

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Benson Avenue,
75' W of Benson Court * DEPUTY ZONING COMMISSIONER
(4802 Benson Avenue)
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 98-171-SPHA

Paul G. Fischer, Sr.
Petitioner *

* * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Paul G. Fischer, Sr., seeking approval of an open air pavilion for seasonal, live entertainment, as an accessory use to the existing tavern on the subject property, and variance relief to parking and area setback requirements, pursuant to the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

By Order issued January 6, 1998, the relief requested was granted, subject to certain terms and restrictions.

As noted in my Opinion, I had received a letter of complaint from Mr. George E. Miller, Jr., a nearby resident of the area, on January 5, 1998. Attached to his letter was a Petition of opposition which had been signed by several of his neighbors. In addition, subsequent to the issuance of my Order, this Office received a telephone call from Ms. Shirley Mendez, President of the Violetville Community Association, who indicated that she was not advised of the rescheduled hearing date in this matter. A review of the case file indicated that this matter was originally scheduled to be heard on December 2, 1997; was postponed to December 12, 1997; and again postponed to December 16, 1997, at which time it was heard in

ORDER RECEIVED FOR FILING

Date

By

its entirety. Apparently, due to the unique location of this property, surrounding residential property owners were not aware that a hearing was taking place until after the fact, and as such, were not able to participate at the hearing held on December 16, 1997.

Consequently, after further review of the case file, Mr. Miller's correspondence, which I have treated as a request for modification of my decision, and Ms. Mendez' inquiry concerning this matter, I felt compelled to reconsider my decision in this matter and determined that additional restrictions should be imposed upon the Petitioner to address all of the community concerns. In lieu of scheduling this matter for a continued hearing, I have revised Revision No. 2 of my original Order and offer the following additional comments with regard to the issue of noise.

Initially, I planned to require that the Petitioner install a sound barrier wall on the side of the pavilion itself. Upon discussing this matter with Mr. Fischer, I learned that it would not be feasible to erect a sound barrier wall on the side of the pavilion, given that when outdoor entertainment is provided, it is usually set up within the pavilion itself, which forces many patrons to sit outside beyond the pavilion. The wall would then prevent those patrons from viewing the entertainment. I then made a site visit to the property to determine the logistics of requiring a sound barrier wall and observed that construction was taking place on an office/warehouse building on the adjacent property which may act as a sound barrier for the subject pavilion.

After discussing this matter further with the Petitioner, it was determined that the issue of noise cannot be effectively resolved until live entertainment resumes in the spring, at which time I will make another

ORDERED
Date 2/12/98
By [Signature]

inspection of the property during the time that such live entertainment is taking place. Therefore, the issue of noise shall remain open until after my inspection of the subject property and surrounding community during the time of such live entertainment to determine what, if any, conditions and restrictions should be imposed upon the Petitioner to address the issue of noise emanating from his establishment.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of February, 1998 that the Order issued January 6, 1998 shall be AMENDED to revise Restriction No. 2 thereof as follows:

"2) Use of the pavilion for outdoor entertainment shall be limited to Thursday, Friday, and Saturday evenings, only. Furthermore, outdoor entertainment shall only be permitted between Memorial Day Weekend and Labor Day Weekend of any given year. The use of loudspeaker systems, including visiting DJ's and live bands, shall cease at 11:00 PM on Thursday evenings, and 12:30 AM on Fridays and Saturdays, excepting the Memorial Weekend and Labor Day Weekend Holidays, at which time Sunday evening hours will be permitted, but must also cease by 12:30 AM."

IT IS FURTHER ORDERED that the issue of noise emanating from the subject property shall be preserved until late spring when live entertainment resumes. The Deputy Zoning Commissioner shall make a site inspection of the property during a live entertainment performance, after which, a second amended Order shall be issued to address the issue of noise.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued January 6, 1998 shall remain in full force and effect. As in all zoning cases, in the event any party is dissatisfied with my decision in this matter, you have the right to file an appeal to the County Board

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Date

By

of Appeals, provided you do so within thirty (30) days of the date of this Amended Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Paul G. Fischer, Sr.
4802 Benson Avenue, Baltimore, Md. 21227

Mr. William P. Monk
222 Bosley Avenue, C-6, Towson, Md. 21204

Mr. George E. Miller, Jr.
5102 Arbutus Avenue, Baltimore, Md. 21227

Ms. Shirley Mendez
1115 Pine Heights Avenue, Baltimore, Md. 21229

People's Counsel; Case Files

ORDER REC'D
Date 7/27/98
By [Signature]

1-6-92

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Benson Avenue,
75' W of Benson Court * DEPUTY ZONING COMMISSIONER
(4802 Benson Avenue)
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 98-171-SPHA

Paul G. Fischer, Sr.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Paul G. Fischer, Sr. The Petitioner seeks approval of an open air pavilion for seasonal, live entertainment, as an accessory use to the existing tavern on the subject property, and variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing tavern (primary use) to be located 3.3' from the front property line on Benson Court and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively, pursuant to Sections 255.1 and 238; to permit the existing parking spaces Nos. 4 through 10, to be located within the existing private access and utility easement on Benson Court; to permit two buildings (principle use tavern and accessory use pavilion) to be located 3.4' apart in lieu of the required 52.5 feet; and to permit the existing block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet, and 15 feet from the side lot line in lieu of the required 30 feet, pursuant to Sections 255.1 and 238 of the B.C.Z.R. 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.

ORDER RECEIVED FOR FILING

Date

By

Appearing at the hearing on behalf of the Petitions were Paul G. Fischer, Sr., property owner, and William B. Monk, expert Land Planning and Zoning Consultant. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.122 acres, more or less, zoned M.L.-I.M. and is improved with a one-story stucco tavern, known as the Fish Bowl Inn, a 12' x 24' block building and two fishing ponds. The property is located in the middle of an industrial park and is bordered by industrial uses. The Petitioner has owned and operated a bar from the subject property for the past 16 years. Prior to Mr. Fisher's ownership of the property, the bar was known as Elgerts Bar for 40 or 50 years. The Petitioner is desirous of expanding the uses on the property and recently constructed an open pavilion to the rear of the tavern building to provide an outdoor eating/sitting area. Apparently, when the Petitioner updated his liquor license to include the pavilion area, the Zoning Office became aware of the change to his property, thereby necessitating the instant Petition process. The Petitioner testified that the pavilion is only used on weekends during the summer months when weather permits outdoor activities. As a result of the new pavilion and use thereof, the requested special hearing relief is necessary. Furthermore, the requested variances are needed to legitimize those buildings which have existed on the property for many years.

While no one appeared in opposition to the Petitioner's request, I received a letter of complaint from Mr. George E. Miller, Jr., dated December 31, 1997. Attached to his letter was a Petition of opposition signed by several of Mr. Miller's neighbors. Mr. Miller pointed out some problems concerning noise associated with the use of the outdoor pavilion

ORDER APPROVED FOR FILING
Date 1/6/98
By [Signature]

as well as patrons who leave the bar at 2:00 AM and speed down residential streets. Mr. Miller noted that patrons drive in excess of the speed limit, throw trash and debris throughout the neighborhood, and on occasion, have stopped to urinate on the roadsides. Mr. Miller also indicated that none of his neighbors knew of the hearing, even though the property was properly posted and advertised. While Mr. Miller raises legitimate concerns, I do not believe it is necessary to reconvene the hearing. However, I believe it is appropriate to address Mr. Miller's concerns by way of conditions and restrictions which will be imposed upon the Petitioner at the end of this Order. Should the citizens who have signed the Petition of opposition attached to Mr. Miller's letter feel aggrieved by this decision, they may file an appeal to the County Board of Appeals for a new hearing.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

ORDER RECEIVED FOR FILING
Date 11/14/73
By [Signature]

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variance relief requested. As noted above, a tavern business has existed on the subject property for many years. Moreover, it is clear from the testimony that the pavilion is accessory to the tavern and will only be used when weather permits. In addition, the Petitioner testified that he has an agreement to use his neighbors' properties for overflow parking when the need arises. Thus, he obviously has a good relationship with adjoining property owners. Furthermore, the granting of the relief requested, subject to the restrictions imposed hereinafter, will not result in any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of January, 1998 that the Petition for Special Hearing to approve an open air pavilion for seasonal, live entertainment, as an accessory use to the existing tavern on the property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing tavern (primary use) to be located 3.3' from the front property line on Benson Court and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively, pursuant to Sections 255.1 and 238 of the B.C.Z.R.; to permit the existing parkings spaces, Nos. 4 through 10, to be located within the existing private access and utility easement on Benson Court; to permit two build-

ORDER RECEIVED FOR FILING
Date 1/6/98
By [Signature]

ings (principle use tavern and accessory use pavilion) to be located 3.4' apart in lieu of the required 52.5 feet; and to permit the existing block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet, and 15 feet from the side lot line in lieu of the required 30 feet, pursuant to Sections 255.1 and 238 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Use of the pavilion for outdoor entertainment shall be limited to Thursday, Friday, and Saturday evenings, only. Furthermore, outdoor entertainment shall only be permitted between Memorial Day Weekend and Labor Day Weekend of any given year. The use of loudspeaker systems, including visiting DJ's and live bands, shall cease at 12:30 AM on those nights when such activity is permitted.

3) The use of the subject property shall strictly adhere to all noise ordinances. Should excessive noise emanate from the subject property, the neighborhood residents are advised to contact the Baltimore County Police.

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


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECOMMENDED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 6, 1998

Mr. Paul G. Fischer, Sr.
4802 Benson Avenue
Baltimore, Maryland 21227

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Benson Avenue, 75' W of Benson Court
(4802 Benson Avenue)
13th Election District - 1st Councilmanic District
Paul G. Fischer, Sr. - Petitioner
Case No. 98-171-SPHA

Dear Mr. Fischer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William P. Monk
222 Bosley Avenue, C-6, Towson, Md. 21204

Mr. George E. Miller, Jr.
5102 Arbutus Avenue, Baltimore, Md. 21227

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

4802 Benson Avenue

which is presently zoned ML - 1M

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

- to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s):

Paul G. Fischer, Sr.

(Type or Print Name)

Paul G. Fischer

Signature

(Type or Print Name)

Signature

4802 Benson Avenue

410-247-2474

Address

Phone No

Baltimore, MD 21227

City

State

Zipcode

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

William Monk

410-494-8931

Name

222 Bosley Ave, C-6, Towson, 21204

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

10/29/97

98-171-SPHA

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4802 BENSON AVE
which is presently zoned ML-1M

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409 AND 255 AS IT REFERENCES SECTION 238
See attached "A"

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

See attached "B"

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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.

Legal Owner(s):

PAUL G. FISCHER, SR
(Type or Print Name)

Paul G. Fischer
Signature

(Type or Print Name)

Signature

4802 Benson Ave 410-247-2474
Address Phone No

Baltimore, MD 21227
City State Zipcode
Name, Address and phone number of representative to be contacted.

William Monk 410-494-8931
Name
222 Bosley, C-6, Towson, 21204
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER

REVIEWED BY: J.B.

