

Arnold Jablon, Director
June 16, 1997
Page 2

Currently, a denial of use of the patio as an outside space is on appeal to the County Board of Appeals in Case No. 97-160-A. Enclosure of the terrace is being proposed as an alternative to that use and is wholly unrelated to the pending variance case. All parties in that case are aware that we would be pursuing this alternative.

Accordingly, it is respectfully requested that you confirm that the proposed enclosure of the terrace is consistent with the spirit and intent of the Order in Case No. 93-362-A by countersigning below. I am enclosing with this letter a check in the amount of \$40.00 to cover the administrative expenses related to the review of this issue.

If you have any questions, please do not hesitate to call.

Very truly yours,



Robert A. Hoffman

RAH:dk
cc: Mr. Mitch Kellman
Enclosures

Date: _____

Sp ed
Letter

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



June 27, 1997

9th Election District

Dear Mr. Hoffman:

Please be advised that the Department of Permits and Development Management, Bureau of Zoning Review, cannot approve the enclosure of an existing terrace administratively. This decision is based upon the fact that variances were granted for a building which existed. The enclosure will add building area, which deletes the fact that the variances were granted for an existing condition. Also, the controversial nature of this zoning case would warrant the need for a hearing should the use increase.

Very truly yours,



Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 93-362-A
94-361-A

Arnold Jablon, Director
June 16, 1997
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Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 93-362-A
94-361-A

IN RE: PETITION FOR VARIANCE
NW/Corner York Road and Cross
Campus Drive
(7800 York Road)
9th Election District
4th Councilmanic District

David H. Hillman
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-160-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 7800 York Road, located at the intersection of York Road and Cross Campus Drive across from Towson State University in Towson. The Petition was filed by the owner of the property, David H. Hillman, and the Contract Lessee, Bill Bateman's Bistro, by Mark J. Loundas, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use (approved restaurant/terrace) to be located outside the office building in lieu of inside the building, and to amend the previously approved site plan in prior Case No. 93-362-A, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mark Loundas, a representative of Bill Bateman's Bistro, Mark Willard, Professional Landscape Architect with Development Design Group, Inc., who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing in opposition to the relief requested were Eileen Riley, Burton E. Greenwood, and Lucy Meyer, nearby residents of the area.

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Date

By

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Testimony and evidence offered revealed that the subject property consists of a gross area of 9.02 acres, more or less, predominantly zoned O-1, and is improved with a four-story masonry office building which has a mix of uses contained therein. The building is mostly occupied as office space; however, a hair care salon and a restaurant operate on the first floor of the building. The restaurant, known as Bill Bateman's Bistro, is located on the east side of the building facing York Road, and is accessed by an entrance on that side, which was approved pursuant to a variance request in prior Case No. 93-362-A on July 9, 1993. The Petitioners now come before me seeking approval to utilize a 10' x 90' terrace area located adjacent to the building, outside the existing restaurant, for an outdoor seating area. The Petitioner proposes to locate eight (8) tables outside in the terrace area to provide seating for up to 32 persons. This terrace is enclosed with brick and wood planter boxes in which small palm trees and shrubs have been planted. There is no exterior entrance to the terrace area; the only entrance to that area is provided from within the restaurant itself. Mr. Loundas testified that the proposed seating area will allow patrons of the restaurant to dine outside on nice days. He noted that many other restaurants in the Towson area have provided small, outdoor seating areas and the Petitioner wishes to do the same in order to remain competitive. Mr. Loundas also testified that Bill Bateman's would like to provide music to this outdoor seating area by way of a speaker system. He testified that the terrace level would only be used during the warmer months of the year and that the Petitioner would restrict its hours of operation to close at 12 midnight. Mr. Loundas also testified that there would be no outside bar and that the tables would be utilized for food service, only. That is, patrons would have to order food in order to

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be seated in the terrace area. No patrons would be permitted to sit on the terrace and consume only beverages.

As noted above, nearby residents Eileen Riley, Burton Greenwood, and Lucy Meyer appeared in opposition to the Petitioners' request. These residents testified that while they appreciate and accept the restaurant use within the building, they are strongly opposed to any expansion of the restaurant use to the terrace area. Ms. Riley testified that Mr. Loundas met with the Wiltondale Association prior to locating his restaurant in this building and assured them that he would not provide outdoor seating. Mr. Loundas did not recall having that particular conversation with the Wiltondale Association, but did recall meeting with members of that association and discussing the restaurant use with them. These residents also testified that Bill Bateman's did, in fact, provide outdoor seating this past summer, without having first obtained permission to do so through the Zoning Commissioner's Office. During such time as the outdoor seating area was being utilized, several residents of the surrounding communities complained of the noise that was generated by virtue of this use. These residents were able to hear patrons talking, as well as the music that was piped into the outdoor seating area, which disturbed them into the late hours of the evening. Therefore, these residents are opposed to the placement of outdoor tables and chairs in the terrace area as shown on the site plan.

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

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Date 11/15/66
By [Signature]

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

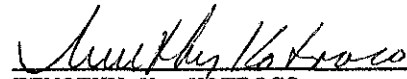
After due consideration of the testimony and evidence presented, I am persuaded to deny the variance. The Petitioners have failed to prove that strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship to them. The restaurant use as it presently exists has been very successful and thus, the Petitioners are not dependent upon the proposed outdoor seating area. There was no testimony to support the need to provide an outdoor seating area, other than to remain competitive with other restaurant uses in Towson. The Petitioners have failed to show that denial of the variance would unreasonably prevent the use of the property or be unnecessarily burdensome.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1996 that the Petition for Variance seeking relief from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use (approved restaurant/terrace) to be located outside of the office building in lieu of inside the building, and to amend the previously approved site plan in

prior Case No. 93-362-A, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RECEIVED FOR FILING
11/13/96
JBP

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NWC York Rd. & Cross Campus Dr.
Poulet USA * ZONING COMMISSIONER
7800 York Road
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Legal Owner: David H. Hillman * Case No. 94-361-A
Lessee : Jonathan Soudry
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for the second time in less than one year, to consider a Petition for Zoning Variance for that property which is the site of the Poulet Chicken Restaurant in Towson. The property is more particularly known as 7800 York Road, situated immediately adjacent to the Towson State University Campus and across from the residential community known as Wiltondale. In the instant case, variance relief is requested from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use, identified as a restaurant/patio, to be located outside of the office building in which the restaurant use is located, in lieu of the requirement that same be located within the building. The Petition is filed by David H. Hillman, owner of the subject property, and Jonathan Soudry, Lessee and proprietor of the Poulet Chicken Restaurant.

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

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appeared and testified in support of the Petition.

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

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

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

site and surrounding locale. As Mr. Colbert noted, the subject property is zoned 0-1 and is approximately 8 acres in net area. It is improved with a 4 story masonry office building which has been in existence since approximately 1960. The balance of the site is improved with several parking areas which support the subject building. As noted by Mr. Colbert in his testimony, the ground floor of the building has now been improved with the Poulet Chicken Restaurant. This occupies a significant portion of the ground floor and, at present, the restaurant use is entirely confined within the interior of the building. In fact, it is clear that the B.C.Z.R. requires that this use be confined to the interior of the building. Specifically, Section 204.3.A.3 of the B.C.Z.R. allows certain accessory commercial uses within an office building in an 0-1 zone, including eating establishments if located within the office building. Although the word "within" is not defined in Section 101 of the B.C.Z.R., it is defined by Webster's Third New International Dictionary. The B.C.Z.R. requires that Webster's be consulted in determining the meaning of any word used in the regulations when the word is not specifically defined. In Webster's, the word "within" is defined "on the inside or in the inner side". Thus, it is clear that strict adherence to the regulations would require that the restaurant use be contained wholly within the building. Mr. Colbert's comments contrary to that conclusion notwithstanding, I must first conclude that the use of the word "within" mandates that a restaurant may only be interior to the structure.

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

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

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

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

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

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

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

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

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

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

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

A. That the Petitioner demonstrate a practical difficulty or unreasonable hardship if strict compliance with the zoning regulations was required; and,

B. That the relief can be granted only if same will be in strict harmony with the spirit and intent of the regulations; and,

C. That the relief granted will be without injury to the public health, safety and general welfare of the locale.

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

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

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

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

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

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

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

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

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

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

2) whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

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

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

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

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

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

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1994 that a variance from Section 204.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit part of an accessory use, identified as a restaurant/patio, to be located outside of the office building in which the restaurant use is located, in lieu of the requirement that same be located within the building, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

IN THE MATTER OF
THE APPLICATION OF
DAVID H. HILLMAN /BILL
BATEMAN'S BISTRO FOR A ZONING
VARIANCE ON PROPERTY LOCATED
ON THE NW/COR YORK RD & CROSS
CAMPUS DRIVE (7800 YORK ROAD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-160-A

* * * * *

ORDER OF DISMISSAL

This matter is an appeal from the November 15, 1996 decision of the Deputy Zoning Commissioner in which Petitioner's request to permit part of an accessory use (approved restaurant/terrace) to be located outside of the office building in lieu of inside the building and to amend the previously approved site plan in prior Case No. 93-362-A was denied.

