

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/Corner York Road and Gerard Avenue
(2119 York Road and 10 Gerard Avenue) * ZONING COMMISSIONER
8th Election District
4th Councilmanic District * OF BALTIMORE COUNTY

Michael S. Dellis, et ux * Case No. 99-482-SPH
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Michael S. and Marcella Dellis, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek approval of an amendment to the previously approved site plan in prior Case No. 95-221-SPH to reflect the proposed construction of an outdoor deck/seating area. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were Michael Dellis, owner of the property, Joseph Larson of Spellman, Larson & Associates, Inc., the engineering firm which prepared the site plan of this property, and F. Vernon Boozer, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject property is located on the northeast corner of the intersection of York Road and Gerard Avenue in Timonium and is the site of Michael's Restaurant, which is well-known to this Zoning Commissioner and most residents of the Timonium area. The property is a rectangular shaped parcel which abuts both York Road and Gerard Avenue. The restaurant fronts York Road and bears the street address of 2119 York Road. It is situated on a parcel of land containing approximately .55 acres, zoned B.R.-A.S. The restaurant parcel is used in conjunction with another parcel located to the rear of the subject property, known as 10 Gerard Avenue. That parcel is improved with a three-story brick office building, known as the Gerard Building, and contains

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Date

BY

.87 acres in area, zoned R.O. Pursuant to the relief granted in prior Case No. 95-221-SPH, the parcels are utilized together to share a common parking lot.

As noted above, Michael's Restaurant is a thriving business in Timonium and attracts a large number of regular patrons. It has been the subject of several zoning cases in the past, the most recent being Case No. 95-221-SPH. In that case, the parking arrangement as noted above was approved by Deputy Zoning Commissioner Timothy M. Kotroco, by Order dated February 13, 1995. Moreover, that Order allowed commercial parking in a residential zone, an amendment of a prior site plan, and approval of a modified parking plan.

The Petitioners now come before me seeking approval of an amendment to the site plan approved in Case No. 95-221-SPH to reflect the proposed improvements. Specifically, the Petitioners propose to construct an open deck on the second floor of the restaurant building. Testimony indicated that the deck would be 733 sq.ft. in area and provide seating for up to 40 patrons. In a prior zoning case (No. 86-377-A), variance relief was granted to permit 35 fewer parking spaces on the subject property than that required. Later, in Case No. 95-221-SPH, the Petitioner was granted approval of a modified parking plan, pursuant to Section 409.12 of the B.C.Z.R. Utilizing this relief, the Petitioner seeks approval under the instant Petition for the proposed improvements and site plan received in this case as Petitioner's Exhibit 1. (See, i.e., the parking calculations thereon.)

There were no Protestants present and no adverse Zoning Plans Advisory Committee (ZAC) comments. Originally, a ZAC comment from the Fire Department was received indicating a concern about access to a Fire Department connection. However, Mr. Larson indicated that he met with the Fire Department at the property prior to the hearing and that this issue had been resolved. Indeed, an amended ZAC comment was received from the Fire Department on July 2, 1999 indicating no objection to the proposal.

A ZAC comment was also received from the Office of Planning. That comment indicates that the Office of Planning has no objections to the request, contingent upon the submittal of a landscape plan and architectural elevation drawings of the proposed deck. Mr. Larson also

indicated that those drawings had been submitted and approved by the Office of Planning and that a landscape plan had also been submitted for review and approval.

The history of this site and its popular use certainly cause some reservations by this Zoning Commissioner in terms of considering the request. However, as noted above, there were no opponents at the hearing and the ZAC comments submitted do not oppose the request. Moreover, the shared parking arrangement between the office building and restaurant, and the fact that these uses have differing peak hours (restaurant on weekends/evenings, and the office building on weekdays during daytime hours) appear to provide a workable parking arrangement.

Based upon the uncontradicted testimony and evidence presented, I am therefore persuaded to grant the Petition for Special Hearing. I shall incorporate the site plan entered into evidence as Petitioner's Exhibit 1 as part of this approval. Moreover, all terms, conditions, and restrictions of the prior Orders issued on this property shall remain in full force and effect, except as expressly amended herein. I shall also require that the Petitioners obtain approval of its building elevation drawings for the proposed deck from the Office of Planning and have its landscape plan submitted and approved by Avery Harden, the County's landscape architect, prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1999 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in prior Case No. 95-221-SPH to reflect the proposed improvements in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.

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Date

By

- 2) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings of the proposed deck for review and approval by the Office of Planning. In addition, the Petitioners shall submit a landscape plan for review and approval by Mr. Avery Harden, the County's Landscape Architect.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that all other terms and conditions of the Orders issued in prior Cases Nos. 86-377-A and 95-221-SPH, except as expressly modified herein, shall remain in full force and effect.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

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

August 3, 1999

F. Vernon Boozer, Esquire
Boozer & Covahey
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner York Road and Gerard Avenue
(2119 York Road and 10 Gerard Avenue)
8th Election District - 3rd Councilmanic District
Michael S. Dellis, et ux - Petitioners
Case No. 99-482-SPH

Dear Mr. Boozer:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Michael S. Dellis
2119 York Road, Timonium, Md. 21093
Mr. Joseph Larson, Spellman, Larson & Assoc., Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204
Mr. Lou Miller, Timonium Community Council
People's Counsel; Case File

