

**IN RE: PETITIONS FOR SPECIAL HEARING and
VARIANCE**

**808 Westminster Pike
N/E side Westminster Pike, 570' E of
Woodvalley Court
4th Election District
3rd Councilmanic District**

**Mary C. Pillas, Legal Owner
M.G. Enterprises, Inc., Lessee**

Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER FOR

BALTIMORE COUNTY

Case No.: 98-314-SPHA

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for existing and proposed improvements on the subject property owned by Mary C. Pillas and leased to M.G. Enterprises, Inc., a Maryland corporation. The subject property is located on the north side of Maryland Route 140, Westminster Pike east of Wood Valley Court. The subject property is presently improved with a two-story frame restaurant and associated macadam parking area.

The Petition for Special Hearing seeks approval of the following: confirming the existing, non-conforming, macadam parking area associated with the existing use of forty-one spaces in lieu of the seventy-six spaces otherwise required; confirming the non-conforming status of the existing, illuminated sign on the subject property; approval of pre-existing commercial parking and proposed additional parking in a RC-4 zone pursuant to Baltimore Zoning Regulations ("BCZR") Section 409.8.B.1 and to confirm that such approval will not affect the non-conforming status of the existing parking area; and approval, pursuant to BCZR Sections 409.12.B and 409.8.B.1 of a modified parking plan and modified parking requirements for the existing and proposed uses in accordance

with the specific details shown more clearly on the plat which accompanied the Petition. The Petition for Variance seeks approval of a second sign under BCZR Section 259.3.C.7.b and the illumination of said sign pursuant to BCZR Section 259.3.C.7.c; and depending on the determination of the evidence presented in consideration of a portion of the Special Hearing relief prayed, a variance from BCZR Section 409.8.A.2 to permit a new, stoned-based, non-striped parking area in lieu of the durable and dustless surface required, and also if the Special Hearing relief to conform the existing parking associated with the present, existing use and a modified parking plan are not granted, a variance from BCZR Section 409.6.8.2 to permit a total of 82 parking spaces in lieu of the 108 parking spaces required.

Appearing at the public hearing on these Petitions were Ms. Mary Pillas, owner, Mr. Guy L. Davidson, President of M.G. Enterprises, Inc., lessee and operator of the North Star Restaurant, and Mr. Geoffrey Schultz with McKee & Associates, Inc. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested parties present at the hearing.

The proffered testimony indicated that the subject property has been used for a restaurant for over 30 years, well before the property was zoned with a CR overlay district. Likewise, the existing, macadam parking area was installed well before the institution of the CR district within Baltimore County and, prior to the creation of the Resource Conservation Zones in the County.

The two-story, frame restaurant building and exterior cooler are located within the BL-CR portion of the subject property; the existing, paved parking area, comprised of 41 parking spaces, is located in both the BL-CR and the RC-4 portions of the property. As shown on the plat to accompany the Petitions filed in this case, the 41 parking spaces are presently provided on a

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By [Signature]

macadam surface. Were the restaurant use to be newly established, the existing regulations would require that a total of seventy-six parking spaces be provided. The uncontradicted testimony offered was that the existing parking provides available parking for the existing restaurant use without difficulty. Further testimony indicated that the existing, illuminated sign which Petitioners are seeking to have remain, has existed in its present location since before 1965 and has continued to be illuminated.

The Petitioners are proposing to add a patio in the northeast area of the existing restaurant of approximately 1,700 square feet, to add a one story addition to the existing restaurant of approximately 300 square feet to the rear, to add a proposed stone-based, non-striped parking area located partially in the RC-4 zone and to add one additional, free standing, illuminated sign within the BL-CR zoned portion of the property all as shown more particularly on the plat of the subject property.

The proffered testimony indicated that the Plat which accompanied the Petitions was prepared under the direction and control of Mr. Geoffrey Schultz and bears the seal of Mr. Ambrose Gmeiner, a professional land surveyor in the State of Maryland. The Plat was introduced and accepted as Petitioner's Exhibit No. 1. The Plat depicts the subject property as being located on the north side of Westminster Pike where the same splits into Old Westminster Road and being comprised of approximately 2.4 acres. Of the total acreage, approximately 1.2 acres is zoned BL-CR and the balance is zoned RC-4. As shown more particularly on Petitioner's Exhibit No. 1, the property is irregular in shape with road frontage both on Westminster Pike and Old Westminster Road. The existing restaurant is located completely within BL-CR zoned portion of the subject property and, as described above, the existing macadam parking is located both within that same

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commercial zone, as well as a portion being located in the RC-4 zone. The Petitioners are proposing the 300 square foot, single story addition to be used as a preparation area for the kitchen facilities. This proposed kitchen preparation area will be located on the north side of the existing structure, and completely with BL-CR zoned portion of the site. Additionally, to the southeast, the Petitioners are proposing a 1,700 square foot patio to be attached to the existing restaurant; it will also be located completely within the BL-CR portion of the property. The photographic evidence presented showed that the subject property consists of a well maintained two-story, frame building which was is now known as the Northstar Restaurant. Additional photographs introduced by the Petitioners and accepted in evidence in this case, shows that the existing topography north and northeast of the proposed additional parking area is of such a grade that this portion of the subject property is not feasible for use with the existing or proposed uses.

In an abundance of caution, the Petitioners are seeking alternative zoning relief as provided by the BCZR. Initially, the Petitioners seek a determination that the existing, 41 parking spaces and the illuminated identification sign are valid non-conforming uses. The proffered testimony indicates that both of these uses existed before the adoption of the Resource Conservation Zoning districts and the CR overlay districts. The testimony also indicated that the existing uses, when established, were valid under the then applicable Baltimore County Zoning Regulations and that the uses have continued without interruption. The Petitioners are not seeking to expand either the size of the existing sign or of the existing parking areas. Therefore, based upon the evidence presented, these existing uses, which are accessory to the principal, permitted use of the restaurant are hereby determined to be valid, non-conforming uses.

Even without this declared non-conforming status, it is clear that the parking which has

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existed for decades in the RC-4 zoned portion of the subject property can continue to exist in its present location and size without a detriment to the community and certainly within the spirit and intent of the BCZR.

