

IN RE: PETITION FOR VARIANCE
E/S of York Road, 150' S
Of Hillside Avenue
8th Election District
4th Councilmanic District
(10625 York Road)

Norman Bernhardt
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-153-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Norman Bernhardt. The Petitioner is requesting a variance for property he owns at 10625 York Road located in the Cockeysville area of Baltimore County. The variance request originally filed sought variances from Section 226.6.A.1.C, D and E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. sideyard building setback in lieu of 10 ft. with parking and maneuvering setbacks of as little as 9 ft. and a buffer for said setbacks of 9 ft. in lieu of the required 20 ft.

Appearing at the hearing on behalf of the request was Vince Moskunas, the professional engineer who prepared the site plan of the property and Jeffrey Holt, the contractor who intends to construct the building on the site. There were no protestants in attendance.

At the preliminary stage of the hearing, Mr. Moskunas testified that as a result of discussions with the Office of Planning, he has relocated the subject building in the center of the property thereby providing parking spaces along York Road in the front and to the rear of the proposed new building. As a result of the relocation of the subject building, one of the variance requests has become moot and another request has been generated. Therefore, the Petitioner's variance request shall be modified as follows. The Petitioner still is requesting a variance to

ORDER RECEIVED FOR FILING
Date 11/18/99
By R. Peterson

allow a 1 ft. sideyard setback in lieu of the required 10 ft. on the north side of the proposed building and a new variance request to allow a front parking setback of 10 ft. in lieu of the required 20 ft., with an interior drive of 1 ft. in lieu of the required 8 ft. located on the south side of the drive aisle. The parking lot is to be situated 3 ft. in lieu of the required 8 ft. of the side property line to the north. Again, these variances were generated due to the fact that the Planning Office requested that the Petitioner resituate his proposed building in the fashion shown on Petitioner's Exhibit No. 1. His previously requested variance to allow parking and maneuvering setbacks of 9 ft. in lieu of 20 ft. has become moot due to the relocation of the building.

The Petitioner herein, Norman Bernhardt owns and operates Captain Trey's Seafood which is currently located further south on York Road closer to the Beltway. The Petitioner currently leases that location. Petitioner has had an opportunity to purchase property which is the subject of this variance request and wishes to construct a new carry-out seafood restaurant on the premises. The property is currently improved with an old dwelling which he intends to tear down. The design of the new Captain Trey's Seafood has been reviewed and approved by the Planning Office. As noted previously, the Planning Office requested that the restaurant be resituated on the lot, with which the Petitioner has complied. Petitioner submitted into evidence as Petitioner's Exhibit No. 2, the design and elevation drawings of the carry-out restaurant to be constructed on the property. The building has been tastefully designed and fits in well with the surrounding area. The construction of this new building on this property will be a benefit to the surrounding community.

ORDER RECEIVED FOR FILING

Date 11/18/99

By *J.R. Spence*

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 property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

In addition to meeting the requirements for granting the variance, the Petitioner also has satisfied the performance standards of the CB zone within which his property is located. In accordance with Section 229.3 of the Baltimore County Zoning Regulations, the Petitioner has submitted the necessary information to the Office of Planning for their review and comment. After reviewing said information, the Director of the Office of Planning recommends to this Deputy Zoning Commissioner that the Petitioner's request be granted.

ORDER RECEIVED FOR FILING

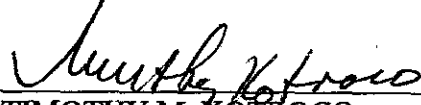
Date 11/18/99
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 18th day of November, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 226.6.A.1.C, D and E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. sideyard building setback in lieu of 10 ft., a front parking setback of 10 ft. in lieu of the required 20 ft.; an interior drive setback of 1 ft. in lieu of the required 8 ft.; and a sideyard setback of 3 ft. in lieu of the required 8 ft. for the parking lot, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the variance request to allow parking and maneuvering setbacks of 9 ft. all in lieu of 20 ft. shall be dismissed as moot.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 11/18/99
By [Signature]



Baltimore County
Zoning Commissioner

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

November 18, 1999

Mr. Norman Bernhardt
17 Ketch Cay Court
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 00-153-A
Property: 10625 York Road

Dear Mr. Bernhardt:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance 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

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Vince Moskunas
M & H Development Engineering, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286

Mr. Jeffrey Holt
Holt Builders
105 Eastern Boulevard
Baltimore, Maryland 21221



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #10625 York Road

which is presently zoned CB

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) 226.6.A.1.C, D and E. To permit

a 1' side bldg. setback in lieu of 10'; Parking and maneuvering setbacks of as little as 9' and buffers in said setbacks of 9' both in lieu of 20' as shown on provided plan

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

1. Width of property is too narrow to allow access to rear of property for unloading of supplies.
2. To accommodate parking requirements, the location of the building needs to be to the rear and this locateds the service drive needed for deliveries.
3. The width of the building needs to be a minimum of 32' to accommodate operations of the business, thus the lot width is too narrow to provide the sideyard requirements.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Norman Bernhardt

Name - Type or Print

Signature

Name - Type or Print

Signature

17 Ketch Cay Court (410) 335-7319

Address

Telephone No.

Baltimore, MD 21220

City

State

Zip Code

Representative to be Contacted:

M&H Development Eng.-Inc.
Bernadette Moskunas

Name 200 E. Joppa Road
Room 101

(410) 828-9060

Address TOWSON, MD 21286

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JK

Date 10/15/90

ORDER RECEIVED FOR FILING

11/18/99

Case No. 00 153 A

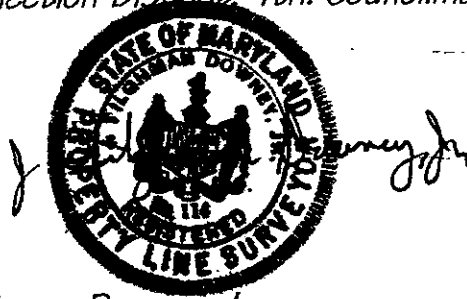
M&H DEVELOPMENT ENGINEERS INC.
200 E. JOPPA ROAD
SHELL BUILDING, ROOM 101
TOWSON, MD 21286

153

00-153-A

ZONING DESCRIPTION FOR #10625 YORK ROAD

BEGINNING at a point on the east side of York Road which is 80 feet wide at the distance of 150 feet south of Hillside Avenue which is 40' wide. As recorded in Deed Liber 11939, folio 669 and running thence N 75 degrees 15 minutes 00 seconds E, 200.00 feet; thence S 14 degrees 45 minutes 00 seconds E, 48.50 feet; thence S 75 degrees 15 minutes 00 seconds W, 200.00 feet and thence N 14 degrees 45 minutes 00 seconds W, 48.50 feet to the place of beginning. Also known as #10625 York Road and located in the 8th. Election District, 4th. Councilmanic District.



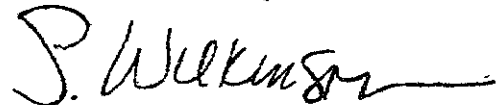
*J. Tilghman Downey, Jr.
Reg. No. 114*

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/28, 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 10/28, 1999

THE JEFFERSONIAN,



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: #00-153-A

10625 York Road

E/S York Road, 150' S of

Hillside Avenue

8th Election District

4th Councilmanic District

Legal Owner(s):

Norman Bernhardt

Variance: to permit a 1 foot side building setback in lieu of 10 feet; parking and maneuvering setbacks of as little as 9 feet and buffers in said setbacks of 9 feet both in lieu of 20 feet.