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



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on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

2119 York Road.
for the property located at 10 Gerard Avenue Timonium, Md.
which is presently zoned BR-AS & RO

This Petition shall be filed with the Department of Permits and 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

A request to amend a previously approved Site Plan dated
December 7, 1994.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print N/A
Signature N/A
Address N/A Telephone No. N/A
City N/A State N/A Zip Code N/A

Attorney For Petitioner:

Name - Type or Print F. Vernon Boozer
Signature [Signature]
Company Boozer & Covahey
Address 614 Bosley Avenue Telephone No. 410-828-9441
City Towson State MD Zip Code 21204

Legal Owner(s):

Name - Type or Print Michael S. Dellis
Signature [Signature]
Name - Type or Print Marcella Dellis
Signature [Signature]
Address 2119 York Road Telephone No. 410-252-2022
City Timonium State Md. Zip Code 21093

Representative to be Contacted:

Name F. Vernon Boozer
Address 614 Bosley Avenue Telephone No. 410-828-9441
City Towson State Md Zip Code 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 Hrs.

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-28-99

482

ORDER RECEIVED FOR FILING

Case No. 99-482-SP14

Date 9/15/98
By [Signature]

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:

N/A
Name - Type or Print
N/A
Signature
N/A
Address Telephone No.
N/A
City State Zip Code

Attorney For Petitioner:

F. Vernon Boozer
Name - Type or Print
F. Vernon Boozer
Signature
Boozer & Covahey
Company
614 Bosley Avenue 410-828-9441
Address Telephone No.
Towson Md. 21204
City State Zip Code

Legal Owner(s):

Gerard Associates, LLC
Name - Type or Print
Lawrence J. Thanner Jr.
Signature
Lawrence J. Thanner Jr.
Manager
Name - Type or Print
Signature
P.O. Box 4127
Address Telephone No.
Timonium Md. 21094-4127
City State Zip Code

Representative to be Contacted:

F. Vernon Boozer
Name
614 Bosley Avenue 410-828-9441
Address Telephone No.
Towson Md. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 Hr

UNAVAILABLE FOR HEARING —

Reviewed By SMF Date 5-28-99

Case No. 99-482-SPU

227 9/15/98

482



ROBERT E. SPELLMAN P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING NO. 10 GERARD AVENUE, 8TH DISTRICT,
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Gerard Avenue, 40 feet wide, the distance of 126.31 feet measured easterly along the north side of Gerard Avenue from the fillet curve connecting the north side of Gerard Avenue and the northeast side of York Road as widened and as shown on State Roads Commission Right-of-Way Plat No. 42189 and running thence and binding on the north side of Gerard Avenue north 86 Degrees 05 Minutes 28 Seconds east 230.60 feet thence leaving the north side of Gerard Avenue and running north 12 Degrees 08 Minutes 32 Seconds west 160.33 feet to the south side of a 16.5 foot alley running thence and binding on the south side of said alley south 86 Degrees 09 Minutes 58 Seconds west 250.57 feet thence leaving the south side of said alley and running south 19 Degrees 01 Minutes 02 Seconds east 164.70 feet to the place of beginning.

Containing 0.87 acres of land, more or less.

5/12/99



99-482-SPA

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

482



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING MICHAEL'S RESTAURANT PROPERTY, YORK
ROAD AND GERARD AVENUE, 8TH DISTRICT, BALTIMORE COUNTY,
MARYLAND

Beginning for the same at a point on the north side of Gerard Avenue, 40 feet wide, at the beginning of the fillet connecting the north side of Gerard Avenue with the north east side of York Road, as widened, and as shown on State Road Commission Right-of-Way Plat No. 42189 and running thence and binding on said fillet curve northwesterly by curve to the right with a radius of 26.73 feet the distance of 33.79 feet (the chord of the arc bears north 57 Degrees 41 Minutes 32 Seconds west 31.50 feet) to the north east side of York Road herein referred to running thence and binding on the north east side of York Road north 21 Degrees 29 Minutes 02 Seconds west 147.32 feet to the south side of a 16.5 foot alley thence leaving the north east side of York Road and binding on the south side of said alley north 86 Degrees 09 Minutes 58 Seconds east 153.30 feet thence leaving the south

99-482-SPH

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
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GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

482



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING MICHAEL'S RESTAURANT PROPERTY, YORK
ROAD AND GERARD AVENUE, 8TH DISTRICT, BALTIMORE COUNTY,
MARYLAND

Page: 2

side of said alley and running south 19 Degrees 01 Minutes 02
Seconds east 164.70 feet to the north side of Gerard Avenue
herein referred to and running thence and binding on the
north side of Gerard Avenue south 86 degrees 05 Minutes 28
Seconds west 126.31 feet to the place of beginning.

Containing 0.55 acres of land, more or less.