In connection with the proposed, permitted additions to the principal restaurant use, additional parking spaces will be required. As noted above, the Petitioners are proposing an expansion of the principal, permitted use by a total of 2,000 square feet. Under the parking requirements of the BCZR as they exist today, a total of 32 parking spaces would have to be provided in connection with this proposed expansion. As shown and delineated on Petitioner's Exhibit No. 1, Petitioners are proposing a total of 41 new parking spaces. The proposed parking is shown as being located both within the BL-CR and the RC-4 zoned portions of the property. The Petitioners have requested, pursuant to BCZR Section 409.8.B, a use permit for the portions of both the existing and proposed parking areas to be located in the RC-4 zone. As noted above, the existing parking associated with this restaurant use has existed for many decades, all without detriment to the community. It is clear from the testimony offered and the photographic evidence presented that the existing and proposed parking areas in the RC-4 zone can be operated without adverse impact on the community, subject to compliance with Section 409.B.2 of the Baltimore County Zoning regulations. Therefore, Petitioners' request for a use permit for commercial parking (both existing and proposed) in the residentially zoned portion of the property as shown on Petitioner's Exhibit No. 1 will be granted.

The testimony offered by the Petitioners described in detail the hardship that would be faced by the Petitioners if the proposed parking areas had to be expanded further to the north and west of the areas shown on Petitioner's Exhibit No. 1. First, the grades which exist on the site that, based

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on the testimony offered, the Petitioners had no part in creating, are such that a drainage swale is created which drains toward the Liberty Reservoir. To require the Petitioners to expand the proposed area of parking into the swale area would create undue hardship on the Petitioners, as well as possibly resulting in an adverse effect on the Liberty Reservoir. Secondly, the Petitioners are proposing that the area of expanded parking be stone-based in lieu of the paved surface which is otherwise required by BCZR Section 409.8.A.2. The proffered testimony indicated that the stone-based parking area will provide for better infiltration of surface water than a macadam surface. Pursuant to the authority vested in me by the County Council in Section 409.12.B of the BCZR, the parking plan proposed by the Petitioners for a total of 82 parking spaces (41 existing macadam spaces and 41 proposed, non-striped spaces on a gravel surface) all as shown more particularly on Petitioner's Exhibit No. 1, will be approved as a modified parking plan. The testimony and evidence offered at the public hearing on the Petition for Special Hearing justifying the approval of the modified parking plan renders certain of the alternative, variance relief sought by Petitioners moot, as discussed more completely below. The evidence offered showed clearly that the granting of this special hearing relief would not be detrimental to the health safety or general welfare of the community, would not tend to create congestion in roads, nor create a potential hazard from fire or other dangers. The proffered testimony further indicated that the relief to be granted by way of the Special Hearing petitioned would not tend to overcrowd the land or cause or undue concentration of population nor interfere with public improvements or adequate light and air. Finally, the permeable parking surface proposed located in both the commercial and residential zone, is entirely consistent with the spirit and intent of the BCZR.

The variance relief sought by the Petitioners is two-fold. First, alternative variance relief was

sought in the event that the above-described modified parking plan and parking requirements were not approved. Given that the Petitioners have met their burden for approval of the modified parking plan and parking requirements as proposed, their alternative parking variance relief is rendered moot. The balance of the variance relief prayed by the Petitioners pertains to the second identification sign proposed on the subject property. The Baltimore County Council has recently enacted County Council Bill 89-97 which is, effectively, a repeal of former BCZR Section 413.1 and codification of new sign regulations as Section 450 of the BCZR. As noted above, there is an existing, illuminated sign on the subject property which meets the requirements for a free-standing enterprise sign under Section 450 of the BCZR. The Petitioners by way of variance, propose a second, illuminated, enterprise sign to be located in the southeasterly corner of the subject property near Westminster Pike. The proffered testimony indicated that the subject property, in addition to being zoned Business Local (BL) has a Rural Commercial (CR) district applied to it. In addition to the signs permitted under Section 450 of the BCZR (formerly Section 413.1), BCZR Section 259.3.C.7.b permits a free-standing sign with a surface area of not more than 25 square feet per sign, which sign is to be integrated with landscaping and the location thereof is to be approved by the Director of the Office of Planning. Moreover, the free-standing sign permitted by Section 259.3.C.7.b is not to be illuminated unless approved by the Zoning Commissioner after a public hearing on the illumination request.

The Baltimore County Office of Planning is one of the County agencies which reviews all Petitions for zoning relief. In connection with the relief requested by the Petitioners in this case, the Office of Planning, by Memorandum dated March 12, 1998, "supports the applicant's request" provided that additional landscaping is provided along that portion of the property adjacent to the

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By [Signature]

Westminster Pike.” The Petitioners acknowledged that additional landscaping in this area is not only planned by them but is warranted as noted by the Office of Planning. The relief granted hereby will be conditioned on compliance with a landscaping plan approved by the County Landscape Architect.

In addition to the irregularly shaped property and its difficult topography, the proffered testimony indicated that the State roadway known as Westminster Pike has a severe grade along the frontage of the subject property. The Petitioners offered uncontradicted testimony that a second-illuminated sign meeting the requirements of the CR District was necessary to provide adequate, advance identification of the subject property for those traveling to it along the State roadway. Further, the testimony offered by Petitioner showed that the existing sign benefitted those traveling east from Carroll County, and that the proposed second, free-standing sign was necessary to provide identification for those persons seeking to dine at the Northstar Restaurant coming from Baltimore County. The described conditions of the existing speed limit on Westminster Pike, the curvature of that road, and the grade/down gradient of the State roadway make identification of the subject property extremely difficult.

Moreover, the testimony proffered showed that illumination of the second sign is essential for purposes of identification and safety, especially in the evening dining hours. The testimony proffered by Petitioners showed clearly that the existing topography of Westminster Pike, the shape and location of the subject property on the curved roadway, make it unique from all other properties in the immediate area. This uniqueness, as proffered by the Petitioners, renders the variance relief peculiar to the land, buildings and proposed signs on the subject property. The testimony indicated that the variance relief requested for the second, illuminated sign is the minimum relief necessary

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DATE 3/10/98
BY [signature]

and that the relief, if granted, will do substantial justice to not only the Petitioners but to other property owners in the district as well. It is clear from the testimony offered that strict compliance with the zoning regulations would be unnecessarily burdensome on the Petitioners and would result in an undesirable safety situation that is easily overcome by the granting of the variance relief. Clearly, the granting of the variance relief request will not result in any increase in residential density on the subject property beyond that otherwise allowable by the BCZR.

