

IN RE: PETITION FOR VARIANCE
SE/Corner intersection of Satyr Hill Road
and Perring Parkway
(8809, 8811 & 8819 Satyr Hill Road)
9th Election District
6th Councilmanic District

CDN Limited Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-027-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, CDN Limited Partnership, by Nick Frank and Angeline Frank, General Partners, through their attorney, Peter A. Prevas, Esquire. The Petitioners seek relief from Section 409.6.A.2 & A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 41 parking spaces in lieu of the required 45, in a B.L.-A.S. zone, to improve access to the parking lot and for purposes of public safety, pursuant to a request by the Baltimore County Fire Department. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case were Nick Frank, property owner, and Fred Thompson, Professional Engineer who prepared the site plan for this property. The Petitioners were represented by Peter Prevas, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property under consideration is actually composed of two adjoining lots, located on the southeast corner of Satyr Hill Road and Perring Parkway, adjacent to the North Plaza Shopping Center in Parkville. The property, identified as Sites 1 and Site 2 on the site plan, contains a combined gross area of .88 acres, zoned B.L.-A.S. Apparently, Mr. and Mrs. Frank initially owned Site 2, which is improved with a one story brick and block building and attached two-story addition. Subsequent to their initial

ORDER RECEIVED FOR FILING

Date

By

purchase, they acquired Site 1, which is improved with a one story, block and brick building that is attached to the one-story portion of the building on Site 2. Improvements were made and the building is now used as a pool hall. Vehicular access to the building is by way of Satyr Hill Road, which fronts the property near its intersection with Perring Parkway.

The Petitioners originally obtained variance relief from the Deputy Zoning Commissioner in Case No. 95-286-A from certain requirements of the parking regulations. At that time, it was envisioned that there would be but a sole access to the parking lot. However, after reconsidering their options, the Petitioners decided that there should be two points of access to the parking lot from Satyr Hill Road. This decision was made after consultation with the Baltimore County Fire Department which opined that there should be dual accesses to accommodate emergency equipment (See Petitioner's Exhibit 2, letter from Lt. Robert Sauerwald, BCFD). Due to the fact that a second entrance will be maintained, four parking spaces will be lost from the originally approved plan; thus, the subject variance is requested.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the Petitioner complies with the requirements of Section 307 of the B.C.Z.R. Moreover, the proposed parking layout is appropriate and promotes public safety, pursuant to the recommendation made by the Baltimore County Fire Department. Additionally, there were no adverse Zoning Advisory Committee comments submitted, but for the Office of Planning comment dated August 13, 1999. That comment indicated that the landscape plan approved in the prior case had never been implemented. In this regard, Mr. Thompson indicated that the landscaping had not been done due to the fact that improvements to the property's frontage were necessary to widen the road and maintain the proposed access points. Thus, when the road frontage improvements are completed, the landscaping will be installed. In this regard, I will require the Petitioner to complete those improvements and install the required landscaping within one (1) year of the date of this Order.

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.

ORDER RECORDED
Date 9/15/99
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1999 that the Petition for Variance seeking relief from Section 409.6.A.2 and 4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 41 parking spaces in lieu of the required 45, in a B.L.-A.S. zone, in accordance with Petitioner's Exhibit 1, in order to improve access to the parking lot and for purposes of public safety, pursuant to a request by the Baltimore County Fire Department, 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.
- 2) The Petitioner shall complete the improvements along the road frontage and landscape the property in accordance with the approved site plan, as amended, within one (1) year of the date of this Order.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/15/99
By [Signature]



Baltimore County
Zoning Commissioner

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

September 14, 1999

Peter A. Prevas, Esquire
Prevas & Prevas
231 E. Baltimore Street, Suite 702
Baltimore, Maryland 21202

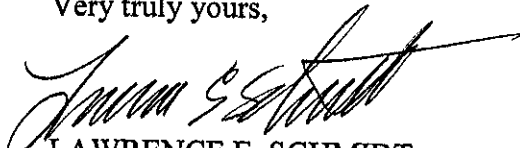
RE: PETITION FOR VARIANCE
SE/Corner intersection of Satyr Hill Road and Perring Parkway
(8809, 8811 & 8819 Satyr Hill Road)
9th Election District – 6th Councilmanic District
CDN Limited Partnership - Petitioners
Case No. 00-027-A

Dear Mr. Prevas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Nick Frank
1001 S. Lakewood Avenue, Baltimore, Md. 21224

Mr. Frederick Thompson
429 E. Lake Avenue, Baltimore, Md. 21212

People's Counsel; Case/File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8809-8811-8819 Satyr Hill Rd.

which is presently zoned BLAS

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(A) (2) and (4)

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

To permit 41 ^{parking} spaces in lieu of the required 45 in a BLAS Zone to improve access to the parking lot and for public safety, per Fire Dept. letter, AND TO BE DESCRIBED

As 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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

PETER A. PREVAS

Name - Type or Print

Signature

Prevas & Prevas

Company

231 E. Baltimore Street, Suite 702 410-752-2340

Address

Telephone No.