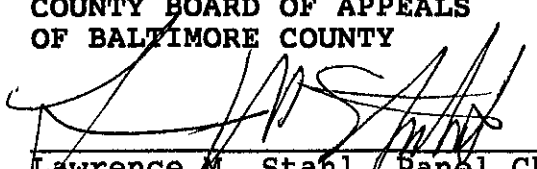
WHEREAS, the Board convened for hearing as scheduled on Thursday, September 10, 1998 at 10:00 a.m.; Timmy F. Ruppertsberger, Esquire, appeared on behalf of Petitioner /Appellant; and Peter Max Zimmerman, People's Counsel for Baltimore County, also appeared; and

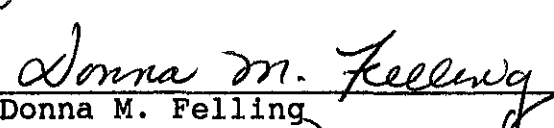
WHEREAS, at the onset of that hearing, and on the record, Ms. Ruppertsberger, on behalf of Appellant /Petitioner, moved for dismissal of this matter;

IT IS THEREFORE this 26th day of October, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the appeal taken in Case No. 97-160-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Panel Chairman


Donna M. Felling


Margaret Worrall

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

October 26, 1998

Timmy F. Ruppertsberger, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Case No. 97-106-A /David H. Hillman -
Petitioner (Bill Bateman's Bistro)

Dear Ms. Ruppertsberger:

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

Very truly yours,

Charlotte E. Redcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Robert A. Hoffman, Esquire
Mark Loudas
c/o Bill Bateman's Bistro
Eileen Riley
Burton E. Greenwood
Luch Meyer
Paul Hartman /Aigburth Manor Assoc.
Don Gerding /Rodgers Forge Comm. Assoc.
Kim McMenamin
People's Counsel for Baltimore County
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt
Virginia W. Barnhart, County Attorney

MICROFILMED



RE: PETITION FOR ZONING VARIANCE
7800 York Road (Bill Bateman's Bistro),
NWC York Road and Cross Campus Drive
9th Election District, 4th Councilmanic

Legal Owner(s): David H. Hillman
Contract Purchaser/Lessee: Bill Bateman's
Bistro

Petitioners

* BEFORE THE COUNTY
* BOARD OF APPEALS OF
* BALTIMORE COUNTY
* Case No. 97-160-A

* * * * *

MOTION TO DISMISS APPEAL

People's Counsel for Baltimore County moves to dismiss the appeal, as a matter of law, and requests a preliminary hearing, if available:

1. The present petition is a request for variance for an outdoor restaurant accessory use in an OR-1 zone under BCZR 205.3.A.3, attached.
2. The pertinent zoning legislation (BCZR 205.3) establishes indoor location as fundamental to office building uses in the OR-1 zone. See Bill 167-80.
3. The requested variance amounts to a "use variance," not allowed under BCZR 307.1.
4. The variance standards of BCZR 307.1 are, in any event, fundamentally not applicable to office building accessory uses. Such uses are conveniences. There can never exist any uniqueness or difficulty pertaining to an office building property which distinguishes it as particularly eligible for outdoor uses.
5. Such accessory outdoor uses are allowed by right in all commercial zones. As a result, the request for variance is a disguised rezoning.

MICROFILMED

6. In addition, the petition is barred by res judicata. The Zoning Commissioner denied an equivalent petition on the same property in Case No. 94-361-A, dated May 23, 1994, attached.



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



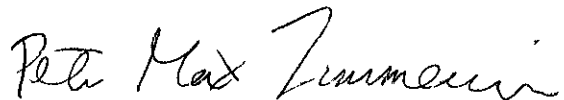
CAROLE S. DEMILIO

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

STATEMENT OF POINTS AND AUTHORITIES

1. BCZR 102.1; 205.3; 307.1; Kowalski v. Lamar, 25 Md.App. 493 (1975); McLean v. Soley, 270 Md. 208 (1973); Anderson v. Board of Appeals, 22 Md.App. 28 (1974); Anderson, American Law of Zoning 4th, Sec. 20.06.

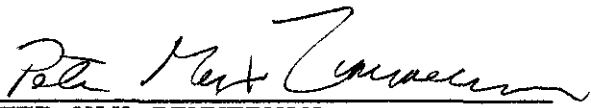
2. Batson v. Shifflett, 325 Md.App. 607, 616 (1993); Esslinger v. Baltimore City, 95 Md.App. 607, 616 (1993).



PETER MAX ZIMMERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August, 1997, a copy of the foregoing Motion to Dismiss Appeal was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P. O. Box 5517, Towson, MD 21204, attorney for Petitioners, to Eileen Riley, 623 Wilton Road, Towson, MD 21286, and to Burton Greenwood, 508 Wilton Road, Towson, MD 21286.


PETER MAX ZIMMERMAN

205.3 Use Regulations of OR-1 Zones. [Bills No. 167, 1980; No. 186, 1994.]

A. The following uses, only, are permitted by right:
{Bill No. 186, 1994.}

1. Uses permitted by right and as limited in D.R. 5.5 zones; [Bills No. 167, 1980; No. 108, 1994; No. 186, 1994.]
2. Class A or Class B office buildings containing offices, medical offices, or medical clinics; [Bills No. 167, 1980; No. 37, 1988; No. 186, 1994.]
- ✓ 3. The following accessory commercial uses within Class B office buildings (see also paragraph C, below):
{Bill No. 186, 1994.}
 - a. Photocopying establishments;
 - b. Secretarial-service establishments;
 - ✓ c. Standard restaurants, carry-out restaurants, and taverns without dancing or live entertainment;
{Bill No. 186, 1994.}
 - d. Travel bureaus;
 - e. Banks, including one exterior walk-up automatic teller machine for each bank located within an office building, and [Bills No. 167, 1980; No. 186, 1994.]
 - f. Opticians' or optometrists' establishments.
{Bill No. 186, 1994.}
- ✓ 4. Accessory uses not included under Item 1, above, but not any accessory commercial uses other than those listed in Item 3 (see paragraph B, below). [Bill No. 167, 1980.]

B. The following uses, only, are allowable by special exception: {Bill No. 186, 1994.}

1. Uses allowable by special exception and as limited in D.R. 5.5 zones; [Bills No. 167, 1980; No. 108, 1994; No. 186, 1994.]

2. The following accessory commercial uses within Class B office buildings, provided that the zoning commissioner finds that each such use will primarily serve the principal uses of the lot (see also paragraph C, below): {Bill No. 186, 1994.}
 - a. Drug stores;
 - b. Personal-care establishments, including hair-care, facial-treatment, manicuring, or shoe-shining establishments; and
 - c. Stationery or office-supply shops. [Bill No. 167, 1980.]
 3. Wireless transmitting or receiving structures. [Bill No. 64, 1986.]
- C. Supplementary use regulations (see also Section 208):
1. Accessory-commercial-use floor-area limitations.
 - a. No more than 7.5% of the adjusted gross floor area of any office building may be occupied by accessory commercial uses. [Bill No. 167, 1980.]
 - b. No single accessory commercial use other than a standard restaurant, carry-out restaurant, or tavern may occupy more than 1,200 square feet of floor area. [Bills No. 167, 1980; No. 186, 1994.]
 2. Entrances to accessory commercial uses. No exterior entrance to any accessory commercial use within an office building is permitted unless 75% of the principal uses in the building have exterior entrances. [Bills No. 167, 1980; No. 24, 1983.]
 3. Outdoor signs or display for office buildings. In addition to the temporary real estate signs and the temporary construction signs permitted under Section 413.1:
 - a. One stationary building identification sign on each office building is permitted, provided that:
 - (1) It identifies only the name, address, or logo of the building, or a combination of these things;
 - (2) It is not illuminated other than by illumination that may be provided for the building or site;



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 15, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/Corner York Road and Cross Campus Drive
(7800 York Road)
9th Election District - 4th Councilmanic District
David H. Hillman - Petitioner
Case No. 97-160-A

Dear Mr. Hoffman:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David H. Hillman, c/o Southern Management Corporation
1950 Old Gallows Road, Suite 600, Vienna, Va. 22182

Mr. Mark Loundas 13126 Long Green Pike, Glen Arm, Md. 21082

Ms. Eileen Riley, 623 Wilton Road, Towson, Md. 21286

Mr. Burton E. Greenwood, 608 Wilton Road, Towson, Md. 21286

Ms. Lucy Meyer, 504 Wilton Road, Towson, Md. 21286

People's Counsel; Case File

MICROFILMED



11-6-96

RE: PETITION FOR VARIANCE	*	BEFORE THE
7800 York Road (Bill Bateman's Bistro),	*	
NWC York Road and Cross Campus Drive	*	ZONING COMMISSIONER
9th Election District, 4th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Legal Owner(s): David H. Hillman		
Contract Purchaser: Bill Bateman's Bistro	*	CASE NO. 97-160-A
Petitioners		

* * * * *

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 16th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7800 York Road

129

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 part of hereof, hereby petition for a Variance from Section(s)

204.3.A.3 of the Baltimore County Zoning Regulations to permit part of an accessory use (approved restaurant/terrace) to be located outside of the office building in lieu of inside of the building and to amend the site plan approved in Case No. 93-362-A.

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

To be determined at hearing.

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 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:

Bill Bateman's Bistro

(Type or Print Name)

By:

Signature Mark J. Loundas, President

7800 York Road

Address

Towson

MD

21204

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

David H. Hillman

(Type or Print Name)

Signature

c/o Southern Management Corporation

(Type or Print Name)

Signature

1950 Old Gallows Road

Suite 600

Address

Phone No.

Vienna

City

VA

State

22182

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

DROP-OFF
No REVIEW
9/19/96 ucu



ZONING DESCRIPTION

Beginning at a point on the west side of York Road, 280± feet from the intersection of centerlines of Cross Campus Drive and York Road and running along the west side of York Road, North 12 degrees 15 minutes 41 seconds East 50 feet, North 77 Degrees 44 minutes 19 seconds West 225.23 feet, North 65 degrees 13 minutes 20 seconds West 529.53 feet, North 62 degrees 18 minutes West 456.00 feet, North 62 degrees 47 minutes 40 seconds West 57.10 feet, South 27 degrees 42 minutes West 235.77 feet, South 59 degrees 21 minutes 42 seconds East 188.67 feet, North 30 degrees 38 minutes 18 seconds East 1.00 feet, South 59 degrees 21 minutes 42 seconds East 567.98 feet, Easterly radius of 1062.12 feet, for a distance of 88.83 feet, Easterly radius of 1627.93 feet, for a distance of 386.00 feet, Northeasterly radius of 88 feet, for a distance of 124.09 feet, North 21 degrees 28 minutes 11 seconds East 162.31 feet, South 65 degrees 13 minutes 20 seconds East 0.67 feet to the place of beginning containing 7.937 acres of land, more or less.

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

NOTE: THIS DESCRIPTION IS PROVIDED FOR ZONING PURPOSES ONLY AND IS NOT TO ESTABLISH PROPERTY LINES.



MICROFILMED

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204**

Petitioner/Developer: WILLIAM BATEMAN, ETAL

Date of Hearing/Closing: Nov. 7, 1996

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204**

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #7800 YORK ROAD

The sign(s) were posted on OCT. 23, 1996
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

666-5366

(Telephone Number)

ZONING NOTICE

Case : 97-160-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

[illegible]

MICROFILMED

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

No.

123373

DROP-OFF PETITION -- NO REVIEW
ITEM #129

DATE 9/19/96 ACCOUNT 001-6150

AMOUNT \$ 285.00 (WCR)

RECEIVED FROM: Rosie & Renie, Inc.