5/12/99



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

482

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067369

DATE 5/28/99

ACCOUNT R 0001 6150

AMOUNT \$ 250.00

RECEIVED FROM:

Donor: Greenhouses

FOR:

Secord Avenue 250.00
Cen 1250.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

482

CASHIER'S VALIDATION

99.482.5DH

PAID RECEIPT

RECEIVED ACTION TIME
5/28/1999 5/28/1999 10:28:10
REB 0002 CASHIER LISA LXS DRACER
DEPT 5 528 JOURNAL VERIFICATION
RECEIPT # 095387
CR NL 067369
RECEIVED TOTAL 250.00
250.00 OK
Baltimore County, Maryland

**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: #99-482-SFH
2119 York Road & 10' Gerard Avenue (Michael's Restaurant)
NEC York Road and Gerard Avenue
8th Election District
4th Councilmanic District
Legal Owner(s): Marcella & Michael S. Dellis and Gerard Associates, LLC

Special Hearing: to amend a previously approved site plan dated December 7, 1994.

Hearing: Tuesday, July 6, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 481 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/26/99 June 17 C319765

319/65

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/17/, 1999

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 6/17/, 1999.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 99-482-SPH

Petitioner/Developer: MICHAELS, ETAL
% V. BOOZER, ESQ

Date of Hearing/Closing: 7/6/99

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 E.S. YORK RD.

C N.S. GERARD AVE.
2 SIGNS

The sign(s) were posted on 6/19/99
(Month, Day, Year)

Sincerely,

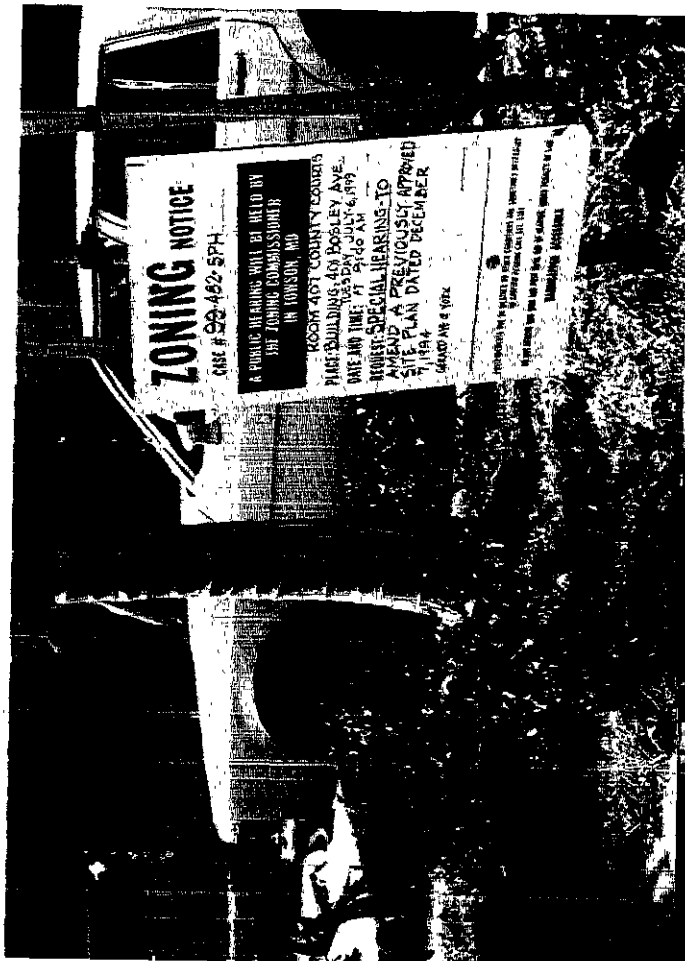
Patrick M. O'Keefe 6/20/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



RE: PETITION FOR SPECIAL HEARING
2119 York Road (Michael's Restaurant),
NEC York Rd and Gerard Ave
8th Election District, 4th Councilmanic

Legal Owner: Michael S. & Marcella Dellis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-482-SPH

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esq., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 9, 1999

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: 99-482-SPH
2119 York Road & 10 Gerard Avenue (Michael's Restaurant)
NEC York Road and Gerard Avenue
8th Election District – 4th Councilmanic District
Legal Owner: Marcella & Michael S. Dellis and Gerard Associates, LLC

Special Hearing to amend a previously approved site plan dated December 7, 1994.

HEARING: Tuesday, July 6, 1999 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the number "54" written below it.

Arnold Jablon
Director

c: F. Vernon Boozer, Esquire
Marcella & Michael Dellis
Gerard Associates, LLC

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 21, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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



TO: PATUXENT PUBLISHING COMPANY
June 17, 1999 Issue – Jeffersonian

Please forward billing to:

Michael Dellis
2119 York Road
Timonium, MD 21093

410-252-2022

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: 99-482-SPH

2119 York Road & 10 Gerard Avenue (Michael's Restaurant)

NEC York Road and Gerard Avenue

8th Election District – 4th Councilmanic District

Legal Owner: Marcella & Michael S. Dellis and Gerard Associates, LLC

Special Hearing to amend a previously approved site plan dated December 7, 1994.

HEARING: Tuesday, July 6, 1999 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 482

Petitioner: Michael Dellis & Marcella Dellis

Address or Location: 2119 York Road Timonium Md. 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael Dellis

Address: 2119 York Road

Timonium, Md. 21093

Telephone Number: 410-252-2022

Revised 2/20/98 - SCJ

482
99-482-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 2, 1999

F. Vernon Boozer, Esq.
Boozer & Covahey
614 Bosley Avenue
Towson, MD 21204

Dear Mr. Boozer:

RE: Case No.: 99-482-SPH, Petitioner: Dellis,
Location: 2119 York Road/10 Gerard Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

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





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

RE: Property Owner: MARCELLA DELLIS AND MICHAEL S. DELLIS &
GERARD ASSOCIATES, LLC. - 482

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: 482 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", 1994 edition prior to occupancy.

