

IN RE: PETITION FOR VARIANCE  
SWC Chesapeake Avenue  
And York Road  
9<sup>th</sup> Election District  
4<sup>th</sup> Councilmanic District  
(321 York Road)  
  
Chesapeake & York, LLC  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 00-448-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 owners of the subject property, Chesapeake & York, LLC. The variance request is for property located at 321 York Road, which property is zoned BM-CT. The variance request is to allow 0 parking spaces in lieu of the required 11 spaces.

Appearing at the hearing on behalf of the variance request were J. Scott Dallas, registered property line surveyor who prepared the site plan of the property, Khaled Shakra, John Marking and Mark Tobey, all appearing on behalf of the Petitioner and Patricia A. Malone, attorney at law, representing the Petitioners. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is located at the southwest corner of the intersection of Chesapeake Avenue and York Road, in the heart of Towson. The subject property is improved with a commercial retail building comprising approximately 3,500 sq. ft. The subject property is vacant at this time and was formerly a "Wendy's" fast food restaurant. A 7-11 convenience store is now interested in occupying the site, but in order to do so finds it necessary to request a variance for parking. Testimony and evidence revealed that the property, which is the subject of this request, has no area in order to provide parking spaces in that the building itself takes up the entire property's

ORDER RECEIVED FOR FILING  
Date 6/25/00  
By J.R. Jameson

footprint. Therefore, in order for this business to locate within the building, a variance must be issued.

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

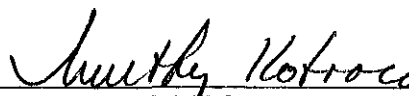
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of 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.

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.

ORDER RECEIVED FOR FILING  
Date 6/15/80  
By J.R. Gannon

THEREFORE, IT IS ORDERED this 25<sup>th</sup> day of June, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 0 parking spaces in lieu of the required 11 spaces, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

CADEN RECEIVED FOR FILING  
Date 6/25/00  
By R. Jensen



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 321 York Road

which is presently zoned BM-CT

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)

Variance from BCZR Section 409.6<sup>A,2</sup> to permit the provision of 0 parking spaces in lieu of the required 11 parking spaces.

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:**

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

**Attorney For Petitioner:**

Patricia A. Malone, Esq.

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

**Legal Owner(s):**

Chesapeake & York, LLC

Name - Type or Print

Signature *Mark D. Neumann*

Name - Type or Print

Signature (410)

510 Garrison Forest Road 363-0113

Address Telephone No.

Owings Mills, MD 21117

City State Zip Code

**Representative to be Contacted:**

Patsy A. Malone, Esquire

Name Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 410-494-6206

Address Telephone No.

Towson MD 21204

City State Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BK Date 5/2/00

CASE RECEIVED FOR FILING  
6/25/00  
DMS  
REV 9/15/98

# J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE  
P.O. BOX 26  
BALDWIN, MD 21013  
(410) 817-4600  
FAX (410) 817-4602

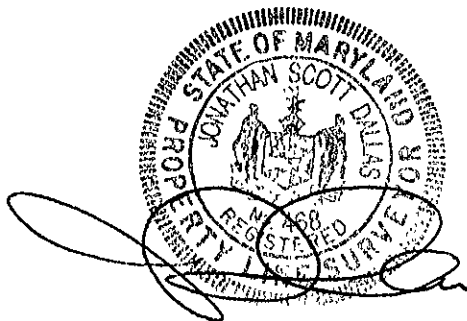
## ZONING DESCRIPTION OF #321 YORK ROAD

**BEGINNING** at a point on the west side of York Road, 66 feet wide, at its intersection with the south side of Chesapeake Avenue, variable width, thence running with and binding on said west side of York Road **(1)** Southerly 34 feet, more or less thence leaving said York Road and running the six following courses and distances: **(2)** Westerly 18 feet, more or less **(3)** Southerly 10 feet, more or less **(4)** Westerly 64 feet, more or less **(5)** Northerly 20 feet, more or less **(6)** Easterly 21 feet, more or less and **(7)** Northerly 24 feet, more or less to intersect said south side of Chesapeake Avenue thence running with and binding on said south side of Chesapeake Avenue **(8)** Easterly 67 feet, more or less to the place of beginning.