DATE

10/29/97



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-171-SPHA

PETITION FOR VARIANCE
4802 Benson Avenue

- A) 1. 409.6A.2 to permit 37 parking spaces in lieu of the required 149 spaces
2. to permit the existing tavern (primary use) to be located 3.3' from the front property line on Benson Court and 27' from the side property line in lieu of the required 25' and 30' respectively per Section 255.1 & 238.
3. to permit the existing parking spaces #4 - 10 to be located within the existing private access and utility easement (Benson Court).
4. to permit 2 buildings, principle use (tavern), and accessory use (pavilion), to be located 3.4' apart in lieu of the required 52.5'.

and to permit the block building (accessory use) to be located 6.6' from the pavilion (as accessory use) in lieu of the required 60' and 15' from the side lot line in lieu of the required 30'. Per Sections 255.1 & 238.

- B) The tavern is located within a highly industrialized area. Patrons frequent the facility primarily during off peak hours (evenings), thus being able to utilize the adjacent streets and near by parking areas. All building in existence, removal would be a hardship to the applicant.

ORDER RECEIVED FOR FILING

Date 1/12/98

By [Signature]

98-171-SPHA

**ZONING DESCRIPTION
FISH BOWL INN
4802 BENSON AVENUE
13th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME on the westernmost side of Benson Avenue 75' Southwest of the centerline intersection with Benson Court; thence binding on the northwest side of Benson Avenue the following courses and distances: (1) South 87°53' 00" West 64.00 feet, (2) North 47 degrees 00 minutes 00 seconds West 243.10 feet, (3) South 43 degrees, 00 minutes 00 seconds West 86.60 feet, (4) North 47 degrees 00 minutes 00 seconds West 25.30 feet, (5) South 43 degrees 00 minutes 00 seconds West 30.00 feet, (6) North 47 degrees 00 minutes 00 seconds West 80.00 feet, (7) North 35 degrees 00 minutes 00 seconds East 233.00 feet, thence binding on the southwest side of Benson Court with a course and distance of (8) South 46 degrees 42 minutes 00 seconds East 261.83 feet; thence leaving Benson Court with course and distance of (9) South 55 degrees 35 minutes 56 seconds West 50.33 feet, (10) South 46 degrees 42 minutes 00 seconds East 141.77 feet, to the place of beginning.

Containing 1.122 acres of land, more or less.

97131des/d43



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 in Town, Maryland on the property identified below as follows:

Case: #88-173-SPHA

4802 Benson Avenue
N/S Benson Avenue, 25' W of
Benson Court
13th Election District
1st Councilmanic District
Legal Owner(s):
Paul G. Fischer, Sr.

Special Hearing: to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance: to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

Hearing: Tuesday, December 2, 1997 at 11:00 a.m. in Room 487, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/13/97 Nov 13 C189150

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 13, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, an agency of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District
1st Councilmanic District
Legal Owner(s):
Paul G. Fischer, Sr.

Special Hearing: to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern.
Variance: to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings: principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

Hearing: Friday, December 12, 1997 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call: (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 19 97

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 27, 19 97.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 020653

DATE 10/29/97

ACCOUNT

JLL 7:17 PM RECEIVED
PROCESS ACTUAL TIME
10/29/1997 10/29/1997 13:21:53
K207150
MISCELLANEOUS CASH RECEIPT

AMOUNT

Permit # 500.00

RECEIVED
FROM:

FISCHER

Baltimore County, Maryland

FOR

(C) SPHA

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 98-171-SPHA

Petitioner/Developer: WM. MONK, ETAL

C/O WILLIAM MONK, ETAL

Date of Hearing/Closing: (FRIDAY) 12-12-1997

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 _____

4802 BENSON AVE & 4822 BENSON AVE

The sign(s) were posted on 11-24-97
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 11/25/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

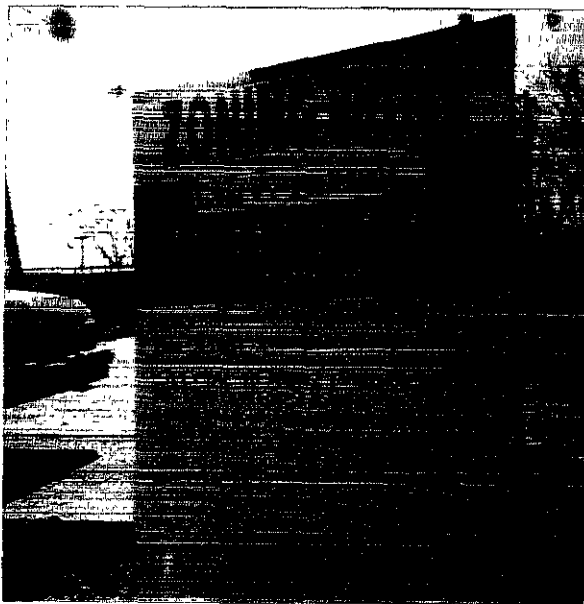
(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354
(Telephone Number)



98-171 SPHA

4802 BENSON AVE

POSTED 11/24/97

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-171-SPHA

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

PLACE: *

DATE AND TIME: *

REQUEST: SPECIAL HEARING TO APPROVE AN OPEN AIR ~~PAVILION~~ PAVILION FOR SEASONAL LIVE
ENTERTAINMENT AS ~~AS~~ A TAVERN ACCESSORY USE AND A VARIANCE TO ^{PERMIT} ~~APPROVE~~ 37
PARKING SPACES IN LIEU OF THE REQUIRED 149 PARKING SPACES, TO PERMIT PROPERTY
LINE ^{STREET CENTERLINE} AND BETWEEN BUILDING SETBACKS LESS THAN REQUIRED AND TO APPROVE
CERTAIN EXISTING PARKING LOCATIONS AS SHOWN ON THE SITE PLAN

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 171

Petitioner: FISCHER

Location: 4802 BENSON AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul G Fischer

ADDRESS: 4802 Benson Ave

Balto. MD 21227

PHONE NUMBER: 410-247-2474

AJ:ggs

(Revised 09/24/96)

TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:

Paul G. Fischer, Sr. 410-247-2474
4802 Benson Avenue
Baltimore, MD 21227

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District - 1st Councilmanic District
Legal Owner: Paul G. Fischer, Sr.

Special Hearing to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

HEARING: Friday, December 12, 1997 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES. (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

November 19, 1997

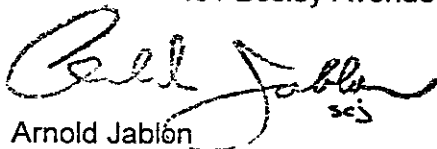
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District - 1st Councilmanic District
Legal Owner: Paul G. Fischer, Sr.

Special Hearing to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

HEARING: Friday, December 12, 1997 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.


Arnold Jablon
Director

c: Paul G. Fischer, Sr.
William Monk

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 27, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

November 6, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District - 1st Councilmanic District
Legal Owner(s): Paul G. Fischer, Sr.

Special Hearing to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

HEARING: TUESDAY, DECEMBER 2, 1997 at 11:00 a.m. in Room 407, Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Paul G. Fischer, Sr.
William Monk

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 17, 1997.
(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.



TO: PATUXENT PUBLISHING COMPANY

November 13, 1997 Issue - Jeffersonian

Please forward billing to:

Paul G. Fischer, Sr.
4802 Benson Avenue
Baltimore, MD 21227
410-247-2474

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District - 1st Councilmanic District
Legal Owner(s): Paul G. Fischer, Sr.

Special Hearing to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

HEARING: TUESDAY, DECEMBER 2, 1997 at 11:00 a.m. in Room 407, Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

November 26, 1997

Mr. Paul G. Fischer, Sr.
4802 Benson Avenue
Baltimore, MD 21227

RE: Item No.: 171
Case No.: 98-171-SPHA
Petitioner: Paul Fischer, Sr.

Dear Mr. Fischer:

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 October 29, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





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 *11-1-91*
Item No. *111 JLL*

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

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

TO: PDM

FROM: R. Bruce Seeley - *RBS/sp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *Nov. 10, 1997*

DATE: *11/6/97*

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

Item #'s:

169

170

171

172

174

176

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 14, 1997

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 17, 1997
Item Nos. 169, 170, 171, 172,
174, and 176

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

November 19, 1997

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

RE: Property Owner: Paul G. Fischer, Sr.

Location: DISTRIBUTION MEETING OF November 10, 1997

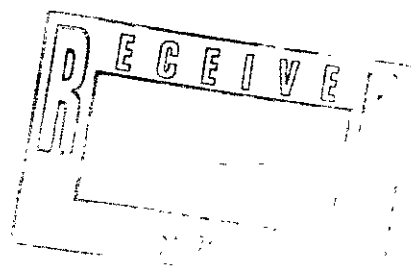
Item No.: 171 Zoning Agenda:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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



BALTIMORE COUNTY, MARYLAND

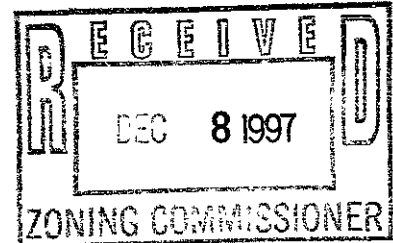
INTER-OFFICE CORRESPONDENCE

*Case PP.
File*

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

Date: December 3, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning



SUBJECT: 4802 Benson Avenue

INFORMATION

Item Number: 171

Petitioner: Fischer Property

Zoning: ML-IM

Requested Action: Variance

Summary of Recommendations:

The subject property, which is located within an industrial park, is improved with an existing tavern known as the Fish Bowl. There are a few scattered homes and businesses located in the vicinity along Benson Avenue. The closest residential community to the subject site is located along the other (south) side of I-695.

The requested Variances and Special Hearing, if granted, would allow continued use of an outdoor pavilion for seasonal live entertainment as an accessory use to the tavern.

Should the applicant's request be granted, the Office of Planning recommends (1) that Mr. Fischer provide information that demonstrates the existence of a shared parking agreement, and (2) that restrictions should be placed on the hours of operation of the outdoor pavilion and said restrictions so noted on the approved plan.

Prepared by:

Jeffrey W. Iz

Division Chief:

Gary L. Kern

AFK/JL

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
4802 Benson Avenue, N/S Benson Avenue,	*	ZONING COMMISSIONER
75' W of Benson Court		
13th Election District, 1st Councilmanic	*	OF BALTIMORE COUNTY
Paul G. Fischer, Sr.	*	CASE NO. 98-171-SPHA
Petitioner		
* * * * *		

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 1st day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to William Monk, 222 Bosley Avenue, Suite C-6, Towson, MD 21204, representative for Petitioner.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN



Baltimore County
Board of Liquor License Commissioners

111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3191
Fax: 410-887-3970

October 21, 1997

Paul G. Fischer
9912 Hoyt Circle
Randallstown, Md. 21133

RE: FISH BOWL INN
ALCOHOLIC BEVERAGE LICENSE

Dear Mr. Fischer:

The Board of Liquor License Commissioners for Baltimore County has approved the Application for Increase in Premises of a Class D(BWL) Alcoholic Beverage License on October 20, 1997 subject to the licensee completing all of the requirements on the enclosed check list.

