

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S York Road, 100' +/- SE corner
York Road & Regester Avenue * DEPUTY ZONING COMMISSIONER
9th Election District *
4th Councilmanic District * OF BALTIMORE COUNTY
(6805 York Road) *
Stoneyork Limited Partnership, Petitioner * CASE NO. 00-016-SPHA
and *
Bagels, Inc., Contract Purchaser

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing requesting approval that Restriction No. 2 contained within the Order issued in Case No. 97-64-A is applicable to the present operator of the bagel business. In the alternative, the Petitioner is requesting a variance to allow four (4) parking spaces in lieu of the required twenty (20) spaces, and to amend the previous case plan and Order in Case No. 97-64-A.

Appearing at the hearing on behalf of the request were Allan Gallant, current owner and operator of Bagels, Inc., t/a Sam's Bagels, James Matis, professional engineer who prepared the site plan of the property, Martha Talbott and Carol Currotto, nearby neighbors and Stanley Fine, attorney at law, representing the Petitioner. Appearing as interested citizens in the matter were Jean Duvall, representing the Rodgers Forge Community, Inc. and Jim Dobson, representing the Anneslie Community Association. Appearing in opposition to the Petitioner's request were Stephanie and Ed Rohe.

Testimony and evidence indicated that the property, which is the subject of this request, is located at 6805 York Road in the Anneslie area of Baltimore County. The subject property is located on the east side of York Road, situated between Regester Avenue and Murdock Road. Specifically, the subject property comprises one of a cluster of commercial businesses located on

11/15/99

J.R. Spawton

this particular block of York Road. Petitioner's Exhibit No. 1, the site plan of the property, shows that the Petitioner, Bagels, Inc. leases and operates a bagel store within one half of the subject building. The Petitioner's business occupies a leasable area of 25 ft. in width by 76.6 ft. in depth. Also associated with the subject building are 4 parking spaces located in the rear of the building along Locust Drive. This property was the subject of a prior variance request which was granted in Case No. 97-64-A. The Petitioner in that case, Mr. James Thomas, who owned and operated Baltimore Bagel Company, was granted a variance pursuant to my Order dated the 14th day of January, 1997. The variance request was to allow the 4 parking spaces in lieu of the required 10 spaces. The variance was granted conditioned upon compliance with certain restrictions and conditions contained at the end of the order. Specifically, Restriction No. 2 stated as follows:

"2) The relief granted herein is limited to the Baltimore Bagel Company, Inc., trading as Charm City Bagel Company. In the event the Baltimore Bagel company ceases to operate its business on the premises, then the parking variance granted herein shall cease and terminate. This variance shall not apply to Hoang's or the office space located on the second floor of the subject building, as no testimony was offered regarding those uses."

The purpose of imposing that restriction on the property was to revisit the subject site in the event a new owner or operator of the bagel business would take over the property.

As was testified to at the hearing before me, Mr. Allan Gallant, President of Bagels, Inc., has purchased the assets of the former Baltimore Bagel Company which traded as Charm City Bagel Company. Mr. Gallant owns and operates 7 bagel stores in the Baltimore area, trading under the trade name of Sam's Bagels. He was the supplier of bagels to the former Baltimore Bagel Company which operated from this site. The Baltimore Bagel Company was going out of business and Mr. Gallant seized the opportunity to purchase the assets of the Baltimore Bagel Company and began to operate Sam's Bagels at the present location.

ORDER FOR VARIANCE
DATE 11/15/99
BY R. J. JAMESON

Mr. Gallant testified that he was unaware of the conditions and restrictions that I imposed upon the prior tenant of this property. When taking over the site, Mr. Gallant changed the name of the business from Charm City Bagel Company to Sam's Bagels. Other than the change in the name of the business, there have been no other changes in the operation of the previous bagel store. Mr. Gallant has made no physical changes to the subject property and continues to offer the exact same bagels which were offered by the prior operator. Mr. Gallant is simply requesting a special hearing to continue the relief that was previously granted to the Charm City Bagel Company based on the continuity in the operation of the business itself.

Mr. Gallant testified that had he known of the previous zoning order, he simply would have purchased the corporation known as the Baltimore Bagel Company, Inc. and not just the assets themselves. Had Mr. Gallant purchased the corporation, the special hearing requested herein would be unnecessary. He has literally changed nothing other than the name of the business itself.

Testifying as interested citizens in the matter were Jim Dobson and Jean Duvall. Mr. Dobson testified on behalf of the Anneslie Community Association of which he is the President. The Anneslie Community Association is in favor of the approval of the Petitioner's request so long as the current operator abides by the conditions and restrictions imposed by my previous order in Case No. 97-64-A. In addition, Mr. Dobson is requesting a clarification regarding the total number of outdoor seats which are permitted. My previous order allowed the Petitioner to provide 25 seats, which seats were to be provided either inside the store or out on the sidewalk adjacent to the store front. However, my previous order did not clarify the total number of seats that could be out on the sidewalk. Mr. Dobson asked for a clarification on this point.

ORIGINAL FILED
11/15/99
J. R. Jameson

Also testifying as an interested citizen in the matter was Ms. Jean Duvall. Ms. Duvall appeared on behalf of the Rodgers Forge Community Association. The Rodgers Forge Community Association also supports the Petitioner in his request, so long as he abides by the conditions and restrictions imposed by my previous order. Furthermore, the Rodgers Forge Community Association has requested that the relief granted herein not be transferable to a future bagel store. They believe it is appropriate to review this particular operation in the event of a transfer of ownership.

Finally, Ms. Duvall individually requested that there not be any outside seating at all on the property. She is concerned over the trash that is deposited outside and the unsightliness of the tables and chairs.

Testifying in opposition to the Petitioner's request were Stephanie Rohe and Ed Rohe. Mr. and Mrs. Rohe live at 605 Murdock Road within the Anneslie Community. In addition, they are the owners and operators of Harry Littles, a well known carry-out sub shop located at the corner of York Road and Regester Avenue. The Rohes are very much concerned over the limited amount of parking that all of the merchants must share for their patrons. They do not wish to see one particular merchant monopolizing parking spaces to the detriment of the other businesses in the area. Furthermore, they have requested and expect strict adherence by the Petitioner to the restrictions imposed upon him. Testimony indicated that on occasions there have been more than 25 seats provided within the bagel store itself. Also, testimony revealed that the trash dumpsters located to the rear of the property have blocked the 4 parking spaces situated there. They, therefore, ask that the Petitioner abide by the terms and conditions of my previous order, as well as any additional restrictions and conditions imposed herein.

After considering the testimony and evidence offered at the hearing, as well as my personal site visit to the property, I find that the Petitioner's request for special hearing, to allow the zoning relief granted in Case No. 97-64-A to be applicable to the current operator of the bagel store at 6805 York Road, be and is hereby granted. Mr. Gallant, who currently operates Sam's Bagels at this location, has made no changes to the former operation of the bagel store except for a change in name. He is perfectly willing to abide by the terms and conditions of my previous decision. Given the consistency of the current bagel store operator to the previous operator, I find that the special hearing should be granted to allow the continuation of the operation of the bagel store at this location.

Given that the special hearing relief has been granted, it is not necessary to consider the variance that is being requested by the current tenant of the property. The variance previously granted shall carry forward and apply to Mr. Gallant's operation. In order to address the concerns raised at the hearing before me, I shall impose additional conditions and restrictions at the end of this Order above and beyond those already imposed by my previous decision contained in Case No. 97-64-A.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1999 that the Petition for Special Hearing requesting that the relief granted in Case No. 97-64-A should be applicable to the current operator of the bagel business known as Bagels, Inc., t/a Sam's Bagels, be and is hereby GRANTED.

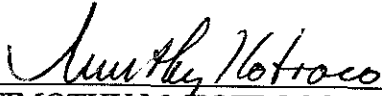
IT IS FURTHER ORDERED that the variance request to allow 4 parking spaces in lieu of the required 20, be and is hereby DISMISSED, given that the parking variance requested was previously approved in Case No. 97-64-A and, therefore, need not be reissued at this time. The relief granted herein is subject to the following conditions and restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The relief granted herein is limited to Bagels, Inc., t/a Sam's Bagels. In the event that Bagels, Inc. and/or Sam's Bagels ceases to operate its business on the subject premises, then the special hearing relief granted herein shall cease and terminate. The relief granted herein shall in no way apply to the Mandarin Taste Restaurant which is co-located within the subject building. Furthermore, the 4 parking spaces located to the rear of the subject building shall be associated with Sam's Bagels only and shall in no way be utilized or counted towards the parking requirements associated with the Mandarin Taste Restaurant.
3. The hours of operation of Bagels, Inc., t/a Sam's Bagels, shall be limited to 6:00 a.m. to 4:00 p.m., seven (7) days a week.
4. The Petitioner is prohibited from providing any more than 25 seats in total, either inside or outside the bagel shop. In addition, the Petitioner shall provide no more than 10 of the 25 seats permitted pursuant to this Order on the outside of the subject building. These 10 outdoor seats shall be permitted so long as the operator utilizes the same type of tables and chairs on the outside that are located within the store itself. The Petitioner shall be prohibited from utilizing plastic or PVC outdoor furniture on the exterior of the building. All tables and chairs that are placed on the exterior of the building shall be brought back inside the store at the close of business on any given day. Furthermore, at any time that outdoor seating is provided, the Petitioner shall also provide a trash receptacle in a convenient location for the use of those patrons who wish to consume their food utilizing the outdoor seating. In addition to the 25 seats that are to be provided for the patrons of the bagel shop, the Petitioner shall also be permitted to keep on hand 3 high chairs for use by infants who accompany their parents to the bagel shop. The Petitioner shall be expected to strictly abide by the capacity of the seating permitted by this Order. In the event the Petitioner exceeds this 25 seat restriction (+ 3 baby high chairs) then a new hearing shall be held as to whether the relief granted herein shall be rescinded and the Petitioner's business closed.