Finally, in further support of the relief requested, Petitioners introduced into evidence a letter, dated April 9, 1998, from the Baltimore County Board of Liquor License Commissioners, approving the request to serve alcoholic beverages in the proposed patio area, subject to the issuance of all other permits and approvals required. Additionally, the Petitioners submitted in evidence a letter from the Eline Funeral Home, dated April 6, 1998 and signed by Mr. James B. Eline, supporting, as a businessman and life long resident of the Reisterstown area, the Petitioners' requested relief.

Upon consideration of the testimony and evidence presented, this Commissioner finds that granting the requested relief would do substantial justice to the Petitioners as well as other property owners in the district within the spirit and intent of the BCZR, without impact on the public health or welfare. Therefore, the requested variances will be granted, subject to the conditions hereinafter noted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 6th day of May, 1998 that the Petition for Special Hearing to: (i) confirm the existing, non-conforming parking associated with the existing use; (ii) approve the commercial parking, (pre-existing and proposed) in a RC zone pursuant to BCZR Section 409.8.B.1 as shown

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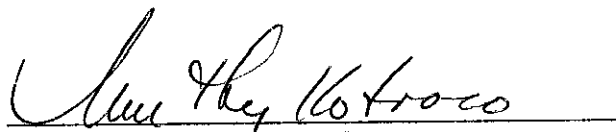
on the Plat to accompany the Petition; and (iii) approve, pursuant to BCZR Sections 409.12.B and 409.8.B.1, a modified parking plan and parking requirements for the existing and proposed uses in accordance with the specific detail shown on the Plat to accompany the Petition are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR Section 259.3.C.7b permit a second enterprise sign and from BCZR Section 259.3.C.7.c to provide the illumination of such sign, is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking alternative variance relief from BCZR Section 409.8.A.2 for a new, stone-based, non striped parking area and from BCZR Section 409.6.A.2 to permit a total of 82 parking spaces in lieu of the 108 parking spaces required, are all, for the reasons stated above and the above granted approval of a modified parking plan and parking requirements, DENIED as MOOT.

The Special Hearing and Variance Relief granted hereby is, however, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Additional landscaping is to be provided along that portion of the subject property, adjacent to Westminster Pike. A final landscape plan is to be submitted to and approved by the County Landscape Architect prior to issuance of any building permit for the improvements proposed by the Petitioners.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

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Date 5/16/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

May 6, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NE/S Westminster Pike, 570' E of Woodvalley Court
(808 Westminster Pike)
4th Election District - 3rd Councilmanic District
Mary C. Pillas, Owner; M.G. Enterprises, Inc., Lessee
Case No. 98-314-SPHA

Dear Mr. Alderman:

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: Ms. Mary Pillas, 108 W. Seminary Avenue, Lutherville, Md. 21093
Mr. Guy L. Davidson, President, M.G. Enterprises, Inc.,
808 Westminster Pike, Reisterstown, Md. 21136
Mr. Geoffrey Schultz, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 808 Westminster Pike

which is presently zoned BL/CR RC-4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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.

Contract Purchaser/Lessee:

M.G. Enterprises, Inc.

Guy L. Davidson, President

(Type or Print Name)

x Guy L. Davidson

Signature

808 Westminster Pike

Address

Reisterstown, MD 21136

City

State

Zipcode

Attorney for Petitioner

Howard Alderman

c/o Levin & Gann, P.A.

(Type or Print Name)

x Howard Alderman

Signature

410-321-0600

Suite 113, 305 West Chesapeake Ave.

Address

Phone No.

Towson, MD 21204

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):

Mary C. Pillas

(Type or Print Name)

x Mary C. Pillas

Signature

(Type or Print Name)

Signature

108 W. Seminary Avenue

Address

Phone No

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name
McKee & Associates, Inc. 410-527-1555
c/o Geoffrey C. Schultz, Vice President
Address
5 Shawan Road, Hunt Valley, MD 21030
Phone No
410-527-1555
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Revised 9/5/95

98-314-SPHA

314

ORDER RECEIVED FOR FILING

Date

By

Petition for Special Hearing
[continuation sheet]

LEGAL OWNERS:

Mary C. Pillas

M.G. Enterprises, Inc., Lessee

Property Address:

808 Westminster Pike

Special Hearing Request:

To confirm the existing non-conforming parking associated with the existing use of 41 spaces in lieu of the 76 spaces otherwise required and other non-conforming requirements of the CR district; and

To confirm the non-conforming, existing, illuminated sign to remain on the subject property; and

Approval of commercial parking in a RC zone pursuant to BCZR §409.8.B.1 as shown on the Plat to Accompany this Petition and to confirm that this will not affect the non-conforming status of the existing lot; and

Approval, pursuant to BCZR §§409.12.B and 409.8.B.1, of a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to accompany this Petition.

ORDER RECEIVED FOR FILING

Date

By

314



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 808 Westminster Pike

which is presently zoned BL/CR RC-4

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)

SEE ATTACHED

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

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:

M.G. Enterprises, Inc.
Guy L. Davidson, President

(Type or Print Name)

Guy L. Davidson
Signature

808 Westminster Pike
Address

Reisterstown, MD 21136
City State Zipcode

Attorney for Petitioner:

Howard Alderman
c/o Levin & Gann, P.A.

(Type or Print Name)

Howard Alderman
Signature
410-321-0600

Suite 113, 305 West Chesapeake Ave.
Address

Towson, MD 21204
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):

Mary C. Pillas

(Type or Print Name)

Mary Pillas
Signature

(Type or Print Name)

Signature

108 W. Seminary Avenue
Address

Phone No.

Lutherville, MD 21093
City State Zipcode

Name, Address and phone number of representative to be contacted.