#020 -- VARIANCE
#080 -- SIGN POSTING
7800 York Road

FOR: _____

01A00N0256MICHRC \$285.00
BA COLL123AM09-23-96

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

No

029840

DATE 12/5/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Venable, Baetjer & Howard, LLP

FOR: Appeal Case # 97-160-A

03A91N0011MICHRC \$210.00
BA COLL145AM12-06-96

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

No

029840

DATE 12/5/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Venable, Baetjer & Howard, LLP

FOR: Appeal Case # 97-160-A

MICROFILMED 03A91N0011MICHRC \$210.00
BA COLL145AM12-06-96

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

December 5, 1996

Arnold F. Jablon, Director
Department of Permits
and Delopment Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Appeal from the Findings of Fact and Conclusions of Law
in Case No. 97-160-A for the property located at 7800 York Road

Dear Mr. Jablon:

Enclosed please find our check in the amount of \$135.00 to be added to the \$75.00 check submitted with our appeal letter dated November 21, 1996, to cover the total cost of \$210.00.

Please call if you have any questions.

Yours truly,



Barbara W. Ormord
Legal Assistant

TO1DOCS1/BAW01/0035042.01

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

October 11, 1996

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: 97-160-A (Item 129)
7800 York Road
Bill Bateman's Bistro
NWC York Road and Cross Campus Drive
9th Election District - 4th Councilmanic
Legal Owner(s): David Hillman
Contract Purchaser/Lessee: Bill Bateman's Bistro

Variance to permit part of an accessory use (approve restaurant/terrace) to be located outside of the office building in lieu of inside of the building and to amend the site plan approved in case number 93-362-A.

HEARING: THURSDAY, NOVEMBER 7, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: David H. Hillman
Bill Bateman's Bistro
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN MUST POSTED ON THE PROPERTY BY OCTOBER 23, 1996
(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.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 28, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-160-A

IN THE MATTER OF: DAVID H. HILLMAN -Legal Owner;
Bill Bateman's Bistro -Lessee /Petitioners 7800
7800 York Road 9th E; 4th C

(Petition for Variance DENIED.)

ASSIGNED FOR: TUESDAY, JUNE 17, 1997 at 11:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Petitioner: Robert A. Hoffman, Esquire
Appellant /Petitioner: David H. Hillman
c/o Southern Management Corp.
Mark Loundas /Bill Bateman's

Mark Willard /Development Design Group

Protestants

: Eileen Riley
Burton E. Greenwood
Lucy Meyer

Aigburth Manor Association

: Paul Hartman, VP /Zoning Affairs

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



VENABLE BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

May 8, 1997

HAND-DELIVERED

Ms. Kathleen C. Bianco
Administrative Assistant
County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 97-160-A
Our File No.: 28314/119835

Dear Ms. Bianco:

The referenced case is scheduled for a hearing before the County Board of Appeals for Baltimore County on June 17, 1997 at 11:00 a.m. I have a conflict in my personal schedule that will extend from the morning through mid to late afternoon. Conceivably, I could attend the hearing late in the day, but that would not present sufficient time to dispose of the case. Therefore, I would request that the case be rescheduled to the next available date on the Board's docket.

Without getting into the facts of the case, I should also point out that the requested variance relates to outside seating for a restaurant and my client is seriously exploring enclosing this area. This should moot the need for any zoning relief. I will, of course, keep the Board and all parties advised if it appears that the variance request is no longer necessary.

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY -8 PM 5:04

MICROFILMED

I thank you for your consideration.

Yours truly,



Robert A Hoffman

RAH/dk

cc: Mr. Burton E. Greenwood
Mr. David H. Hillman
c/o Southern Management Corporation
Ms. Eileen Riley
Ms. Lucy Meyer
Mr. Mark Loundas
c/o Bill Bateman's Bistro
Mr. Mark Willard
c/o Development Design Group, Incorporated
Mr. Paul Hartman,
Aigburth Manor Association

TOIDOC51/RAH01/0003725.01

Call 485-9632
Call Eileen
Reilly re B
7800 York
(6/17 case)
mooly. PPB
10/01/97



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 21, 1998

NOTICE OF ASSIGNMENT /MOTION HEARING

CASE #: 97-160-A

IN THE MATTER OF: DAVID H. HILLMAN -Legal Owner;
Bill Bateman's Bistro -Lessee /Petitioners 7800
7800 York Road 9th E; 4th C
(Petition for Variance DENIED.)

which was postponed in August 1997, to be rescheduled only upon request, has been scheduled for a MOTION ONLY HEARING, at the request of People's Counsel for Baltimore County, for argument on a Motion to Dismiss filed by People's Counsel; and has been

ASSIGNED FOR: THURSDAY, SEPTEMBER 10, 1998 @ 10:00 a.m.

NOTICE: This matter has been scheduled for the purpose of receiving oral argument only on People's Counsel's Motion to Dismiss.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner: Robert A. Hoffman, Esquire
Appellant /Petitioner: David H. Hillman
c/o Southern Management Corp.
Mark Loundas /Bill Bateman's

Mark Willard /Development Design Group

Protestants : Eileen Riley
Burton E. Greenwood
Lucy Meyer
Aigburth Manor Association : Paul Hartman, VP /Zoning Affairs
Don Gerding
People's Counsel for Baltimore County
Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 15, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

pp'd to set only on request
CASE #: 97-160-A IN THE MATTER OF: DAVID H. HILLMAN -Legal Owner;
Bill Bateman's Bistro -Lessee /Petitioners 7800
7800 York Road 9th E; 4th C
(Petition for Variance DENIED.)

which was scheduled for hearing on 6/17/97 has been POSTPONED at the request of Counsel for Appellant /Petitioner; and upon telephone confirmation with opposing party, has been

REASSIGNED FOR: WEDNESDAY, OCTOBER 1, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Petitioner: Robert A. Hoffman, Esquire
Appellant /Petitioner: David H. Hillman
c/o Southern Management Corp.
Mark Loundas /Bill Bateman's
Mark Willard /Development Design Group

Protestants : Eileen Riley
Burton E. Greenwood
Lucy Meyer
Aigburth Manor Association : Paul Hartman, VP /Zoning Affairs

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

August 19, 1997

Kathleen C. Bianco, Legal Administrator
The County Board of Appeals for Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 AUG 20 PM 1:53

Re: Baltimore County Board of Appeals
Case No.: 97-160-A
Our File No.: 28314/119835

Dear Mrs. Bianco:

On June 10, 1997, Burton E. Greenwood, Sr., Zoning Chairman of the Wiltondale Community Association wrote to me and indicated that my letter to you, dated May 8, 1997, may be in error in that a variance could be required to enclose the patio that is the subject of the referenced case. Mr. Greenwood suggested that I research the prior zoning cases to see if a variance to the maximum percentage of retail and restaurant space would be required. After meeting with Mitch Kellman of the Office of Zoning, I am writing to inform you that Mr. Greenwood was correct in that our proposal to enclose the patio would require a variance to the maximum square footage allowed. Accordingly, we are preparing a new site plan for submittal to the Zoning Commissioner for a determination on that variance.

I would request that you please hold the scheduled hearing on the outdoor usage in abeyance, pending a decision by the Zoning Commissioner on the patio enclosure, as you may end up hearing a combined case.

MICROFILMED

Kathleen C. Bianco
Page Two
August 19, 1997

By copy of this letter, I want to thank Mr. Greenwood for pointing out the prior history of this case and ask that he contact me to discuss the proposed patio enclosure.

Very truly yours,



Robert A. Hoffman

RAH:dk

cc: Mr. Burton E. Greenwood
Mr. David H. Hillman
c/o Southern Management Corporation
Ms. Eileen Riley
Ms. Lucy Meyer
Mr. Mark Loundas
c/o Bill Bateman's Bistro
Mr. Mark Willard
c/o Development Design Group, Incorporated
Mr. Paul Hartman,
Aigburth Manor Association
Mr. Lawrence E. Schmidt
Mr. Arnold Jablon
Virginia Wood Barnhart, County Attorney
Mr. Arnold F. "Pat" Keller, III, Director
Peoples Counsel

TO1DOCS1/RAH01/0050048.01

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 21, 1997

NOTICE OF POSTPONEMENT

CASE #: 97-160-A

IN THE MATTER OF: DAVID H. HILLMAN -Legal Owner;
Bill Bateman's Bistro -Lessee /Petitioners 7800
7800 York Road 9th E; 4th C
(Petition for Variance DENIED.)

which was scheduled for hearing on 10/01/97 has been POSTPONED at the request of Counsel for Appellant /Petitioner; to be rescheduled only upon request.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

*4/24/98
Hearing
rescheduled
for 9/10/98*

cc: Counsel for Appellant /Petitioner: Robert A. Hoffman, Esquire
Appellant /Petitioner: David H. Hillman
c/o Southern Management Corp.
Mark Loundas /Bill Bateman's

Mark Willard /Development Design Group

Protestants : Eileen Riley
Burton E. Greenwood
Lucy Meyer
Aigburth Manor Association : Paul Hartman, VP /Zoning Affairs

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

September 3, 1998

Timmy F. Ruppertsberger, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

Re: Case No. 97-160-A
David H. Hillman /Bill Bateman's Bistro

Dear Ms. Ruppertsberger:

The Board is in receipt of your letter dated August 27, 1998, wherein you request a continuance of the subject case scheduled for hearing on September 10, 1998. This office is also in receipt of a letter dated September 2, 1998 in opposition to your request from Peter Max Zimmerman, People's Counsel for Baltimore County.

Upon review of your request and Mr. Zimmerman's response thereto, and pursuant to the Board's Rule 2c, postponement of this case is denied at this time.

Therefore, this matter will remain as scheduled on Thursday, September 10, 1998, at 10:00 a.m. for argument on People's Counsel's Motion to Dismiss.

Very truly yours,

Kathleen C. Bianco
Administrator

cc: David H. Hillman
c/o Southern Management Corporation
Mark Loundas c/o Bill Bateman's Bistro
Kim McMenamin
Burton Greenwood /Wiltondale Community Assn.
Eileen Riley /Wiltondale Community Assn.
Peter Max Zimmerman, People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt /Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED



Case No. 97-160-A

David H. Hillman - Petitioner

NW/c York Road and Cross Campus Drive
(7800 York Road)

9th Election District

Appealed: 11/25/96

(see attached copy of
vicinity map)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

November 14, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 129
Case No.: 97-160-A
Petitioner: David H. Hillman

Dear Mr. Hoffman:

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 September 19, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Sep 26, 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 30, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

119

122

124

125

126

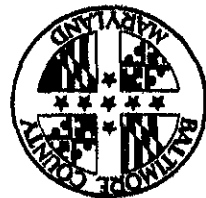
127

129

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED



C.A. Dutch Ruppersberger, III
Baltimore County Executive

Executive Office
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2450
Fax: (410) 887-5781

September, 1996

Dear County Employee:

The 1996 United Way of Central Maryland charity campaign for Baltimore County Government is now in full swing. Please help United Way continue to aid family, friends, and neighbors by generously contributing to this year's gift giving.