The check list requirements should be completed within 30 days of the hearing date. The Board may declare the hearing decision NULL AND VOID after thirty days from the date of the hearing. If an extension is requested, please include the reasons for the delay.

Sincerely,


Jerry Kilduff
Deputy Admin./Chief Inspector

JK:cdt

Enclosure

cc: Licensee File
Day File

LETTER.Q/PERMIT/SHELL





Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

July 12, 1999

William Monk, Inc.
Courthouse Commons
222 Bosley Avenue, Suite C-6
Towson, Maryland 21204

Dear Mr. Monk:

Re: Case No. B-97-092-13, Case No. 97-8687, 4802 Benson Avenue,
Paul G. Fischer, Sr./Owner

In response to Deputy Zoning Commissioner Timothy M. Kotroco's letter of June 21, 1999 (enclosed), the Bureau of Code Inspection can officially close their case file, once you are able to obtain the required building/electrical permits for the outdoor pavilion. It is recommended that you have in your possession copies of both the January 6, 1998, and February 12, 1998, decision in Case No. 98-171-SPHA. Also, one should have the deputy's most recent June correspondence at the time of filing. In conclusion, once the permits are issued, I will notify Inspector Claude Profili, who can then close his case file on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.H. Thompson", is written over a horizontal line.

James H. Thompson
Code Inspections and
Enforcement Supervisor
410-887-3352

JHT/hek
Enclosure
c: Inspector Claude Profili

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Board of Liquor License Commissioners

111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3191
Fax: 410-887-3970

June 25, 1999

Mr. Paul G. Fisher
FISH BOWL INN
4802 Benson Ave.
Baltimore, MD 21227

RE: Increase in Premises
- Outdoor Pavilion

Dear Mr. Fisher:

Regarding Deputy Zoning Commissioner Timothy Kotroco letter to you dated June 21, 1999, it is stated, that all zoning matters applicable to your property have been resolved.

It is now my understanding in order to approve Building Permit No. 313818 and be issued a use and occupancy, the following is needed.

1. Zoning Review office approval
2. Permits and Development Management Landscape Architect approval
3. Department of Environmental Protection and Resource Management approval (Food Plans Review)

Also, the Liquor Board will need 4 additional signatures of real estate owners residing within one mile of the business and are registered voters in Baltimore County. (form enclosed)

Upon the issuance of the use and occupancy permit and approval of the additional signatures, it will be necessary to bring in your current alcohol beverage license to the Boards office to issue a license to include the outside pavilion. Cost for the license is \$20.00.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Stanley Pianowski".
Stanley Pianowski
Administrator

Enclosures

SP:cdt

c: William Monk
Jim Thompson
License File
Day File
fishbowlinn3.doc





Baltimore County
Department of Permits and
Development Management

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

November 14, 1997

Mr. William Monk
222 Bosley Avenue
Suite C-6
Towson, MD 21204

RE: Case Number 98-171- SPHA
Petitioner: Paul G. Fischer, Sr.
Location: 4802 Benson Avenue

Dear Mr. Monk:

The above matter, previously assigned to be heard on December 2, 1997 at 11:00 a.m. has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Paul G. Fischer, Sr.





Baltimore County
Department of Permits and
Development Management

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

December 4, 1997

Mr. William Monk
4802 Benson Avenue
Baltimore, MD 21227

RE: Case Number 98-171-SPHA
Petitioner: Paul G. Fischer, Sr.
Location: 4802 Benson Avenue

Dear Mr. Monk:

The above matter, previously assigned to be heard on Friday, December 12, 1997 has been postponed due to a scheduling conflict. Your case has been rescheduled for **Tuesday, December 16, 1997 at 2:00 p.m. in Room 407**, County Courts Building, 401 Bosley Avenue.

If the property has been posted with notice of the hearing date, as quickly as possible the new hearing date should be affixed to the sign.

Very truly yours,

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

Arnold Jablon
Director

AJ:scj

c: Paul G. Fischer, Sr.



WILLIAM MONK, INC.

ENGINEERS • PLANNERS

November 12, 1997

Mr. Arnold Jablon
Director of Permits
& Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

RE: Case #98-171-SPHA, 4802 Benson Avenue
Hearing scheduled for December 2, 1997

Dear Arnold:

Please let this serve as a request to reschedule the aforementioned hearing. I have a conflict in that I am already scheduled to appear and testify at a hearing in Anne Arundel County at 10:30 AM that same date. Your assistance in a timely rescheduling would be most appreciated.

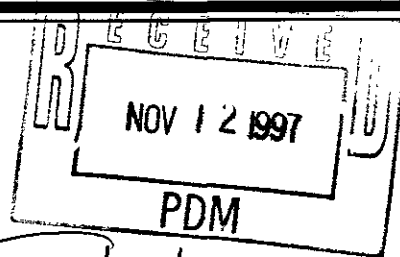
Cordially,



William P. Monk
wpm/cjs

cc: Paul Fischer

97131ltr/d44





Baltimore County
Department of Permits and
Development Management

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

November 6, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-171-SPHA
4802 Benson Avenue
N/S Benson Avenue, 75' W of Benson Court
13th Election District - 1st Councilmanic District
Legal Owner(s): Paul G. Fischer, Sr.

Special Hearing to approve an open air pavilion for seasonal, live entertainment as an accessory use to the tavern. Variance to permit the existing tavern to be located 3.3 feet from the front property line and 27 feet from the side property line in lieu of the required 25 feet and 30 feet, respectively; to permit the existing parking spaces #4-10 to be located within the existing private access and utility easement; to permit 2 buildings, principle use and accessory use, to be located 3.4 feet apart in lieu of the required 52.5 feet; and to permit the block building (accessory use) to be located 6.6 feet from the pavilion in lieu of the required 60 feet and 15 feet from the side lot line in lieu of the required 30 feet.

HEARING: TUESDAY, DECEMBER 2, 1997 at 11:00 a.m. in Room 407, Courts Building, 401 Bosley Avenue.

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

Arnold Jablon
Director

cc: Paul G. Fischer, Sr.
William Monk

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 17, 1997.
(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.





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 21, 1999

File

Mr. Paul G. Fischer, Sr.
4802 Benson Avenue
Baltimore, Maryland 21227

Re: Case No. 98-171-SPHA

Dear Mr. Fischer:

I am writing this letter as a follow-up to my order dated the 6th day of January 1998 involving Case No. 98-171-SPHA. Pursuant to that order, your special hearing request and several variances were approved. At issue in the case was the use of an outdoor pavilion by you, during the summer months, for outdoor entertainment. My site inspection of the property and follow-up visits indicate that no further action or improvements need be taken by you regarding the use of this outdoor pavilion. You are advised, however, that you must strictly adhere to the conditions and restrictions that I imposed upon the use of the property by my order dated the 6th of January, 1998. Excessive noise on the property will not be tolerated and will be handled by the appropriate authorities. However, at this time, it is not necessary for you to take any further actions concerning your property as far as my order is concerned. I trust that this letter will resolve any outstanding matters pertaining to your use of this outdoor pavilion.

By copy of this letter, I am advising Mr. Stanley Pianowski from the Board of Liquor License Commissioners, that all zoning matters applicable to your property have been resolved.

If I can be of further assistance, please feel free to contact me.

Very truly yours,

Timothy M. Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
C: William Monk
Stanley Pianowski
Jim Thompson

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

5210 Benson Avenue
Baltimore, MD 21227-2510
January 18, 1998

TO WHOM IT MAY CONCERN:

I am writing on behalf of the Fish Bowl Inn and Mr. Fischer, its owner. As you can see, I am a resident of Benson Avenue, living only two tenths of a mile from the nightclub. While I do not frequent Mr. Fischer's establishment, I have had occasion to attend a concert given on his new deck last summer.

The concert performed by Mr. Ronnie Dove and his back-up band, Sure Gold was wonderful. I attended this concert for several reasons: first, Mr. Dove was going to support a Cystic Fibrosis event fundraiser for me later in the year and I wanted to support him; second, Mr. Fischer is a corporate supporter of the same fundraiser and I thought to support his new addition to his nightclub; third, I wanted to hear the acoustics and then judge the impact of same on my residence.

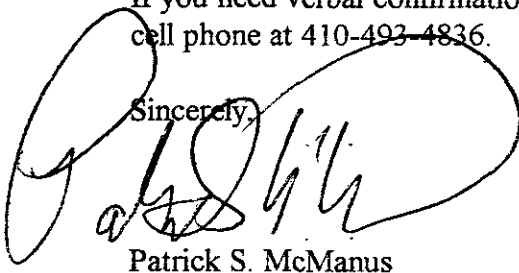
As I said, the music was great! Before the end of the evening, I went to my home to see if I could hear any of the music because the stage does face our community. We were not impacted by the concert at our home. However, I could hear the music as I was returning to the nightclub.

I understand the issue at hand is the alleviation of loud noise in the neighborhood. To combat this, I would suggest putting a type of sound barrier at the **back** of Mr. Fischer's property. I say the back because if it was put any closer to the deck the acoustics would not be proper. Also, their is seating outside of the deck near the fish ponds and volleyball court which would need to be eliminated if the sound barrier was at the end of the deck.

Mr. Fischer has done an excellent job of improving the type of clientele who frequents his establishment; he is to be commended for that as well as his cooperation and dedication in resolving the situation with the sound and his new deck.

If you need verbal confirmation of this letter, please feel free to call me at 410-242-4837 or on my cell phone at 410-493-4836.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'P. S. McManus', is written over the word 'Sincerely,'.

Patrick S. McManus



**The
FISHBOWL
Inn**

4802 BENSON AVE. ARBUTUS, MARYLAND 21227 Phone 410-247-2474

To: The Baltimore County Zoning Board

From: Paul G. Fischer
T/A The Fishbowl Inn
4802 Benson Ave.
Arbutus, MD. 21227
License # 973924

Dear Sir(s) and/or Madam(s),

Construction and remodeling of the outside area in question was completed in July of 1997. With the exception of two weekends of rainy weather, we had some sort of live entertainment outside every weekend from the middle of July to the first weekend in October. This entertainment consisted of a variety of live bands, concerts and adult entertainment. This totals to approximately 20 performances. Many of these were near sell out capacity. At no time during any of these performances, were any complaints or concerns ever directed to us, either by any neighbors or the police department. This holds true for not only noise, but also the demeanor of our clientele arriving and leaving the area.

The Fishbowl has always maintained a safe, congenial setting, to which our patrons can relax and enjoy an evening out. We have always been concerned with noise levels, long before the addition of the pavilion. I am well aware that sound carries differently outdoors then in, but I assure you that it will be monitored the same way. We have actually made bands stop playing if they couldn't maintain a satisfactory level.

I have read the letter from Mr. McManus and conclude that it is not a complaint by any means, but merely a suggestion if there was a problem. His idea of a barrier would certainly be an ultimate solution if a noise problem existed. I believe our past history of over 20 performances during the summer without any complaints, clearly demonstrates our ability to monitor the situation. Our wishes are to continue to provide a variety of entertainment that is acceptable to both our patrons and our surrounding neighbors. Our concerns for our neighbors are genuine and we certainly would take immediate steps to address any inquiries during a performance.