McKee & Associates, Inc.
c/o Geoffrey C. Schultz, Vice President

3 Shawan Road
Hunt Valley, MD 21030 410-527-1555
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-314-SPHA

314

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By

Petition for Variance
[continuation sheet]

LEGAL OWNERS: Mary C. Pillas

M.G. Enterprises, Inc., Lessee

Property Address: 808 Westminster Pike

Variance Relief Requested:

- ▶ If the Special Hearing to approve a modified parking plan is not approved as requested, a variance from BCZR § 409.8.A.2 to permit a new, stone-based, non-stripped parking area in lieu of the durable and dustless surface required; and *all reasonable*
- ▶ If the Special Hearing to confirm the existing parking associated with the present, existing use as a valid non-conforming use and to approve a modified parking plan are not granted, a variance from BCZR §§ 409.6.A.2 and other applicable sections, if any, to permit a total of 82 parking spaces in lieu of the 108 spaces required; and *if necessary*
- ▶ From BCZR § 259.3.C.7.b to permit a second enterprise sign and from BCZR § 259.3.C.7.c to provide for illumination of such sign.

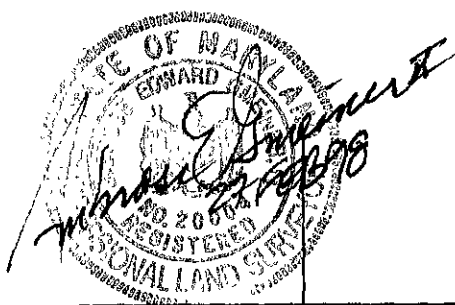
Justification:

- existing topography of the subject property;
- pre-existing building, use and parking;
- irregular shape of existing lot;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

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By



McKEE & ASSOCIATES, INC.

Engineering • Surveying • Real Estate Development

SHAWAN PLACE - 5 SHAWAN ROAD
Tel: (410) 527-1555

HUNT VALLEY, MD 21030
Fax: (410) 527-1563

FEBRUARY 26, 1998

ZONING DESCRIPTION

808 WESTMINSTER PIKE

4TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

BEGINNING at a point in the centerline of Old Westminster Road which is 60 feet wide, at the distance of 570 feet east of the centerline of Woodvalley Court, which is 50 feet wide, thence running the following courses and distances,

- 1) North $07^{\circ} 57' 31''$ East, 40.57 Feet,
- 2) North $45^{\circ} 52' 20''$ West, 30.00 Feet,
- 3) North $37^{\circ} 16' 43''$ East, 319.35 Feet,
- 4) North $66^{\circ} 57' 15''$ East, 191.69 Feet,
- 5) South $00^{\circ} 22' 45''$ West, 433.36 Feet,
- 6) South $63^{\circ} 08' 33''$ East, 107.00 Feet,
- 7) South $17^{\circ} 20' 22''$ West, 209.82 Feet,
- 8) North $67^{\circ} 44' 38''$ West, 79.51 Feet,
- 9) North $66^{\circ} 37' 38''$ West, 129.75 Feet and,
- 10) North $45^{\circ} 57' 25''$ West, 292.09 Feet to the place of beginning and containing 4.101 acres of land, also known as 808 Westminster Pike and located in the 4th Election District.

98-314-SPHA

**NOTICE OF ZONING
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: #98-314-SPHA
808 Westminster Pike
centerline Old Westminster
Road, 570' E Woodvalley
Court

4th Election District
3rd Councilmanic District

Legal Owner(s):

Mary C. Pitas

Contract Purchaser:

M.G. Enterprises, Inc.

Special Hearing: to confirm the existing non-conforming parking associated with the existing use of 41 spaces in lieu of the 76 spaces and other non-conforming requirements of the C.R. district, to confirm the non-conforming, existing, illuminated sign to remain, approval of commercial parking in a R.C. zone and to confirm that this will not affect the non-conforming status of the existing lot; and approval of a modified parking plan and modified parking requirements for the proposed uses
Variance: to permit a new, stonebased, non-striped parking area in lieu of the durable and dustless surface required, if necessary, to permit a total of 82 parking spaces in lieu of the 108 spaces required, if necessary, and to permit a second enterprise sign and to provide for illumination of such sign.

Hearing: Friday, April 10, 1998 at 2:00 p.m., in Room 106, County Office Building, 111 West Chesapeake 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

3/405 March 26 c216398

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/27, 1998

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 3/26, 1998

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 050998

DATE 5 MNE 98 ACCOUNT R-001-6150

AMOUNT \$ 500.00

RECEIVED FROM: North Star for MG Enterprises

FOR: SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

ISSUED: 3/06/1998
ACQD: 3/06/1998
TTL: 1521.21

REG 0500 CASHIER UNIT CLM DRAWER
5 MISCELLANEOUS CASH RECEIPT

Receipt # 037015
CR # 050998

500.00 CHECK
Baltimore County, Maryland

98-314-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-314 SPHA

Case No.: 15
Petitioner/Developer: M.G. ENTERPRISES, ETAL
% LEVIN & GANN
EM. PILAS

Date of Hearing/Closing: 4/10/98
AT- 2:00 PM
RM-106 COB

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 488 WESTMINSTER PIKE

The sign(s) were posted on 3/23/98
(Month, Day, Year)

Sincerely,

Respectfully,

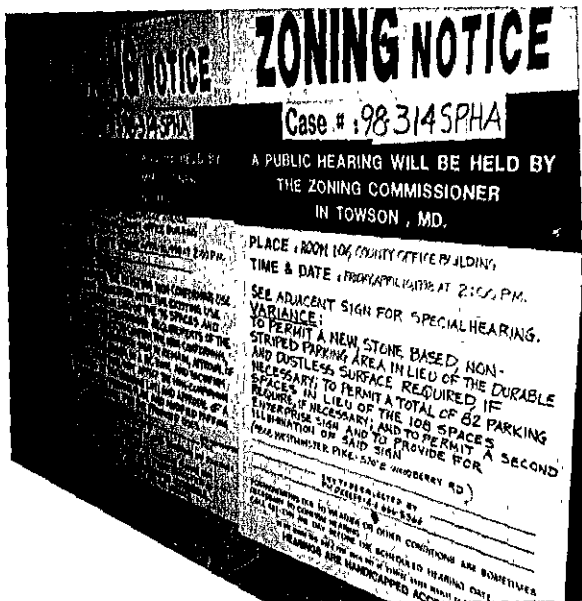
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