THE FIRE DEPARTMENT CONNECTION IS NOT TO BE OBSTRUCTED. THE PROPERTY DECK EXTENDING OVER THE FDC IS NOT ACCEPTABLE.

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File

RECEIVED JUN 21 1999

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





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 2, 1999

**** REVISED COMMENTS ****

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

RE: Property Owner: MARCELLA DELLIS AND MICHAEL S. DELLIS &
GERARD ASSOCIATES, LLC. - 482

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No: (482) 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.

The proposed deck shall not extend past the existing building foot print and therefore will not interfere with the fire department connection. The shrubs that are currently obstructing the fdc will need to be removed.

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", 1994 edition prior to occupancy.

REVIEWER: CAPTAIN R. DE FLAVIS
Fire Marshal Office, PHONE 887-4882, MS-1102F

cc: File

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



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on Recycled Paper

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: June 16, 1999

FROM:  Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for June 14, 1999
 Item Nos. 456, 459, 460, 461, 462,
 464, 466, 467, 468, 469, 471, 472,
 474, 475, 476, 477, 482, 483, 484,
 & 485

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

RWB:HJO:jrb

cc: File

ZAC06149.NOC

RECEIVED JUN 21 1999

Aug
7/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 30, 1999

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

SUBJECT: 2119 York Road

INFORMATION:

Item Number: 482
Petitioner: Michael S. Dellis and Marcella Dellis
Property Size: .55 acres
Zoning: BR-AS/RO
Requested Action: Special Hearing
Hearing Date: July 6, 1999

SUMMARY OF RECOMMENDATIONS:

The purpose of the special hearing in this case is to amend a previously approved Site Plan dated December 7, 1994.

The subject property is improved with an 8000 square foot restaurant located on the northeast corner of York Road and Gerard Avenue. There are 14 parking spaces provided on site, and a shared parking arrangement with the adjacent Gerard office complex provides for a total of 139 parking spaces. A landscaped area is provided on the corner of Gerard Avenue adjacent to another commercial establishment and residences on the south side of Gerard Avenue.

A previous order issued by the Zoning Commissioner designated specific landscaping and screening requirements pertaining to the rear parking area, dumpster, Gerard Avenue street edge, and the adjoining property on the Gerard office building site.

This request to amend the previously approved site plan proposes to delete several concrete islands that were to have been planted, and eliminate the screening of the dumpster. The applicants contend that because of the constrained parking area in the rear of the site, both of these conditions would impair traffic circulation and cause the loss of approximately six to eight parking spaces. Additionally, the applicants propose construction of a second story rooftop deck for increased seating area.

The applicants met with representatives of this office and Avery Harden of the Department of Public Works and arrived at a revised landscape treatment that would delete the islands in question and replace those with tree plantings along the right-of-way of Gerard Avenue at various strategic locations.

This office has no objection to this request, provided that the following conditions are met:

1. A revised landscape plan is submitted to the Office of Planning for review and approval.
2. Architectural elevations of the proposed deck addition are submitted to the Office of Planning for review and approval.

Section Chief: Jeffrey W. F. Z.

AFK:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6.4.99

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

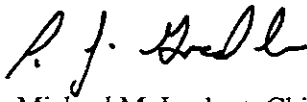
RE: Baltimore County
Item No. 482 JRA

Dear Ms. Stephens:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Michael M. Lenhart, Chief
Engineering Access Permits Division

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

F. VERNON BOOZER

614 Bosley Ave 21204

MICHAEL DALLS

2119 YORK DR. 21093

JOSEPH LARSON

105 W. Chesapeake Ave 21204

IMPORTANT MESSAGE

FOR JS

DATE 7/7 TIME 2:15 A.M.
P.M.