Hearing: Wednesday, November 17, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 431 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.

10/266 Oct 28 C349683

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 073219

153
JV

DATE 10/15/99 ACCOUNT R0016150
AMOUNT \$ 250.00

RECEIVED FROM: Capt. Tonya
FOR: Q V FILING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

| PROCESS | ACTUAL | TIME |
|------------|---------------------------|----------|
| 10/15/1999 | 10/15/1999 | 10:09:02 |
| REG 4901 | CASHIER JPIE JMC DRAWER 1 | |
| Dept 5 | 526 ZONING VERIFICATION | |
| Receipt # | 121878 | 09/11 |
| CR # | 073219 | |

Receipt Tot 250.00
250.00 BY [Signature] 10/15/99
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # DO-153-A
PETITIONER/DEVELOPER:
(Norman Barnhardt)
DATE OF Hearing
(Nov. 17, 1999)

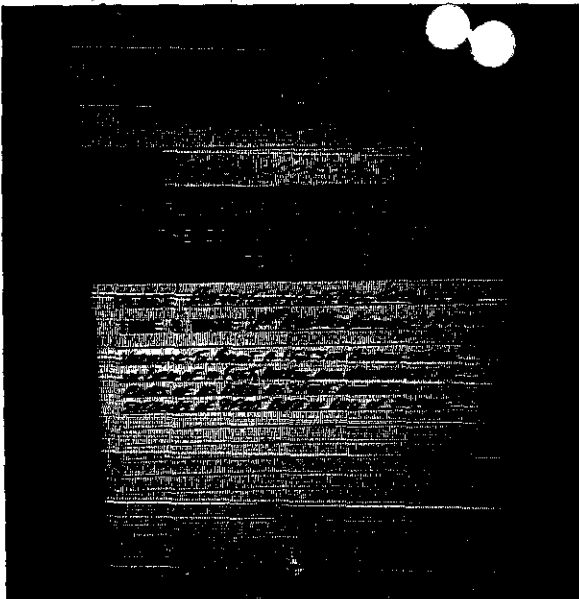
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
10625 York Road Baltimore, Maryland 21030__

The sign(s) were posted on _____ 11-1-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

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

RE: PETITION FOR VARIANCE
10625 York Road, E/S York Rd,
150' S of Hillside Ave
8th Election District, 4th Councilmanic


Legal Owner: Norman Bernhardt
Petitioner(s)

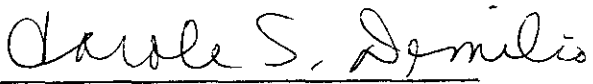
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-153-A

* * * * *

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 28th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

00-153-A

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of 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: _____

153

Petitioner: _____

Norman Barnhardt

Address or Location: _____

10625 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Norman Barnhardt

Address: _____

17 Ketch Cay Court

Baltimore MD 21220

Telephone Number: _____

(410) 335-7319



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 25, 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: 00-153-A
10625 York Road
E/S York Road, 150' S of Hillside Avenue
8th Election District - 4th Councilmanic District
Legal Owner(s): Norman Bernhardt

VARIANCE: To permit a 1 foot side building setback in lieu of 10 feet; parking and maneuvering setbacks of as little as 9 feet and buffers in said setbacks of 9 feet both in lieu of 20 feet.

HEARING: WEDNESDAY, NOVEMBER 17, 1999 IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Mr. Norman Barnhardt
M & H Development Eng., Inc.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 2, 1999.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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
October 28, 1999 Issue - Jeffersonian

Please forward billing to:

Mr. Norman Barnhardt
17 Ketch Cay Court
Baltimore, MD 21220
410-335-7319

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: 00-153-A
10625 York Road
E/S York Road, 150' S of Hillside Avenue
8th Election District - 4th Councilmanic District
Legal Owner(s): Norman Bernhardt

VARIANCE: To permit a 1 foot side building setback in lieu of 10 feet; parking and maneuvering setbacks of as little as 9 feet and buffers in said setbacks of 9 feet both in lieu of 20 feet.

HEARING: WEDNESDAY, NOVEMBER 17, 1999 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 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.



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

November 12, 1999

Ms. Bernadette Moskunas
M & H Development Engineer, nc.
200 E. Joppa Road, Rm 101
Towson, MD 21286

Dear Ms. Moskunas:

RE: 00-153-A , 10625 York Road

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

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, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 4, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
for November 1, 1999
Item Nos. 130, 131, 132, 133, 134,
135, 136, 137, 138, 140, 141, 142,
~~144~~, 145, 146, 148, 149, 150, 152,
153 and 154

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 1999

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

SUBJECT: 10625 York Road

INFORMATION:

Item Number: 153

Petitioner: Norman Bernhardt

Zoning: CB

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

Based on review of information provided by the petitioner and a site visit, the Office of Planning offers the following comments and recommendation:

The petitioner seeks variance relief from the setback and landscaping requirements of the CB zone as well as parking aisle width requirements. The relief is requested because of the size and shape of the development lot.

Upon receiving the petition, the Office of Planning notified the petitioner that the Office could not provide substantive comments because the performance standards of the CB zone (BCZR Section 229.3) were not addressed. The performance standards are intended to ensure the compatibility of development in the CB zone with the surrounding residential neighborhood. Section 229.3 requires the petitioner to demonstrate that the proposal meets the performance standards.

After notification, the petitioner's engineer and architect met with this office. As a result of that meeting, the site plan and architectural drawings were revised (see attached) in order to more closely meet the legislative intent of the CB zone (Section 229.1).

CB ZONE PERFORMANCE STANDARDS

The Director of the Office of Planning recommends to the hearing officer that the proposed development will meet the performance standards of the CB zone per Section 229.3 of the BCZR as follows:

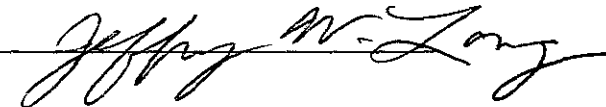
A. Site design.

1. **Access onto roadways shall be limited to no more than two locations. Commercial developments which front on more than one street may have only one roadway access from each street frontage. A driveway used solely for the purpose of trucks and other servicing vehicles shall not be counted towards the total. Additional access must be approved by the Bureau of Traffic Engineering.**
- One access to York Road is provided.
2. **All permitted uses, accessory activities and storage shall be confined within completely enclosed buildings with the exception of accessory off-street parking spaces, off-street loading berths, dumpsters, the outdoor display of merchandise and outdoor tables at restaurants.**
- The dumpster location is shown with a wood fence enclosure.
3. **Service and loading areas shall not be visible from public streets and adjacent residential properties. All service areas shall be screened from the view of any pedestrian or vehicular path.**
- Service and loading are shown to the rear of the site with a 20-foot buffer to the residential area. A class A screen is indicated. The applicant should submit a Schematic and Final Landscape Plan that details the proposed landscaping for this area as well as the entire site.
4. **Within 50 feet of a residential zone or use, lighting of parking areas shall be on standards which have a maximum height of 20 feet.**
- Note 17 states that the maximum height of lighting shall be 20 feet. The applicant shall submit a plan, with the locations and details of the proposed lighting and a computerized lighting design with point-by-point calculations that conforms with the Illumination Engineering Society (IES) standards, for review and approval by Avery Harden in conjunction with the Final Landscape Plan.
5. **Rear and sides of buildings which abut residential properties shall be finished with materials that resemble the front of the building in color and texture. All rooftop equipment shall be screened so that it is not visible from the ground floor window level of adjoining residential properties.**
- Architectural elevations were submitted to the Office of Planning on November 15, 1999. The front and rear façades are articulated with a covered walkway, wood columns, green standing seam roofs, and gabled entrances. All facades are brick.
6. **The development of property in a C.B. or B.L.R. Zone shall, to the greatest extent practicable, conserve and integrate existing architecturally or historically significant buildings or structures, including their settings, as identified in the Maryland Historical Trust Inventory. Any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission, or located within a county historic district, is also subject to Article X, Title 26, of the Baltimore County Code, 1988 Edition, as revised. The Director of Planning shall**