ORDER REGRANTING VARIANCE

Dated: 11/15/99
J.R. Gannon

5. The Petitioner shall be required to stripe the 4 parking spaces located to the rear of the building. In addition, the Petitioner shall also paint and identify the dumpster area wherein the 2 trash dumpsters are to be located. Furthermore, the 2 trash dumpsters located to the rear of the store shall in no way interfere with or block the 4 parking spaces provided at that location. The Petitioner shall be required to maintain the same trash company for both trash dumpsters. This will provide one trash pick up for both dumpsters thereby cutting down on the amount of noise that would be generated if each dumpster were picked up separately. In addition, the Petitioner shall provide new signage along the rear of the building indicating that the 4 parking spaces are for customers of Sam's Bagels only, which signage shall be conspicuously placed on the Petitioner's building. The Petitioner shall also install a small sign in the front window of the building along York Road indicating that customer parking is provided in the rear of the building. All striping and signage shall be done within sixty (60) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

DATE 11/15/99

BY J.R. Jameson



Baltimore County
Zoning Commissioner

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

November 15, 1999

Stanley S. Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLP
25 S. Charles Street
Baltimore, Maryland 21201

Re: Petition for Special Hearing
Case No 00-016-SPH
Property: 6805 York Road

Dear Mr. Fine:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Mr. Allan Gallant, President
Bagels, Inc.
325 Dukeland Street
Baltimore, Maryland 21223

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



Printed with Soybean Ink
on Recycled Paper

Stoneyork Limited Partnership
c/o Jeffrey R. Springer, President
13000 Dulaney Valley Road
Glen Arm, Maryland 21057

Mr. James Matis
6600 York Road, Suite 209
Baltimore, Maryland 21212

Mr. Jim Dobson
Anneslie Community Association
510 Murdock Road
Baltimore, Maryland 21212

Ms. Jean K. Duvall
Rodgers Forge Community, Inc.
227 Murdock Road
Baltimore, Maryland 21212

Mr. & Mrs. Ed Rohe
605 Murdock Road
Baltimore, Maryland 21212

Ms. Carol Currotto
721 Murdock Road
Baltimore, Maryland 21212

Ms. Martha Talbott
604 Murdock Road
Baltimore, Maryland 21212

Stoneyork Limited Partnership
c/o Jeffrey R. Springer, President
13000 Dulaney Valley Road
Glen Arm, Maryland 21057

Mr. James Matis
6600 York Road, Suite 209
Baltimore, Maryland 21212

Mr. Jim Dobson
Anneslie Community Association
510 Murdock Road
Baltimore, Maryland 21212

Ms. Jean K. Duvall
Rodgers Forge Community, Inc.
227 Murdock Road
Baltimore, Maryland 21212

Mr. & Mrs. Ed Rohe
605 Murdock Road
Baltimore, Maryland 21212

Ms. Carol Currotto
721 Murdock Road
Baltimore, Maryland 21212

Ms. Martha Talbott
604 Murdock Road
Baltimore, Maryland 21212



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6805 York Road
which is presently zoned BL AS

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

that Restriction No. 2 in prior Case No. 97-64-A is applicable to any bagel business

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:

Bagels, Inc.
Name - Type or Print
By: [Signature]
Signature Alian Gallant, President
325 Dukeland Street 410-945-6890
Address Telephone No.
Baltimore, MD 21223
City State Zip Code

Attorney For Petitioner:

Stanley S. Fine
Name - Type or Print
Signature [Signature]
Rosenberg Proutt Funk & Greenberg, LLP
Company
S. Charles Street 410-727-6600
Address Telephone No.
Baltimore MD 21201
City State Zip Code

Legal Owner(s):

Stoneyork Limited Partnership
Name - Type or Print
By: BSSG, Inc General Partner
Signature
By Jeffrey R Springer, President
Name - Type or Print JEFFREY R SPRINGER (PRES.)
Signature
13000 Dulaney Valley Rd. 410-592-8786
Address Telephone No.
Glen Arm, MD 21057
City State Zip Code

Representative to be Contacted:

Stanley S. Fine
Rosenberg Proutt Funk & Greenberg, LLP
Name
25 S. Charles Street 410-727-6600
Address Telephone No.
Baltimore MD 21201
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL Date 7/13/99

60359 RECEIVED FOR FILING
Date 11/15/99
By [Signature]

Case No. 00-16-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6805 York Road

which is presently zoned BL.AS

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 Variance from Section(s)

409.6 to allow 4 parking spaces in lieu of the required 20 spaces
and to amend previous case plan and order in 97-64A

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

To be determined at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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:

Bagels, Inc.

Name - Type or Print

By:

Signature Allan Gallant, President

325 Dukeland Street 410-945-6890

Address

Telephone No.

Baltimore

MD

21223

City

State

Zip Code

Attorney For Petitioner:

Stanley S. Fine

Name - Type or Print

Signature

Stanley S. Fine
Rosenberg Proutt Funk & Greenberg, LLP

Company

25 S. Charles Street

410-727-6600

Address

Telephone No.

Baltimore,

MD

21201

City

State

Zip Code

Legal Owner(s):

Stoneyork Limited Partnership

Name - Type or Print

By:

Signature

B.S.B. Inc General Partner
By JEFFREY R. SPRINGER, President

Name - Type or Print

Signature

13000 Dulany Valley Rd. 410-592-8786

Address

Telephone No.

Glen Arm,

MD

21057

City

State

Zip Code

Representative to be Contacted:

Stanley S. Fine

Rosenberg Proutt Funk & Greenberg

Name

25 S. Charles St.

410-727-6600

Address

Telephone No.

Baltimore,

MD

21201

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

4 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL

Date

7/13/99

Case No. 00-16-SPHA

REB 9/15/98

16

MATIS WARFIELD
CONSULTING ENGINEERS

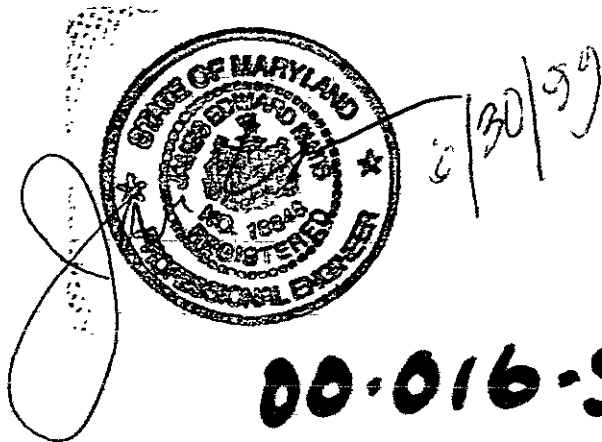
**Description to Accompany
Zoning Petition
No. 6805 York Road
9th Election District**

Beginning for the same at a point on the east side of York Road, said point distant South 18° 52' West 100 feet more or less from the southeast corner of York Road and Regester Avenue, running thence and leaving the east side of York Road:

- 1) South 71° 59' East 125 feet to the west side of Locust Drive, running thence along the west side of Locust Drive
- 2) South 18° 52' West 50 feet thence leaving said west side of Locust Drive
- 3) North 71° 59' West 125 feet to the east side of York Road, running thence and binding along the east side of York Road
- 4) North 18° 52' East 50 feet to the place of beginning.

Containing 0.144 acres of land more or less.

This description is intended for zoning purposes only and should not be used for conveyance of land.



00-016-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070442

DATE 7/13/99 ACCOUNT 70016150

AMOUNT \$ 500.00

RECEIVED FROM: MATIS WAREFIELD, INC.

FOR: (C) SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/16/1999 7/13/1999 16:09:25
REG 8306 DASHIER KIM KIM DROMER
Dept 5 528 ZORING VERIFICATION
Receipt # 080097
CR NO. 070449

Receipt Int 520.00
500.00 CR
Baltimore County, Maryland

00-016-SPHA

CASHIER'S VALIDATION

PP

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20/1999

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 8/19/1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

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 #00-016-SPHA
6603 York Road
E/S York Road, 100' S of Register Avenue
9th Election District -- 4th Councilmanic District
Legal Owner: Stonyork Limited Partnership
Contract Purchaser: Bagels, Inc.

Special Hearing: to approve that restriction number 2 in prior case 87-64-A is applicable to any bagel business. **Variance:** to allow 4 parking spaces in lieu of the required 20 spaces and to amend previous case plan and order in 87-64-A.
Hearing: Tuesday, September 7, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please 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) 887-3381.
8/168 Aug. 19 C332805

CERTIFICATE OF POSTING

RE: CASE # 00-016-SPHA
PETITIONER/DEVELOPER:
[Bagels, Inc.]
DATE OF Hearing
[Nov. 9, 1999]

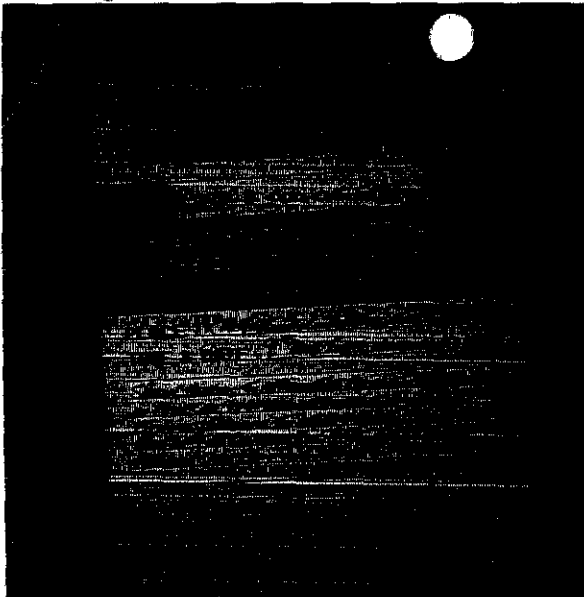
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
6805 York Road Baltimore, Maryland 21212__

The sign(s) were posted on _____ 10-25-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410) 687-8405 ____
[Telephone Number]



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 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: 00-016-SPHA
6805 York Road
E/S York Road, 100' S of Regester Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Stoneyork Limited Partnership
Contract Purchaser: Bagels, Inc.

Special Hearing to approve that restriction number 2 in prior case 97-64-A is applicable to any bagel business. Variance to allow 4 parking spaces in lieu of the required 20 spaces and to amend previous case plan and order in 97-64-A.

HEARING: Tuesday, September 7, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon SC)
Director

c: Stanley S. Fine, Esquire, 25 S. Charles Street, Baltimore 21201
Stoneyork Limited Partnership, 13000 Dulaney Valley Road, Glen Arm 21057
Bagels, Inc., 325 Dukeland Street, Baltimore 21223
Stephanie Rowe, 6809 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 23, 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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 1999 Issue – Jeffersonian

Please forward billing to:

Stanley S. Fine 410-727-6600
Rosenberg, Proutt, Funk & Greenberg, LLP
25 South Charles Street
Baltimore, MD 21201

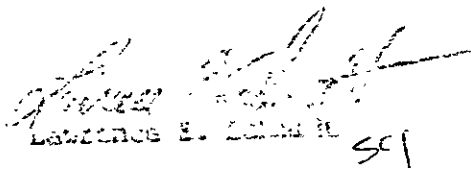
NOTICE OF ZONING HEARING

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: 00-016-SPHA
6805 York Road
E/S York Road, 100' S of Regester Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Stoneyork Limited Partnership
Contract Purchaser: Bagels, Inc.

Special Hearing to approve that restriction number 2 in prior case 97-64-A is applicable to any bagel business. Variance to allow 4 parking spaces in lieu of the required 20 spaces and to amend previous case plan and order in 97-64-A.