(City, State, Zip Code)
410-666-5366 ; CELL-410-905-8571
 (Telephone Number)



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.: 98-314-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing & Variance (See attached)

to allow Special Hearing on

DEBEA VARIANCE

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

Petition for Variance
[continuation sheet]

LEGAL OWNERS: Mary C. Pillas

M.G. Enterprises, Inc., Lessee

Property Address: 808 Westminster Pike

Variance Relief Requested:

- ▶ If the Special Hearing to approve a modified parking plan is not approved as requested, a variance from BCZR § 409.8.A.2 to permit a new, stone-based, non-striped parking area in lieu of the durable and dustless surface required; and
- ▶ If the Special Hearing to confirm the existing parking associated with the present, existing use as a valid non-conforming use and to approve a modified parking plan are not granted, a variance from BCZR §§ 409.6.A.2 and other applicable sections, if any, to permit a total of 82 parking spaces in lieu of the 108 spaces required; and
- ▶ From BCZR § 259.3.C.7.b to permit a second enterprise sign and from BCZR § 259.3.C.7.c to provide for illumination of such sign.

Justification:

- existing topography of the subject property;
- pre-existing building, use and parking;
- irregular shape of existing lot;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

Petition for Special Hearing
[continuation sheet]

LEGAL OWNERS: Mary C. Pillas
M.G. Enterprises, Inc., Lessee

Property Address: 808 Westminster Pike

Special Hearing Request:

To confirm the existing non-conforming parking associated with the existing use of 41 spaces in lieu of the 76 spaces otherwise required and other non-conforming requirements of the CR district; and

To confirm the non-conforming, existing, illuminated sign to remain on the subject property; and

Approval of commercial parking in a RC zone pursuant to BCZR §409.8.B.1 as shown on the Plat to Accompany this Petition and to confirm that this will not affect the non-conforming status of the existing lot; and

Approval, pursuant to BCZR §§409.12.B and 409.8.B.1, of a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to accompany this Petition.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 314
Petitioner: M.G. ENTERPRISES, INC.
Address or Location: 808 WESTMINSTER PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: M.G. ENTERPRISES, INC.
Address: 808 WESTMINSTER PIKE
REISTERSTOWN, MD. 21136
Telephone Number: 410- 833- 3994

Revised 2/20/98 - SCJ

98-314-SPNA

314

TO: PATUXENT PUBLISHING COMPANY
March 26, 1998 Issue - Jeffersonian

Please forward billing to:

M.G. Enterprises, Inc. 410-833-3994
808 Westminster Pike
Reisterstown, MD 21136

NOTICE OF ZONING 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: 98-314-SPHA
808 Westminster Pike
centerline Old Westminster Road, 570' E Woodvalley Court
4th Election District - 3rd Councilmanic District
Legal Owner: Mary C. Pillas
Contract Purchaser: M.G. Enterprises, Inc.

Special Hearing to confirm the existing non-conforming parking associated with the existing use of 41 spaces in lieu of the 76 spaces and other non-conforming requirements of the C.R. district; to confirm the non-conforming, existing, illuminated sign to remain; approval of commercial parking in a R.C. zone and to confirm that this will not affect the non-conforming status of the existing lot; and approval of a modified parking plan and modified parking requirements for the proposed uses. Variance to permit a new, stone-based, non-striped parking area in lieu of the durable and dustless surface required, if necessary; to permit a total of 82 parking spaces in lieu of the 108 spaces required, if necessary; and to permit a second enterprise sign and to provide for illumination of such sign.

HEARING: Friday, April 10, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

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

March 13, 1998

NOTICE OF ZONING 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: 98-314-SPHA
808 Westminster Pike
centerline Old Westminster Road, 570' E Woodvalley Court
4th Election District - 3rd Councilmanic District
Legal Owner: Mary C. Pillas
Contract Purchaser: M.G. Enterprises, Inc.

Special Hearing to confirm the existing non-conforming parking associated with the existing use of 41 spaces in lieu of the 76 spaces and other non-conforming requirements of the C.R. district; to confirm the non-conforming, existing, illuminated sign to remain; approval of commercial parking in a R.C. zone and to confirm that this will not affect the non-conforming status of the existing lot; and approval of a modified parking plan and modified parking requirements for the proposed uses. Variance to permit a new, stone-based, non-striped parking area in lieu of the durable and dustless surface required, if necessary; to permit a total of 82 parking spaces in lieu of the 108 spaces required, if necessary; and to permit a second enterprise sign and to provide for illumination of such sign.

HEARING: Friday, April 10, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue


Arnold Jablon
Director

c: McKee & Associates, Inc.
Howard Alderman, Esquire
Mary C. Pillas
M.G. Enterprises, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 26, 1998.**
(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.



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE *
808 Westminster Pike, c/l Old Westmin- * ZONING COMMISSIONER
ster Rd, 570' E Woodvalley Ct *
4th Election District, 3rd Councilmanic * OF BALTIMORE COUNTY

Legal Owner: Mary C. Pillas * CASE NO. 98-314-SPHA
Contract Purchaser: M.G. Enterprises, Inc. *
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 2nd day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard Alderman, Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: March 20, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 23, 1998
 Item No. 314

 The Bureau of Developer's Plans Review has reviewed the subject
zoning item. Subject to the Baltimore County Landscape Manual.

RWB:HJO:jrb

cc: File

ZONE0323.314

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 1998

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

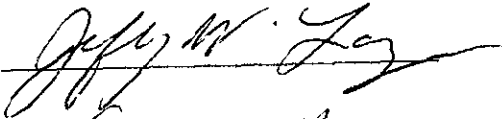
SUBJECT: Zoning Advisory Petitions

Item No. 314

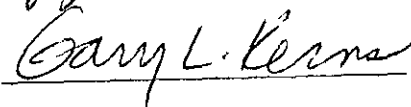
The Office of Planning supports the applicant's request provided that additional landscaping is provided along that portion of the property adjacent to the Westminster Pike.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



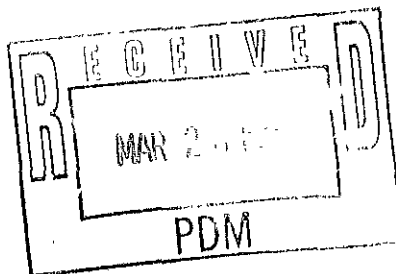
Division Chief:



AFK/JL



Baltimore County
Fire Department



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

March 23, 1998

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

RE: Property Owner: H.G. ENTERPRISES, INC.

