

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Philadelphia Road and
Ridge Road
(8776 Philadelphia road)
14th Election District
6th Council District

George Marmaras, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-150-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, George and Peggy Marmaras, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 4275, to approve existing dwellings in the B.L. zone as valid, nonconforming uses, and to approve the layout of existing dwellings, storage structures, and parking and drive aisles on the property as nonconforming. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were George and Peggy Marmaras, property owners, Paul Lee, Professional Engineer who prepared the site plan for this property, Daniel Volz and John Volz, nearby residents of the area, and Robert A. Hoffman, Esquire, attorney for the Petitioners. David Preller, Esquire, appeared on behalf of Della's Restaurant, a tenant on the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property contains a gross area of 2.02 acres, more or less, predominantly zoned B.L. with a small sliver of D.R.5.5, located on the northwest corner of Philadelphia Road and Ridge Road in Rossville. The general character of the area is a mix of residential/commercial/business uses. In fact, the subject property reflects this diverse mix of uses. As shown on the site plan, the property is improved with a series of buildings,

ORDER RECEIVED FOR FILING

Date

By

the most prominent of which is a two-story structure located immediately adjacent to the Philadelphia Road/Ridge Road intersection. That building contains Della's Restaurant, which occupies the first floor, and four apartments on the second floor. In addition, there are two dwellings on the property which front on Philadelphia Road. These dwellings are known as 8772 and 8774 Philadelphia Road, respectively. To the rear of these buildings are four freestanding storage structures, the location and size of which are shown on the site plan. Apparently, none of these buildings is in active use, either commercial or residential, but are used only for storage. In addition to the buildings facing Philadelphia Road, a one-story office building which fronts on Ridge Road is located to the rear of the restaurant/apartment building. A large, macadam paved parking area is also located on-site. Although disputed at the hearing, the Petitioners contend that there are 98 parking spaces available to serve the various uses on the property. Vehicular access to those uses is by way of curb cuts in both Philadelphia Road and Ridge Road.

As noted above, the Petitioners seek special hearing relief to approve the existing layout and uses on the property as nonconforming. Nonconforming uses are defined in Section 101 of the B.C.Z.R. and regulated in Section 104 thereof. Essentially, the nonconforming use designation is applied to grandfather an otherwise illegal use. That is, the B.C.Z.R. recognizes that there a number of land uses which predate the adoption of the zoning regulations in Baltimore County. Zoning first came to Baltimore County in 1945. Later, a comprehensive set of regulations was adopted in 1955. If it can be established that a use or layout of buildings existed prior to the adoption of a zoning regulation which prohibits that use/layout, such use or layout may remain as nonconforming, and thus, grandfathered, subject to the limitations contained in Section 104 of the B.C.Z.R.

In this regard, Daniel Volz testified that his father owned the property at 8774 - 8776 Philadelphia Road prior to its purchase by the Petitioners and that he lived on the property from the time he was born in 1945 until 1962. Corroborating testimony was received from his cousin, John Volz, who is now 61 years of age and resides in the neighborhood. He similarly testified that the property has been used in its current fashion since the 1940s. This testimony was also corroborated

by the decision rendered by Zoning Commissioner Wilsie Adams in prior Case No. 4275 on November 7, 1957. Information contained in the file indicates that there was a tavern and grocery store on the property at that time and that the property was rezoned from R-6 to B.L.

Based upon the testimony and evidence offered, I am persuaded that the existing uses and layout of the property are nonconforming. Thus, I will grant the Petition for Special Hearing subject to certain conditions/restrictions. In this regard, it is to be noted that the nonconforming designation, by definition, provides that the subject property does not meet the current standards contained within the B.C.Z.R. Therefore, certain Zoning Advisory Committee (ZAC) comments submitted by the various reviewing agencies requesting compliance with those standards is inconsistent with the purposes of the nonconforming use designation. Nonetheless, the parties requested that certain conditions be imposed upon any relief granted to assure that there will not be an adverse impact on the neighborhood.

First, I will require that the layout of the buildings and uses therein remain as they are presently identified on the site plan. As noted above, there are four storage buildings, two dwellings, the restaurant/apartment building, and an office building. These buildings shall continue to be used in their present fashion and any change in their use will require another public hearing to amend the relief granted herein. Second, the Petitioners shall provide 98 parking spaces on the site. Mr. Lee testified that he had personally calculated the number of spaces on the property and that the lot could be striped and laid out to provide 98 spaces. This apparently is a source of contention between the proprietors of the restaurant and the landlord because parking is at a premium on the property. Therefore, the Petitioners shall lay out and stripe the parking lot to insure that there are 98 spaces provided on site. Third, there was a ZAC comment from the Office of Planning requesting additional landscaping for the site. Testimony and evidence offered revealed that parking is a significant issue for the multiple uses on the site and that none of the parties desire the elimination of any parking spaces to accommodate landscaping. There does appear to be an area, however, immediately between the restaurant building and Philadelphia Road where some low-level landscaping could be installed. Presently, that area is paved and the

ORDER RECEIVED FOR FILING

Date

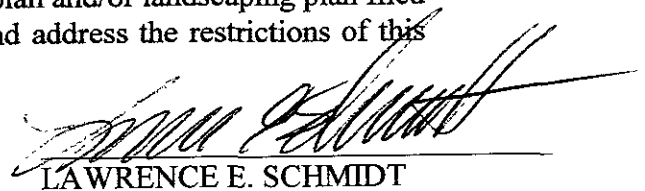
By

installation of landscaping could provide some visual benefit; however, any landscaping should be designed so as not to interfere with sight distances at that intersection and along Philadelphia Road, or the signage at that point. The property owners and tenants agreed to examine this issue and attempt to install some landscaping to visually upgrade the property.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of December, 2001 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 4275, to approve existing dwellings in the B.L. zone as valid, nonconforming uses, and to approve the layout of existing dwellings, storage structures, and parking and drive aisles on the property as nonconforming, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 layout of the buildings and uses therein shall remain as they presently exist and as shown on the site plan and any change in their use will require another public hearing to amend the relief granted herein.
- 3) The parking area shall be laid out and striped so as to assure that there are 98 parking spaces provided on the site.
- 4) The Petitioners shall arrange to landscape that area between the restaurant building and Philadelphia Road with some low-level landscaping. Said landscaping shall be designed so as not to interfere with sight distances at the intersection or along Philadelphia Road, or with the signage at that point.
- 5) When applying for any permits, 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 NOTED FOR FILING
Date 12/19/01
By LES



Baltimore County
Zoning Commissioner

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

December 18, 2001

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Philadelphia Road & Ridge Road
(8776 Philadelphia Road)
14th Election District – 6th Council District
George Marmaras, et ux - Petitioners
Case No. 02-150-SPH

Dear Mr. Hoffman:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a large, stylized, and somewhat illegible signature that appears to be "George Marmaras".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. George Marmaras, 9217 Cornflower Road, Baltimore, Md. 21236
Mr. Paul Lee, Century Engineering, 32 West Road, Towson, Md. 21204
David Preller, Esquire
102 W. Pennsylvania Avenue, Suite 302, Towson, Md. 21204
Office of Planning; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Northwest corner Philadelphia
for the property located at and Ridge Roads
which is presently zoned BL & DR.5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Px.

Special hearing to amend the approved plan in Case #4275 and to approve existing dwellings in the BL Zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print _____
Signature _____
Venable, Baetjer and Howard, LLP
Company _____
210 Allegheny Avenue 410-494-6284
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

George Marmaras
Name - Type or Print _____
Signature _____
Peggy Marmaras
Name - Type or Print _____
Signature _____
9217 Cornflower Road 410-256-4755
Address _____ Telephone No. _____
Baltimore Maryland 21236
City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert A. Hoffman
Name _____
210 Allegheny Avenue 410-494-6262
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 10/12/01

Case No. 02 150 SPH

ORDER RECEIVED FOR FILING

Date 12/19/01

BY [Signature]

REV 9/15/98

150

**ZONING DESCRIPTION
OF PROPERTY OF GEORGE AND PEGGY MARMARAS**

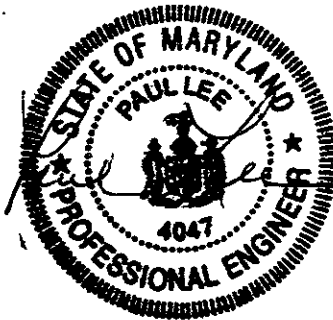
**NORTHWEST CORNER
OF PHILADELPHIA AND RIDGE ROADS**

**14 ELECTION DISTRICT
BALTIMORE COUNTY, MD
PROJECT 20199.00**

BEGINNING FOR THE SAME AT A POINT LOCATED AT THE INTERSECT OF THE WEST SIDE OF RIDGE ROAD WITH THE NORTH SIDE OF PHILADELPHIA ROAD, SAID POINT ALSO BEING LOCATED S59°-26'W - 15.11' FROM THE CENTER OF RIDGE ROAD; THENCE RUNNING WITH AND BINDING ON THE NORTH SIDE OF PHILADELPHIA ROAD; 1) S59°-26'W - 242.21', THENCE LEAVING SAID NORTH SIDE OF PHILADELPHIA ROAD AND RUNNING FOR THE 5 FOLLOWING COURSES AND DISTANCES 2) N28°-46'W - 154.71', 3) N29°-03'W - 140.45', 4) N67°-05'E - 148.23', 5) N23°-54'W - 11.23', AND 6) N67°-05'E - 120'± TO INTERSECT THE WEST SIDE OF RIDGE ROAD, THENCE RUNNING WITH AND BINDING ON SAID WEST SIDE OF RIDGE ROAD 7) S23°-36'E - 271.71' TO THE POINT OF BEGINNING.

CONTAINING 1.816 ACRES OF LAND MORE OR LESS.

WFILE\LOGIN2\LAND-DEV\LD01\DESC-MARMARAS PROP-6-29-01



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 06639

DATE 10/12/01 ACCOUNT 001 006 6150

AMOUNT \$ 250.00

RECEIVED FROM: G. MARGMAERS

FOR: COMM SPH FILING

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
01/12/2001 10/12/2001 08:36:22
REF 4801 CASHIER JRIC JMR IRMAER
RECEIPT # 067213
DEPT 5 529 ZONING VERIFICATION
CR HD. 006539

Receipt Tot 250.00
250.00 EX
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commission 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: #02-150-SPH

Northwest corner Philadelphia & Ridge Road

NW corner of Philadelphia & Ridge Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Peggy & George Marmaras

Special Hearing: to amend the approved plan in case # 4275 and to approve existing dwellings in the BL zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

Hearing: Monday, December 17, 2001 at 9:00 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.