**CONTAINING** 3500 square feet (or 0.080 acres) of land, more or less per existing lease.

**ALSO** known as #321 York Road and located in the 9<sup>th</sup> Election District, 4<sup>th</sup> Councilmanic District.

Note: above description is based on existing deed, lease and construction and is for zoning purposes only.



00-448-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 080499

DATE 5/10/01 ACCOUNT R001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Variable Budget Allowance

FOR: Zone of Variance

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

IT 443

DATE RECEIVED  
TIME  
PAYMENT METHOD  
5/10/01 5:00 PM  
500.0000 500.0000 147/555  
500.0000 CASHIER LATE LOW TRANSFER  
Dept 5 520 ZONING VERIFICATION  
Personnel 121-04  
OR # 080499  
Report Tot 250.00  
250.00 CR 100 CR  
Baltimore County, Maryland

00-448-A

CASHIER'S VALIDATION

00-448-A

*JPK*

# CERTIFICATE OF POSTING

RE: Case No.: 00-448-A

Petitioner/Developer: VENABLE / T-H. ETAL

Date of Hearing/Closing: 6/8/00

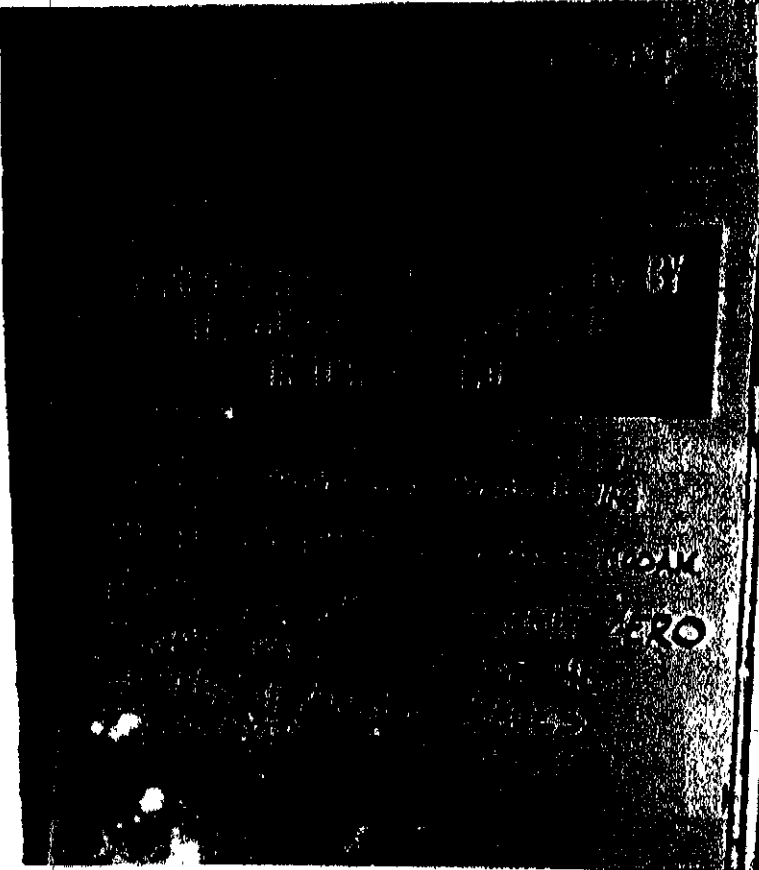
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #321 YORK RD.

The sign(s) were posted on 6/2/00  
(Month, Day, Year)



Sincerely,

*Patrick M. O'Keefe* 6/1/00  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

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

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

# CERTIFICATE OF PUBLICATION

## 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: #00-448-A  
321 York Road  
SWG Chesapeake Avenue  
and York Road  
9th Election District  
4th Councilmanic District  
Legal Owner(s): Chesapeake & York, LLC

Variance: to permit zero parking spaces in lieu of the required 11 parking spaces.  
Hearing: Thursday, June 8, 2000 at 11:00 a.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) 887-3391.

JT/5/729 May 23 C393404

TOWSON, MD, 5/26, 2000

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 5/23, 2000.

THE JEFFERSONIAN,  
*J. Wilkinson*

LEGAL ADVERTISING



RE: PETITION FOR VARIANCE  
321 York Road, SW corner Chesapeake  
Avenue and York Rd  
9th Election District, 4th Councilmanic

Legal Owner: Chesapeake & York, LLC  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 00-448-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.