determine whether a historically or an architecturally significant building has been successfully integrated into the proposed site plan.

- There are no listed historic structures.
- 7. **Whenever possible, neighborhood access via pedestrian walkways and bike paths should be provided.**
- The plan shows a proposed 4' sidewalk along York Road.
- 8. **All proposed projects or site developments should be in accord with the general intent of the approved community plan for the area.**
- The proposal is within the Cockeysville Historic Area of the *Hunt Valley / Timonium Master Plan*. The proposal generally conforms with the guidelines on page 49 of this plan.
- 9. **All signage within a commercial development shall be compatible in design, color, materials and location.**
- Building signage is integrated with the architectural design of the proposed building. The design and height of the freestanding sign proposed along York Road is satisfactory.
- 10. **Uses may be located in separate freestanding buildings, provided the style and building materials used create a uniform architectural theme.**
- Not applicable to this proposal.

Section Chief:



AFK/JL
Attachment



Maryland Department of Transportation
State Highway Administration

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

Date: October 27, 1999

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

RE: Baltimore County
Item No. 153 (JLL)
10625 York Road
MD 45
Mile Post 7.91

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval.

However we will require the owner to obtain an access permit and as a minimum the following will be conditioned to the permit:

- A 25' standard concrete depressed entrance.
- Replacement of the existing concrete curb and gutter.
- New sidewalk construction.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

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



GENERAL CONTRACTORS
RESIDENTIAL AND COMMERCIAL

105 EASTERN AVENUE
BALTIMORE, MD 21221
574-4650

Attention: Tim Kotroco
Subject: Captain Treys Crabhouse
Address: 10625 York Road
Case #: 00-153-A

October 4, 2000

We are requesting a change for the use of split faced concrete block to be utilized in place of modular brick on the north side of the building that faces the property at 10629 York Road. The north side is not visible from York Road and is located behind the building at 10629 York Road. Reason for request being property owner at 10629, Dr. Baldanza, will not permit erection of scaffolding on property to accommodate installation of brick. Proposed building at 10625 York Road is located one foot from the property line of 10629. Split faced block is the only possible solution due to the fact that no scaffolding can be erected. Block can be erected and properly struck from inside the foundation without trespassing on adjacent property. Block will be painted to match existing brick.

Thank You,
Jeff Holt

*10/5 - Spoke to Jeff Long in Planning. He agreed w/ me that the Split-face Block is acceptable.
OK to proceed as stated above.*

*Timothy Kotroco
10/5/00*

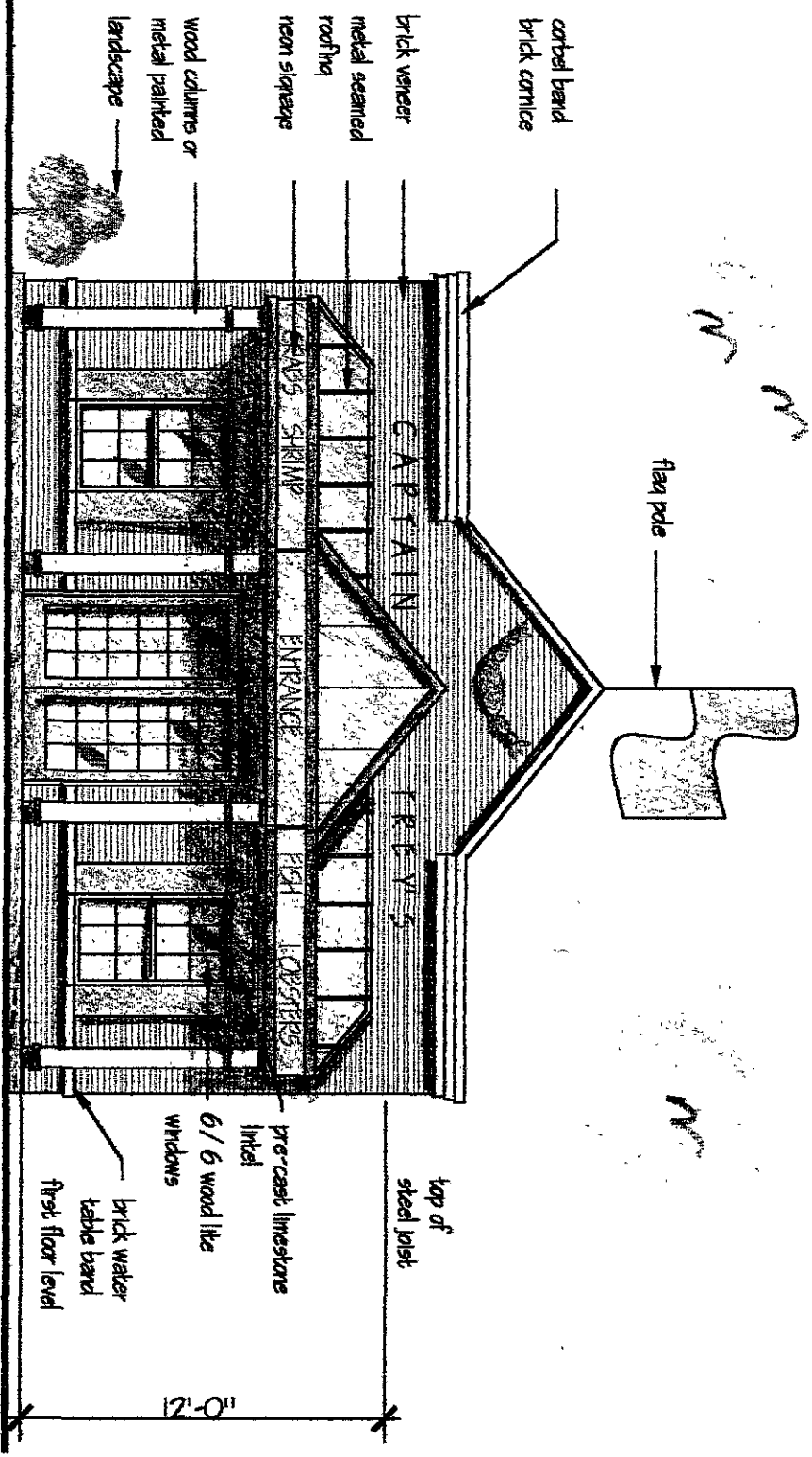
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