FROM Stuart Kaplow

OF _____

PHONE 410/339-3910

☐ FAX

☐ MOBILE

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Michael's

Hearing 7/6/99

for Miller
44 E Seminary Rd
Jen., 21093

Bette/Larry, re: Michael's Rest.
99-482-SPH

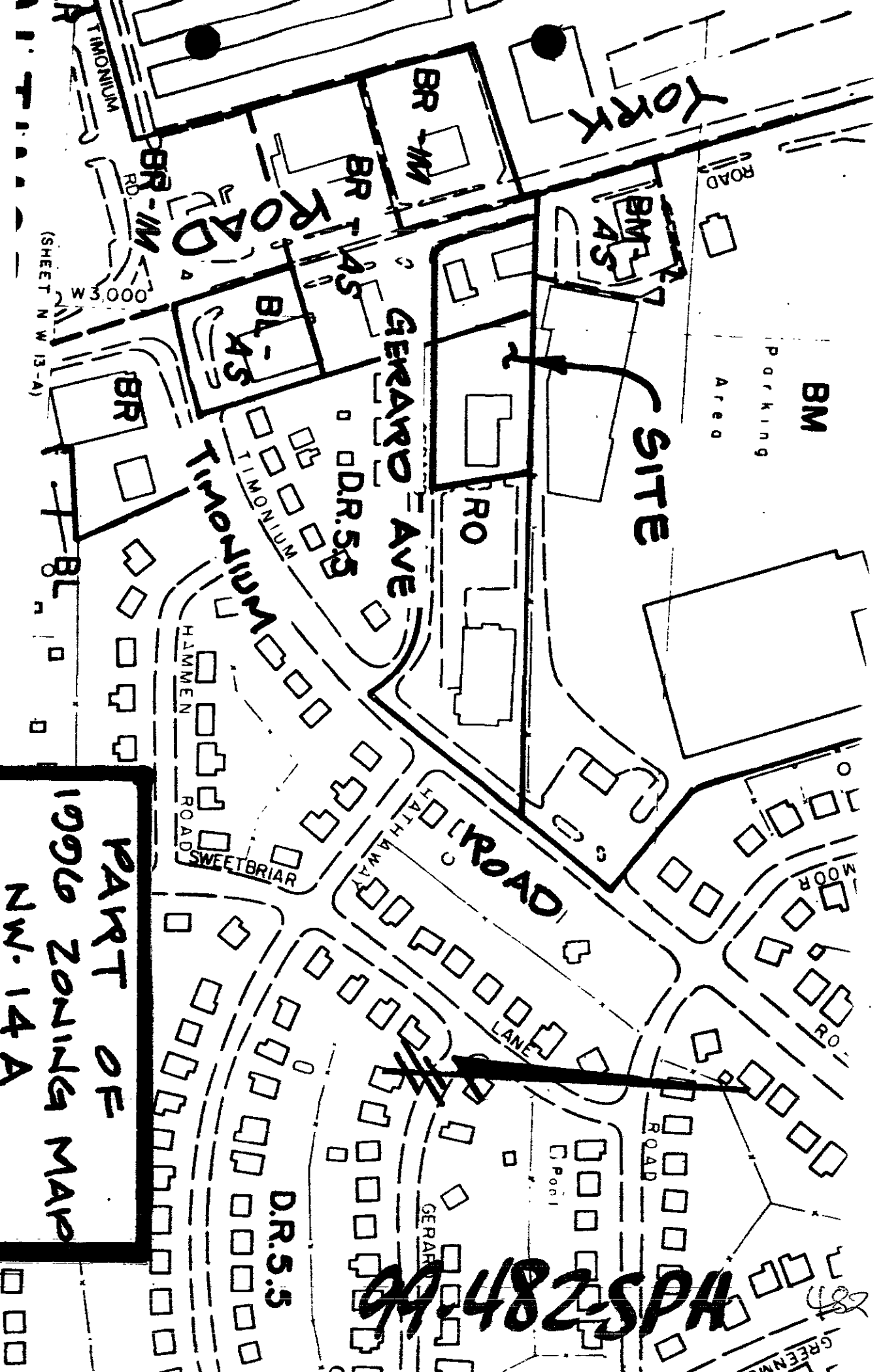
Stuart Kaplow would like a copy of the decision mailed to him regarding this case. He said he represents 3 adjacent property owners. JS
7/7/99



Printed with Soybean Ink
on Recycled Paper

ING

PART OF
1996 ZONING MAP
NW. 14A
1" = 200'



99-482-SPA

PARKING CALCULATIONS

MICHAEL'S RESTAURANT
 EXISTING RESTAURANT = 7,925 SF
 PARKING REQUIRED: 10 SPACES PER 1,000 SF
 $\frac{7,925}{1,000} \times 10 = 127$ SPACES REQUIRED
 PROPOSED DECK = 793 SF
 $\frac{793}{1,000} \times 10 = 12$ SPACES REQUIRED
 TOTAL 139 SPACES REQUIRED

NOTE: ALL PARKING DRIVEWAY AREAS ARE DUSTLESS DURABLE SURFACES.