**All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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 22nd day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Patricia A. Malone, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

*Peter Max Zimmerman*

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

May 17, 2000

## 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: 00-448-A  
321 York Road  
SWC Chesapeake Avenue and York Road  
9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owner: Chesapeake & York, LLC

Variance to permit zero parking spaces in lieu of the required 11 parking spaces.

HEARING: Thursday, June 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon  
Director

C: Patricia Malone, Esquire, 210 Allegheny Avenue, Towson 21204  
Chesapeake & York, LLC, c/o Mark Neumann, Member, 510 Garrison Forest Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 24, 2000.**
- (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  
Tuesday, May 23, 2000 Issue – Jeffersonian

Please forward billing to:

Barbara Ormord 410-494-6201  
210 Allegheny Avenue  
Towson, MD 21204

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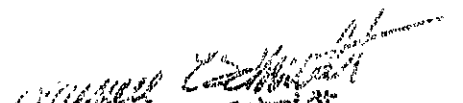
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-448-A  
321 York Road  
SWC Chesapeake Avenue and York Road  
9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owner: Chesapeake & York, LLC

Variance to permit zero parking spaces in lieu of the required 11 parking spaces.

HEARING: Thursday, June 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

  
Lawrence E. Schmidt

39

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/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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 00-448-A

Petitioner: Chesapeake + York, LLC

Address or Location: 321 York Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Barbara Ormond

Address: 210 Allegheny Avenue  
Towson, Md 21204

Telephone Number: 410-494-6201



Baltimore County  
Department of Permits and  
Development Management

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

June 2, 2000

Attorney Patricia A. Malone  
Venable, Baetjer & Howard  
210 W. Pennsylvania Avenue  
Towson MD 21204

Dear Attorney Malone:

RE: Case Number 00-448-A , 321 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 2000.

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.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink  
on Recycled Paper

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Baltimore County  
Fire Department

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

May 16, 2000

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: CHESAPEAKE & YORK, LLC - 448  
BRIAN PAUL BYSTRY, MARTHA A. BYSTRY - 453  
WHEELLESS ENTERPRISES, INC. - 458

Location: DISTRIBUTION MEETING OF May 15, 2000

Item No.: See Below

Dear Ms. Stephens:

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt.

**DATE:** July 14, 2000

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 22, 2000  
Item Nos. 446, 447, 448, 449, 450, 451,  
452, 453, 456, 457, 459, 460, 461

**and**

Case #99-320-SPHXA

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

RWB:HJO:jrb

cc: File

Jim  
6/8

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 15, 2000

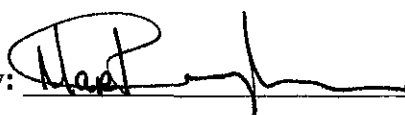
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

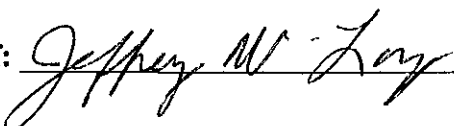
MAY 15

**SUBJECT:** Zoning Advisory Petition(s): Case 448

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:  \_\_\_\_\_

Section Chief:  \_\_\_\_\_

AFK/JL:MAC





**Maryland Department of Transportation  
State Highway Administration**

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

Date: 5.15.00

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

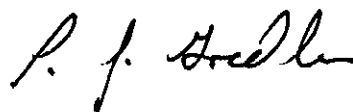
RE: Baltimore County  
Item No. 448

Dear Ms. Jackson:

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

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

Very truly yours,

  
/s/ 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

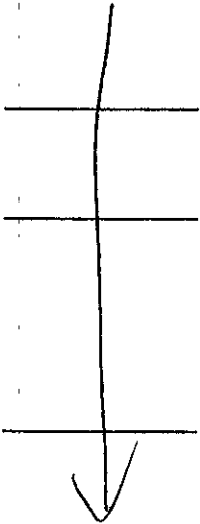
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-448-A

Date Completed/Initials

5/17/00 SCJ



PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Where you find it

BALTIMORE COUNTY PUBLIC LIBRARY

JAMES H. FISH - DIRECTOR



ADMINISTRATIVE OFFICES

FAX COVER SHEET

Date: June 5 / 00

This FAX transmission is intended for Lawrence Schmidt, Esa  
at 5705

Total number of pages, including this cover page: 4

Please call Dick Parsons at 410-887-8197 <sup>887-5705 (FAX)</sup>

If this is incomplete or if it has been sent to the wrong location. To respond by FAX, the BCPL/AO number is 410-887-6103.