Baltimore, Maryland

21202

City

State

Zip Code

Legal Owner(s):

NICK FRANK and ANGELINE FRANK *Gow. Prop.*

Name - Type or Print

Signature

CDN Limited Partnership

Name - Type or Print

BY: *Nick Frank* *Angeline Frank*

Signature NICK FRANK and ANGELINE FRANK

1001 S. Lakewood Avenue

410-732-2788

Address

Telephone No.

Baltimore

Maryland

21224

City

State

Zip Code

Representative to be Contacted:

FREDERICK J. THOMPSON, P.E.

Name

429 E. Lake Avenue

410-532-0101

Address

Telephone No.

Baltimore, Maryland

21212

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By SM Date 7-21-94

ORDER RECEIVED FOR FILING

Date

By

Case No. 00-27-A

REC 9/15/98

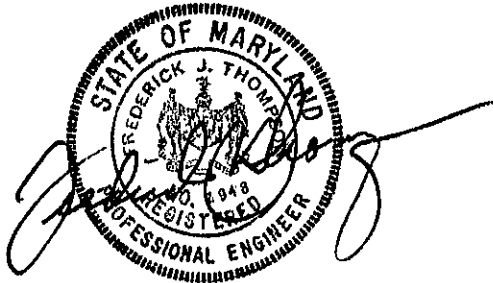
**ZONING DESCRIPTION
8811 SATYR HILL ROAD**

BEGINNING AT A POINT AT THE INTERSECTION OF PERRING PARKWAY AND SATYR HILL ROAD (VARIABLE RIGHT-OF-WAY WIDTHS). THENCE EXTENDING THE FOLLOWING COURSES AND DISTANCES:

- 1. NORTH 73 DEGREES 15 MINUTES 00 SECONDS EAST, 186.00 FEET;**
- 2. SOUTH 16 DEGREES 45 MINUTES 00 SECONDS EAST, 240.06 FEET;**
- 3. SOUTH 73 DEGREES 15 MINUTES 00 SECONDS WEST, 141.04 FEET IN THE BED OF SATYR HILL ROAD;**
- 4. NORTH 18 DEGREES 48 MINUTES 00 SECONDS WEST, 41.65 FEET;**
- 5. NORTH 27 DEGREES 10 MINUTES 00 SECONDS WEST, 91.08 FEET; AND**
- 6. NORTH 31 DEGREES 41 MINUTES 00 SECONDS WEST, 100.00 FEET TO THE POINT OF BEGINNING.**

CONTAINING 0.78 ACRES MORE OR LESS.

LOCATED IN THE 9TH ELECTION DISTRICT.



STA-0027-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070458

DATE 7-21-99 ACCOUNT R-CO1-6150

AMOUNT \$ 250⁰⁰

RECEIVED
FROM:

FOR:

GOWEN, Thompson Inc
(PAID) 250
Com. VAN.
TOTAL \$250

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
7/21/1999 7/21/1999 15:35:00
REG 4804 CASHIER JOKR JLK DEANER
Dept 5 528 ZONING VERIFICATION
Receipt # 081485
CR NO. 070458
Kept Tot 250.00
250.00 OK
Baltimore County, Maryland
CASHIER'S VALIDATION

**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: #00-027-A
8809-8811-8819 Satyr Hill Rd
N/S Satyr Hill Road at NEC
Perring Parkway
9th Election District
6th Councilmanic District
Legal Owner(s): Nick Frank &
Angeline Frank & CDN
Limited Partnership

Variance: to permit 41 parking spaces in lieu of the required 45.

Hearing: Monday, September 13, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please 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.

8/23/99 August 26 C334316

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/26, 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 8/26, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE #00-027-A
PETITIONER/DEVELOPER:
(Nick Frank)
DATE OF Hearing
(Sept. 13, 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
8809-8811-8819 Satyr Hill Road Baltimore, Maryland 21234_____

The sign(s) were posted on _____ 8-27-99 _____
(Month, Day, Year)