11/355 Nov. 29 - Dec. 6, 13

C508404

CERTIFICATE OF PUBLICATION

11/29, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 11/29, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

C/O AMY DONTELL
821-0147

RE. Case No: 02-150-SPH

Petitioner/Developer: DELLAS, ETAL

V.B.H.

Date of Hearing/Closing 12/17/01

New Date

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

Attention: Ms. Gwendolyn Stephens
MR. GEORGE ZAHNER

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 NN CORNER RIDGE ROAD

@ PHILA. RD. - EX. TAVERN

The sign(s) were posted on

12/1/01 - REPOSTED
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/3/01
 (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)

ZONING NOTICE

CASE # 02-150-SPH

A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD

PLACE: COUNTY COURTHOUSE 401 BOWLEY AVE., Rm 407
 MONDAY
 DATE AND TIME: DECEMBER 17, 2001 - AT 9:00 AM

QUEST: SPECIAL HEARING TO AMEND THE APPROVED
 FINAL CASE PARTS AND TO APPROVE EXISTING DIMENSIONS
 IN THE BL ZONE AS A VARIATION FROM THE EXISTING ZONING
 PROVISIONS TO PROVIDE FOR STORAGE STRUCTURES, PARKING AND REAR
 YARD USES ON THE PROPERTY
 C/O PHILA RD 12/17/01
 NEW DATE 12/17/01

**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: 02 150 SPH

Petitioner: x GEORGE MARMARAS

Address or Location: x N.W. CORNER PHILADELPHIA 9 RIDGE ROADS

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue

Towson Maryland

Telephone Number: 410-494-6200

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 27, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

410 494-6200

NOTICE OF ZONING HEARING

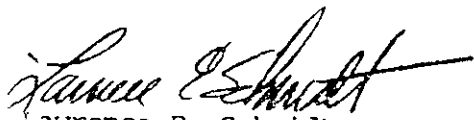
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

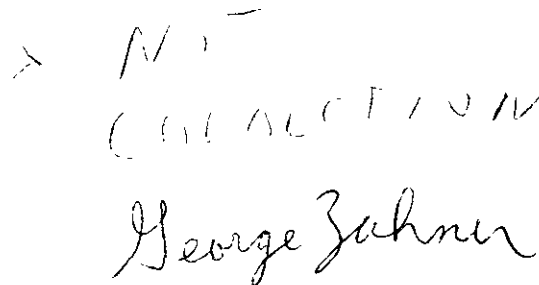
CASE NUMBER: 02-150-SPH

Northwest corner Philadelphia & Ridge Road
N/W corner of Philadelphia & Ridge Road
14th Election District – 6th Councilmanic District
Legal Owners: Peggy & George Marmaras

Special Hearing to amend the approved plan in case # 4275 and to approve existing dwellings in the BL zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

HEARING: Tuesday, December 11, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt


George Zahner

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
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

November 9, 2001

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: 02-150-SPH
Northwest corner Philadelphia & Ridge Road
N/W corner of Philadelphia & Ridge Road
14th Election District – 6th Councilmanic District
Legal Owners: Peggy & George Marmaras

Special Hearing to amend the approved plan in case # 4275 and to approve existing dwellings in the BL zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

HEARING: Tuesday, December 12, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon G D Z
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue,
Towson 21204
Peggy & George Marmaras, 9217 Cornflower Road, Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 27, 2001.**
- (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, November 29, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

410 494-6200

NOTICE OF ZONING HEARING

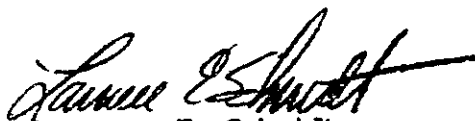
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-150-SPH

Northwest corner Philadelphia & Ridge Road
N/W corner of Philadelphia & Ridge Road
14th Election District – 6th Councilmanic District
Legal Owners: Peggy & George Marmaras

Special Hearing to amend the approved plan in case # 4275 and to approve existing dwellings in the BL zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

HEARING: Monday, December 17, 2001 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
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

November 19, 2001

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: 02-150-SPH
Northwest corner Philadelphia & Ridge Road
NW corner of Philadelphia & Ridge Road
14th Election District – 6th Councilmanic District
Legal Owners: Peggy & George Marmaras

Special Hearing to amend the approved plan in case # 4275 and to approve existing dwellings in the BL zone as a valid non-conforming use and to approve as non-conforming the existing layout of dwellings, storage structures, parking and drive aisles on the property.

HEARING: Monday, December 17, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue,
Towson 21204
Peggy & George Marmaras, 9217 Cornflower Road, Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 1, 2001.**
(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.



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

December 14, 2001

Robert A Hoffman
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 02-150-SPH, Philadelphia & Ridge Roads

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 12, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review 602

WCR: gdz

Enclosures

c: Peggy & George Marmaras, 9217 Cornflower Road, Baltimore 21236
People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** November 30, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2001
Item No. [REDACTED]

The Bureau of Development Plans Review has reviewed the subject zoning item.

The ultimate right-of-way for Ridge Road should be deeded over to Baltimore County at no cost.

Onsite parking cannot use Ridge Road for maneuvering.

The existing parking layout shall be revised to meet current standards.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

November 8, 2001

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: SEE BELOW

Location: DISTRIBUTION MEETING OF November 5, 2001

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.

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

136, 137, 138, 139, 140, 141, 143,
144, 145, 146, 147, 148, 149, ~~150~~ 160

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

cc: File

file
12/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 14, 2001

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

SUBJECT: Philadelphia Road

INFORMATION:

Item Number: 02-150

Petitioner: George Marmaras

Zoning: BL & DR 5.5

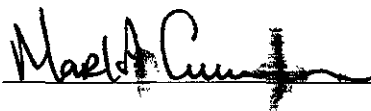
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

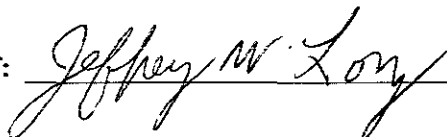
The Office of Planning supports the request contingent upon the following:

1. Revise the parking lot layout to change the direction of flow and the parking striping for the southern most entrance from Philadelphia Road;
2. Relocate the two parking spaces closest to the corner of Philadelphia Road and Ridge Road.
3. A landscape plan that provides planting in front of the tavern/restaurant along Philadelphia Road should be submitted to Avery Harden, County Landscape Architect for review and approval prior to the issuance of any building permits.

Prepared by:



Section Chief:



AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.13.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] JL

Dear Mr. Zahner:

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

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

Very truly yours,

1/

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

12/11/17
12/11/17

RE: PETITION FOR SPECIAL HEARING
Philadelphia and Ridge Roads,
NW Corner Philadelphia Rd and Ridge Rd
14th Election District, 6th Councilmanic

Legal Owner: George & Peggy Marmaras
Petitioner(s)

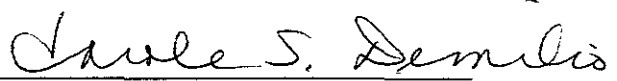
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-150-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 5th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 26, 2003

Paul Lee, P.E.
Century Engineering
32 West Road
Towson, MD 21204

RECEIVED

OCT 1 6 2003

ZONING COMMISSIONER

Dear Mr. Lee

RE: Spirit and Intent, Case No. 02-150-SPH, 8776 Philadelphia Road
14th Election District

Your letter addressed to Mr. Kotroco, dated September 17, 2003 has been referred to me for reply. After careful review of the materials included with the letter, the zoning records for this property and discussions with staff and the Zoning Commissioner for Baltimore County, the following has been determined.

The proposed relocation of the office, which is an ancillary part of the existing approved non-conforming restaurant use, into the existing structure immediately adjacent and north of the tavern is considered to be within the "spirit and intent" of the above mentioned case. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval.

Please prepare and submit to this office an amended version of the site plan submitted in Zoning Case No. 02-150-SPH clearly showing the office and notes stating that the parking requirement will not be increased and that the ancillary restaurant office space will be used for no other purpose. Include a signature block titled:

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF THE
PLAN AND ORDER IN ZONING CASE No. 02-150-SPH.

Signed By

Date

This amended plan will be included in the zoning case file.

Visit the County's Website at www.baltimorecountyonline.info

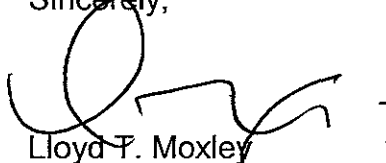


Printed with Soybean Ink
on Recycled Paper

Mr. Paul Lee
September 26, 2003
Page two

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

Sincerely,



Lloyd T. Moxley
Planner II
Zoning Review

LTM

Paul Lee to
submit spirit +
intent letter for
approval
per Leo
9/16/03

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Rob Hoffman

GEORGE MARMARAS

PEGGY MARMARAS

PAUL LEE

Daniel Volz

ADDRESS

210 Allegheny Ave 21204

9217 CORNFLOWER RD #21236

9217 CORNFLOWER RD #21236

32 WEST ROAD

1702 Pine Forest Ct 21014



Case Number _____

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

DECEMBER 12, 2001

RE: USE OF PROPERTY AT 8776 PHILADELPHIA ROAD

TO WHOM IT MAY CONCERN:

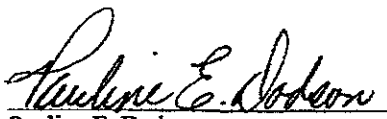
MY FATHER (J. ROLAND VOLZ) OWNED THE PROPERTY AT 8774-8776 PHILADELPHIA ROAD PRIOR TO ITS PURCHASE BY MR. GEORGE MARMARAS. I WAS BORN ON THAT PROPERTY IN 1945 AND LIVED THERE UNTIL 1962. I ALSO WORKED IN AN OFFICE IN THE BASEMENT OF 8776 PHILADELPHIA ROAD FROM 1971 UNTIL 1984. PART OF MY JOB WAS TO COLLECT AND DEPOSIT THE RENT FOR THE TAVERN, BEAUTY SALON, AND APARTMENTS IN THE BUILDING AT 8776. IT WAS MY UNDERSTANDING, IN TALKING TO MY FATHER PRIOR TO HIS DEATH IN 1975, THAT HE HAD BEEN RENTING APARTMENTS OUT IN THAT BUILDING SINCE 1948. THE BUILDINGS AND PAVED PARKING AREAS ARE IN THE SAME LOCATIONS AS THEY WERE FROM 1948 UP TO AND INCLUDING THE PRESENT.

IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT ME AT 410-687-7600.

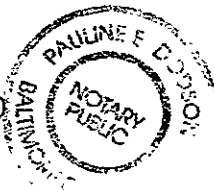
SINCERELY,



DANIEL R. VOLZ

 (Notary Public)
Pauline E. Dodson

Commission Expires 06-01-04



Ref No 2

CASE #
4275

#4275

RE: PETITION FOR RECLASSIFICATION
FROM AN "R-6" Zone to a "B-1"
Zone - N.W. Cor. Philadelphia
and Ridge Roads, 14th District
J. Roland Volz, Petitioner
BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
NO. 4275

Upon hearing on the petition for reclassification of
the property described therein, from an "R-6" Zone to a "B-1" Zone
from the facts presented at the hearing it was disclosed that the
property has been used commercially for a number of years under a
nonconforming use.