COMMENTS/SPECIAL INSTRUCTIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you.

SHT.FAX.AO



June 5, 2000

Hon. Lawrence Schmidt, Zoning Commissioner  
County Courts Building  
401 Bosley Avenue  
Towson, MD 21204

Dear Commissioner Schmidt:

The Greater Towson Council has considered the request being made in case # 00-448-A. This involves a variance request for zero parking in lieu of the required eleven spaces by the owners, Chesapeake & York LLC.

As we are not aware that the previous tenant, Wendy's, had ever asked for such a variance, and had appeared to do well without it, we are unsure as to the need to grant one to the current users, a 7-Eleven, even though this particular 7-Eleven, by virtue of its bus stop location, would seem to rely on walk-in rather than destination customers using a vehicle. Should this variance request be granted, should parking indeed prove to be a necessary adjunct to the 7-Eleven's success, some sort of ticket validation program might be established between the 7-Eleven and the Revenue Authority which owns the garage on the other side of York Road. If this request is for the *entire* building, and not just the 7-Eleven usage, GTCCA would oppose providing this variance to the other tenants: two oriental restaurants, many of whose clientele use vehicles, and the one other eating establishment, whose clientele though mainly of the daytime walk-in variety, has provided good service in the past without the variance. Again, ticket validation with the Revenue Authority garage or the Towson Commons garage could be arranged.

The GTCCA requests that if the Commissioner grants the variance he should stipulate that *the variance should devolve on the 7-Eleven usage only*; that it should travel only for the duration of the lease (and its renewal) as a 7-Eleven; and that any change in lease holder-including its name or function, or the sale of the property by the current owners, would automatically terminate the variance.

As I am writing this letter of behalf of J. Donald Gerding, the chair of our committee, I append our credentials as spokespersons for GTCCA.

Yours sincerely



Richard Parsons, Deputy Chair,  
GTCCA Zoning Committee

CC: Hon Wayne Skinner  
Mrs. Susan Gray, President, Greater Towson Council of Community Associations

Greater Towson Council of Community Associations, Inc.  
334 Ridge Avenue, Towson, Maryland 21286

**RESOLVED:** That the Greater Towson Council of Community Associations, Inc. shall, from January 1, 2000 to January 31, 2001, assign official responsibility for review, representation, and action on all zoning and development matters to the Executive Board and the Chair and Deputy Chair of the Zoning Committee, which consists of the following members:

- Susan Hughes Gray, President
- William Ruppertsberger, Vice President
- Peggy Squitieri, Treasurer
- Conrad Poniatowski, Recording Secretary
- Harvey Noyes, Corresponding Secretary
- J. Donald Gerding, Zoning Committee Chair
- Richard Parsons, Zoning Committee Deputy Chair

AS WITNESS: Our hands and seal this 17th day of February 2000, and amended this 20th day of April 2000.

ATTEST                    GREATER TOWSON COUNCIL OF  
                                  COMMUNITY ASSOCIATIONS, INC.