One out of three people is touched by a United Way service each year--600,000 individuals whose lives are better because we care enough to give.

Far too many of our fellow citizens find it difficult to provide for the basics of life--food, clothing, shelter, and health care. Over 10,000 children in our County live below the poverty line. Homeless shelters serve nearly 3,000 and turned away over 1,000 more. Nearly twenty percent of our residents are over the age of sixty, with many lacking the necessary support and services to aid them. With limited resources, County Government cannot help all of those in need. Fortunately, we can count on over 300 United Way human care services to help improve the quality of life in our County.

Through United Way, we can help teens learn personal responsibility, teach adults how to read, provide affordable day care for our children, improve health care for families, help people with disabilities lead more independent lives, and care for the elderly.

We are extremely proud of Baltimore County employees' tradition of generously supporting the United Way. We are once again asking you to help the less fortunate by contributing to this year's campaign.

On behalf of the recipients of your contributions, thank you.

C.A. Dutch Ruppersberger
C.A. Dutch Ruppersberger, III
County Executive
Baltimore County
AFSCME, Local 921
Tom Nolin
Fraternal Order of Police, Lodge #4
Ruby C. Williams
Supervisory, Management & Confidential Employees

George G. Perdikakis
Chairman, 1996 United Way Campaign
Baltimore County Federation of Public Employees
James J. DeLoe
Baltimore County Fire Fighters Association, Local 1311
Robert Smith
Baltimore County Federation of Public Health Nurses

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/02/96

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 SEPT. 30, 1996.

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: 119, 120, 121, 122, 124,
125, 126, 127 and 129.

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

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County
Item No. 129 (WCR)

10/2/90

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS

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

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 7, 1996

FROM: *Sub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item Nos. 119, 121, 122, 124, 125,
126, 127, & 129

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 7, 1996

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

SUBJECT: 7800 York Road

INFORMATION:

Item Number: 129

Petitioner: Bill Bateman's Bistro

Property Size: _____

Zoning: OR-1, DR 2 and DR 16

Requested Action: _____

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a Variance from Section 204.3.A.3 of the Baltimore County Zoning Regulations to permit part of an accessory use to be located outside of the office building in lieu of inside the building and to amend the site plan approved in Case No. 93-362A. The applicant is Bill Bateman's Bistro, an existing restaurant located at 7800 York Road.

The site is located within the Towson Community Plan, in an area designated as Urban Center/Employment area. Towson State University is located to the north, south and west, residential communities and a Mackenzie office building, York and Terracedale to the east, in a Community Conservation Area.

The site has an extensive zoning history; recent history involving Poulet Chicken Restaurant is briefly summarized below. Case No. 94-361A proposed an outdoor seating area on the west side of the building, approximately 650 sq. ft. in area for eight tables plus 32 chairs. The request was denied on May 23, 1994 by Zoning Commissioner Lawrence E. Schmidt. There was insufficient testimony and evidence to support a finding of practical difficulty.

Prior hearing Case No. 93-362A granted a parking Variance for 318 parking spaces in lieu of 319 and an exterior entrance to an accessory commercial use on July 9, 1993. Variances to permit the outdoor seating area/deck outside the building, accompanying setback Variances for the deck, as well as a request for live entertainment were dismissed without prejudice.

MICROFILMED

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

Summary of Recommendation

Provided that community concerns and the issues indicated by staff are addressed, this office continues to support a restaurant use within this OR-1 zoned office building and restricted outdoor seating.

1. A revised plan should indicate restrictions on hours and dates of operation for the outdoor seating area. Staff recommends a limitation of 11:00 p.m. Previously, the request was for seasonal use, from April 1 to November 30. The applicant should clarify if this is intended as a seasonal operation.
2. A detail should be provided indicating the parking capacity for the outdoor seating area.
3. Clarify whether live entertainment or piped music will be available for the outdoor seating area.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

Caryl L. Kerns

AFK:JL:lw

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

September 30, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #129)
7800 York Road
9th Election District

Dear Mr. Hoffman:

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

1. Show fire hydrant and distance to the subject property.
2. Note on the plan any lighting changes.
3. Note reference to landscaping plan approval.
4. Note loading area or say none on the plan.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John R. Alexander".

John R. Alexander
Planner II, Zoning Review

c: Zoning Commissioner

MICROFILMED





Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 867-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: October 18, 1996

FROM: James H. Thompson - DT / TH
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 129
LEGAL OWNER: David H. Hillman
CONTRACT LESSEE: Bill Bateman's Bistro

VIOLATION CASE NO.: C-97-71

LOCATION OF VIOLATION: 7800 York Road
9th Election District

DEFENDANTS:

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):

<u>NAME</u>	<u>ADDRESS</u>
Barbara W. Ormond Legal Assistant Venable, Baetjer and Howard, LLP	210 Allegheny Avenue P.O. Box 5517 Towson, Maryland 212285-5517
Mr. Richard Peyton	506 Sussex Road Towson, Maryland 21286

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

JHT/DT /hek
TH

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

November 29, 1996

Ms. Eileen Riley
623 Wilton Road
Towson, MD 21286

RE: Petition for Zoning
Variance
NW corner York Road and
Cross Campus Drive
(7800 York Road)
9th Election District
4th Councilmanic District
David H. Hillman -
Petitioner
Case No. 97-160-A

Dear Ms. Riley:

Please be advised that an appeal of the above-referenced case was filed in this office on November 25, 1996 by Robert A. Hoffman, Esquire on behalf of David H. Hillman. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: Mr. Burton E. Greenwood
Ms. Lucy Meyer
People's Counsel

MICROFILMED



APPEAL

Petition for Zoning Variance
NW corner York Road and Cross Campus Drive
(7800 York Road)
9th Election District - 4th Councilmanic District
David H. Hillman - Petitioner
Case No. 97-160-A

Petition for Zoning Variance

Description of Property

Certificate of Publication not Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibit: 1 - Plan to Accompany Petition for Zoning
Variance

Three Photographs not Marked as Exhibits

Deputy Zoning Commissioner's Order dated November 15, 1996 (Denied)

Notice of Appeal received on November 25, 1996 from Robert A.
Hoffman, Esquire on behalf of David H. Hillman

c: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210
Allegheny Avenue, Towson, MD 21204
Mr. David H. Hillman, c/o Southern Management Corporation, 1950
Old Gallows Road, Suite 600, Vienna, VA 22182
Mr. Mark Loundas, 13126 Long Green Pike, Glen Arm, MD 21082
Ms. Eileen Riley, 623 Wilton road, Towson, MD 21286
Mr. Burton E. Greenwood, 608 Wilton Road, Towson, MD 21286
Ms. Lucy Meyer, 504 Wilton Road, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Zoning Variance
NW corner York Road and Cross Campus Drive
(7800 York Road)
9th Election District - 4th Councilmanic District
David H. Hillman - Petitioner
Case No. 97-160-A

✓ Petition for Zoning Variance

✓ Description of Property

Certificate of Publication not Found

✓ Entry of Appearance of People's Counsel

✓ Zoning Advisory Committee Comments

✓ Petitioners and Protestants Sign-In Sheets

✓ Petitioners' Exhibit: 1 - Plan to Accompany Petition for Zoning Variance

✓ Three Photographs not Marked as Exhibits

✓ Deputy Zoning Commissioner's Order dated November 15, 1996 (Denied)

✓ Notice of Appeal received on November 25, 1996 from Robert A. Hoffman, Esquire on behalf of David H. Hillman

c: *Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204
Mr. David H. Hillman, c/o Southern Management Corporation, 1950 Old Gallows Road, Suite 600, Vienna, VA 22182
Mr. Mark Loundas, 13126 Long Green Pike, Glen Arm, MD 21082
Ms. Eileen Riley, 623 Wilton road, Towson, MD 21286
Mr. Burton E. Greenwood, 608 Wilton Road, Towson, MD 21286
Ms. Lucy Meyer, 504 Wilton Road, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Add to file for notice, etc.
Paul Hartman
Aigburth Manor Association
18-1/2 Cedar Avenue
Towson, MD 21286

add to file for notice, etc.
Don Gerding
Rodgers Forge Community Assoc.
335 Old Trail
Baltimore, MD 21212

Kim McMenamin
517 Sussex Road
Towson, MD 21286

MICROFILMED

Case No. 97-160-A

VAR -To permit part of accessory use (approved restaurant /terrace) to be located outside office bldg in lieu of inside building; amend previously approved site plan /93-362-A accordingly.

11/15/96 -Deputy Zoning Commissioner's Order in which requested relief was DENIED.

3/20/97 -T/C from Mr. Paul Hartman, Vice President in charge of Zoning Affairs, Aigburth Manor Association; were unaware of hearing below; inquired as to scheduling at Board level; requested that his organization be included in the case file for notification of hearing. Added this date.

3/28/97 -Notice of Assignment for hearing scheduled for Tuesday, June 17, 1997 at 11:00 a.m. sent to following:

Robert A. Hoffman, Esquire
David H. Hillman
c/o Southern Management Corp.
Mark Loundas /Bill Bateman's
Mark Willard /Development Design Group
Eileen Riley
Burton E. Greenwood
Lucy Meyer
Paul Hartman, VP /Aigburth Manor Assn.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

5/08/97 -Request for Postponement from Counsel for Appellant /Petitioner /schedule conflict (PP or later start that date). Upon telephone conversation with E. Riley and conversation with PC, PP to be granted and matter to be reassigned to 10/01/97 (post-Labor Day hearing).

5/15/97 -Notice of PP and Reassignment sent to parties; matter rescheduled to Wednesday, October 1, 1997 at 10:00 a.m.

8/20/97 -Letter from R. Hoffman; requesting PP of this matter for reasons as stated in letter; requests also that the case be held pending decision of ZC on related matter.

8/21/97 -Petitioner's request for PP granted; Notice of Postponement sent to parties; case to be rescheduled for hearing upon request.

8/26/97 -Motion to Dismiss Appeal filed by People's Counsel; request for preliminary hearing on Motion also requested.