Sincerely,


Paul G. Fischer

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

FACSIMILE COVER SHEET

DATE:

1/26/98

TO:

Tim Kotroco

FAX #:

410-887-3468

PAGES:

2 (including cover sheet)

FROM:

☒ Bill Monk; ☐ Rick Richardson; ☐ John Gilson; ☐ Connie Seim

RE:

Benson Ave.

HARD COPY :

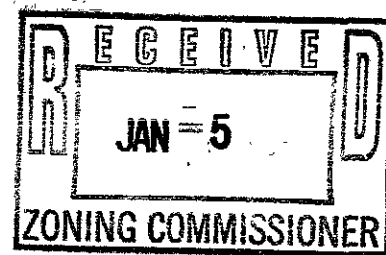
☐ Will ☒ Will Not - be mailed

COMMENTS:

(geninfo) fax.frm

December 31, 1997

Mr. Timothy Kotroco
Deputy Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, MD 21204



RE: Zoning Case No. 98-171SPHA

Dear Mr. Kotroco:

This letter is to address my concerns regarding the outdoor beer garden/music theatre at the Fish Bowl Inn located at 4802 Benson Avenue.

First, there is a permanent sign on Benson Avenue for the Fish Bowl Inn. Any time there is a function at the Inn, they put temporary signs on Benson Avenue to tell people what events are going on. Why wasn't the zoning sign put down at the permanent sign on Benson Avenue where residents could see it? Instead, they put the sign up on the property off of Benson Avenue on Benson Court, which is a dead end street. The sign could not be seen from Benson Avenue. Keeping in mind that this actual address is 4802 Benson Avenue, not Benson Court. This was an obvious deception and it worked. No one in the neighborhood knew of the hearing until after the fact.

Second, there were several times during the late summer that I called the police to complain of the loud music coming from the Fish Bowl Inn. Several times the music played up until 2:00 a.m.

At 2:00 a.m. when the bar closes, Benson Avenue between Benson Court and Sulphur Spring Road becomes a race course for vehicles. The speed limit is twenty-five miles per hour in this area. Most of the vehicles do forty miles per hour or faster. The underpass at the Beltway on Benson Avenue entices motorcyclists and vehicles to stop and gun their engines at 2:00 a.m. Also, Arbutus Avenue becomes a rest stop at 2:00 a.m. where people stop, get out of their cars, urinate behind trees and vehicles, throw their trash on the ground and then, leave the neighborhood speeding down Arbutus Avenue. This happens throughout the summer.

Based on the Baltimore County Noise Ordinance, Adopted August 2, 1993, Sec. 20-47 Standard states:

A person may not create or permit to be created any domestic noise in such a manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants.

I believe if Baltimore County approves this Zoning Variance without exception, then Baltimore County is breaking their own

noise ordinance law by permitting this.

I am requesting that a new hearing be scheduled and posted and advertized correctly to let the neighboring community know of the hearing to discuss their concerns. Or if it is impossible to do this, then put a stipulation in the zoning approval to the Fish Bowl Inn that the outside entertainment stop at 11:00 p.m. on any given night based on the make-up of the neighborhood.

Thank you for taking the time to read this letter and I look forward to hearing from you.

Very truly yours,


George E. Miller, Jr

George E. Miller, Jr.
5102 Arbutus Avenue
Baltimore, MD 21227
Phone (H) 410-242-4767
(W) 410-247-1422

P.S. I have attached a copy of the Noise Ordinance Law.

Enc.

LETTER OF PETITION

I, the undersigned, hereby agree with some or all of the concerns that Mr. Miller has addressed in his letter. If we were informed about the hearing of December 16, 1997, we would have made our concerns known at that time, either by letter or appearing in person.

Name (Print)	Signature	Address
Joyce Lynn Miller	Joyce Lynn Miller	5102 Arbutus Ave.
Frances Murphy	Frances Murphy	5113 Arbutus Ave.
FRANCES MURPHY	Frances Murphy	5113 Arbutus Ave.
Angela Redd	Angela Redd	5032 Arbutus Ave.
Helen I Miller	Helen I Miller	5102 Arbutus Ave.
Ramon J Smith	Ramon J Smith	5104 Arbutus Ave.
Teresa L Smith	Teresa L Smith	5104 Arbutus Avenue
DANIEL B SPALT	Daniel B Spalt	5100 ARBUTUS
HELEN-L SPALT	Helen L Spalt	5100 Arbutus Ave.
ELIZABETH H. HAAE	Elizabeth H. Haag	5100 Arbutus Ave.
Dorothy Will	Dorothy Will	5108 Arbutus Ave.
Warren P. Will	Warren P. Will	5108 Arbutus Ave.
V. Donna Simmonds	V. Donna Simmonds	5030 Arbutus Ave.
FRANK H. SIMMONDS	Frank H. Simmonds	5030 ARBUTUS AVE
Gladys Campanaro	Gladys Campanaro	5112 Arbutus Ave.
Renee Bollack	Renee Bollack	5106 Arbutus Ave.
CHARLES L. CULLUM	Charles L. Cullum	4719 BENSON AVE
Ida A. Cullum	Ida A. Cullum	4719 BENSON AVE.
NANCY MERSON	Nancy Merson	5001 BENSON AVE.
Pat Stanoski	PAT STANOSKI	5105 BENSON AVE.
Francis Stanoski	FRANCIS STANOSKI	5105 BENSON AVE
John Merson	JOHN MERSON	5001 BENSON AVE



STEPHEN G. SAMUEL MOXLEY
COUNCILMAN, FIRST DISTRICT

754 FREDERICK ROAD
CATONSVILLE, MARYLAND 21228
(410) 887-0896
FAX (410) 887-1012

August 27, 1997

Ms. Helen Miller
5102 Arbutus Avenue
Baltimore, Maryland 21227

Dear Ms. Miller:

Enclosed is a copy of Baltimore County's noise ordinance. I know that this document will help you in your dealing with the Fish Bowl bar in your neighborhood. whenever you feel that they are violating the ordinance, please contact the Police Department.

If you have any other questions, concerns or comments do not hesitate to call me at (410)887-0896.

Sincerely,

A handwritten signature in cursive script, reading "S. G. Samuel Moxley".

S. G. Samuel Moxley
Councilman, First District

SGM:pln
Enclosure
MILLER.LTR

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 15
BILL NO. 123-93

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, AUGUST 2, 1993

A BILL

ENTITLED

AN ACT concerning

Noise

FOR the purpose of repealing the existing noise ordinance and enacting
a new ordinance regulating noise in Baltimore County,
defining terms, stating legislative intent, specifying what
constitutes excessive levels of domestic noise in Baltimore
County, providing for the enforcement of the law, providing for
penalties for violations of the law, providing for penalties
against the owner of the premises, and generally relating to the
regulation of noise in Baltimore County.

BY repealing

Section 20-8

Title 20 - Miscellaneous Provisions and Offenses

Baltimore County Code, 1988

BY adding

Sections 20-45 to 20-50, Article III. Noise

Title 20 - Miscellaneous Provisions and Offenses

Baltimore County Code, 1988

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND that Section 20-8 of Title 20 - Miscellaneous
3. Provisions and Offenses, Baltimore County Code, 1988, be and it is
4. hereby repealed.

5. SECTION 2. AND BE IT FURTHER ENACTED, that Sections 20-45 to
6. 20-50, Article III. Noise, be and they are hereby added to Title 20 -
7. Miscellaneous Provisions and Offenses, Baltimore County Code, 1988, to
8. read as follows:

9. ARTICLE III. NOISE

10. SECTION 20-45. DEFINITIONS.

11. (A) AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE
12. MEANINGS INDICATED.

13. (B) DOMESTIC NOISE MEANS ANY NOISE RELATED TO HUMAN ACTIVITY
14. WHICH IS NOT CREATED BY ANY MACHINERY, TOOL, MECHANICAL DEVICE OR
15. EQUIPMENT USED IN CONNECTION WITH A BUSINESS PURPOSE. THE TERM
16. INCLUDES BUT IS NOT LIMITED TO THOSE NOISES PRODUCED VOCALLY, OR WITH
17. ANY RADIO RECEIVING SET, MUSICAL INSTRUMENT, PHONOGRAPH OR ANY OTHER
18. DEVICE INTENDED FOR THE PRODUCTION OR REPRODUCTION OF SOUND OR ANY
19. HOUSEHOLD TOOL OR OTHER EQUIPMENT.

20. (C) LANDLORD MEANS THE PERSON WHO MANAGES, LEASES, HOLDS OR
21. OTHERWISE CONTROLS THE PROPERTY FOR THE OWNER.

22. (D) OWNER MEANS THE PERSON LISTED IN THE TAX RECORDS OF THE
23. COUNTY AS THE PROPERTY OWNER.

24. SEC. 20-46. LEGISLATIVE INTENT.

1. THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND INTENDS TO
2. PROHIBIT EXCESSIVE DOMESTIC NOISE FOR THE PURPOSE OF SECURING AND
3. PROMOTING PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY, WELFARE, PEACE
4. AND QUIET IN THE COUNTY.

5. SEC. 20-47. STANDARDS.

6. A PERSON MAY NOT CREATE OR PERMIT TO BE CREATED ANY DOMESTIC
7. NOISE IN SUCH A MANNER AS TO UNREASONABLY DISTURB THE PEACE, QUIET AND
8. COMFORT OF THE NEIGHBORING INHABITANTS.

9. SEC. 20-48. ENFORCEMENT.

10. (1) A POLICE OFFICER SHALL INVESTIGATE COMPLAINTS OF
11. ALLEGED DOMESTIC NOISE VIOLATIONS OCCURRING IN THE COUNTY IN VIOLATION
12. OF SECTION 20-47.

13. (2) A POLICE OFFICER SHALL FILE A WRITTEN REPORT IF THE
14. INVESTIGATION CONCLUDES THAT A VIOLATION OF SECTION 20-47 HAS OCCURRED.

15. SEC. 20-49. PENALTIES, CRIMINAL AND CIVIL.

16. (A) ANY PERSON VIOLATING THE PROVISIONS OF SECTION 20-47 IS
17. GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT
18. MORE THAN FIVE HUNDRED DOLLARS (\$500.00) OR IMPRISONMENT FOR NOT MORE
19. THAN NINETY (90) DAYS OR BOTH FOR THE FIRST OFFENSE, AND FOR ANY
20. SUBSEQUENT OFFENSE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS
21. (\$500.00) OR IMPRISONMENT FOR NOT MORE THAN NINETY DAYS OR BOTH.

22. (B) AS AN ALTERNATIVE TO A CRIMINAL ACTION, THE POLICE MAY
23. ISSUE A CIVIL CITATION TO ANY PERSON VIOLATING THE PROVISIONS OF

1. SECTION 20-47. THE AMOUNT OF THE CIVIL PENALTY SHALL NOT EXCEED \$500.
2. THE POLICE MAY REQUEST THAT THE COUNTY SEEK AN INJUNCTION TO PROHIBIT
3. THE PERSON FROM CREATING OR PERMITTING THE CREATION OF DOMESTIC NOISE.