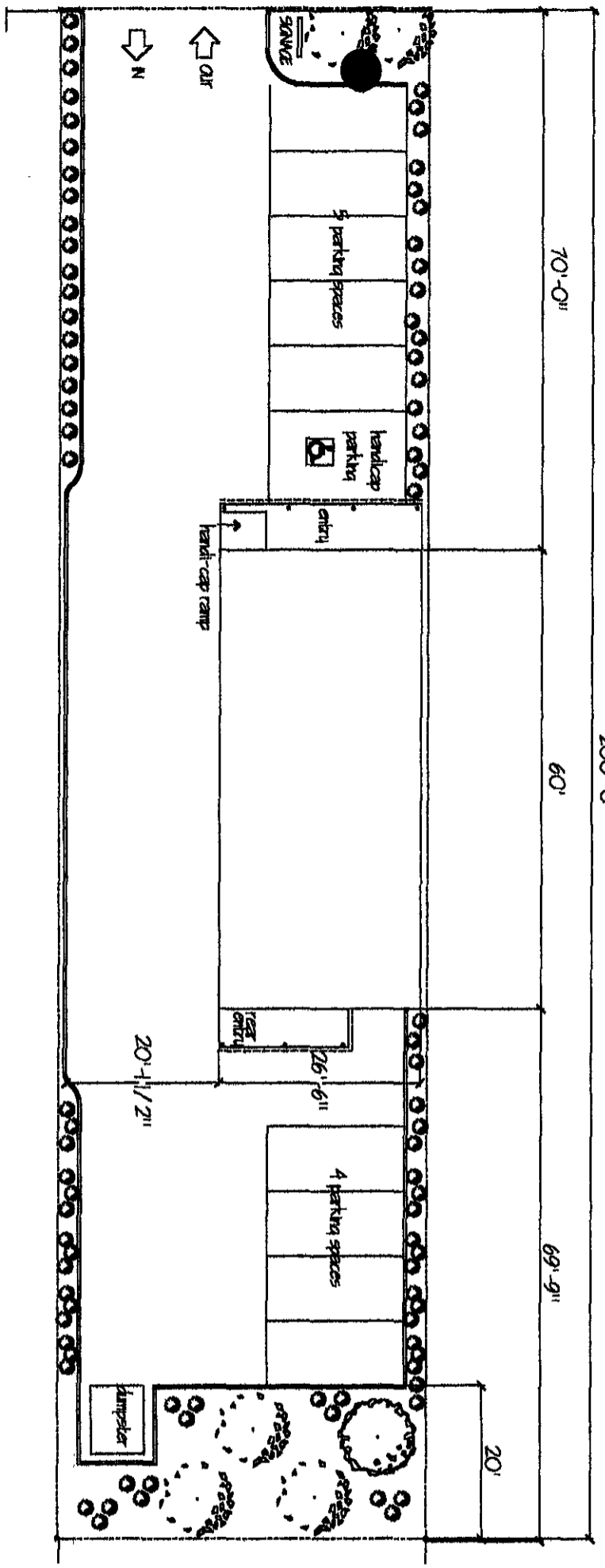
| <u>NAME</u> | <u>ADDRESS</u> |
|---------------------|-------------------------|
| M&H-DEV. ENG. INC. | 200 E. JOPPA RD. 21286 |
| VINCENT J. MOSKUNAS | |
| HOLT BUILDERS | 105 EASTERN BLVD. 21221 |
| JEFFREY HOLT | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Plot Ex # 2