GERARD BLDG. - PARKING CALCULATIONS

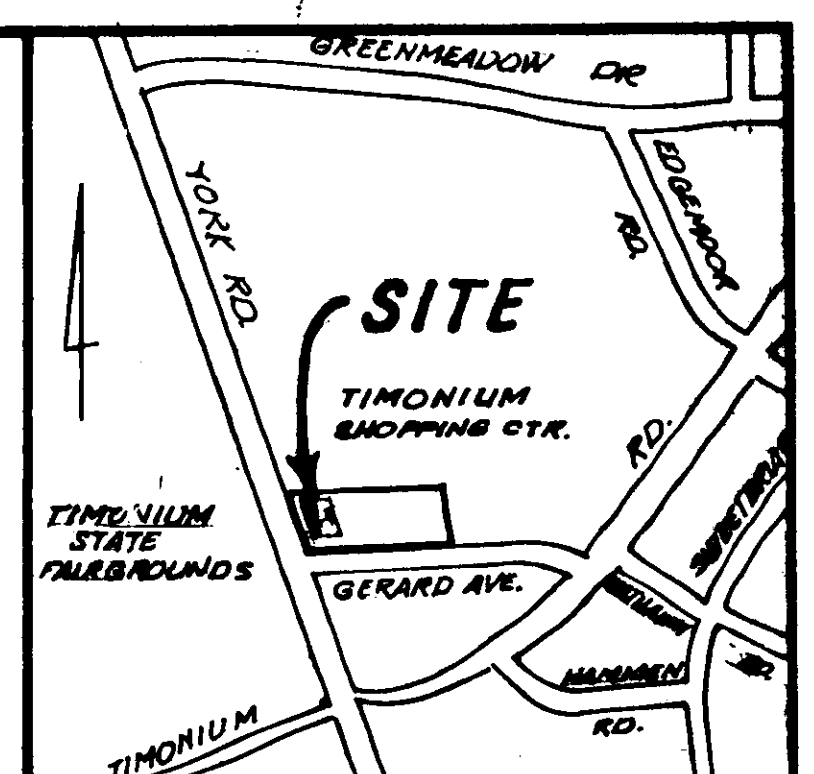
1ST FLOOR AREA = 6,420 SF
 PARKING REQUIRED = 1 SPACE/500 SF = $\frac{6,420}{500} = 13$ SPACES
 2ND & 3RD FLOOR AREA = 18,840 SF
 PARKING REQUIRED = 1 SPACE/500 SF = $\frac{18,840}{500} = 38$ SPACES
 TOTAL PARKING REQUIRED = 51 SPACES

COMBINED SITE PLAN SHARED PARKING CALCULATIONS

	WEEK DAY		WEEKEND		
	DAYTIME (6AM-6PM)	EVENING (6PM-MIDNIGHT)	DAYTIME (6AM-6PM)	EVENING (6PM-MIDNIGHT)	NIGHTTIME (MIDNIGHT-6AM)
OFFICE	100% = 48	10% = 4.8	10% = 4.8	5% = 2.4	5% = 2.4
RESTAURANT	50% = 70	100% = 139	100% = 139	100% = 139	10% = 14
	118	144	144	14	17
THEREFORE PARKING REQUIRED BY SHARED PARKING CALCULATIONS =					144 SPACES
PARKING REDUCTION BY PREVIOUS VARIANCE (CASE NO. 86-377-A) =					35 SPACES
NET PARKING REQUIREMENTS =					109 SPACES
PARKING PROVIDED =					109 SPACES

SPECIAL NOTE: BCZR 409.8.B.2

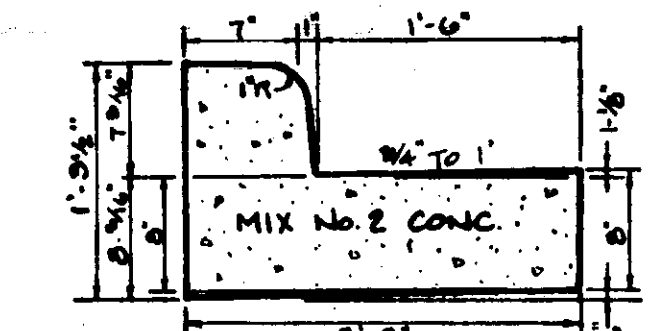
COMMERCIAL PARKING IN RESIDENTIAL ZONE
 1. THE LAND SO USED ADJOINS THE BUSINESS INVOLVED.
 2. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 3. NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 4. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED.
 5. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS IS PROVIDED HEREON.
 6. METHOD AND AREA OF OPERATION, PROVISION FOR MAINTENANCE AND PERMITTED HOURS OF USE ARE PROVIDED HEREON AND BY SUPPLEMENTAL DOCUMENTATION.