4. SEC. 20-50. RESPONSIBILITY OF OWNER OF PREMISES.

5. (A) A POLICE OFFICER MAY ISSUE A CIVIL CITATION TO THE OWNER
6. OR LANDLORD OF THE BUILDING OR PREMISES FROM WHICH DOMESTIC NOISE IN
7. VIOLATION OF SECTION 20-47 EMANATES, IF MORE THAN THREE WRITTEN REPORTS
8. HAVE BEEN FILED UNDER 20-48, AT ONE ADDRESS, WITHIN A SIXTY (60) DAY
9. PERIOD. ADDITIONAL CITATIONS MAY BE ISSUED FOR EACH SUBSEQUENT REPORT
10. FILED WITHIN SIX (6) MONTHS OF THE INITIAL REPORT.

11. (B) PRIOR TO ISSUING A CITATION, THE POLICE CHIEF OR HIS
12. DESIGNEE SHALL EITHER SEND BY CERTIFIED MAIL OR DELIVER WRITTEN
13. NOTICE TO THE OWNER OR LANDLORD THAT THREE (3) WRITTEN REPORTS HAVE
14. BEEN FILED UNDER SECTION 20-48 WITHIN A SIXTY (60) DAY PERIOD.

15. (C) THE AMOUNT OF THE CIVIL PENALTY SHALL BE NOT
16. EXCEED:

17. (1) \$500 FOR THE FIRST CITATION; AND
18. (2) \$750 FOR EACH ADDITIONAL CITATION ISSUED WITHIN SIX
19. (6) MONTHS OF THE INITIAL WRITTEN REPORT FILED UNDER 20-48.

20. SECTION 3. And be it further enacted, that this Act shall
21. take effect forty-five days after its enactment.

B12393/BILLS93

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BILL MONK

222 BOSLEY AVE SUITE C-6

TOWSON, MD 21204

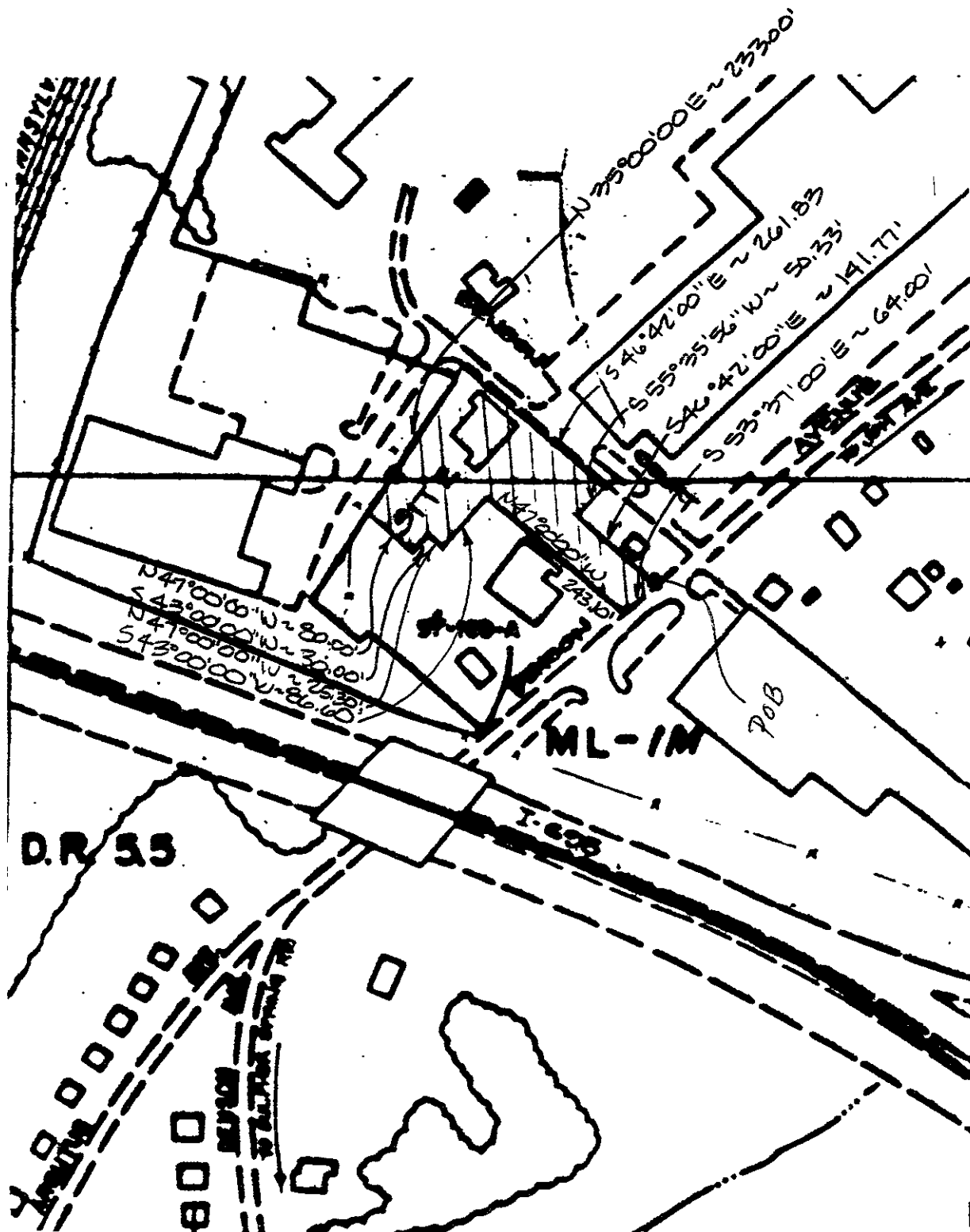
PAUL FISHER SR

4802 BENSON AVE

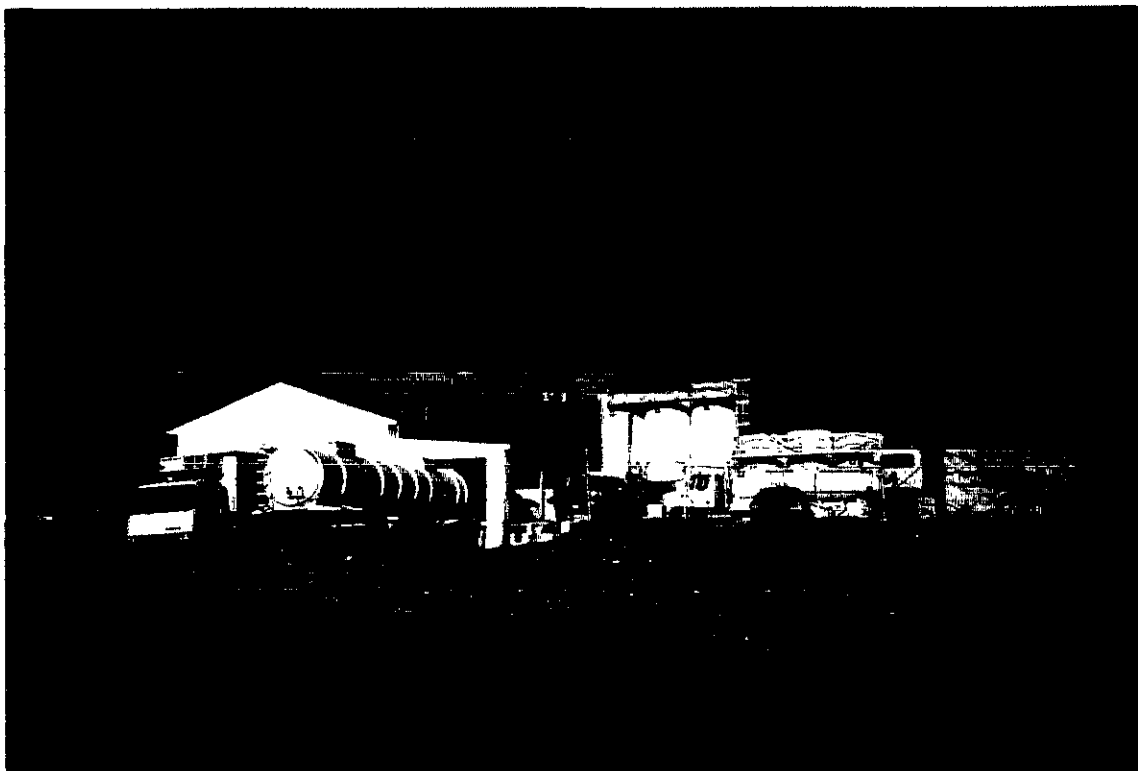
ARBUCKLES 21227



171
98-171-SPHA



ADJACENT LAND USE



2A

BENSON COURT LOOKING SOUTH



2B

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

4802 BENSON AVE.



20

WILLIAM MONK, INC.

ENGINEERS • PLANNERS

OPEN AIR PAVILION



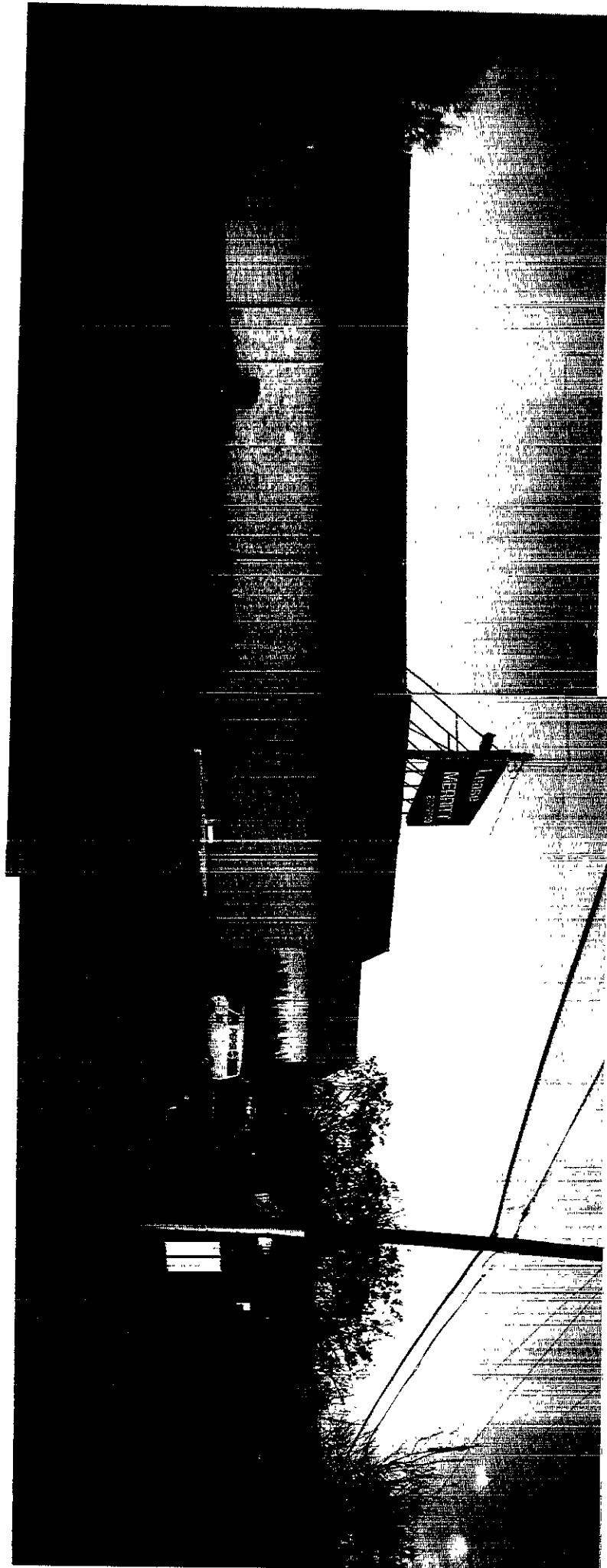
WILLIAM MONK, INC.