CAPTAIN TREVY'S CRABHOUSE

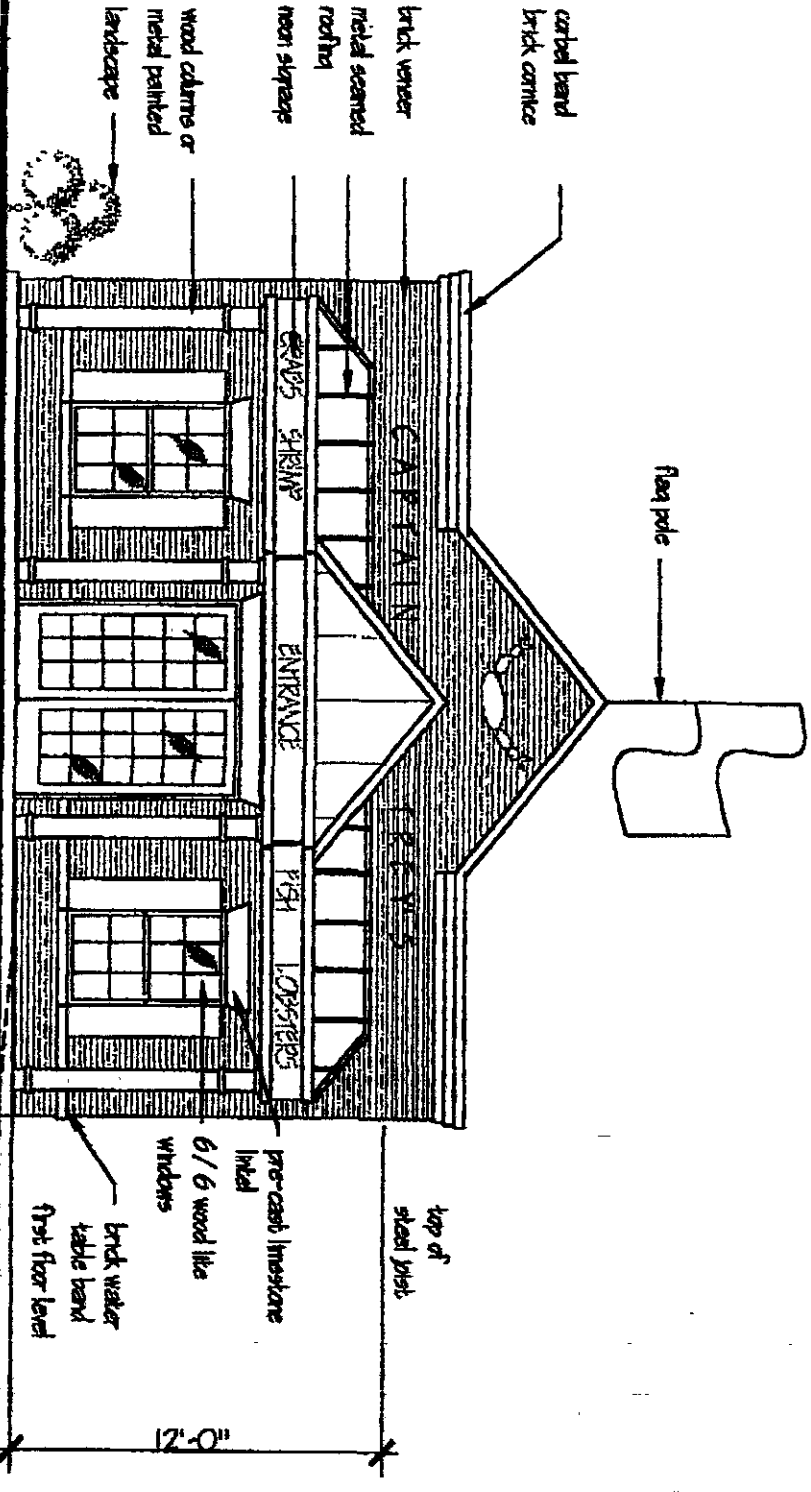


FRONT ELEVATION



SITE PLAN

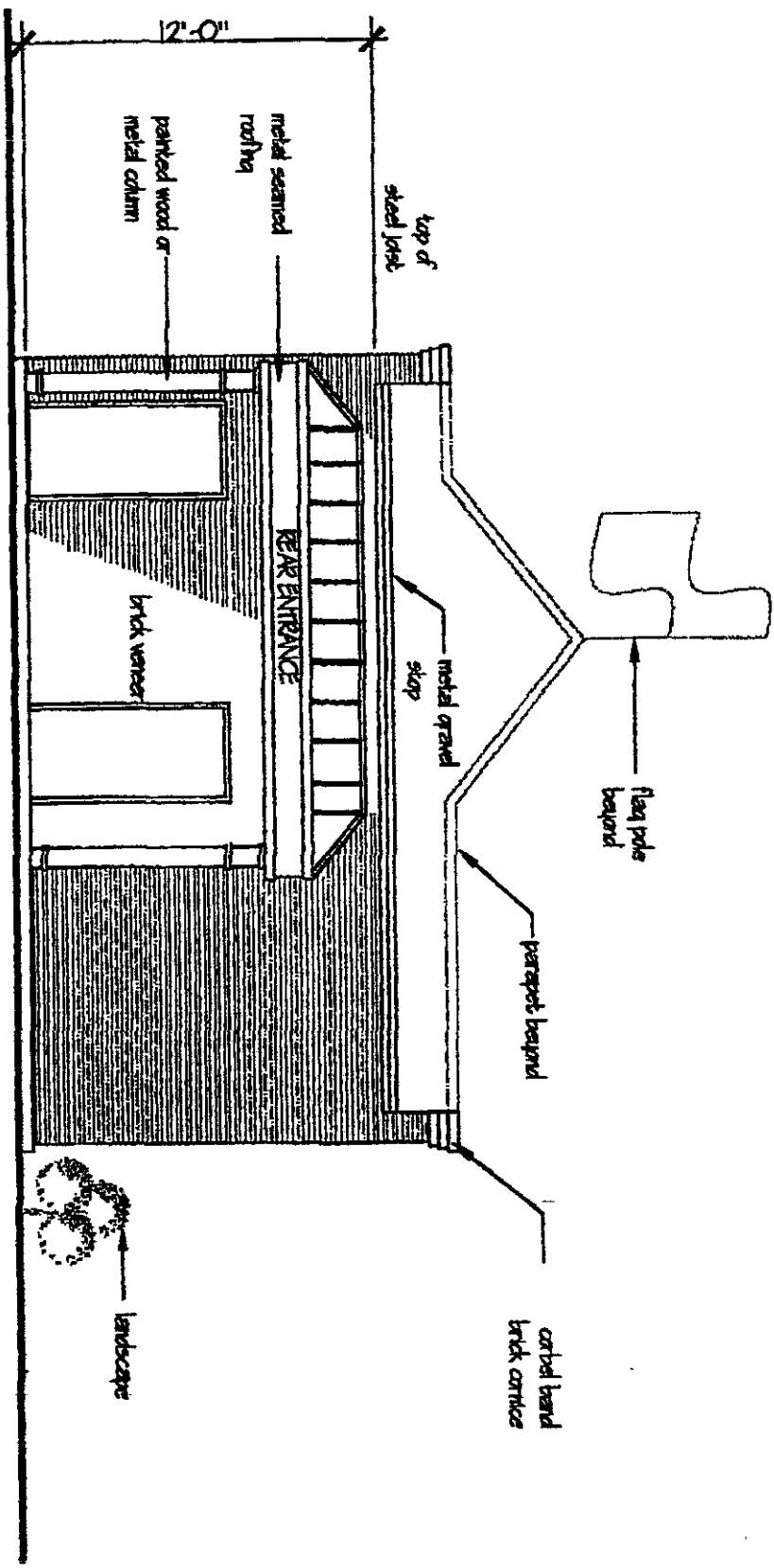
CAPTAIN TREY'S CRABHOUSE



FRONT ELEVATION

A1