Sincerely,

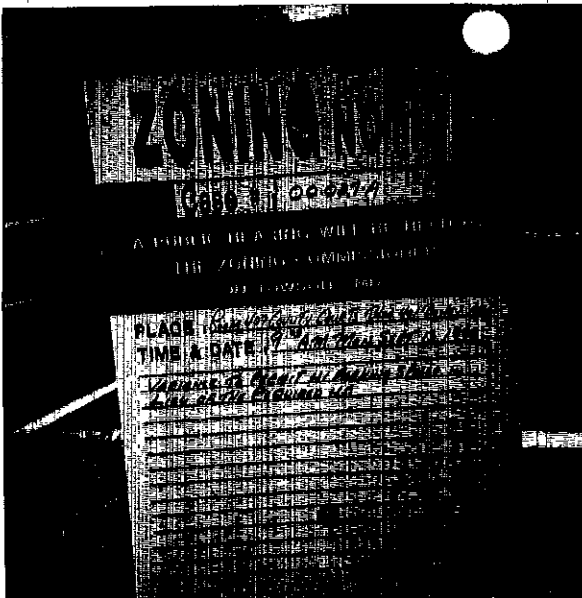

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



**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: 00-27-A
Petitioner: CDN LTD. PARTNERSHIP
Address or Location: 8809-8811-8819 SATER HILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: PETER D. PREMAZ
Address: 231 E. BALTIMORE ST. SUITE 702
BALTIMORE MD. 21202
Telephone Number: 410-752-2340

RE: PETITION FOR VARIANCE
8809-11, 8819 Satyr Hill Road,
N/S Satyr Hill Rd at NEC Perring Pkwy
9th Election District, 6th Councilmanic

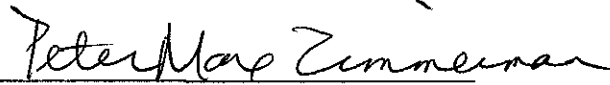
Legal Owner: Nick and Angeline Frank / CDN L.P.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-27-A

* * * * *

ENTRY OF APPEARANCE

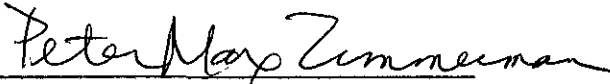
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


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 Peter A. Prevas, Esq., Prevas & Prevas, 231 E. Baltimore Street, Suite 702, Baltimore, MD 21202, 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 12, 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: 00-027-A
8809-8811-8819 Satyr Hill Road
N/S Satyr Hill Road at NEC Perring Parkway
9th Election District – 6th Councilmanic District
Legal Owner: Nick Frank & Angeline Frank & CDN Limited Partnership

Variance to permit 41 parking spaces in lieu of the required 45.

HEARING: Monday, September 13, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Peter A. Prevas, Esquire, 231 E. Baltimore Street, Suite 702, Baltimore 21202
Nick Frank & Angeline Frank & CDN Limited Partnership, 1001 S. Lakewood Avenue,
Baltimore 21224
Frederick J. Thompson, 429 E. Lake Avenue, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 29, 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 26, 1999 Issue – Jeffersonian

Please forward billing to:

Peter A. Prevas, Esquire
Prevas & Prevas
231 East Baltimore Street
Suite 702
Baltimore, MD 21202

410-752-2340

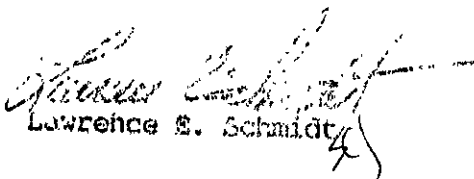
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N/S Satyr Hill Road at NEC Perring Parkway
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Legal Owner: Nick Frank & Angeline Frank & CDN Limited Partnership

Variance to permit 41 parking spaces in lieu of the required 45.

HEARING: Monday, September 13, 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.



**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

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

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
 for August 16, 1999
 Item No. 027

 The Bureau of Development Plans Review has reviewed the subject zoning item. There are 41 parking spaces shown on the plan.

RWB:HJO:jrb

cc: File

ZAC08169.027

fs
9/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 13, 1999

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

SUBJECT: 8809-8819 Satyr Hill Road

INFORMATION:

Item Number: 027

Petitioner: Nick Frank and Angeline Frank

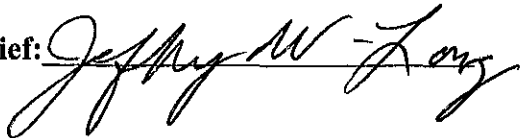
Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends denial of the applicant's requested Petition for Variance until such time as it can be demonstrated that the property is in compliance with the approved landscape plan.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

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

Date: 8.10.99

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

RE: Baltimore County
Item No. 627 JRA

Dear Ms Stephens:

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 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

FRED THOMPSON

429 E. LAKE AVE 21212

NICK FRANK,

1001 S Labernall Ave 21224

PETER PREVUS Esq.

231 E. BALTIMORE ST, SUITE 702, 21202



Baltimore County Government
Fire Department700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

Oct. 22, 1998

TO: MR. NICK FRANK
1001 S. LAKEWOOD AVE.
BALTIMORE, MD. 21224FROM: LT. ROBERT SAUERWALD
BALTIMORE COUNTY FIRE MARSHAL OFFICE

SUBJECT: TOP HAT CUE CLUB, 8809 SATYR HILL RD.