Conrad Poniatowski  
Secretary

Susan Hughes Gray  
President

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Patricia A. Malore

210 Allegheny Avenue 21204

J. Scott Dallas

13523 Long Green Pike 21013

Khaled Shakra

302 E. JEFFERSON RD TOWSON 21286

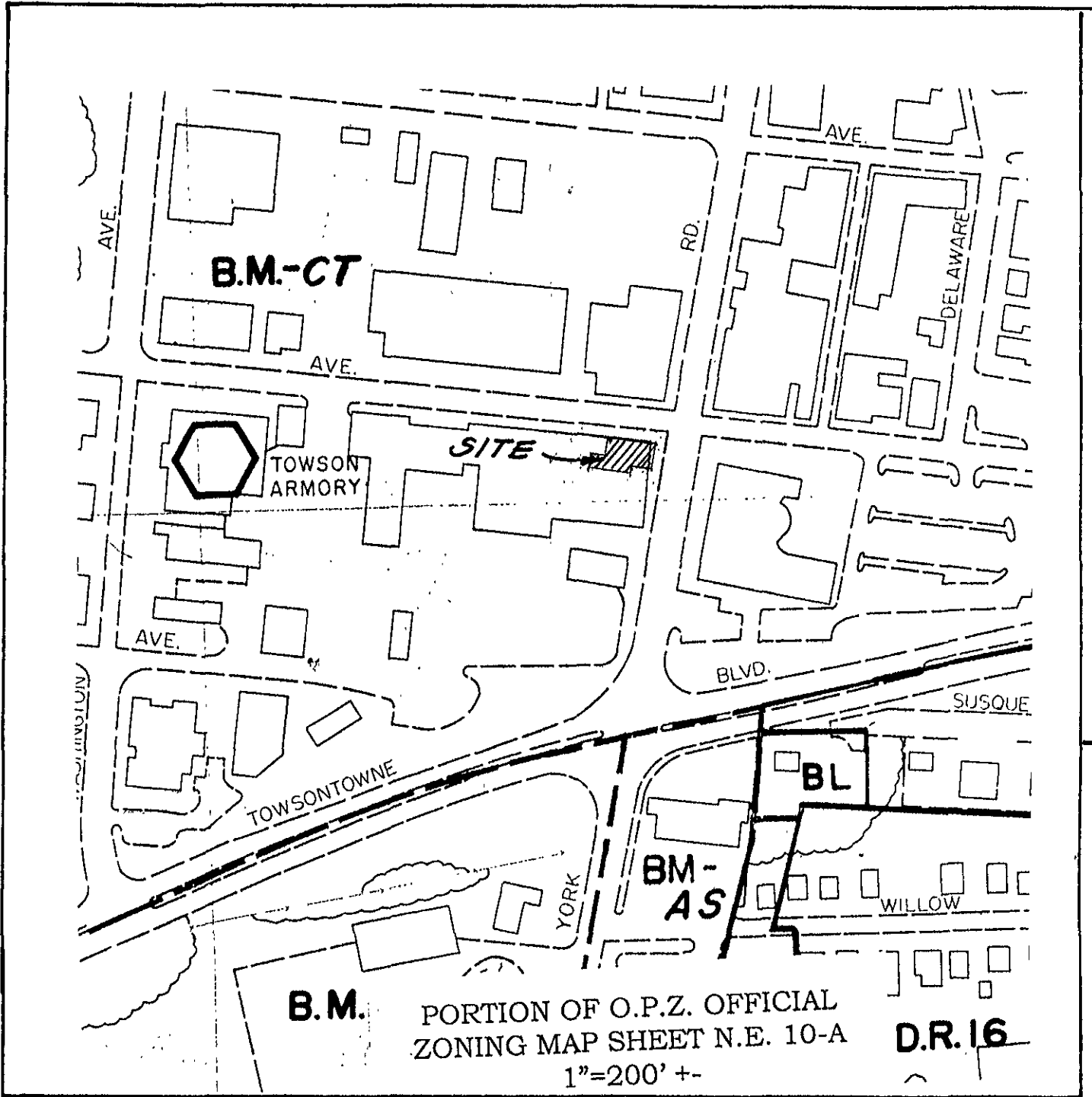
JOHN MARKING

8605 B. OLD HARFORD RD, BALTO 21234