9/24/97 NO HEARING TO BE SCHEDULED AT THIS TIME IN THIS MATTER; HOLD /kkh

3/31/98 -Letter from Peter Zimmerman requesting that this matter be scheduled for a motion hearing and, if necessary, a hearing on the merits.

4/21/98 -Notice of Assignment /Motion Hearing sent to parties; motion only hearing scheduled for Thursday, September 10, 1998 at 10:00 a.m.

MICROFILMED

8/31/98 -Letter from Timmy Ruppertsberger, Esquire (Venable) requesting that this matter be continued and held in abeyance to allow for resolution of the issues; not going forward with outdoor dining; considering enclosure of outdoor patio area.

9/02/98 -T/C from Eileen Riley, Wiltondale; objects to a continuance of this matter. Indicated that a letter will be sent in this regard from Mr. Greenwood.

- Letter from P. Zimmerman requesting that this matter proceed as scheduled.

9/03/98 - In consideration of above correspondence and Board's rule 2c, postponement denied at this time; letter sent to parties advising of same.

9/04/98 -T/C to Ms. Ruppertsberger and Mr. Zimmerman advising that request has been denied; Board will convene on September 10th as scheduled for argument on Motion to Dismiss.

9/10/98 -Board convened for hearing; T. Ruppertsberger appeared on behalf of Petitioner; P. Zimmerman for Office of People's Counsel. Petitioner, through counsel, indicated intent to withdraw Petition and abandon outdoor dining. Essentially, Appellant /Petitioner withdrew appeal and therefore zoning commissioner's order stands; variance is denied. Board to issue Order of Dismissal. (L.F.W.)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 31, 1998

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
7800 York Road, NWC York Rd. and
Cross Campus Dr. (Bill Bateman's Bistro)
9th Election District, 4th Councilmanic
DAVID H. HILLMAN/BILL BATEMAN'S BISTRO,
Petitioners
Case No. 97-160-A

RECEIVED
COUNTY BOARD OF APPEALS
98 MAR 31 AM 10:43

Dear Ms. Bianco:

Please schedule this case in for hearing on the Motion to Dismiss, and then, if necessary, on the merits.

When this case was postponed last summer, we anticipated that it would be reset in a reasonable time.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/caf

cc: Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue,
Towson, MD 21204, Attorney for Petitioners

Burton Greenwood, 508 Wilton Road, Towson, MD 21286, Protestant

Eileen Riley, 623 Wilton Road, Towson, MD 21286, Protestant

MICROFILMED

9/10/98 @ 10⁰⁰ am



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

April 23, 1998

CAROLE DEMILIO
Deputy People's Counsel
RECEIVED
COUNCIL BOARD OF APPEALS
98 APR 24 PM 3:12

Kristine K. Howanski, Esq., Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
7800 York Road (BILL BATEMAN'S BISTRO), NWC
York Road and Cross Campus Drive, 9th
Election District, 4th Councilmanic
DAVID H. HILLMAN, Legal Owner
BILL BATEMAN'S BISTRO, Lessee, Petitioners
Case No. 97-160-A

Dear Chairman Howanski:

We respectfully request that the Board consider advancing the hearing on this matter to a date as soon as is conveniently possible. The reasons for this request are as follows:

1. The Petition was denied by the Deputy Zoning Commissioner on November 15, 1996, and has been pending for over one year at the CBA.
2. The controversy involves activity which occurs primarily during the summer months and there is concern that it may recur again while the case is pending.
3. There is a Motion to Dismiss Appeal filed (on August 26, 1997), which includes strong legal reasons to dismiss the appeal on its face.

Under all the circumstances, the case should be heard without further delay. Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/caf

cc: Robert A. Hoffman, Esq.
Attorney for Petitioner
Burton Greenwood, Protestant
Eileen Riley, Protestant

MICROFILMED



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 2, 1998

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -2 PM 1:08

Re: PETITION FOR VARIANCE
7800 York Road, NWC York Rd. and
Cross Campus Dr. (Bill Bateman's Bistro)
9th Election District, 4th Councilmanic
DAVID H. HILLMAN/BILL BATEMAN'S BISTRO,
Petitioners
Case No. 97-160-A

Dear Ms. Bianco:

Under all the circumstances, this office respectfully requests that the case proceed on September 10, 1998. Please see our previous correspondence dated March 31, 1998 and April 23, 1998, noting the lengthy delay in the review of this matter.

In Petitioners' letter of August 27, 1998, it is suggested that there may be a change in Petitioners' plans, involving enclosure of the patio area in lieu of outdoor restaurant use. If so, the Petitioners should file a new Petition with the Department of Permits and Development Management.

We also remind the Board of our pending Motion, which submits that the outdoor restaurant use is impermissible as a matter of law in the OR-1 zone. Petitioners have not filed any response to the merits of this Motion. Accordingly, this office continues to believe that this Petition should be dismissed.

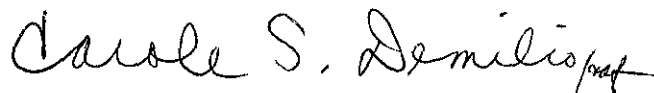
We look forward to this hearing on September 10 in the hope of resolving this long-standing case.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

MICROFILMED

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
of Baltimore County
September 2, 1998



Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Robert A. Hoffman, Esq., and Timmy F. Ruppertsberger, Esq., Venable, Baetjer &
Howard, 210 Allegheny Avenue, Towson, MD 21204, Attorneys for Petitioners

Judith Giacomo, President, Aigburth Manor Ass'n., P.O. Box 20143, Towson MD
21286, Protestants

Burton Greenwood, 508 Wilton Road, Towson, MD 21286, Protestant

Eileen Riley, 623 Wilton Road, Towson, MD 21286, Protestant

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 29, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File:
97-160-A /David H. Hillman /Bill Bateman's Bistro

Since no further appeal was taken in the above captioned matter, which was dismissed by Order dated October 26, 1998, we are hereby closing the file and returning same herewith.

Attachment (File No. 97-160-A)

MICROFILMED

ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

96-5134
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

129

9/19/96
as

Writer's Direct Number:
(410) 494-6201

September 19, 1996

Via Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

DROP-OFF
9/19/96
wa

Re: Legal Owner: David H. Hillman
Contract Lessee: Bill Bateman's Bistro
Property Location: 7800 York Road
Petition for Variance

Dear Carl:

I am hereby drop filing the enclosed Petition for Variance with regard to the above captioned property. This request has not been previously reviewed by your office. This property is currently the subject of an outstanding zoning violation which has resulted in the filing of this Variance request. Enclosed for submittal are the following documents:

1. Petition for Variance (3);
2. Zoning description (3);
3. Site plans with 200' scale zoning map (12); and
4. Check in the amount of \$285.00.

If you have any questions, please give me a call.

Sincerely,

Barbara

Barbara W. Ormord
Legal Assistant

BWO:pmp
Enclosures

cc: Robert A. Hoffman, Esquire
James Thompson, Zoning Enforcement

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

November 21, 1996

Arnold F. Jablon, Director
Department of Permits
and Delopment Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Robert O. Schuetz, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

*Chau - have
pending receipt of
file from PDM.*

Re: Appeal from the Findings of Fact and Conclusions of Law
in Case No. 97-160-A for the property located at 7800 York Road

Gentlemen:

Please note an appeal on behalf of Bill Bateman's Bistro, contract lessee, and David H. Hillman, legal property owner, from the Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner dated November 15, 1996, denying the Petitioners' request for variance for property located at 7800 York. Bill Bateman's Bistro's address is c/o Mark J. Loundas, President, 7800 York Road, Towson, Maryland 21204. David H. Hillman's address is c/o Southern Management Corporation, 1950 Old Gallows Road, Suite 600, Vienna, Virginia 22182.

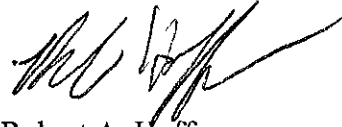
I am also enclosing a check in the amount of \$75.00 to cover the costs of this appeal.

MICROFILMED

November 21, 1996
Page 2

Kind regards.

Yours truly,

A handwritten signature in black ink, appearing to read 'Rob Hoffman', with a long horizontal flourish extending to the right.

Robert A. Hoffman

cc: Mark J. Loundas
David H. Hillman

TO1DOCS1/BAW01/0034384.01

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VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

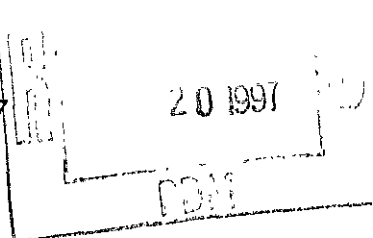
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262



8/20/97
28
70 08

August 19, 1997

Kathleen C. Bianco, Legal Administrator
The County Board of Appeals for Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Baltimore County Board of Appeals
Case No.: 97-160-A
Our File No.: 28314/119835

Dear Mrs. Bianco:

On June 10, 1997, Burton E. Greenwood, Sr., Zoning Chairman of the Wiltondale Community Association wrote to me and indicated that my letter to you, dated May 8, 1997, may be in error in that a variance could be required to enclose the patio that is the subject of the referenced case. Mr. Greenwood suggested that I research the prior zoning cases to see if a variance to the maximum percentage of retail and restaurant space would be required. After meeting with Mitch Kellman of the Office of Zoning, I am writing to inform you that Mr. Greenwood was correct in that our proposal to enclose the patio would require a variance to the maximum square footage allowed. Accordingly, we are preparing a new site plan for submittal to the Zoning Commissioner for a determination on that variance.

I would request that you please hold the scheduled hearing on the outdoor usage in abeyance, pending a decision by the Zoning Commissioner on the patio enclosure, as you may end up hearing a combined case.

MICROFILMED

Kathleen C. Bianco
Page Two
August 19, 1997

By copy of this letter, I want to thank Mr. Greenwood for pointing out the prior history of this case and ask that he contact me to discuss the proposed patio enclosure.