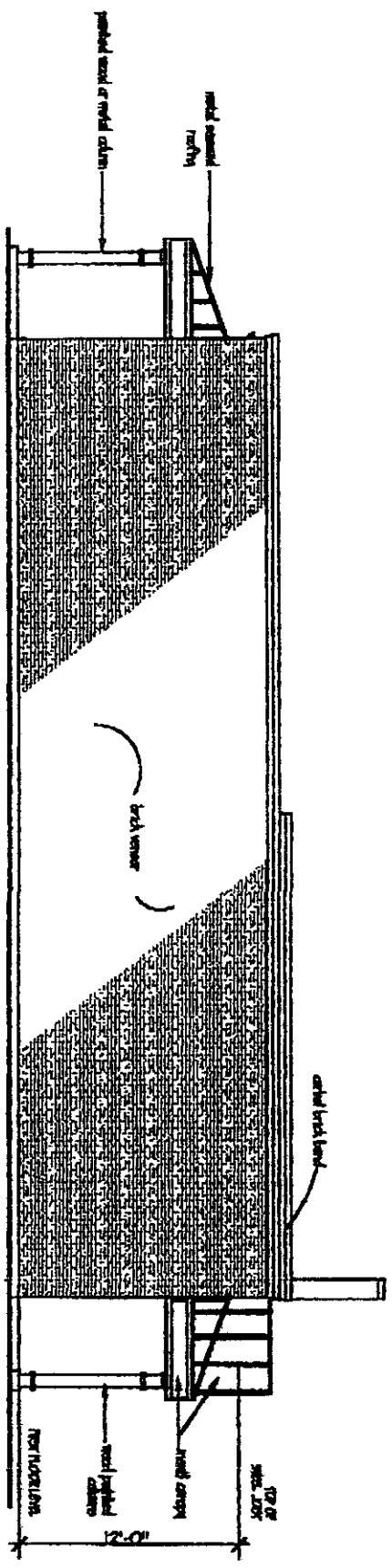
11/15/91



REAR ELEVATION

A2

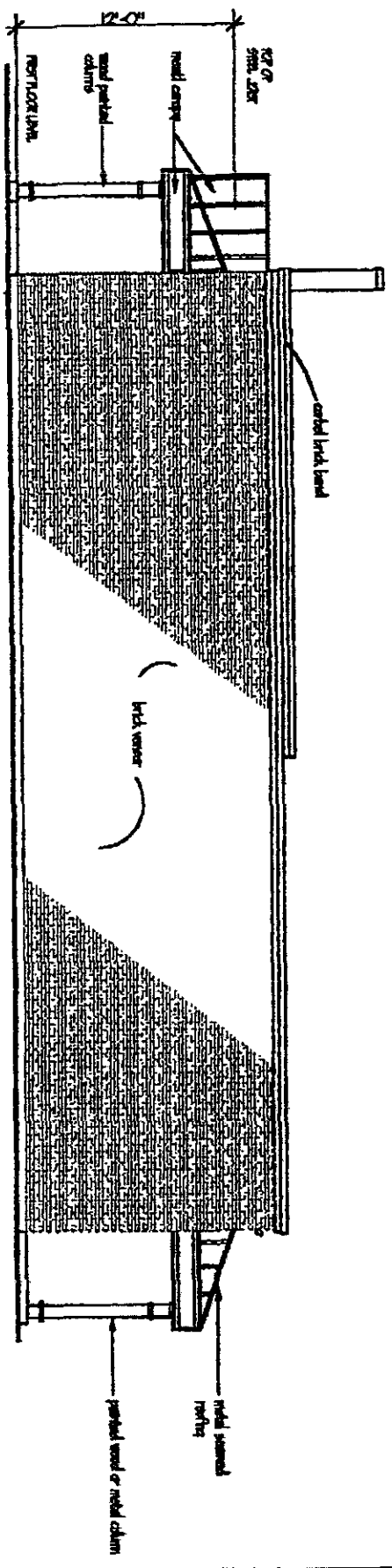
11/15/99



LEFT SIDE ELEVATION

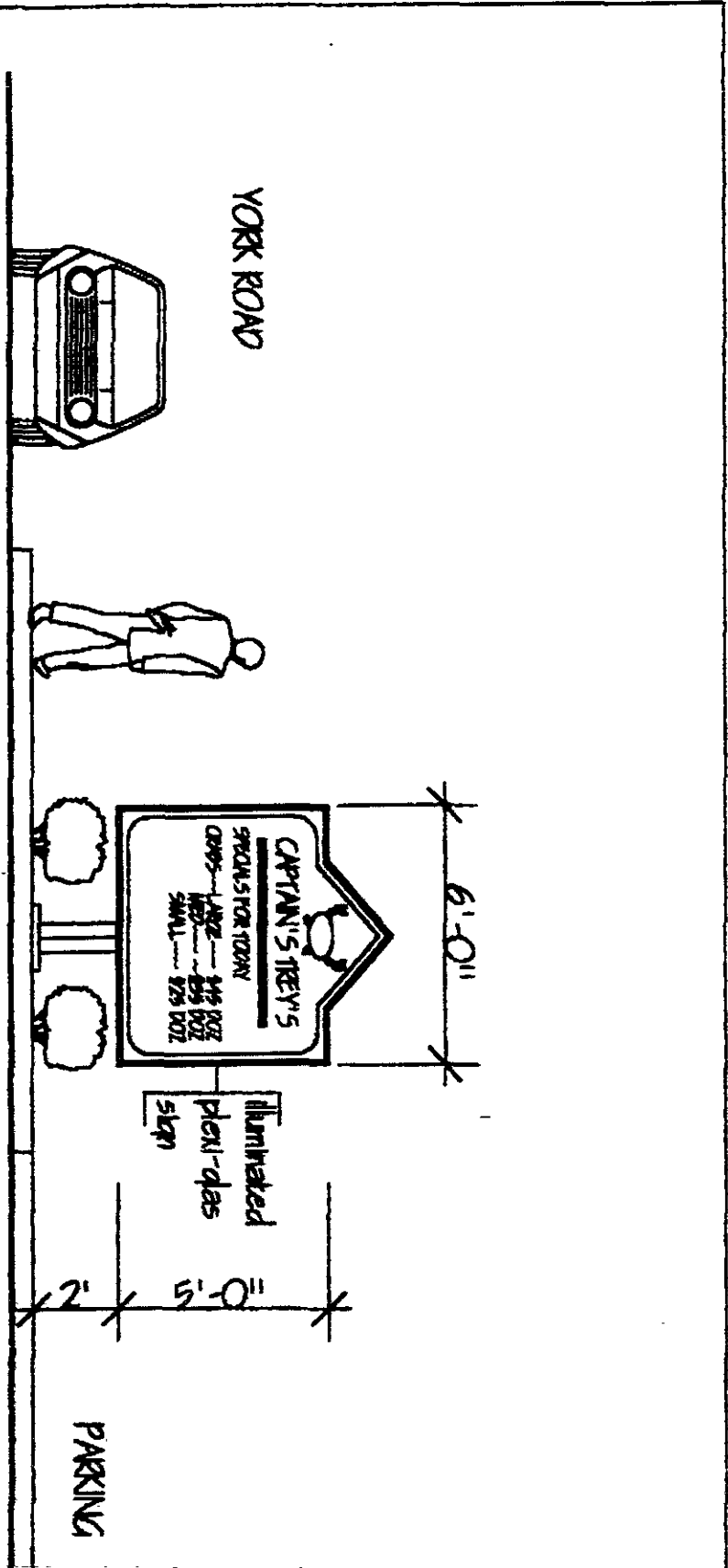
A3

11/15/94