Upon inspection of the property in question and after
considering all the facts in the matter it is the opinion of the
Zoning Commissioner that the granting of the reclassification, IN R. R.,
would not be detrimental to the safety, health and the general welfare
of the community.

It is this 7th day of November, 1957, by the
Zoning Commissioner of Baltimore County, ORDERED that, that part of the
above-described property, or area, hereinafter described, should be and
the same is hereby reclassified, from and after the date of this Order,
from an "R-6" Zone to a "B-1" Zone.

The property reclassified being more particularly
described as follows:

Northwest corner of Philadelphia and Ridge Roads;
thence westerly, on the north side of Philadelphia
Road, 110 feet with a recut depth northerly
of 169.85 feet and ending on the west side of
Ridge Road.

275
H.A.
H.H.A.
BL

It is further ORDERED that a Use Permit be granted to permit off-street parking on the rear 100 feet of the lot on which the dwelling is now located, subject, however, to approval of plans showing ingress and egress by the Bureau of Land Development of Baltimore County.

William S. Adams
Zoning Commissioner of
Baltimore County

com of
Zon
the
after
the
, IK AM,
was are
the
of the
ld be and
sic Order,
ly

Petition for Zoning Re-Classification

4275

To The Zoning Commissioner of Baltimore County:

I, or we, J. Roland Volz legal owner of the property situated

All that parcel of land in the Fourteenth District of Baltimore County on the Northwest corner of Philadelphia and Ridge Roads; thence running Westerly and binding on the North side of Philadelphia Road 190.5 feet with a rectangular depth Northerly of 189.85 feet and binding on the West side of Ridge Road.

here-by petition that the zoning status of the above described property be re-classified pursuant to the Zoning Law of Baltimore County from an Non-Conforming zone to an Business Local zone.

Reasons for Re-Classification: There is a Tavern & Grocery Store & Barber Shop on this property and I am asking for a re-classification for the purpose of opening a Beauty Salon

Height of building: front 50 feet depth 70 feet height 30 feet

Front and side set backs of building from street lines: front 30 feet side 30 feet

Property to be posted as prescribed by Zoning Regulations.

I or we agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition and further agree to abide by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

J. Roland Volz
Legal Owner

Address 8174 Phila Rd. 3

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of

October 1957, that the subject matter of this petition be advertised, as required

by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County; that property be posted; and that the public hearing hereon be had in the office of the

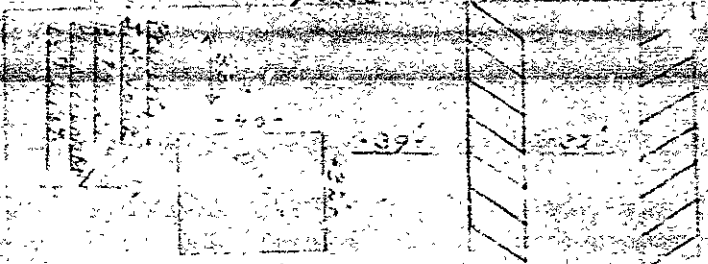
Zoning Commissioner of Baltimore County, in the Record Bldg. in Towson, Baltimore County, on

the 4th day of November 1957 at 3 o'clock P. M.

Zoning Commissioner of Baltimore County

J. ROLAND VOLZ
NW corner of Philadelphia and
Ridge Roads
14th Dist.
4275

129.85



FAIT



75

50

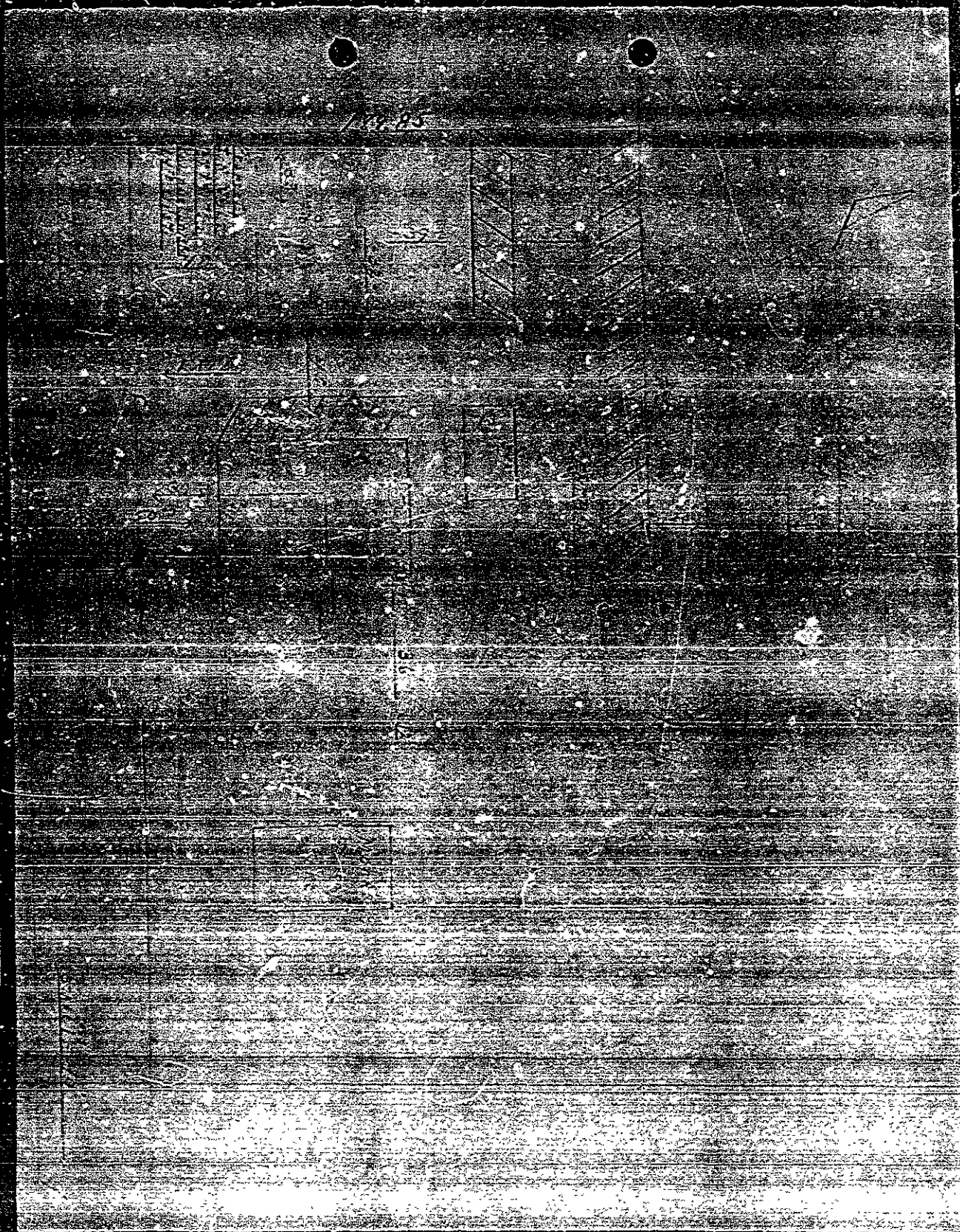
36

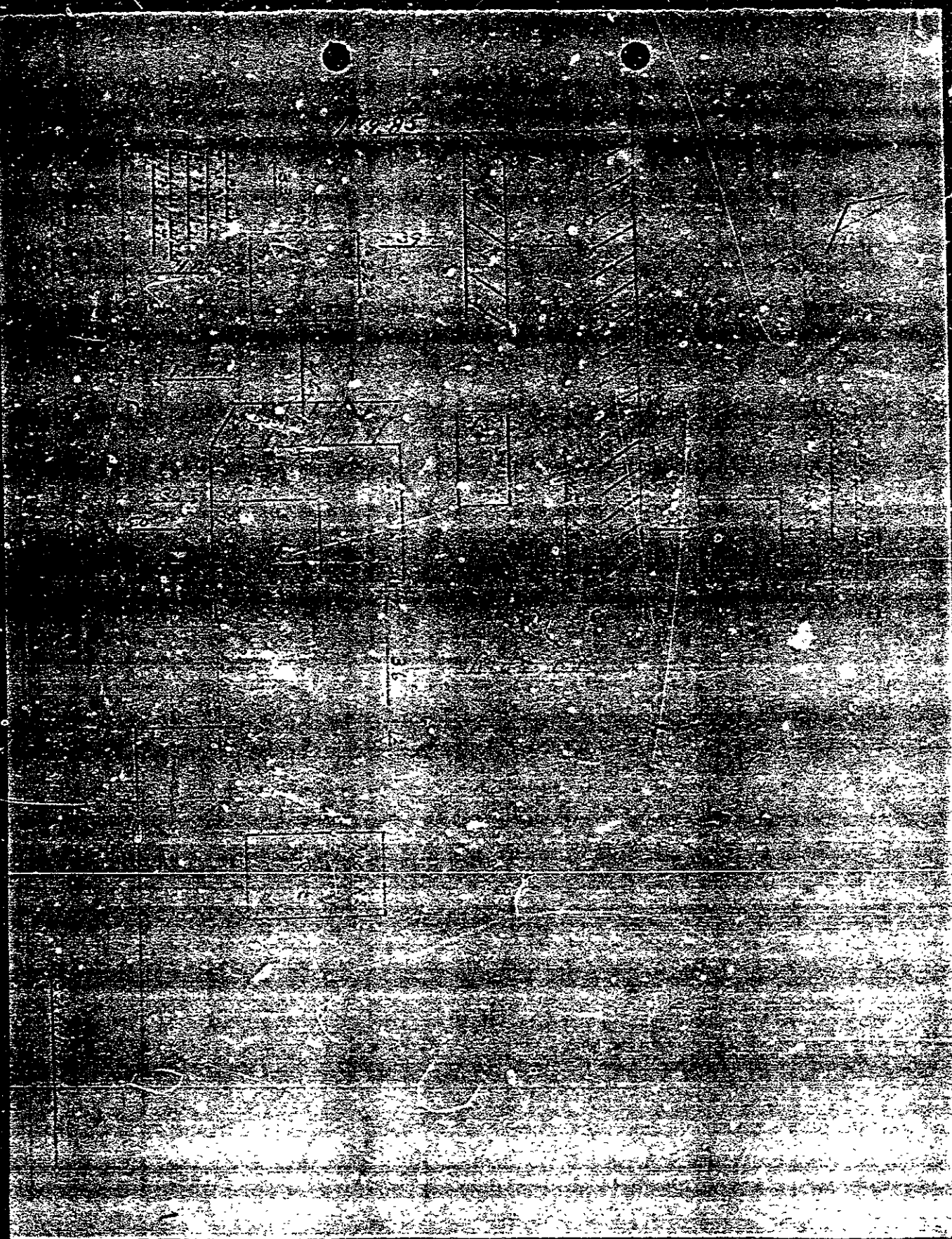
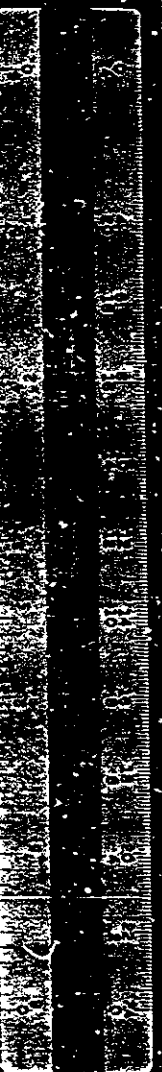
15