HEARING: Tuesday, September 7, 1999 at 2:00 p.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: #19
Petitioner: STONEYORK LTD PARTNERSHIP
Address or Location: 6805 YORK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STANLEY S. FINE (ROSENBERG BROTT FUNK & GREENBERG, LLP)
Address: 25 SOUTH CHARLES ST.
BALTO, MD 21201
Telephone Number: 410-727-6600

Revised 2/20/98 - SCJ

00-016-SPHA



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

September 3, 1999

Stanley S. Fine, Esq.
Rosenberg Proutt Funk & Greenberg, LLP
25 S. Charles Street
Baltimore, MD 21201

Dear Mr. Fine:

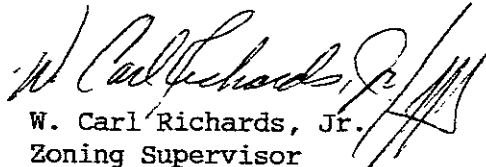
RE: Case No.: 00-16-SPHA, Petitioner: Stoneyork Limited Partnership,
Location: 6805 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 13., 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,


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

August 26, 1999

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 9, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027,
028, 029, 030, 031, 032, 033, 034, 035, 036, 038,
039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

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

cc: File

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JP
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 016
PETITIONER: Stoneyork Limited Partnership

VIOLATION CASE NO.: 99-1079

LOCATION OF VIOLATION: E/S York Road, 100'S of Regester Avenue
(6805 York Road)

DEFENDANT(S): Stoneyork Limited Partnership

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

NAME

ADDRESS

Stephanie Rowe

6809 York Road
Baltimore, MD 21212

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

JHT/jp/lmh

00-016-SPHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

AUG 25

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

Date: August 24, 1999

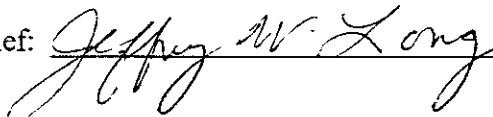
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 016 and 061

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

_____

AFK/JL



Maryland Department of Transportation
State Highway Administration

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

Date: 8.12.99

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

RE: Baltimore County
Item No. 016 JLL

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 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,


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



**Maryland Department of Transportation
State Highway Administration**

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

Date: 7.24.00

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

RE: Baltimore County
Item No. 016 JCM

Dear Ms. Jackson:

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

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 Kenneth A. McDonald Jr., 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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
6805 York Road, E/S York Rd, 100' S of Register Ave
9th Election District, 4th Councilmanic

Legal Owner: Stoneyork L.P.
Contract Purchaser: Bagels, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-16-SPHA

* * * * *

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 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 23, 1999

Stanley S. Fine, Esquire
Rosenberg Proutt Funk & Greenberg, LLP
25 South Charles Street
Baltimore, MD 21201

Dear Mr. Fine:

RE: Case Number 00-016-SPHA, 6805 York Road

The above matter, previously scheduled for September 7, 1999, has been postponed at your request. Per your request, the hearing will not be rescheduled until you notify this office.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

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

Arnold Jablon
Director

AJ:scj

C: Stoneyork Limited Partnership, 13000 Dulaney Valley Road, Glen Arm 21057
Bagels, Inc., 325 Dukeland Street, Baltimore 21223
Stephanie Rowe, 6809 York Road, Baltimore 21212





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 19, 1999

Stanely S. Fine, Esq.
Rosenberg Proutt Funk & Greenberg LLP
25 S. Charles Street
Baltimore, MD 21201

Dear Mr. Fine:

RE: Case Number: 00-16-SPHA, Legal Owner: Stoneyork Limited
Partnership, Contract Purchaser: Bagels, Inc.

The above matter has been rescheduled for hearing as follows:

TUESDAY, NOVEMBER 9, 1999 AT 9:00 IN ROOM 407, COUNTY COURTS
BUILDING, 401 BOSLEY AVENUE, TOWSON MD 21204

As you are aware, the new hearing information should be affixed to the hearing notice sign posted on the property as soon as possible, but no later than 15 days prior to the new hearing date. Please contact the vendor/poster originally contracted to take care of this matter.

Very truly yours,

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

Arnold Jablon
Director

AJ:ggs

c: Stoneyork Limited Partnership
Bagels, Inc.
Stephanie Rowe





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

May 16, 2002

Arnold H. Greenspun, Vice President
Terrapin Court Enterprises t/a Sam's Bagels
6805 York Road
Baltimore, MD 21212

Dear Mr. Greenspun:

RE: Spirit and Intent, Case # 00-016-SPHA, 6805 York Road, Baltimore, MD 21212, 9th Election District

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. Subject to the plans and restriction #4 in zoning case # 00-016-SPHA, if you reduce your request to permit 10 chairs in front of the building rather than 12 chairs, your property would be within the "spirit and intent" of the Baltimore County Zoning Regulations (BCZR). Be aware, however, that if you place these 10 chairs outside, you would then be limited to a maximum of 15 chairs inside of the building for a total of 25 chairs for the whole site.
2. The placement of the planters in front of the building does not appear to conflict with the above captioned order. However, you may wish to contact the State Highway Administration if the planters will be located within the State right-of-way.
3. Relative to the change in corporate names, please see the attached copy of a memo from the Deputy Zoning Commissioner clarifying that issue. Be aware, however, that his decision is appealable to the County Board of Appeals. In addition, if his decision is challenged in some other manner, this office may rescind this "spirit and intent" letter and require that a new public hearing be held.
4. This "spirit and intent" approval is subject to any required permits from the County or State.
5. If a permit is required, you must incorporate a copy of the Deputy Zoning Commissioner's memo and this response letter on all plans submitted for review.
6. This "spirit and intent" approval applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies.

A copy of your letter and this response will be recorded and made a permanent part of the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

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

NOTE TO FILE

DATE: May 15, 2002

TO: Zoning Review Office
Department of Permits and Development Management

FROM: Tim Kotroco, Deputy Zoning Commissioner



RE: Zoning Case File # 00-016-SPHA (6805 York Road)

This memo is to inform all interested parties that the change in corporate name from Bagels, Inc. to Terrapin Court Enterprises, Inc. for the business operating at 6805 York Road and trading as Sam's Bagels meets with the spirit and intent of my original order in zoning case # 00-016-SPHA. Please be aware that this decision is appealable to the County Board of Appeals.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMO

DATE: July 15, 1999

TO: Sophia Jennings
Zoning

FROM: Lisa Henson
Code Enforcement

RE: Item No. 00-16-SPHA

Violation Case No. 99-1079

Location of Violation: 6805 York Road

Defendant: Stoneyork Limited Partnership

Address: 313 East Ridgely Road, Baltimore, MD 21212

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

Name: Stephanie Rowe

Address: 6809 York Road, Baltimore, MD 21212

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

Inspector Jeffrey Perlow

/lmh

00-016-SPHA

Citizen's Ex 1

ANNESLIE COMMUNITY, INC.

November 4, 1999

Stanley S. Fine, Esq.
Rosenberg Proutt Funk & Greenberg
25 S. Charles Street
Baltimore, Maryland 21201

Dear Mr. Fine:

RE: Case Number: 00-16-SPHA / 99-1079

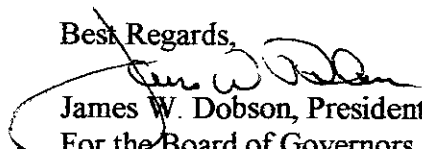
The Anneslie Community Association Board of Governors has met and discussed the Petition for Variance request made by you and your client, Sam's Bagels, to abide by the original variance granted to Charm City Bagels in 1997 (case number 97-64 A). We feel that the original variance was fair and we see no reason to object to your current request as long as the provisions of that variance are strictly followed.

Because the bagel shop borders the Anneslie Community and has the most impact on our community as far as traffic and parking are concerned, the following provisions as set forth in the 1997 variance are extremely important and should be continued:

1. Hours of operation should be limited to 6:00am – 4:00pm
2. Prohibited from providing more than 25 seats total, either inside or outside the bagel shop. Outside seating should have some limitations so as not to block access to sidewalk areas.
3. It should only operate as a bagel shop and not any other type of business.

We also do not object to the provisions of this variance, if they are approved as suggested, being transferred to a new owner if the business is sold and operated only as a bagel shop.

Best Regards,


James W. Dobson, President
For the Board of Governors
Anneslie Community Association

cc. Baltimore Zoning Commissioner / Anneslie Board of Governors

Citizen's Ex #2

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

November 8, 1999

Stanley Fine, Esq.
C/O Rosenberg, Proutt, Funk & Greenberg
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

Dear Mr. Fine:

This is to inform you that the Board of Governors of The Rodgers Forge Community Association voted at its September 8, 1999 meeting, to limit the variance and exception to be heard in case number 0016SPHA to Sam's Bagels only and not to any assigns or future purchasers.

I hope this meets with your needs.

Sincerely,



Arnold H. Greenspun, President

6805 YORK ROAD
BALTIMORE, MD 21212

PHONE: 410-372 0500
FAX: 410-372 0502

Ternapin Court Enterprises, Inc. +/a

Sam's Bagels Rodgers Forge

April 26, 2002

Mr. CARL RICHARDS,
ZONING SUPERVISOR
BALTIMORE COUNTY ZONING OFFICE
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

DEAR MR. RICHARDS:

THIS LETTER IS A FOLLOW-UP TO OUR CONVERSATION OF MARCH 21, 2002, RELATING TO OUR REQUEST TO ADD (6) SIX 24' BISTRO TABLES WITH (2) TWO CHAIRS EACH, IN FRONT OF OUR STORE. WE ALSO INTEND TO PLACE SEVERAL PLANTERS IN KEEPING WITH THE YORK ROAD STREETScape IMPROVEMENTS.

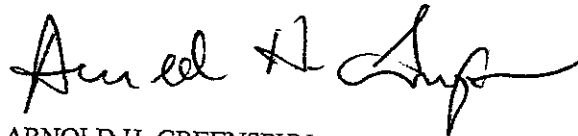
THE PAVE MENT IN FRONT OF THE STORE EXTENDS 36' TO THE CURB. THE COMBINATION OF THE SEATING AND THE PLANTERS WILL NOT EXTEND MORE THAN 16' OUT FROM THE FRONT OF THE STORE, LEAVING MORE THAN AMPLE ROOM FOR PEDESTRIANS.

IT IS ALSO OUR INTENTION TO BRING THE TABLES AND CHAIRS IN ON A DAILY BASES TO PREVENT VANDALISM.

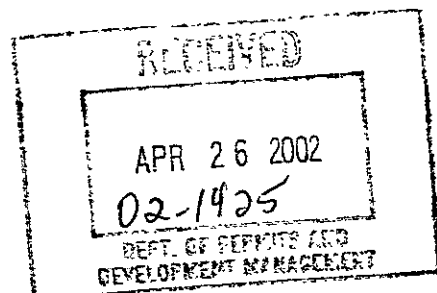
THE NEIGHBORHOODS OF ANNESLIE, STONELEIGH AND RODGERS FORGE ALL SUPPORT US IN THIS EFFORT.

WE HOPE THAT THE ABOVE INFORMATION IS SUFFICIENT FOR A USE PERMIT.

Sincerely,



ARNOLD H. GREENSPUN
V.P.



4/26/02
To: Jeff P.
John
see me w
when is rel
plan.

ROSENBERG PROUTT FUNK & GREENBERG, LLP

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 FIRST MARYLAND BUILDING
25 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

(410) 727-6600

FACSIMILE: (410) 727-1115

8/23/99
f
SS
OK

E-MAIL ADDRESS
stanley@rpfg.com

STANLEY S. FINE

August 19, 1999

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

Re: Case No.: 00-016-SPHA
6805 York Road

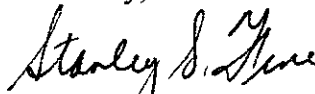
Dear Mr. Jablon:

Please be advised that this firm represents Bagels, Inc., the Petitioner in the above matter, which is scheduled to be heard by the Zoning Commissioner on Tuesday, September 7, 1999 at 2:00 p.m.