A4

11/11/1994



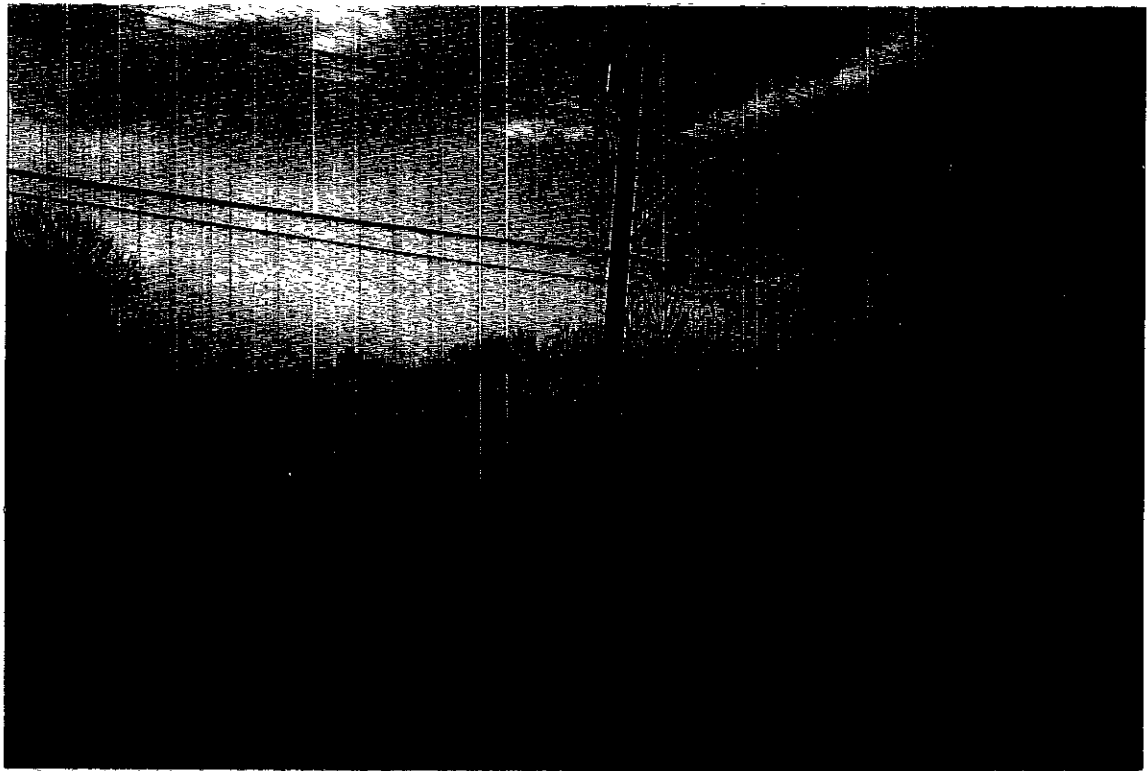
PROPOSED ILLUMINATED SIGNAGE
 PARTIAL SECTION / ELEVATION TIRU DRIVEWAY

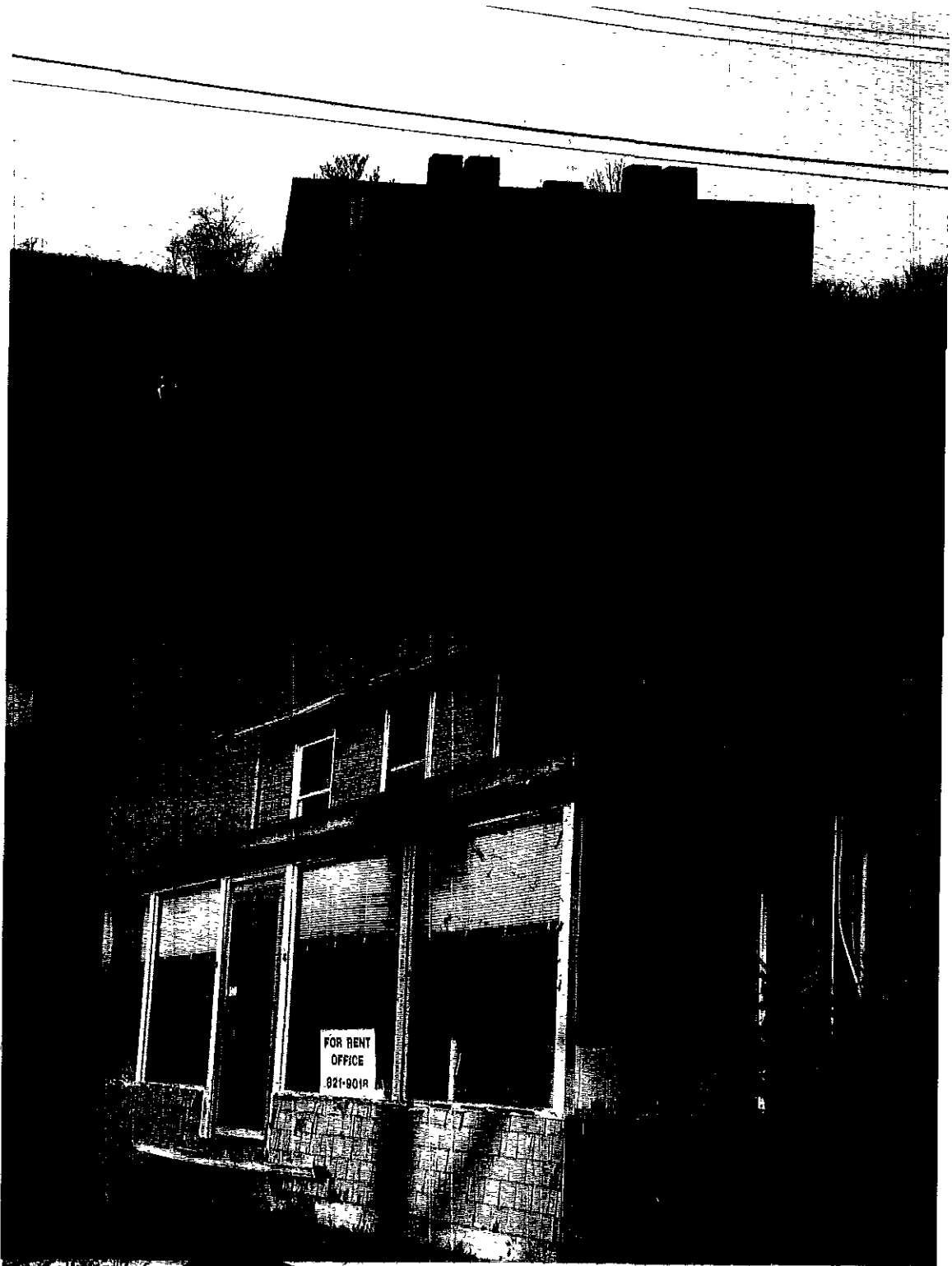
SCALE 1/4" = 1'-0"