Location: DISTRIBUTION MEETING OF MARCH 16, 1998

Item No.: 314 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 plan for the property.

4. The site shall be made to comply with all applicable sections 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. 901 "Fire Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 337-4001, MS 1104

cc: File



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mary Pallas
Geoff Davidson

GEORGEY C SCHULZ

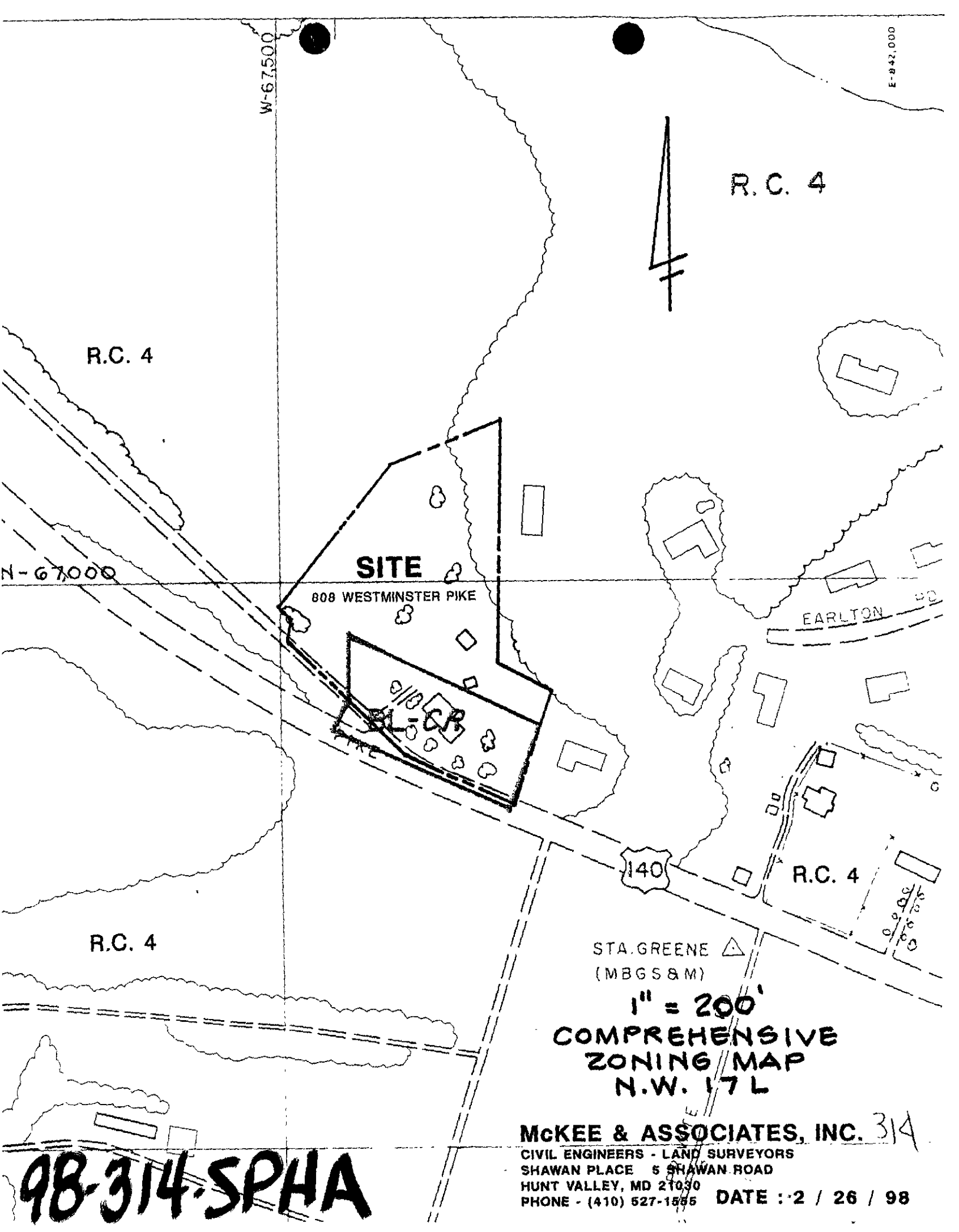
Howard L A Herman Jr Esq

108 W. Seminary Ave - 21093
2837 Aspen Hill Blvd 21234

5 SHAWAN RD - 21030

305 W. Chesapeake Ave 4/13 21204





W-67500

E-842,000

R.C. 4

R.C. 4

SITE

808 WESTMINSTER PIKE

N-67000

EARLTON RD

140

R.C. 4

R.C. 4

STA. GREENE 
(MBGS & M)

1" = 200'
**COMPREHENSIVE
ZONING MAP
N.W. 17 L**

McKEE & ASSOCIATES, INC. 314

CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 527-1555

DATE : 2 / 26 / 98

98-314-SPHA

April 6, 1998

To whom it may concern,

As a businessman and life long resident of the Reisterstown area, I have been patronizing the North Star Tavern since their opening in October. I have found it to be a great experience. They have excellent food at reasonable prices. The staff is friendly and the owner, Guy Davidson, is always in sight.

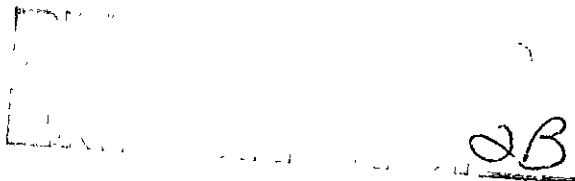
It has been brought to my attention that this establishment is considering an addition of an outside facility. I fully support this endeavor, for it would be a wonderful place to go where you could enjoy the outdoors while dining. I believe that a restaurant of this caliber will handle this addition positively. I, without hesitation, recommend this expansion.

I am sure the community will certainly enjoy the outside dining experience that the North Star Tavern can provide.