I have been in contact with the adjoining communities to the subject property and have been advised that these communities will not be meeting until mid-September to consider this matter. Consequently, I respectfully request that the matter scheduled for September 7, 1999 be postponed so that we may have the opportunity to meet with these community groups. As soon as these meetings are completed, I will notify your office and request the rescheduling of this matter.

Thank you for your consideration.

Sincerely,


Stanley S. Fine

SSF:sac

0118380.01

cc: Bagels, Inc.
Stoneyork Limited Partnership
The Rogers Forge Community, Inc.
Anneslie Community Association
The Greater Towson Council of Community Associations, Inc.

99-2200

RECEIVED

AUG 20 1999

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

ROSENBERG PROUTT FUNK & GREENBERG, LLPATTORNEYS AT LAW
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 ALLFIRST BUILDING

25 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201

(410) 727-6600
FACSIMILE: (410) 727-1115

STANLEY S. FINE

E-MAIL: stanley@rpf.com

DATE: October 18, 1999

NUMBER OF PAGES: 2 (Including Cover Sheet) CLIENT NO: _____

Please deliver this FAX to the following person(s) immediately:

NAME	FAX NO.
Ms. Gwenn Stephens	(410) 887-2824

If you do not receive all pages, please telephone (410) 727-6600 immediately.

Message:

This facsimile transmission contains legally privileged confidential information belonging to the sender. The information is intended only for the use of the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of the facsimile documents is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the original facsimile documents to us.

ROSENBERG PROUTT FUNK & GREENBERG, LLP

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 FIRST MARYLAND BUILDING

25 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201

STANLEY S. FINE

(410) 727-5500

E-MAIL ADDRESS

stanley@rpf.com

FACSIMILE: (410) 727-1115

October 18, 1999

VIA FACSIMILE (410) 887-2824

Baltimore County Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Attn: Gwenn Stephens

Re: Case No.: 00-016-SPHA
6805 York Road

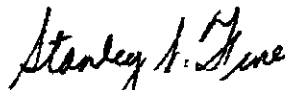
Dear Ms. Stephens:

As I indicated to you in our telephone conversation of today, this firm represents Bagels, Inc., the Petitioner in the above matter.

We have been in contact with the adjoining communities to the subject property and have been advised that these communities have met and determined their position in this matter. Consequently, I respectfully request that this matter be scheduled for a hearing.

Thank you for your consideration.

Sincerely,


Stanley S. Fine

SSF:cls

0120793.01

cc: Bagels, Inc.
Stoneyork Limited Partnership
The Rogers Forge Community, Inc.
Anneslie Community Association
The Greater Towson Council of Community Associations, Inc.

Interested Citizens

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

JIM DOBSON

510 MURDOCK RD.
21212

JEAN K. DUVALL

227 MURDOCK RD
21212

STEPHANIE ROHE & ED ROHE

605 MURDOCK RD.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CAROL CURROTO

721 MURDOCK RD 21212

MARTHA TALEBT

604 MURDOCK RD 21212

JAMES MATIS

600 YORK ROAD SUITE 209 21212

ALLAN D. GALLANT

2200 South Rd. B7 KIMPA 21209



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

STEPHANIE & ED ROHE

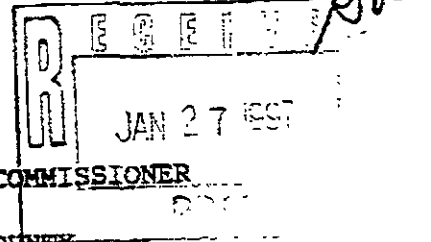
605 MURDOCK RD.



IN RE: PETITION FOR VARIANCE
E/S York Road, 100' S of
Regester Avenue
(6805 York Road)
9th Election District
4th Councilmanic District

Stone York Limited Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-64-A



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6805 York Road, located between Regester Avenue and Murdock Road in Rodgers Forge. The Petition was filed by the owners of the property, Stone York Limited Partnership, by Andrew J. Georgelakos, Partner, and the Contract Lessee, Baltimore Bagel Company, Inc., by James Thomas, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 41 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James G. Thomas, Jr., President, Baltimore Bagel Company, the Contract Lessee of the subject site, James Matis, Professional Engineer who prepared the site plan for this property, Robert Smith and Mark Andrews. The Petitioners were represented by Robert A. Hoffman, Esquire. Appearing in opposition to the request were Charles Whittington, Stephanie Rohe, and Jim Dobson, residents from the surrounding community.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.19 acres, more or less, zoned B.L.-A.S., and is improved with a two-story brick and block building which houses a variety of commercial uses. Included among those uses is a restaurant/carry-out establishment known as Harry Little, a computer and video store, a hair salon, business offices, a dry cleaning business, another restaurant known as Hoang's, and the Baltimore Bagel Company, trading as Charm City Bagels, which occupies approximately 1,915 sq.ft. of the subject building. The first floor of the building is occupied by the Baltimore Bagel Company, and the adjacent restaurant known as Hoang's, which also occupies 1,915 sq.ft. The second floor of the building is utilized as general office space and consists of 1,572 sq.ft. The building has a basement which is used for storage purposes only and consists of 2700 sq.ft. As a result of a complaint filed against the owner of the shopping center for insufficient parking, it was discovered that the Petitioners lacked the required number of parking spaces for their use on the property and that a variance was necessary in order for them to continue their operation on the premises.

Appearing and testifying on behalf of the Baltimore Bagel Company and in support of the request was James G. Thomas, Jr. Mr. Thomas is the President of the company and both owns and operates the business at this location. Mr. Thomas testified that he has operated his bagel business from the subject site for approximately the past nine months. He testified that he and his investors performed substantial renovations to the subject property in order to build out the 1,915 sq.ft. of leasable space into a bagel shop. Mr. Thomas testified that he presently employs 13 individuals who work for him over the course of the week and that his hours of operation are 7 days a week, from the early morning hours to late

afternoon. Mr. Thomas testified that his business is not open for dinner or in the evening hours.

Mr. Thomas testified concerning the revenue he has earned up to the date of the hearing. His statistics and records show that 78% of all his business is carry-out. The Petitioner does provide tables and chairs within the store for patrons to sit and dine. Photographs of both the interior and exterior of the bagel shop were submitted into evidence as Petitioner's Exhibits 3A and 3B. At the present time, the Petitioner has 30 chairs, some of which are located outside the bagel store on the sidewalk. Mr. Thomas indicated that many of his patrons will make their purchases and sit for a few moments, long enough to consume their meal and converse with friends or read the paper. Mr. Thomas wishes to continue this seating arrangement in that he feels it best serves the needs and desires of his customers. Mr. Thomas also submitted a Petition of Support which was signed by 840 individuals who are neighbors and community residents from the surrounding area. The Petition indicates that these individuals are in favor of the bagel shop and the variance to parking regulations. Furthermore, Mr. Thomas met with and obtained several letters of support from the surrounding community associations. Submitted into evidence as Petitioner's Exhibits 5A, 5B, and 5C were letters from the Greater Towson Council of Community Associations, Inc., the Anneslie Community Association, and the Rodgers Forge Community Association, all of whom support the request for variance, provided certain terms and conditions are placed upon the use of this property.

Mr. Thomas admitted that the parking arrangement for all of the businesses at this location is at a premium. However, he testified that his customers as well as his employees and the patrons of the other busi-

nesses in the area have been able to cope with the shortage of parking that exists for all of the businesses in this particular building. Mr. Thomas indicated that he has not witnessed nor heard any complaints from his customers as to inadequate parking. If the variance is granted, Mr. Thomas agrees to be restricted to provide seating for no more than 30 customers at a time, both in and outside the restaurant. He further agreed that the variance only applies to the Baltimore Bagel Company and that the variance would terminate upon the discontinuance of his use of the property.

As noted above, several individuals appeared in opposition to the request. Ms. Stephanie Rohe, who owns and operates the restaurant and carry-out business known as Harry Little, predominantly led the opposition to the Petitioner's request for variance. Ms. Rohe's restaurant is located at the end of the building at the corner of York Road and Regester Avenue. She testified that she has owned and operated Harry Little's for the past 15 years and that she has been a resident of Anneslie for 20 years. She is opposed to the granting of a parking variance for the Baltimore Bagel Company, and argued that the customers and patrons of that business monopolize the limited number of parking spaces that are available in this area. She believes that the Petitioner has overburdened the use of the property by adding outdoor seating for his customers which encourages them to stay for longer periods of time while enjoying their food. She noted that her business is strictly a carry-out operation, wherein no seating is provided for customers. Her customers come in, place an order, and leave upon receiving their order. Whereas, at the Bagel Shop, patrons will sit at a table, read the paper, eat their food, and converse with friends or other customers, thereby causing patrons to linger longer and thus utilizing a parking space for a longer period of time. Ms. Rohe indicated, and the

testimony showed, that many people from the surrounding community walk to the businesses at this location. However, many others do drive to the property, and therefore, take up parking spaces.

In further support of her position, Ms. Rohe submitted into evidence as Protestant's Exhibits 5A through 5G, various photographs of the surrounding area which show that all available parking is utilized. She further testified that parking for all of the businesses in this area is at a premium and pointed out that Mr. Thomas has been inconsistent in disclosing the number of seats he intends to provide for his customers. Ms. Rohe submitted into evidence as Protestant's Exhibit 3, a copy of the food service permit application filed by Mr. Thomas wherein it is indicated that seating for up to six customers will be provided. Ms. Rohe also submitted into evidence as Protestant's Exhibit 1, a copy of Mr. Thomas' building permit application, wherein it is indicated that no seating would be provided on the premises, only carry-out service. Furthermore, submitted into evidence as Protestant's Exhibit 2 is a copy of an article that appeared in the Towson Times which states that the Petitioner intends to provide seating for up to 30 customers. Ms. Rohe believes that Mr. Thomas has not been forthright in disclosing the number of seats he intends to provide at his business, and she believes that this issue should have been resolved prior to the opening of the Charm City Bagel Shop. Ms. Rohe also submitted a Petition which had been circulated among the various other business owners and operators in this area, all of whom signed in opposition to the granting of the variance. Ms. Rohe testified that her objection to the granting of a variance is consistent with that of the other business owners in this area and that her primary complaint is that the Charm City Bagel Shop monopolizes the limited number of parking spaces

that is available to all of the businesses at this location. She is therefore opposed to the granting of the variance and believes that the Petitioner should not be allowed to provide seating in his restaurant.

Mr. Charles Whittington, a nearby resident on Kingston Road, also appeared and testified in opposition to the variance. Mr. Whittington is concerned over the encroachment of commercial uses into the surrounding residential neighborhoods. He testified that individuals visiting the area for business as well as pleasure have double-parked along York Road. He is opposed to this commercial encroachment into his residential community and believes that these businesses should be kept in check.

In deciding whether a variance to parking requirements should be granted, the first issue to be determined is what type of restaurant use is being operated at the subject location. The Petitioner argued that his use is a carry-out restaurant and meets the definition of same as found on Page 1-26 of the B.C.Z.R. The Protestants assert that the Petitioner is operating a standard restaurant, as that term is defined on Page 1-26A of the B.C.Z.R. The classification of the restaurant type is important in that the amount of parking required is determined by the particular type of restaurant use. For example, the number of parking spaces required for a carry-out restaurant is 5 spaces per 1,000 sq.ft. of gross floor area; however, the parking requirements for a standard restaurant are 16 spaces per 1,000 sq.ft. of its gross floor area.

