operator

January 4,1996

To Whom It May Concern:

This is a letter in support of the Charcoal Grill petition for a variance for their restaurant at 8535 Old Harford Road, Parkville. The Charcoal Grill has always been a "good neighbor" in keeping a neat, clean and efficient operation. It would be unfair to penalize them or cause them a hardship for trying to remodel and modernize their facade and awning on a structure which has been in place for over ten years. While many retail establishments in the area have been allowed to deteriorate, a restaurant should be encouraged and not discouraged for modernizing. In fact, they should be commended and applauded for good community citizenship and used as a role model for others.

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Sincerely,

(Dance Liquor Pomp)

January 4,1996

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Sincerely,

Tanya Denise Thompson

January 4,1996

To Whom It May Concern:

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Sincerely,

Deborah A. Dickert

Sincerely,

Debbie Kiernan
Unit Support Clerk/
Secretarial Coordinator

Sincerely,

Marjorie J. Dugosky
Sr. Customer Representative
ABC

very much for your consideration in this matter.

Sincerely,

Juanita P. Peters,
Conservation Services Specialist

Sincerely,

Chris Eliseeva

very much for your consideration in this matter.

Sincerely,

Barbara Barnes
Sr Customer Rep.