Sincerely,



James B. Eline
Eline Funeral Home
Reisterstown, MD





Baltimore County
Board of Liquor License Commissioners

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

April 9, 1998

Craig M. Schwartz, Esq.
700 One Center Plaza
120 West Fayette Street
Baltimore, MD 21201

RE: M.G. Enterprises, Inc.

Dear Mr. Schwartz:

The Board approves your request to serve alcoholic beverages in the patio area to be constructed, shown in the drawing submitted to Special Investigator Diffenderfer on March 28, 1998.

Be advised, it is your responsibility to obtain approval and permits if necessary, from the appropriate agencies of The Baltimore County Government.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Kilduff".

Jerry Kilduff
Deputy Admin/Chief Inspector

JK:smf

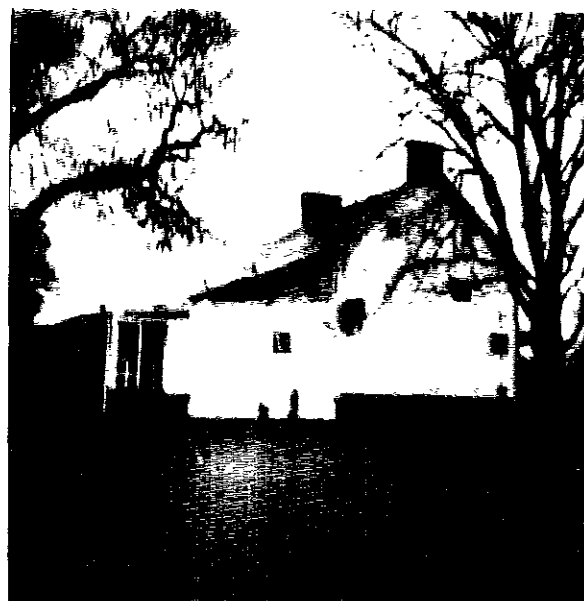
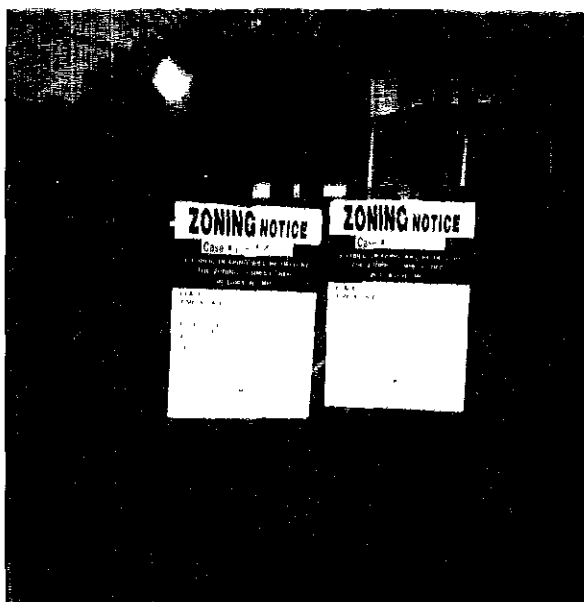
cc: License File
Day File

MGENTER.PRS/PERMIT/LIQBOARD

[Handwritten initials "JA" and a signature]

Case 98-314-SM

photocopy



North Face of Restaurant



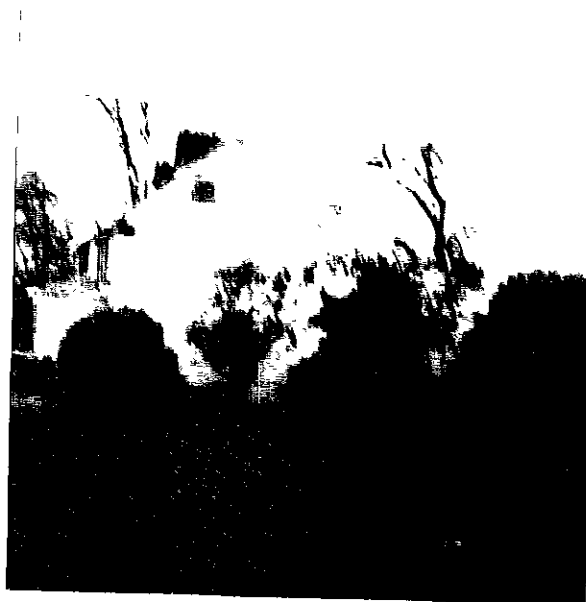
Looking West



Looking East



Looking Downward Parking Area



Southern Face of Restaurant

GENERAL NOTES

- Election District : 4TH
- Councilmanic District : 3RD
- 200 Scale Zoning Map No. N. W. 17 L
- There are no previous commercial permits available for this site.
- All signs shall comply with all applicable zoning regulations.
- This site operates on private well and septic systems.
- There are no streams or wetlands on site or within 100 feet of this site.
- All existing outbuildings are for storage use only and not for customer use.
- All parking spaces shown are a minimum size of 8 1/2 feet x 18 feet.
- Owner Information - Mary C. Pillas
108 West Seminary Avenue
Lutherville, Maryland 21093
- Deed Reference - 6537/538
- Account No. 04-03-049740
- Flood Zone "C".