Section 101 of the B.C.Z.R. defines a carry-out restaurant on Page 1-26 as "An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or fax machine and whose principal characteristic is that food and beverages are consumed off the premises."

Testimony offered by the Petitioner was that 78% of his customers take their purchases off the premises for consumption. Furthermore, there are no waiters or waitresses to take orders from patrons who are seated within the restaurant. Finally, the product offered for sale is "ready-to-consume food" which is ordered over the counter within the Bagel Shop.

After considering the testimony and evidence offered by the Petitioner as well as the Protestants, I find that the business operated on the subject property by the Baltimore Bagel Company, is that of a carry-out restaurant, as that term is defined in the B.C.Z.R., and as such, that use of the property requires a minimum of 5 parking spaces per 1,000 sq.ft. of gross floor area.

The Protestants argued that inasmuch as the Petitioner provides seating within his restaurant, it automatically prevents him from being considered as a carry-out restaurant. However, nowhere contained within the definition of a carry-out restaurant is there a restriction or prohibition on providing seating. Therefore, I believe it is permissible for a carry-out restaurant to have a limited number of seats for its patrons. It is also important to note that each case is decided based on its own merit. In my opinion, based on the facts and evidence presented, the use of the subject property by the Baltimore Bagel Company as a carry-out restaurant applies only to the Petitioners in this case. Other such businesses may differ somewhat from the operation of this particular establishment and therefore, cannot benefit from the decision rendered in this matter to classify the Baltimore Bagel Company as a carry-out restaurant.

Having determined that the Bagel Shop is a carry-out restaurant, the regulations require that the Petitioner provide 5 parking spaces for every 1,000 sq.ft. of gross floor area. Inasmuch as the Petitioner occu-

pies 1,915 sq.ft. of space. he must provide a minimum of 9.58 parking spaces, or 10 spaces total. The site plan and testimony offered revealed that the Petitioner only has 4 parking spaces available on-site. Therefore, a variance of 5.58, or 6 parking spaces is necessary, and as such, the Petitioner's request for variance is appropriate.

As stated previously, the testimony and evidence offered in this case involves the Baltimore Bagel Company operating as Charm City Bagel Company. The decision rendered in this matter shall only apply to the Charm City Bagel Company, and not to any other tenant of the subject building.

At the conclusion of the hearing in this matter, I indicated that I would personally make a site inspection of the property and on seven separate occasions, I visited the Bagel Shop and surrounding businesses. I visited both during the morning hours and lunch time hours, and made one inspection and visit on a Saturday morning. These visits were made in an attempt to determine whether a parking variance would be appropriate for this particular business. Based upon my observations during the course of these site visits as well as the testimony and evidence offered at the hearing, I find that the relief requested is appropriate and that a variance should be granted. Certain restrictions will be imposed at the end of this Order, however, to insure that the operation of the Charm City Bagel Shop at this location will not be detrimental to the surrounding community. The businesses in this commercial strip have existed in this location for over 40 years. The parking situation has remained the same. That is, there has always been only a very limited number of parking spaces for the tenants of this building. The customers, patrons and residents of the area have adjusted to this parking situation, and the businesses have continued to operate, in spite of these parking deficiencies.

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

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

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 10 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

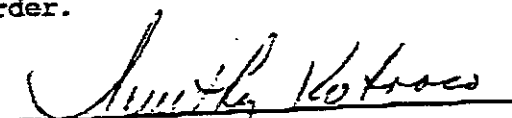
1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the Baltimore Bagel Company, Inc., trading as Charm City Bagel Company. In the event the Baltimore Bagel Company ceases to operate its business on the premises, then the parking variance granted herein shall cease and terminate. This variance shall not apply to Hoang's or the office space located on the second floor of the subject building, as no testimony was offered regarding those uses.

3) The hours of operation of the subject business shall be limited to 6:00 AM to 4:00 PM, seven days a week.

4) The Petitioner is prohibited from providing any more than 25 seats total, either inside or outside the Bagel Shop. This limited seating shall insure that the principal business of the Bagel Shop is for carry-out purposes, only.

5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

PETITION

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NAME	ADDRESS
Mike DeLu	250 Broder Rd
S. Day	Bell, MD 21212
Martha Richardson	209-C Dodgers Forge Rd. 21212
Jeremy Packman	517 Murdock Rd 21212
Hillary Holman	418 Evesham Ave 21212
Bill Holman	211 Blenheim Rd
JEFF SLAVIN	211 Blenheim Rd
Shannon Grue	9 S. Hill Ct
Serg Lattanzi	905 Woodson Rd Balt MD
Jim Anormal	915 Litchfield Rd 21212
Walter Schuch	Balto MD
John Rgn	5908 Wilmary Lane, Balt MD 21239
S. Ratcliffe	813 CEDAR CROFT RD, CATO MD 21212
R. Ekey	225 STANMORE RD
Daniel K. Whitley	P.O. Box 205, Ridgely MD 21193
Jan Rgn	704 W Melrose Ave., Balto, MD 21210
Deb Dawson	806 Roseburg Rd 21212
Paula Sauerborn	1005 Regester Ave. BALT. 21239
Chris Klinebitter	603 REGESTER AVE 21212
	319 OLD TRAIL RD 21212
	10702 Western Ave H 72 21030

Milton Hare
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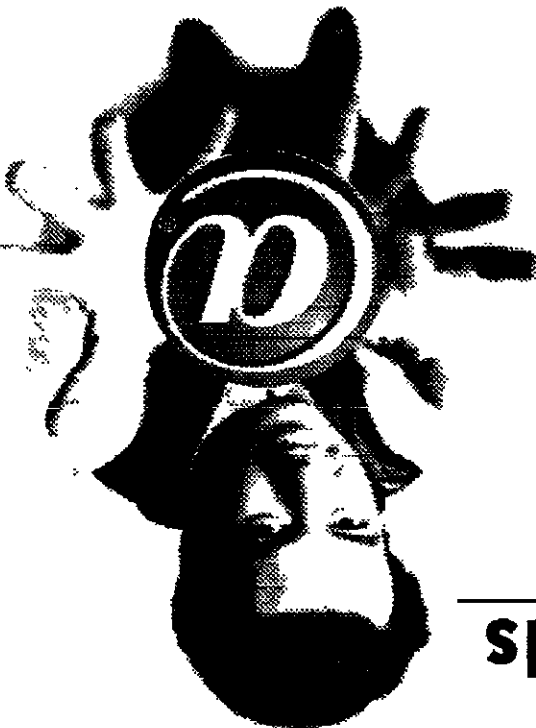
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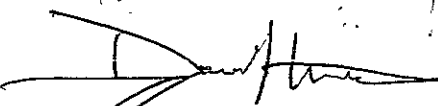
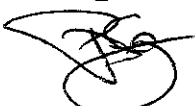
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PETITION

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NAMEADDRESS

Sister Vincent	4701 N Charles Bldg 21210
Lois M Brook	104 Elmwood Rd 21210
Sister Gussel	4701 N. Charles St. 21210
Marc Harkstein	526 <u>Murdock</u> Rd 21212
Marjorie Anderson	3811 Keswick Rd 21211
Shirley Adams	801 Overbrook Rd 21239
Kushma Press	6201 Bellona Ave. 21212
Over Scarbrough	4020 Hickory Ave 21211
Brandon Bentley	1346 Unit Ave 21239
Patrick McDonough	6835 Blenheim Rd. 21212
Steve Kinsey	703 Gittings Ave 21212
Sue Kinsey	703 Gittings Ave 21212
Derek: Heather Wanner	5528 Howe St. Apt. 1 Pittsburgh
Francis Weeks	705 Kingston Rd, Balt 21212
Neale Osenberg	29 Stoneridge Ct. 21239
	3 Cns of Chester Md 21619
Greg Olsen	44 Pheasant Place Balt. MD 21236
	42 Dunkirk Rd. Balt. MD 21212
Shirley K. Davis	1025 E. Lake Ave. Balt. MD 21212



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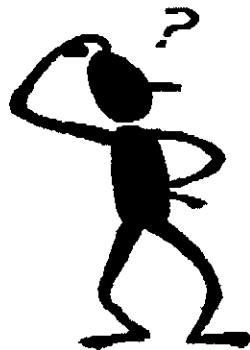
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Joan Winger

Marian Tamburino

Jakie A. Burt

Richard Ellsberg

Andy Botkin

Jaye Knutson

6934 Rockfolds Rd 21241

331 Homeland Ave 21212

105 W. 39th St. 21210

421 Hopkins Rd 21212

W. 1st St 21202

322 Dunkirk Rd 21212

1255 Limit Ave 21239

722 ANNESLIE Rd 21212

307 Alabama Rd 21204

704 E. Lake Ave 21212

JOHN SWEENEY

Susan Sherman

Denise Furey

Chris Kauffman

Tom Jeter

Charles Gennaro

533 REESTER Ave 21212

7215 York Rd 21212

1200 Dumbarton 21212

113 E Montgomery St Apt 2 21230

6803-B York Rd,

PETITION

We, the undersigned, favor the granting of approval by the Zoning Commission of Baltimore County of the Petition for Variance and Petition for Special Hearing by Bagels, Inc. for the property at 6805 York Road to use a portion of the property for a bagel business because the proposed use of the property will not be detrimental to or endanger the public health, safety or general welfare of the community and will not disturb the residents of the area.

DIANE DAVIS NAME	904 Army 21204 ADDRESS
Kate Wisterite	6900 Petworth Rd.
Jim Mory	407 Charter Oak
George Pinner	5800 Kipling Ct.
Robert Pinner	5800 Kipling Ct.
Paul Richardson	601 Stoneleigh Road
Simon Dinn	717 Anneslie Rd.
John Pinner	915 Arvan Rd
Sarah Klinefelter	530 Greenwood 21204
Cheryl Reichel	112 DUMBARTON RD 21212
Pearl Pinner	437 Meadow Rd 21206
Antoinette Pinner	5106 Craig Avenue 21212
Daniel J. Pinner	400 REGISTER AVE.
SUSAN & Bob Hurd	520 Overbrook Rd 21212
Dennis Smith	1 W. Pennsylvania Ave.
John L. Lister	904 Army Rd 21204
Susan H. Lister	529 Windwood Rd
Al Lister	812 Stoneleigh Rd 21212
Al Lister	Winkburg Rd

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Prepared and submitted by:
Regional Marketing Director

Chris DeAngelo

Media Two/Taste Publications

Accepted on behalf of Fleet Credit Services by:

M. D. Wong 8/10/99

~~Diana~~
Joy Naper - Joyce
Joan Browne
Jan Cummings
Tara MacCallister
Ed Hodges (bayer petition)
William L. Cook