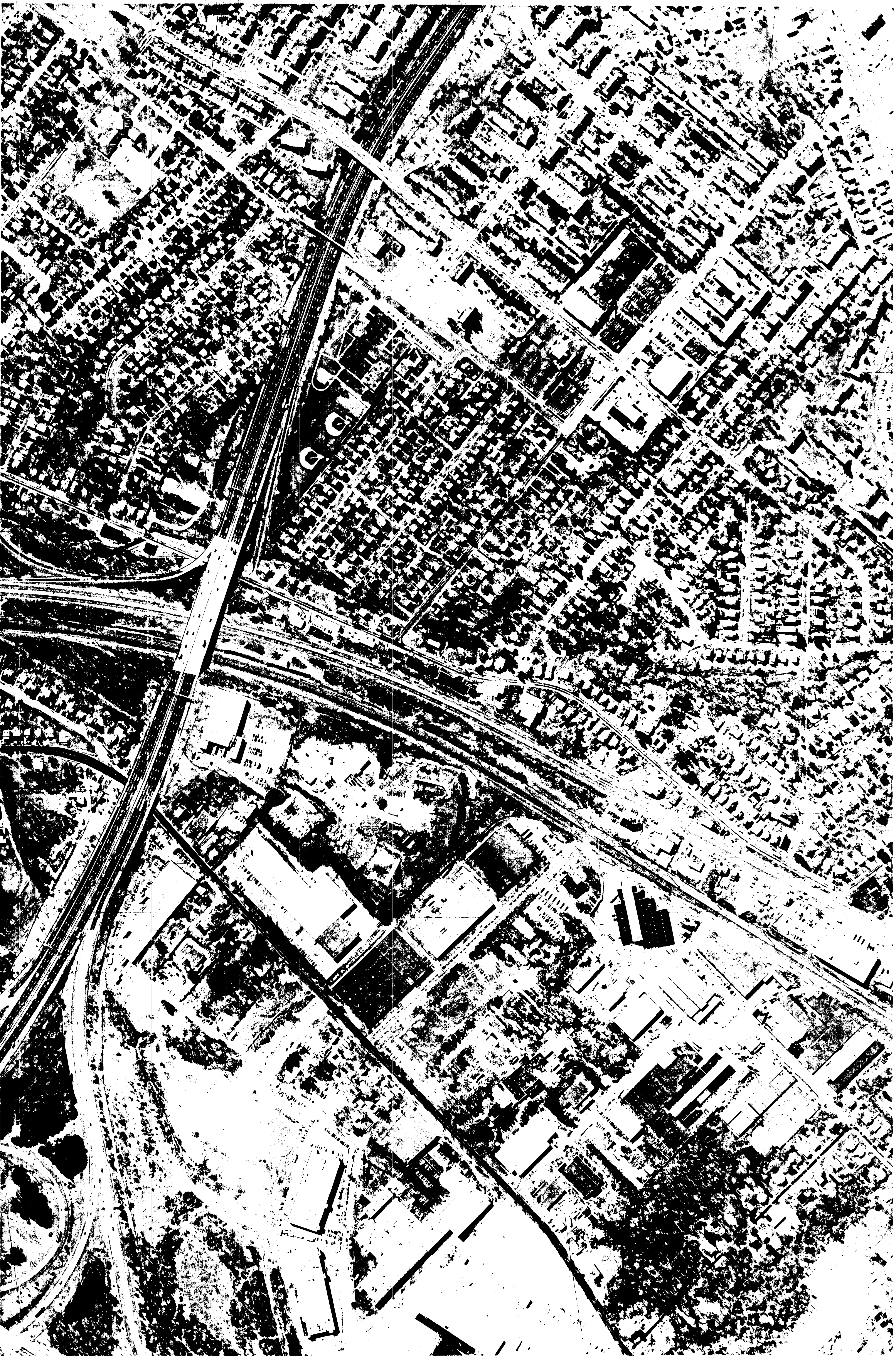
ENGINEERS • PLANNERS

ADJACENT LAND USE





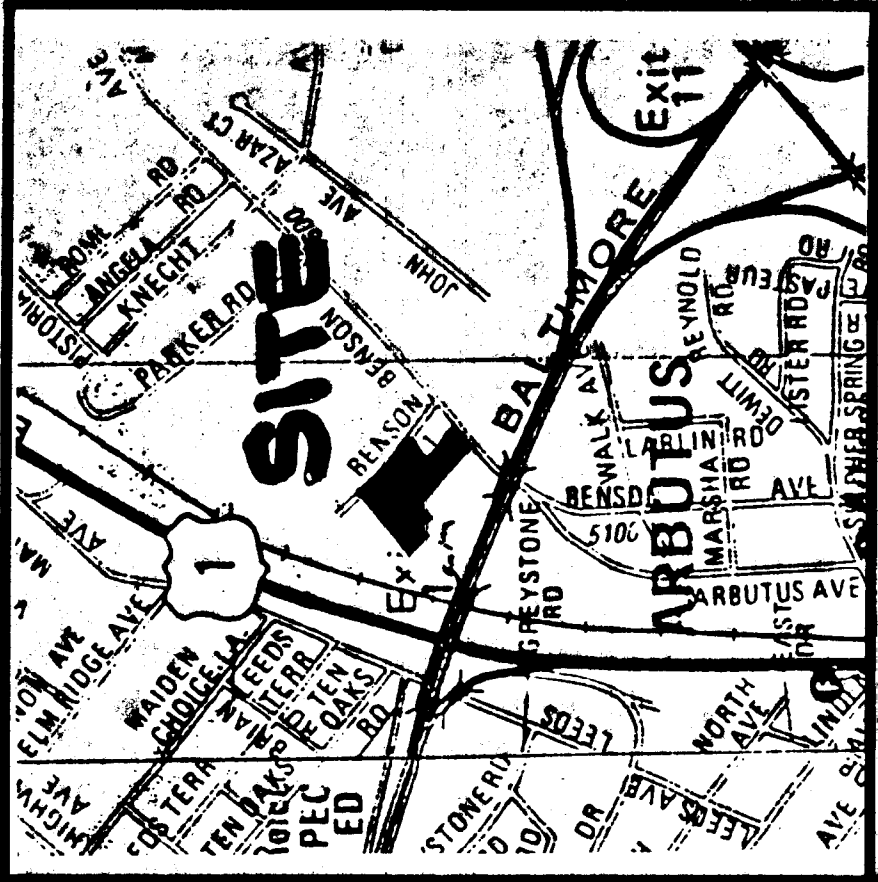




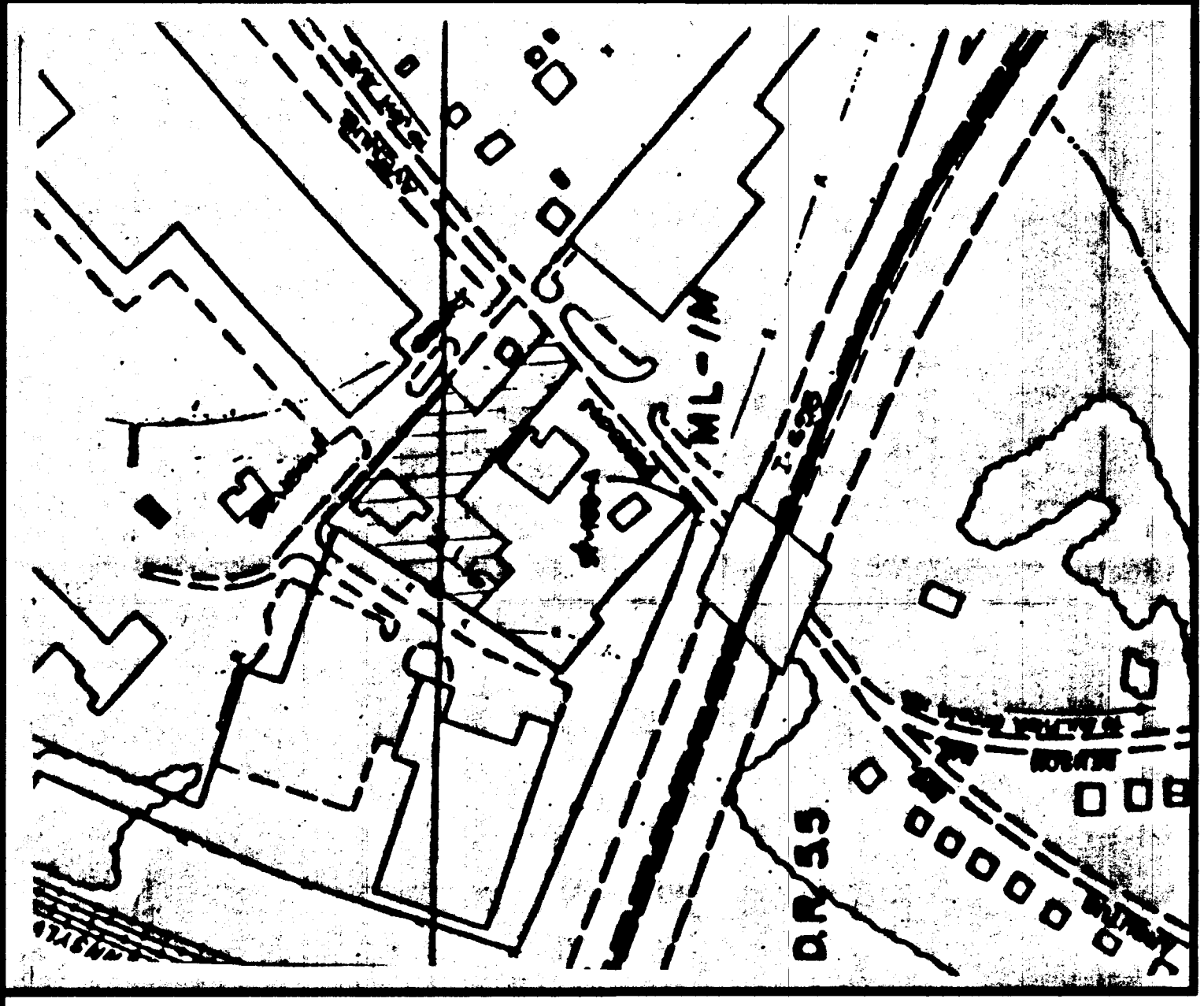
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±		ARBUTUS COWDENTOWN	S.W. 4-D
DATE OF PHOTOGRAPHY JANUARY 1986			