Very truly yours,



Robert A. Hoffman

RAH:dk

cc: Mr. Burton E. Greenwood
Mr. David H. Hillman
c/o Southern Management Corporation
Ms. Eileen Riley
Ms. Lucy Meyer
Mr. Mark Loundas
c/o Bill Bateman's Bistro
Mr. Mark Willard
c/o Development Design Group, Incorporated
Mr. Paul Hartman,
Aigburth Manor Association
Mr. Lawrence E. Schmidt
Mr. Arnold Jablon
Virginia Wood Barnhart, County Attorney
Mr. Arnold F. "Pat" Keller, III, Director
Peoples Counsel

TO1DOCS1/RAH01/0050048.01

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VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Timmy F. Ruppertsberger
(410) 494-6353

RECEIVED
COUNTY BOARD OF APPEALS
98AUG 31 PM 2:06

August 27, 1998

Kathleen C. Bianco, Legal Administrator
County Board of Appeals of Baltimore County
Old Court House - Room 49
400 Wash Washington Avenue
Towson, Maryland 21204

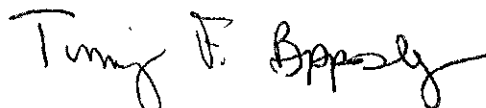
Re: Baltimore County Board of Appeals
Case No. 97-160-A
Petition for Variance
7800 York Road (Bill Bateman's Bistro,
York Road and Cross Campus Drive)

Dear Ms. Bianco:

On August 21, 1997, the hearing on the referenced matter originally scheduled for October 1, 1997 was postponed at our request to be rescheduled only upon request. On April 21, 1998, in response to a request from the Office of People's Counsel, a hearing on People's Counsel's Motion to Dismiss was scheduled for Thursday, September 10, 1998. People's Counsel's Motion requested the hearing in light of the fact that the outdoor dining which was the subject of the original Petition for Variance occurs primarily during the summer months and there was a concern that it could reoccur while the case was pending.

Bill Bateman's Bistro has determined that it will not go forward with any outdoor dining at 7800 York Road but is considering enclosing the outdoor patio area. We have met with the Wiltondale Community Association to discuss this plan and given them our assurances that no outdoor dining will be carried on (and it has not been). We would request that the scheduled hearing be held in abeyance to allow for an opportunity to resolve the issues relating to enclosure of the patio space.

Very truly yours,



Timmy F. Ruppertsberger

TFR:sm

MICROFILMED

August 27, 1998

Page 2

cc:

Mr. David H. Hillman
c/o Southern Management Corporation
1950 Old Gallows Road
Suite 600
Vienna, Virginia 22182

Mr. Mark Loundas
c/o Bill Bateman's Bistro
7800 York Road
Towson, Maryland 21204

Ms. Kim McMenamin
617 Sussex Road
Towson, Maryland 21286

Ms. Eileen Riley
Wiltondale Community Association
623 Wilton Road
Towson, Maryland 21204

Mr. Burton Greenwood
Wiltondale Community Association
608 Wilton Road
Towson, Maryland 21204

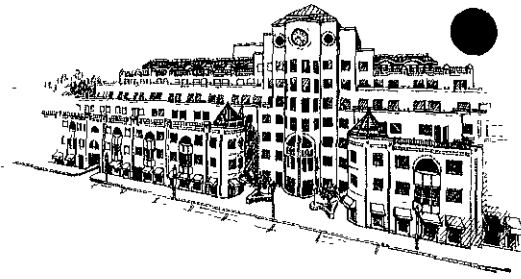
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Mr. Lawrence E. Schmidt
Zoning Commissioner
New Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Mr. Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Virginia Wood Barnhart, Esquire
County Attorney
Baltimore County, Maryland
Office of Law
Court House, 2nd Floor
Baltimore, Maryland 21203

Mr. Arnold F. "Pat" Keller, III, Director
Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204



Southern's Commercial Properties Division

1950 Old Gallows Road, Suite 600 • Vienna, Virginia 22182-3933 • Phone: 703-902-9400 • Fax: 703-902-9401

September 11, 1998

Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: Case No. 97-160-A

Dear Ms. Bianco:

We are continuing to receive copies of correspondence and documents in regard to the above-noted matter. **Please remove David H. Hillman and/or Southern Management Corporation** from all mailing lists, notification lists, or any other files from which such paperwork would be generated. The building involved, 7800 York Road, was sold December 1, 1997, to Towson State University. All further information, correspondence, etc, should be forwarded to that entity as owner, **not** David H. Hillman. Your assistance in this matter is greatly appreciated.

Sincerely,

Susan M. Scott, Director
Commercial Property Division

SMS/lak

98 SEP 16 PM 12:20
COLLECTED
SEP 16 1998

9/16/98
file noted ~
David Hillman
and Southern
Mgmt pulled
from file.



MICROFILMED

A Division of Southern Management Corporation



Kathleen C. Bianco
September 10, 1998
Page Two

cc:

Ms. Kim McMenamin
617 Sussex Road
Towson, MD 21286

Mr. Burton Greenwood
Wiltondale Community Association
608 Wilson Road
Towson, MD 21204

Mr. Lawrence E. Schmidt
Zoning Commissioner
New Courts Building
401 Bosley Avenue, 4th Floor
Towson, MD 21204

Virginia Wood Barnhart, Esquire
County Attorney - Baltimore
Courthouse, 2nd Floor
Baltimore, MD 21203

Mr. Mark Loundas
c/o Bill Bateman's Bistro
7800 York Road
Towson, MD 21204

Ms. Eileen Riley
Wiltondale Community Association
623 Wilson Road
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

Mr. Arnold Jablon, Director
Office of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Mr. Arnold F. Keller, III
Director
Office of Planning
County courts Building
401 Bosley Avenue
Towson, MD 21204

Timmy F. Ruppertsberger, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, MD 21285-5517

MICROFILMED

DATE:

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE:

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

MARC Loundas

MARK WILLARD

210 Allegheny Ave 21204

13126 Long Green Pike 21082

7 St. Paul Street, 19th fl.
21202



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

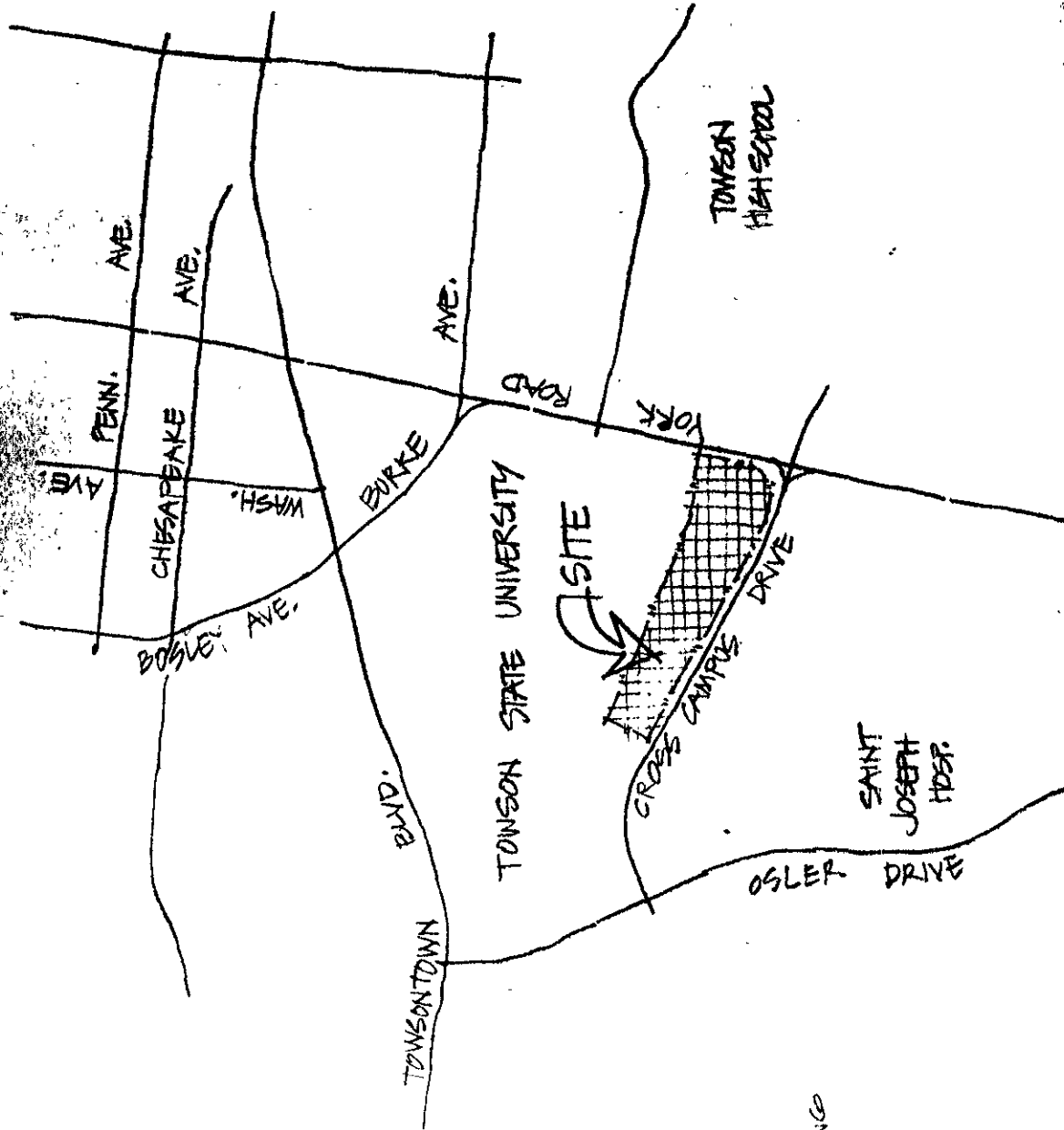
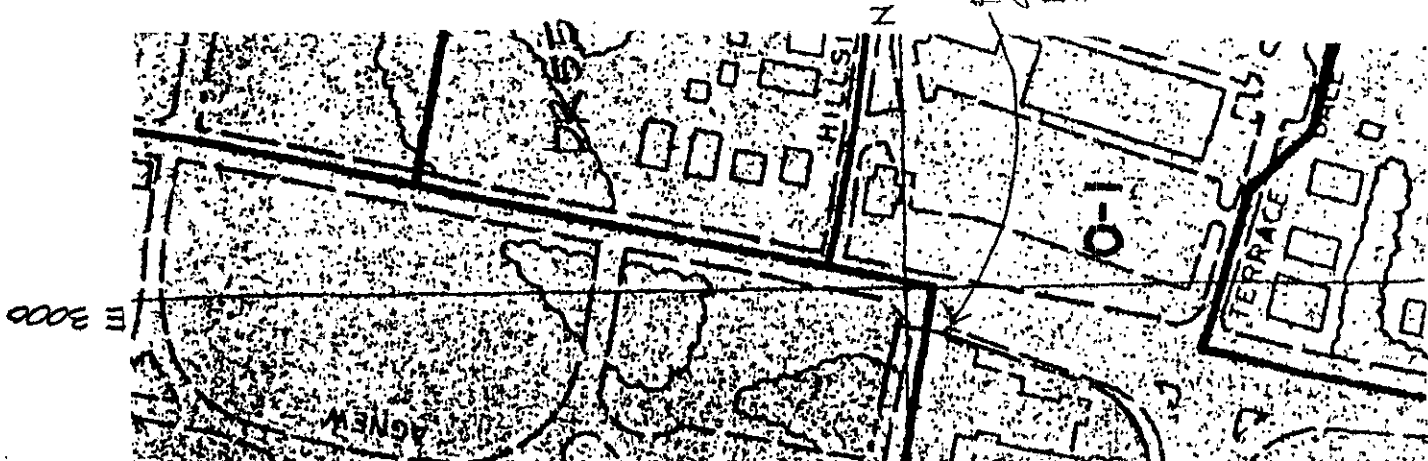
NAME