DEAR SIR:

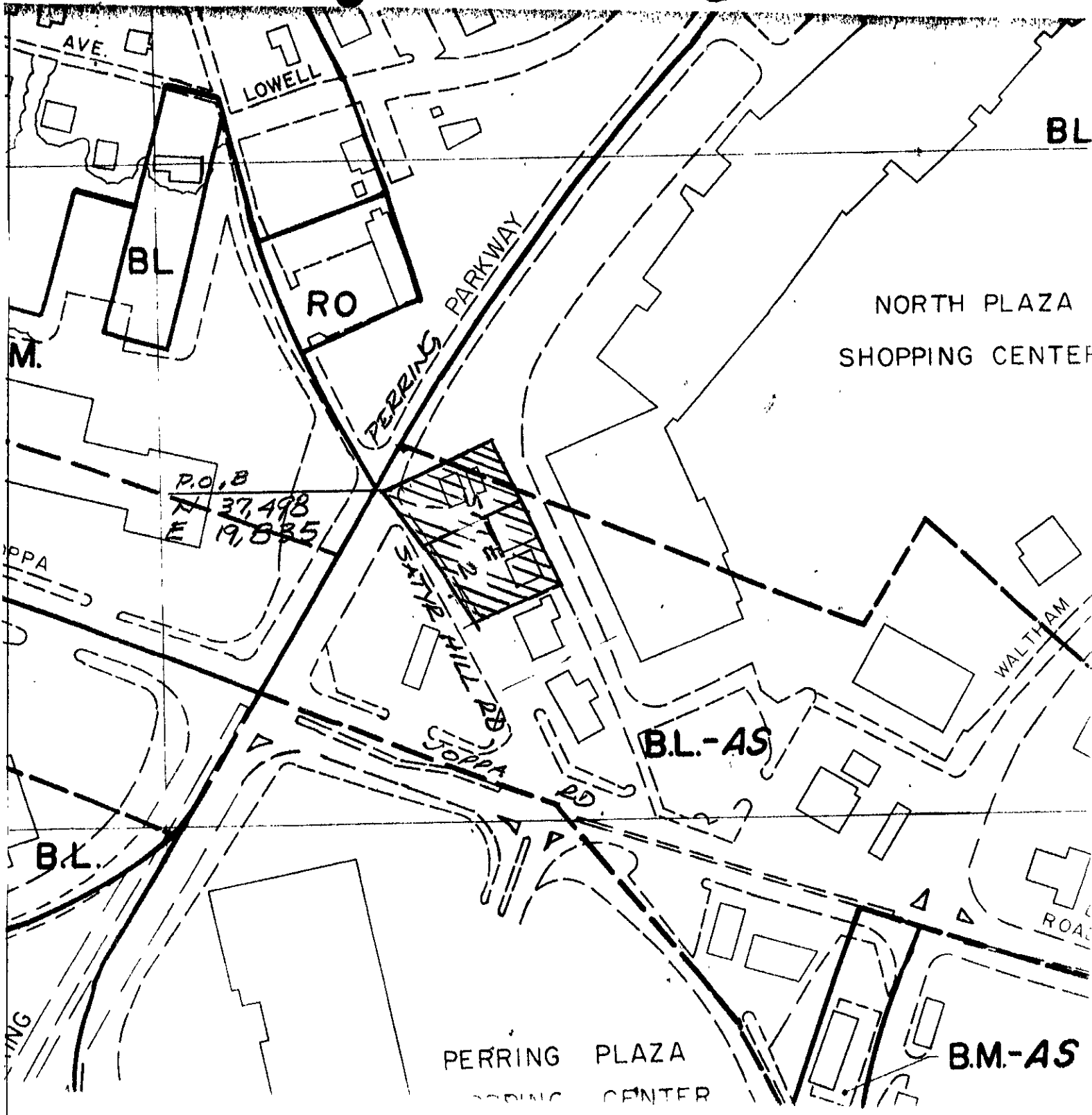
IN RESPONSE TO YOUR REQUEST OUR OFFICE SURVEYED THE ABOVE LOCATION FOR
EMERGENCY APPARATUS ACCESS. DUE TO THE LOCATION AND SIZE OF THE PARKING
LOT, BOTH OF THE ENTRANCES OFF OF SATYR HILL RD. ARE NEEDED FOR EQUIPMENT
ACCESS AND EXITING.

IF YOU CAN BE CONTACTED AT 410-887-5178.

RESPECTFULLY;

LT. ROBERT SAUERWALD

*Ref No 2*



PORTION OF 1996 COMPREHENSIVE ZONING MAP OF BALTIMORE COUNTY
SHEET N.E. 10 D

8087

0027.F