MARK R. TOBEY

607 AIRPORT BLVD DOVERLAND PA 18901

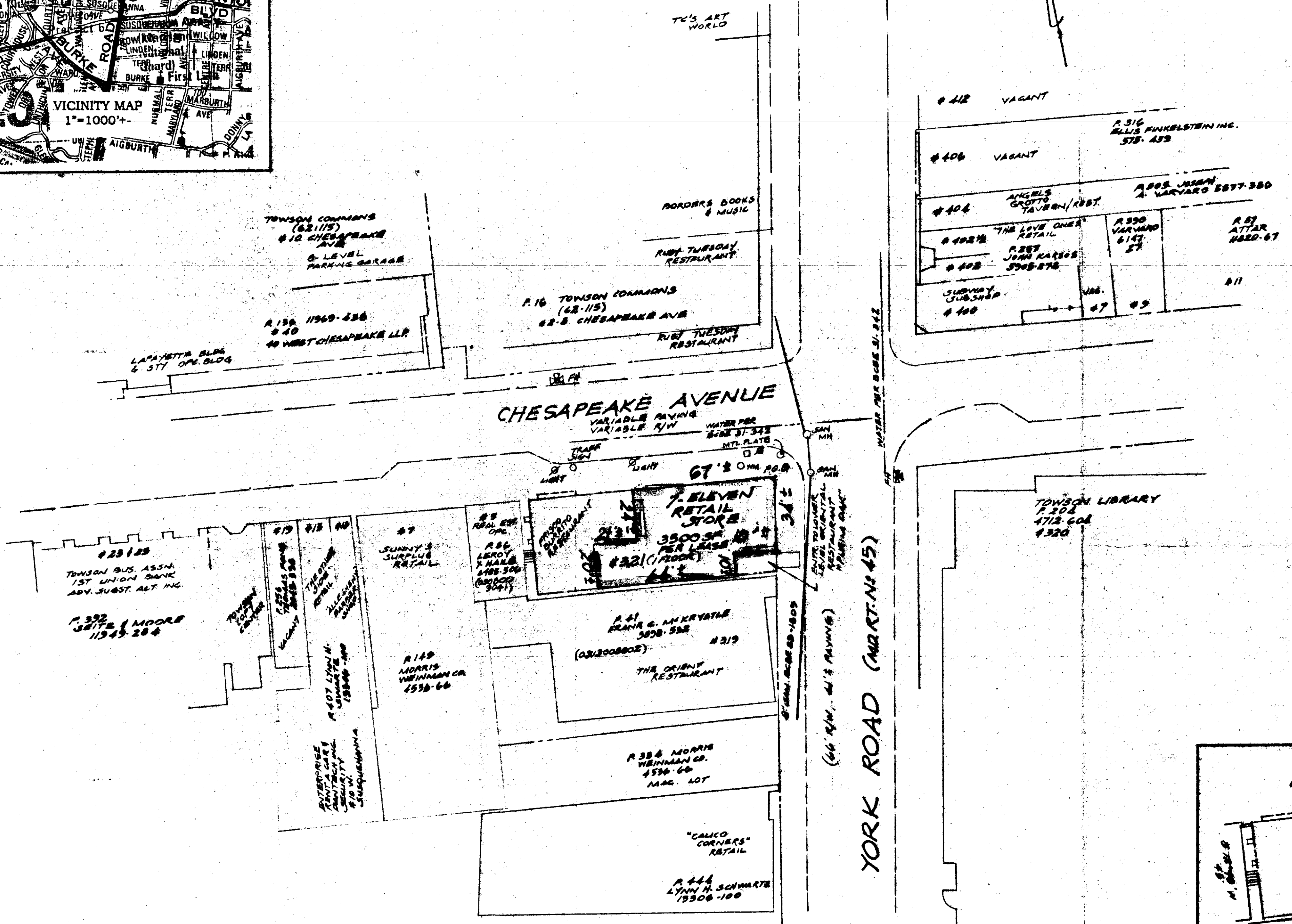
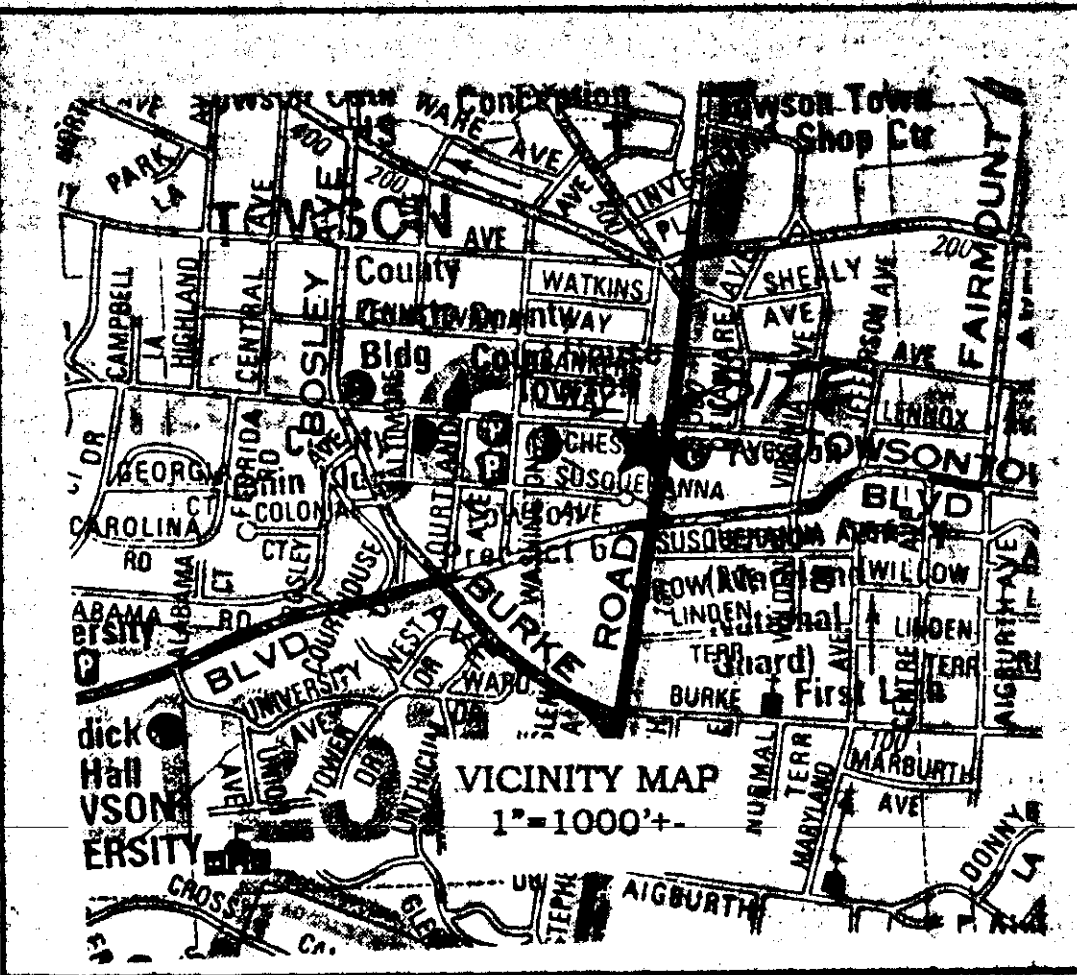
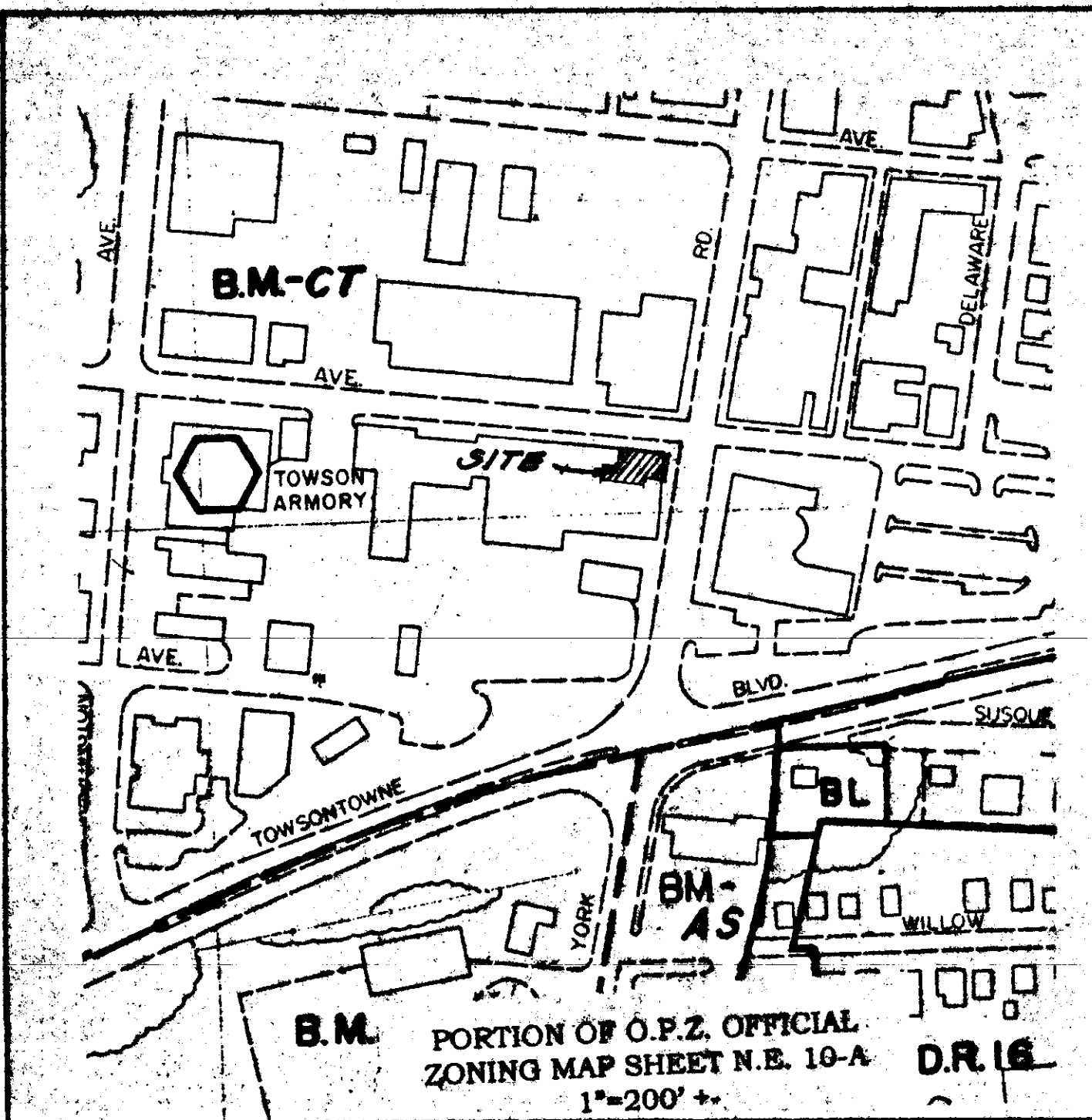