ADDRESS

Eileen Raley
BURTON E. GREENWOOD
Judy Meyer

623 Wilton Rd 21286
608 WILTON RD 21286
504 Wilton Rd 21286

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VICINITY MAP

1"=1000'

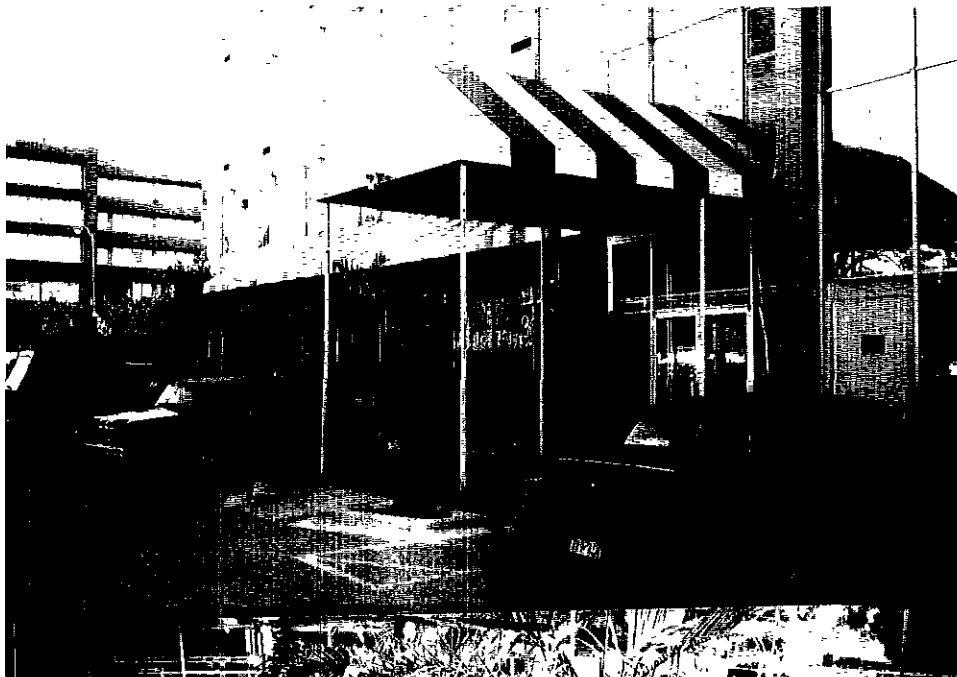
97-160-A

COPY

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photograph
Case 97-160-A

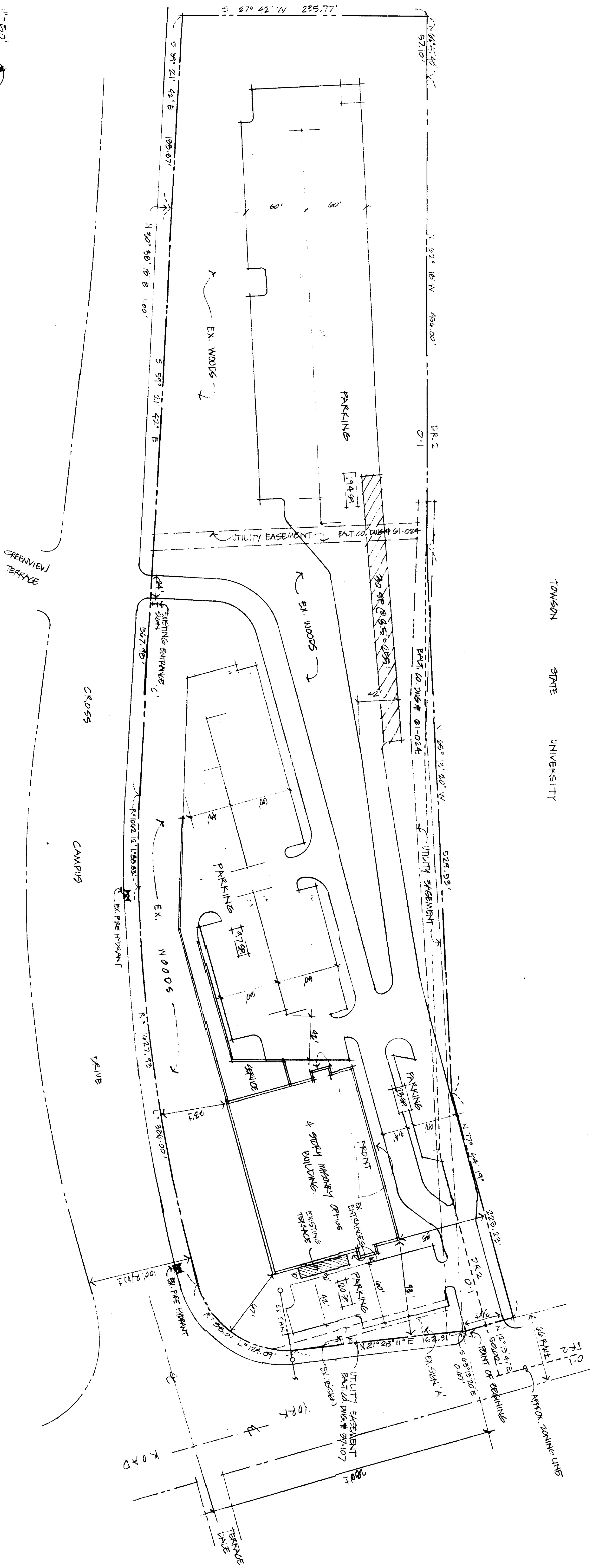
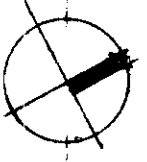
MICROFILMED



BILL PATENMAN'S
BISTRO

7800 YORK ROAD
DUNSON MD. 21204

Plot PLAN



GENERAL NOTES.

1. ELECTION DISTRICT: 9 CONSUMMATION DISTRICT: 4
2. PREVIOUS COMMERCIAL PERMIT NO. BVS06011 ISSUED APRIL 2, 1993.
3. PREVIOUS ZONING CASE NO. 98-04 TO RECLASSIFY FROM R-1 TO B-1. 9/25/98
CASE NO. 98-04 TO PERMIT EXTENSION ENTRANCE TO HIGHWAY 35E. 7/19/92
4. ZONING: 0-1 7340 X-1
7340 X-1
7340 X-1

5. ADDRESS: 7800 YORK ROAD, THIRSON, MD. 21284
6. FROM: APCA KANTO/F.A.P.'; C-55 MAX. 4000 LBS
TOTAL CROSS S.F.: 4 P.C. 2200 = 90480 + 402 NC = 0.23 PROVIDED
7. 9.24 NC ± TOTAL NET
9.02 NC ± TOTAL CROSS (NUDGE 30 I OF
YOUNG ROAD & CROSS CANALS DRAIN RIGHT OF HWY.)

7. AMENITY OPEN SPACE (A.O.S.): 7.94 AC. (100) = 1.47 AC. REQUIRED MIN. 3.68 AC. PROVIDED.

- | | | |
|--------------|----------------------------------|----------------|
| | (APPROVED PRIOR TO MAY 25, 1968) | |
| OFFICE | DRYDEN OFFICE | 13757 SF. |
| FIELD | G-2 | 57,000 SF. |
| RESEARCH | G-2 | 10,000 SF. |
| TRAINING | G-2 | 15,750 SF. |
| SECURITY | G-2 | 14,340 SF. |
| INTELLIGENCE | G-2 | 10,000 SF. |
| TOTAL REBT. | 324.5 | (MAY 29, 1968) |

9. ALL PARKING SPACES ARE ENTERED & ARE OF A DIMENSION & DISTANCE SUFFICE AND PERMANENTLY MARKED. CURBS & INTERSECTIONS ARE "SHOULDER" SO AS TO NOT ALLOW INTERFERENCE OF PARKED VEHICLES WITH PEDESTRIANS.

12. VARIANCE REQUESTED: \$10,000.00

- SECTION 204, F.A.C. - TO PERMIT PART OF AN ACCESSORY USE (APPROVED REGIONAL DEVELOPMENT) TO BE LOCATED OUTSIDE OF THE OFFICE BUILDING IN ONE OF THE INCLOSURE OFFICE BUILDINGS.