Anne E. Baller
Jerome Reiff

~~John Schenning~~
Paul Schenning

STEPHEN SCHENNING
Stephen M. Schenning

ERIC MOSS

Mary Beth Aydt

Shirley Grady

Zachary Fitting
Haley Walsh

Jennifer Callanan

Anthony Senneca
SUSAN H. FISHBEIN

7128 HEATHFIELD Rd

601 Hastings Rd

601 Walker Ave. 21212

815 Ined Avon Rd
21212

7 Arden Rd 21286

413 Dunkirk Rd 21212

822 Kingston Rd 21212

10751 Middlebrook Dr

918 WEATHERBEE

7105 Sheffield Rd

308 Dixie Dr.
TOWSON 21204

6902 AVONDALE RD.

418 Cedarcroft RD

629 Regester Ave.

425 Chomleigh Rd

6301 Pinehurst Rd 21212

6303 Beechwood Rd 21239

1386 ESCAPADE CT 21140

2 DUNKIRK RD. BALTO 21212

PETITION

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NAME	ADDRESS
C C McCarthy	627 Overbrook Rd
MARK D. NOAR	603 HASTINGS ROAD
Robert Meyerhoff	9 Meadow Rd.
Justin Dorack	1411 Wine Spring Lane
Chris Cliver	18 Mamopa Ct
Michael Cherkwitz	616 Annie Rd
Michael Pouchosh	3800 Ednor Rd 21218
NIAMH McQUILLAN	1206 OVERBROOK RD 21239
Judsey Callahan	7798 Greenview Terr.
Grace Sommerly	622 Coventry Road 21286
Joshua T. [Signature]	1100 Litchfield Rd 21239
Joshua T. [Signature]	1100 Litchfield Rd 21239
Josh Edwin	403 Hopkins Rd
A.F. Epple	156 Dumbarton Rd.
Jarah M. June	110 Overbrook Rd.
Ken Chambers	202 Alder Drive
William E. McFarland	792 Mt Pleasant Rd, Pottstown, Pa. 19465
Andrew [Signature]	821 E. Belvedere 21217
Tim [Signature]	313 E. Lake Ave 21202
James [Signature]	319 Dumbarton Rd Ball 21212
Paul Bush	297 Ashburn Rd - 21204
Clemencia Gouel	1006 Walker Ave. 21239
Wenay Mason	615 Hastings Rd 21286



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PETITION

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NAME	ADDRESS
Robin Waters	6921 Lachlan Cir Apt F
Den Curtis	3500 Pranhoe Ave.
Megan Curry	8602 Black Oak Rd.
Mike Newberry	6713 York Rd. Apt 5
Emily Clark	815 Stoneleigh Rd.
Steve Worley	1723 Glen Ridge Road
Raymond Arnold	505 W. Townsend Blvd. Box #5037
Moira B. Meagher	300 Overbrook Rd.
Shirley Little	16358 Madder Rd Stewartstown PA 17367
Scott W. Brown	1910 Eastern Ave.
Clara L. Young	6915 York Rd, Baltimore Md
Theresa Cegielski	5110 Silver Spring Rd.
Paul Culam	207 MIDHUNT RD 21212
CHUCK MICHOLSON	712 DUNKIRK RD 21212
ANDRE MON.	525 Regester Ave. 21212.
Carmel Keenan	260 Ridge Ave 21286
Randy Sovien	89 DUNKIRK RD 21212
John Maranto	153 Stemsan Cmsn 21212
Pete Melley	u

Monday, August 9, 1999

Kim Fortuna, Taste

410 825-1002

Dana Karl Stibolt - MacMedics Baltimore

2



Best of Baltimore
Baltimore Magazine, 1996
Baltimore City Paper, 1998

**F
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PETITION

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NAME	ADDRESS
Andrew R. Coy <i>[Signature]</i>	502 Hatherleigh Rd Balt MD 21212
Kari Norbeck	4 Beauville Ct. #1B 21208
Christine Rytting	506 Murdock Rd.
Martha Barse	403 Croydon Rd. 21212
Kristine & Chris Kopelchick	403 Fieldstone Ct. 21047
<i>[Signature]</i>	421 Rodgers Ct 21212
Reed Fulton	6027E Blenheim Rd 21212
Linda De Ambo	1801 Cross Keys Rd 21210
Jamantia McIntosh	3514 Fieldcreek way
Chloe Gerhart	617 Hillen Road
Diana Digg	505 MURDOCK RD
Nicole Fencis	6514 Parkhurst Rd
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Marc Hartstein
526 Murdock Road
Baltimore, Maryland 21212

November 7, 1999

To the Zoning Commission:

I am a resident of the Anneslie Community at 526 Murdock Road, approximately one city block away from Sam's Bagels which is on York Road in the Anneslie neighborhood of Towson. I am writing in support of a variance from parking requirements for Sam's Bagels. Allowing for this variance would be consistent with past practice with respect to Charm City Bagel Company and would be in the best interests of the surrounding neighborhoods.

The Charm City Bagel Company operated for several years with tables inside and outside for its customers without incident or inconvenience for the surrounding neighborhood. My understanding is that the only significant complaint with respect to parking for either the Charm City Bagel Company or Sam's Bagels has come from the proprietors of Harry Little's sandwich shop. I believe this is a complaint without merit and is being made solely in the interest stifling competition with a nearby food establishment. Harry Little has no parking and I understand it is only exempt from parking requirements because it occupied the shopping center prior to the advent of parking requirements. In my opinion, Harry Little is abusing a technicality in the law to impose an undue burden on a neighboring business.

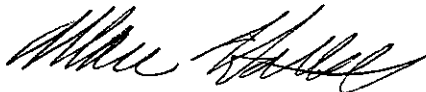
If Sam's Bagels is to be subject to parking requirements included in the zoning code, it only seems equitable that all of the businesses present in that shopping center be subject to the same rules. As a resident of Anneslie, I would oppose making all businesses subject to such parking requirements because it would necessitate either the closing of local businesses or the building of a parking lot which would fundamentally alter the character of the shopping center and the surrounding neighborhood and would not be in our interests.

Sam's Bagels is a good business. Residents from Anneslie, Rodger's Forge and Stoneleigh walk to buy bagels there. It is clean and well maintained and provides good employment opportunities for nearby teenagers and young adults. It would be terrible for the surrounding communities to lose this fine establishment over such a minor complaint that is motivated by purely selfish business reasons rather than a real concern about parking. It is clearly more in the interests of the surrounding communities to have Sam's Bagels operate in its present capacity than to close. A vacant business at that location is clearly not in the interests of the surrounding neighborhoods.

It is clear that all of the businesses in this shopping center depend upon walk-up business and the public parking along York, Regester and Murdock Roads. Of course, there are times when these

spots are occupied and customers of all the businesses on York Road park in the Anneslie neighborhood. However, this was true before there was a bagel shop on York Road and will continue to be even if there was no bagel shop at that location. Thus, it seems unfair to force Sam's Bagel to comply with parking restrictions that are not being imposed on the neighboring businesses. It is for this reason that I urge you to allow Sam's Bagels a variance that allows it to operated with four parking spaces. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc Hartstein', with a stylized, cursive script.

Marc Hartstein

#16

N 30,000

97-402-A

STONELEIGH

ROAD

RT 45

BL

97-64-A

AVENUE

ERS

BL-AS

SERVICE

SITE

REGISTER

RO

ROAD

MURDOCK

ROAD

DUNKIRK

ROAD

VILLA ANNESLIE

BL

RO

ANNESLIE

ALLEY

ROAD

YORK

LOCUST

00-016-SPHA

OVER



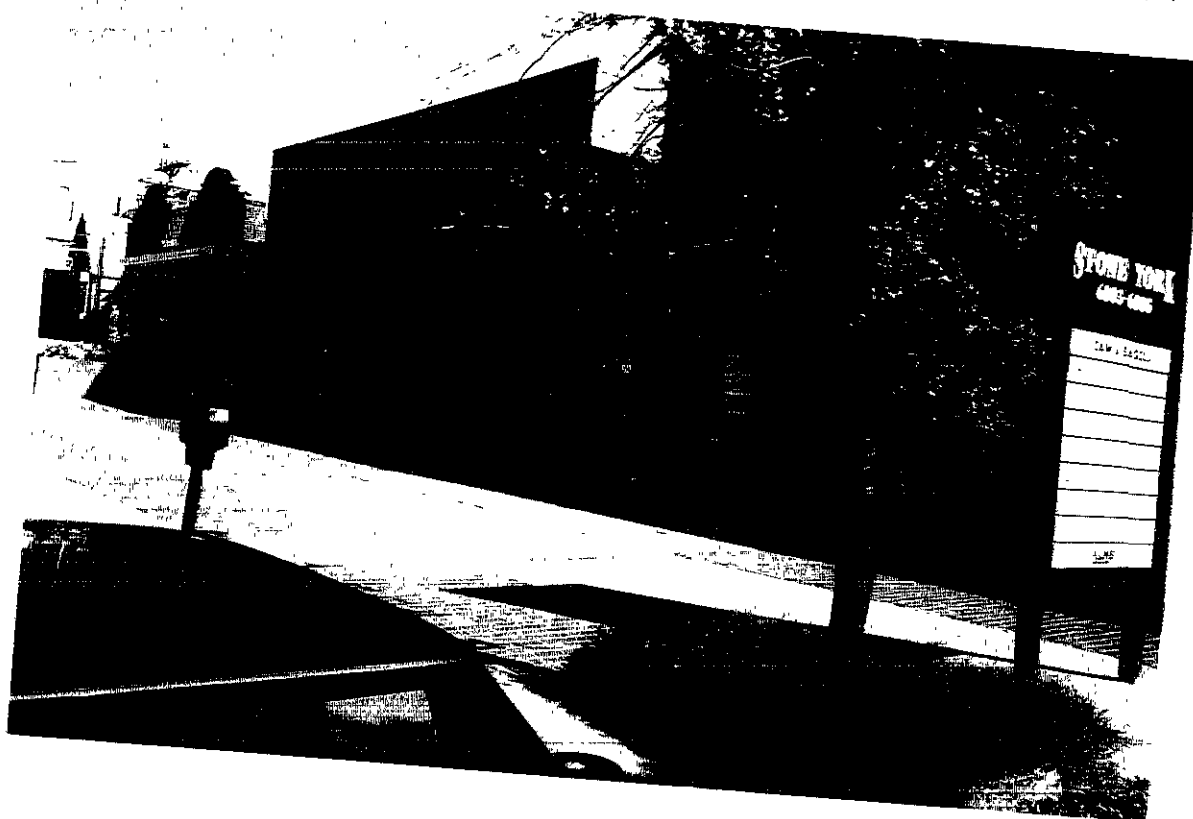
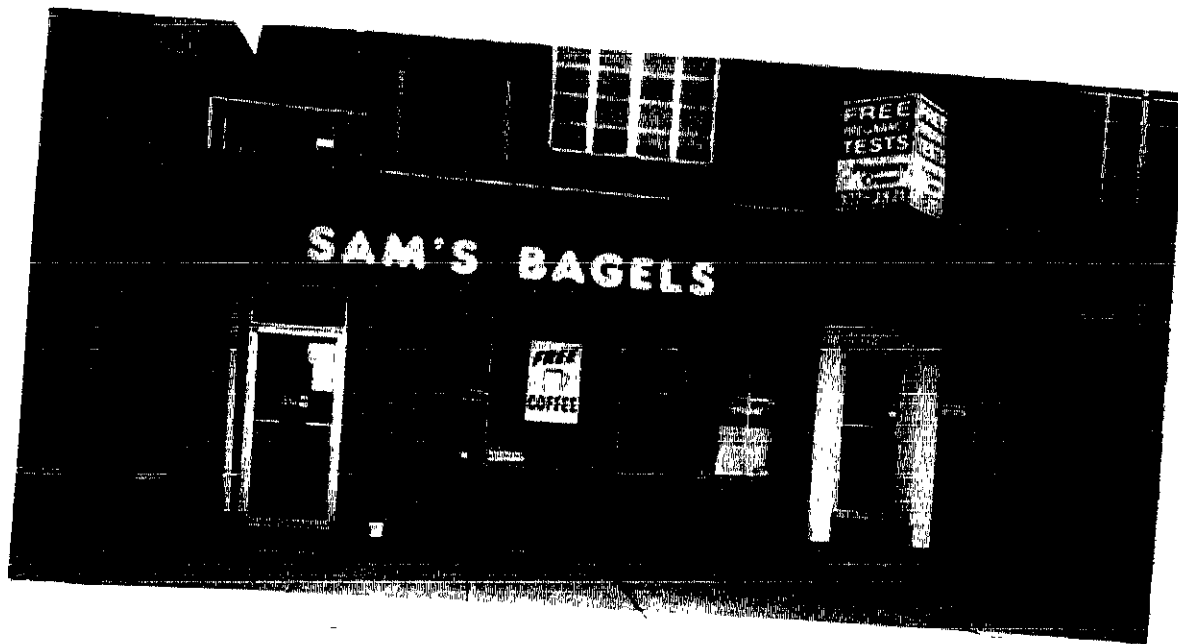
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Printed with Soybean Ink