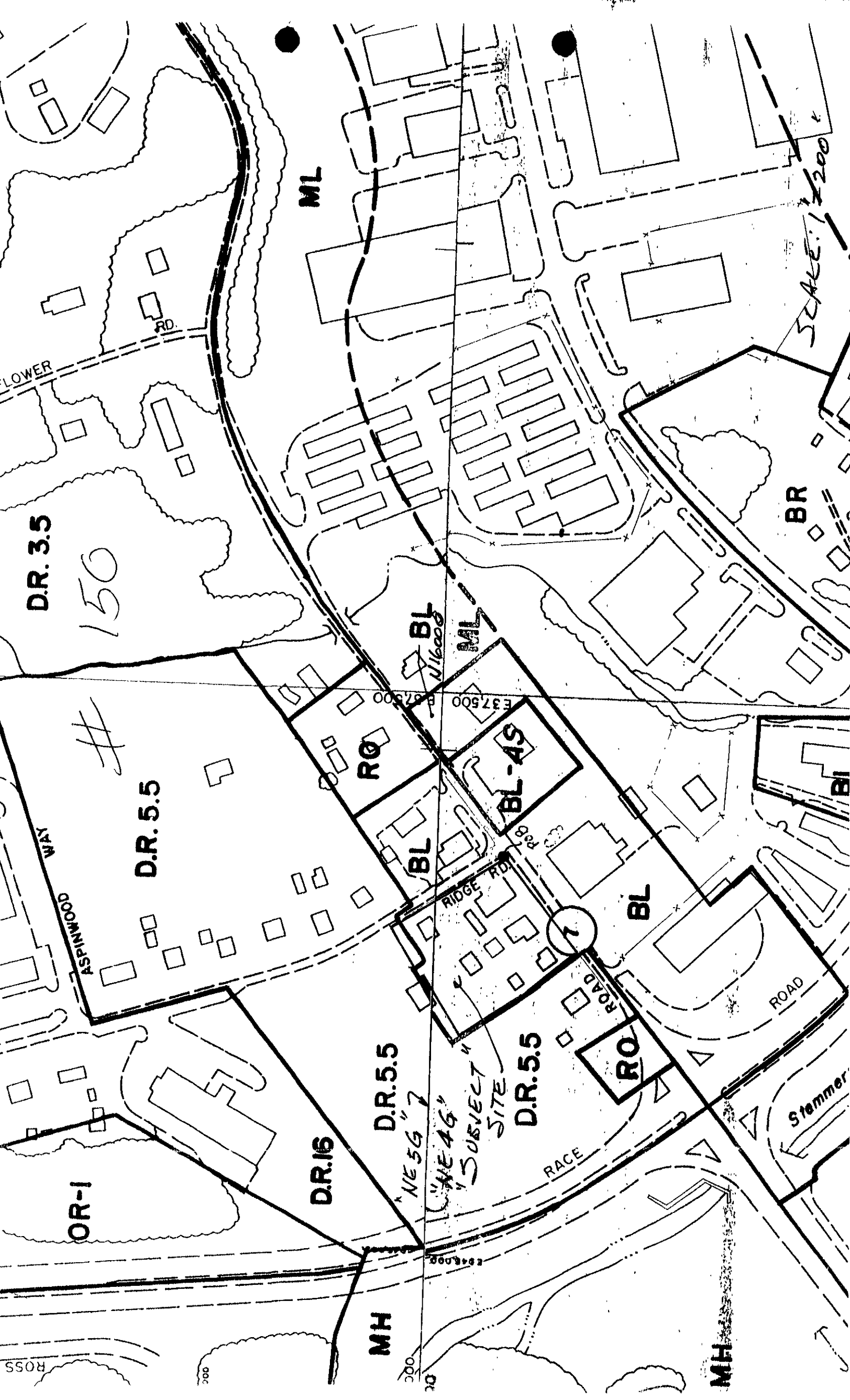
MOON'S

SALLA









D.R. 3.5

150

D.R. 5.5

SPINWOOD WAY

OR-1

D.R. 16

D.R. 5.5

NE 56"

NE 46"

SUBJECT SITE

D.R. 5.5

BL

RO

BL-AS

BL

ML

ML

BL

RO

Stemmer

ROAD

RACE

RIDGE RD

BR

SCALE: 1/2" = 200'