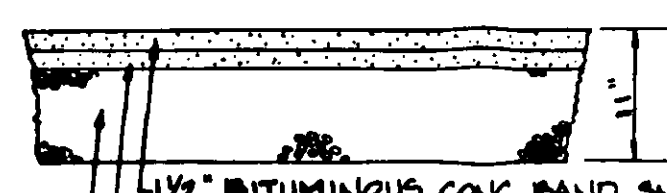
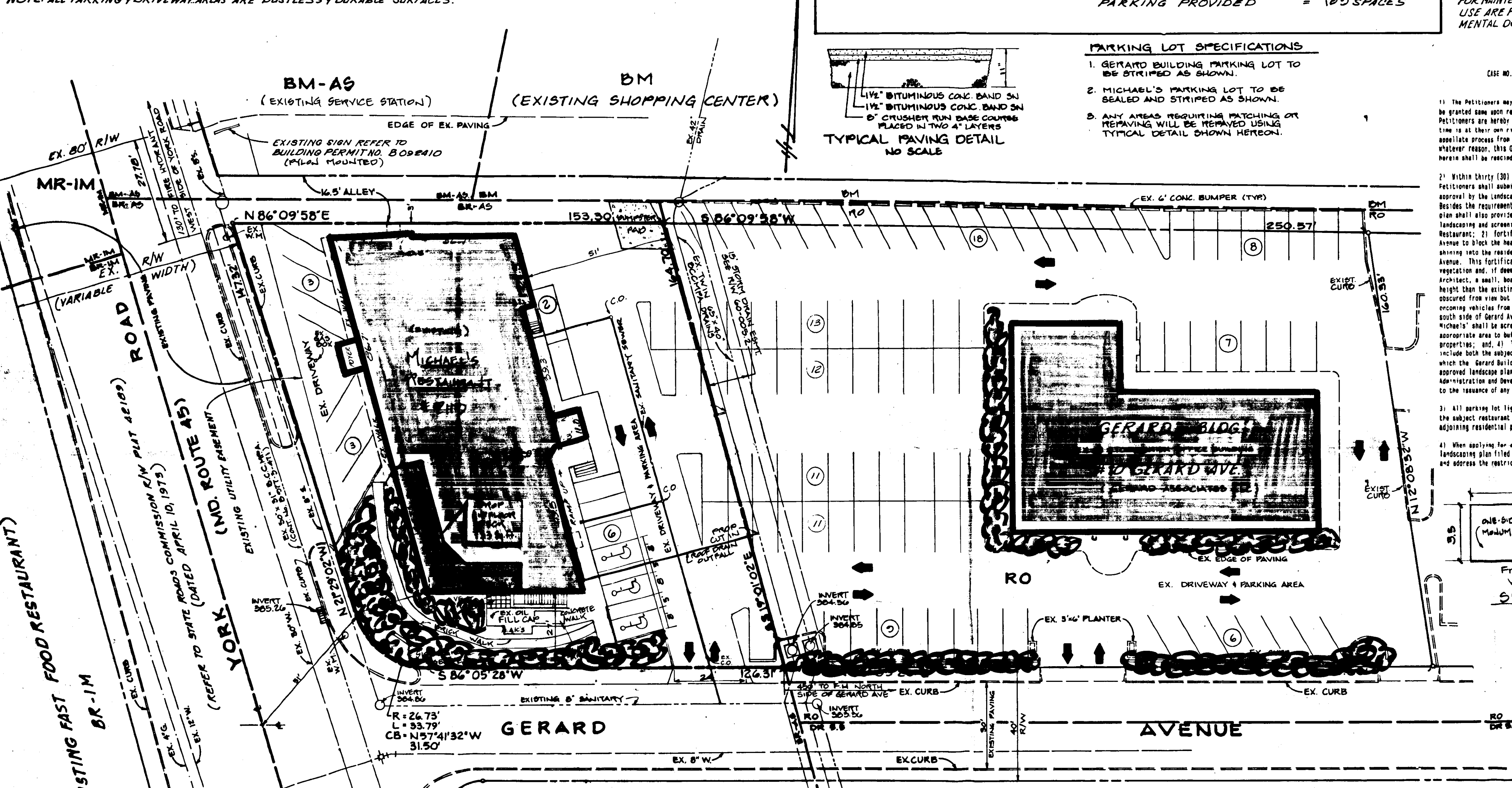
VICINITY MAP
 SCALE: 1" = 500'

SITE DATA

MICHAEL'S RESTAURANT
 AREA OF TRACT = 0.55 ACRES
 EXISTING ZONING = BR-A5
 EXISTING USE = RESTAURANT-AUTO SHOP
 PROPOSED USE = RESTAURANT
 TAX ACCOUNT NO. = 05-0810076076
 DEED REFERENCE = 006/1483
 PLAT REFERENCE = YORKSHIRE 1/21
 FLOOR AREA RATIO = 10.284
 FLOOR AREA = 5,958 SF
 SITE AREA = 23,988 SF
GERARD BUILDING
 AREA OF TRACT = 0.87 ACRES
 EXISTING ZONING = R-O
 EXISTING USE = OFFICES
 PROPOSED USE = OFFICES
 TAX ACCOUNT NO. = 05-0805043206
 DEED REFERENCE = 10840/639
 PLAT REFERENCE = YORKSHIRE 1/21
 TAX MAP 60 GRID 12 PARCEL 579



DETAIL - 7" COMBINATION CURB & GUTTER
 NOT TO SCALE



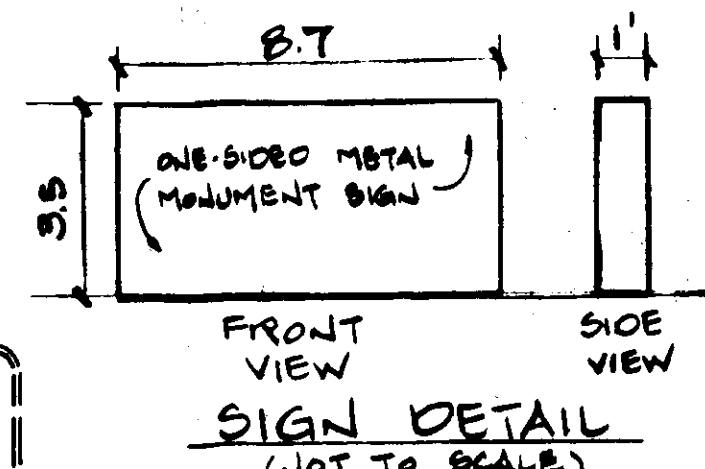
TYPICAL PAVING DETAIL
 NO SCALE

PARKING LOT SPECIFICATIONS

- GERARD BUILDING PARKING LOT TO BE STRIPED AS SHOWN.
- MICHAEL'S PARKING LOT TO BE SEALED AND STRIPED AS SHOWN.
- ANY AREAS REQUIRING PATCHING OR REPAVING WILL BE PREPARED USING TYPICAL DETAIL SHOWN HEREON.