MICHAEL J. JULIA D.
STEARNS 11/08/512
2200026924

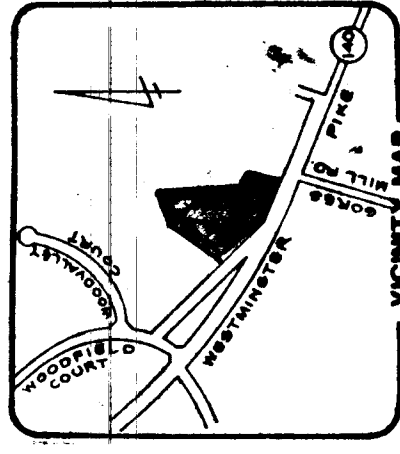
LOT 20
WOODRIDGE
S.M. 68/109

WOODLEAF INC.
5860/253
2200026925

LOT 21
WOODRIDGE
S.M. 68/103

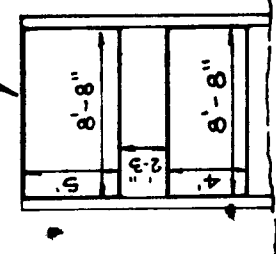
SITE TABULATION

1. Existing Zoning	BL-CR & RC-4	7. Proposed Addition and Patio 2,000 S.F.
2. Gross Area of Site		8. Total Proposed Floor Area 6,740 S.F.
BL-CR	51,870 S.F. =	9. Floor Area Ratio
RC-4	133,047 S.F. =	BL-CR 6,740 S.F./51,870 S.F. =
Total	184,917 S.F. =	Overall Site 6,740 S.F./184,917 =
3. Net Area of Site		10. Existing Parking Required 4,740/1,000 x 16 = 76 Spaces
BL-CR	49,615 S.F. =	11. Existing Parking Provided 41 Spaces
RC-4	123,024 S.F. =	12. Additional Parking Required 2,000/1,000 x 16 = 32 Spaces
Total	172,639 S.F. =	13. Proposed Additional Parking 41 Spaces
4. Existing Use	Restaurant	14. Total Parking Required 6,740/1,000 x 16 = 108 Spaces
5. Proposed Use	Restaurant	15. Total Parking Provided 82 Spaces
6. Existing Floor Areas		
1 st Floor	3,448 S.F.	
2 nd Floor	1,232 S.F.	
Total	4,740 S.F.	



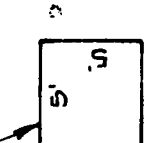
SCALE : 1" = 1000'
NOTE : NOT IN CBGA

FREE STANDING
75 SF PER SIDE
TWO SIDED ILLUMINATED
SIGN

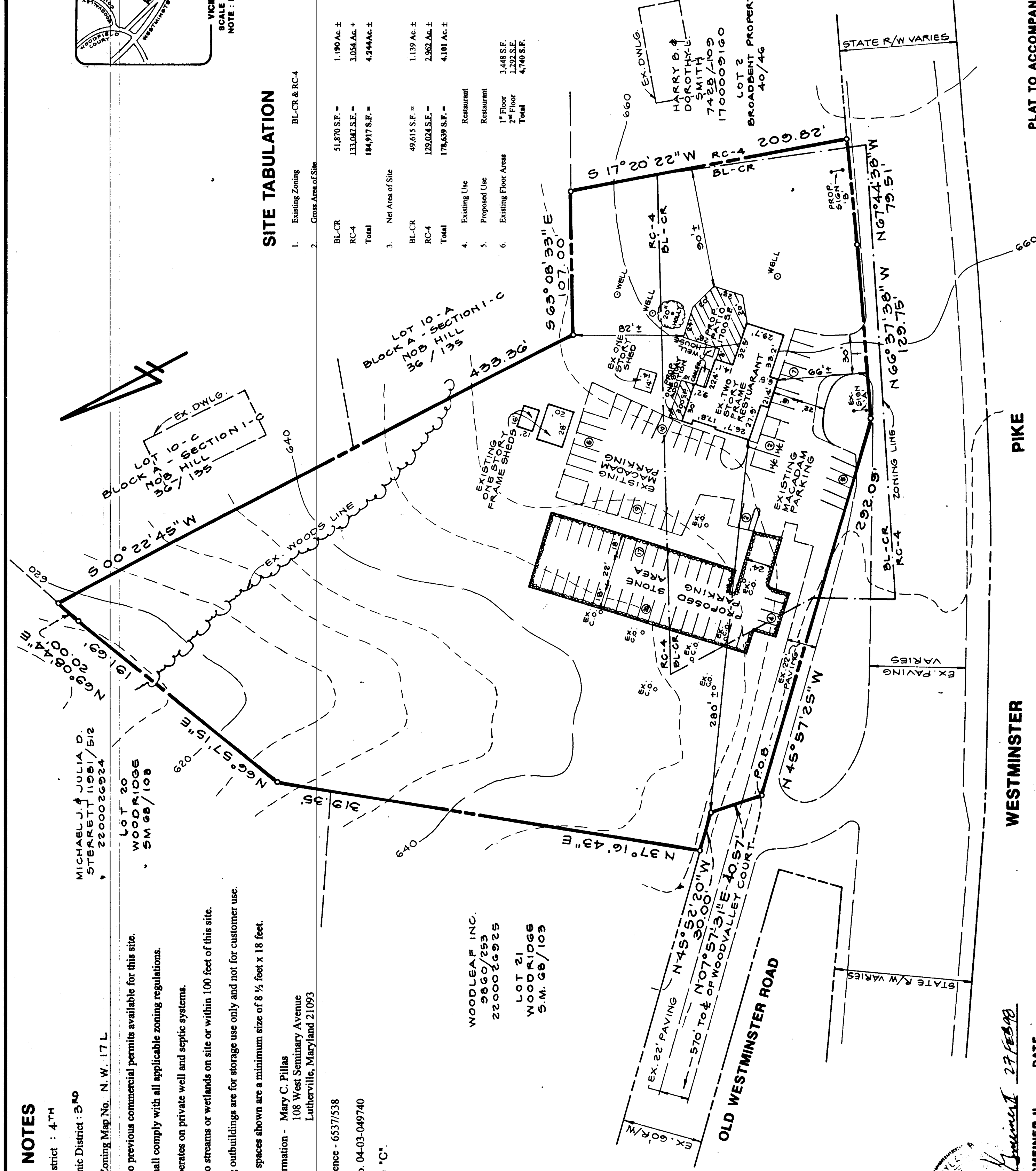


EXISTING SIGN 'A'
SCALE : 1" = 10'

FREE STANDING
25 SF PER SIDE
TWO SIDED ILLUMINATED
SIGN



PROPOSED SIGN 'B'
SCALE : 1" = 10'



WESTMINSTER

(MD STATE ROUTE NO. 140)
(DIVIDED HIGHWAY)

PIKE

AMBROSE E. GMEINER II DATE
MD REG. NO. 20004

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE - 8 SHAWAN ROAD
HUNT VALLEY, MD 21039
PHONE - (410) 527-1555

PLAT TO ACCOMPANY PETITIONS FOR
SPECIAL HEARING AND ZONING VARIANCE
808 WESTMINSTER PIKE
4 TH ELECTION DISTRICT BALTIMORE CO., MD
SCALE : 1" = 50' DATE : 2 / 26 / 98

98.314.SPMA