LOWER RD

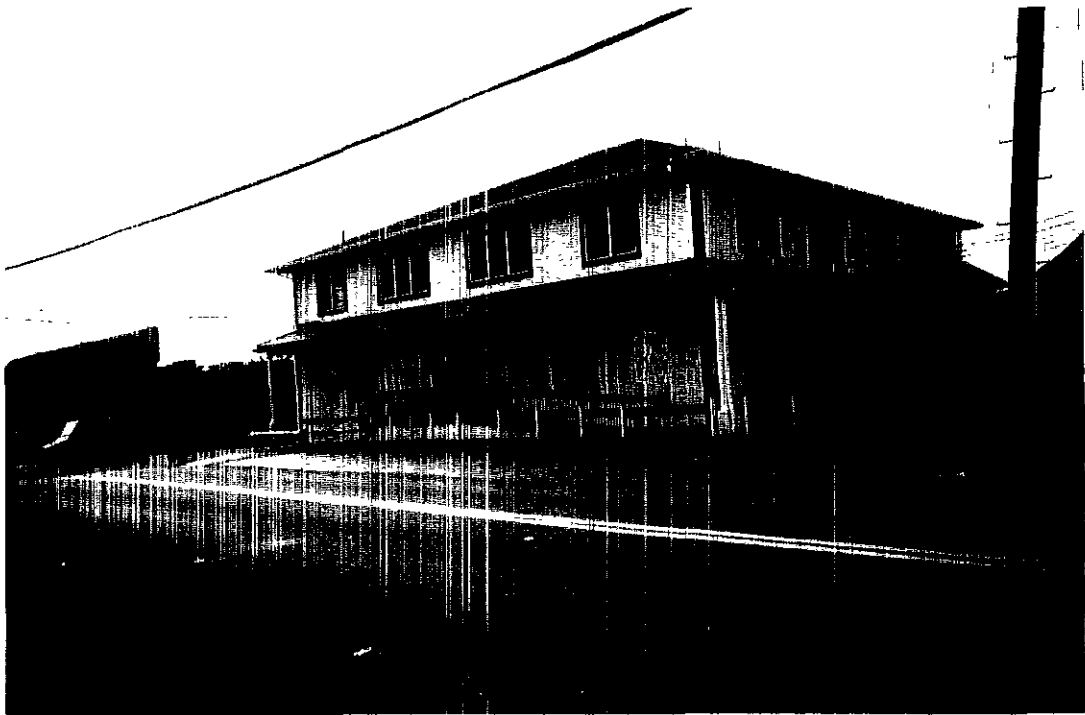
ROSS

MH

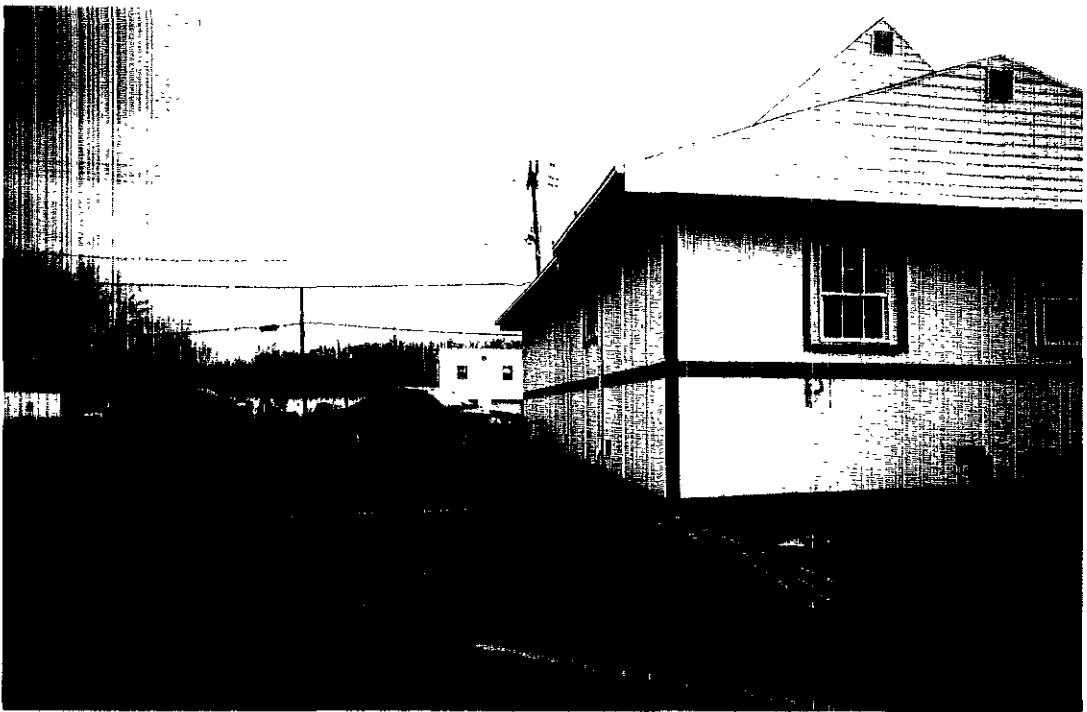
MH

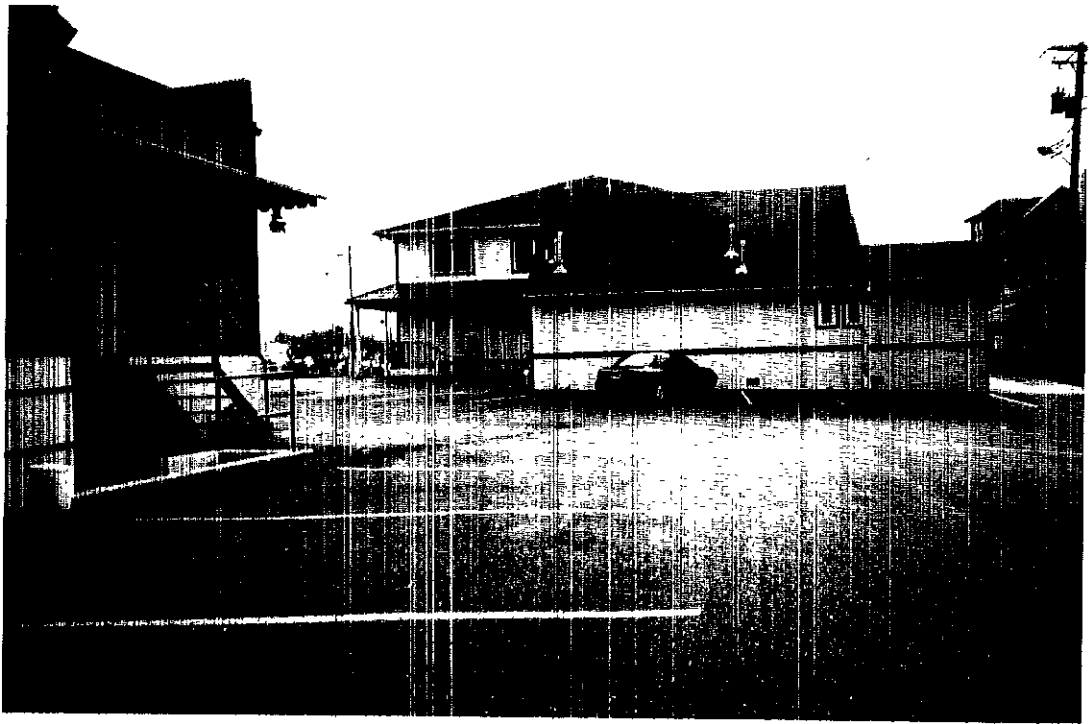
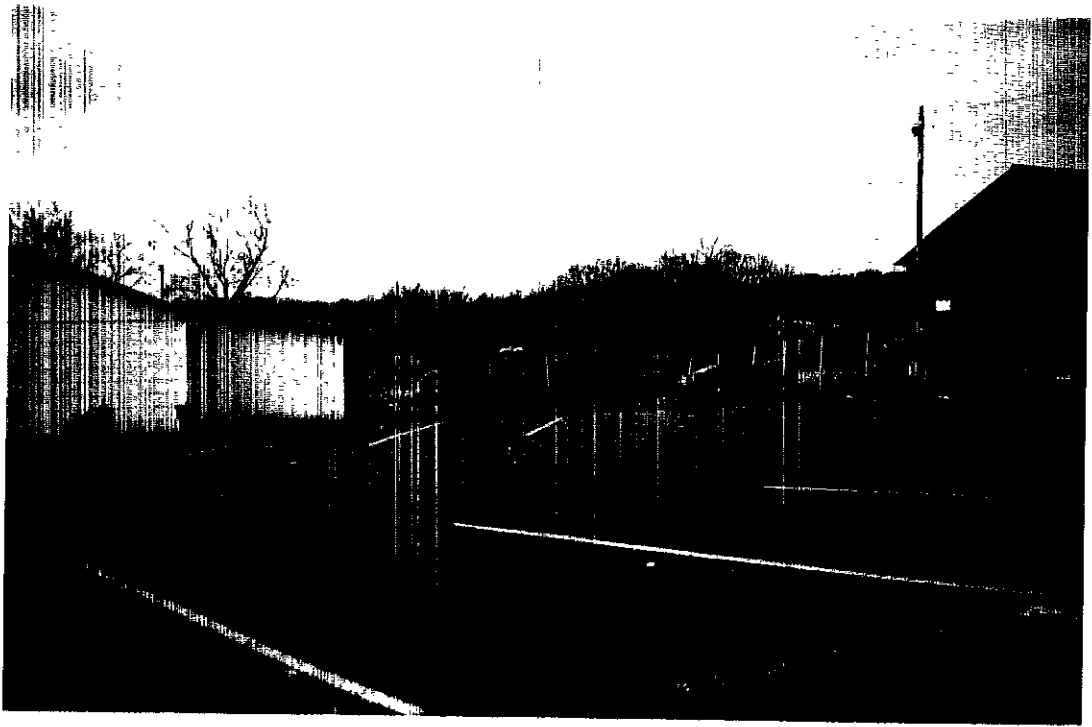