CASE NO. 95-221-SPM-RESTRICTIONS

- The petitioner may apply for their building permit and be granted same upon receipt of this order. However, petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.
- Within thirty (30) days of the date of this order, the petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Besides the requirements of the Landscape Architect, said plan shall also provide the following: 1) Adequate landscaping and screening of the dumpster used by Michael's Restaurant; 2) Fortify the existing hedge along Gerard Avenue to block the headlights of incoming vehicles from shining into the residences on the south side of Gerard Avenue. This fortification shall require additional vegetation and, if deemed appropriate by the Landscape Architect, a small, board-board fence, no greater in height than the existing hedge. This fence will be obscured from view but will serve to screen the headlights of incoming vehicles from view by those residents along the south side of Gerard Avenue; 3) The proposed addition to Michael's shall be screened to the extent possible in the appropriate area to buffer its use from adjoining residential properties; and, 4) The screening of the subject site shall include both the subject site and the adjoining property on which the Gerard Building is located. A copy of the approved landscape plan shall be submitted to the Zoning Administration and Development Management (ZADM) office prior to the issuance of any building permits.
- All parking lot lighting and any lighting associated with the subject restaurant shall be directed down and away from adjoining residential properties.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this order.



FRONT VIEW
 SIDE VIEW
 SIGN DETAIL
 (NOT TO SCALE)

EXISTING UTILITY NOTE:

EXISTING PUBLIC UTILITIES AND WATER / SEWER SERVICE CONNECTIONS AS SHOWN ON PLANS ARE DERIVED FROM STATE & COUNTY CONTRACT DRAWINGS. CONTRACTOR MUST FIELD VERIFY THE LOCATION AND DEPTH OF THE UTILITIES TO HIS OWN SATISFACTION. INVERT ELEVATIONS FOR THE STORM DRAIN AND SANITARY SEWER STRUCTURES SHOWN HEREON HAVE BEEN FIELD VERIFIED BY SPELTMAN, LARSON & ASSOCIATES, INC.

MICHAEL'S RESTAURANT ZONING & BUILDING PERMIT HISTORY

REFER TO CASE NO. 86-377-A
 VARIANCES GRANTED 11-26-86
 1) RELIEF FROM SECTION 409.8.B.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) TO ALLOW AN EXISTING SIDE YARD SETBACK OF 2.94 FEET IN LIEU OF 30 FEET;
 2) RELIEF FROM BCZR 409.8.B.2 TO PERMIT 44 PARKING SPACES IN LIEU OF 79 SPACES;
 3) RELIEF FROM BCZR 409.8.C.4 TO PERMIT A DISTANCE OF 2 FEET FROM THE PARKING SPACE TO THE STREET PROPERTY LINE IN LIEU OF 8 FEET;
 4) RELIEF FROM BCZR SECTION 102.2 (230.2) TO PERMIT A DISTANCE BETWEEN BUILDINGS OF 25 FEET IN LIEU OF THE REQUIRED MAXIMUM OF 60 FEET; AND
 5) RELIEF FROM SECTION 230.1 TO PERMIT THE DISTANCE TO CENTER LINE OF SIDE STREET OF 42 FEET IN LIEU OF 90 FEET.
 (REFER TO PREVIOUS BUILDING PERMIT NO. B 005116)
 ORIGINAL BUILDING AND PARKING LOT WAS CONSTRUCTED PRIOR TO 1984 AS EVIDENCED BY BCBE CONSTRUCTION DRWG. NO. 84-10524-4. EXACT DATE OF CONSTRUCTION WAS ESTIMATED AS EARLY 1940'S BY CURRENT OWNER RECORDS.

DR 5.5 (EXISTING RESIDENTIAL)

ZONING SPECIAL HEARING CASE NO. 95-221-SPM

- TO ALLOW COMMERCIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO BCZR SECTION 409.8.B.
- TO AMEND & PREVIOUS SITE PLANS
 i.e. MICHAEL'S RESTAURANT DATED OCTOBER 3, 1985
 GERARD BUILDING DATED JULY, 1968
- TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO BCZR SECTION 409.12

ORDER GRANTED FEB. 13, 1995

GERARD BUILDING ZONING HISTORY

REFER TO CASE NO. 69-68-X
 SPECIAL EXCEPTION TO ALLOW OFFICES IN A RESIDENTIAL ZONE. GRANTED SEPTEMBER 16, 1968



OWNER / DEVELOPER
 MICHAEL'S RESTAURANT
 MARCELLA & MICHAEL S. DELLIS
 2110 YORK ROAD
 TIMONIUM, MARYLAND 21093

REVISIONS		
NO.	DATE	DESCRIPTION
1	9/17/92	FOR PLUMBING ENFORCEMENT

SPELTMAN, LARSON & ASSOCIATES, INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
 PHONE: 823-3535

PLAT TO ACCOMPANY
 ZONING PETITION
MICHAEL'S RESTAURANT
 2110 YORK ROAD
 TIMONIUM

8TH ELECTION DISTRICT
 SCALE: 1" = 20'
 DATE: 9/18/92
 DES. BY: JLL
 DRN. BY: JMC
 SHT. 1 OF 1