00-448-A

# 448





**NOTES:**

1. SITE IS NOT IN C.B.C.A.
2. NO KNOWN ZONING HISTORY
3. OWNER AND TENANT DATA  
OWNER: CHESAPEAKE AND YORK LLC  
MARK D. NEUMANN, MEMBER  
510 GARRISON FOREST ROAD  
OWINGS MILLS, MD 21117  
PHONE 410-365-0113  
DEED REFERENCE: 12973/475  
TAX ACCOUNT # 0919326260  
TENANT FOR 3500 SF - PORTION OF SITE PER LEASE DATED 12/8/99: 7-ELEVEN, INC.  
(REAL ESTATE DEPARTMENT ADDRESS:  
3498 OLD ANNAPOLIS ROAD  
LAUREL, MD 20724
4. EXISTING ZONING OF SITE - B.M.-CT
5. EXISTING USE OF SITE - UNDER RENOVATION FOR 7-ELEVEN RETAIL STORE.
6. PROPOSED USE OF SITE - 7-ELEVEN RETAIL STORE.
7. AREA PER LEASE: 3500 SQUARE FEET + (A.060 AG. 2)
8. PARKING REQUIRED FOR 7-ELEVEN RETAIL STORE  
(3 SPACES/1000 SF) X (3500 SF) = 11 SPACES REQUIRED
9. PARKING PROVIDED FOR 7-11 RETAIL STORE - 0 SPACES

**J.S. DALLAS, INC.**  
 Surveying & Engineering  
 13523 Long Green Pike  
 Baldwin, MD. 21013  
 (410) 817-4600



SITE PLAN TO ACCOMPANY APPLICATION  
 FOR ZONING VARIANCE  
**# 321 YORK ROAD**  
 5TH BL. DIST. 4TH COMM. DIST. BALDWIN COUNTY, MD.  
 SCALE: 1"=30'

00-448-A



Baltimore County  
Zoning Commissioner

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

June <sup>25</sup> 23, 2000

Patricia A. Malone, Esquire  
Venable, Baetjer & Howard, LLP  
210 Allegheny Avenue  
Towson, Maryland 21204

Re: Petition for Variance  
Case No. 00-448-A  
Property: 321 York Road

Dear Ms. Malone:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



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on Recycled Paper

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

Copies to:

Mr. Mark D. Neumann  
c/o Chesapeake & York, LLC  
510 Garrison forest Road  
Owings Mills, MD 21117

J. Scott Dallas  
13523 Long Green Pike  
Baldwin, MD 21013

Khaled Shakra  
302 E. Joppa Road  
Towson, MD 21286

John Marking  
8605 B Old Harford Road  
Baltimore, MD 21234

Mark R. Tobey  
607 Airport Boulevard  
Doylestown, PA 18901