photographs

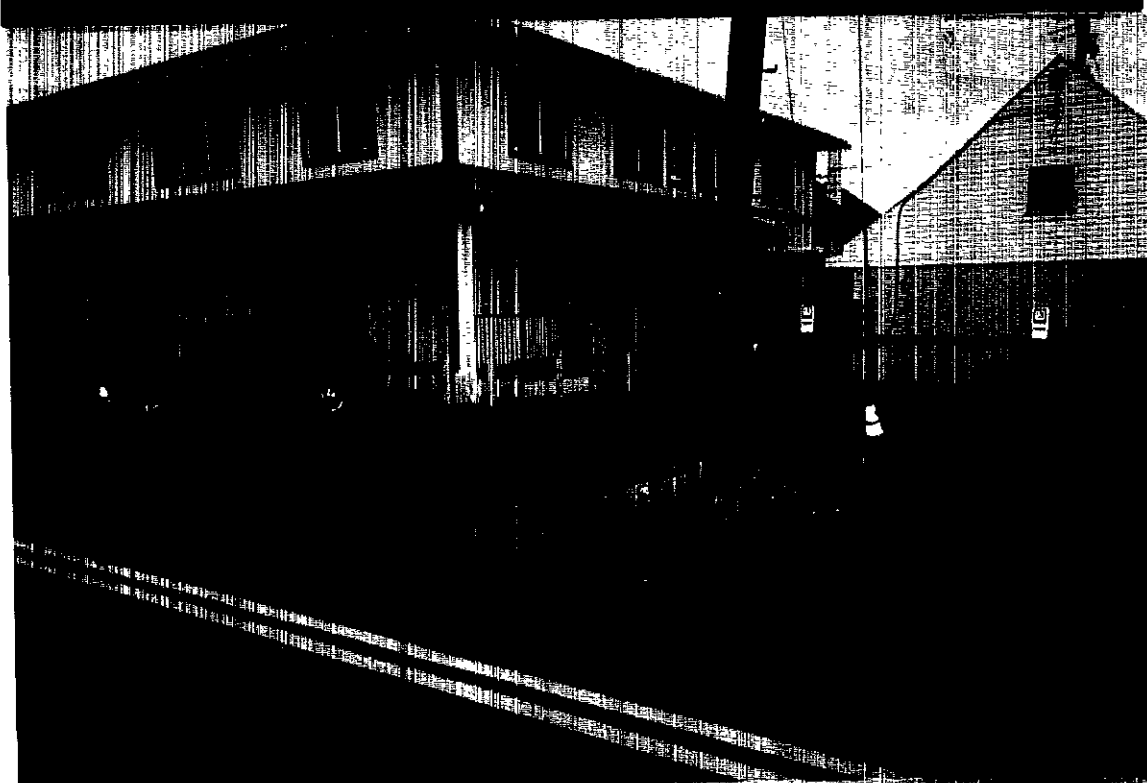
02-150-SPN

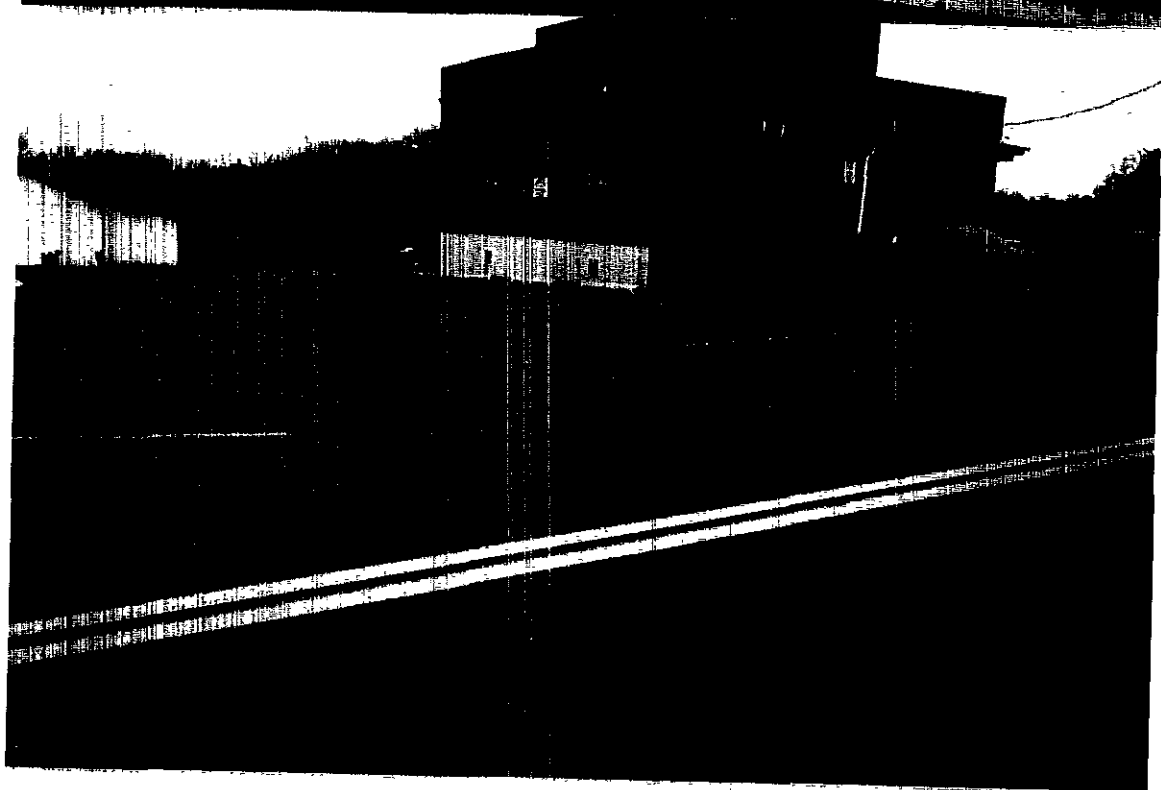
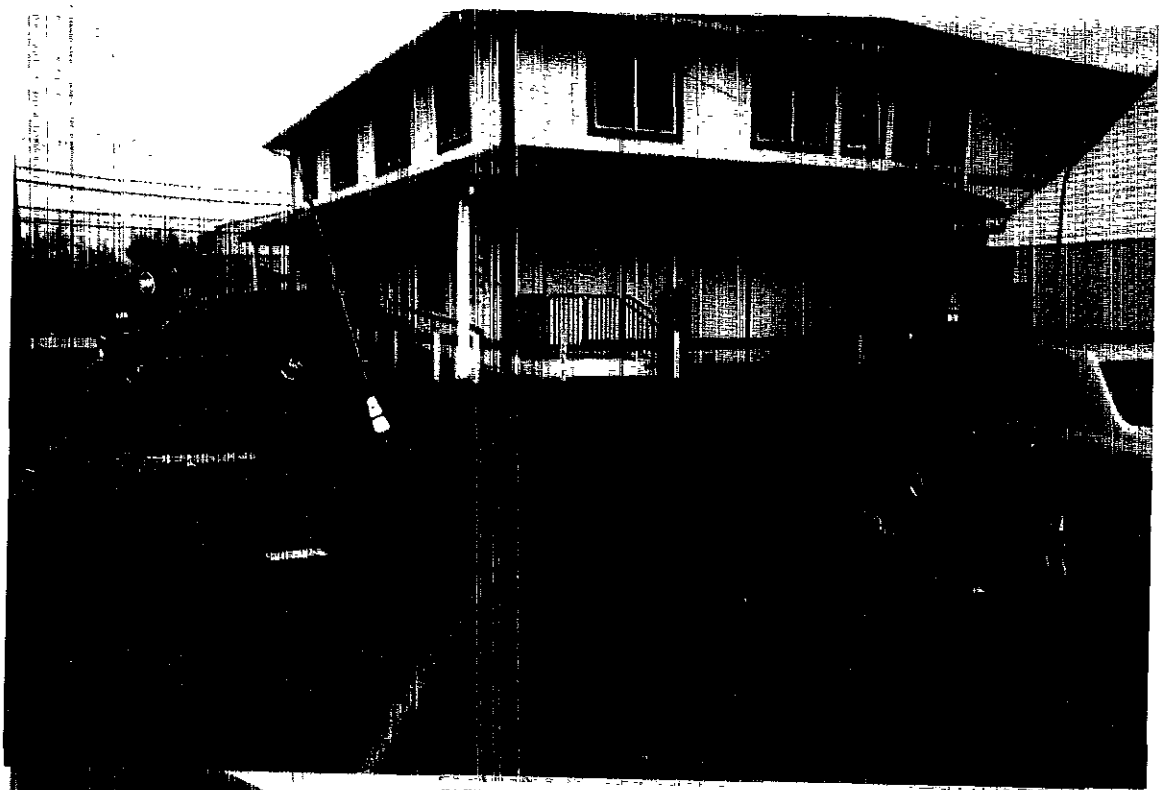