*Petitioners'
Exhibit No. 3*

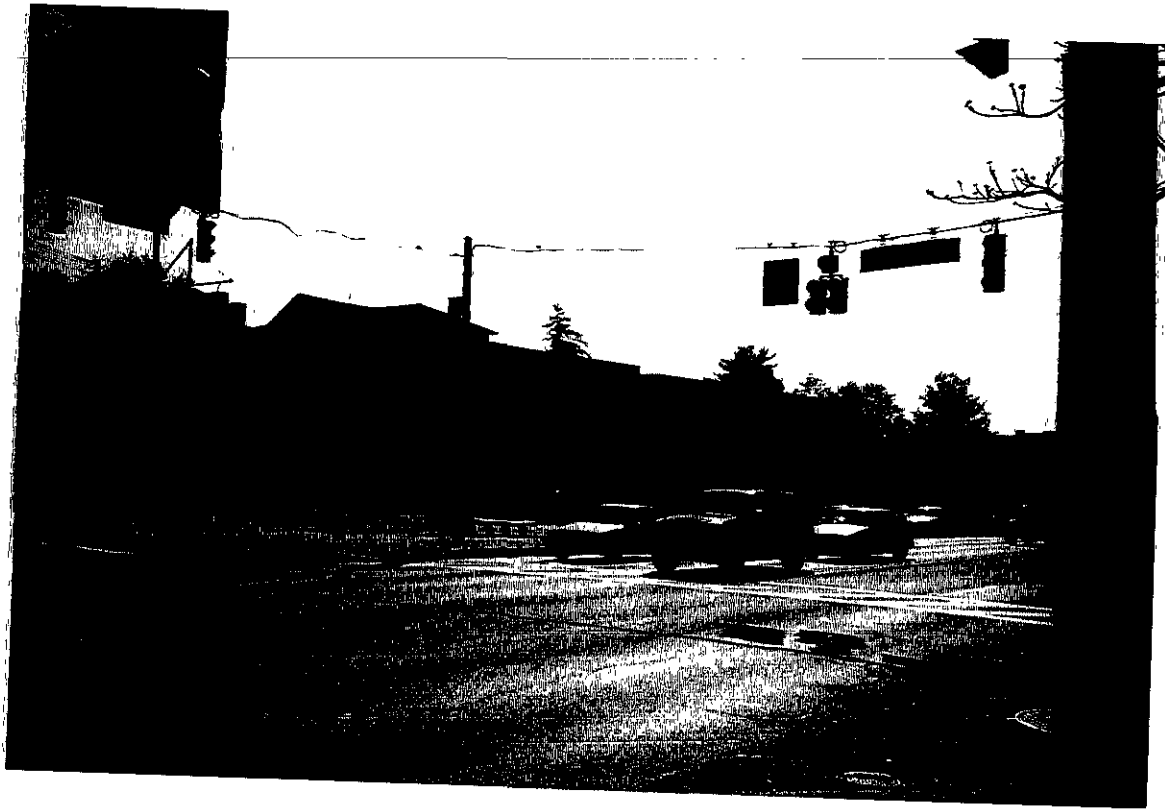
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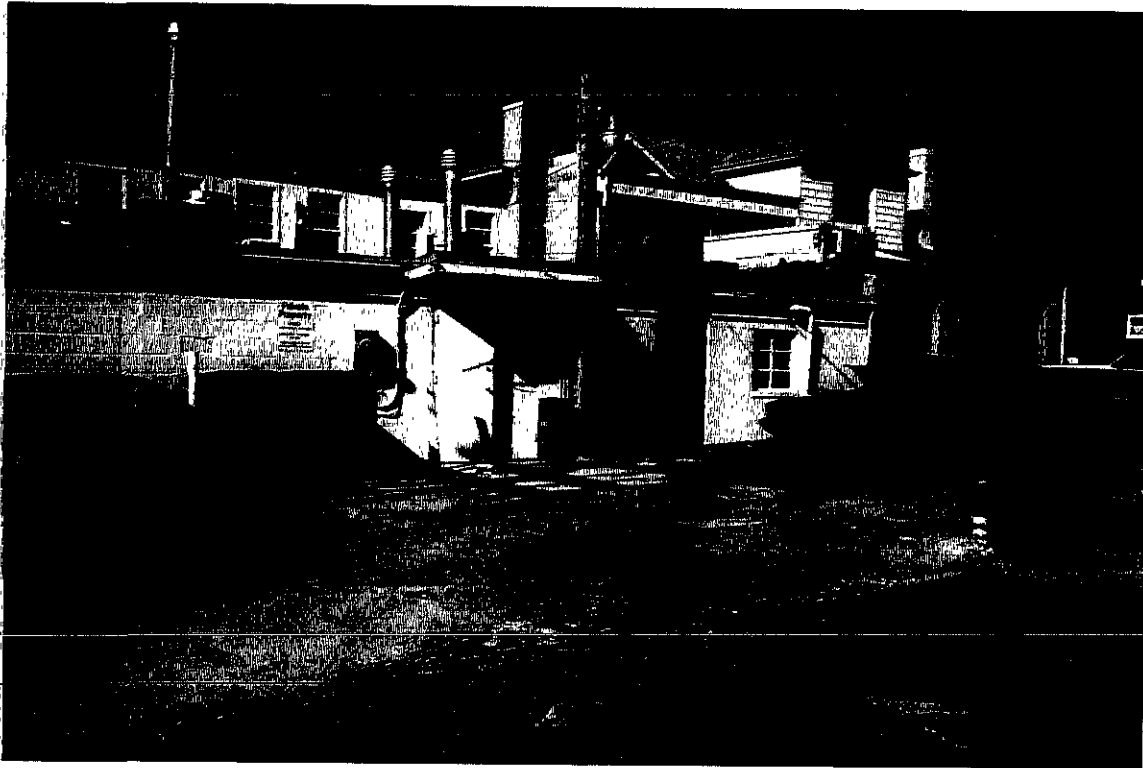
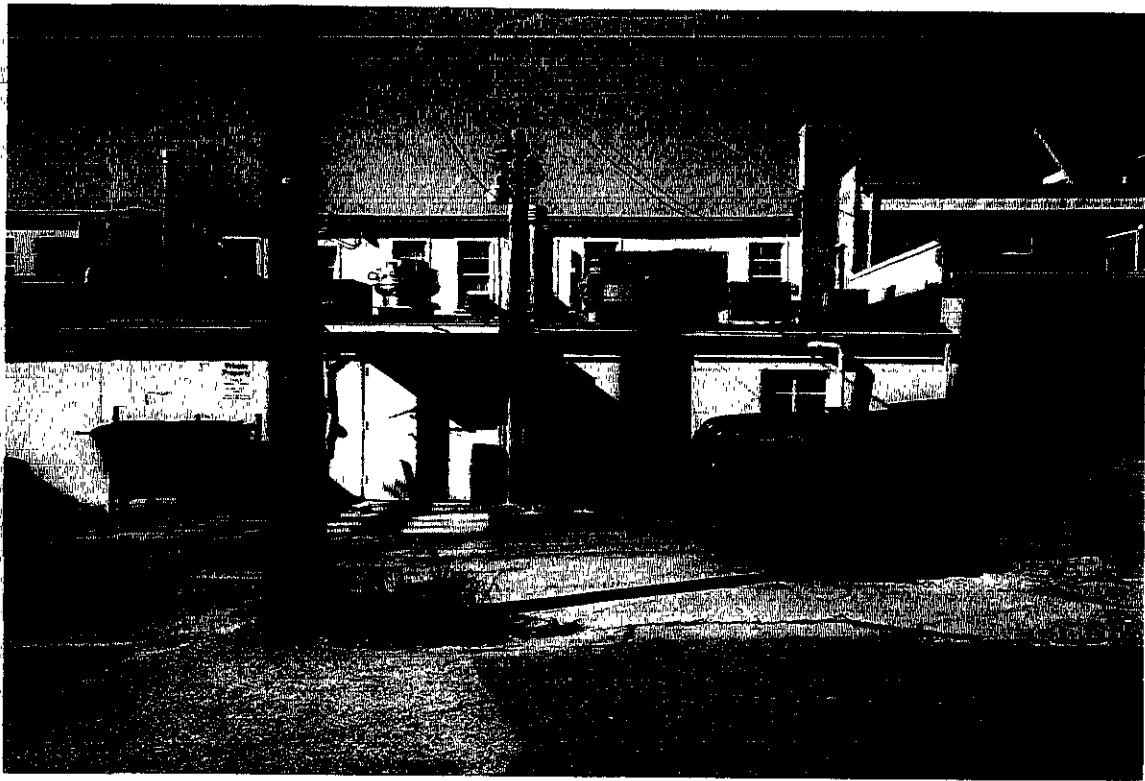