VICINITY MAP
SCALE : 1" = 1000'



BALTIMORE COUNTY ZONING MAP No. SW 4-D
SCALE : 1" = 200'

GENERAL NOTES :

- OWNER/APPLICANT: Paul G. Fischer
4802 Benson Avenue
Baltimore, MD 21227
- ZONING: ML-IM
- LOT AREA: 48,894 sq. ft./1.122 AC +/-
- TAX MAP: 101 GRID: 24 PARCEL: 670
- ADDRESS OF SITE: 4802 Benson Avenue
- DEED REFERENCE: 8351/804
- EXISTING USE: Tavern
- FLOOR AREA RATIO: Existing: 0.15
- HEIGHT OF BUILDING: 15'
- BUILDING AREA :
Tavern overall sq. footage : 5,033
Pavilion sq. footage : 1,635
Block Bldg : 288
Outdoor Eating Deck : 206
Walk-in Freezer : 206
Total sq. footage : 7,425
- PARKING COMPUTATIONS :
20 P.S./1000 sq. ft. gross floor area 0.02 X 7,425 = 148.50
Paving spaces provided 149
Typical parking spaces 8.5' x 20'
Paving spaces are permanently striped
- BUILDING SETBACK REQUIREMENTS : REQUIRED
PRIMARY STRUCTURE (Tavern)
FRONT : 25'
SIDE : 30'
REAR : 30'
- UTILITIES : Sewer-Public (Existing)
Water-Public (Existing)
- ELECTION DISTRICT : 13
- COUNTY COUNCIL DISTRICT : 1
- CENSUS TRACT : 4305
- WATERSHED : 29
- SUBWERSHED : 74
- PROPERTY ACCOUNT NO.: 1305430000
- NO CRITICAL AREAS ARE ON SITE.
- NO HAZARDOUS MATERIALS ARE ON THE SITE.
- OUTDOOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
- HANDICAP RAMP IS EXISTING.
- PREVIOUS COMMERCIAL PERMIT : B-313818 (pending)
- PREVIOUS ZONING CASE : Case No. 301.9 Recluse from 'A' Residential to 'E' Commercial, approved May 20, 1954.

SPECIAL HEARINGS REQUIRED :

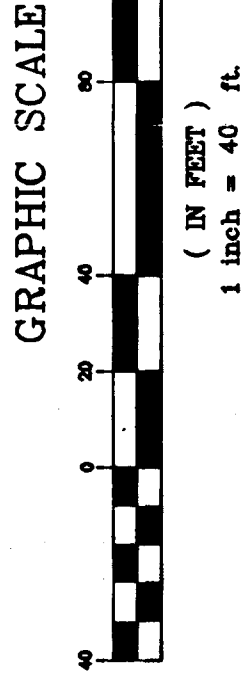
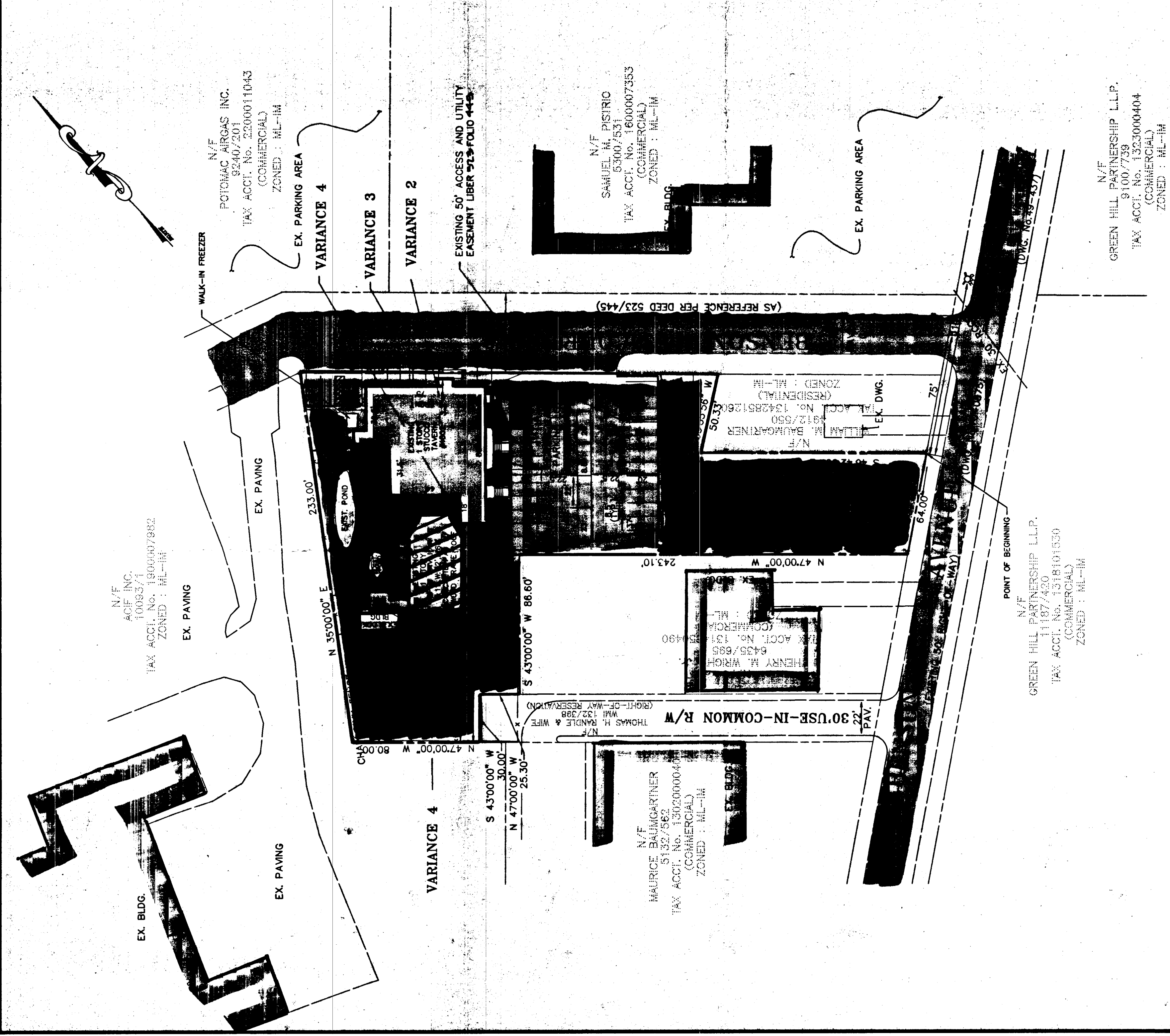
- Special Hearing - to approve an open air pavilion for seasonal live entertainment as an accessory use to the tavern.

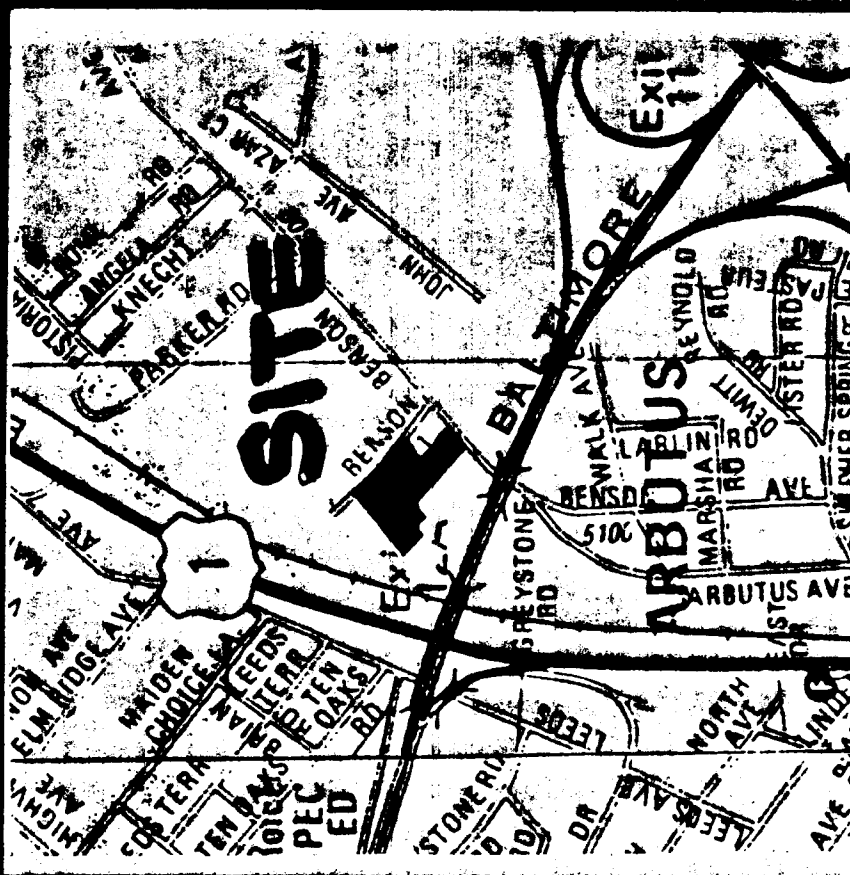
VARIANCES REQUIRED :

- Variance - per Section 409.6A.2 to permit 37 parking spaces in lieu of the required 149 spaces.
- Variance - to permit the existing tavern (primary use) to be located 3.3' from the existing private right-of-way (Baltimore Avenue) and 37' from the side property line in lieu of the required 25' and 30' respectively per Section 255.1 & 238.1.
- Variance - to permit the existing parking spaces #4-10 to be located within the existing private right-of-way (Benson Court).
- Variance - to permit 2 buildings, principal use (tavern), and accessory use (pavilion), to be located 3.4' apart in lieu of the required 52.5'.
- and to permit the block building (accessory use) to be located 6.6' from the pavilion (as accessory use) in lieu of the required 60' and 15' from the side lot line in lieu of the required 30'. Per Sections 255.1 & 238.