MICROFILMED

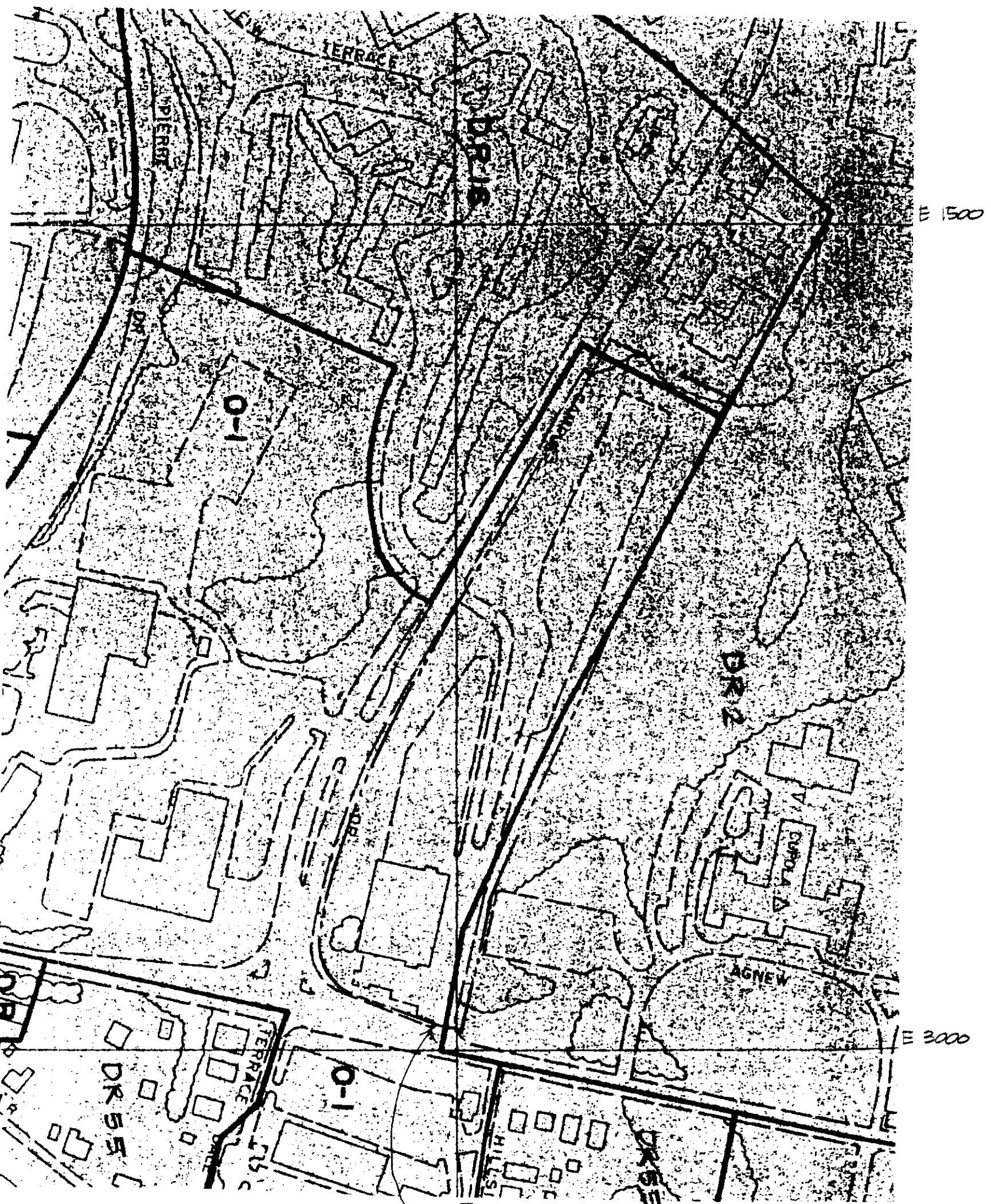
STREET TIME:
PLAN TO
ACCOMPLISH PETITION
FOR VARIANCE

Sheet Title:

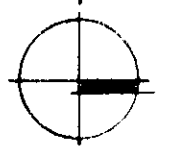
91-140-AP

PRJALP NO:

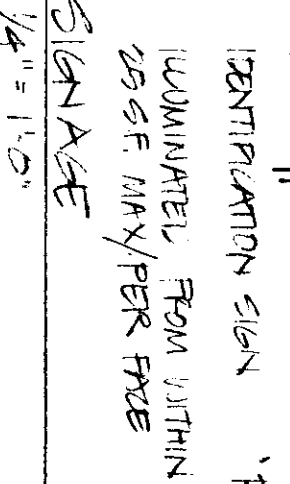
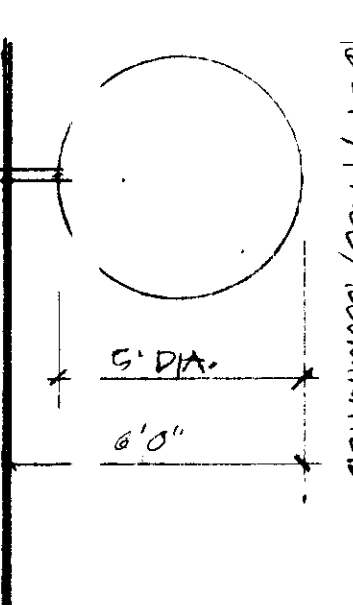
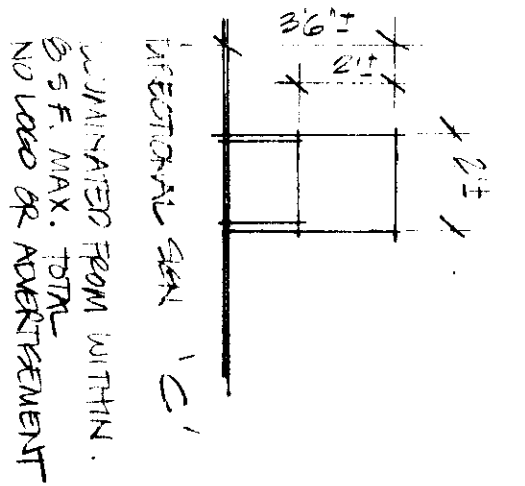
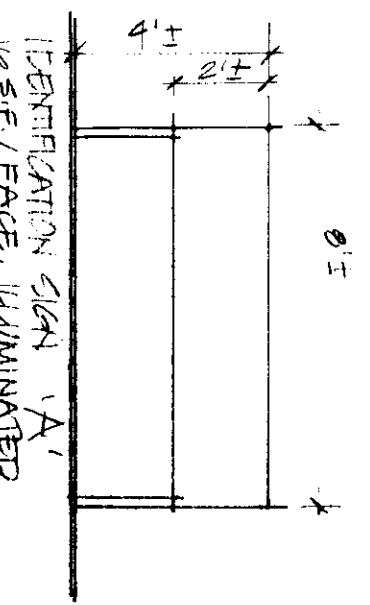
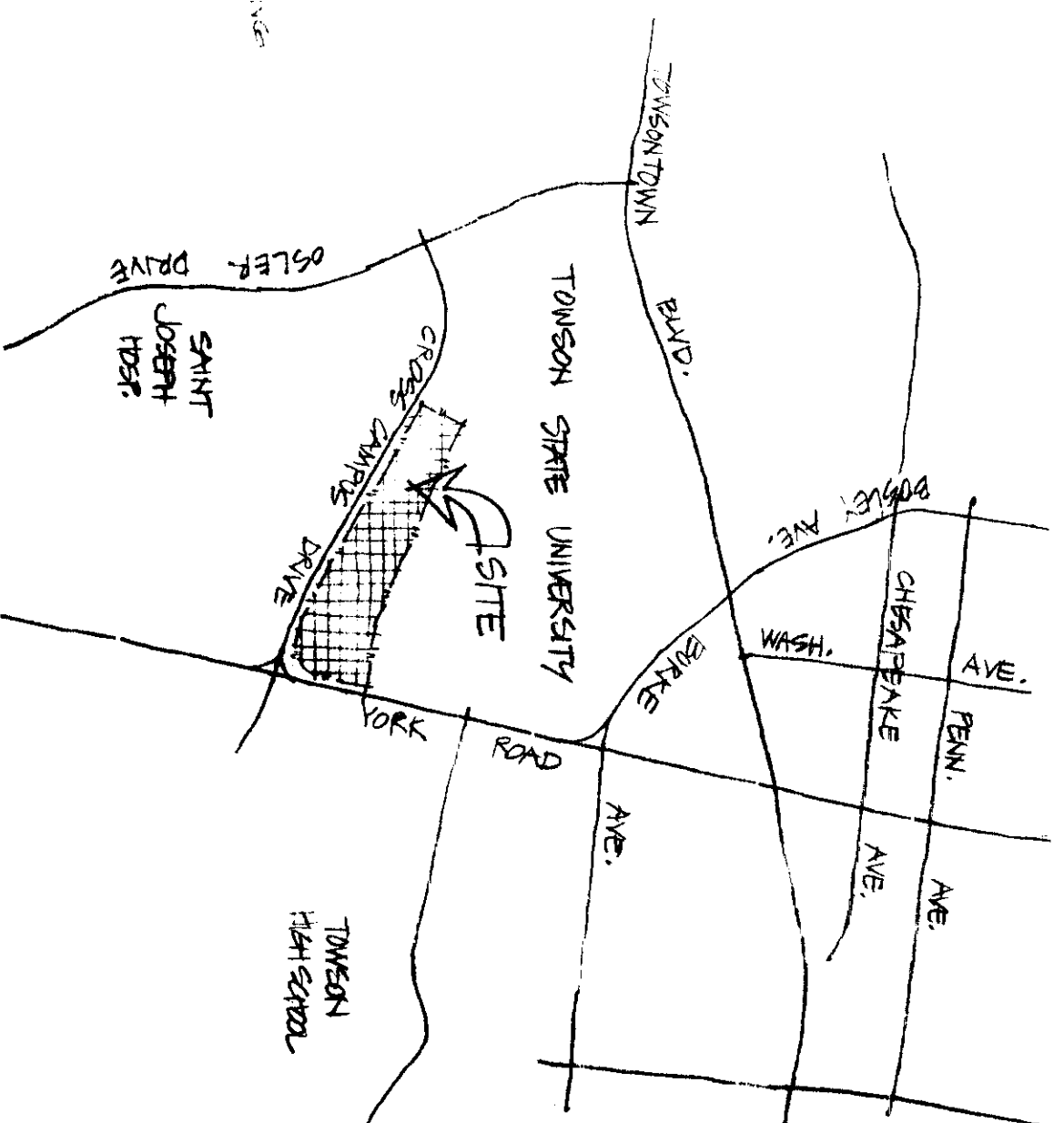
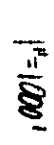
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PORTION OF 1"=200' ZONING MAP NE9A



VICINITY MAP



SOURCE NOTES

1. FLOT PLAT BOUNDARY, PACKING BUILDING & CUBS LOCATIONS AND THEIR FROM SLURRY PREPARED BY DIRT INJECT MACHINES - 1/20/90.
2. PINKISH FLOWED DATA PROVIDED BY THE COMBUDY MANAGER, SOUTHERN MANAGEMENT CO.
3. ALL QUANTITIES SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE.

REVISIONS:

NO	DATE	REMARKS
1	4.16.93	SEA CO COMMENTS.
2	4.25.93	NOTE # 29 & VARIANTE
3	5.24.93	NOTE # 29

Sheet Title:

PLAT TO
ACCOMPLISH PETITION
FOR VARIANCE

91-140-AP

PRJALP NO:

1000