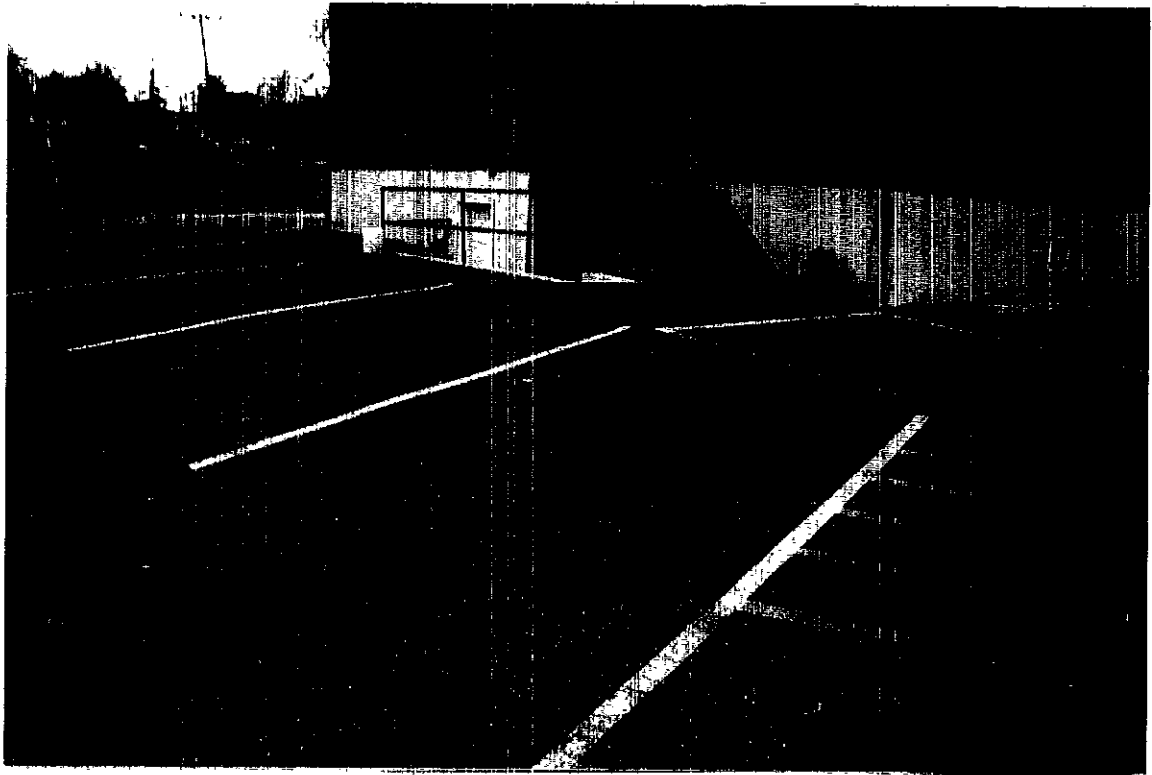


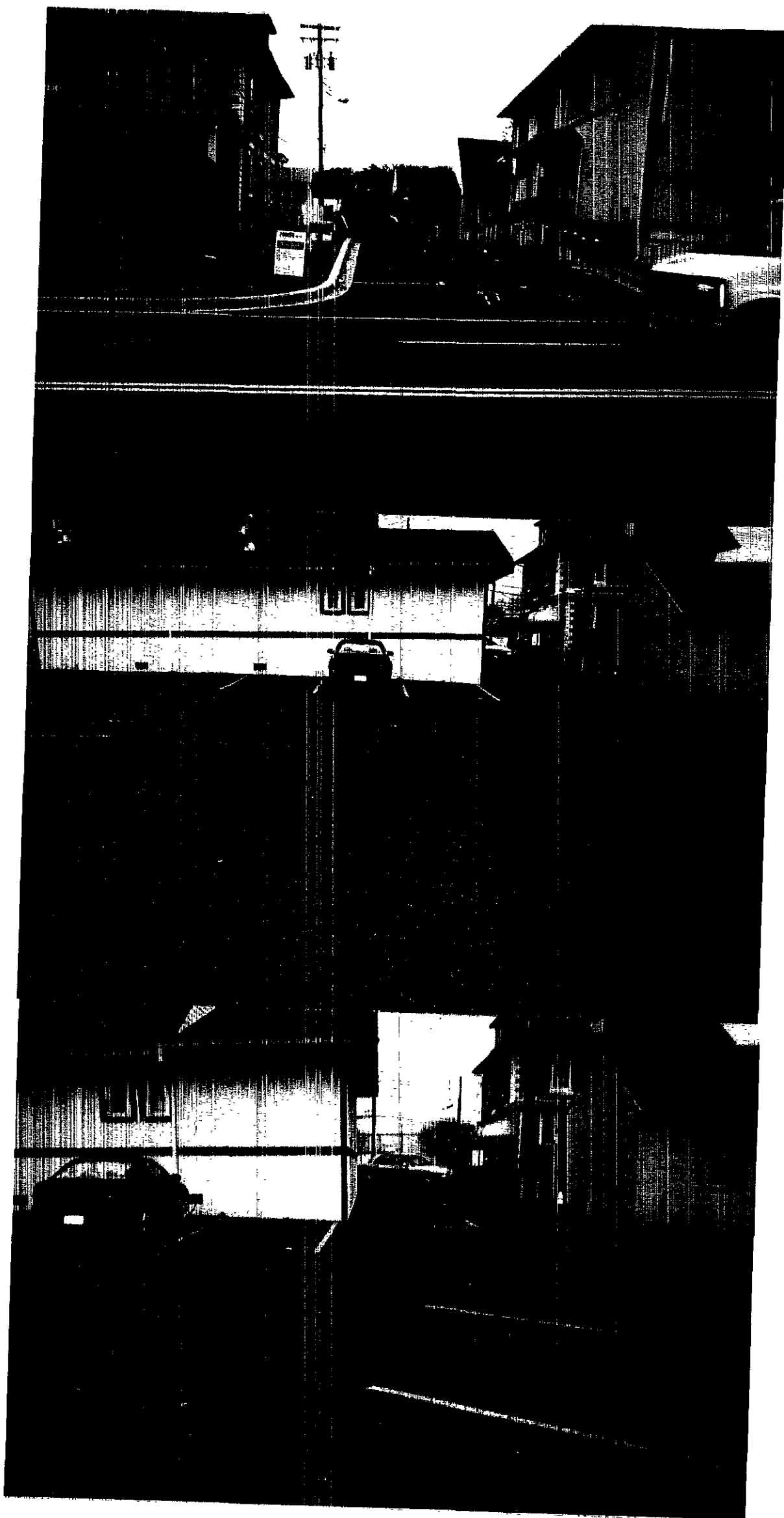


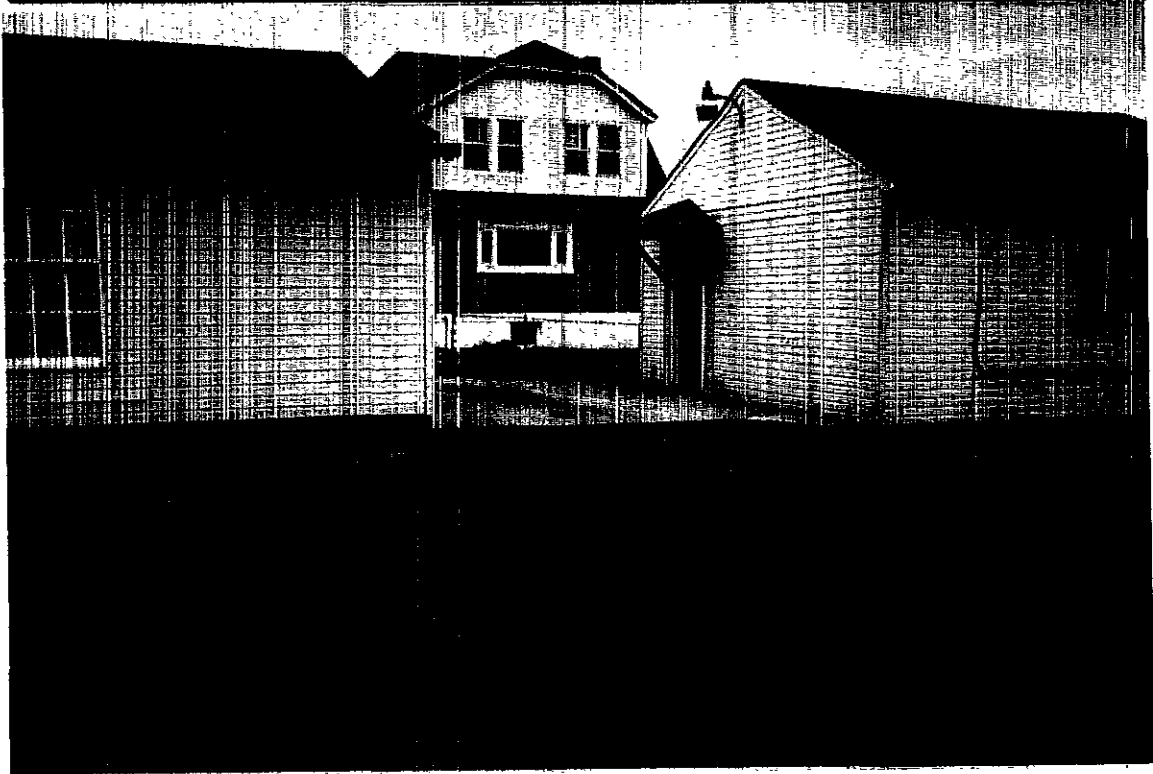
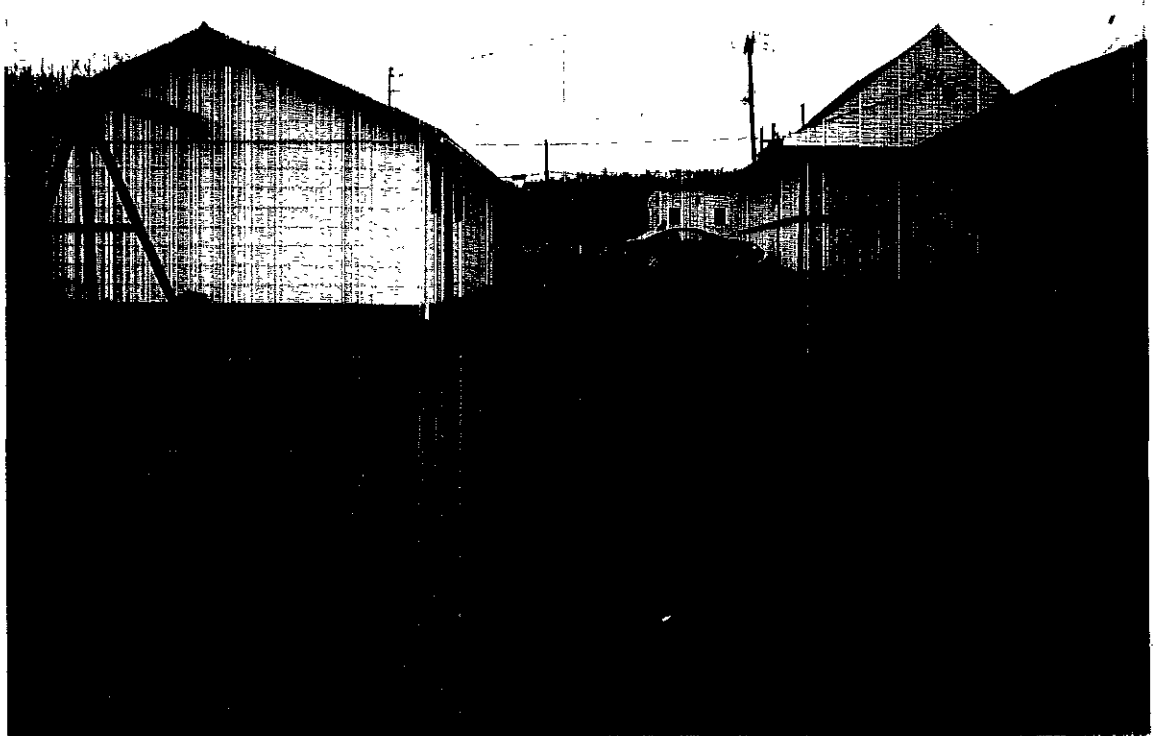
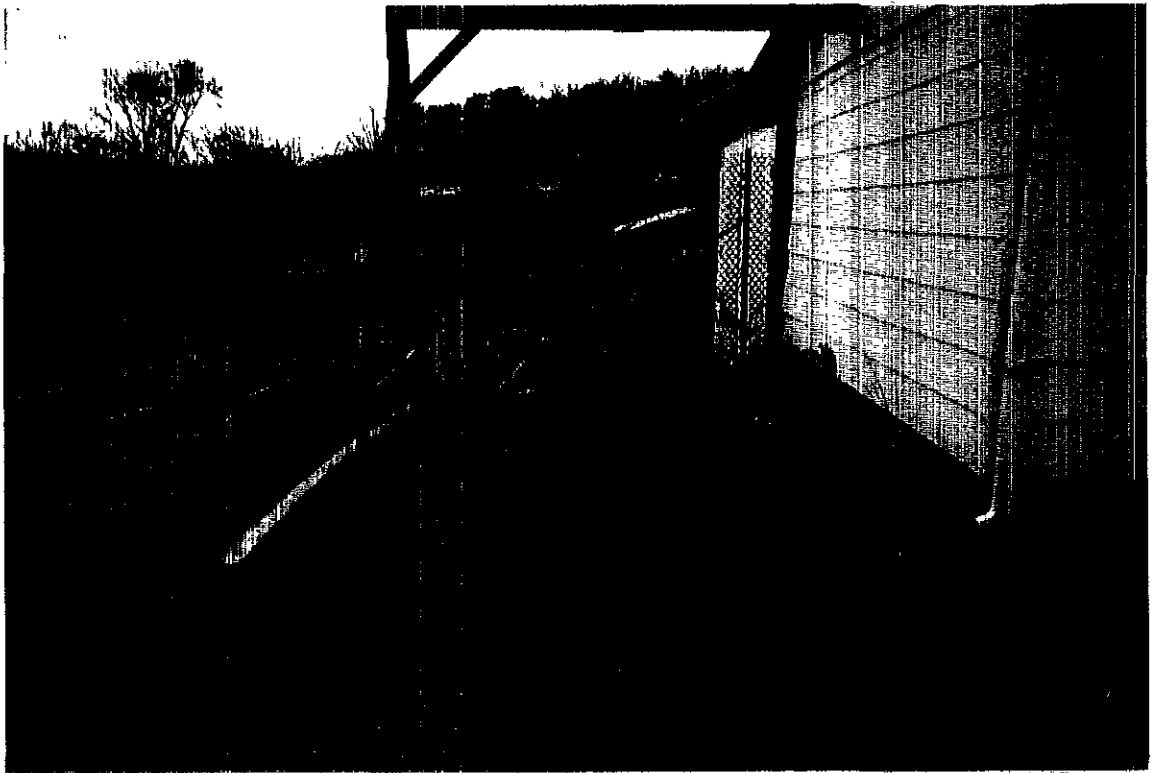