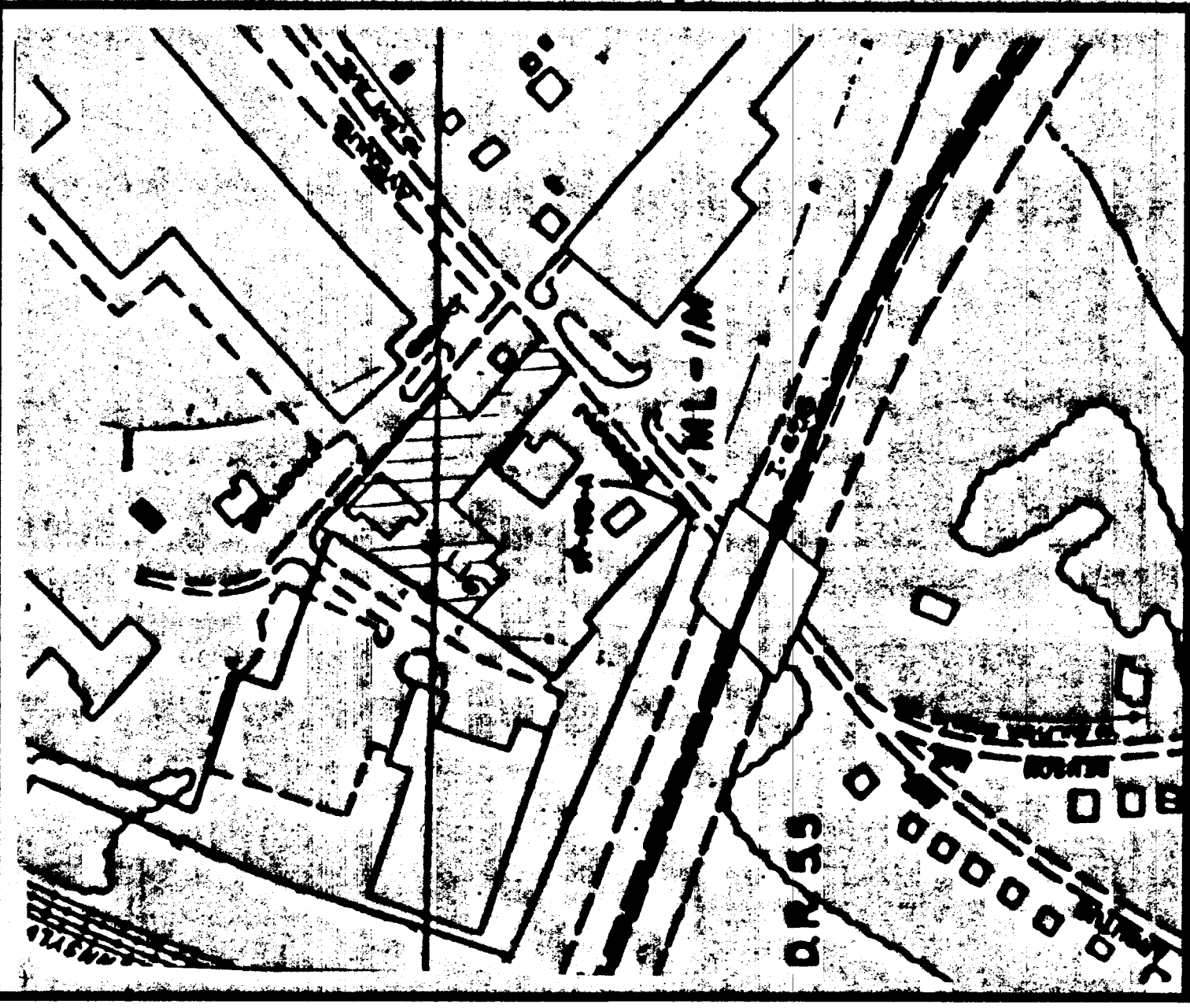


NOTE :
PLAN IS BASED ON EXISTING INFORMATION
SUPPLIED BY THE PROPERTY OWNER





VICINITY MAP
SCALE: 1"=1000'



BALTIMORE COUNTY ZONING MAP No. SW 4-D
SCALE: 1"=200'

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- DEED REFERENCE: 8351/804
- EXISTING USE: Tavern
- FLOOR AREA RATIO: Existing: 0.15
- HEIGHT OF BUILDING: 15'
- BUILDING AREA: Overall sq. footage: 5,033
Tavern: 4,835
Pavilion: 198
Block bldg: 288
Outdoor Eating Deck: 208
Walk-in Freezer: 63
Total sq. footage: 7,425
- PARKING COMPUTATIONS:
20 P.S./1000 sq. ft. gross floor area 0.02 x 7,425 = 148.50
Paving spaces required 148
Typical parking spaces provided 37
Typical parking spaces required 111
Typical parking spaces 8.5' x 20'
Paving spaces are permanently striped
- BUILDING SETBACK REQUIREMENTS:
PRIMARY STRUCTURE (Tavern): REQUIRED: 30'
FRONT: 30'
SIDE: 30'
REAR: 136'
- UTILITIES: Sewer-Public (Existing)
Water-Public (Existing)
- ELECTION DISTRICT: 13
- COUNTY COUNCIL DISTRICT: 1
- CENSUS TRACT: 4305
- WATERSHED: 28
- SUBWERSHED: 74
- PROPERTY ACCOUNT NO.: 13054-30000
- NO CRITICAL AREAS ARE ON SITE.
- NO HAZARDOUS MATERIALS ARE ON THE SITE.
- OUTDOOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
- HANDICAP RAMP IS EXISTING.
- PREVIOUS COMMERCIAL PERMIT: B-313818 (Pending)
- PREVIOUS ZONING CASE: Case No. 301.9 Referred from 'A' Residential to 'E' Commercial, approved May 20, 1954.

SPECIAL HEARINGS REQUIRED:

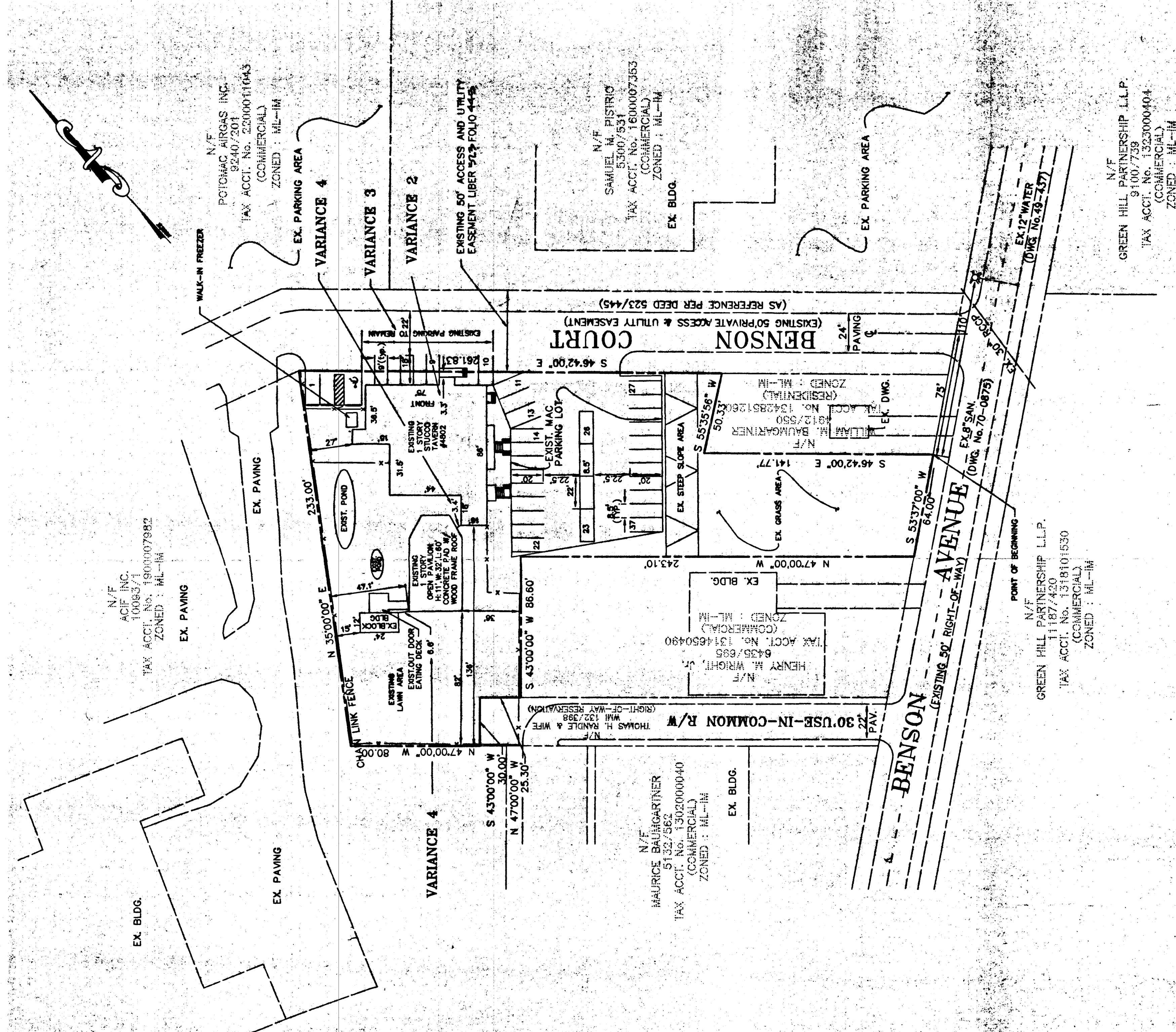
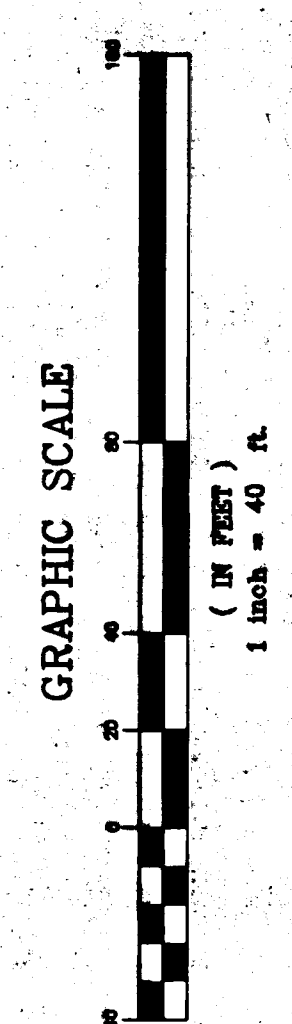
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VARIANCES REQUIRED:

- Variance - per Section 409.6A.2 to permit 37 parking spaces in lieu of the required 148 spaces.
- Variance - to permit the existing tavern (primary use) to be located 3.3' from the side lot line in lieu of the required 20' and 30' respectively per Section 255.1 & 235.1.
- Variance - to permit the existing parking spaces #4-10 to be located within the existing private right-of-way (Benson Court).
- Variance - to permit 2 buildings, principle use (tavern), and accessory use (pavilion), to be located 3.4' apart in lieu of the required 52.5'.
- and to permit the block building (accessory use) to be located 8.5' from the side lot line in lieu of the required 30'. Per Sections 255.1 & 235.1.



NOTE: PLAN IS BASED ON EXISTING INFORMATION SUPPLIED BY THE PROPERTY OWNER



GREEN HILL PARTNERSHIP L.L.P.
11877/4310/1530
TAX ACCT. NO. 1302000040
ZONED: ML-IM

GREEN HILL PARTNERSHIP L.L.P.
9100/739
TAX ACCT. NO. 1323000040
ZONED: ML-IM

N/F
SAMUEL M. PISTRO
5300/531
TAX ACCT. NO. 13007053
ZONED: ML-IM
EX. BLDG.

N/F
ACIE INC.
100637/100007982
TAX ACCT. NO. 1300007982
ZONED: ML-IM
EX. PAVING