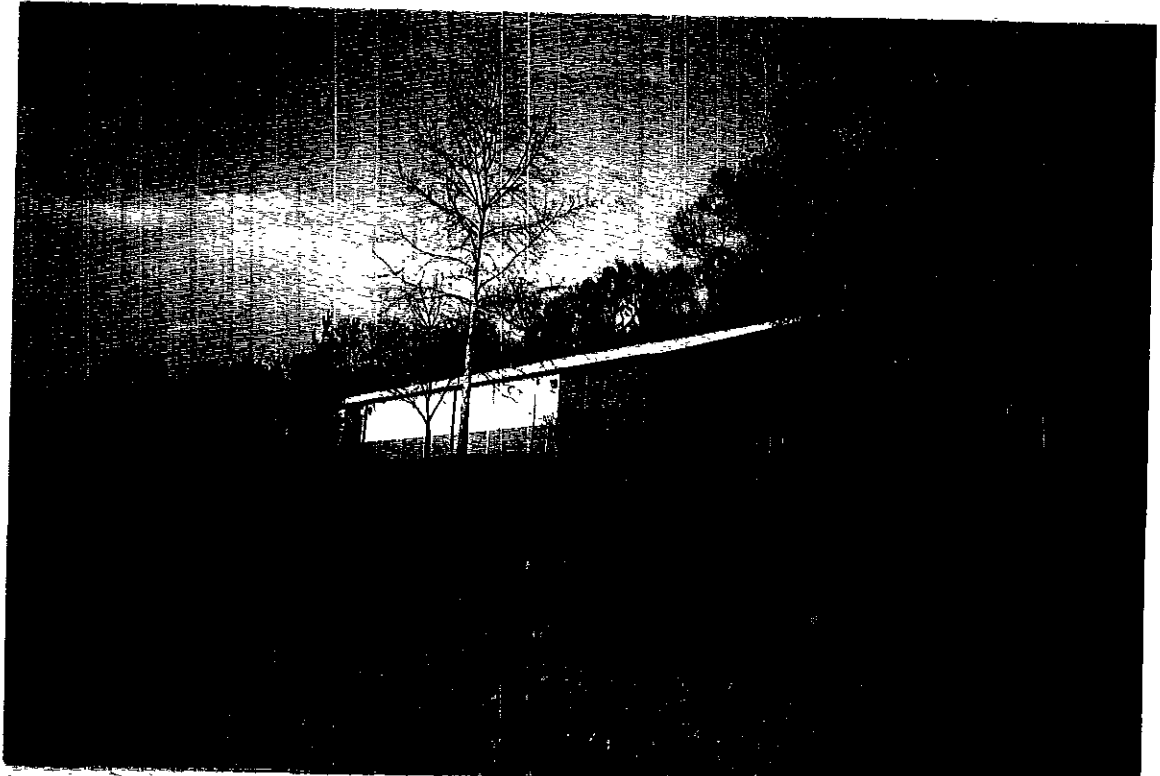
AS

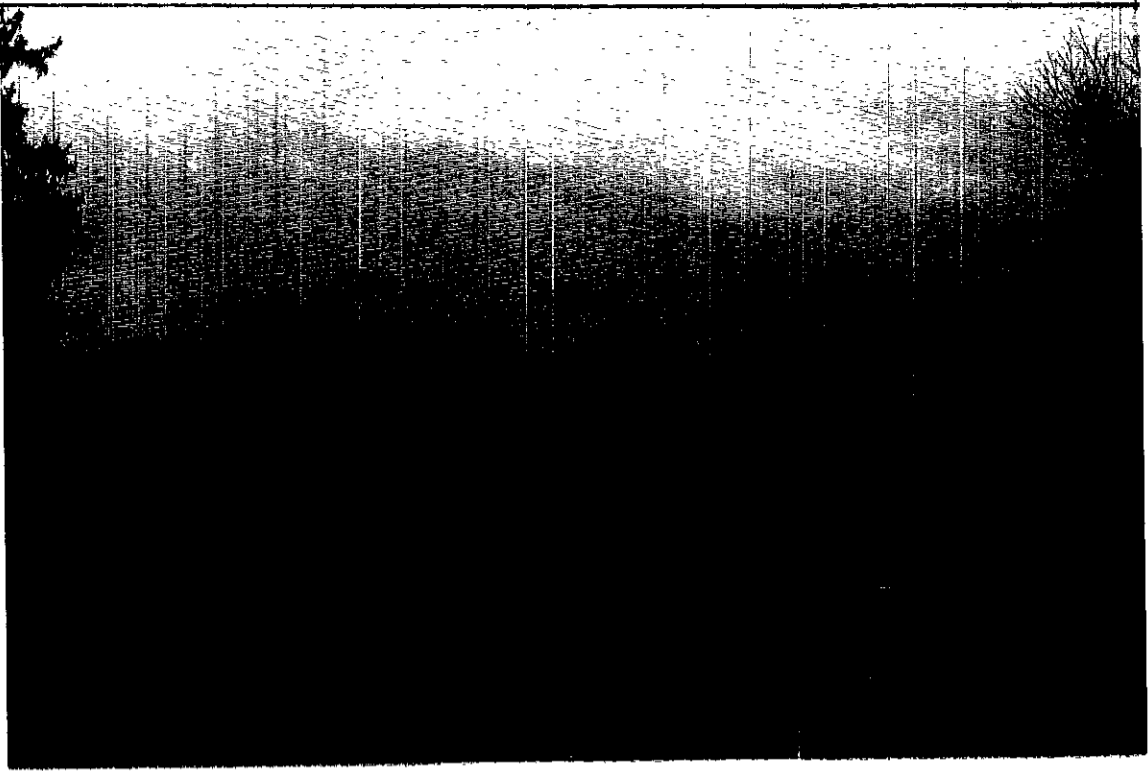
11/16/94











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

Case # 00-153-A
Photographs

AVENUE
HILLSIDE
YORK
SITE
MATHENS AVE
ROAD

#5 HILLSIDE AVENUE
P168
WILLIAM GROVER
KIMBERLY GROVER
3929/731
0823003690

PARCEL 160
ALAN BALPANZA
11673/358
0812020250

ZONING DP 35
ZONING CB

ZONING DP 35

COULD NOT SET
EXCESS DEBRIS

S 14'45"00" E
48.50'

EX WIRE FENCE
COULD NOT SET
FENCE CLUSTER

ZONING DP 35
ZONING CB

4.99'

REBAR & CAP SET

ZONING DP 35
ZONING CB

5.01'
REBAR & CAP SET

ZONING P0

EX. FRACES OF AN OLD WIRE FENCE LINE

N 75'15"00" E 200.00'

FACE SET IN TOP
OF PLANTER BOARD

S 75'15"00" W 200.00'

REBAR & CAP SET

ZONING: CB

#10621 YORK ROAD
10960/416

PARCEL 162
PHILIP CUOMO
MARGARET CUOMO
10960/416
0816003620

ZONING: P0

EX. PAVING

EX 30" W

EX 6" GAS

EX 4" GAS

EX 8" SAN.

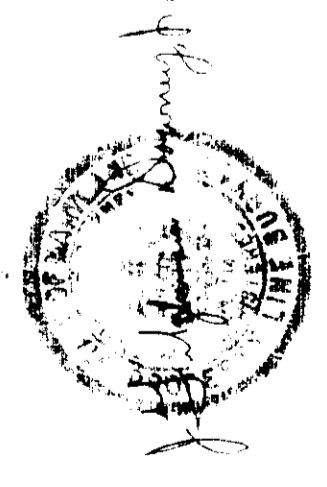
P 168 SOUTH OF
HILLSIDE AVENUE

REBAR & CAP SET
NAIL SET YORK RD. 3.98' TO CORNER

N 14'45"00" W
48.50'

YORK ROAD
(80' R/W)
(STATE ROAD)
ROUTE 45

- LEGEND
- LANDSCAPE SCREENING
 - 8 HIGH WOOD FENCE
 - REGULAR SPACES
 - HANDICAP SPACE
 - DUMPSTER AREA
 - SIGNAGE
 - TWO WAY TRAVEL LANE



PREPARER OF PLAN:

MH DEYOUNG ENGINEERS, INC.
200 E. JOFFA RD. EMTOWSON, MD. 21226
(410) 828-9060

GENERAL NOTES:

1. LOT SIZE: 9700 S.F. 0.222 ACRES +/-
2. PUBLIC WATER AND SEWER
3. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
4. EXISTING ZONE: CB
5. EXISTING USE: STRUCTURE TO BE RAZED
6. PROPOSED USE: CRAB HOUSE
7. COMMUNITY PANEL NO. 240010 0255 B ZONE: "C"
8. 200' SCALE MAP: N.W. 17 B
9. NO PRIOR ZONING HEARINGS
10. COUNCILMANIC DISTRICT: 3
11. PARKING SPACES PROVIDED: 10
REGULAR SPACES (8'1/2' X 18' TYP) = 9
HANDICAP SPACES (12' X 18' TYP) = 1

12. ALL PERMITTED USES ACCESSORY ACTIVITIES AND STORAGE SHALL BE CONFINED WITHIN COMPLETION OF ENCLOSED BUILDING WITHIN THE PORTION OF ACCESSORY OFF-STREET PARKING SPACES OFF-STREET LOCATING BEHIND DUMPSTER AND THE OUTLOOK AREA AT RESTAURANTS

17. WITHIN 50' OF A RESIDENTIAL ZONE OR USE, EXISTING OR PROPOSED SIGNAGE SHALL BE ON STANDARDS WHICH HAVE A MAXIMUM HEIGHT OF 20 FEET

PLAN TO ACCOMPANY PETITION FOR VARIANCE FOR SIDEYARD SETBACK AND LANDSCAPE REQUIREMENTS

#10625 YORK ROAD
BALTIMORE CO., MARYLAND
8TH ELECTION DISTRICT
DEED REF.: 11939/669
SCALE 1"=20'

Pat Ex #1

OWNER: NORMAN BERNHARDT
17 KETCH CAY COURT
BALTIMORE, MD 21220
(410) 355-7319
MAP: 51 GRID: 4 PARCEL: 161
TAX ACCOUNT NO.: 081015801

ZONING OFFICE USE ONLY!
REVIEWED ITEM NO. CASE NO.

99-8236