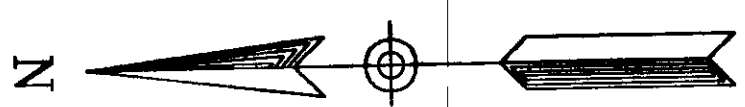






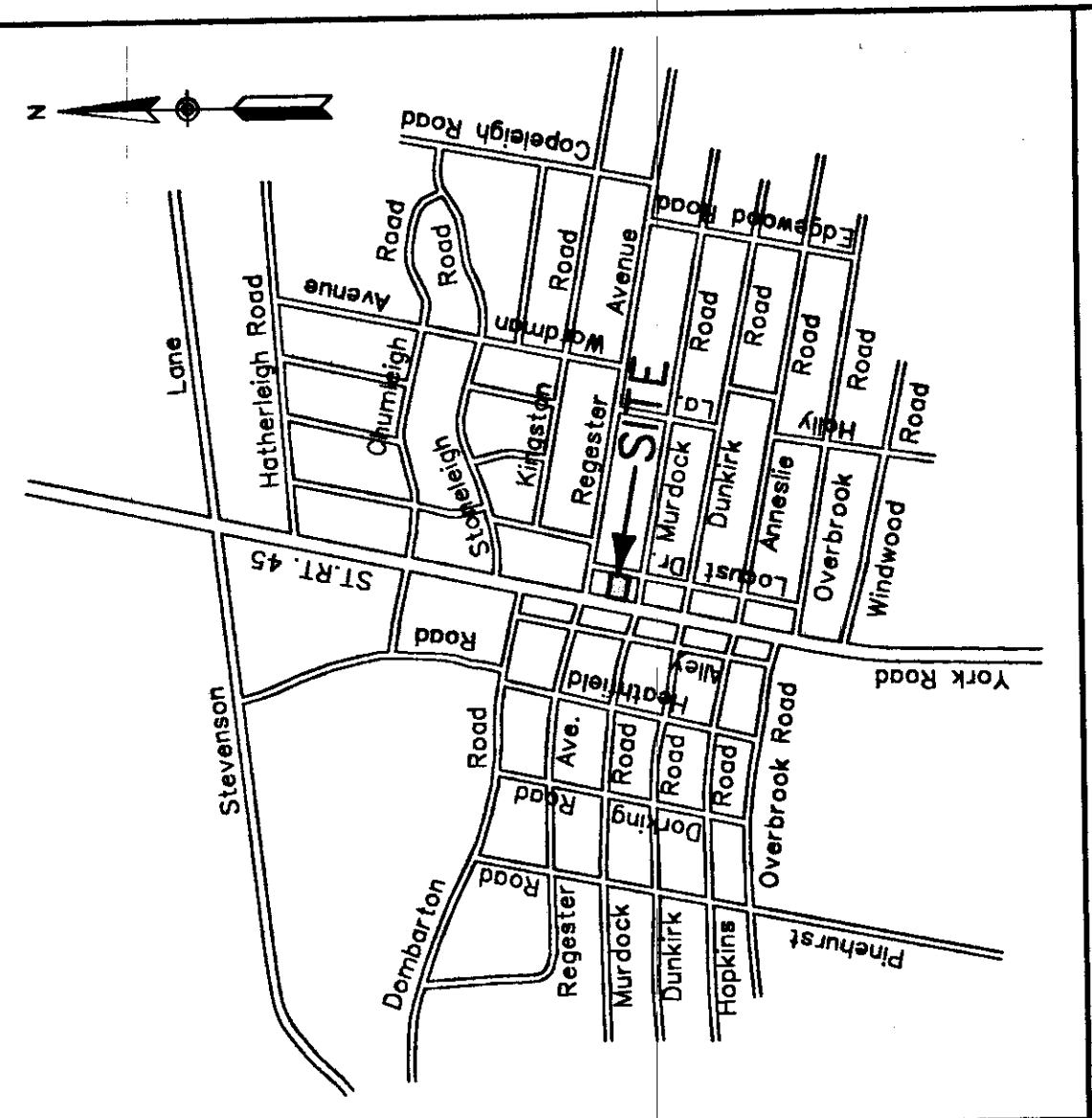
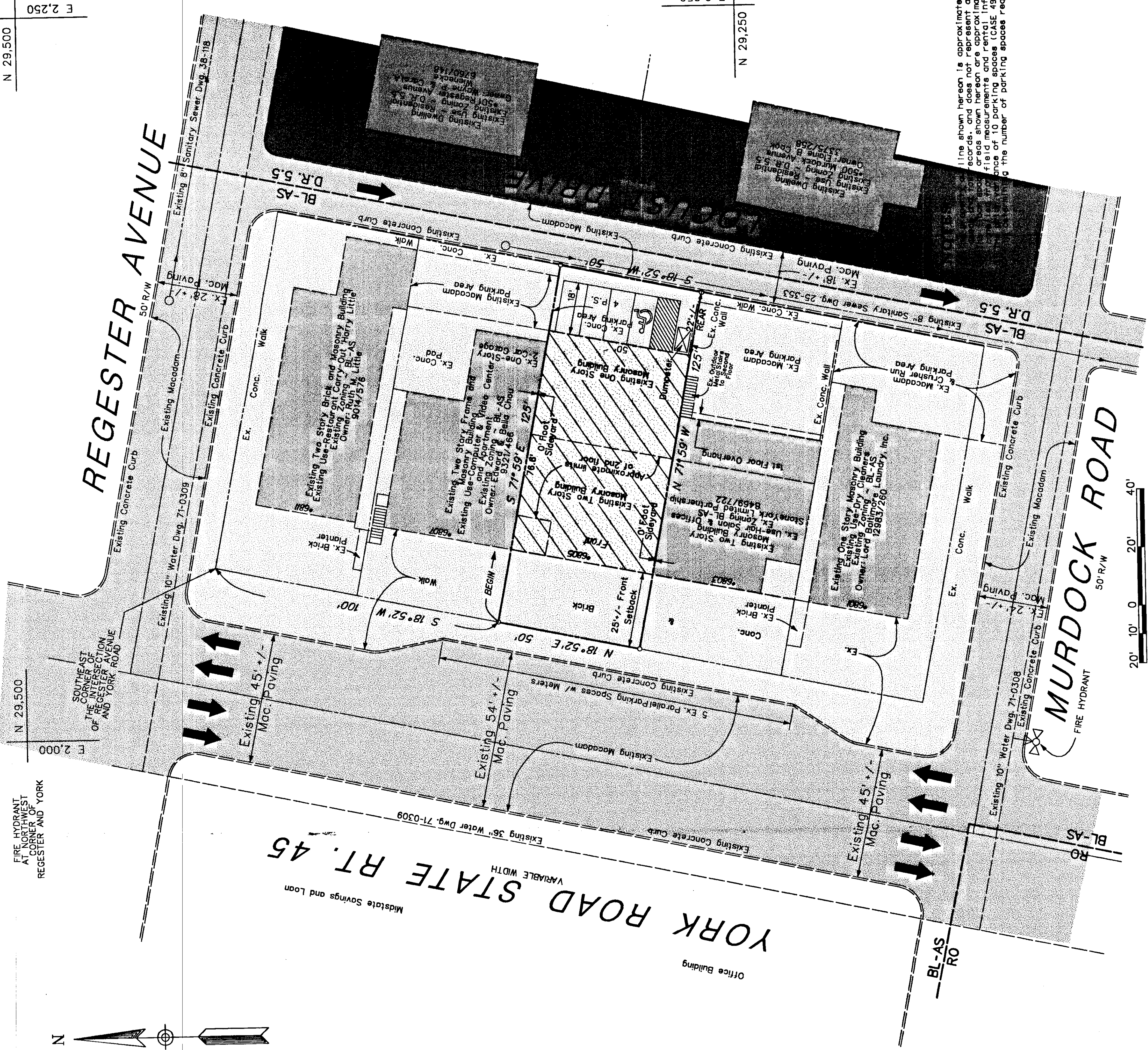


FIRE HYDRANT
AT NORTHWEST
CORNER OF
REGISTER AND YORK



N 29.500
E 2.000

N 29.500
E 2.250



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

Gross area of site 0.19 acres +/-
(Includes 30' of York Road and 10' of Locust Drive)
Net area of site 0.144 acres +/-
BL-AS
Present Use - Existing 2 Story Brick and Block Building with basement
(Commercial use - storage)
1,830 sq +/- 1st floor (carryout/retail)
1,512 sq +/- 2nd floor (general offices)
Proposed Use - same
0.98 existing and proposed (less than 3.0 permitted)
Agency open space - None Required
Tax Account # - 0803476090
Dead Reference - 84637124
Building height - 25 feet +/-
Previous zoning codes - C-1
Case 97-64-A-Order dated June 14, 1997 which granted a parking
variance of 16 spaces in lieu of the required 10
to the following restrictions:
1) The Petitioner is hereby made aware that proceeding at this
time is at his/her own risk and that the relief granted herein shall be
rescinded if this order is reversed, the relief granted herein shall be
rescinded.
2) The relief granted herein is limited to the Baltimore Bagel
event the Baltimore Bagel Company ceases to operate its
business on the premises, this variance shall not apply
to any other business, and the variance shall not apply
to any other building, as no testimony was offered regarding
the subject building, as no testimony was offered regarding
those uses operation of the subject business shall be limited
to 6:00 AM to 4:00 PM, seven days a week.
3) The Petitioner is prohibited from proceeding with the proposed
business on the premises, this variance shall not apply
to any other business, and the variance shall not apply
to any other building, as no testimony was offered regarding
the subject building, as no testimony was offered regarding
those uses operation of the subject business shall be limited
to 6:00 AM to 4:00 PM, seven days a week.
4) The Petitioner is prohibited from proceeding with the proposed
business on the premises, this variance shall not apply
to any other business, and the variance shall not apply
to any other building, as no testimony was offered regarding
the subject building, as no testimony was offered regarding
those uses operation of the subject business shall be limited
to 6:00 AM to 4:00 PM, seven days a week.
5) When applying for any permit, the Petitioner shall file must
submit this case and set forth and address the restrictions of
this Order.

Signage - None proposed at this time. All future signage to
comply with Section 450 BCR and all zoning sign
Public water and sanitary sewer facilities exist.

PARKING TABULATION

6805 YORK ROAD	
PARKING REQUIRED	
Basement	2,700 sf Storage @ 0.25 sp/1,000 sf
First Floor	1,915 sf Carryout Restaurant
Second Floor	1,915 sf Carryout Restaurant
Basement	2,700 sf Storage @ 0.25 sp/1,000 sf
First Floor	1,915 sf Carryout Restaurant
Second Floor	1,915 sf Carryout Restaurant
Total Parking Required	1,512 sf of General Offices @ 3.35 sp/1,000 sf
Peak Occurs at Weekday Evening From 4:00 PM to 6:30 PM	
Offices (10% of 5.19 sp.)	= 0.52 spaces
Restaurant and Retail (100% of 19.16 sp.)	= 19.16 spaces
Total Parking Required	= 20 spaces
Variances Requested	= 16 spaces
All parking spaces to be permanently striped on a durable and dust free	
space provided a 16' wide x 18' long	

A Special Hearing is requested to confirm that the relief granted in Restriction No. 2
contained in the Zoning Commissioner's Order for Case 97-64A is applicable to any Bagel
business
- or alternatively -
A Variance is requested to Section 409.6 BCR to permit a total of 4 parking spaces in
lieu of the required 20 spaces.

OWNER
STONEYORK LIMITED PARTNERSHIP
c/o Jeff Springer
13000 Dulany Valley Road
Glen Arm, Maryland 21057

PETITIONER
BAGELS, INC.
Allan Gallant, President
325 Dukeland Street
Baltimore, Maryland 21223

PLAT TO ACCOMPANY
ZONING PETITION
NO. 6805 YORK ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 9
June 29, 1999
SCALE: 1" = 20'

MATTIS WARFIELD, INC.
CONSULTING ENGINEERS
8800 York Road, Suite 209
Baltimore, Maryland 21212
Phone: 410-377-7696 Fax: 410-377-7657
mattiswarfield.com