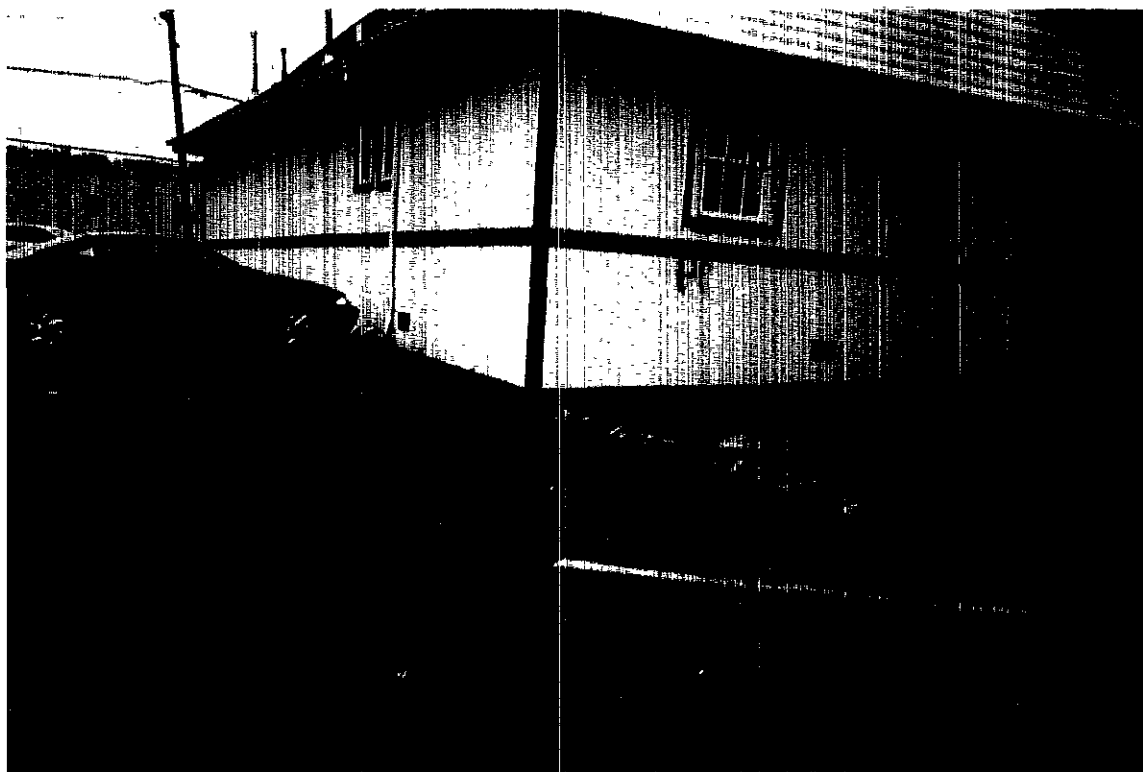






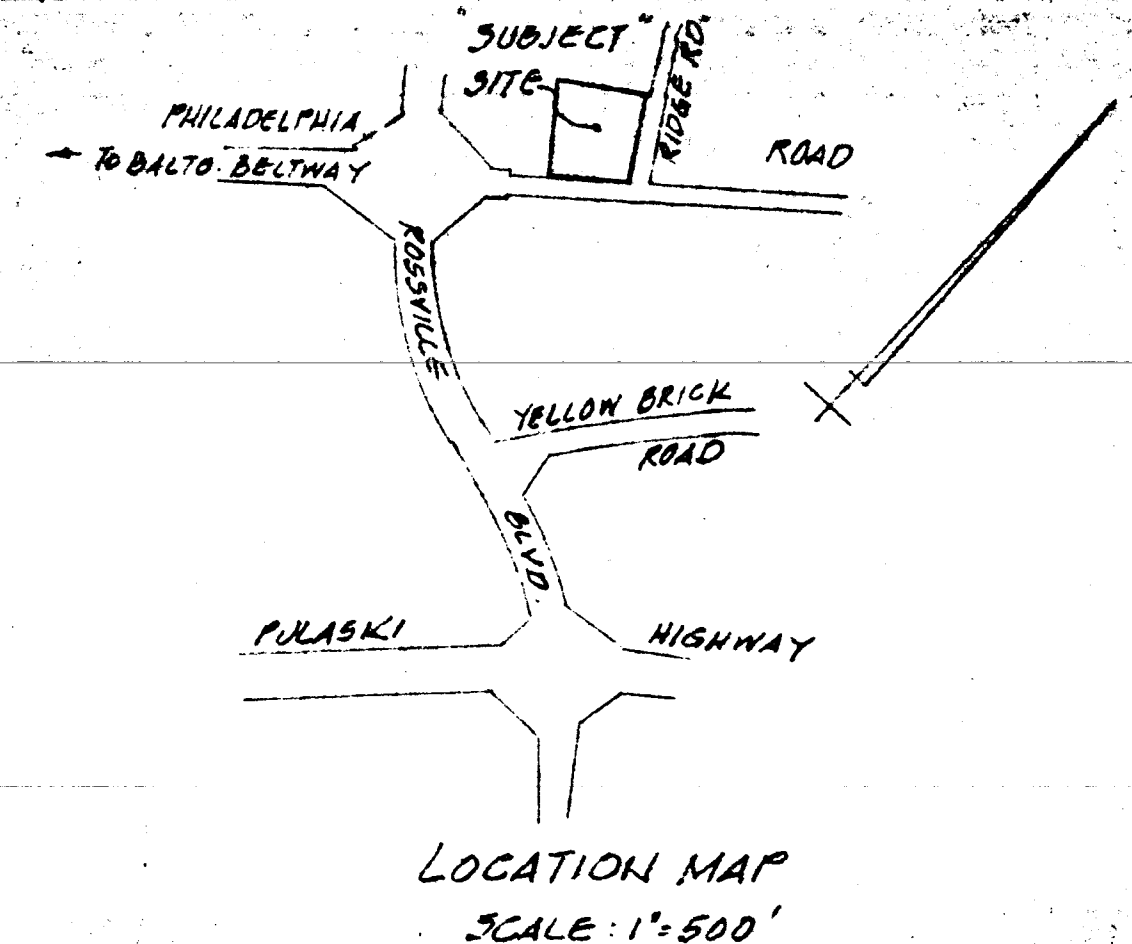






EX. ZONING: "DR 5.5"
EX. USE: "RESIDENTIAL & VACANT"
LORRAINE VOLTZ - 14435-0548

LORRAINE VOLTZ
14435-0548



GENERAL NOTES:

1. AREA OF PROPERTY = 79,092 S.F. ± (1.816 Ac. ±) - GROSS 2.02 Ac. ±
2. EXISTING ZONING OF PROPERTY = "BL" & "DR 5.5"
3. EXISTING USE OF PROPERTY = TAVERN/RESTAURANT, OFFICES, RESIDENCE & APARTMENTS.
4. PROPOSED ZONING OF PROPERTY = "BL" & "DR 5.5"
5. PROPOSED USE OF PROPERTY = TAVERN/RESTAURANT, OFFICES, RESIDENCE & APARTMENTS.
6. REQUIRED OFFSTREET PARKING:

A. EX. 2 STY. BLDG.	
1ST FL. - TAVERN/RESTAURANT 4,056 S.F. @ 2071.000 = 61.12	
2ND FL. - 4 APARTMENTS @ 2 PS/APT. * 2X4 =	8
B. EXISTING RESIDENCES (2) =	2X2 = 4
C. EXISTING 1 STY OFFICE 1,184 S.F. @ 3.3/1000 =	3.21
	97.93 = 98
7. EX. STORAGE BLDGS FOR TAVERN/RESTAURANT, OFFICE EQUIPMENT & APARTMENT FURNITURE (NO PARKING REQ'D FOR STORAGE AREA)
8. TOTAL NUMBER OF PARKING SPACES REQUIRED = 98
9. NO. OF EXISTING PARKING SPACES (PAINTED) = 98
10. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE APPROVED PLAN IN CASE # 4275 AND TO APPROVE EXISTING DWELLINGS IN THE BL ZONE AS A VALID NON-CONFORMING USE AND TO APPROVE AS NON-CONFORMING THE EXISTING LAYOUT OF DWELLINGS, STORAGE STRUCTURES, PARKING AND DRIVE AISLES ON THE PROPERTY.
11. PROPERTY SERVED BY PUBLIC UTILITIES.
12. PROPERTY LOCATED ON BALTO. CO. ZONING MAPS NE 4 & 5G.
13. ZONING HISTORY: # 4275
14. ANY PERMITS SHALL COMPLY TO ALL COUNTY REGULATION AND BUILDING CODE.

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING

GEORGE AND PEGGY MARMARAS PROPERTY
(1.816 ACRES ±)

N.W. CORNER OF PHILADELPHIA & RIDGE ROADS

14TH ELECT. DIST. BALTIMORE COUNTY, MD.

SCALE 1" = 30'

OCT. 9, 2001

OWNERS:
GEORGE & PEGGY MARMARAS
9217 CORNFLOWER ROAD
BALTIMORE, MARYLAND 21236
TELE. NR 410-256-4755

EX. C. EVERING POST
6506 V.F.W.
5943-973

ENGINEER
CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070



EX. ZONING: "DR 5.5"
 EX. USE: "RESIDENTIAL & VACANT"
 LORRAINE VOLTZ - 14435-0548

LORRAINE VOLTZ
 14435-0548

RESTRICTIONS - CASE #2-150-3PH
 WHEREFORE, IT IS ORDERED by the Planning Commission for Baltimore County that the City of Baltimore, 2001 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 4275, to approve existing dwellings in the B.L. zone as valid, nonconforming uses, and to approve the layout of existing dwellings, storage structures, and parking and drive aisles on the property as nonconforming, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for these use permits and be granted same upon receipt of this Order; however, Petitioner is 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 valid granted herein shall be voided.
- 2) The layout of the buildings and use thereof shall remain as they presently exist and as shown on the site plan and any change in their use will require another public hearing to amend the valid granted herein.
- 3) The parking area shall be laid out and marked so as to ensure that there are 96 parking spaces provided on the site.
- 4) The Petitioner shall arrange to landscape that encompasses the restaurant building and Philadelphia Road with some low-level landscaping. Said landscaping shall be designed so as not to interfere with sight distance at the intersection or along Philadelphia Road, or with the signage at that point.
- 5) When applying for any permits, the site plan and/or landscaping plan filed hereunder shall be used and set forth and address the restrictions of this Order.

DAVID E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LOCATION MAP
 SCALE: 1"=500'

GENERAL NOTES:

1. AREA OF PROPERTY = 79,082 S.F. @ (1.816 Ac. @) - GROSS 2.82 Ac. ±
 2. EXISTING ZONING OF PROPERTY = "BL" & "DR 5.5"
 3. EXISTING USE OF PROPERTY = TAVERN/RESTAURANT, OFFICES, RESIDENCE & APARTMENTS.
 4. PROPOSED ZONING OF PROPERTY = "BL" & "DR 5.5"
 5. PROPOSED USE OF PROPERTY = TAVERN/RESTAURANT, OFFICES, RESIDENCE & APARTMENTS.
 6. REQUIRED OFFSTREET PARKING:
 A. EX. 2 STY. BLDG.
 1ST FL - TAVERN/RESTAURANT 4,056 S.F. @ 201/1000 = 20.22
 2ND FL - 4 APARTMENTS @ 2 PS/APT. = 2X4 = 8
 B. EXISTING RESIDENCES(2) = EX2 = 4
 C. EXISTING 1 STY OFFICE 1,184 S.F. @ 3.3/1000 = 3.61
 97.00 = 98
 7. EX. STORAGE BLDGS FOR TAVERN/RESTAURANT, OFFICE EQUIPMENT & APARTMENT FURNITURE (NO PARKING REQ'D FOR STORAGE AREA)
 8. TOTAL NUMBER OF PARKING SPACES REQUIRED = 98
 9. NO. OF EXISTING PARKING SPACES (PAINTED) = 98
 10. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND THE APPROVED PLAN IN CASE # 4275 AND TO APPROVE EXISTING DWELLINGS IN THE BL ZONE AS A VALID NON-CONFORMING USE AND TO APPROVE AS NON-CONFORMING THE EXISTING LAYOUT OF DWELLINGS, STORAGE STRUCTURES, PARKING AND DRIVE AISLES ON THE PROPERTY.
 11. PROPERTY SERVED BY PUBLIC UTILITIES.
 12. PROPERTY LOCATED ON BALTO. CO. ZONING MAPS NE 4 & 8G.
 13. ZONING HISTORY: # 4275 AND CASE # 02-150-3PH
 14. ANY PERMITS SHALL COMPLY TO ALL COUNTY REGULATION AND BUILDING CODE.
- * THERE WILL BE NO INCREASE IN THE PARKING REQUIREMENTS BY THE RELOCATION OF THE ANCILLARY RESTAURANT OFFICE.
 * THE ANCILLARY RESTAURANT OFFICE SPACES WILL BE USED FOR NO OTHER PURPOSES

PLAT TO ACCOMPANY PETITION
 FOR

SPECIAL HEARING

GEORGE AND PEGGY MARMARAS PROPERTY
 (1.816 ACRES ±)

N.W. CORNER OF PHILADELPHIA & RIDGE ROADS

14TH ELECT. DIST.

BALTIMORE COUNTY, MD.

SCALE 1"=30'

OCT. 9, 2001

"ANCILLARY RESTAURANT OFFICE"
 9/15/03

ENGINEER: **CENTURY ENGINEERING, INC.**
 32 WEST ROAD
 TOWSON, MARYLAND 21204
 (410) 823-8070



20-199.00

OWNERS:
GEORGE & PEGGY MARMARAS
 9217 CORNFLOWER ROAD
 BALTIMORE, MARYLAND 21236
 TELE. 410-256-4755

EX. C. EVERING POST
 # 6506 V.F.W.
 5943-973

APPROVED AS BEING WITHIN THE SPIRIT AND INTENT
 OF THE PLAN AND ORDER IN ZONING CASE # 02-150-3PH.

SIGNED BY: 9/29/03
 DATE

